

**City of Leawood
Planning Commission Minutes**

**October 29, 2002
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive**

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

APPROVAL OF THE AGENDA: Case 85-02 will be continued to the November 12, 2002 meeting. **A motion to approve the revised agenda was made by Henderson and seconded by Rohlf. Motion approved unanimously.**

APPROVAL OF THE MINUTES: A motion to approve the minutes from the September 24, 2002 meeting was made by Carper and seconded by Henderson. **Motion approved unanimously.**

OLD BUSINESS:

CASE 71-01 CORNERSTONE VILLAGE Request for approval of rezoning from AG to SD (CR), preliminary plat and preliminary plan. Located at the southeast corner of 135th Street and Nall Ave.

Staff Presentation: Presentation by Mark Klein. This application was seen before the Commission during the Sept. 24th meeting and was continued at that time. There were a couple of outstanding issues. The alignment of Briar was one of the issues. The Comprehensive Plan currently shows the alignment of Briar at the quarter section line; however, the applicant is proposing two alternative alignments. One alignment is near the shared property line to the east with Plaza Pointe, which is shown on the plan that will be presented at this meeting. Another alternative was about a 40 ft. offset to the west of the quarter section line. Staff is hoping the property owners to the north will have a preferred alignment, since they will be impacted and Staff would like to hear what they prefer. Staff has not heard from them at this point. Another issue was the connection to the Plaza Pointe development. That connection has been made in this latest plan. There are some revised stipulations on the dais. They are referring to the special use permits that are required for some of the proposed uses. The applicant has seen these changes and is agreeable to them. Staff is recommending approval of this case. The development would be made up of 268,298 sq. ft. of retail space and 88,529 sq. ft. of office space. The development would be made up of 356,827 sq. ft. of construction on 34.39 acres, for an FAR of .24.

Henderson asked for clarification on the word "may" in the statement, "Once the special use permit is granted, it may be transferable to the following property owners". Bennett responded the applicant has requested it to read "will be transferable", rather than "may be transferred". Henderson asked if the BZA would be required to grant the height variances if the Commission passes these stipulations. Klein responded the BZA has the ability to form it's own judgment and is not bound by the Planning Commission's decision. Henderson then asked if the five ft. differential in topography between Cornerstone and Plaza Pointe would get resolved. Klein stated the City is of the position that the connection must occur. It is up to the applicant and the Plaza Pointe development on how to create it. Munson asked when that issue would need to be resolved. Klein responded if it were approved at final application, it would need to be constructed at first phase and prior to occupancy. Munson asked if the out parcels would be built before the center buildings. Klein stated Staff would like to add a stipulation that requires either the eastern half or western half of the main center to be built as a first phase. The designation would be the east-west corridor that divides the two major tenants (between buildings 5&6 and 10&11). Munson asked how that would affect what will happen with

the pad sites. Klein responded the applicant would probably choose to build the side that has the most interested tenants for the pad sites first. Munson stated he would not want the pad sites to be built, then the main center not get built for years later. Klein stated the stipulation is intended to have a major portion of the center built with the first phase, so as to not have just pad sites with no center.

Henderson asked if Staff is comfortable with the parking as proposed. Klein stated the project has about 5 per 1000 in all locations except for the office where it is 4 per 1000. Staff is very comfortable with that.

Applicant Presentation: Presentation by Steve Aganor, representing the ownership of the project. When the owner purchased this land in 2001 and made the decision to leave the county and apply for annexation with Leawood, it was for two reasons. The owners believe this project is a perfect fit for the 135th Street corridor guidelines; secondly, their overriding goal is to complement the master plan of the Church of the Resurrection.

Presentation by Dan Lowe, a managing partner with RED development. RED development has been developing shopping centers for 8 years now with a focus on the development of lifestyle centers, although they have done projects outside the realm of lifestyle centers. Lowe described a video of some of the other developments that RED has created. Their projects are very heavily landscaped, internally loaded projects, with four-sided architecture. Their projects entice people to shop and stay and linger. There is a focus on architecture and landscaping with wide courtyards, lots of stone and brick, and patios. The materials in the project and the out-parcels are all controlled by the design criteria, written and recorded by RED prior to the construction of their facilities. Not only does the City control those uses, but the developer also controls the design and materials.

Presentation by Henry Klover with Klover Architects. Klover showed the Commission an additional board showing the green space and water areas. Klover also showed the walkways and pedestrian connections. There are 15 separate walkways from the center to the outside right of way.

Munson had concerns about the traditional signage and design on the drive-through drug store. Lowe responded every tenant would be required to meet the criteria; a drive-through drug store will have prairie style architecture. Munson asked about the prototypical storefront or buildings. Lowe responded the buildings might have some of the same prototypical signage, but not the architectural style.

Henderson stated he would like Cornerstone to be unique and not like something a person could find in another place.

Carper stated he would like some assurance that the pad sites will be developed to the standards of Leawood. He has nothing against fast food, pharmacies, or packaged liquor stores but they would need to have the right architecture and signage. Carper asked if the Commission would have the ability to control that when it comes before them again. Lowe responded he believes the final plan approval will give the Planning Commission the ability. Carper asked to see some of the pad sites the developer has done in other areas. Lowe stated the applicant is willing to provide more pictures of previous developments, if needed.

Public Hearing: John Schram, 5430 W. 140th St., stated he is looking forward to this type of development. He is excited to see this quality of development and asked the Planning Commission to approve this as quickly as possible.

A motion to close the public hearing was made by Henderson and seconded by Munson. Motion to close approved unanimously.

Binckley reminded the Commission this is a preliminary plan application. The Planning Commission will have the ability to evaluate the design criteria at the time of final plan approval. Each of the tenants would need to come before the Commission again for each of the Special Use Permits.

Henderson asked for clarification on the fifth bullet of stipulation number 26. Binckley asked Henderson to refer to the stipulations handed out at the dais. Henderson stated the newly revised stipulations clarifies that issue for him.

Munson asked for clarification of item C on stipulation number 26. Bennett responded the applicant is looking for the Commission's willingness to grant a perpetual Special Use Permit, one that would be transferable between users.

Carper asked if the Commission will be able to look at and approve each of the individual pad sites. Bennett stated the applicant is looking for approval of the use itself, not the building itself or location. The applicant is asking the Commission to speak now if they would be in opposition to any of these uses.

Henderson stated he would like to change the wording on the stipulation to "approves in principle". He believes the word "generally" is meant to soften the affect of the word "approve" and is not needed. Duffendack asked Bennett if she would be in approval of removing the word "generally". Bennett stated the word "generally" could be removed.

Klein stated there is still the issue of the alignment of Briar. Duffendack asked Klein to show the three different options for the alignment of Briar. Klein described the three options. Duffendack stated he doesn't believe the Commission could make a decision without hearing from the property owner to the north. Binckley stated a stipulation would need to be added that states, "the location of Briar will need to be worked out with the property owner to the north, prior to being seen for final before the Planning Commission".

A motion to approve was made by Henderson, removing the redundant words in stipulation 7, and stipulation 6 to be amended to read "the applicant is required to work out the location of Briar with the property owner to the north and Staff prior to it coming back to the Commission", and the word "generally" be removed from stipulation 26. Motion seconded by Carper.

Carper asked for a clarification of item C on stipulation number 26. Bennett responded the stipulation is meant to allow the special use permit to be transferable when it comes up. Carper asked when the City has approved a perpetual special use permit in the past. Binckley responded the City has done a perpetual special use permit with a day care facility.

Munson asked to add a stipulation to read, "no building permit for any construction on pad sites or out lots shall be issued until the principal shopping center buildings have been approved and their construction started. All buildings on out lots or pad sites will conform to the architectural style of the principal center buildings as set forth by developer and approved by the Leawood City Planning Commission". Henderson approved the addition of the stipulation.

Motion approved unanimously.

CASE 74-02 FRITZ'S SMOKED MEATS – SIGN Request for approval of a final site plan. Located at 103rd Terrace and State Line Road.

Staff Presentation: Presentation by Jeff Joseph. The applicant is James Bettalia. The applicant is requesting approval of a final site plan to replace their existing sign. This case was continued from the August Planning Commission meeting, during that meeting the Commission had some concerns regarding the box-type sign and the

graphics. The applicant has submitted revised plans. The applicant is proposing three alternate signs and requests the Commission select and approve the appropriate signage. If the Planning Commission were to approve this case, Staff recommends the stipulations stated in the Staff report.

Applicant Presentation: The applicant is Signtronics Inc. John Scott, of Signtronics Inc., stated the proposed sign was actually redone by Staff. The applicant has worked with Staff to rezone the area because it is a retail store. During that discussion the topic was brought up of the artwork and layout of the sign. Staff has recommended that the second option is the best, in order to show that it is a restaurant. The channel letters would cost from \$20,000 to \$25,000 for Fritz's to do. Scott stated he has a laptop with other options if the three are not agreeable. He also pointed out that the Waterway has a box style sign.

Duffendack stated the Commission is only interested in what is submitted and is not interested in seeing any other options at this meeting.

Henderson stated he is not impressed with any of the three options. What has been done in the past is not going to persuade the Commission's decision at this meeting. It is not the place of the Planning Commission to look at the financial aspects of the sign or the industry. The Commission's duty is to look at the style of the sign and what is expected in Leawood.

A motion to deny was made by Munson and seconded by Rohlf. Motion denied unanimously.

NEW BUSINESS:

CASE 53-02 LEAWOOD DEVELOPMENT ORDINANCE Request for approval of revisions to the Leawood Development Ordinance.

Staff Presentation: Presentation by Diane Binckley. This document comes as a recommendation from the LDO review committee. Staff is recommending approval.

Henderson stated the committee has done a good job on melding in the new policies in respect to recreational vehicles and vinyl windows.

Public Hearing: Doug Patterson, 12712 El Monte, spoke to address the gate policy issues.

Binckley stated the draft that Patterson has is of the City Code, which is not what the Planning Commission is approving at this meeting. The portion that the Commission is approving tonight is section 1-7, gates in public streets.

Patterson stated if the Commission is not the Body that would approve the Code, then he has nothing more to say.

A motion to close the public hearing was made by Henderson and seconded by Munson. Motion to close approved unanimously.

Duffendack expressed his thanks to Staff and the other members of the Commission and task force that worked on the development of this draft of the Ordinance. As a result of a lot of people working on it, it has become a far-reaching document. The consultants performed admirably and need to be complemented. Duffendack would like a letter to be written from the Planning Commission stating that.

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

Henderson asked for a clarification on Patterson's issue. Binckley stated section 1-7 addresses the procedure of gates in public streets. In the City Code, section 13-337 addresses gates and some of the residents are not in favor of the proposed City Code.

CASE 77-02 STEEPLECHASE – 5TH PLAT Request for approval of a preliminary plat and final plat. Located at 145th Street and Chadwick.

Staff Presentation: Presentation by Jeff Joseph. The applicant is Martin Arling with Kaw Valley Engineering. The applicant is requesting approval of a preliminary plat and final plat of a re-plat of lots 257 through 262 and tract G of Steeplechase 4th plat. This project is located south of 143rd Street and east of Mission Road. This re-plat will close the gap between Camden Woods 2nd plat and Steeplechase 4th plat. Staff is recommending approval with the stipulations stated in the Staff report.

Henderson asked if there would be a fence along the boundary of this property.

Binckley stated this section backs up to another subdivision, so it would be up to the residents if they wanted to put up a fence, since it does not back up to a public street.

Applicant Presentation: Martin Arling stated this change is made to bridge the gap between the two subdivisions.

Public Hearing: With no one present to speak at the public hearing, a motion to close was made by Henderson and seconded by Munson. Motion to close approved unanimously.

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

CASE 80-02 PLAZA POINTE, LOT 7 Request for approval of a preliminary site plan and final site plan. Located at 135th Street and Roe Avenue within the Plaza Pointe development.

Staff Presentation: Presentation by Jeff Joseph. The applicant is Richard Sailors. The applicant is requesting approval of a preliminary and final site plan for 11,200 sq. ft. of office building. This property is located at the southwest corner of 135th Street and Roe Avenue. The proposed building is one-story. A gated trash enclosure is proposed for the southwest corner of the building. A plaza area is proposed on the north side, which will be shared with the Carpet Corner project. Staff would like to remove stipulation number 6. The applicant has worked with Staff and has provided additional landscaping. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Munson asked to see the elevations of this building.

Applicant Presentation: Presentation by David Suttle of Suttle Midlin Architects. Suttle described the site plan. It is a one-story building, but was originally conceived as a two-story building. This building meets all of the requirements of what the developer has been looking for in this development. The connection of the through drive to lot 6, rather than an off-set, has been accommodated by the adjoining development on lot 6. The interface of the courtyard between Carpet Corner and this development has been negotiated and everyone is working together to make it a handsome space between the two buildings. This building is broken up into several pieces. Both ends of this building have features and a development that connects this building and the Carpet Corner building together. While this entryway does not have the formal feature of 135th Street, it will have dramatic landscaping and features because it is a very important corner. Suttle described the elevations.

Munson asked which elevation would have the trash enclosure. Suttle responded, the west elevation.

Duffendack asked about the rooftop mechanical equipment. Suttle responded the equipment would be hidden. Duffendack asked if there would be a separate unit for each suite. Suttle responded, yes. Duffendack asked if it is meant to be modular. Suttle responded, yes.

Henderson commended Suttle on his ability to reach what the Commission has asked for.

Public Hearing: With no one present to speak, a motion to close the public hearing was made by Henderson and seconded by Munson. Motion to close approved unanimously.

A motion to approve was made by Munson and seconded by Carper.

Binckley asked for stipulation number 6 to be removed. **Munson and Carper accepted the amendment.**

Motion approved unanimously.

CASE 86-02 PLAZA POINTE, LOT 13 Request for approval of a final site plan. Located at 135th Street and Roe Avenue within the Plaza Pointe development.

Staff Presentation: Presentation by Jeff Joseph. The applicant is Richard Sailors. The applicant is requesting approval of a final site plan. The proposed building is one-story. It is located west of the Zipz! convenience store, which is on lot 12. The proposed gated trash enclosure is located on the southwest corner of the building. Plaza areas are provided at the north and south sides of the building. There is a slight change to the materials that were submitted to Staff. Instead of the beige-colored metal roof, the applicant is proposing a green-colored roof that is an approved material for this development. Staff is recommending approval with the stipulations stated in the Staff report.

Henderson asked if the drive in from 135th Street had been changed. Joseph responded the applicant has tapered the curve so it is more transitional. Henderson then asked if the vertical screen between 12 and 13 would be changed. Duffendack suggested the applicant answer those questions.

Applicant Presentation: Presentation by David Suttle of Suttle Mindlin. Suttle described the change in the parking layout. The end of the island has been tapered to allow better flow of traffic. There is a sidewalk/crosswalk connection between 12 and 13. There is a concave grass lawn on the south side of the building. It will have some overflow, but not often. There are features to complement the other buildings in the development. Suttle described the elevations. The colors of the building will be a warm red-brown brick with tan trim.

Munson asked why the applicant is using Dryvet. Suttle stated it is the approved material.

A motion to approve was made by Munson and seconded by Rohlf. Motion approved unanimously.

CASE 83-02 MARKET SQUARE CENTER – LIQUOR SALES Request for approval of a special use permit to allow packaged liquor sales within the Market Square Center development. Located at the northeast corner of 135th Street and Mission Road within Market Square Development.

Staff Presentation: Presentation by Mark Klein. The applicant is requesting approval of a special use permit to allow packaged liquor sales. This applicant is also requesting approval of an additional sign for the corner tenant at this location. This site lies at the northwest corner of this development and faces north. The project is not proposing any changes to the exterior of the building or the site plan has been approved. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Henderson asked how far away this building is from the Mission Trails elementary school. Klein responded it is across the parking lot, some green space, then it is across the street. Munson asked what the code says in regard to the proximity of liquor stores and schools. Binckley stated the distance is at least 1,000 ft., but the City code does not have any minimum requirements in regard to schools and the proximity of liquor sales.

Applicant Presentation: Presentation by Peter Bohling with Super Market Developers. Bohling stated the State regulation is 200 ft. from the property line to the actual premises of a school. The liquor store will be a 3,000 sq. ft. unit. There is currently a sign on the northern elevation. Signs are permitted on the sign band, which carries around on the west and the applicant believes it would be appropriate to have a sign there. Signs for this development can be as large as 24 inches, but the developer is only allowing 18 inches.

Rohlf asked for a description of the parking. Bohling described the parking.

Carper asked if there is a state requirement to advertise if it is a retail liquor store. Binckley stated there is a state statute that allows them to have a sign reading "retail liquor store", but it does not need to be neon. The size of the sign would still need to comply with the City's sign ordinance. Carper asked Bohling if he is anticipating requesting dual signage for any other locations in the development. Bohling responded there is a possibility of asking for dual signage on the southern elevation of the office building, depending on the user. Carper asked Staff if there have been any other situations of dual signage that have been approved. Binckley responded it has been allowed in the Town Center Plaza development.

Public Hearing: With no one present to speak at the public hearing, a motion to close the public hearing was made by Henderson and seconded by Carper. Motion to close approved unanimously.

Henderson commended Staff's explanation in regard to the Golden Criteria.

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

CASE 84-02 TOWN CENTER PLAZA – LOT 10 REDEVELOPMENT Request for approval of a final site plan. Located at 117th and Nall Avenue within the Town Center Plaza development.

Staff Presentation: Presentation by Jeff Joseph. The applicant is Jeff Dozier. The applicant is requesting approval of a final site plan, which will allow them to change the building elevation and signage. The applicant is proposing to remodel the existing Jacobson's building. The first floor area will be retail space and the second floor area will be office space. The proposed elevations will be composed primarily of brick, EIFS and glass. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Duffendack asked if the fire marshal has seen the proposed changes. Joseph responded he has provided comments in the packet.

Henderson asked if there are any cell towers on top of this building. Binckley stated there is one approved, and it will remain. Henderson asked if the towers would be affected by the change in ownership of the building. Binckley

responded nothing would change, assuming the new owner will continue the lease. Henderson then asked if Staff is comfortable with the retrofit of this building, considering this could set a precedent for other retrofits. Joseph responded Staff is comfortable with the changes because they are changing the architecture of the building. They are adding more architectural features and it is the same use. Binckley stated she just was told the property owner was Town Center, so the ownership has not changed. Jacobson's was just leasing from Town Center.

Carper asked for a rendering of what the building currently looks like. Binckley showed some pictures and described the changes. The proposed architecture will join to the inline piece better than it does with the current store.

Applicant Presentation: Presentation by Henry Klover of Klover Architects. The intent is to have office space on the upper level. The developer has not had a lot of potential tenants for retail on the second story. Klover described the elevations. The developer plans to reuse the current arch feature as an entryway to the elevator. There will be an extended canopy that will go completely across the front. The storefronts will be extended out 4 ft. in order to get the same proportions. The square footage is basically the same as the existing building. The developer is planning on relocating the larger existing trees.

Munson asked if they could change the square windows on the second floor of the west elevation. Klover responded there were a lot of braces in that wall and the developer was trying to avoid having to work around them. Munson stated he would rather have another large department go in there and feels the development needs a large anchor store.

Henderson asked if the building would be able to hold up to the changes. Klover stated they would be required to meet the current building code. The structural k-braces in four different areas will need to be modified, but a structural engineer will come in to recommend structural changes when that is done.

Rohlf asked if this configuration for the exterior would remain the same if a different tenant came in. Klover responded it could change if a different tenant came in, but they would need to come back before the Commission if that was to happen.

Duffendack stated he is okay with the north and south elevations and does not have a problem with the uses changing. The exterior treatment concerns him. He never liked the design of the Jacobson's building; he felt it was out of place with the development. He believes the applicant has done a good job on the north and south sides, but not the west side. He cannot support a project that he believes is only 2/3rds finished. It doesn't help the overall design of the center to ignore the west side. Duffendack then asked how the second floor plan works and how people will get there.

Klover responded there would be a freight elevator on the backside and a single elevator on the front side. The second floor would be approximately 59,000 to 60,000 sq. ft. Duffendack asked if the applicant has checked the ratio, because he believes there might be a need for two elevators. Klover responded they have not checked the ratio.

Duffendack asked how the retail stores would be serviced on the first floor. Klover responded there is an interior corridor on the first floor. The trucks and trash would all be contained within the existing facility on the east side. Duffendack was concerned about the ability to lease the second floor. Klover stated this environment works well with the Plaza.

Henderson referred to the fire marshal's concerns of not having adequate space, to make sure that it doesn't become cluttered. Duffendack stated it is not a Planning Commission concern; the City's code enforcement department would regulate that issue.

A motion to approve was made by Henderson.

Carper asked what stipulation number 7 has to do with this case. Binckley responded there would eventually be a signal at 117th Street. This stipulation should have been included with the original application for the Jacobson's building. Carper stated the west elevation looks as if it is not complete. He then asked if a stipulation would be added to address that issue. Duffendack stated he couldn't support the application without a change to the west elevation. He suggested a continuance or a re-submittal with some thought given to what the west elevation looks like and then brought back to the Commission.

Motion to approve fails.

Klover asked for guidance on what the Commission would like to see on the west elevation. Duffendack stated he would like to see a continuation of the north and south elevations. He suggested brickwork, if windows are not an option.

The applicant requested a continuance to the November 12, 2002 meeting.

A motion to accept the request for a continuance made by Henderson and seconded by Carper. Motion to continue approved unanimously.

ADJOURN

J. Paul Duffendack

Chairman