

**City of Westwood, Kansas
Planning Commission Meeting
4700 Rainbow Boulevard
August 7, 2023 – 7:00 PM**

Commissioners Present: Kevin Breer, Vice Chair
Clay Fulghum
Ann Holliday
Samantha Kaiser
David Kelman
Mark Neibling
Sarah Page, Chair
M. Scott Weaver

Commissioners Absent: Matt Prout

Staff Present: Leslie Herring, City Administrator
John Sullivan, Public Works Director
Spencer Low, City Attorney Co-Counsel

Call to Order

Chair Page called the meeting to order at 7:00 PM on August 7, 2023.

Approval of Agenda and Meeting Minutes

Chair Page called for modifications or discussion of the August 7, 2023 agenda and July 10, 2023 meeting minutes. Commissioner Breer moved to approve both as presented. Commissioner Weaver seconded. Motion passed unanimously.

Public Hearings

Consider proposed directional parking signs at The Westwood Plaza Towers (primarily occupied by Midwest Transplant Network), a property that is zoned C-O and located at 1900 W 47th Place, Westwood, KS 66205.

Chair Page invited the applicant to address the Planning Commission. The applicant was not present at the meeting.

Chair Page called for City Administrator Herring to present the item. City Administrator Herring presented the staff report included in the meeting packet. Commissioner Neibling asked for clarification from staff as to the sign materials. City Administrator Herring shared that the plans call for an aluminum cabinet.

Chair Page called for public comment on the application. No public comment was received. Chair Page closed the public comment portion of the meeting.

Chair Page called for discussion amongst the Planning Commission. Commissioner Weaver voiced support for this signage package as it helps people get onto, out of, and around the site.

Chair Page called for additional comments or a motion to be made. None heard.

Motion by Commissioner Breer to approve the application of Midwest Transplant Network, Inc. to allow the installation of parking lot directional parking signs as presented at property at 1900 W. 47th Pl., Westwood, KS 66205. Second by Commissioner Kelman. Motion passed unanimously.

RZ-2023-01 Consider application of Karbank Holdings, LLC, on behalf of owner City of Westwood, KS to rezone property at 5000 and 5050 Rainbow Blvd., Westwood, KS 66205 from R-1 (Single-Family Residential) to PD (Planned Development); and

RZ-2023-02 Consider application of Karbank Holdings, LLC, on behalf of owner Shawnee Mission School District to rezone property at 2511 W. 50th Street, et al., Westwood, KS 66205 from R-1 (Single-Family Residential) to PD (Planned Development); and

PDP-2023-01 Consider application of Karbank Holdings, LLC on behalf of owners Shawnee Mission School District and City of Westwood, KS, jointly, for approval of a preliminary development plan at 2511 W. 50th St., 5000 Rainbow Blvd., and 5050 Rainbow Blvd, Westwood, KS 66205.

Chair Page set out the order of activities for the public hearing and presentation on this item for the benefit of the public in attendance and also shared additional opportunities for the public to share comments on the applications.

Chair Page invited the applicant to address the Planning Commission. Steve Karbank, Chairman of Karbank Real Estate Company, addressed the Planning Commission and presented the preliminary development plan and elevations for the proposed development at 50th & Rainbow Blvd.

Chair Page invited questions of the applicant from the Planning Commissioners.

Commissioner Kelman asked about the exterior materials selected for the primary structure, especially related to the louvers shown on the renderings in July and not shown on the current, updated plans. Karbank responded that whether or not to use louvers now that stained terra cotta has been selected as the exterior material has not been finally determined but that they are evaluating still using them.

Chair Page asked about the plan to evaluate and protect as many mature trees as possible. Karbank responded that they are working on a process to do just that. Commissioner Neibling noted that the plans appear to show a grading plan for the City Park site and expressed his concern about the proposed grading up to and around the mature trees on the west of the City Park site. Austin Lage, Engineer for BHC, responded that he will review their work but that the intent is to preserve as many trees as possible.

Commissioner Neibling asked for clarification as to the placement of the proposed underground detention facility.

Chair Page asked why Karbank believes the colors of the exterior materials selected for the primary structures fit within the neighborhood. Karbank shared several photos of single-family houses in Westwood and Westwood Hills that are painted a variety of colors. Commissioner Neibling noted that the building material selected by Karbank has a different texture and sheen than the paint used on single-family houses and may appear and feel different. He further noted that the stained terra cotta does come in neutral tones. Karbank responded that they are open to feedback from the Planning Commission on the type and color of the materials used. Commissioner Kelman stated his preference for

a less bold look and feel of the exterior materials. Karbank responded that they would incorporate feedback to the extent they can. Commissioner Breer recalled that the plan presented by Karbank on July 10th was noted at that time by the applicant to show a placeholder material because the materials had not yet been selected. He noted that he finds the colors of the material to be refreshing and likes that they are a deviation from Johnson County beige. He also acknowledged that building materials will elicit diverging opinions.

Commissioner Breer asked about the status of the stormwater runoff study. Karbank confirmed that a full study would be provided as part of the final development plan submittal.

Commissioner Breer asked whether an evaluation of the impact of the development on water pressure to surrounding homes has been performed. Karbank responded that the conversation has not occurred.

Chair Page asked whether there will be parking for park users at the development. Karbank requested City Administrator Herring respond as to the status of that conversation. Herring responded that the current conversation is for ten (10) dedicated parking spots on the Karbank surface lot just to the south of the South Pavilion building. Karbank elaborated on this point and also that the plans currently show an accommodation for siting park restrooms on the City Park property just to the west of the North Pavilion building. Karbank showed renderings of the development.

Commissioner Kelman asked about the location of the generator. Karbank stated that the generator is a back-up generator and won't be used continually and that it sits below the grade of 50th St. Commissioner Kelman asked whether it would be acoustically treated so as to not disturb neighbors. Karbank responded that the generator would only turn on if and when power fails during storms and that they would do what's need to ensure the sound isn't a nuisance to neighbors.

Commissioner Kelman asked about the traffic impact study. Kevin Pinkowski of BHC explained that additional traffic counts will take place after school resumes and that they are working with City staff to find an agreeable approach to modeling the impact of traffic given that there are temporarily two schools operating here now.

Chair Page asked about Karbank's confidence to lease out the space when vacancies are observed in other nearby offices and retail spaces. Karbank responded that they are seasoned at leasing and that their product will appeal to area residents who would like to relocate or open their office within walking or biking distance of their home. Chair Page asked about what types of retail tenants are anticipated. Karbank responded that high-end retailers are the target audience; smaller boutiques. Commissioner Kelman expressed his concern that retailers that are too boutique might not feel welcoming to Westwood residents. Karbank responded that they will target retailers who are more accessible and provide a casual enough environment for Westwood residents.

Chair Page asked for elaboration on green design features. Karbank responded that they have LEED-certified projects and that they are very familiar with both LEED and other green building standards and that they are planning to incorporate those standards in the project. Commissioner Kelman asked whether a LEED certification level has been identified as a minimum standard for the project. Karbank responded that Certified is the minimum standard.

Commissioner Kaiser asked whether adding residential uses has been evaluated. Karbank responded that their impression is that the surrounding community does not desire multifamily development and that they have not designed this project to provide residential.

Commissioner Neibling asked about the ability of the development to accommodate fire apparatus. Karbank responded that they have designed the project in accordance with the Fire Marshal's requirements.

Commissioner Weaver asked how Karbank believes its project conforms to the City's comprehensive plan (2017 Master Plan). Karbank shared that they feel the comprehensive plan calls for redevelopment on this site and that their proposal advances the comprehensive plan.

Commissioner Neibling asked about ceiling heights and massing. Mike Paxton, Architect at Perspective, responded that their construction type calls for higher ceilings due to their design preferences to construct a single, concrete structure vs. steel. He also responded that the site grade provides for the building height and number of stories to look, feel, and be different at different points on the site; the development will be only two and three stories on certain points on the site.

Commissioner Kelman asked about ventilation within the parking structure and expressed his preference for natural vs. mechanical ventilation. Karbank responded that will depend on the location and width of the easements.

Chair Page invited City Staff to address the Planning Commission. City Administrator Herring provided an overview of the various application processes related to this project and how they relate to one another and how both the Planning Commission and City Council are involved in the process. Herring also read from the 2017 Master Plan identified potential uses for the subject parcels, citing that a low-intensity development, including some retail services to nearby residents and businesses along with residential uses is listed among the possibilities for 5050 Rainbow Blvd. Herring noted that the City Park is not part of this application process and that planning for it will come later but only if this proposal is approved; if this proposal is not approved, park planning and park improvements as being currently discussed and proposed will not take place. Herring continued to highlight aspects of City Staff review of the applications as outlined in the staff report on this item.

Commissioner Weaver asked whether this proposal is the only opportunity for the City park to be developed. Herring stated that this is not the only opportunity for an improved City park but that a substantial park overhaul is not currently included in the City Council's facilities or capital planning; that the Karbank proposal has accelerated discussions of park improvements because it provides a means to do those improvements.

Chair Page called for public comment on the application.

Marsa Swatzell, 4958 Rainbow Blvd., Westwood, addressed the Planning Commission. Swatzell expressed concern that the property values of immediately surrounding owners will be harmed by this development. She expressed her concern for the scale of the building and the exterior materials selected. She also expressed concern about the ability of Karbank to lease the spaces. She stated that she likes the idea of a nearby improved park and walkable retail.

Rod Bell, 2820 W. 50th St., Westwood, addressed the Planning Commission. He expressed his support for the revenue that this proposal would produce for the City to care for critical infrastructure. He believes this project would have a positive impact on the community for generations, including to immediately surrounding property owners.

Tara Chamberlain, 2018 W. 49th Ter., Westwood Hills, addressed the Planning Commission. She is curious to understand how office space produces revenue for a city. She is also curious to know what types of businesses are even in the market for office space, lease rates, and is concerned that the office spaces will be leased as temporary offices.

Karen Johnson, 4950 Adams St., Westwood, addressed the Planning Commission. Johnson does not feel that the proposal conforms to the 2017 Master Plan and that single-family residential homes are the only appropriate use for the site. She is also concerned about the height of the buildings and feels its excessive. Further, she is concerned about the ability of the developer to lease the space and is concerned that potential tenants could have drive-up accommodations, which she opposes. She is also concerned about light spill from the development and about the protection of mature trees.

Ellen Marsee, 4957 Adams St., Westwood, addressed the Planning Commission. She does not feel the proposal conforms to the 2017 Master Plan and cited multiple survey responses from residents received during the Master Plan creation and adoption process. She further shared her concerns about traffic impacts and the ability of the developer to lease office and retail space in the current market. She stated it's her understanding that 50th St. would need to be widened for this project, easements taken by the City for additional sidewalk, and on-street parking.

Nicki Dupont, 1930 W. 50th Ter., Westwood Hills, addressed the Planning Commission. She does not feel that the proposal conforms to the 2017 Master Plan and cited that the scale of the project is not low-intensity and does not respect the neighborhood scale of the surrounding area. She also expressed concern at the potential loss of mature trees resulting from the construction of underground detention, as proposed. She also expressed concern for the ability of the developer to lease the space. She further questions the motive of the City of Westwood to consider this proposal to begin with.

Dennis Dupont, 1930 W. 50th Ter., Westwood Hills, addressed the Planning Commission. He expressed concern about the development and is skeptical about the preliminary traffic counts and analysis performed. He is concerned about traffic generated by the development taking 50th Terrace from State Line Rd. He does not feel the proposal fits with the character of the neighborhood and cited language from the 2017 Master Plan to support his position.

Jessica Peterson, 4831 Belinder Ct., Westwood, addressed the Planning Commission. She encourages the City to require LEED certification for the project.

Jermy Morris, 2340 W. 51st St., Westwood, addressed the Planning Commission. He expressed concern about the development having a negative impact on his property value. He is concerned for the transitional buffers between the development and the residential properties as well as concern about traffic impacts on the residential streets. He likes the prospect of adding walkable retail but doesn't like this proposal.

Ben Hobert, 2208 W. 49th St., Westwood Hills, addressed the Planning Commission. He doesn't feel that the size and scale of this project respects the immediate residential neighbors. He also doesn't feel that

a new park on the site proposed cannot replace the feel of the existing park. He also doesn't believe the traffic impact analysis.

Beth Ciperson, on 46th St. between Rainbow Blvd. and State Line in Kansas City, Kansas, addressed the Planning Commission. She is concerned that the project does not incorporate enough environmentally-friendly design features. She is also concerned about the exterior material and the size of the parking area.

Kent Peterson, 4831 Belinder Ct., Westwood, addressed the Planning Commission. He thanked the City and Planning Commission for their work and efforts to bring this project to the community. He expressed concern if the development isn't LEED certified. He appreciates the revenue this project could bring to the City for infrastructure and other needs and likes the idea of a new and improved City park. He expressed concern that the project is not addressing the harmful legacy of residential racial redlining.

Russ Waitman, 2201 W. 49th St., Westwood Hills, addressed the Planning Commission. He stated he likes Karbank and their existing projects. He is concerned that the development in the proposed location will pose safety issues for children walking to and from elementary school.

Tammy Carter, 2323 W. 51st St., Westwood, addressed the Planning Commission. She expressed concern about losing the existing park and about increased traffic.

Brandon Joiner, 2016 W. 47th Ter., Westwood, addressed the Planning Commission. He expressed support for redevelopment, generally. He expressed a concern that the existing City Park is inadequate and outdated. He also expressed interest in the office use at the site, sharing that he would like to have his office there and he likes the idea of additional walkable retail and restaurants for his family to frequent.

Becky Beilharz, 2903 W. 51st Ter., Westwood, addressed the Planning Commission. She asked for clarification on what financial incentives the developer is requesting. She also expressed an interest in the development being at least LEED Silver certified.

Laura Bowell, 2301 W. 51st St., Westwood, addressed the Planning Commission. She expressed her concern about the scale of the development and the location of the vehicular access to the site. She also expressed concern about the size of the proposed new park not being adequate.

Steve Platt, 4910 Glendale Rd., Westwood Hills, addressed the Planning Commission. He asked why Johnson County Parks & Recreation District is not a part of this application so that they could provide a benefit to this part of the County for the tax dollars generated by area residents. He also expressed concern about the height and scale of the buildings and questions whether the City really needs this development.

Sara Keehn, 4957 Booth St., Westwood, addressed the Planning Commission. She expressed her belief that this proposal doesn't conform to the 2017 Master Plan and that commercial belongs at 47th & Rainbow Blvd., not at this site. She also expressed concern about traffic impacts on the residential streets. She further expressed concern about the architectural style and scale of the structure.

Peter Pantz, Woodside North Apartments, Westwood, addressed the Planning Commission. He noted that City officials have done a good job so far managing and reviewing this project. He expressed

support for the project and doesn't believe that it will harm the community and will only make it better and Westwood a more attractive place to live.

Chair Page asked for any additional commenters to come forward; seeing none, Page closed the public comment portion of the meeting.

Chair Page invited the applicant to address the Planning Commission again to share responses to any questions posed during the public comment portion of the hearing. Karbank stated that they are not seeking any financial tax incentives for the project and that they plan to be a tax payer. Karbank stated that retail tenants with drive-thrus will not be included in the development and that the traffic impacts are being studied but that traffic issues are not anticipated to be an issue. Karbank further shared that they take environmental design seriously and plan to incorporate those elements. Further, he shared that there are multiple examples of retail and commercial uses near elementary schools.

Chair Page invited City Administrator Herring to address the Planning Commission again to share responses to any questions posed during the public comment portion of the hearing. Herring clarified that the City has no intent to widen any streets, take any easements, nor is on-street parking part of the project as proposed. Herring also stated that previous conversation between the City and Johnson County Parks & Recreation District/Department have resulted in JCPRD sharing their position that properties of this size are not of interest to them to incorporate into their park portfolio.

Chair Page invited discussion amongst the Planning Commissioners. Commissioner Kelman asked for clarification on whether a non-profit group (including City Hall) could be a tenant in the development given the City's current negotiation of the Development Agreement. City Attorney Ryan Denk responded that the financial analysis for the project is currently only contemplating users who pay property taxes and that the City prefers tax-paying users since so much of the land in Westwood is already occupied by tax-exempt entities and that Karbank has so far expressed interest in retaining ownership of the development and not selling off any part of it to individual tenants.

Commissioner Breer stated that he, as an individual Planning Commissioner, is not considering the potential revenue generated as a factor in his evaluation of the application.

Commissioner Weaver observed that Entercom was, for years, located at the corner of 50th St. and Belinder and was a commercial use in the middle of a residential area.

Chair Page stated that the public hearing will remain open and will be back on the agenda on September 11th and that another opportunity for public comment will be afforded at that time.

Presentations

None.

Old Business

None.

New Business

FP-2023-01 - Consider application of Karbank Holdings, LLC on behalf of owner City of Westwood to replat property at 5000 and 5050 Rainbow Blvd.; and

FP-2023-02 - Consider application of Karbank Holdings, LLC on behalf of owner Shawnee Mission School District to replat property at 2511 W. 50th St., et. al.

Chair Page asked that City Administrator Herring provide the staff report. City Administrator Herring presented the report included in the meeting packet. Herring stated that these applications are on the agenda just to track with the applications for rezoning and the preliminary development plan being heard tonight. Herring stated that there is no action recommended on the plat applications until and only if the Planning Commission approves the rezoning and preliminary development plan for this project.

Conduct annual review of Capital Improvement Plan (2024 – 2028)

Chair Page asked that City Administrator Herring provide the staff report. City Administrator Herring presented the report included in the meeting packet.

Review item only. No action taken.

Announcements/Planning Commissioner Comments

Commissioner Neibling requested that staff publish with the agenda rules of procedure for the upcoming public hearings. City Administrator Herring confirmed she would work with Chair Page to draft those rules and would communicate them ahead of the public hearings.

Staff Reports

City Administrator Herring provided an update on the following items:

- Rainbow Blvd. Planning Sustainable Places Planning Status

Public Works Director John Sullivan provided an update on the following items:

- 47th Street Complete Street implementation project

Upcoming Items

- A. FDP-2023-01 Consider application of Karbank Holdings, LLC on behalf of owners Shawnee Mission School District and City of Westwood, KS, jointly, for approval of a final development plan at 2511 W. 50th St., 5000 Rainbow Blvd., and 5050 Rainbow Blvd, Westwood, KS 66205

Adjournment

Motion by Commissioner Kelman to adjourn the meeting. Second by Commissioner Weaver. Motion passed unanimously. The meeting adjourned at 10:03 PM.

APPROVED: _____
Sarah Page, Chair

ATTEST: _____
Leslie Herring, Secretary