

City of Leawood
Planning Commission Minutes

January 28, 2003
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AGENDA: Binckley requested to hear case 07-03 before case 06-03. A motion to approve the revised agenda was made by Henderson and seconded by Rohlf. Motion approved unanimously.

A motion to approve the consent agenda was made by Henderson and seconded by Pilcher. Motion approved unanimously.

APPROVAL OF THE MINUTES: A motion to approve was made by Conrad for the November 12, 2002 minutes with the grammatical changes noted by Duffendack, seconded by Rohlf. A motion to approve was made by Henderson for the November 26, 2002 minutes with the changes noted by Conrad and Henderson, seconded by Conrad. Motions approved unanimously.

CONSENT AGENDA:

CASE 87-02 PLAZA POINTE, LOT 3 – SIGN Request for approval of a final site plan. Located at 135th Street and Roe Avenue within the Plaza Pointe Development.

CASE 02-03 NATIVITY PARISH SCHOOL - SIGN Request for approval of a final site plan. Located approximately north of the intersection of 119th Street and Mission Road.

CASE 09-03 ASSOCIATED PLASTIC SURGEONS Request for approval of a final site plan. Located south of 115th Street and east of Roe Avenue.

CASE 13-03 LEAWOOD PINES Request for approval of a final plat. Located north of 103rd Street and west of Lee Boulevard.

OLD BUSINESS:

CASE 88-02 8700 BUILDING – MONUMENT SIGN Request for approval of a final site plan. Located at 8700 State Line Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Michael Lang. The applicant is requesting approval of a final plan to replace an existing monument sign. The existing monument sign is located at 8700 State Line Road. The applicant is proposing a monument sign that reads "8700 Offices" and nine individual tenant names. Staff is not supportive of the proposed monument sign. According to the LDO, monument signs with individual tenant names are not permitted, and internally illuminated signs are not permitted. Staff is recommending denial of this case for the reasons stated in the Staff report.

Applicant presentation: Presentation by Ross Jenson of ACME Sign. Michael Lang, with CB Richard Ellis, was also in attendance. ACME Sign has worked on this project for about four months and has tried to create something that would be best for the tenants of the building. The applicant has now learned that the code has changed and

would like to continue this case in order to have a chance to work with staff to bring the sign into compliance with the new ordinance. The applicant requested a continuance.

Conrad stated one of the issues with this sign was that it listed the individual tenants' names. He then asked if the issue would be addressed by continuing this case. Duffendack replied, yes.

A motion to accept the applicant's request for a continuance was made by Brain and seconded by Pilcher. Motion to continue approved unanimously.

CASE 91-02 TOWN CENTER PLAZA – UPTOWN REMODEL Request for approval of a final site plan. Located at 4800 W. 119th Street.

Staff presentation: Presentation by Jeff Joseph. The applicant is Ed Nelson with Leawood Hopps. The applicant is requesting approval of a final plan to remodel the existing Uptown Diner. This building is located on the south side of Town Center Plaza. This case was continued from the November meeting to a work session in January 2003. At that time, the Commission gave the applicant some suggestions and the applicant has submitted revised plans accordingly. The applicant is proposing New Rosa colored tiles over the existing tiles. Some of the existing EIFS will be replaced with new EIFS in a colonial tan color. The name of the restaurant will be "The Flying Grizzly". A sign permit is required prior to installation of any new sign. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked for a clarification on the patio. Joseph responded there would be seating inside the patio, with a three-foot high fence surrounding it. Henderson was concerned that by approving this patio, more restaurants would be asking for outdoor patios. Joseph responded Cactus Grill has been approved. Binckley stated the Houlihan's restaurant next door has one, On the Border has a raised deck patio, and Panera also has a patio.

Williams asked what type of screening material would be used. Binckley stated they would be using the same screen that is there. It is a metal screen, which is perforated and painted to match the building.

Applicant presentation: Presentation by George Lafferty on behalf of Leawood Hopps. The applicant would like to take the tower with the coffee cup and the stainless steel polished flashing off the building and change the purple color to a tan color. There are some problems with removing the stainless steel; it will need to be recoated in some places. Lafferty showed the Commission some samples of what the proposed changes would look like. The 2-3 ft. high stainless steel band above the windows will be removed and replaced with new EIFS. The applicant will recoat it with what the Dryvet Company recommends in order to make it uniform. The applicant is proposing to place new tile on the existing purple and white porcelain tile to make it more in line with the image that they are trying to create.

Williams asked if the new EIFS application and the re-coat would be the same color. Lafferty stated it would be the same color, because it is the same application process.

Henderson asked if the applicant has satisfied Duffendack's concern about the base tile and whether or not a new substance would adhere to it. Duffendack stated he is expecting materials that will have a long life span. He then asked if the proposed materials are meant to be there for the life of the building. Lafferty stated the owner wants no maintenance. As far as the EIFS, it should be no different than the coating that is currently on the building.

Henderson asked if there are other buildings where EIFS has been reapplied and if so, how it has worked. Lafferty stated he did not know, but could try to find the name of some local examples to see if they have had any trouble. Henderson stated the Commission has had issues with EIFS in general, and he feels more concerned with a double application. Lafferty responded the general concern with EIFS is drainage, not the surface coating.

Williams asked what the reasons were for placing the awnings on the corners. Lafferty stated it was meant to lessen the art deco appearance of the building, to help tie it in to the other elements of the building, and it also helps with the sun and glare.

Conrad asked if the occupancy count has increased significantly. Binckley stated they have more than enough parking stalls; it would be up to the Codes Administrator to decide if the restrooms are adequate.

Henderson reiterated his concern with the patio. Duffendack stated he generally likes outside dining and in this case it will help with what has traditionally been the backside of the building. Duffendack feels the addition of the patio and some awnings will help to make that side feel friendlier.

Brain stated he is worried that the City is ending up with a building that would have never been approved in the first place and doesn't feel like the applicant has created a design that the City would be more proud of.

Williams stated he believes this building is plain and uninteresting and is afraid it will set a precedent for other new buildings or remodels along 119th Street.

Pilcher stated he agrees with Brain's comments and would like to ask the applicant if they are willing to spend another work session with the Commission to finalize the details. Duffendack asked the Commission for more details on what they are wanting. Pilcher stated his primary concern is the acrylic on chrome and asked if there are places that this has been in place for 5 to 10 years. He would like to know the longevity of this application.

Brain stated he feels the applicant has taken away the architectural interest in the building and has changed it into something that is not up to Leawood's standards; particularly the north and east elevations. Brain would not like to see this approved as currently proposed and set; he believes it might set precedence for future redevelopment.

Williams stated the applicant has ended up with something that is drab and plain, but this may be in response to staff's or the Commission's concerns with the purple of the current building. Williams then suggested the applicant could possibly add additional trim or character to the building, or accentuate the building with more color.

Conrad stated he believes the original building was quite unique and the owner has made it quite the opposite. He was concerned of the durability of the EIFS. Conrad stated he would support a continuance of this case.

Duffendack asked the applicant if they would like to ask for a continuance. Lafferty stated the owner is not in favor of a continuance, but he will ask for a continuance, then speak with the owner when they arrive back in town.

Binckley suggested hearing the case at the February 11th work session.

Henderson stated the Commission would like a better use of materials, more aesthetically pleasing than the one proposed, and some consideration given to the patio and its application to the restaurant.

A motion to continue was made by Brain and seconded by Henderson. Motion to continue approved unanimously.

NEW BUSINESS:

CASE 03-03 PARK PLACE Request for approval of a preliminary site plan, preliminary plat and rezoning from SD (O) to MXD. Located at the southeast corner of 117th Street and Nall Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval for a rezoning, preliminary plat and preliminary plan for a mixed-use development that will contain 240,000 sq. ft. of retail, 353,000 sq. ft. of

office, and 350 residential units totaling 560,000 sq. ft. The total development will be made up of 1,231,800 sq. ft. of construction on a total of 29.27 acres for an FAR of .97. This development is located at the intersection of 117th St. and Nall Ave. It is the triangular piece of land to the north of Town Center Plaza. Edgewood is to the north of it. The staff report that was given to the Commission was written before staff received some changes from the applicant. Staff is recommending a continuance of this case, but would like to go through the public hearing in order to gather more information. Staff is still working with the applicant in collecting some information.

Applicant presentation: Presentation by Jeff Alpert. In attendance was Melanie Mann, Alpert's partner in Park Place Partners, LLC. Mann and Alpert have searched for an opportunity to develop an urban style, mixed-use community. They have studied the concept through articles, books, attending seminars and have also visited these types of communities to see what makes them work well. The applicant feels they have found the perfect location to not only support their chance of success, but to enhance the community at Town Center Drive and Nall Ave. Their goal is to provide a mix of activities with a great deal of attention to the environment, the experience and the enjoyment of shopping, dining, working and living. The development should provide wide open spaces to allow a place to play and provide a pedestrian-friendly walking setting.

Also in attendance were the project designers, Richard Heeps and Tim Mount of Street Works, of White Plains, NY; the civil engineers, Harold Phelps and Wendell Uben of Phelps Engineering; the traffic engineer, Mike Walstadd of TransSystems; the legal team, John Peterson and Kelli Springs of Polsinelli Shalton and Welte; the landscape architects, Kay Young and Chris Green; the communication consultants, Roshanne Paris, Jennifer Sandborn and Randy Iltes of Paris Communications.

Presentation by Richard Heeps of Street Works. The basic part of this plan revolves around two things: creating a great walking street, and combining that with a great set of open spaces. The Village Green is a park-like setting. It's a place to have a Farmer's Market or town festival. Town Square is a little more active place; the center of the project. Those are the two main organizing features of the plans. The uses in the plan fall into four "neighborhoods". There is a mixed-use area with a variety of retail, office, and parking structures. The uses in this plan revolve around the street. There are pedestrian-scaled streets with generous sidewalks. Above the shops on the street would be office space. On the corner of Nall Ave. and Town Center Drive is what the applicant is calling the "commercial neighborhood". This consists of two primary buildings, an eight-story office building and a hotel of about 125 rooms supported by a parking structure. This is mixed-use only in that the first floor of the buildings are intended to be office. The designers have specific limitations relative to the development's image that the applicant is proposing. There will be no reflective glass and no all-glass buildings. They are trying to create an office building that is an appropriate neighbor to the people across the street and the neighbors within the Park Place project. The Village Green neighborhood consists of residential uses only. This consists of two residential buildings on either side of the Village Green and a third residential building reflecting the entrance of the residential neighborhood. They are proposed to be "for-sale only" units with a maximum height of eight stories, or 90 ft. Heeps showed the elevations from Town Center Drive. The buildings are architecturally designed to look more like office buildings, rather than residential. The applicant has attempted to mediate the effect of the height by placing the lowest end of the building towards the Edgewood neighborhood. All of the parking in the condo sites are underneath the buildings. Every apartment building sits on a green space. The commercial part of the project has three parking structures with seven levels of parking in two of the structures and eight levels on the third, with one of the levels being below ground level. These three parking structures accommodate all of the commercial parking. The residential neighborhoods will not be able to see any of the parking from the neighborhood except for the tip of the parking garage on the corner of Nall Ave. and Town Center Drive. Heeps described the elevations from Nall Ave. and then described the character of the buildings. The walls and architecture of the buildings should be oriented towards the pedestrians, not vehicles. There are a couple of one-story retail buildings that are about 20 ft. in height. The residential buildings next to Edgewood are five stories on the 117th St. side, with a height of 60 ft. The windows are designed to look like a home. The retail-office buildings are of similar height. The tallest building is the single office building, at eight stories. The parking structures will have the same design principles as the other buildings. The applicant would like to do what is best for Leawood.

Presentation by Harold Phelps to discuss the storm water drainage. Phelps Engineering has extensive experience with the Tomahawk Creek water shed. They were involved with re-mapping of all of the watershed in June of 2002. In speaking with staff, Public Works had three issues with this project. These issues were the flooding of Town Center Drive, the stability of the existing creek that wraps around City Hall, and the effects of storm water detention on this site. The easiest of these issues to solve is the flooding of Town Center Drive. Under 117th St., there is an existing 66-inch pipe that daylights on this project and flows to 30-inch pipe on Town Center Drive. Because of this, there is some over-topping onto Town Center Drive and therefore, floods that roadway. There are some other existing pipes that have been installed to the east that will alleviate that problem. The applicant is proposing a piping system to get the water to the other pipes instead of the 30-inch pipe, and alleviate the flooding on Town Center Drive. The capacity is there, for the crossroad pipes, on Town Center Drive. The water just needs to get to the points that it is not currently getting to. The stability of the existing creek has changed with the development that has occurred over the past 5 to 10 years and will continue to change over the next 5 to 10 years. The engineer has worked with biotech engineering to create a system where they will affect the vegetation that is there today, but feel they can put it back into a stable condition to help alleviate that problem. It should be a joint effort. This property has not developed to date, and the problems already exist. The applicant is willing to work with the city to make the necessary improvements to that channel. In regard to storm water detention, the applicant's analysis is they would have a negative impact by actually storing the water and releasing it at a slower rate. By detaining on this site, they are increasing the peak at the location of flooding on Tomahawk Creek Parkway. The applicant feels it would be a better idea to let this water go and get the peak gone by the time the Tomahawk Creek Parkway peaks at that location. The other concern is by prolonging the duration of that water, they create an additional instability in the creek itself. The applicant is willing to continue to work with staff to work out the solution of the creek.

Presentation by John Peterson, speaking as the technical applicant in regard to traffic and setbacks. There are three key areas with an overall impact on traffic. Those key regulations are height, density or FAR, and setbacks from public streets. The highest points in the project are the 90-ft. high structures, plus some other elements to reach 100 ft. The new MXD zoning allows structures up to 90 ft. but with a component that would allow a discretionary decision by the Commission and then the Governing Body to allow buildings of any height. Ultimately, the applicant will be requesting an exception to the regulations for those components. The applicant is not prepared at this meeting to make specific requests in terms of where the FARs and setbacks would ultimately fall. The applicant understands that it would be staff's recommendation to continue this case. The applicant is in agreement with this. The applicant will not be bringing this project in at a .25 FAR, and will be asking for deviations from the .25 FAR as a base. As the plan is written now, it is at a .97 FAR. The code allows the applicant to attempt to earn the right to go to a maximum of a .85, and they will continue with that effort. The applicant is planning to bring this project forward at a .85. If not, the applicant might be requesting a modification to the LDO that would provide additional avenues of discretion for the Governing Body and Commission. The code requires building setbacks of 40 ft. with the ability to get a deviation of up to 75%, which would be 30 ft. The code requires parking setbacks of 25 ft. with the ability to get a deviation to 18.75 ft. The building setbacks will be brought in at a 30 ft. setback. It is very unlikely they will be brought to a 40 ft. setback for the building structures. Traffic improvements will be included as part of this project. The applicant is confident their traffic consultant will conclude that, once they are done with the improvements, all intersections will operate at acceptable levels of service. The applicant believes traffic will operate at better levels than if the original plan approved for this location had been built.

Alpert stated the applicant's goal is to make Park Place a place where people can live, work and play.

Public Hearing: George Bock, 5309 W. 116th Street, lives along Town Center Drive, directly behind the proposed eight-story office building. As proposed, it is closer to Town Center Drive than his residence. His home has more setback than that building. Bock stated the proposed development is against the current zoning ordinance. MXD zoning does not provide for a 90 ft. tall, 50-unit condominium. He believes it is far from the character of Leawood. The city's master plan puts a six-acre park along the north side of this development, with pedestrian paths. The city plan requires transition between single family residential and office buildings. It also requires human scale in

residential developments and limits residential buildings to 35 ft. These developers are asking the Commission to ignore all of this because they are going to build something really unique. The elevations that were shown were not from his back yard. Bock enjoys sitting on his back porch, watching the sun go down, and that won't happen because the eight-story office will block it. Bock asked the Commission to stay with the goals and objectives set with the master plan, and if they deviate, don't deviate much. This will set precedent.

Michael Fleming, 5300 W. 116th Street. Fleming has no problem with the change in the zoning, but does have some issues with the phasing of the project. He was told it could potentially take up to 10 years to complete. The first phase would be part of the retail space and at least one of the residential condominiums. The risk from the city's perspective is the south side being developed, then not the north side. Fleming is afraid that things could change over a 10-year period.

Albert Sinnelly, 11509 Juniper Drive. Sinnelly's biggest concern is the effect that this development will have on the property values in Edgewood. He is also concerned about losing the convenience of lifestyle of Edgewood, with easy exit from the development that is there now. With a density of .97, and a height of the buildings going up to 100 ft., he believes it is totally out of conformity of what is in Leawood and would change the character of Leawood. Sinnelly believes it will detract from the value of the neighborhood. The Edgewood development consists of about 50 lots, they will have around 350 dwelling units. This will also have a huge impact on traffic. With the Sprint traffic, it is always heavy around rush hour, worse than New York City traffic. There is a creek behind his house and the water comes up so high that it comes up on his lot and the land is eroding at a high rate. This development will aggravate the situation and make it much worse. The value of the property will take a market decline.

Michael Koch, 5201 W. 112th Street in Leawood Country Manor. Rosewood Drive going to the south would face directly into the eight-story office building. Koch is concerned with the height of the office buildings.

Ken Bush, 5187 W. 114th Place. Bush would be able to see the tall buildings from his home and is afraid of property values going down. Bush stated this is not what was originally approved for this piece of land.

Chug Tuttle, 5109 W. 111th Terrace. When he moved to Leawood 21 years ago, there was nothing to the south. He would like to see Leawood develop in a very orderly manner. It is unsafe walking along Nall Ave. behind Galyans and AMC and he is concerned about public safety in regard to the sidewalk. Tuttle encouraged the Commission to preserve the setbacks to the sidewalks. Tuttle described the sidewalks along the west side of the development. The city will require a de-acceleration lane for the parking structures and hotel and the right turn onto Nall Ave. This will take up approximately 12 ft., then there would be another 5 ft. setback for the sidewalk, then another 5 ft. for the sidewalk itself, then another 10-15 ft. for street trees. This provides open space. The buildings currently along Nall Ave. are setback 50 ft. from the back of the curb. Tuttle asked for a stipulation to be provided for safe sidewalks with separation from the roadway, and another stipulation to request at least a 30 ft. setback for the other sidewalks that currently encircle the current property. The additional benefits of observing the setbacks along Nall Ave. would be uniformity with the other buildings, and would also provide public open space.

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

Williams asked the size of the street that goes through the center of the project. Heeps stated the street would have 20 ft. sidewalks on both sides, 7 ft. parking lanes, then two 11 ft. drive lanes. Williams asked if there are trees within the sidewalk. Heeps stated they would like to put the sidewalk adjacent to the store front so that you can window shop. That leaves 10 to 12 ft. to have trees, bike racks, kiosks, a number of things, but at least the trees. They are very generous sidewalks. Williams asked if they have undertaken a solar study to see what types of shadows would be cast on the development itself and the developments surrounding the property. Heep responded they have not done solar studies, but have tried to keep the taller buildings far away from each other and orientate them in such a way as to be stepped back from the neighborhood. The streets run in all directions. This will change the character

throughout the year. It is a unique notion to have two main streets going in opposite directions. Williams asked if the parks are intended to be used for anyone or just the residents of the development. Heeps responded he would like the public to use the park areas. It is beneficial to the city for the parks to be privately owned. The maintenance would be at a higher level. Williams asked what types of things would be included to invite the public to use the open space. Heeps responded an ice skating rink in the wintertime, the ability to close the streets on Saturdays to have farmers markets and festivals, fountains, cafes, and kiosks. The administrative programming of this space would require full-time staff to plan events. Williams asked if the Public Works' comments regarding the study of the runoff area have been addressed. Ley stated their study included water that does not drain to that channel, it actually drains to the north.

Henderson asked why the city has not already utilized larger pipe to dissipate some of the current flooding. Phelps responded no one has been at this location to fix the problem. The problem is on this property. Several pipes were installed under Town Center Drive with the original construction of the first lane, which was a phased project in which one lane was built first, then when the city came back to build the other lane, they had a problem and they put an additional pipe under Town Center Drive. The pipe that discharges from 117th Street drains from the 66-inch pipe over to the 30-inch and does not get over to the overflow channel that was installed. There is no good connection that allows positive flow to the larger pipe. Henderson asked if there is a pipe now that does that. Phelps stated the water now jumps the curb, then there is no inlet capacity to get the water back into the inlet that is in Town Center Drive. By constructing some parallel pipe, the water can get intercepted and back over to the other pipes before the water gets to Town Center Drive. Henderson asked if the applicant is suggesting the city has not initiated a project to handle the current flooding, because there has been no large demand to do so. Phelps stated the drainage is on this property. Part of the reason the flooding has not been fixed is that no one had done the analysis to see what the problem was until now. Henderson stated concerns with the stability of the creek and asked Phelps how he is proposing to handle the creek so that it can become stable. Phelps stated there are several things that can be done. The existing creek in its current state is unstable and it will continue to deteriorate regardless of this development. His analysis says that if there is detention on this property and the duration of flows is extended over a longer period of time, it will have a more negative effect than letting the water go and getting it past it. One option is to do a hard armory of this stretch. The stretch between Roe and Tomahawk Creek Parkway have already been hard armored. In conversations during the INTERACT meetings, the applicant does not believe the property owners would benefit from the removal of the trees and would like to look for some other alternatives such as softening the slopes or increasing the vegetation that would resist the velocity and kinds of flows that will be on that property and would grow back to a vegetative type of condition as time goes on. Henderson stated concern with a large waterfall and the effect of this new development on the water flow. Henderson asked if something should be done to the terrain before this project starts. Phelps stated they are increasing the peak flows by approximately 17 SFS, which in turn equivocates to about an inch in rise of runoff; the floodwaters themselves are not an issue in flooding the adjacent residents. Something needs to be done with the ditch. Phelps suggested a temporary ponding condition to reduce the velocity going underneath Town Center Drive; a pool of water to catch the water instead of letting it flow into the stream channel. The applicant would like to continue to work with staff to come up with a solution to the problem.

Conrad asked if, given the complexity of the current level of flooding and erosion, the city has enough good information to analyze the problem. Alpert stated the applicant is committed to getting the best possible information as this project becomes final.

Brain stated he has three issues. They are: the water issues that could be exacerbated by the project, the height, and the zoning ordinance impact on the FAR and setbacks. He was not sure this is completely in keeping with the neighbors. He does not want to override the LDO that just passed. This development needs to be worked closer to that ordinance.

Conrad asked if there is a preliminary plat for this project. Peterson responded it is a preliminary plat with one tract. Staff has indicated that it would later be platted with more tracts as the different components come in. Conrad stated the end success is the maintenance and continuity of the entire development. He would like to see the entire plat to

understand the ownership and phasing very clearly if the Commission is to consider pushing the ordinance as hard as they are being asked to push it. Alpert responded the applicant is committed to maintaining a consistent set of standards. There would more than likely be a master association that would be subject to those final standards no matter if the ownership were to change. Conrad asked how the sunset stipulation applies. Binckley stated it applies only for the preliminary plan and it has five years.

A motion to continue the case to February 25th meeting was made by Pilcher and seconded by Brain. Motion to continue approved unanimously.

CASE 04-03 LDO AMENDMENT – STONE COATED STEEL Request for approval of a text amendment to Article 2, Section 16-2-10.3 – Materials and Colors of the Leawood Development Ordinance.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a text amendment to the Leawood Development Ordinance regarding the roofing that is allowed in the city, specifically stone coated steel. Currently, all roofing products are required to be stripped down and placed on solid wood decking. The applicant is filing this request based on the fact that the stone coated steel, which has a much higher fire rating than wood shakes, is hard to sell because of the additional cost of tearing down the wood roof to place their product. Staff is proposing a product that is a barrier that would go over the existing shingles and allow the placement of the stone coated steel over this sheeting. It allows the stone coated steel to have a class "C" fire rating. The fire marshal has written a memo that has been attached to the staff report. His opinion is that he would prefer to have residents always remove their previous roof before placing a new one on, but he would also rather have the stone coated steel rather than wood shakes and is afraid more people will choose the wood shakes based on price if the city does not allow them to put the stone coated steel on top of their old wood shakes. The building official is in favor of this material. Staff is recommending approval of this text amendment.

Henderson asked if there are any examples of homes where this has been done. Klein stated staff has not seen this done, but has seen literature on it and the building official and fire marshal have looked over the literature. Staff has seen examples of the stone coated steel in Leawood and it is an approved material within the city. The applicant would be able to explain how the bracing sits on the existing materials.

Williams asked when the requirement for having roofing on a solid deck was approved. Klein stated it has been a requirement a while now. Williams stated it has not been done that way on a lot of the homes in Leawood. Binckley stated there had been some discrepancy between the LDO and the city building code and what each product allows. That confusion has been cleared up with the approval of the new ordinance. Klein stated he did speak to a resident who stated her stone coated steel roof had been placed over her wood shingles, and it looked the same as all of the other stone coated steel roofs that staff had seen.

Henderson asked if the product is impervious to wind and rain when applying the product in this way. Klein stated the applicant could better answer that question.

Applicant presentation: Presentation by Eric Root for Horn Brothers Lifetime Roof Systems. It has 120 miles per hour wind warranty. It is a class "4" hail-resistant roof. The underlayment is Versashield. This has been allowed by the IRC, which is a combination of the ICBO and other services and has been passed by municipalities. Versashield is designed to go over existing wood shakes. The product has been in the United States since 1971. The underlayment is not visible. It is fire resistant and approved by the IRC.

Henderson asked if this product creates dry rot. Root responded it does not because it is watertight. Pilcher asked what the three-inch separation consists of. Root responded the Versashield is put down first, then wood slats to form a frame, then the steel panel are on top of that.

Conrad asked what agency approves this construction system to class it with a fire rating. Klein stated the ICBO report states the stone coated steel when used with the Versashield yields a class "B" fire rating. A class "B" fire rating is the city's minimum according to the ordinance. Root stated it was class "B" before the new ordinance was adopted.

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

A motion to approve was made by Conrad, with the assumption that there is an ICBO report for the assembly that utilizes this product, seconded by Brain. Motion approved unanimously.

CASE 07-03 MISSION RESERVE – 3RD PLAT Request for approval of a preliminary plat, preliminary site plan and rezoning from AG to RP-2. Located south of 151st Street and west of Mission Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Robert Morrissey. The applicant is requesting approval of rezoning from AG to RP-2, which is Planned Cluster Detached Residential. The proposed development consists of 12 lots on 3.83 acres. This property is located at the southwest corner of 151st Street and Mission Road. The applicant is requesting a deviation for a front yard setback of 22.5 ft. and a side yard setback of 15 ft. between buildings and 7.5 ft. from the property line. The RP-2 zoning requires a 30 ft. front yard setback and a 10 ft. side yard setback. There was an error in the staff report under "requested deviations". Instead of 20 ft. required in the RP-4 zoning district, it is 10 ft. required in the RP-2 zoning district. Staff is supportive of the deviations, based on the fact that these setbacks match the already approved setbacks for Mission Reserve, 1st and 2nd plats. The reduced setback also allows the applicant to move the houses further to the east, further from the adjacent subdivision. Staff is supportive of the proposed zoning changes, based on the fact that the zoning change is in compliance with the comprehensive plan, also the average lot size for this development exceeds the minimum lot size for RP-1 zoning, which is planned single family residential. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked if the requested setbacks help the development move to the east, or further from the subdivision that is to the east. Joseph responded further from the property line to the east. Duffendack asked if there is anything written in the stipulations regarding sufficient buffering. Joseph responded it is addressed in stipulation number six. Duffendack asked how the density of the trees would be decided. Joseph responded it would be decided at final application. In addition, there is no requirement for buffering between residential developments, so it will need to be decided by the Commission at final application.

Henderson asked about the smaller lots and tighter streets than in the 1st and 2nd plats. Joseph responded even if the applicant removes one lot, the lot size averages to more than 12,000 sq. ft. Henderson stated the lots look smaller than the 1st and 2nd plats. Joseph stated the lots are actually larger than in the 1st and 2nd plats. Henderson asked why the resident was asking to delete one lot. Joseph stated it was because three lots were facing one lot.

Williams asked if they have proposed a building size for these lots. Joseph stated the applicant would be better able to answer that question.

Conrad asked if the Commission has approved a final site plan for this project. Binckley stated the Commission has seen a final application on the 1st and 2nd plats. The applicant has now purchased more property to add this third phase.

Applicant presentation: Presentation by Scott Beeler, representing Julian Morrissey Horn development. Mike Osborn of Kaw Valley was also present. Beeler stated the 3rd plat consists of 12 additional lots that were procured from the same owners of the 1st and 2nd plats. The 1st and 2nd plats consisted of 20 lots per plat, therefore with the addition of the third plat, there will be a total of 52 lots in Mission Reserve. The lots are getting larger in size. This is

a high-end villa type concept. The lot sizes are made to accommodate larger homes. The villas are expected to be about 4,000 sq. ft. per villa and will market from \$400,000 to \$500,000 in price. The design of this plat is to complete a well-designed community. The 12 lots are laid out in such a way to make it visually work from a streetscape standpoint and from the homes immediately bordering it. Mr. Morrissey has had extensive conversations during meetings held with the adjacent property owners. The issues raised were screening, draining and sight lines. It is the applicant's understanding that all of the known concerns have been addressed. This proposed rezoning is in keeping with the comprehensive plan. The city has expected this to be the type of project to go in. The city expected the density to be greater than what is being proposed. The new RP-2 designation was designed to cover residential detached cluster developments. RP-2 allows the developer to do a minimum lot size of 6,000 sq. ft. These 12 lots average 13,000 sq. ft. RP-1 allows a minimum lot size of 12,000 sq. ft. The applicant has tried to design this plan with appropriate zoning in mind. The applicant agrees with staff's stipulations 1 through 15 and would like to have an opportunity to respond to the public's questions.

Commissioner Brain left the meeting.

Public Hearing: Anita Riffel, 4385 W. 152nd Ct. The Riffels have lived at this address for about 12 years and there is an area that has flooded significantly. It is not a safe place for houses. A neighbor has taken videos and pictures and would like to bring them in at a later time. There is a flood plain there. Riffel has seen it flood two or three times. The houses are not safe there. The Coulters have an historical farmhouse, which is a prize thing to have in Leawood, and it would be wrong to have the farmhouse protected and not the land. There has been raw sewage coming from somewhere. There are significant problems that have not been addressed although the residents have been told that they have been fixed.

Daryl Marmon, 4390 W. 152nd Ct. The raw sewage would need to be addressed. Marmon has spoken with Morrissey. The initial concern was having small lots and the developer plans to put a buffer along the property line. The trees are proposed to be very dense, and that homes association should maintain those trees if they should die. Marmon stated that Morrissey has also mentioned that they could put in a fence if all of the homeowners wanted that along the property line. From speaking with Ms. Binckley, the property owners next to the property could come back and review that. Marmon thinks the proper buffering would be beneficial.

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

Henderson asked if there would be a homes association in place to maintain the buffering of trees. Beeler stated the dividing line is between Guildford Downs and the 3rd Plat. The developer would be happy to discuss the exact variety of trees and placement. Beeler believes some of the residents would prefer evergreens, and would be happy to discuss this between now and the final plan approval. Henderson stated the Commission is generally not in favor of privacy fences. Henderson is not convinced the water will be controlled, having seen the water over the years. Ley stated half of this property drains to the south and is collected into the city's storm water system and discharged into the creek. Osborn described the drainage.

Beeler stated the 12 lots contain no flood plain area.

Henderson stated he does not like the name Mission Reserve, when there is the Reserve of Ironhorse across the street.

Conrad asked if there has been discussion as to what the northwest corner of the remaining unplatted portion may be in the future. Binckley stated there is an old Civil War home that is not expected to ever be moved.

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

Duffendack asked the opinion of the Commission to extend the meeting.

A motion was made by Pilcher to extend the meeting until 9:45 with the understanding that if the last case was started by 9:45 the meeting will continue until that case is completed. Seconded by Henderson. Motion approved.

CASE 06-03 MISSION RESERVE – 1ST AND 2ND PLATS Request for approval of a rezoning from RP-4 to RP-2. Located at the southwest corner of 151st Street and Mission Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Robert Morrissey. The city adopted a new development ordinance on December 10, 2002. According to the new ordinance, the old RP-4, which was Planned Cluster Residential, was divided into two zoning districts of RP-2, Planned Cluster Detached Residential and RP-3, Planned Cluster Attached Residential. Due to this change, staff has requested the applicant rezone the two plats to the new RP-2 zoning. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked if staff is satisfied that the golf committee and staff are in good enough conversations that they can carry out the stipulations. Joseph responded, "yes".

Applicant Presentation: Presentation by Scott Beeler. The applicant is in agreement with all of staff's stipulations and requests the Commission's approval of rezoning.

Public Hearing: Tom McGinness, 15145 Sherwood. McGinness has concerns where Sherwood is constructed to the golf course and just stops. McGinness also believes something needs to be done to extend Sherwood. He would like to not have Fontana open up to it, and would prefer the street not be opened to Mission. He would be afraid of the traffic from the golf course. McGinness asked the city to consider not putting an opening into Mission and not to open Fontana.

Anita Riffel stated there is a flood plain there, and it floods.

Daryl Marmon stated one of his desires was for the road to be closed to Fontana. From speaking with Mr. Joseph, it is in the city's master plan to have that street go through. If there is a way to close it off to keep traffic from coming into his subdivision, that would be nice, but he understands it is in city's master plan.

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

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

CASE 08-03 VILLAS OF WHITEHORSE – SALES TRAILER Request for approval of a special use permit for a temporary sales trailer. Located north of 151st Street and east of Nall Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is Riffe Home Builders. The applicant is requesting approval of a one-year special use permit to allow a temporary sales trailer on lots one and two of the Villas of Whitehorse subdivision. The elevation of the building is single-story with pre-finished wood siding. The main entrance to the building is on the north side. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson was concerned there were no steps on the back door of the temporary building. Binckley stated the applicant would be required to have a building permit prior to installation of the building.

Applicant presentation: Presentation by Harold Phelps representing the developer. The applicant is in agreement with the stipulations stated by staff and asks for the Commission to approve the application.

Pilcher asked if the intention is for the building to be there for only 12 months. Phelps stated the one-year period was a suggestion of staff. It will allow the applicant time to build a model home and move the office to it. Joseph stated it would just be until the model home is built and that would be from six to eight months.

Conrad asked if Public Works comments are incorporated in the stipulations. Joseph responded, yes.

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

A motion to approve was made by Pilcher and seconded by Williams. Motion approved unanimously.

CASE 10-03 CORNERSTONE OF LEAWOOD Request for approval of final plat and final site plan. Located at the southeast corner of 135th Street and Nall Avenue.

Commission Conrad recused himself.

Staff presentation: Presentation by Diane Binckley. Since the preliminary plan was before the Commission, it went on to the Governing Body and they stated the location of Briar should be on the quarter section line, or the applicant would need to get an agreement with the property owners to the north. The applicant decided to locate Briar on the quarter section, at the north end of the property, and then it curves to the south toward their eastern property line. All of Briar is contained within the subject property. As a result of realigning Briar, pad site one was shortened in width. The request for the use has changed for pad site one. The applicant has now moved the drug store to the west and is now requesting a second fast food establishment on this lot. The architecture will be prairie style to be constructed primarily of brick, and some EIFS would be used for detailing. The pitched roofs will have a tile product. The first phase will include the buildings shown in orange on the plan, as well as the pedestrian amenities, such as seating, landscaped areas and a fountain. A revised landscape plan has been submitted and given to the Commission at this meeting. Staff will continue to work with the applicant. They have now provided the street trees, the shrubs are getting closer to the number preferred and the ornamental trees still need to be worked on. Staff doesn't have the exact numbers for the interior, but the newly proposed landscape plan is better than what was submitted before, and all of the islands will be slightly bermed. The city ordinance currently allows for 18 ft. light poles in the parking lot. The applicant is requesting a 30 ft. light pole in the main parking lot, with 20 ft. light poles on the pad sites. Staff is supportive of the 30 ft. pole in the main parking lot due to the fact that the 18 ft. height would have a number of light poles that would be excessive and not appropriate for this size of the development. Staff is requesting the applicant stay with the 18 ft. height for the pad sites. The 2 ft. differential does not seem substantial enough to approve the deviation. The applicant is requesting to complete the corner feature at a future date. They want to design the corner building along with the water feature. Staff is supportive of this with a two-year limitation. The signage is a concern. There were a number of requests by the applicant as far as the height of the signs and the number of signs. Staff has outlined in the stipulations what we would like to see. Most of these are requests that meet the city's current ordinance or are similar to what has been approved in other developments. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked to whom the revised landscape plans would be provided. Binckley stated planning staff.

Duffendack asked where the 30 ft. poles would be located. Binckley responded they would be in the main parking lot as it related to the main facility, within the islands, and some are in the middle, through the parking isle. Duffendack asked if this provides the minimum foot-candles that are required. Binckley stated, yes.

Pilcher stated concerns with the architectural limitations of the drive-thru. Binckley responded staff is in approval of the concept of having the drive-thru facilities. Binckley reminded the Commission that the applicant would need to come back to the Commission for approval of each individual pad site.

Henderson asked if the location of Briar St. has been set. Binckley stated it has been set.

Applicant presentation: Presentation by Steve Eginore, representing the ownership group. Eginore asked the Commission to keep in mind this property is new to the City of Leawood and would give an opportunity for more tax dollars. The ownership group has been doing this to support the Church of the Resurrection and would like this to complement the church in every way. The developer has an expectation from the ownership group that the development would need to return the initial investment, but they are not looking at this as far as a return perspective. This property will be building roads to four sides of the property and providing access to the Plaza Pointe development. This means that this property has significant extraordinary infrastructure cost as compared to most other developments. This is mentioned because of the additional special use permit requested to allow the additional fast food drive-thru. In order to satisfy all of the parties, the applicant was forced to locate Briar on their section line, which greatly reduced the flexibility with the pad site on the corner of Briar, therefore lowering the value of that pad site. This additional special use permit is vital to the economic viability of Cornerstone, if it is to remain in Leawood. The applicant is confident that the additional fast food restaurant will not compromise the development.

Presentation by Adam Hamilton, senior pastor of the Church of the Resurrection. This project is important to the church. The road systems are very important. Most of the owners are church members. Cornerstone will help with traffic and parking for the church. Hamilton's role has been to make sure that it looks great and fits well on the site, accomplishes the needs of the church, and stays in the City of Leawood.

Presentation by Doug Patterson. Patterson assured Henderson that the alignment of Briar has been an "agreement to disagree". The applicant is in agreement with stipulation number five. The applicant will not be in a position to make the temporary improvements to Nall Ave., but is working with staff on that. The applicant is in agreement with the widening of lanes and signalization, and would like to ask the Governing Body for a benefit district. The applicant will work with staff in regard to stipulation number 21, in terms of coordinating the building permit for the construction of the pad sites with the definition reached with staff on the principle shopping center. The issue of signage would need to be discussed.

Presentation by Henry Klover. One page seven of the staff report, it states the first floor retail will have glass storefronts. This is incorrect. There will be glass below the canopy. The entry screen wall is a seating wall with a sculpture on it. It will be a low wall with a sign on it with a sculpture on top. The applicant's problem in dealing with quality tenants is that they have very specific ideas on what types of signs should be used. The applicant would like to have the same sign criteria, if not similar, as Town Center Plaza. They have 60, 42, 30 and 24-inch sign ability. The applicant would like to have parity of those requirements.

Rohlf asked about the phasing of the project. Klover described the phasing on the plan. Rohlf asked when the parking would be built. Klover responded the parking would be built in conjunction with each phase.

Duffendack asked what the first phase would consist of. Klover responded 101,000 sq. ft. of retail space and 60,000 sq. ft. of office space.

Williams asked if the pedestrian links would be created with the first phase. Klover responded by showing where the pedestrian links would be on the plan.

Klover stated the drive thru lanes of traffic would not wrap around the buildings, and will not block cross traffic.

Duffendack suggested making the corner water feature an interconnection between the two developments at the intersection. He believes there is potential to create a gateway into the city. Binckley stated staff would work for something to happen at the Briar location.

Henderson asked if there would be any safety zones across 137th Street, toward the church, since there would be no traffic lights. Hamilton responded there would be cross walks, and people to direct traffic.

Pilcher questioned why there needs to be another fast food restaurant. Dan Lowe, of RED development, responded pad site one was reduced significantly in size. The applicant was required to put the proposed building for pad site one on the other side of Briar and lost a sit-down restaurant. The drive-thru will help to increase the value. The applicant is trying to mitigate the loss of the sit-down restaurant.

Rohlf asked if there were design criteria written for the pad sites. Lowe responded there would be design criteria written with which each building would be made to comply. Rohlf then asked about the size of the signs. Lowe responded the applicant is proposing 30 inches for the pad sites.

Henderson suggested the Commission discuss the proposed sign criteria. Binckley stated the applicant has requested 24-inch letters for the in-line stores. Staff is recommending 18 inches with a maximum of 24 inches. Staff is recommending 32 inches for the sub-major tenants and the applicant has requested 36 inches. Staff has set a maximum signage of 48 inches for the major tenants and the applicant has requested 48 inches as well. Staff has recommended 24 inches for the out-parcel tenants and the applicant has requested 36 inches. The applicant has also requested monument signs in place of one of the wall signs and staff has recommended no monument signs.

Williams asked about the design standards for out-parcels. Klover stated the out-parcels would need to comply with the same guidelines as the rest of the development. Duffendack reminded the Commission they would have the ability to approve each of the fast food restaurants' architecture.

Pilcher stated there would be four drive-thru buildings. Henderson stated the city has changed their position on drive-thru buildings.

A motion to approve was made by Henderson and seconded by Williams.

Pilcher would be willing to approve it with only three drive-thru buildings, but not four.

Rohlf stated she agrees with Pilcher. She would like to have something else on pad site one other than a fast food restaurant.

Motion approved 3 to 2. Henderson, Duffendack and Williams in approval, Rohlf and Pilcher opposed.

ADJOURN

J. Paul Duffendack

Chair