

Planning and Zoning Commission  
Village of Leawood

Leawood's Planning and Zoning Commission held a Public Hearing on December 1, 2011 to consider a proposal for change of zoning.

Chairman Kurt Higgins opened the 6:30 p.m. meeting held at Calvary Baptist Church. Commission members present were Denny Desmond, Kurt Higgins, Brad Long, Rick McCord, Phyllis Sapp, and Don Swanson. R.E. Smith was unable to attend.

Denny Desmond moved that the agenda be accepted and Brad Long seconded. Motion passed.

Don Swanson moved the appointments of Rick McCord as Vice-Chair of the Planning and Zoning Commission and Phyllis Sapp as Secretary be accepted. Denny Desmond seconded and motion carried.

Kurt Higgins read the Rules and Regulations as recommended by Mike Talley, Village attorney, and the motion for approval was made by Rick McCord and seconded by Don Swanson. Motion carried.

Ethical Principles for the Commission were examined, a motion to approve made by Denny Desmond, second by Brad Long, and motion carried.

Kurt stated that to the best of his knowledge the Planning and Zoning Commission had last met in 2004. Previous member Dale Blanchard is no longer residing in the area and past records are not available. Chairman Higgins stated the Commission is now composed of seven Leawood residents and is currently positioned to provide the necessary service to the community.

Tonight's Public Hearing will allow residents to address their opinions to the Commission which, in turn, will provide a recommendation to the Board of Trustees. The Board of Trustees will vote on the zoning request at the Dec. 8, 2011 meeting to be held at Calvary Baptist Church at 6:30 p.m.

The Chairman read the Opening Statement for Public Hearing, read published notices which appeared in The Globe on Nov. 7, 2011 and the Nov. Leawood Ledger, noted four signs of the Hearing were placed on the property on Nov. 18, 2011 and adjacent property owners provided notice of the public hearing on Nov. 28, 2011.

Kurt stated that David and Judy Powell submitted a request for zoning change for property located north of 44<sup>th</sup> Street and east of Connecticut and requested C-3 zoning for a proposed commercial development. The land is currently zoned A-1 Agricultural. The Oct. 27, 2011 proposal was provided to commission members with a revised request dated Dec. 1, 2011. David Powell received the Nov. 3<sup>rd</sup> request from Planning and

Zoning for a “Preliminary Development Plan”, which listed 10 specific items to be included in the Plan.

Prior to opening the meeting to public comments, Kurt Higgins explained Appearance of Fairness considerations and polled the Commission. Rick McCord stated he owned property across the street from Connecticut, Don Swanson said that he and David Glenn owned a commercial development in Joplin, and Denny Desmond and Kurt Higgins indicated they had extensive communication with David Powell in regard to gaining knowledge of the proposal. These Commission members want to place this on public record and feel it will not prevent them from being fair and objective. No other members had any communications nor did anyone in the audience wish to challenge on appearance of fairness grounds.

Kurt Higgins, P.E. addressed the Public Hearing as a professional engineer who had studied the proposal. The staff report concluded the proposed development will significantly increase the amount of traffic on 44<sup>th</sup> Street and Connecticut Avenue. However, the developer is not proposing any improvements to either of these roads. The proposed site plan is nice looking, but will have significant impacts on the surrounding areas. How the developer will prevent the parking lot lighting from sheading onto adjacent properties is a concern. Since the village does not collect sales tax and doctors’ offices, if employed by the hospitals, and churches are exempt from property taxes, the Village may not generate sufficient property taxes to offset the increase in maintenance costs to our existing roadways caused by the increase in commercial traffic. Tri-State Engineering provided a preliminary report showing the need for three separate detention basins and gravity sewer systems. The developer would need to work out an agreement with the city of Joplin to own and maintain the sewer system since the Village does not have any public sewers.

David Powell, a resident of 104 Hidden Valley Dr. spoke in favor of the proposal he was requesting. He stated the hospital would generate more business in the area, there is not a lot of building going on in town from 20<sup>th</sup> south as he expects businesses to follow the hospital, and that several lots now zoned Agricultural were later intended to be rezoned for development. Mr. Powell does not believe Residential zoning would be feasible as he thinks building costs of a home in Leawood would exceed \$500,000 by the time a lot worth \$100,000 was purchased. He states homes in Leawood are worth more now that the hospital is coming.

His proposal is to develop a well-landscaped commercial area within the 42 acres and feels a supermarket, convenience store, pharmacy, retail stores and some of the 250 physicians who lost offices could lease space in a site comparable to Kansas City’s Zona Rosa. In his personal survey, he noted that respondents listed medical, grocery, and convenience store in order of preference. He received 48 responses to his survey.

Others in favor of the C-3 zoning proposal were asked to speak with a five minute limit per speaker.

Mark Gibson, non-resident realtor, 421 Briarwood Ridge, Carl Junction emphasized that the drawing presented tonight is only conceptual and stated that St. John's will be dealing with traffic concerns by widening 44<sup>th</sup> and also Connecticut.

Steve Voegl, non-resident developer, Rt. 2, Galena, KS was invited by David Powell to discuss possible development ideas. His experience with Kohl's at the Mall and Branson's Landing were sited as examples of the convenient and attractive projects, residents could enjoy.

There were no others speaking in favor of the proposal.

Those opposed to the C-3 rezoning proposal were asked to speak with a five minute limit per speaker.

Brad Long presented 2 letters of opposition received from:

John & Ina Dorsey	4402 Connecticut
Randy & Joyce Kastl	1530 E. 44 <sup>th</sup> St.

Denny Desmond presented a list of 9 residents who had sent e-mails or letters to the Village opposing the change:

Grant & Melinda Hoover	524 Grandview
Mike & Connie Foti	110 Hidden Valley
Paul & Diane Garrett	74 Horseshoe Dr.
Steve Belcher	2018 E. 45 <sup>th</sup>
Dian Doody	1 Emerald Way
Marianna Belcher	2018 E. 45 <sup>th</sup>
Jim & Emily McLaughlin	1504 E. 50 <sup>th</sup>
Gladys Courtney	4425 S. Connecticut
Barbara Isgrigg	1909 E. 46 <sup>th</sup>

An additional 5 surveys requested by Mr. Powell were mailed to the Village, all opposing the change:

Ben and Joan Spurlock	2011 E. 46 <sup>th</sup>
D. Robert Cottingham	2000 E. 44 <sup>th</sup>
Dorthy Owen	2036 E. 44 <sup>th</sup>
Rose DePew	1525 E. 46 <sup>th</sup>
Ben Harding	72 Horseshoe Dr.

Those speaking at the Public Hearing opposed to the rezoning proposal were:

Lauren Stauffer	4 Emerald Dr.
Roger Buchanan	4 Emerald Dr.
Gladys Courtney	4425 S. Connecticut

Beverly Kiehl	2027 E. 47 <sup>th</sup> St.
Cliff Barker	1824 E. 44 <sup>th</sup> St.
Margaret Wunderlin	5006 Brookwood Dr.
Angie Brown	2028 E. 46 <sup>th</sup>
Vanessa Stephens	1910 E. 44 <sup>th</sup> St.
Raymond Grote	2125 E. 50 <sup>th</sup>
Kathy McCord	4300 Connecticut
Marcia Long	1611 E. 50 <sup>th</sup> St.
Brad Eichelberger	1024 E. 44 <sup>th</sup>
Randy Moore	114 Hidden Valley Dr.

Opposition remarks included repeated comments about the desire to keep the land in its natural state where trees and wildlife could continue to be part of the Village. Many stated they had chosen to live in Leawood because it was a quiet and peaceful area. With the tornado devastation, it is even more important to protect our wooded areas. Several commented that once concrete and commercial development came in, it could never again be returned to the tranquil surroundings we have long enjoyed. Questions were raised about traffic lights, traffic increases and road use, would the bridge be widened, would this lead to other rezoning, did we really want gasoline storage at a convenience store or liquor sold? Other major concerns were paying for the road maintenance and the economic viability of the proposal. One remarked he had sent in the informal poll to Mr. Powell in support of the rezoning because he thought his only choices were commercial, or a pig farm. He said he was opposed now that he knew there were other options to consider and had an opportunity to see the anticipated impacts of the development.

Randy Moore, a Leawood resident as stated above commented that he respects what Mr. Powell was proposing but felt that this was a bad time to try to do this in Leawood. His opinion as Chair of Joplin's Economic Development Committee and a member of CART (Citizen Advisory Recovery Team) is that it would be difficult to compete with the incentives the city of Joplin would be promoting for commercial development within the tornado damaged areas and we should let St. John's settle in, then possibly later consider even residential options as so many families have lost homes. Many agreed that any future zoning considerations should lean toward residential as compared to commercial.

With all having spoken who wanted to do so, Chairman Kurt Higgins asked for a show of hands from those residents present who had not spoken. Opposed to rezoning were an additional 35 with 2 in favor of rezoning to C-3. Thirteen non-residents also raised their hands in favor of rezoning to C-3.

David Powell was given the opportunity to make a closing statement and then hear questions only from the Planning and Zoning Members. He said that he knew it was a very emotional consideration, he hoped everyone would keep an open mind, and thanked everyone for coming tonight.

Questions from Planning and Zoning and responses from Mr. Powell were:

Was the developer prepared to put money into the existing roads? No  
How many surveys were sent out with 48 being returned? 230  
Did the developer plan to be sole owner or build and sell? Sole owner and lease

Totals for the evening's comments from residents were:

Opposed to rezoning (2+9+13+35) = 59

In favor of rezoning (1 +2) = 3

Kurt Higgins then closed the Public Hearing and asked for a motion from the commission members. The motion was made by Rick McCord to not rezone as requested by the proposal. Seconded by Brad Long. Discussion then took place among the members. Kurt said his concern was for the public's health, safety, and welfare, including Mr. Powell's welfare. With the abundance of commercial property available adjacent to the project and the incentives by the city of Joplin, developing the property as commercial is a concern. The increase in traffic without improving Connecticut and 44<sup>th</sup> is also a major concern. Rick McCord also voiced Similar concerns.

The Planning and Zoning members voted as follows:

In favor of not rezoning 6 (Desmond, Higgins, Long, McCord, Sapp, Swanson)

Opposed 0

Motion carried to recommend to the Board of Trustees **not** to rezone the property to C-3.

This will be presented at the Public Hearing to be held Dec. 8<sup>th</sup>, 2011

@ 6:30 p.m. at Calvary Baptist Church.

Old Business: None

New Business: Denny Desmond suggested the Comprehensive Plan be revisited at a future meeting.

Kurt Higgins thanked those present for attending and sharing their views.

The motion to adjourn was made by Denny Desmond and seconded by Don Swanson.

Meeting adjourned with recommendation to be presented at the Dec. 8<sup>th</sup> meeting.

Respectfully submitted,

Phyllis Sapp

Secretary, Planning and Zoning Commission

Minutes approved: \_\_\_\_\_ Date: \_\_\_\_\_

Attachments: Meeting Agenda – 12/1/2011  
Rule and Regulations  
Ethical Principles  
Opening/Public Hearing Statement  
Notice of Public Hearing as published in The Joplin Globe on 11/7/2011  
Request for zoning change from David and Judy Powell dated October 27,  
2011 and the supplemental request dated December 1, 2011  
The “Preliminary Development Plan” from P & Z sent to David Powell on  
November 3, 2011  
E-mails and letters of opposition to the zoning request from Leawood  
Residents who could not attend the meeting