

# **City of Leawood**

## **Planning Commission Minutes**

### **February 12, 2002 Meeting**

**Call to Order/Roll Call:** Colloton, Henderson, Carper (tardy), Conrad, Brain, Duffendack, Breneman (absent), Munson, and Pilcher (tardy)

**Approval of the Agenda:** Cases 14-02 Reece & Nichols – 115<sup>th</sup> and Roe and 15-02 Reece & Nichols – Plaza Pointe were removed from the consent agenda by request of the applicant.

Munson requested Case 05-02 Tomahawk Creek Apartments be removed from the consent agenda and discussed under new business.

Motion to approve the revised consent agenda made by Colloton and seconded by Duffendack. Motion approved unanimously.

**Approval of the Minutes:** A motion was made to approve the minutes from the November 27, 2001 meeting by Henderson and seconded by Colloton. Motion approved unanimously.

#### **Consent Agenda:**

**Case 08-02 Village of Camden Woods, 24<sup>th</sup> Plat** Request for final plat. Located south of 143<sup>rd</sup> Street and west of Kenneth Road.

**Case 09-02 Village of Camden Woods, 25<sup>th</sup> Plat** Request for final plat. Located south of 143<sup>rd</sup> and west of Kenneth Road.

**Case 11-02 Hills of Ironhorse Fence** Request for approval of final site plan. Located at 154<sup>th</sup> and Cherokee.

#### **New Business:**

**Case 05-02 Tomahawk Creek Apartments** Request for approval to change the Tomahawk Creek renter-occupied apartments into owner-occupied condominiums. Located at 115<sup>th</sup> Street and Tomahawk Creek Parkway.

Jerry Johnson and Doug Ferrar of Shafer Kline and Warren were present, along with Jim Clay, owner of the project.

Munson asked what the sale price would be for the two and three bedroom units. Munson asked about the upkeep of the common areas on the balconies. Johnson responded that for maintenance and upkeep purposes, it's considered as a common area for property maintenance.

Munson then asked what would keep the buildings from deteriorating. Johnson responded the site would only improve because of homeowner relationship, versus rental relationship for the care and upkeep of the buildings. Munson asked how the improvement would actually be done. Johnson replied the establishment of the homeowners' associations and the funds they will receive from the homeowners' dues would pay for the improvements. Munson asked what kind of market the owner anticipates being attracted to condominium development. Clay responded, the 30 to 50 age range. Clay is hoping that the existing residents will be interested in purchasing, as well as possibly people that live in the area and have parents who want to live nearby. Munson asked if they would be families with or without children. Clay responded, based on the existing demographics, he is anticipating the owners will be in the 30-50 age range, he is not marketing towards the older population. Munson asked if there is extra storage on the premises. Clay responded there are no separate storage areas. Munson asked if there are firewalls. Clay responded that he thinks there are, and then stated it is a fully sprinkled site and was constructed under the 95 UBC.

Colloton asked what would have been done differently if the project had been constructed as a condominium complex. Klein responded that it was built to the code for a condominium. Colloton asked if this had been designed for an apartment complex with children, would there have been something differently done in regard to play areas or green space? Klein responded staff is comfortable with the design the way it is. Staff believes that the use will not change; the demands are the same for apartments as for condominiums.

Henderson stated that he has visited the apartments and he is not sure if there are firewalls, due to the sound that he has heard between the units. He then asked if the pricing structure changes for the units with a garage versus the units with a carport. Clay responded, yes, they change depending on whether the unit comes with a garage or a carport.

Carper asked if Sam Maupin has inspected the property. Klein responded that it hasn't been looked at recently, but it was inspected when it was first built. Carper suggested that it should be re-inspected so that the Commission will know the answers to the code issues that were raised earlier. Carper asked if there would be any marketability problems for this with the deed restrictions, and the requirement that the Fire Department be able to come in "at will" and inspect. Why would this be required if it is no longer a one owner property? What control do you have to allow the Fire Department to come in and inspect the property? Klein responded that the applicant has stated that the sprinkler system is common maintenance. When he spoke with the Fire Marshal, he agreed that it might be difficult, but felt that he would be able to get into the units. Klein also stated that the city attorney had expressed some reservations with it; she didn't think the homes association could give away the homeowner's right to privacy. Carper asked if a sprinkler system is required for condominiums. Duffendack responded that the code isn't based on what it is zoned, it's just specific in regards to life safety. If this type of complex were built as condominiums based on 95 UBC, then the same restrictions would apply. Conrad asked if it is appropriate not to evaluate the change in ownership, since the use is changing. Conrad asked if Paul's Corporation currently owns the property. Clay responded, yes. Conrad asked if there would be rental units mixed in and if there would be any sub-leasing? Clay responded that Paul's Corporation would not have control after the individual takes

ownership. Conrad asked if there are any city ordinances about sub-letting. Klein responded he would have to look that up in the LDO. Henderson stated the covenants and deeds should specify whether rental is permissible. Klein stated that part of the stipulations is that they provide Staff with their deed restrictions. Carper stated the problem with the homes associations is they tend to be too lenient with their covenants. When a particular homeowner causes trouble, a lot of times it's an issue where the homes association does not want to take the initiative to enforce the restriction. Carper also stated they the City has had many situations where individual subdivisions have very strict restrictions, some are enforced, a lot of them are not, then this falls back on the City – the people are asking us why we are allowing it to happen. The City has to say “we don't have an ordinance for that, we can't control your deed restrictions”. Carper just wanted to make sure that staff and the commission has this worked out before it is final.

Conrad asked if each unit is individually metered for power and water. Clay responded he's not sure about the power, but the homes associations will be paying for the water. Conrad asked who would own the floor in each unit. Clay responded the owner owns the space within each unit. Colloton asked what the owner could change inside the unit. Clay responded the owner could change anything inside the unit, but that stops at the front door of the unit. Henderson asked if they are two level units. Clay responded, yes. Conrad asked if the proposed carports would be identical to the ones that are present. Clay responded, no, all four sides will be open on the newer ones, but their intent is to match as closely as possible. Conrad expressed concern with the visual appearance of the carports. Duffendack expressed concern about the location of the carports. He asked how many units are in each building. Clay responded that there are two building types. The town home building has six units with a two-car garage for each unit. In the 12 unit building, six have single car garages and the other six have no garages. Duffendack asked if the reason for increasing the number of carports is to accommodate the six that aren't in garages. Clay responded, yes, there are existing carports on the property to accommodate one covered parking space for each unit that does not have a garage. Duffendack reiterated his concern with the location of the proposed carports. He believes it will detract from the aesthetics of the project both entering and inside looking out. Duffendack suggested there might be an opportunity to partially place them in ends of the driveways that go into the garages. Clay stated they want to make sure that they have the one-to-one ratio. Klein responded that if it changes too much, the applicant might have to go back to a preliminary plan.

Brain suggested that there be a continuance. He stated the property would need to be inspected by the City to see where we are in regards to building code and fire code. The Commission also needs to understand what the difference of the codes would have been then versus now. Staff needs to look at the construction of the carports in regard to location and visual balance. There is some desire from the Commission to understand how this would play out from an economic standpoint. Would like to have some comparable situations in the Kansas City area?

**A motion for a continuance was made by Carper and seconded by Pilcher. Motion to continue approved unanimously.**

The applicant requested to meet at the next work session. Brain agreed.

**Case 17-02 Leawood Middle School** Request for approval of a final site plan to allow installation of a message board. Located at 2410 W. 123<sup>rd</sup> Street.

**Staff Presentation:** Presentation by Mark Klein. This case is an application for approval of a final plan to allow installation of a message board. The applicant does not currently have a message board. The elementary school near it does have a message board, but the middle school does not. The proposed message board will be located on the interior circular drive and will be farther away from the residential areas than the current elementary school sign. Staff is recommending approval of this case with the attached stipulations.

Henderson asked if the sign is the same as the Prairie Star sign. Jamey Seaba, Assistant Principal, responded the only difference is that the base of the elementary school sign is brick but the proposed middle school sign will be aluminum base with landscaping, and will be illuminated at night. Henderson asked if the message board is planned to remain the same, or if it will be expanded into a larger sign later. Seaba responded it would stay the same, with only one side with writing. Brain asked if there is a need for the sign to be illuminated. Seaba responded the sign would need to be illuminated in order for it to be seen during night functions. Pilcher asked if the backside would be aluminum. Seaba responded, yes. She also stated that there is a change since the first application, i.e., the school is not ordering the sign from the same company as the one that was originally planned; they are now planning on using KC Sign. Conrad asked for the applicant to show on a drawing where the map would be. Seaba showed him. Henderson asked if KC Sign has constructed any other school message boards. Seaba responded yes, KC Sign just created a sign for St. Thomas More. Carper asked if the district would be responsible for the upkeep. Seaba responded the school would be responsible for the upkeep, not the district. Carper then asked if this sign meets the monument sign standards. Klein responded, no, because the city does not allow message boards as monument signs, but this is common as far as the rest of the schools in Leawood.

A motion to approve was made by Conrad and seconded by Carper. Motion approved unanimously.

**Case 19-02 Gold Bank** Request for approval of a final site plan for a trash enclosure. Located at 89<sup>th</sup> Street and State Line Road.

**Staff Presentation:** Presentation by Jeff Joseph. The applicant is requesting approval of a final site plan for installing a trash enclosure. This property is located at the corner of 89<sup>th</sup> Street and State Line Road. The existing trash container does not have an enclosure. The color of the enclosure will match the existing bank building. Staff is recommending approval of this case with the attached stipulations.

Henderson asked what “sight-obscuring decorative steel” means. Klein responded that Staff is trying to be specific so that the applicant doesn’t put up a chain link fence with weather stripping weeded through.

A motion to approve was made by Carper and seconded by Henderson. Motion approved unanimously.

**Meeting adjourned.**

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Don Brain, Chairman