

**City of Leawood
Planning Commission Meeting
April 13, 2021
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: McGurren, Coleman, Stevens, Hunter, Hoyt, Peterson, Elkins. Absent: Block, Belzer.

APPROVAL TO SUSPEND CERTAIN RULES OF PLANNING COMMISSION DUE TO PANDEMIC:

A motion to suspend certain rules of the Planning Commission due to the pandemic was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Hunter, Hoyt, Coleman, Stevens, Peterson.

Chairman Elkins: Certain rules are suspended, such that Commissioners Hoyt and Peterson can participate by Zoom.

MEETING STATEMENT:

Chairman Elkins: To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Planning Commission is being conducted using the Zoom media format, with some of the commissioners appearing remotely. The meeting is being livestreamed on YouTube and the public can access the livestream by going to www.leawood.org for the live link. The public is strongly encouraged to access this meeting electronically; however, if you wish to comment on a public hearing item, please contact the Community Development Department to make arrangements.

Public comments will only be accepted during the public hearing portion of each agenda item where a public hearing is required. The City encourages the public to submit comments in writing prior to the public hearing by emailing comments to planning@leawood.org. Written public comments received at least 24 hours prior to the meeting will be distributed to members of the Planning Commission. Those wishing to appear remotely using the Zoom format media, should register at planning@leawood.org on or before Friday, April 9th, 2021, at 5:00 pm. Individuals who contacted the Planning Department in advance to provide public comments will be called upon by name.

Electronic copies of tonight's agenda are available on the City's website at www.Leawood.org under Government / Planning Commission / Agendas & Minutes. Because this meeting is being live-streamed, all parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those

listening only. This applies to all commissioners, staff, applicants and members of the public who may speak. All motions must be stated clearly. After each motion is made and seconded, a roll call vote will be taken. The Chair or staff will announce whether the motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking. Thank you.

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any additions?

Mr. Sanchez: We do not.

A motion to approve the agenda was made by Coleman; seconded by Hunter. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Hunter, Hoyt, Coleman, Stevens, Peterson.

CONTINUED TO THE APRIL 27, 2021 PLANNING COMMISSION MEETING:
CASE 07-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-55, DEFINITION, Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the definition of a Car Wash – Full Service. **PUBLIC HEARING**

CONTINUED TO THE MAY 25, 2021 PLANNING COMMISSION MEETING:
CASE 89-20 STATE LINE MXD – Request for approval of a Rezoning from SD-O (Planned Office) and R-1 (Planned Single Family Low Density (15,000 sq. ft. per Dwelling)) to MXD (Mixed Use Development District), and Preliminary Plat, Preliminary Plan, located south of W. 86th Terrace and west of State Line Road. **PUBLIC HEARING**

CASE 36-21 – MOLLE TOYOTA OFF SITE PARKING – Request for approval of a Special Use Permit, located north of I-435 and west of State Line Road. **PUBLIC HEARING**

CONTINUED TO THE JUNE 22, 2021 PLANNING COMMISSION MEETING:
CASE 69-20 – HILLS OF LEAWOOD VILLAS – Request for approval of a Final Plat and Final Plan, located north of 151st Street and east of Mission Road.

NEW BUSINESS:

CASE 44-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.4 – MXD (Mixed Use Development District) – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to residential density. **PUBLIC HEARING**

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 44-21 – Leawood Development Ordinance Amendment to Section 16-2-6.4 – density within a Mixed Use District. Staff would like to note that an email was sent out this afternoon of an additional public comment that was released to staff after the packets were delivered. Copies are on your dais as well. Recently, requests have been coming to staff for developments within zoned or planned MXD areas, and parts of these areas include residential densities, which are higher than what is currently allowed by the LDO (Leawood Development Ordinance). Currently, the LDO states that the MXD shall have a maximum density of 15 dwelling units per acre. Staff wanted to find a way to increase the densities within MXD while ensuring the increased quality of the development. Staff is proposing to increase the density to 19 dwelling units per acre, as long as deviations are granted by Governing Body. To have the ability to increase the density from the base 15 to the proposed 19, the development would have to create landscape screening and increase building setback to 200 feet for any structure taller than three stories, or the development is adjacent to existing, master-planned, and/or zoned residential development. If those criteria are met, the developer would then have the ability to provide different incentives, which would then correlate with the different increase in density. These incentives include a mixture of dwelling types, vertical integration of uses, sustainability, pedestrian-oriented development, and public neighborhood space. As the development meets the requirements for each incentive, the density maximum will increase accordingly. Staff recommends approval of this amendment to the LDO, and I would be happy to answer any questions.

Chairman Elkins: Thank you. I note that there were a number of materials attached to this case relating to the office building at 8700 State Line Road and issues that appear to relate to parking. Can you put that into context for us? Where is the relevance of that material to tonight's presentation?

Mr. Sanchez: One of the large reasons for the proposal tonight is we have an application in for the Ward Parkway parking lot and for it to be redeveloped. In doing so, we're trying to change the ordinance. The neighbor to the south is looking at their parking, and to staff, they are two separate issues when that development comes in. This is more of a citywide ordinance, including the 135th Street Corridor.

Chairman Elkins: Why is this included in our information?

Mr. Sanchez: These will affect the development at 8700 State Line Road because they will ask for some of these incentives when they bring their application. I assume there is a linkage between them wanting incentives and the parking for the neighbor to the south.

Chairman Elkins: These additional materials are all part of the public comments as opposed to something staff has included for us to consider as part of this case?

Mr. Sanchez: That is correct.

Chairman Elkins: It was suggested in this material that these changes to the LDO are somehow directly the result of the request by a developer for a case that will come before us at some point in the future. Is that true, and could you comment on that suggestion?

Mr. Sanchez: We have had other developers request deviations to increase the density in Mixed Use Developments. This is not something new to staff. This just seemed like a good opportunity. Last year, we were really looking at the 135th Street Corridor Plan, so this just seems like a next natural step anyway. We are moving forward with what we talked about with some of the things we wanted to do with the 135th Street Corridor Plan and the current developments coming in.

Chairman Elkins: Are the specifics included in this amendment tied directly to requests that have been made by the developer? Is this something that has been tailored to this developer?

Mr. Sanchez: Not necessarily. We have multiple situations that this development will not qualify for in the incentives. They will qualify for some things, and they will have to change their plan to meet some of these incentives that we are requiring everyone to do.

Chairman Elkins: Thank you.

Comm. Hoyt: Just to further comment, I know I specifically suggested to staff that they consider prioritizing the different elements that could be cause for increasing density when it comes to this issue of what constitutes something that is or isn't worthy of a Mixed-Use Development. Ricky, is that consistent with your recollection? I'm thinking this isn't specifically only tied to the case that is coming up.

Mr. Sanchez: That is correct. We're taking comments made by Governing Body and Planning Commission. We know that items need to be changed within the LDO to start matching up with the 135th Street Community Plan. Recently, we have been taking those steps to do so.

Comm. Coleman: Why go from 15 to 19? What is magical about 19?

Mr. Klein: We didn't want to increase it too much. This is a difference between using net and gross area. Originally, we started with 18, but in order to allow a little bit more flexibility, if it was calculated off net area, that would then increase it slightly. Net area does not include the area dedicated to right-of-way. The example where we've seen the most right-of-way dedicated is Parkway Plaza, where they had a whole street that runs north/south. That would have a bit more of an impact. Many of the others sometimes dedicate a little bit of frontage along an existing street, and they wouldn't have quite as much impact.

Comm. Coleman: What specific areas in the city might this impact other than the 135th Street Corridor?

Mr. Sanchez: The 135th Street Corridor is the main development that would benefit from this, as that is the major holder of much of the area that is comprehensively planned for Mixed Use.

Comm. Coleman: Are there any other areas?

Mr. Sanchez: The Ward Parkway parking lot is another.

Mr. Klein: Pretty much wherever there is Mixed-Use. Currently, those are Park Place, Mission Farms, Ironhorse Center, and the old Ward Parkway shopping center parking lot.

Comm. Coleman: Is this change coming from staff, or was it a suggestion from City Council? Was it a combination of developers working with you and what you're hearing?

Mr. Klein: A developer approached City Council at the open comments section of the meeting, asking the city to consider an increase in the density, specifically related to the development at Ward Parkway. City Council directed staff to look at it and also asked to consider the bonusing. What you see tonight is a result of that.

Comm. McGurren: To clarify, in the course of the conversation tonight with regard to Case 44-21, is it fair to say that we're looking at this from a citywide standpoint, and the reference to the 42 parking spots associated with 8700 State Line Road are, in a sense, not part of this conversation? To a point you made earlier, that would be a conversation that would relate specifically to a potential proposed case that would come before us in the future?

Mr. Sanchez: That is correct. Since this is an amendment to the LDO, it applies to all MXD areas. This would not solely apply to the one property.

Comm. Stevens: I just have a couple quick questions about how the deviations apply to this and to the general deviations under 16-3-9. This describes requirements for F.A.R. (Floor Area Ratio). The deviations in the original section for all districts apply, but in addition, these deviations under MXD, the F.A.R. could be increase to 15% with increased open space, but that is also a method of increasing the F.A.R. with the regular deviations. Even though this says, "in addition to," is it in lieu of the 10% that could be increased if increasing by open space? It's not additive?

Mr. Sanchez: That's in the F.A.R. part of it. In Section 16-3-9, it is actually 10%. The MXD portion allows an increase of 5%. This is in lieu of that section. Because these are unique to MXD, it is put in this section rather than with general deviations.

Comm. Stevens: It adds a new deviation for cultural use to increase the current. F.A.R. Secondly, the new residential density deviations parallel, in a way, some of the same deviations you can use to adjust F.A.R. I guess I understand that right. Say you provided sustainability under this. That is also a deviation or bonus to adjust F.A.R. Are you allowed to use that multiple times? In other words, you could adjust your F.A.R. by that,

and then under the MXD for residential density, you could use it again to increase the dwellings per unit.

Mr. Sanchez: Within the normal deviations section for F.A.R., these were not meant to be used together. In the actual deviations section with the environmental portion of it, it talks about natural flora and fauna, providing specific things to meet those requirements. There are certain special square footages that have to be met. These are calculated a little differently so we're able to do something similar but different. With this, we actually talked about solar generation electrical car-charging stations. It is a little bit different, but we wanted to keep the same feel. This deviation is an impact, so we want something given back in return.

Comm. Stevens: There are other pedestrian amenities, which include increased walkability, walkway length. That's a repeat as well. It just makes me think you could alter the F.A.R., and then on top of that, do some of these again so it could double for both.

Mr. Sanchez: In some instances, yes. If something is very pedestrian friendly, I could see how it could. There is a certain square footage calculation in the normal deviation section; in here, it is just that we want a pedestrian-oriented development. They could double-dip in some areas. The intention was one or the other. Hopefully, they do both, and then we get a really good development.

Mr. Klein: Also, what we're trying to do is consider the pedestrian portion in Section 16-3.9 with regard to value added. It gets very difficult to actually calculate what is over and above as far as dollar value, so it doesn't get used very much. This is a way to make it more specific and more usable. In addition, the one that we have in tonight's ordinance requires linkages between all the buildings. It tries to be more specific to ensure the pedestrian circulation.

Comm. Stevens: I'm just trying to think if there would be case that an applicant is providing even more advanced linkages and more developed connection system. It feels like they could also adjust their F.A.R. and change their unit.

Mr. Klein: I agree that there is a little overlap; we just tried to open this up a little bit and make it a little easier to calculate.

Comm. Stevens: They're good bonuses and deviations.

Chairman Elkins: Thank you. Other questions? For both Mr. Klein and Mr. Sanchez, to the points that Commissioner Stevens is bringing up, I'm always concerned about unintended consequences. Our LDO, by its nature, tends to be complicated, and we have had instances in the past where developers have had a couple "gotcha" moments because of perceived inconsistencies in the LDO. Are we comfortable, given the observation that Commissioner Stevens had, and your response that we know what we're getting ourselves into with this potential double-dipping?

Mr. Klein: I think there is a little overlap; however, one deals with F.A.R.; the other deals with residential density. One requires a connection between all the buildings; the other does not have that requirement. It overlaps with the provision of street furniture and some of the similar amenities. Again, we felt like this was an important concept within MXD. One of the key factors is walkability. Unfortunately, with F.A.R. and that particular bonus, usually it involves increased open space and also structured parking because those have a very objective way to calculate. Some of these other ones get into a value-added situation. That becomes very difficult to do. As a result, we haven't seen those used over most of the time that I've been here. Since the pedestrian connection was so important, this was an attempt to make it objective and easier while making it very clear that we expect to have pedestrian connections between all the buildings.

Chairman Elkins: I just want to make sure the overlap was intended so we can fix it if it needs to be fixed. I'm not convinced it needs to be.

Mr. Klein: I think we're comfortable. We considered all of it.

Chairman Elkins: I also noted in an email from Mr. Denzer that he identified four different points that he asked staff and the commission to consider with respect to bonus density allowance. Quite frankly, I haven't really had a chance to dig into that. Could you comment as to your thoughts on addressing these?

Mr. Klein: He wanted to make sure that restaurants had a higher parking ratio, which is in the LDO already with a requirement of one parking space for every two seats. We didn't feel like it needed to be addressed here because we felt it was already within the LDO. With regard to ensuring some sort of buffer, we included the reference to 200' setback from three-story buildings to existing residential. We looked at the 135th Street Corridor Plan, which had transects with a lower density portion that went to a progressively higher density. We tried to incorporate that into this. The 135th Street Community Plan only covers that development and not the entire MXD development throughout the city. We tried to take that concept and apply it all through MXD; however, it would be only applicable if they were requesting an increase in the density. We thought that was appropriate. He also referred to vertical integration. We feel it's a nice component, but it is not required. Parkway Plaza and Ironhorse Center are both horizontally integrated, for example. Park Place Residential is horizontally integrated; however, the office and retail are not. Mission Farms is vertically integrated as well. We felt that, since it was an extra ask, it was appropriate to use it. He also referred to adequate internal street layouts and direct access. We consider that on an individual basis as a project comes before us. All these projects are so different. We look at traffic circulation at the time, along with drainage.

Chairman Elkins: That business about internal traffic circulation has been a matter of contention with respect to the property on 135th Street, east of Price Chopper.

Mr. Klein: Yes, and that is a good example. That had separate components, and we are looking for more integration.

Chairman Elkins: Thank you. Are there other questions for staff? If not, I noted in Mr. Denzer's email that he asked to be put on the speaker list. I don't have a list. Have we not had anyone indicate a desire to be heard on this matter?

Mr. Sanchez: We have two people who asked to be on the list. I don't think you have it.

Chairman Elkins: I'll let you manage it. With that, I'll open the Public Hearing. Per our general rules we ask that public comments be limited to five minutes.

Public Hearing

Paul Denzer, 13110 Beverly St., Overland Park, KS, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Denzer: I am a long-time real estate investor with 30 years in the community, primarily investing in suburban office buildings. I have a small group of investors with me. We have a significant investment in 8700 State Line building adjacent to the 8680 parking lot at Ward Parkway. My interest in this LDO change has only arisen as a result of the rezoning application that was filed last year for the 8680 parking lot. I'm reading and trying to understand a whole lot more than I'd like to, but the rezoning of the 8680 parking lot occurred first, and then it was after that matter was submitted to you and then continued. The ordinance changes to deduce the commercial and retail elements for MXD on an infill site were presented to you to reduce from 30% to 10%, which has already been done. This was continued again, and this ordinance change, related to density, has advanced. I think we could live well with a high-density apartment project next to us. I'm not in opposition, but these items have advanced at the same time, so I have submitted the material that staff included tonight. I understand that it relates more to the specific rezoning application that will come before you next month if you approve this ordinance change tonight. I think the one is contingent on the other as I understand from the developer. My comments, as they relate to the ordinance change that you are considering, are limited to the four points that I outlined in the email last week to staff. I wrote that email before staff submitted their proposed ordinance, so I didn't have the benefit of what they were proposing when I submitted those comments. I'm trying to learn, and I don't purport to understand the 135th Street Plan or anything else. My interest has arisen as a result of this application for the property next to me and issues related to that application. I'm reading what's being proposed and trying to understand it. Trying to understand what MXD is and was intended to be, so as I read this proposal for bonusing, it seems that some of those are issues are what MXD was intended to be to begin with: pedestrian oriented, mixed uses that are not one pad site and another but a truly mix of uses into a cohesive development. The first element, without understanding or trying to understand the bonus provisions in the ordinance change being proposed sounds like it's being addressed by this vertical integration proposal and bonusing. The issue of parking, I would ask for clarification on the food service parking. Again, I'm just reading the ordinances and trying to understand. When I talk to Mr. Sanchez and Mr. Klein about that

issue, I thought that the answer was that the provisions in the SD-CR and SD-NCR ordinances that related to food service parking sensitivities were not carried over into the MXD requirements. I think that was Mr. Klein who answered the question from the commissioner and said they are. That question, then, is also resolved. If not, that is still a question on my mind. My comments, as they relate to the ordinance you are considering are really summarized in those four points that have been touched on. I think the materials that were included in your packet relate to the pending application for this rezoning next door. I understand traffic and street design are all considered case by case I would think in working on an ordinance change that addresses an increase in density that they should receive a heightened sensitivity, particularly in an infill development where three sides are fully developed already. Thank you.

Chairman Elkins: Thank you. We very much appreciate your comments.

Curtis Petersen, Polsinelli PC, 900 W. 48th Place, Kansas City, MO, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Petersen: I'm a real estate development lawyer here in town. I get to be a repeat player in development in both Leawood and across the metro. We're just very pleased to see staff's proposal for bonus density language that you're reviewing and considering tonight to allow development of MXD projects here that are permitted in other desirable locales. We are very excited about the opportunity that this LDO language could provide to the city. It seems to incorporate, from our perspective, much of the comments from the Planning Commission and City Council previously when this topic came up briefly in previous hearings. We just very much would like to briefly provide feedback on two of the bonus opportunities for you to talk with staff about, hear their thoughts, and consider tonight. The first is, among the five bonus items in the LDO language, is called Dwelling Types. Right now, there is an increase of up to 1 ½ units per acre with three different dwelling types in the MXD project. We would propose considering a sliding scale if there are two different types. If multiple dwelling types are a good thing, which we all agree that it is, then two are better than one, and three are better than two. While it's hard on smaller sites to fit in three different residential types, we do think that it is still something that should be incentivized. Even Mission Farms, on the front side near the highway, only has two types. You have to take that huge expanse of land in to get to more than two types with the single family and cottages. We'd ask that you discuss with staff the idea of a sliding scale, where there would be some credit of less than 1 ½ units per acre for two rather than three different types. The only other comment is on Pedestrian-Oriented Development. This requires that the pedestrian connections are all 10' wide. We propose to clarify that 10 feet is intended for bike-hike trail segments and not for the other segments that provide pedestrian connectivity throughout the project because 10 feet would actually work against some things that the city and we, as developers, are usually trying to attain. I call it landscaping and greening right around the pedestrian areas, and 10 feet is a huge area. It is harder to do that within a development, as compared to a trail, which is usually a bike-hike trail, which is usually on the peripheral part of the project and can be done more easily. Also, often with the 10' width, it invites families to zoom through on bikes. We're really not trying to do that on the internal part of the project but

more on the external where there is more of a bike-hike intent. With that, recapping, we'd ask that the bonus for pedestrian-oriented development clarifies that the 10' width is really for the bike-hike trail segments. Like always, we appreciate the opportunity for the public comment and for this great effort by the city. Thank you for your time.

Chairman Elkins: Thank you, Mr. Petersen. We appreciate your comments. Is there anyone else to speak? If not, I would entertain a motion.

A motion to close the Public Hearing was made by Coleman; seconded by McGurren. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Hunter, Hoyt, Coleman, Stevens, Peterson.

Chairman Elkins: Mr. Klein or Mr. Sanchez would you care to comment in response to either Mr. Denzer or Mr. Petersen?

Mr. Klein: I'd like to make a correction. We talked about parking, and I indicated food-related businesses are required to have one parking space for every two seats. That is true, but it is within the SD-CR and SD-NCR districts and not in MXD. If that is something the Planning Commission would like to see, it would need to be added. I would say it should go at the beginning with the 200' buffer. With MXD, it looks at the number of spaces that can share parking with different peak times.

Chairman Elkins: Is there not a potential conflict between the office and restaurant use, then?

Mr. Klein: It depends on the type of restaurant. For instance, if a restaurant that primarily serves breakfast and lunch, there could be more conflict at that time. A restaurant that serves primarily in the evening would cause less of a conflict; however, it would be at the same time people would return home to the apartments. It varies and depends on the use of the restaurant.

Chairman Elkins: What about Mr. Petersen's suggestions?

Mr. Sanchez: With regard to the number of dwelling types, staff would be okay with a sliding scale. Three dwelling types would get 1.5; two could be .75. We would also be fine with language that establishes a qualification for the 10' width to be for bicycles.

Chairman Elkins: It presents a question about enforcement. Do you have a sign on the interior sidewalk that says, "No bikes on the sidewalk" and members of Leawood Police writing citations if there are bicycles on the 6' or 8' sidewalks? I balance that concern with a concern about knowing that it doesn't intuitively make sense to have 10' sidewalks throughout the entire MXD development. I'm just troubled by that.

Mr. Sanchez: I don't think there is any enforcement on a bicycle on a sidewalk. The way the ordinance reads is that all of these bicycle and pedestrian connections have to be 10' wide. That's not the intent. We have a 5' minimum sidewalk and 7' where head-in

parking goes in. We still want the ranged of sidewalks in the development as well. I think it just speaks to the 10' width. We would be fine specifying that it is for the bike trail.

Chairman Elkins: Thank you. This brings us to comments from the commissioners.

Comm. McGurren: To piggyback on that statement, the second word in the second paragraph is *internal*. Would it make sense to include a reference to internal and external portions? Is that a way to differentiate what is interior and what is exterior?

Mr. Klein: Typically, that would be true. For instance, the hike-bike trails along 133rd and 137th Street are along the perimeter. We've talked a bit with regard to the Ward Parkway parking lot. Self-Propelled Pedestrian Bike Plan for the city actually shows a connection for the hike-bike trail, and it would be along the perimeter. Typically, they would be on the perimeter as opposed to winding through. I guess it's possible with something like Cameron's Court where something might be integrated through. It really gets down more to the use of the trail. If it's 10' wide, it could be built to accommodate both the bicycles and pedestrians; whereas, the minimum that we currently have is 5 feet.

Chairman Elkins: It seems that we have three issues, including the food service parking and the two that Mr. Petersen raised that staff responded to. What does the commission think?

Comm. Coleman: I appreciate the public bringing the changes to our attention. So many times, we have asked for developers and people from the business community to come to our Public Hearings and give us input. This is a good example of coming to us with different ideas and things we may not have considered beforehand. With that said, from a planning perspective, I wonder if staff could clean this up maybe and come back in two weeks with our next meeting to include all these suggestions, especially on the sliding scale, or are we at a point where we need to move this forward to get to City Council?

Mr. Klein: I think we're trying to get it to City Council. We definitely would take direction as to where the Planning Commission would like to go and incorporate those thoughts. Some of those, we could settle tonight. For instance, if you would like to include restaurant parking, my recommendation would be to treat it the same as restaurant parking in other districts as opposed to coming up with something new. I think it would just be incorporating that same standard. With regard to the sliding scale on different types of residential units, Ricky offered a sliding scale of .5, .75 and 1. With regard to pedestrian connections, staff thought the hike-bike trails would be 10' wide and didn't intend to require every sidewalk to be that wide. That comment was a good comment to guide a clean-up.

Chairman Elkins: To Commissioner Coleman's point, I'm always leery about drafting on the fly. It sounds like it's fairly straightforward work that could be incorporated here. What does staff think?

Mr. Klein: I think in this case, it's possible, just for the fact that we already have the standard for the parking if that's what the Planning Commission would like to see. With regard to the hike-bike trail, that is something that was the intent anyway. The biggest change is the sliding scale with different housing types.

Chairman Elkins: It would be relatively easy to draft.

Mr. Klein: Yes, I think it is if the Planning Commission is comfortable with that.

Comm. Hoyt: I'm wondering about the parking issue. The current Mixed-Use Developments don't have the parking that we're contemplating because of the balance and counterbalance between the different types of businesses in MXD. Is that correct?

Mr. Klein: Yes.

Comm. Hoyt: I wonder if we were just to make this a blanket policy that Mixed Use has to conform to the existing restaurant requirements in other parts of the LDO. Wouldn't we possibly get into a situation where there would be a Mixed-Use Development that, because of the specific nature of the mix of businesses, we really didn't need that many parking spaces?

Mr. Klein: I think you're correct with the fact that Mixed Use does try to have shared parking as one of its advantages. In this particular case, I'm not saying staff is necessarily supportive of adding that parking requirement; it is just one of the comments mentioned concerns about it. If it were added, it would only be in cases where this is part of increased density. The reasoning would be that they are adding more density; therefore, parking would be at more of a premium, especially with an infill site or something similar. Then there would be consideration for adding that requirement if it had a number of restaurants.

Comm. Hoyt: This wouldn't apply to all Mixed-Use Developments; it would only apply to the ones that were applying for greater density.

Mr. Klein: Yes, because that is the only change we're making.

Comm. Peterson: I tend to agree with Commissioner Coleman. Perhaps if this could be redone and come back in two weeks to try to incorporate the comments from Mr. Peterson and also Mr. Denzer. The suggestions were quite good. I just feel a little uncomfortable, as you had said, adopting on the fly.

Chairman Elkins: I guess the issue arises if we were to continue this, we would have to notice it out and have another Public Hearing. Is it possible to continue it for two weeks?

Mr. Klein: It is possible. Basically, you're making a motion tonight, so it could be continued to a date certain, which is April 27th.

Chairman Elkins: Would we need to reopen the Public Hearing on April 27th?

Ms. Knight: You don't have to reopen it. You can. I think we've had it come up before, and you can elect to, but you're not legally required to.

Chairman Elkins: Thank you. Other thoughts?

Comm. Coleman: In terms of other cities, do they allow something similar?

Mr. Sanchez: City staff did a deep dive into the majority of the surrounding cities. We noticed that many of the other cities have a much higher density allowance than Leawood does; however, they calculate the developments differently. They'll consider phases and calculate density for those phases. In Leawood, we consider the entire development as a whole. Breaking them up into smaller chunks, the densities get much higher because they are on smaller tracts of land as part of a larger development. Leawood has smaller numbers because of this. We looked at a multitude of developments, including Galleria 115, which is across from Park Place. If we were to calculate density similarly, it is 13.5 dwelling units per acre. We looked at City Place at 69 Highway and College Boulevard. They are around 16.68 dwelling units per acre. Overland Park also has density requirements and bonuses. That is where we based ours on; however, we have much different standards. Staff looked at other cities and looked at where we are in comparison to them.

Chairman Elkins: We have two commissioners who expressed a desire to continue the case to make the drafting changes. That is assuming that the commission is generally in favor of those changes. Are there additional comments on the changes or on continuing the case?

Comm. McGurren: I would be in favor of those three changes, and if staff felt two weeks would be beneficial in terms of other potential advancements, I would be in favor of doing that. If staff says that they believe those three changes that we've talked through are appropriate and easy to implement, I would vote to decide tonight.

Comm. Hunter: I am a little hesitant to vote on something that we haven't seen what the terms are. It's not that we don't believe you.

Mr. Klein: I completely understand.

Comm. Hunter: I hate to kick the can down the road, though, because we've spent time on it. I guess if anybody wants to discuss it when it comes back, we can reopen the Public Hearing.

Comm. Stevens: I think I feel the same way. It seems like, especially the parking change, is hard for us to change and make a motion. It seems that it would help to continue it.

Chairman Elkins: What impact does that have on getting this before Governing Body?

Mr. Klein: It's possible that it may push it back by a couple weeks. It is certainly less of an impact than if it got continued another month. There is a protest period that we typically wait between Planning Commission's recommendation and City Council consideration, which is typically 14 days.

Comm. Coleman: Normally, when we're working through our cases, if it is one change, I'm comfortable with doing that, but I just think we have too many things going at the same time. That's why I brought up the continuance.

A motion to continue CASE 44-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.4 – MXD (Mixed Use Development District) – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to residential density – to the April 27, 2021 Planning Commission meeting – was made by Coleman; seconded by Hunter. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Hunter, Hoyt, Coleman, Stevens, Peterson.

Chairman Elkins: Thank you. I would join Commissioner Coleman. I very much appreciate the input from the development community. It has been something we have long asked for, and this is an excellent opportunity and excellent example of how that could work in a very positive fashion. Is there any additional business to come before the commission tonight? We will stand in adjournment and reconvene in 3-4 minutes in a work session.

MEETING ADJOURNED