

**City of Leawood
Planning Commission Meeting
July 26, 2022
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, Block, Stevens, Hunter, Belzer, Peterson, Elkins. Absent: Hoyt.

APPROVAL OF THE AGENDA

Chairman Elkins: There is a quorum present. Was there a new agenda on the dais?

Ms. Geist: Yes, we did provide a new agenda on the dais. There is an addition of a continued case to the August meeting.

Chairman Elkins: Is there a motion to approve the agenda?

A motion to approve the revised agenda was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

Chairman Elkins: That bring us to the minutes for review.

APPROVAL OF MINUTES: Approval of minutes from the June 28, 2022 Planning Commission meeting.

Chairman Elkins: Are there any revisions to the June 28, 2022 draft minutes? Is there a motion?

Comm. McGurren: On page 25, at the very top, under my statements, the last sentence should say “less visible to the property owners of the park”.

A motion to approve the amended minutes from the Planning Commission meeting was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Coleman, Block, Stevens, Hunter, Belzer, Peterson.

CONSENT AGENDA:

CASE 73-22 – RANCH MART NORTH – LASH & COMPANY – Request for approval of a final plan for a tenant finish located north of 95th Street and east of Mission Road.

Chairman Elkins: Does any commissioner wish to pull this case from the consent agenda for additional presentation discussion? If not, is there a motion?

A motion to approve the Consent Agenda was made by Comm. Coleman; seconded by Comm. Block. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

NEW BUSINESS:

CASE 61-22 – SOMERSET SHOPS – LEAWOOD WINE & SPIRITS – Request for approval of a Special Use Permit and Final Plan located south of Somerset Drive and west of Lee Boulevard.

PUBLIC HEARING

Staff Presentation:

City Planner Katherine Geist made the following presentation:

Ms. Geist: This is CASE 61-22 – SOMERSET SHOPS – LEAWOOD WINE & SPIRITS – Request for approval of a Special Use Permit and Final Plan located south of Somerset Drive and west of Lee Boulevard. The applicant is requesting approval of a special-use permit for package liquor sales and a final plan for façade updates. This tenant’s space is located at the southeast corner of the Somerset Shopping Center facing Lee Boulevard. This tenant’s space is being proposed to be used as a wine and spirits retailer, providing beverages for off-site consumption. To accommodate the new tenant, the following façade changes are being proposed: the removal of one large pane window, the addition of two sliding glass doors, and the addition of a transom window above the sliding glass doors. Below the windows will not be changed or painted, but a small portion will need to be removed to accommodate the addition of the sliding glass doors. The new mullions adjacent to the sliding glass doors will match the existing mullions. This case meets all requirement of the Leawood Development Ordinance (LDO) and staff recommends approval of Case 61-22 with the stipulations listed in the staff reports.

Comm. Coleman: For one of the uses, it says “providing beverages for off-site consumption”. Does a special-use permit or the zoning allow tastings or any kind of on-site consumption?

Ms. Geist: That’s something we talked with the applicant about. They are proposing a tasting area in the back of the store. They talked about having a set time frame for that, 6-8 pm and only on certain days of the week.

Mr. Klein: They have to go through the state for their liquor license and the zoning allows tastings.

Comm. Coleman: My concern is parking for an event. There’s not a lot of parking to begin with. If it’s a retail operation, that’s one thing, but if they’re going to have events there, I think that’s a separate issue that we need to consider.

Mr. Klein: That might be a good question for the applicant. I know that it is limited in hours, and I don’t think it’s large.

Chairman Elkins: Does the facility meet the LDO parking requirements?

Mr. Klein: It's legal nonconforming at this point. That center has limitations on parking. They aren't doing any changes. This use does not require additional parking spaces.

Chairman Elkins: Are the events indoors or outdoors?

Mr. Klein: The applicant will be able to answer that. I would assume it would be indoor events.

Applicant Presentation:

Casey Heck and Cameron Heck, 7960 Lee Boulevard, made the following presentation:

Mrs. Heck: My husband, who is on Zoom, and I are the owners of Leawood Wine and Spirits. Currently, to find a decent wine and spirits collection, this neighborhood has to cross state lines and spend tax dollars in Missouri. We've talked with the community about the need for a local, high-end store such as ours and they are supportive. Not only will we be providing a great retail store, we will also be creating many local jobs. With regard to the selection, we are going to be a high-end wine and spirits store with the main goal being to serve the local community. Our design and selection will be upscale. Our peak hours will be weekdays from 4-6, and weekends from 12-5. The other Somerset shops are either at the slowest or off hours during those times. The parking lot is usually empty at those times, leaving ample space for all customers to park in the lot and not on the side streets. We will also have designated parking to provide curbside carryout for convenience and expediting the time as well. We will only have 2-4 employees working the store, compared to the 8-10 with the former Dog Paws business. The space that we are taking over averaged 300+ cars per day. Comparatively, we expect to have around 150 cars per day. Our hours of operation are Monday-Thursday, 9-9:30, Friday-Saturday 9-10, and Sunday 10-6. These closing hours are earlier than all surrounding wine and spirits stores. We expect to have minimal traffic after 7pm, as we expect 95% of our business to be done before then. We want to make sure we are open and available to our neighborhood for their needs, but at the same time, not disrupting the local residents. With regard to the tasting question, there is a sampling area in the back. On occasion, during the permitted times, we will offer customers, who are verified to be 21 and older, a 2-ounce sample of a new and featured item in that tasting area. In no way will this area be used for congregating or consumption of more than 2 ounces of a sample. This is a common practice among upscale wine and spirits retailers. There will be no events held in that area. This business is something our community can be proud of and is different from our competitors. The selection in every category will be top notch with competitive prices. We are investing substantial capital in the interior design and will have high-end finishes throughout. The shopping experience will be both educational and enjoyable for customers. We will carry the well-known, everyday wine brands that customers love, but the foundation of our wine selection will be highly rated wines. Like our wine, we will have a great selection of spirits with a focus on quality. Our selection will be extensive for customers who have a passion for collecting limited production items, or hosting at their homes. Local distillers will be featured predominately as well. Our beer category will be craft-centric and local breweries will be the focal point of this category. The store will also feature a walk-in cigar humididor for customers looking for expansive selections in that category. Some additional services that our store will provide include an engraving service, a bourbon barrel club, curbside

pickup, and continued consumer adoption of digital shopping. First responders and military will receive 10% off as a thank you for their service. We plan to partner with local charities and give back a certain percentage of our revenue throughout the year.

Comm. Block: Are there any examples in the immediate area that sells high-end liquors and wines?

Mrs. Heck: There are some stores that have a small selection of it, but that's not their focal point. That's what separates us.

Comm. Coleman: With regard to the tasting in the back, my concern is not the people getting a bottle and sitting back and having it, but my concern is the parking situation. Some stores have tasting events and advertise it. I don't want the entire parking lot filled and the overflow going to the neighborhoods.

Mrs. Heck: I understand your concern. These won't be advertised events. Those that are coming in to the store on a certain day will have the opportunity to have a two-ounce sample of that featured wine. We are aware of the parking situation and the neighborhood, so our goal is to make sure we are not having events that bring a lot of traffic to the area.

Comm. Peterson: I'd like to ask you about the times. When do you anticipate being able to be open?

Mrs. Heck: There are still several steps we have to go through.

Mr. Heck: We're not looking to be open until January of next year if everything progresses on the current timeline.

Comm. Peterson: Are you going to be preparing a grand opening or an announcement?

Mr. Heck: No. There will be soft openings, starting with the local neighborhood. There will not be a grand opening, but we will phase it open.

Comm. Peterson: Will you have a website?

Mr. Heck: Yes. We will have a website that details the store, the selection, and who we are, along with an online, e-commerce ordering system.

Comm. Peterson: Will the name of the shop be Leawood Wine and Spirits?

Mr. Heck: We're open to suggestions. We want to be a fabric of this community, so we want this city to be proud of it. We are committed to keeping 'Leawood' as part of the name, unless there are objections to it.

Chairman Elkins: There are 9 stipulations that staff has asked to attach to the application. Do you or your husband have any objection to any of those stipulations?

Mrs. Heck: We do not.

Public Hearing:

Jeffrey Valentino, 7951 High Drive, appeared before the Planning Commission and made the following comments:

Mr. Valentino: Generally, I'm not in opposition of this. I appreciate the local commentary and support elements of the project. I'm very close to that retail development; my driveway exits out onto Somerset. My email is focused around the public safety and traffic aspect. I'm surprised about the volume of cars from the previous owners compared to your projections. I'm concerned that we are underestimating how the traffic will be impacted with this particular use. I imagine you will be a popular spot in our area, and that parking lot does struggle to function well. It forces runners, which are quite common around Lee Boulevard, to go into the street, as there is no sidewalk. Those types of elements are critical from a details standpoint regarding how this will function. My comments aren't to oppose, but rather to encourage that we take the time to look more into those issues.

Andrew Wank, 8104 Wenonga Rd., appeared before the Planning Commission and made the following comments:

Mr. Wank: I'm in support of this. Cam and Casey have an expertise in this space. Cam has been in this space his entire career. I sent an email out to my own neighborhood asking about feedback regarding this, and the parking did come up. If we can agree on the hours of the tastings, that would be ideal. The other facilities in that parking lot are not open at 8pm. The alleviation of traffic at that point would change from a flow standpoint. The second piece I support is simple economics. There isn't a place to go to for high-end liquor around here. The further we go south in Leawood, the more this area feels like a community. I don't want to have to go to 95th and Mission to get it; the parking and traffic there are bad. I don't want to have to go to Missouri either. The community seems to be in support.

JoLynn Hobbs, President of the Leawood Homes Association, appeared before the Planning Commission and made the following comments:

Mrs. Hobbs: I would ask that we be mindful of traffic and parking, which it sounds like there were lots of questions addressing that. I wanted to say thank you for the opportunity for our residents. We do not have a formal position on the application, but we do our best to stay educated and aware of what's happening our community. My goal is to make sure our residents are engaged and heard. That's why I'm attending tonight.

Tim Galles, 7954 High Drive, appeared before the Planning Commission and made the following comments:

Mr. Galles: I'm in favor of this idea. I didn't hear the hours and I was curious about that.

Mr. Klein: They are Monday-Thursday, 9-9:30, Friday and Saturday 9-10, and Sunday 10-6.

Mr. Galles: My only concern is that the other fine wine stores close at 7pm; they don't stay open until 9:30. I'm very concerned about the hours. I think that the later you stay open, especially on weekends, things happen. I would prefer 7pm.

A motion to close the Public Hearing was made by Coleman; seconded by McGurren. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

Mr. Heck: I wanted to address a few concerns from the community, starting with Mr. Valentino. The numbers that we pulled with Dog Paws was 300-400 cars per day. We will be significantly under that; a majority of our business will be run on Friday and Saturday. During the week, it'll be slower. That's the nature of the business. Our peak hours are between 3-6pm, which is when the other businesses in the shopping center are winding down or closing. The parking lot around those times is quite empty with the exception of a few spots. I don't know how to alleviate the concerns about traffic because any well-run business that would go in there would have the same traffic issue. Regarding the times of operation, our application contains the times that we put out. 90-95% of our business will be done before 7pm. Our goal is to be closed around 8 or 9pm at the latest, but we just want to get a feel for the neighborhood and the traffic flow first, which is why the application says 10pm.

Chairman Elkins: That is an unusual traffic pattern in that space. Does staff have any comments or thoughts about the potential impact on traffic at that particular intersection?

Mr. Klein: This is a business, so if you have the space occupied, it's going to hopefully generate traffic to be successful. We didn't see this generating significantly more traffic and I think that the applicant has indicated their estimates are the same.

Comm. Block: In the letters we got in our packet, there were references to the possibility of increased crime around liquor stores. Are you aware of the crime at the other liquor stores we have in Leawood?

Mr. Klein: I'm not aware. Every liquor store is different. This one is in a residential area. There is one another liquor store, located in the Nall Valley Shops, and they have residential across the drive aisle. The difference is that they front onto an area that is commercial.

Comm. Block: And there are no issues with that?

Mr. Klein: Not that I'm aware of.

Comm. Coleman: How long is a special-use permit good for?

Mr. Klein: It's for 20 years. The Commission and the Governing Body have the ability to recommend something different if they desire.

Comm. Coleman: Do we have the power to revoke it if necessary?

Mr. Klein: If there are issues, then yes. You have more control with the special-use permit as opposed to the planned-use.

Chairman Elkins: The special-use permit is personal to the property, right? If there were a change of ownership, the special-use permit would have to come up again at that point, correct?

Mr. Klein: That's correct. If they sold it to somebody else, they would have to come back for a new special-use permit.

A motion to recommend approval of CASE 61-22 – SOMERSET SHOPS – LEAWOOD WINE & SPIRITS – Request for approval of a Special Use Permit and Final Plan located south of Somerset Drive and west of Lee Boulevard - was made by Block; seconded by Peterson. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

CASE 56-22 – THE WOODLANDS SUBDIVISION – AT&T DSL UTILITY BOX – Request for approval of a Special Use Permit located south of 129th Street and east of Roe Avenue.

PUBLIC HEARING

Staff Presentation:

City Planner Katherine Geist made the following presentation:

Ms. Geist: This is CASE 56-22 – THE WOODLANDS SUBDIVISION – AT&T DSL UTILITY BOX – Request for approval of a Special Use Permit (SUP) located south of 129th Street and east of Roe Avenue. The original special-use permit was approved in 2002 with Case 16-02 and was approved for a time frame of 20 years. As the time frame has now expired, it is required to come back before you and be renewed. This SUP renewal application is for another term of 20 years. This existing DSL box is located at the northeast corner of Tract A of the Woodlands, adjacent to other utility boxes in the subdivision clubhouse/community pool area. The box is located behind the Woodlands monument sign and is screened by existing landscaping. No landscaping is being changed, added, or removed with this application. The existing landscaping matched the previously approved plan and meets the screening requirements of the LDO. This application meets all requirements of the LDO and staff recommends approval of Case 56-22 with the stipulations listed.

Comm. Block: Does AT&T pay rent to the neighborhood?

Ms. Geist: That's a good question for the applicant. There haven't been any complaints, issues, or modifications since then.

Applicant Presentation:

Laine Raitinger, 5400 Foxridge Drive, Mission, KS, 66202 made the following presentation:

Mr. Raitinger: I don't have much of a presentation. I was notified that our 20 years were up and we worked with the city staff to be able to get it renewed for the next 20 years.

Comm. Block: Is there rent paid? Also, what does the box do?

Mr. Raitinger: I believe it's in the utility easement.

Mrs. Cilke: My name is Carrie Cilke, 2121 E. 63rd St, Kansas City, MO.

Mr. Shepard: My name is Darrin Shepard, 9444 Nall Avenue, Overland Park, KS.

Mrs. Cilke: The box is located in a private easement, so no, we do not pay rent.

Mr. Shepard: It's a DSL box. It provides light speed service to both the Normandy and the Woodland subdivision.

Chairman Elkins: Do you contemplate any changes in the box?

Mr. Raitinger: No changes.

Chairman Elkins: There are 9 stipulations attached to the report from staff. Do you have any objections to those stipulations?

Mr. Raitinger: We have no objections.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

A motion to recommend approval of CASE 56-22 – THE WOODLANDS SUBDIVISION – AT&T DSL UTILITY BOX – Request for approval of a Special Use Permit located south of 129th Street and east of Roe Avenue - was made by McGurren; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

CASE 62-22 – TOWN CENTER CROSSING – ALTERNATE PARKING STUDY – Request for approval of a Preliminary Plan and Final Plan, located south of 119th Street and east of Roe Avenue. **PUBLIC HEARING**

Staff Presentation:

City Planner Katherine Geist made the following presentation:

Ms. Geist: This is CASE 62-22 – TOWN CENTER CROSSING – ALTERNATE PARKING STUDY – Request for approval of a Preliminary Plan and Final Plan, located south of 119th Street and east of Roe Avenue. The applicant is requesting approval of an alternate parking study to allow additional restaurant seating. Over time, the following additions to the restaurant center

are proposed: North Italia restaurant will be expanding and will have 262 seats, a new restaurant is proposed to go into the former La Bodega space at the east end of the main center, proposing a total of 176 seats, and a new restaurant would move into the vacant Zoe's Kitchen space and is proposing 65 seats. Town Center Crossing encompasses approximately 163,401 square feet of leasable retail and restaurant space. The LDO requires a parking ratio of 3.5-4.5 parking stalls per 1,000 square feet of retail space, plus one parking space per two seats of service or restaurant use. As it stands today, the development is 85 spaces under parked. Section 16-4-5.4 of the LDO allows parking requirement to be modified on a project basis with supporting traffic engineering and a parking plan approved by the city. The applicant has submitted a parking study showing that the development can accommodate the proposed changes. Should the overall number of stalls stay the same, but the additional restaurant seats proposed be added, the center will be deficient approximately 220 parking stalls per the LDO. In 2011, the development was approved to add an additional 75 parking spaces on the south side of the building to alleviate parking concerns at that time. Also, a deviation was approved to allow the center to fall below the 30% open space requirement minimum to 28.30%. With this decrease, there are no additional areas where the parking can be expanded to. Staff recognizes the vitality of the center as being very important, and that new restaurants bring an increase in patrons and revenue to the city and to the center. However, staff does have a few concerns with this application and they include the following. Staff's primary concern is that additional restaurant seating without an increase in the number of stalls could create a parking shortage for the center. The parking study counts were conducted when there were vacancies in the prior La Bodega, Zoe's Kitchen, and the second floor of the main spaces, and they were proposing an expansion of North Italia. The counts showed an occupancy of 68% and 80% on a Friday and Saturday, respectively. Staff has concerns that the parking occupancy would have been significantly higher. The parking study that was submitted by the applicant was done on a Friday and Saturday at peak times in February of this year, and staff is concerned that it may not reflect the capacity during busier parts of the year. Staff recommends that the parking be approved through a revised development plan, including its impact on the various areas of development, as each restaurant tenant's space comes into the development. Though this application meets the requirements of the LDO, staff does recommend denial of Case 62-22.

Comm. Coleman: Can you give us a history on the parking in 2006 when things were approved? Were there variances?

Mr. Klein: When the development was originally approved, we didn't know the tenants that were located in there, so the center was designed with the 3.5-4.5 parking spaces. As the center started filling up, they had some really nice tenants, one of which was Apple. We started seeing some issues with the parking being fairly full. At one point, we allowed the applicant to shuttle employees from the park, however, it became an issue. In 2011, they came forward to alleviate the issue with the parking, and added more parking along the backside, primarily for employees to park. As you can see, it's fairly well used. After that was done, it seemed like it functioned. This shopping center feels tight though. What staff is concerned about is the fact that North Italia wants to expand into the vacant tenant space that's to the east of it. They're going to add 84 seats that are located there, so most of the additional parking will be located in that area where North Italia and Crate and Barrel are located. The other two restaurants that are being proposed will have fewer seats than the ones that were there prior. Staff would like to see this center full and

vibrant; we just want to make sure that everybody understands that it would be tight parking that's located there.

Chairman Elkins: To clarify, you said the North Italia is adding 84 seats and the other two are adding less seats. What's the net change?

Mr. Klein: There will be 6 more seats than the seats that were there previously, which would require an additional 3 parking spots. It's not a huge difference regarding parking; the biggest difference is where those seats are located.

Chairman Elkins: Is there any history of complaints about the parking when La Bodega was there, and we have 6 fewer spots than what is being proposed?

Mr. Klein: The applicant has indicated that they are not aware of any issues. However, I know I've had issues finding parking there. A lot of people we've talked to have indicated the same thing.

Comm. McGurren: Is it fair to say that the way that was decided when the original plans for the parking were set for development that because of the ambiguity regarding who the tenants were, there was no perceived deficit of 85 parking spots at that time?

Mr. Klein: Correct. When it was originally approved, with no tenants being in there, we made sure that they had the number of parking spaces required by the LDO. However, you do have restaurants that go in and have a higher parking ratio. That's where the unbalance came into play.

Comm. McGurren: There were no parking regulations or restrictions put in place until later when the shuttling was suggested?

Mr. Klein: Yes. I think that parking had been an issue for a few years and they had to shuttle back and forth in order to alleviate that. It was large enough that the city allowed a deviation to eat into that minimum 30% open space that we normally hold. It dropped to 28.3%.

Comm. McGurren: And all tenants have equal access to all parking?

Mr. Klein: Correct.

Comm. McGurren: Is there a theory amongst the staff that the parking configuration could be shifted in any way, such as slanted parking?

Mr. Klein: I think the parking spaces are the standard 9 feet by 18 feet. The drive aisles, for the most part, are 24 feet in width to allow 2-way traffic. I don't know of many areas to add additional parking. You'd have more people parking over where the Sullivan's and the Crate and Barrel are, and using that walkway to go down and go over. It's less than a ¼ mile, but it's still quite a walk, especially in harsh weather.

Comm. McGurren: I would agree. Parking has been a challenge for a long time.

Comm. Peterson: So, North Italia is proposing an additional 84 seats. They currently have 178 total seats, 40 of which are patio, and the other 138 indoor. They will be bringing their total up to 262. With Café Europa, they are proposing 65 seats. As I understand it from several weeks ago, Zoe's Kitchen had 113 seats, is that correct?

Mr. Klein: Correct. The other 2 restaurants, Rock Hill Grill and Café Europa, will reduce the number of seats.

Comm. Peterson: How many seats did La Bodega have?

Ms. Geist: It had 206 seats.

Comm. Peterson: Rock Hill Grill would be proposing 176, which is a net gain of 30 seats. North Italia will have 84 additional seats. Under the parking ratio formula of 2 seats for 1 parking spot, that requires an additional 42 parking spots. However, they're taking over a current retail space, which is 1,824 feet. Under the ratio of 3.5-4.5 per 1,000 square feet, that means we're gaining 6.5-8 spots from the loss of that retail. So, the net increase to North Italia is between 34-35 additional spots. Café Europa will require 33 spots. Zoe's Kitchen had 113 seats, which required 56.5 spots. That's a net gain of 24 spots to be applied to the reduction by North Italia. Looking at the net gain from North Italia of 34 spots, taking out the savings from Café Europa of 24 spots, we're only looking at 10 additional spaces so far. For Rock Hill Grill, 176 seats require 208 parking spaces. If La Bodega had 206 seats, that means they would require 103 spots. Subtracting the 88 that will be required of Rock Hill Grill, that's a savings of 15. The net result of this is a potential addition of only 5 parking spots?

Mr. Klein: Actually, we're looking at an addition of 3 parking spots and 6 additional seats. That's what I was trying to indicate. There are only an additional 6 seats, it has to do with the relationship regarding where they are. The recommendation is for denial, but if the Planning Commission were to approve, we are talking about phasing it in. The applicant has contracts on these. Rock Hill Grill is ready to move. Staff wanted to make sure that the Planning Commission and the Governing Body understood that there is a shift where the parking will be required.

Comm. Peterson: With respect to the addition of 84 seats to North Italia, I'm assuming they're not expanding their kitchen? So, the additional space will be devoted to additional customer seating and use? A lot of parties of 2 get seated at tables meant for 4. So, if you look at the ratios, it decreases the number of spots needed. Do you have any data regarding how many people are reserving tables for a specific number of people? That will determine how many seats and parking spots they will need.

Mr. Klein: We have to look at the LDO. It's difficult for us to know that information. That would change over time as well; different times of the year yield different group numbers and people needing parking spots. We're going with the number of seats that are provided.

Comm. Peterson: The ratio that's been used in the LDO, 2 seats for 1 parking spot, was developed some time ago. Do you have any idea how old that formula is?

Mr. Klein: It went into the LDO in December of 2002.

Comm. Peterson: Do you have any idea when the studies were done to come up with that ratio?

Mr. Klein: I'm not sure. I know that it has served the city fairly well.

Comm. Peterson: In the Summer Planning Magazine Edition, there was an article talking about taking a look at parking ratio reforms. It's worked in other cities. Are these ratios accurate in today's environment versus when they were first developed? In looking at the net difference of this whole thing, it's almost a net wash. There is congestion there, but I can see why the applicant would be looking at the exemption with the LDO regarding the parking lot study. Something seems odd in the numbers.

Comm. Stevens: As I look at the numbers, there was already the under parked accounting of 85 spaces. The new numbers are adding a need for 120 more spaces, which puts the development under parked at 205 spaces. So, I'm not quite following your comment about roughly 3 spaces being interchanged there and feeling like it's a wash. It appears to me that it is considerably adding a need for that many more spaces.

Mr. Klein: Part of the confusion is that some of the tenant spaces are empty currently. Currently, if you take out those empty spaces, it's not nearly as much of a deficit. When staff was doing this, we were doing it as if every space were filled. Part of the concern was that when we asked for the aerials to be provided, what they showed is that there is still pretty heavy use of the parking, with La Bodega being empty, Zoe's Kitchen being empty, and with the tenant's space adjacent to North Italia being empty. It also includes the second story portion being empty as well. So, if all of those were filled, and you flew the same thing, it seems like there would be more cars there than what is shown in the photo. The photo was taken in February, which is not the peak. That was a concern that staff had.

Comm. Stevens: You wouldn't approve a center based on empty square footage. The parking needs to match the development of the center. It doesn't seem right that we should be looking at this.

Mr. Klein: Staff wants to see the spaces filled; we don't want the vacant spots.

Comm. Stevens: Regarding the ratios and cities reevaluating their parking ratios, it seems like a very good ratio for how to figure for that. Cars may be coming with one occupant or one car might have two occupants coming. It doesn't seem excessive, but I do wonder about the rest of the retail percentage being at 3.5-4.5% and whether that is suitable for a retail development.

Mr. Klein: Again, this ordinance went into effect in December of 2002. Leawood was one of the first cities around here that has a minimum and a maximum. Prior to this ordinance, we had requirements for commercial areas, which was a minimum of 5 parking spaces per 1,000 square feet. If they wanted to do more, they could. The reason that it was changed with this ordinance was because we saw a lot of empty parking spaces and a lot of impervious surfaces out there,

contributing as storm water. Over time, it doesn't look attractive. We tried to be proactive with the minimum and the maximum.

Comm. Block: You said you had gone over to this development and observed the parking in the area. Did you say a lot of parking spaces were utilized by North Italia and by Rock Hill Grill, or there weren't very many used?

Mr. Klein: Typically, over by the North Italia, it seemed like it was fuller. You have Crate and Barrel that's over there as well. The aisle is narrow in that area too. The area over by Apple was also full as well. The empty parking spaces were closer to La Bodega, even on the back side. I assume that once a new restaurant goes in there, that will fill up as well.

Comm. Block: Did you go over there during normal business hours or in the evening?

Mr. Klein: I tried to go at lunch and dinner time. Katherine also drove through to see if we were seeing the same thing.

Comm. Block: Just to be sure, on the first page of the parking study, it mentions the 613 seats and 149,000 square feet of retail. Are those current conditions based on the vacancies that exist today even though this was done back in February?

Mr. Klein: I believe the applicant would be able to answer your question.

Comm. Block: How are patios calculated?

Mr. Klein: Typically, a patio is excluded if it's seasonal. If it's usable during the entire year, then it's counted.

Comm. Block: I know the LDO doesn't account for this, but you have restaurants on either side and the rest of it is retail. In theory, the retail closes earlier and leaves more spaces.

Comm. Belzer: Has there been any conversation about potential valet parking situations in this area? Café Europa, Rock Hill Grill, and North Italia are all higher end restaurants. We talked about it with the development going in across the street. Valet parking would eliminate some parking issues.

Mr. Klein: I don't believe there's been any conversation at this point. We would have to talk with the City Administrator and the Council.

Comm. McGurren: Solutions don't seem to be present here. We started with the deficit of 85, which was fine at the time, but became apparent very quickly. We're adding more restaurants and it's going to get worse. Is there any stipulation that could be put in here that would indicate an appropriate solution should be implemented? Is that something that the city required at one point in time?

Mr. Klein: I believe that it was done because the parking situation had gotten so bad.

Comm. McGurren: In discussions with the applicant, have they offered any solutions?

Mr. Klein: No. They have the parking study per the LDO that they're allowed to put forward, showing that they feel it will accommodate parking.

Ms. Geist: Part of the issue we're running into is lack of space. We're about 1.2% under the minimum open space requirement, so finding locations for extra parking is difficult. Phasing was our primary option for alleviating the issues.

Comm. McGurren: It seems like the shuttling or valet concept is the way around that because it would be off-site. What if we potentially approve this tonight and they come back and there's another big restaurant that comes in. Should there be a stipulation in here tonight that indicates that that's not going to be allowed?

Mr. Klein: I think it's up to the Planning Commission and the Governing Body to decide the limit.

Comm. McGurren: It feels like this is the third time that parking is going to be potentially ignored. Yet, it seems like there ought to be a point where a solution is put in place.

Mr. Klein: If you compare this to what's currently approved there, it's not that many more. Another solution would be reducing the number of seats in the restaurants.

Comm. McGurren: If the city were to require that, would you try to solve for the total problem?

Mr. Klein: We would try to solve for the total and the location. Staff looks at the areas they're located in.

Chairman Elkins: The shuttle took place before the 80 spaces were added. The solution you're looking for, back in 2011, was the addition of 75 more spaces.

Comm. Stevens: Could you explain Stipulation 2?

Mr. Klein: When I was looking to see if additional parking spaces were going to be used by North Italia, I was trying to see how many rows that would take up over in that north section. I was thinking everything would shift to the east. I do understand that it's a matter of timing. They have tenants that are ready to go in. The best thing would be able to see the impacts one at a time to be able to judge each as they go in.

Comm. Stevens: North's parking, especially with the expansion, is going to completely take over the southern part of Crate and Barrel. Sullivan's is overtaking all of the east parking, so that snowballing is going to affect every retail tenant in this area. That's where the 205 spaces that are under parked are going to present future problems.

Comm. Coleman: Is Cold Stone Creamery still there?

Ms. Geist: Yes, but I don't believe there are any seats in there.

Applicant Presentation

Curt Petersen, 900 W. 48th Place, Kansas City, MO made the following presentation:

Mr. Petersen: We have 3 pads. We have Crate and Barrel, Sullivan's, and Trader Joe's. You have one in-line building that's all connected, comprised of 165,000 square feet. There's a key real estate principal, which is that a shopping center like this has to be the strategically knit together. Things like hours of operations for the users and how those work together, type of clientele that come to the shops and how they interact with the other shops, sounds or smells that come from restaurants or shops, traffic and parking patterns, and more. Washington Prime, the owner, has billions of dollars of assets in centers like this and they know this principle. In a center like this, one key focus is the balance between retail and restaurant. They have a symbiotic relationship; they need each other. Today, the center's restaurants include: Sullivan's, North Italia, Roasterie, and Cold Stone. For most of the center's existence, there have been several other restaurants. There are two main vacancies, La Bodega and Drunken Fish or Zoe's Kitchen. So, the great news is that we have two new restaurants for the spaces. Rock Hill Grill would take 5,100 square feet, and Café Europa would take up 3,700 square feet. North Italia is looking to expand on the west end cap. They desperately need to expand that space, or we risk losing them at that location. They are a key tenant in this center, so we are helping them with a recommendation tonight. The necessary city approval comes down to one question. Is there sufficient parking in the center to allow these two new restaurants and an expansion? Recommendation of denial is a big deal to this center, especially for North. Staff recommends denial, given the restaurants could create a parking shortage for the center. These two restaurants will have sufficient parking and will thrive in this shopping center. It's crucial to restore the balance to this shopping center. The LDO recognizes that we don't have to follow those parking ratios blindly. The Planning Commission and City Council can look at an alternative approach, a parking study, and evaluate whether a deviation should be provided. A traffic engineer provided a full analysis and analyzed this pending proposal. Based on this parking study and some additional information, here are three pieces of compelling evidence that support a favorable recommendation tonight. First, history predicts future better than LDO parking stall requirements. Looking at the screen, you see a table. Looking back 6 years, according to the LDO, the center's parking has been deficient every single year, ranging from 85 stalls deficient to 279 stalls deficient. In 2016, 2018, and 2019, the parking deficiencies exceeded the current proposal per the LDO. 2016 had the same number of restaurants compared to what we're proposing. This is nothing new. The only differences are that Café Europa is smaller than Drunken Fish, North will be bigger, and Café Europa will now provide peak hour diversity compared to Drunken Fish. Café Europa serves dinner, but it's a non-dinner focused space, so it helps with parking. My 2016 case study wouldn't be helpful if there were major parking problems in 2016. If there wasn't a problem, then it seems predictive. Washington Prime has no record of tenant complaints about insufficient parking in 2016. The novel component is that the city is requiring a parking study. We're happy to comply, but none of this has been required in recent years. Second, abundant seas of parking stalls that are sized for periodic maximum demands are relics of the past. There is a lot more parking flexibility in other cities. The ability to provide sufficient parking for any demand is not embraced. There's a mindset that has long

existed in urban environments that is different than what we know here. That mindset is that at the highest demand moments, it's okay that you might not find a space right outside of the restaurant. I've never gone to Town Center Crossing and never found a parking spot in my entire life. High demand for parking stalls is okay; it's better than having it over parked. This new restaurant mix can help what we've done in the past. Rock Hill Grill is dinner-heavy. North is also dinner-heavy, on the opposite end of the center. Together, they generate the demand for 260 stalls, mainly in the evening. Whether it's Friday or Saturday, when you get to the dinner hour, take a look at the occupancy of the stalls in the center based on the parking study. The abundance of parking required by potentially outdated parking requirements should not be what guides us. Third, any perceived risk of providing a recommendation to City Council is greatly outweighed by the costs of rejecting these restaurants tonight. What happens if these restaurants are approved and there are peak periods where parking is tougher than past years? Are there life safety issues? No. Does the city look bad? No, I don't think so. It reinforces that the city has a popular shopping center. Will some customers try to come and not come back? Possibly. Will tenants get word of that and complain to their landlord? Probably. Will landlords have to reduce rent to keep tenants happy? Certainly, if they want to keep them. The landlord then takes a different leasing approach to take less restaurants. The point is that the landlord and the tenants signing the leases have every personal, selfish motivation to ensure there's sufficient parking in this shopping center. There's an analysis of the risk. What's the cost of not recommending us to Council? If the city rejects these restaurants, Town Center Crossing could indefinitely lack the healthy mix of restaurants and retail shops. We also may not retain North. There are 6 stipulations that are recommended by staff. Stipulations 1, and 4-6 are acceptable to the applicant. Stipulation 2 is delving into the idea of phasing. Our request is to delete Stipulation 2; phasing won't work. We barely have these users here because of how long this process has taken, so we have to do it now or we won't be able to do it. That doesn't make the city "naked" in terms of protection; Stipulation 1 is it. We endorse Stipulation 1, which says if we were to come in and want another restaurant, we must go through this process again. The only other stipulation we would like to ask you to consider is Stipulation 3. The only item in the public works letter asks to do a traffic study. The time and expense of doing a traffic study is substantial, and a traffic study is not necessary. What improvements could we make from the results of the traffic study? Not very many. In total, having a lot of cars there is a good problem, and there is enough space for everyone who wants to come. There are real consequences to either decision you make.

7-Minute Recess

Comm. Block: The condition of the parking lot currently is not great. Are there any plans with this proposal to improve that?

Mr. Petersen: It won't stay that way.

Comm. Belzer: Do all the tenants and retailers in the center know about the restaurants coming in? Have you heard any complaints from them regarding parking?

Mr. Petersen: There's been no registered complaints from tenants.

Comm. Stevens: Are there any other vacancies in the center besides the proposed new restaurants?

Mr. Petersen: No sir.

Comm. Stevens: There's a second-floor space, correct?

Mr. Petersen: It's occupied now.

Comm. Hunter: I know Café Europa in Brookside has devoted part of the store to groceries. Is there going to be any type of grocery component to this one?

Mr. Petersen: Not to our knowledge.

Comm. Hunter: Rock Hill Grill seems to be more of an evening spot. How does the city take into account parking in more of a bar-type setting?

Mr. Klein: We do look at shared parking primarily in mixed-use developments. We do understand that certain restaurants have peaks at different times. What we are looking at is lunch hour peaks shown by the applicant, as well as the aerial photos.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

Comm. Block: There was comment that the applicant doesn't feel as though the traffic study was needed.

Mr. Scovill: The traffic study is really just a traffic generation comparison. It's typically a 1-2-page memo where they evaluate the trips generated based on what's proposed versus what had previously been approved. The applicant is right in that the turning lanes have already been established and functioning. I think staff would be comfortable conceding on that stipulation.

Comm. Block: I feel as though there are pros and cons. I don't like going against the LDO, but I think that what has been said and discussed makes sense. I appreciate that the applicant brought all three of these to us at once. I think that there is a balance with the uses and the geography of the restaurants being spread out. I agree that parking is limited, but I've never had an issue finding a place. I don't know that the developer or the restaurants would want to go into this space if they felt like people would end up leaving because they couldn't find a spot. That gives me a reason to support it moving forward.

Comm. Coleman: I'm torn on this. I'm ecstatic that North wants to expand, that Rock Hill Grill has come to Leawood, and that Café Europa is also looking to come to Leawood. On the contrary, I have great concerns about the parking situation without the additional stores or

expansion. The parking is tight. I've been reluctant to go in there several times because of the parking situation and the traffic flow. My first concern is to do no harm to the current tenants. As these restaurants go in there, someone's going to be negatively affected by the parking situation at some point. I don't want to set anyone up for failure. With that, I'm cautious moving forward and I'm not there yet.

Chairman Elkins: There is a difference between the academic and the practical. We went through numbers and what staff said is that there are 6 more restaurant seats and 3 more parking spaces under our current calculations. In Leawood, we've been used to being able to park close to where we're going. We don't want to park far away, but there have been no complaints about a lack of parking in this lot. Given that, I endorse the proposal. I'm not persuaded by the suggestion that the person taking the risk is the developer because the practical risk is on the city. Because of the past, and the fact that we're only adding a net of 3 spots, the incremental impact should be minimal here. I would also support eliminating the 2 stipulations that the applicant challenged.

Comm. Stevens: It's a hard decision. It seems to me that the numbers aren't working. It concerns me that we're accepting something that could become a problem. Remote parking might be a solution, but it feels like it's very tight and landlocked. The good presentation by the applicant and the discussion seems to show it would work. Before, I would've recommended denial, but now, I'll recommend approval.

A motion to recommend approval, striking Stipulations 2 and 3, of CASE 62-22 – TOWN CENTER CROSSING – ALTERNATE PARKING STUDY – Request for approval of a Preliminary Plan and Final Plan, located south of 119th Street and east of Roe Avenue - was made by Block; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

CASE 27-22 – JOHNSON COUNTY WASTEWATER PUMP STATION, PS 14/16 – Request for approval of a preliminary plan and special use permit located south of College Boulevard and west of State Line Road. **PUBLIC HEARING**

Staff Presentation

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is CASE 27-22 – JOHNSON COUNTY WASTEWATER PUMP STATION, PS 14/16 – Request for approval of a preliminary plan and special use permit located south of College Boulevard and west of State Line Road. The Planning Commission may remember the other two pump stations from the previous meeting, and this is the third and final of those pump stations with regards to the State Line Force Main Project. This proposed pump station is located along College Boulevard between Overbrook Road and Brookwood Street on the Hallbrook Country Club property. Proposed is an 18-foot-tall structure. The structure will be located to the northwest of an existing comfort station, located on the golf course. There is an existing curb cut along College Boulevard that currently acts as the rear access to the golf course. This application will utilize the existing location of the egress and use that location to access their new facility. A parking area is located to the north of the proposed building and will be controlled by a gate with

a fence surrounding it. Two retaining walls are also proposed along the south of the structure, as the structures sits approximately 10 feet below grade. The applicant is requesting a deviation for a 7-foot-tall fence to be allowed around the parking area and building. Per the LDO, 6-foot-tall fences are allowed, and anything over 6 feet, especially for a utility area, is required with a deviation and approval from the Governing Body. The applicant will be removing existing trees from the property to make room for the pump station. A number of shade trees and evergreen trees will be located on the south side of the building. The building sits lower than grade and there's a hill behind it, so that's where the majority of trees will be located. This includes the planting of 173 evergreen trees for this project. Staff has received a number of phone calls and have had multiple meetings with residents from the Hallbrook Farms subdivision, located just to the south of the golf course. On this site, they stated their grievances regarding the potential project. They had issues with regard to noise, lighting, etc. Many of the stipulations that we've added into our staff report have been made to identify these issues and potential nuisances. Staff recommends approval of Case 27-22 with the stipulations listed in the staff report.

Applicant Presentation

Isaac Crabtree, 4800 Nall Ave., Mission, Kansas 66202, made the following presentation:

Mr. Crabtree: The main drive for the project is to save money for our rate payers. We have a new treatment plant at Tomahawk and it was planned with roughly 20% extra capacity to take this flow. We're taking advantage of that existing infrastructure investment we already made to save money for our rate payers. The area we're talking about tonight is south of College Boulevard, near the Hallbrook Farms subdivision. The pump station is located at the north end of the Hallbrook Country Club Golf Course along College Boulevard. It's labeled 14/16 for the interagency metering facilities. There are two other pump stations besides this one; one is located at 89th Street and State Line, and the other one is at 104th Street and State Line. All those pump stations will receive flow that would normally go to Kansas City, Missouri (KCMO). For our public outreach, we met the requirements for the City of Leawood's Interact Meeting process. We mailed out certified letters to all the residents within 200 feet of the golf course, which ended up being a rather large number because we used the golf course as the perimeter. We followed up with postcards notifying them about the meeting on the 28th and tonight's meeting as well. Our Interact Meeting was held on March 8th. We had an open-house format where people could come and look at our project. On the 10th, we had a virtual meeting as well. After receiving a number of questions for all the pump stations, we decided that it would be a good idea to memorialize all the information on our web page. We had to find a place that was geographically close to the two sewers so we could pick them up because it flows by gravity into the pump station. Right across from College Boulevard is Leawood City Park and that entire area is in the floodplain for Indian Creek. That floodplain does extend into the golf course on the east side of that comfort station when the creek is elevated. The reason we picked this location was because we wanted to be able to intercept all of those sewers in an efficient manner and we wanted it to be outside of the floodplain. We worked with Hallbrook Country Club regarding the location and the appearance. At their request, we situated it to the west of the comfort station. It will be well screened at that location because, geographically, it's lower. There's also vegetation in between and it's tucked in behind the comfort station. We are also proposing to add a berm on the south side to raise the grade up even higher to screen it from the golf players. We also wanted the building to fit in architecturally with the building that's already there. This pump station includes an exterior fence and an 8x8 transformer

pad inside the fence. We will also have a below-grade wet well. There will be a concrete top with access hatches, and adjacent to that will be a control building. This is the building that's referenced as being 8 feet tall. All that would be within the fence boundary. We are planning on reusing the curb cut that's currently being used by the golf course staff for maintenance purposes. It'll have to be widened some to accommodate the vehicles that are needed to do maintenance on the station periodically. We did a preliminary tree survey. It was not done by a certified arborist; we will do that during the final development plan. We wanted to get a count to be able to show you what the landscaping plan is supposed to look like. Due to the fact that we have to take a sewer over from the east side, and the fact that it's as deep as it is, there will be some tree removal. In trying to meet the LDO's tree removal and replacement requirements, we're proposing to come back with 277 trees. The building itself is roughly 30 feet by 17 feet by 18 feet tall in the middle. It has a pitched roof. The rooms inside the building will house our electrical and controls equipment on the left side, and we'll have a room dedicated for odor control equipment with a separate door. These are renderings that we provided residents at the Interact Meeting to show the concept of what it could look like. This was modeled after the existing comfort station, so it has the rock wainscot around the bottom. We're matching the color to have the same feel and appearance as what's already there. We wanted to show you what it looks like right after construction. As the trees mature, they will provide more screening. We wanted to provide a view from the vantage point of the nearest residents, which would be on 112th Street. There are trees along the golf course that were already there that we're not touching and there's also a t-pad for hole 16 that's slightly elevated with trees on the bank. That provides excellent screening as well. A number of questions we've received from residents had to do with noise and odor. Just like the other two pump stations that were presented, we're going to be proposing the best available technology for removing odors, which is a vapor-phase carbon scrubber. Essentially, it captures the air in the pump station and blows it through a canister that's full of activated carbon media. The media strips the H₂S and reduces sulfur compounds out. It then discharges the treated air. The only maintenance that would be required is periodic replacement of the media. We will be monitoring the fan remotely to see if it's working and on. If, for whatever reason, the fan was to fail, we would get a signal sent to our computer system notifying us that there was a problem and we would go and address it immediately. If there are any odors, we have an odor hotline. One of the things we've heard frequently is that our new treatment plant at Tomahawk had a few odor issues during start up. We initiated our startup of the liquid train in September of last year. There were a number of things that had to be adjusted as we ramped up the rest of the plant. We didn't get that completed until April, so during that time, there were things happening at the plant that we were addressing as they came up. From what I've heard, it's significantly improved since then. This is a submersible pump station, so the pumps are located in a concrete vault below ground, 25 feet deep below water. The noise is undetectable off-site. There will be a mechanical fan that makes noise, but it will be inside of an acoustical enclosure in the building and will meet any noise requirements at the property line. Assuming it's approved, our plan is to come to the Leawood City Council Governing Board on August 15th to present. We'll begin proceeding with engineering design, which is expected to take approximately one year. During that time, we will also be working on right-of-way acquisition, and shortly after the design commences, we'll initiate bidding and award to a contractor that will occur in the early fall of next year. Construction would commence shortly thereafter, taking approximately 18 months. The pump station should be complete and in service by May of 2025.

A motion to extend the meeting for 30 minutes was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

Comm. Block: In the previous cases, you indicated that the roofs were open. Since this is a pitched roof, what will that look like here?

Mr. Crabtree: This design is different than the other two; the others didn't have a pitched roof. The odor control equipment will be able to be pulled out through a double door in this location. The main reason for that is because the architectural finishes were different for this site.

Comm. Block: Where would the discharge of the air go?

Mr. Crabtree: It's yet to be designed, but it will likely be coming out of the roof of the pump station.

Comm. Block: Will you make improvements to the comfort station to match this or are you going to try and make this look like the comfort station?

Mr. Crabtree: Our goal is to make this look like the comfort station.

Comm. Block: There are a lot of trees that are coming out. The trees that are located to the south of the structure are coming out because of the berm, correct?

Mr. Crabtree: Yes. Because of the grade, we're going to have 2 retaining walls on the backside. We wanted to put the pump station as low as possible so that it would be hidden.

Comm. Block: Is it better served to spread some of the new trees being planted to the east? You're meeting the requirement, but it seems like in the future, it won't work as well.

Mr. Crabtree: We wouldn't want that to be the plan. Right now, we were trying to meet the stipulation. We'll have a design engineer that will take it through the final development process, so we'll be able to shift some trees around or use a larger caliper inch on the trunk to reduce the number. We wouldn't want to put landscaping in that would be trashed down the road.

Comm. Block: Will there be an issue to meet the fire hydrant requirement?

Mr. Crabtree: We are 1,000 feet from the nearest water line. It's expensive to get a water line down there, so we came up with a plan to have a buried, 2,000-gallon fire protection tank. It's located underneath the entrance drive. That would be filled and would provide fire protection.

Mr. Kalis: My business address is 1045 Holmes Road, Kansas City, MO. I'm a consulting engineer with Johnson County Wastewater. We worked through some options with the Fire marshal and he did not want to complete that process until some further options were explored. We got a letter that says it's still an open issue that will need to be taken up before the final development plan.

Comm. Block: How far is this from the Tomahawk facility?

Mr. Crabtree: They're fairly close.

Comm. Block: How many feet is the closest house to the pump station?

Mr. Crabtree: It's roughly 900 feet away.

Comm. Stevens: I am troubled by the amount of grading on the south side in the effort to create a berm or additional screening. It feels like if that area is being regraded, then there might be an opportunity to look at the grading and spread it to the south. To have the double walls that appear to be 5 feet apart, it seems like that southern berm could be regraded to where you could eliminate the second wall.

Mr. Crabtree: The reason there are two is to meet the height requirements. I can't remember why it was done that way, but we can look at that design in closer detail to see if we can get rid of it.

Comm. McGurren: What is the total cost associated with the 3 pump stations and the piping?

Mr. Crabtree: I believe the total budget is around \$31 million.

Comm. McGurren: From 89th and State Line, the piping goes under State Line all the way down until it gets past 103rd, to where it cuts into the interior street of the development that's there. It then bores underneath the highway, correct?

Mr. Crabtree: It does, but there is a segment that Kansas Department of Transportation asked us to go under the bridge at State Line so it would still be in the road at that portion. We do have a bore that goes underneath the eastbound exit ramp.

Comm. McGurren: It then begins to come up State Line Road and diverts into Hallbrook's commercial future development land, correct?

Mr. Crabtree: That's correct. It goes on the south side of the ramp.

Comm. McGurren: So, as it comes up and cuts across that land, does that have any impact on future development that Hallbrook would do?

Mr. Crabtree: I believe that we parallel the border of the property. We would be getting a permanent easement through there. I don't believe that we will be interfering with future development at that location. We met with the Parks Department and we're going to go around the dog park as well.

Comm. McGurren: My recollection is that they own all the way down to the easement that's associated with the highway. It looks like it's going across a portion of that.

Mr. Crabtree: Unfortunately, I don't have a zoomed-in picture of the force main alignment, but I would be happy to provide that.

Comm. Coleman: The last time we did this, there were quite a few neighbors requesting a different location. With this pump station, did you consider other locations?

Mr. Crabtree: We did consider one other location. This didn't have as many options as Pump Station 10/11 because of where it was located and the availability of suitable land. We were hesitant to look at a location in the floodplain if there was an alternative that wasn't in the floodplain. We originally landed on the location that we've been presenting tonight. We were trying to work with the Parks Department that was mutually agreeable. The concern that they had was that they didn't want truck traffic on the trail, and we would've needed to take maintenance vehicles down the road. It would have been 24 feet tall with a flat roof instead of 19 feet tall. If we intercept flow down by the linking interceptor, we have to take the sewer underneath the linking interceptor, which is already fairly deep, and continue it by gravity downhill to the road by the tennis court. Not only was the building taller above grade, it was deeper below grade as well. Those are the reasons why it didn't seem like a good fit to pursue that location.

Comm. Coleman: Did Hallbrook have to vote on this or was it their officers that allowed this?

Mr. Crabtree: I'm not exactly sure what conversations happened on their side. We originally met with Hallbrook Country Club because it's on the golf course, so they were the ones responsible for managing that property. We didn't approach residents until the Interact Meeting process.

Public Hearing

Robert Thompson, 2600 W. 112th Street, appeared before the Planning Commission and made the following comments:

Mr. Thompson: I live in the Hallbrook Farms Development and my home would be the closest one to this site. My home is closer than indicated because the line was taken from the front of the cul-de-sac. I purchased my home in 2000 with the expectation of a golf course view and I paid accordingly. There was never an expectation of a sewer pump station this close. While I appreciate the professionalism of the Johnson County Wastewater team and all they're doing to make this as tolerable as it can be, I would prefer it to be farther from my home. I've noted many other locations that would be less imposing on the neighbors in the development. I've been assured that there will be no odor, no noise, and no unsightly view. You cannot undo this process. No citizen wants a sewer pump station in their backyard. I think fair consideration should be given to a location that's less imposing. They may have had discussions with Hallbrook Country Club, but I don't think Hallbrook Farms Development was involved in the decision or discussion as to where a good site might be. This is a site that Hallbrook Country Club may find hides the view best from the golfers, but it also puts the pump station closer to some of the homes than would've been necessary if they had chosen a site farther east. This may be a foregone conclusion, but I wanted to voice my opinion. I appreciate the landscaping that's going to be done, however as you can see, the renditions show that it's fairly stark initially. It may take 10 years before the trees are hiding this project. Also, the duration of the construction will be extensive, which will be disruptive. My neighbors and I have

discussed this and nobody is very happy. It seems like Leawood has some say in the location, but our development hasn't had much say.

A motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

A motion to extend the meeting for 30 minutes was made by Coleman; seconded by McGurren. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

Chairman Elkins: There are 25 stipulations. Do you or your client have any objections to the stipulations as they're presented?

Mr. Crabtree: I don't think the engineering team has any objections to the stipulations. I don't have the authority to act on them, so they will vote on it. There was a stipulation about irrigation, and there's not any water at the site right now, so we would propose using irrigation trucks until the plants are established. Would that meet the requirements of irrigation?

Mr. Klein: The LDO does require that they need to be irrigated, but I don't think it says anything about it being underground. I know that Johnson County Wastewater doesn't have any underground irrigation there, but we have had some trees die from the heat. They've agreed that they will have to replace those. We can talk about it more at final plan.

Chairman Elkins: There was a concern about the fire marshal earlier. Did that concept find its way into any of these stipulations or is it just an open issue that will be taken up when it gets to the final?

Mr. Klein: They will need to contact the fire marshal once a discussion has taken place. It will be taken up closer to the final.

Mr. Crabtree: I believe it's written in Stipulation 20. I would like to apologize if I mischaracterized the distance to Mr. Thompson. He is correct about the distance.

Comm. McGurren: The location, at the moment, is closer to his house and farther away from those 2 sewer lines that you are tying into. Is that accurate?

Mr. Crabtree: Yes, that's somewhat accurate. There are trees all along College Boulevard, so trees will come out where we have to connect the 2 sewers. Wherever it's located will require quite a bit of tree removal.

Comm. McGurren: Is there a scenario where you could have moved farther east and have been on the other side of the comfort station?

Mr. Crabtree: I believe directly to the east of the comfort station, which is the perfect spot, but it's in the floodplain. If we were to go outside of the floodplain to the east, it wouldn't be feasible to get the western sewer to attach.

Comm. McGurren: Isn't location B in the floodplain?

Mr. Crabtree: It is in the floodplain, but we didn't have a viable alternative that met all the requirements. We have a few places outside of the floodplain, but they wouldn't pick up all the flow.

Comm. McGurren: If you did put it in the floodplain and it was between the comfort station and the first sewer line, would that be invisible to the homeowners?

Mr. Crabtree: I'm not sure I can answer that with 100% confidence. It's something we could look at for you, but I don't know if I can answer that question without looking at it closer.

Comm. McGurren: It would be interesting to know if there was an equally good placement that wouldn't disrupt the homeowners. It might be less costly because you wouldn't have to go through as many trees and you don't have to go as far.

Mr. Kalis: The floodplain opens up and it's a drainage channel, so you wouldn't be able to plant trees for screening. It would be a lot more visible to the golfers and likely the residents.

Comm. McGurren: Would you feel the same way if you were out of the floodplain on the portion that is east of the farthest sewer line?

Mr. Kalis: We didn't investigate that. It looks like it's getting pretty narrow between the cart paths. Without looking at the terrain, I couldn't tell you what could be done in terms of screening or berms. Plus, we'd have to have another access to get into there because there isn't a curb cut on that side of the drainage course. It would be more disruptive to open an access road off of College Boulevard.

Comm. McGurren: Does the city have an opinion?

Mr. Klein: The city wants to ensure it has the least impact possible on the residents. With regard to the spot they chose and the landscaping, staff is thinking that it will be fairly hidden. We'll have more information regarding the species of the trees and how fast they'll grow later on.

Comm. Hunter: As Mr. Klein just said, the goal of the city is to have the least impact on the residents. In this case, no resident wants this in their backyard or near their house and it looks like there are other viable options that are available. I'm not in favor of it.

A motion to recommend approval of CASE 27-22 – JOHNSON COUNTY WASTEWATER PUMP STATION, PS 14/16 – Request for approval of a preliminary plan and special use permit located south of College Boulevard and west of State Line Road - was made by

Coleman; seconded by Stevens. Motion carried with a vote of 6-1. For: McGurren, Coleman, Block, Stevens, Belzer, Peterson. Against: Hunter.

CASE 87-22 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-209, DEFINITION OF POOL CABANA – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to pool cabanas. **PUBLIC HEARING**

Staff Presentation

City Planner Mark Klein made the following presentation:

Mr. Klein: This is related to Case 78-22. We had a few things to clarify. The way it is now is Case 78-22, Article 4 lists that a bath house or a pool house is allowed as an accessory use. It also includes ‘cabana’ as well. However, in the definitions that we have, the term that references that use is ‘pool cabana’. What we did is try and use the term that was used in the definitions and include the other terms that were previously used in Article 4. Then, with regard to Case 78-22, the topic of storage was discussed a lot with the Governing Body. If you allowed storage within pool cabanas that might actually help people have storage. Right now, the policy with pool cabanas is that only pool equipment may be stored in the pool cabana. The following case will propose that a maximum of 40% of the structure can be used for storage, but it won’t be limited to just pool equipment. In that ordinance amendment, what we have is ‘pool cabana’, whereas before, it just referenced that it was a bath house, pool house, and cabana in conjunction with swimming pools, and we added some criteria to allow other storage while keeping it a true pool cabana rather than a storage shed. On “A”, it requires a 25-foot side setback. The Council indicated that there was a concern that someone might have one of these in the side yard, which would exceed the maximum allowed in the side yard. Staff is proposing that the minimum would be 25 feet in the side yard. Other than that, it would have to meet all of the other zoning setbacks that are required. The second one, “B”, puts a maximum size on the pool cabanas. Right now, the maximum size is 2% of the lot area. In discussion with the Council, they indicated it would be nice to have a definite limitation. In this case, we added an addition to a lesser 2% of the lot size or 400 square feet. “C” regards the placement of the pool cabana. This would require the pool cabana to be above the pool deck or pool. It also requires the entrance to face the pool. “D” made sure that the structure was professionally designed. Right now, the policy is that you have a bathroom within a pool cabana. That raises the cost significantly, which raised the design level. In discussion with the Council, there was no desire to require that bathroom component. So, in order to still get a high-quality project, we are putting in the requirement that it would have to be signed and sealed by a Kansas registered architect. “E” indicates that the design of the pool cabana has to be complementary to the main structure, which is the house. We also have a requirement that the roofing material has to match the primary structure or the home. “F” limits the maximum amount of the structure that could be used for storage, which in this case, is 40%.

Chairman Elkins: Is the bathroom requirement a policy requirement? It’s not an LDO requirement, right?

Mr. Klein: Correct.

Chairman Elkins: Is that going away now?

Mr. Klein: It would no longer be a policy requirement.

Comm. Block: I understand the 40/60 split, but in practice, wouldn't it all be used for storage? The bathroom is the only part that made it into a pool house instead of a shed. I'm more in favor of keeping that requirement. Ultimately, people that have pools can have a shed, and people that don't have pools can't have one. It doesn't seem right to me. What's in that 60% that makes it a pool house?

Chairman Elkins: Does the pool equipment have to be in the cabana, or would this permit the pool equipment to be on the outside of the cabana on the side of the pool?

Mr. Klein: It's intended to contain pool equipment, but it's not limited to just pool equipment. I do understand the bathroom concern; there is discussion on that. The Council thought it made things so expensive so maybe a better way to do it is to not have that requirement. Most of them have a changing room and some kind of lounging area as well. Staff was hoping to make it, as much as possible, be a pool cabana. If people are spending the money for an architect to design these with the same materials, staff thinks it would be a pool cabana.

Chairman Elkins: Do we need to put something specific in subsection 15 to add an 'f' that requires them to store pool equipment to put it in the cabana if they have one?

Mr. Klein: I think that would be reasonable.

Comm. Belzer: When you say pool equipment, what are you referring to?

Chairman Elkins: The pumps, the chlorinator, and other things of that nature.

Comm. Belzer: That all can't necessarily be in the pool house. The way that the pool, the pumps, and piping is built underground can't always be encompassed in the pool house. There's also electricity and water to be considered. Our pump requires being primed with the hose to kick it off, so you wouldn't be able to do that inside of a pool cabana.

Mr. Klein: We have something in the LDO that we amended a few years ago with regard to the pumps that required screening. Those would not be located within a cabana; I was thinking of the skimmer, the chemicals, and the things to maintenance the pool.

Comm. Belzer: As far as storage goes, how is the 40% storage capacity enforceable?

Mr. Klein: This one would allow other equipment to be stored in the cabana. Right now, the policy is that it can only contain pool equipment. The only enforcement would be if someone came and told us that it was being used for something else and code enforcement might come and get involved. This allows more flexibility.

Comm. Belzer: I think we should be clear as to what we're referring to when we say 'equipment'.

Mr. Klein: That's a good idea. I'd say pool equipment other than mechanical must be stored within the pool cabana.

Comm. Block: I do think that in residential pools, those pumps are outside of the building. Community pools do have the pumps in a building and it's got its own issues with moisture and water. I'm not convinced that the expense of adding a bathroom is significant. There is a lot of plumbing required with pools.

Comm. Belzer: I think that would be the case if you were building a pool from scratch. If you had a pool and wanted to add a pool cabana, that's a totally different issue.

Mr. Klein: The building department indicated that it is a fairly large expense regarding the bathroom. The desire of the Council was to not have that requirement. We were trying to come up with other things that would make it a quality structure.

Comm. Coleman: When you said you added in that the structure needs to be signed and stamped by an architect, how does that ensure that it's going to be a quality building?

Mr. Klein: With an architect actually signing and sealing the work, his reputation and professional licensing is on the line. That's something that the building official suggested as a way to ensure that quality.

Comm. Coleman: How did you get to the 40% maximum storage under "G"?

Mr. Klein: 40% was just a number to ensure that half or more than half of the structure was being used for storage. It was intended to allow a decent amount of space for storage, but to also ensure that the pool cabana was the majority of the structure.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

A motion to recommend approval of CASE 87-22 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-209, DEFINITION OF POOL CABANA – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to pool cabanas - was made by Stevens; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Peterson, Hunter.

CASE 78-22 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.3, PERMITTED ACCESSORY USES BUILDINGS AND STRUCTURES

Chairman Elkins: I would indicate some concern that we don't include the requirement for a bathroom in this.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

Comm. Block: I think we should continue with the bathroom part.

Chairman Elkins: I'm always concerned with policies that aren't part of the ordinance, but I understand where we're at.

A motion to recommend approval of CASE 78-22 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.3, PERMITTED ACCESSORY USES BUILDINGS AND STRUCTURES - was made by Block; seconded by McGurren. Motion carried with a vote of 6-1. For: McGurren, Coleman, Block, Stevens, Belzer, Hunter. Against: Peterson.

Mr. Klein: The next Planning Commission meeting is scheduled on August 23rd. We will have a meeting for Cameron's Court, which is now referred to as East Village, on September 13th, specifically for this case. If, for some reason, the case ends up not going to that meeting because of new plans, then we'd still have a work session on that day.

MEETING ADJOURNED