



MINUTES OF MISSION WOODS PLANNING
Thursday, December 15, 2022
7:00 p.m.

The Planning Commission of Mission Woods, Kansas met for a hearing on Thursday, December 15, 2022, at the Westwood City Hall.

Members Present: Chairman Rick Ralls
David Hunt
Gary Coleman
Nancy Mays
Ramsey Mohsen
Nick Dosanjh

Members Absent: Michael Braude

Others Present: Daryl Franklin, Mayor
Steven Mauer, City Attorney
Alex Felzien, City Attorney
Carol Thomas, City Council
Keith Mays, City Council
Robert Tietze, City Council
Anne Henry, Resident
Michael Knierman, Resident
John Henley, Resident
Kathy Henley, Resident
Major Park, Resident
Bill Sanders, Resident
Neil Karbank, Karbank Real Estate Company
Steve Karbank, Karbank Real Estate Company
Adam Feldman, Karbank Real Estate Company
Mike Paxton, Perspective Architecture
Kenny Miller, Perspective Architecture

I. CALL TO ORDER

Chairman Ralls called the meeting to order at 7 p.m. A quorum was established.

II. PRESENTATION BY CITY ATTORNEY

City Attorney Steven E. Mauer attempted to begin his presentation to the Planning Commission, but Chairman Ralls stated he would like to make opening remarks. Ralls then explained the process of the proposed ordinance, that it had been forwarded to the Commission by the City Council, and that the Commission is here tonight to consider the proposed ordinance. Ralls then explained communications between himself and City Attorney Felzien. Ralls read portions of the emails exchanged between him and Felzien, and resident Anne Henry passed out printed copies of the emails to all in attendance.

Mauer then began his presentation by stating tonight's hearing is not about Karbank Real Estate Company. Mauer explained that the Commission is here to discuss a potential new zoning district not currently in the City's Municipal Code. The new proposed zoning district would be a Planned Unit Development ("PUD"), explained Mauer, which, if approved, would require anyone seeking a PUD zone to 1) own four (4) or more acres of land, and 2) submit a plan for approval prior to receiving PUD zoning. Any proposed plans would have to first come before the Commission for approval before the City Council provides final approval or denial. Mauer explained that the PUD gives the Commission, and the City, more control over new projects in the City compared to the current process of seeking variances to existing City Code.

Mauer explained that plans submitted under the PUD must contain every detail required by the ordinance. The plan would remain on file at City Hall, and any person interested in the plan could obtain a copy from City Hall. The PUD ordinance would allow for more transparency by the citizens, Mauer explained. There were various questions asked during Mauer's presentation, including questions regarding the City's financial benefit from a PUD, other cities' use of PUDs, and how the City can limit the PUD. Mauer answered these questions generally, stating the City would likely be able to collect more tax on residential properties, that he believes other Johnson County cities use PUDs, and that the City can always limit any Plan. Mauer also used an example of a liquor store: the City could allow a high-end store with rare or valuable liquors for sale, while also prohibiting a lower-end liquor store that only sold malt liquor. Mauer explained his example is one of many that demonstrates a PUD, and plan approval, gives the City more control than the approval processes in place.

III. PUBLIC HEARING AND PUBLIC COMMENT

Chairman Ralls then opened the public hearing at 7:48 P.M.

Citizen Major Park 5321 Mission Woods Road: Mr. Park advised the Commission that he serves as a member of the Board of Zoning Appeals (the "BZA") for the City, and that during his time on the BZA he has seen numerous projects from Karbank. Park mentioned previous projects

included new uses, such as a restaurant, retail, and entertainment. Park stated that he believes Karbank will be able to decide what will happen in the PUD and that, as an example, a “Dick’s Sporting Goods” store conceivably could open on the Karbank campus. Park questioned if the City really wants Karbank to have a free hand in deciding what it puts on its property. Park ended his public comment by stating zoning processes should stay with the BZA, and urged the Commission to reject the proposed ordinance.

Citizen Bill Sanders 5322 Mission Woods Road: Mr. Sanders thanked Mr. Park for addressing some of his concerns, and questioned why the City needed a plan for commercial developments. Sanders advocated for continuing to evaluate the Karbank projects on an ad hoc basis. Sanders stated he was Mayor of Mission Woods for four years, and that the citizens would reject any residential uses of the Karbank property.

The public hearing closed at 7:57 P.M., but was then reopened at 8:15 P.M.

Citizen Anne Henry 5311 Mission Woods Road: Ms. Henry stated that all of Karbank’s previous proposals had easily won approval by the BZA, and that a PUD was not needed since there were not numerous eligible parcels of land to which a PUD would apply,

Citizen Michael Knierman 2120 W 51st Street: Mr. Knierman stated that the City does not know what will be on the Karbank campus in 10 years. Knierman also stated that the University of Kansas campus has four acres of land, and that any future owner could come to the City asking for a PUD. Knierman finished his statement by stating Karbank should have to come to the BZA like every other applicant, and that he did not understand why the City was pushing this initiative.

Councilmember Keith Mays 2114 W. 51st Street: Commissioner Coleman asked if anyone in attendance was in support of the proposed ordinance, and Councilmember Mays took to the podium to explain his support. Mays stated that the proposed ordinance seemed “cleaner” than all the variances and permits in place on the Karbank campus. Mays expresses support for a single cohesive plan.

Councilmember Robert Tietze 5338 Mission Woods Road: Councilmember Tietze began by asking why the proposed ordinance was not provided to all citizens. Mauer explained that the City does not typically send out proposed ordinances, and that this public hearing and the next City Council meeting are education opportunities as the proposed ordinance is largely legalese and over 18 pages long.

Councilmember Carol Thomas 2100 W. 51st Street: Councilmember Thomas directly asked Mauer and Felzien if they had any financial relationship with Karbank Holdings, LLC. Mauer explained that he has been to the Karbank offices twice: once to discuss the City’s proposed sidewalk project and vacation of a cul-de-sac, and another time to discuss Karbank’s future plans after purchase of the 1968 building. Thomas did not provide further comment or statement.

The public hearing was closed at 8:30 P.M.

IV. DISCUSSION BY PLANNING COMMISSION

The Commission began its discussion by Mr. Dosanjh questioning if the City was interested in allowing residential use on the property, while stating that he did not “see the downside” in allowing for plans to be submitted to the Commission for approval. Mr. Mohsen then stated that at first he was skeptical of the PUD idea, but now believes it would give the City greater control over a piece of property by being able to pick and choose what the City will approve and deny.

Chairman Ralls then asked the Commission if it would like to go into “executive session.” Mauer and Felzien advised that they were not aware of any exceptions to the Kansas Open Meeting Act that would allow the Commission to go into closed session. Chairman Ralls then withdrew his motion, and the discussion continued.

Ms. Mays stated that she was not interested in making life easier for Karbank, but that development is good for the citizens, and have a plan in place that the citizens can view would be beneficial. Mays stated that she supports keeping residential uses in the proposed ordinance, while noting that the Commission or City Council could always deny a residential use on the final plan.

Mr. Coleman began by apologizing to the citizens, and stated that the information discussed tonight was “piecemealed” to the citizens. Coleman stated he did not agree with striking residential use from the proposed ordinance because Karbank creates high-end buildings, and a future residential development could be beneficial to the City.

Mr. Hunt stated that what is before the Commission has nothing to do with Karbank. The PUD is a tool the City could use in the future to exercise more control, Hunt explained. Hunt stated that all the Commission can do is recommend, and that the City Council makes all final decisions. Hunt stated he was in favor of recommending the proposed ordinance as presented.

Chairman Ralls stated that he has trouble with a number of issues as to the proposed ordinance. First, the lack of information sharing in “layman’s terms” with Mission Woods homeowners, regarding this proposal, and what he considered to be a vague and ambiguous notice to homeowners of the purpose of this meeting. Ralls stated that the City Council had only received 48 hours’ notice of the proposed ordinance even though it had been in the works for several months. Ralls stated that this is a major proposal that will affect citizens, and that homeowners likely would not go to City Hall to read the entire proposed ordinance. He had instead requested that it be distributed to residents. Ralls then stated that the City has a process in place that works, and the proposed ordinance is too broad. Ralls stated he believe the proposed ordinance is “off the shelf” and is not specifically tailored to Mission Wood. Ralls stated he wants to speak with an urban planner, and that the City needs more time considering the proposed ordinance before passage.

Chairman Ralls concluded the discussion by stating that it is “no secret Karbank wants to do something” on its land. Ralls stated that approval of the PUD could clear the way for Karbank’s proposed development, and there is always a potential that Karbank could sell its land to an unknown entity, which could then redevelop the property with its own plan.

V. Planning Commission Votes to Recommend

City Attorney Felzien advised that if the Commission wants to make an ordinance recommendation to the City Council there must be a motion, a second, and a majority vote in favor of that recommendation. Ms. Mays made a motion in support of recommending that the City Council enact a PUD ordinance, which Mr. Mohsen seconded. Recollections differ as to specifics of the Commission's recommendation. There are those who believe the Commission recommended the exact draft ordinance as presented, subject to revisions tailored to the City of Mission Woods. Others recollect that the Commission recommended that the Council approve a PUD ordinance that suits the city, taking into account the opposition expressed at the meeting to residential development and other factors. Regardless, the Commission voted was 5-1 in favor of recommending that the City adopt a PUD ordinance of some sort, with Mr. Hunt, Mr. Coleman, Mr. Dosanjh, Ms. Mays, and Mr. Mohsen voting in support and Chairman Ralls voting against. The motion passed and is due for consideration by the City Council at its January 2023 meeting.

VI. Adjourn

A motion to adjourn was made by Mr. Hunt, which was seconded by Mr. Mohsen and all were in favor. The meeting was adjourned at 9:08 P.M.