

City of Leawood Planning Commission Minutes

March 26, 2002
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Colloton, Henderson (absent), Carper, Conrad, Brain, Duffendack, Breneman, Munson, Pilcher

APPROVAL OF THE AGENDA: Case 21-02, Tuscany Reserve, has been continued to the April 9th meeting by request of the applicant. Case 71-01, Cornerstone Village, has been continued to the April 23rd meeting by request of the applicant. **A motion to approve the revised agenda was made by Carper and seconded by Pilcher. Motion approved unanimously.**

CONSENT AGENDA:

CASE 20-02 TOWN AND COUNTRY BANK Request for a final site plan for signage. Located at 135th Street and Roe Avenue.

CASE 23-02 VILLAGE OF CAMDEN WOODS – 26TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 26-02 GRACE GARDENS – VILLAS Request for a revised final site plan. Located at the southeast corner of 143rd and Nall.

NEW BUSINESS:

CASE 12-02 133RD & MISSION ROAD PARK Request for approval of a preliminary plan and final plan and rezoning from AG to REC. Located north of 133rd Street and east of Mission.

STAFF PRESENTATION: Presentation by Jeff Joseph. The applicant is the City of Leawood. The applicant is requesting approval of rezoning from Agriculture to Planned Recreation and a preliminary site plan and final site plan for a 10-acre park. This property is located at 133rd Street and Mission Road. The applicant is proposing walking trails and benches throughout the park. The proposed landscaping and existing berms will act as a buffer between the commercial development to the south and the residential development to the north. Staff is recommending approval of this case with no stipulations.

PUBLIC HEARING: Leslie Allison, 13213 Pawnee Street, stated she was told there would be a berm and a park. She stated she was told the neighboring residents would not be able to see the Price Chopper. Allison also stated the berm is not as large as was originally planned and would like to know if this will be taken care of. Allison stated she could see a quarter of the building already from the first level of her home.

A motion to close the public hearing made by Carper and seconded by Conrad. Motion approved unanimously.

Binckley stated the plans that were provided as a settlement agreement are the ones that have been followed. The plants added should help with additional buffering. Duffendack referred to a letter in regard to the interact meeting

stating it was not going to be screened from every resident. Brain stated he attended most of the public meetings and he never heard a claim that you would not be able to see the Price Chopper. Brain asked the height of the berms. Binckley stated the berm is mostly 12 ft., but it changes in different areas.

A motion to approve made by Carper and seconded by Duffendack.

Colloton asked if there will be designated parking for the park. Brian Anderson, Park Supervisor, stated the Market Square development parking lot and the school parking across the street would be utilized.

Brain asked about the letter given to each of the commissioners written by Mr. Tranin. Binckley responded to each of his concerns. 1) Tranin requested the City drop the path size down 6ft. The standard for the city is 10 ft. and Binckley believes we should maintain that. 2) Tranin requested eliminating the southwest leg of the path. Binckley stated the park extends to Overland Park to the west so a path would be convenient for anyone wanting to enter the park from the west. 3) Tranin recommended the path in the middle of the park terminate at 133rd Street in line with the sidewalk leading into the retail development, so that a crosswalk could be put in. Binckley responded if they drop directly south of the location in the middle where it touches 133rd Street, it will tie in there at a drive entrance into the development and it happens to be on the same side of the drive entrance that would go in front of the building, so if the City did want to put in a crosswalk there, it would work out well. 4) Tranin recommended the crabapple trees remain, but would eliminate the grove of trees planned for the paths crossing in the middle of the park, in order to allow an area for open activities. Binckley responded there would be plenty of room to have any open activities on either side of the groves of trees. 5) Tranin recommended staggered rows of trees versus a single row of trees on top of the berm. Binckley responded the trees are staggered on the east side, but they are in a single row on the west side. Although this is minimal landscaping, the City will continue to add more landscaping as it needs to be put in. 6) Tranin recommended landscaping to be put in at the entry into the park off of Pawnee, stating issues with people walking onto private property since there is no fence. Binckley stated the homeowner has the option to put up a fence if it becomes a problem, but Binckley would not recommend putting in landscaping on private property. 7) Tranin recommended the flowering plants on the north side of the berms be planted higher than the drainage swale to avoid mulch run-off. Binckley stated she has spoken with Brian Anderson and he has assured her that flowering plants would not be planted in that area.

Colloton stated she believes it will be a very nice park and setting.

Brain stated he would like Staff to look at staggering the trees for additional privacy.

Motion approved unanimously.

CASE 06-02 MISSION RESERVE Request for a preliminary plat and preliminary plan. Located at 151st and Mission Road.

STAFF PRESENTATION: Presentation by Mark Klein. The applicant is requesting a preliminary plat and preliminary plan for a 40 lot single family residential subdivision located on 23.51 acres for a density of 1.7 dwelling units per acre. The Commission saw a development for this property a little over a year ago called Summertree Villas. The plan is very similar to that plan; the street layout is the same. The main differences are that Summertree Villas had 44 lots and they had auto courts. Mission Reserve is proposing 40 lots and they have eliminated the auto courts. There are two large drainage areas around the cul-de-sacs; these will contain some water features. There is a 25 ft. golf course easement along the southern property line. Staff is recommending approval of this project. Staff is supportive of the deviations based on the open space that is being provided, the views for the homeowners, as well as the pedestrian trail that goes from an east to west direction through some of the common areas. Staff recommends stipulation 21 to be removed because it is stated in the Public Works' comments and it conflicts; Staff would like Public Works' comments to prevail.

Duffendack asked about construction on golf course property. Klein stated one of the main concerns is the erosion that would occur on the golf course property. Duffendack suggested adding a stipulation that requires the developer to repair anything that is broken during construction. Klein stated it is his understanding that they are not actually going onto the golf course.

Conrad stated the storm water drainage plan has changed significantly and asked if the ponds would be ponds all the time. Conrad also questioned if the ponds would support fish. Joe Johnson stated they have looked at drainage and detention and the ability to drain it to get the silt out if that becomes an issue, but didn't know if the ponds would support fish.

Conrad asked if there were any elevation drawings of the streetscape. Brain explained the staff report states the applicant has submitted drawings for several of the homes.

APPLICANT PRESENTATION: Presentation by Mike Osborn, Kaw Valley Engineering, representing Mission Reserve, LLC, the development company, which consists of Morrissey, Julian and Horn. This development is shown as a patio-home development. The primary homes will be reverse one-and-a-half story homes. The applicant has laid the property out to allow multiple walkouts, which will be around both the golf course, and the various water features around the property. All of the lots are in compliance with the regulations. The applicant has tried to enhance the original plan by eliminating some of the flag-lot situations. The applicant has tried to enhance the development and make it more upscale than what was previously proposed. Most of the water features have a minimum depth of 8 ft. With the exception of the very upper water feature on the east side of the property, the applicant is planning re-circulating pumps in the water features so they will have water pumped up into the upper features. There is quite a bit of elevation change from the upper water feature on both sides to the lower water features. There is a 10-15 ft. elevation change. There will be a graduated limestone-type waterfall system coming down between the water features, and they have been designed to accommodate the 100-storm event. The golf course will have no more water released than is currently happening. The ponds are not designed as detention features, but the nature of the pond itself will cause it to be a detention feature. In addition, the applicant agrees that, upon completion, they will go back in and remove any silting that occurs from construction in the main channel. As far as the 25 ft. buffer, the applicant has agreed to maintain the trees except for the toe of the dam area where some of the minor trees may be removed in order to facilitate that area.

Carper asked if there would be a restriction in the homes association's deeds in regard to maintaining the silting that may occur in the ponds. Osborn responded there would be a provision stating that the applicant has worked with the golf course committee and has agreed to follow the stipulations.

Duffendack asked if the sanitary line that connects with the lake also connects with a new line in the cul-de-sac. Osborn stated he has worked with Johnson County Wastewater to see what the final routing would be. Duffendack stated it appears to drain out to the south. Osborn responded the line then ties back into the existing line at lot 14, the south end of the dike and the line goes down the cul-de-sac, bypasses the existing line and then ties back in at the south end of the property.

Conrad asked if there would need to be detention. Osborn stated the City does not typically force detention onto residential developments. There will be an opportunity to stack three ft. of water in the lower pond, which will release water at a lesser rate than is currently being released down that channel. The developer's intent was not to do a pure storm water detention system, but the effect of the ponds has caused that to occur naturally. Conrad asked how the City would monitor the silt buildup. Osborn responded it would not change the rate of the release of water unless the silt built up above the normal operating level of the pool. The bottom pond would need to be completely full of silt before there would be a situation where there would be more water released above the weir. Conrad recommended adding a stipulation to state the applicant may not release any more water than is now being released. Osborn stated he would agree to that, because they will be releasing less water than is now being released. Conrad stated

he was concerned because the area has flooded significantly a few times recently. Osborn stated it would not be an issue after the silt is removed.

Conrad asked where the wetlands mitigations would be placed. Osborn is in discussion with the Corps of Engineers right now. There is an opportunity to create some of that adjacent to their pond system to the west that would not be on the golf course buffer, but still on the Mission Reserve property. There is also some of the green space that, if it became an element, they would have to get into. There is a small area that might be considered, but the developer is working that out with the Corps right now.

Duffendack asked how the homes fit into the proposed plan. Bob Morrissey stated he has been asked to submit some architectural renderings as to the types of homes that would be going into the subdivision, as far as the footprint is concerned. The developer has been working on a larger plan to include courtyards. There are some homes similar to this in Lion's Gate by the lake. The extra amount of room in between the homes in the front requires the homes to be extra deep. The developer looked at the worse case scenario for a footprint and made sure that it met all of the setback requirements. The footprints will not be restrictive from one lot or another dependent on the house design. Brain asked if the homes would all be side entry. Morrissey responded they might not all be side entry, but the developer will be recommending them to be.

PUBLIC HEARING:

With no one present to speak, a motion to close the public hearing was made by Pilcher and seconded by Breneman. Motion to close approved unanimously.

Colloton asked what the price range would be for the proposed homes. Morrissey responded, the range would be from \$500,000 to \$800,000, very similar to the homes at the Lion's Gate. Conrad asked what the square footage would be for the proposed homes. Morrissey stated the homes would be in the 4500 to 5000 sq. ft. range.

Pilcher asked how the northwest corner outside of the property would be developed. Binckley responded the home that is there would probably always be there, because it is a Civil War home, but the remaining land could be developed in the future.

Munson complimented the designer and developers, stating he believes they have come up with an outstanding solution for some interesting terrain and looks forward to this development being built.

Joe Johnson stated the City would inspect the ponds on an annual basis. Colloton asked if the inspections of the ponds should be added as a stipulation. Carper made a motion to amend the stipulations by adding a stipulation that states the ponds be treated as storm water drainage and therefore will be subject to the regulations relating to storm water drainage.

A motion to approve, minus stipulation 21 and the addition of the above referenced addition, was made by Colloton and seconded by Breneman.

Conrad stated concern with allowing for deviations of setbacks on the entire project, considering that the developer does not have a building footprint yet. Klein responded the Commission would be the recommending body and the City Council would make the final approval of the deviations. Brain asked what the front yard setback should be for RP-4. Klein responded 30 feet, but the ordinance states the Commission has the approval to deviate from that by 75%. The side yard setback is 20 ft. between buildings. The ordinance does not state a setback from the property line or a street side yard. In this case, the developer is requesting 7.5 ft. from the property line, which would make it at least 15 ft. between buildings. The Fire Marshal recommended the roofing material be at least a class A fire rating, which the developer has agreed to. The rear setback requirement is 20 ft. between buildings and the developer is proposing 25 ft.

Duffendack stated he really liked the water features and feeling of openness, but questioned if it is enough of a benefit to allow the deviations in the setbacks. Conrad stated the plan is greatly improved since the Commission last saw it. The massing of the buildings and the homes will have an impact on how closely they will be placed together. Conrad is supportive of the project, but concerned about allowing deviations to some setbacks without knowing what will be built. Conrad asked if the Commission would get more information about the proposed structures at final. Klein responded, yes.

Colloton stated concern that the City is allowing too many deviations on setbacks. She was also concerned that the Fire Chief is insisting on class A roofing materials because they are so close. Klein responded it is building code that to have class A roofing when homes get closer than 20 ft. to each other.

Brain recommended some changes to the Staff reports going forward. He would like (1) to list the standards next to the deviations, (2) to list recent approvals of similar projects and what deviations were granted, and (3) to add a section to the report indicating why Staff is recommending approval of the deviations. Binckley stated the Staff report lists the requirements and the requested deviations under the section "bulk regulations". Binckley also stated it is written in the report why Staff is recommending the deviations under the section "staff comments". Brain requested Staff put all of this information on one page. Pilcher suggested spending time in a work session to discuss the deviation issues. Brain agreed to discuss general setback deviations during a work session.

Motion approved unanimously.

CASE 22-02 HEARTLAND BANK Request for a final site plan. Located at 4741 Town Center Drive.

STAFF PRESENTATION: Presentation by Mark Klein. The applicant is requesting approval of a final site plan for the construction of a bank. The development would consist of a 7,000 sq. ft. bank on a 44,449 sq. ft. lot. This is the last out-parcel of Town Center Plaza. The bank would face onto Town Center Drive. Staff would like to make a few of changes to the stipulations. Stipulation number 4 reads, "No gutters or downspouts should be located on the exterior of the building". Upon doing some review, Staff found that City Council recommended removing that requirement at preliminary; however, the applicant has stated they would recess the gutters. Stipulation number 5 reads, "There shall be no more than 33 parking spaces and 13 spaces will be land banked". The applicant has stated they have some concern with that stipulation. Since the preliminary, the building has increased in size a little over 500 sq. ft. and the applicant would like to construct 35 parking spaces. Staff recommends stipulation number 5 to read, "No more than 35 parking spaces shall be provided on the site, with an additional 11 parking spaces land-banked". Staff is recommending approval with the attached stipulations and changes.

Carper asked for clarification on what Council had recommended in regards to stipulation number 4. Klein stated this case came before the Commission with the stipulation that there should be no external gutters. City Council then remanded it back to the Commission to allow the external gutters, but the applicant has agreed to recess the gutters. Brain asked why City Council made that decision. Klein stated the issue came about that it was of serious concern to the developer; it would not be amenable to the building to have the internal gutters. Carper asked what other types of guttering is used in Town Center Plaza. Klein responded there are some internal and some external. Carper asked why Staff recommended internal downspouts. Klein responded that Staff recommends internal gutters for aesthetics. Binckley stated the architect pleaded with the Council because it would be more difficult to internalize the downspouts.

Brain asked if this case is in substantial compliance. Klein responded, yes.

Pilcher asked if all four of the drive thru lanes would be utilized. Klein replied Council stated they should be allowed to have the four lanes.

APPLICANT PRESENTATION: Presentation by Kite Singleton, applicant and architect for the Heartland Bank project. The applicant has agreed with Council's recommendation to recess the downspouts. The request for signage in the Staff report is to reduce the signs to between 2% and 3% of the façade. The ordinance allows for 5%. The original request was for four wall signs and one monument sign. The applicant has reduced the number of signs to two wall signs. The sign will be a back-lighted sign that is a very subtle advertisement. The applicant would like the signs to be 5% of the façade; which is allowed by the ordinance.

Conrad asked if the sign is shown as 5% on the elevations that the Commission has been given. Singleton responded it is approximately 5%. Breneman asked what size the 5% sign would be in square feet. Klein responded they would like to have a sign 7 ft. in height. The original proposed sign was 71 sq. ft., but they are now proposing the size to be moved to 90 sq. ft. It would be higher than 7 ft. Carper asked why Staff is not allowing them to have 5% of the façade. Klein responded Staff was looking at the signs of the adjacent buildings. The dimension on the Hereford House sign facing Town Center Drive is 43 sq. ft. and 2 ft. high. Duffendack stated it's not the same thing, because Hereford's House's sign is red. He sees no justification to reduce the sign size. The applicant has already lost one of their requested advertising methods. Pilcher stated he believes it should be a smaller sign for continuity. Carper believes it should be 5%. Colloton believes the continuity of signs in the area is not an arbitrary issue, and is a good reason to make it the size that Staff recommended. It will have the neon backing and will be lit. There is no question it will be visible. Carper stated it's wrong to compare it to Yahooz and the Sprint Store. Duffendack stated he does not see any type of consistency in terms of signage in Town Center Plaza. Breneman asked if there is a regulation for Town Center Plaza to be less than the 5%. Klein responded Staff does look at the consistency in size of the signs. The larger signs in Town Center Plaza were approved quite some time ago; the direction of the Commission has changed since then, and the City has been requiring smaller signs.

Munson asked what the difference is between what Staff wants to approve and what the applicant is requesting. Klein stated Staff is recommending going to 57 sq. ft. to more closely match the square footage of the signs that are adjacent. The applicant originally proposed 71 sq. ft. and is now proposing a 90 sq. ft. sign. Munson asked for the dimensions of the proposed sign. Klein responded approximately 14 ft. by 6.5 ft. Conrad asked if the signs are on the north and the south sides. Brain asked about the height of the letters. Klein stated the letter height on the 71 sq. ft. sign is 18 inches.

Conrad asked how the mechanical equipment would be screened. Singleton stated the height of the parapet would hide any mechanical equipment. Munson asked if the tall space with the round windows would be used for anything. Singleton responded it was the intention to have an impressive front lobby. In addition to that, there will also be a canopy above the drive thru lanes. Munson asked if the round windows are skylights. Singleton responded they are round, clear windows.

Duffendack asked if the two bricks shown would be used to create the diagonal design. Singleton responded, yes. The walls were originally planned to be stucco, but one of the requirements of the Commission was to increase the percentage of brick, so the wall became brick with the diagonal of stucco.

Colloton asked if there would be a sidewalk to connect the bank to Yahooz. Singleton responded the sidewalk around Town Center Drive does connect the development to Yahooz. Yahooz was not particularly responsive in putting a connection across the parking lot, so Heartland dropped the issue. It could still be incorporated if Yahooz agreed to. Binckley responded Yahooz made application regarding temporary parking and a sidewalk, but Staff has not spoken with them in regard to that as of this date. The bank had previously agreed that during their off hours they would allow Yahooz to use their parking lot, which would be beneficial to Yahooz.

Brain asked how many employees would be in the bank at one time. Mike Hoefer responded about 22 to 25 employees. Brain asked if they anticipate parking their staff in the bank's parking or in Town Center Plaza. Hoefer responded they would use either the bank's parking or the spaces immediately to the south. The spaces to the south currently get very little use. Brain stated he would like to get as much green space, but was concerned about

Yahooz. Hoefler stated the applicant had originally asked for 46, because of their concern about that general area of parking. The applicant has agreed to allow Yahooz to use the 13 or 15 spaces on the east side of the bank's lot. Brain stated he would like Yahooz to cooperate in some pedestrian access.

A motion to approve made by Munson with the stipulation changes listed in the Staff presentation and seconded by Breneman.

Duffendack offered an amendment to stipulation number 6 so that the sign be allowed at 90 sq. ft. and Carper seconded.

A motion to approve the amendment approved (4-2). Breneman and Colloton against. Pilcher abstained.

Motion approved unanimously.

ADJOURN

Don Brain, Jr. Chairman