

**City of Leawood
Planning Commission Minutes**

**April 22, 2003
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive**

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

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Brain and seconded by Williams. Motion approved unanimously.

PLANNING COMMISSIONER RECOGNITION: Recognition of Diane Breneman for her years of service on the Planning Commission. Duffendack presented Breneman with a plaque and stated he appreciated her work and counsel during her time given to the City and the Commission. Breneman stated that she enjoyed getting to know each of the Commissioners and working with them and Leawood's competent and professional staff that always helped to make the Commissioners' jobs easier.

APPROVAL OF THE MINUTES: Approval of the minutes from the March 11, 2003 work session and the March 25, 2003 meeting.

A motion to approve the minutes from the March 11, 2003 work session and the March 25, 2003 meeting was made by Brain and seconded by Rohlf. Motion approved unanimously.

CONSENT AGENDA:

CASE 14-03e VILLAGE OF CAMDEN WOODS – 50TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 25-03 8700 BUILDING – EXTERIOR GENERATOR Request for approval of a final site plan. Located at 8700 State Line Road.

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

OLD BUSINESS:

CASE 92-02 ESTATES AT OLD LEAWOOD Request for approval of rezoning from REC to R-1, preliminary plat and preliminary site plan. Located at 8901 Sagamore.

Applicant presentation: Presentation by Doug Patterson. When this case was previously heard, a number of good questions were offered by the Commission as well as a number of participants in this process. After discussion with staff, the applicant felt it would be a good idea to give the Commission an idea of what this would look like on the ground. Since there are bad examples of infill development, the applicant thought they would show the Commission on a model. Mike Sherk with Genesis Engineering stated the model is a true-to-scale model created using aerial photography. Patterson described the model. The houses will be lower in this development because of the grade. The wall maintains its perspective to the property and will be a natural stone structure. The applicant's goal is to make this as much of a compatible neighbor in regard to density. This development would dramatically lower traffic, light, and noise.

Duffendack asked the scale of the model. Sherk responded it is 1/32nd scale. Rohlf asked for Sherk to point out what currently exists on the model. Sherk responded everything that is not in the proposed property line. Rohlf then asked what trees currently exist. Sherk responded there are at least 400 trees currently existing and they are not all represented on the model.

Williams asked if the retaining wall would be over a concrete foundation before the natural stones are placed. Sherk stated, yes. Williams asked what the drop-off is from the trail to the adjacent grade to the outside toward the creek. Sherk stated it would be variable, as the ramp comes up to a 2.5% slope, the difference between the ramp elevation and the adjacent grade is varied.

That is where 10 ft. is the maximum drop-off at the narrowest point near the creek. Williams asked if there would be some kind of rail protection. Sherk stated there would be a wrought iron fence at the top of the wall.

Conrad asked if the outflow of the detention basin shows up on the model. Sherk stated the contours on the drawings make it look larger than it actually is on the scale. Conrad asked if there is detention, or if it is a controlled flooding area. Sherk stated it is just a flood zone.

Presentation by the landscape architect, Audrey Sealey. The nature and preservation area is located directly below the stone retaining wall with a meandering path. The intent is to preserve the trees, provide park benches, and to preserve and keep as many existing trees where the homes will be built. The main intent is to preserve and enhance the nature area.

Duffendack asked if the work on Dyke's Branch would be included with this creek. Sherk stated the work on Dyke's Branch would not be in the vicinity of this project. Ley stated it stops west of Lee Boulevard. Duffendack asked if there is anything planned for this area. Ley stated not for the next five years.

Rohlf asked if the applicant has given some thought to the type of landscaping for the nature area. Sealey stated it would be as natural as possible, but would be plant life that could tolerate those conditions.

Public hearing: Lori Leming, 9925 High Drive. The creek is in her back yard and she would like to know how these changes would affect the creek.

Sherk stated the applicant has worked with a model created by Larkin and associates and located the wall in a position that will not raise the flood levels of the water. The location of the wall is so that it is not impacting the creek.

Debra Filla, 8505 Belinder Road. She has questions related to the Golden criteria: suitability of use, the time the property is vacant, and the conformance to the master plan. When asked why the developer would proceed when they could have made an offer contingent on the rezoning, the developer's answer is that the bank would not allow them to keep the offer for the property contingent on the rezoning. Lex Kessler with Indoor Tennis Association had an offer of \$1.5 million to retain this property as an indoor tennis facility. Current Leawood members of the club who have been trying to get their children signed up with the swim team have not been able to secure a spot for their children because it is filled by February. This shows the need for the area to have additional recreational space, specifically in swimming. This property has been zoned as recreational in the Master Plan.

Steve Stechschulte, 9026 High Drive. Two proponents of this plan spoke about the tragic flood of 1977 in order to garnish support for this development. The implication was that Leawood Country Club was unsafe, and that this development is somehow more safe. The implication is inaccurate. The people who died that night were swept off of Lee Boulevard far upstream at Dyke's Branch, then swept downstream to the State Line culvert which is the crux of the drainage problem in this area. Their deaths had nothing to do with Leawood Country Club. This plan has nothing to do with making Lee Boulevard or this area any more safe; in fact, this development makes this area much less safe. The developers propose building a 20 ft. wall and excavating an area which lowers the flood plan in that area, and creating inviting paths and park benches. The detention basin is in the nature preserve. Mr. Patterson has made the point several times that the wall is not a wall. He would make the argument that the nature preserve is not a nature preserve, it is a potentially dangerous public space with pedestrian paths that will flood. Mr. Patterson stated the density is equivalent to the surrounding neighborhoods and it is not. There are 20 homes on 10 acres, which is approximately 17,000 sq. ft. per site. If you average all of the homes within 200 ft. of the property, it is .79 acres. He is awed by the audacity of the developers to speculate on recreational land without contingencies and asking the residents of north Leawood to subsidize that by sacrificing their residential space. He asked the Commission and the Council to protect this recreational space, not only presently, but also for the future of Leawood.

Mary Franklin, 8425 Meadow Lane, president of Leawood Homes Association. The Leawood HOA would like to see this land remain recreational. They have based this on the representation at the annual and quarterly meetings. The board of directors thought it would be good to get a better feel of what the people feel and sent out a few questions during the spring newsletter asking what people would like. There are 1500 homes and they received a 17% response rate. One question was, "What zoning are you in favor of for the Leawood Country Club property". 68% of the respondents said they would like to see it remain recreational, 26% said they would like to see it residential, 5% said they either had no response or indicated they didn't care either way. The other question was, "Should the homes association spend the homes association's funds to contest the rezoning". 47% of the respondents said yes, 52% said no, and 1% had no response. A few of the respondents have given the Commission a lot of miscellaneous comments on how they would like to see this handled.

Mark Lieb, 8914 High Drive. He spoke last month representing the homes association and would now like to speak on his own behalf. The primary issue is not the club, it's how important a recreational property is to the standard of living to a community. Although a publicly owned recreational opportunity would be best, a privately owned recreational opportunity is better than none. This is the only recreational opportunity north of I 4-35. This has been recreational for 50 years and the master plan reinforces the fact that the City would prefer to see this as recreational. The Commission and the Council's decision can tell this developer that the City would like to see a recreational use in this area.

Patty Wetzel, 8927 High Drive. Stated her home is one story, not two story, as stated by the developer.

Robert Sjolín, 3217 W. 82nd Terrace, treasurer of the Leawood Homes Association. The Commission should think about why a developer would want to change the zoning of a piece of land that was originally a quarry and has builder's materials buried under the clubhouse and has a detention basin and creek that floods. The water interest is from the State, Country, Federal Government and the City, so it will always be there. He reminded the Commission it is the citizens of Leawood who pay the taxes and have concerns about the recreational land, the Commission should do what is in the best interest of the City of Leawood and the citizens. The citizens of Leawood should have the majority of will. When he voted for Patterson to represent the state, he expected Patterson to reflect the majority will of the citizens of Leawood. If Patterson is choosing to work on a development that is in conflict with what the citizen's want, then he has a conflict himself.

Ginevera Moore, 9006 High Drive. Her property adjoins the country club property on the southeast side and backs up to where Dyke's Branch and the unnamed tributary meet. She is President of the Leawood Estates homes association. There are approximately 1,450 members in the homes association. The homes association has not taken any action with regard to the pending proposals because there has not been enough information available up to this time to decide if this is an appropriate development for this area. As a homes association, they look very carefully at all of the development in Leawood that could potentially impact any of the members of the association. Obviously, this development is one that would impact those who live on the north side. She attended the interact meeting the developers held and they did not present any detailed information. The developer has now brought in a model that was not made available to the public before this meeting. She asked the Commission to separate the issue out from the plan and the rezoning, until the people who live in the area have some opportunity for input. The deck of her house will directly face the retaining wall. She is concerned by the aesthetic point of view and the affect on drainage. She is also concerned with West Nile Virus and does not feel comfortable that all of those issues have been fully explored at this time. Those concerns may dictate a consideration to deny the rezoning at this time to allow the surrounding residents to see in more detail what the retention wall would look like and what impact it could have on flooding of the Leawood Estates property and the country club property.

Gary Mallen, 8522 Cherokee Lane. The Country Club was a factor when deciding to buy the home. This is the fourth plan he has seen for this development. He would like the Commission to take into account the amount of effort and man-hours spent by the community trying to deal with this issue. The potential flooding is obviously a concern of the developers. Given the heritage that the community has, he doesn't understand why it would be considered it in the first place.

Douglas Carter, 2512 W. 88th Street. Showed a portion of the Kroh family pictorial genealogy that shows the subject property labeled as "rock quarry".

Connie Cardell, 8915 High Drive. She asked if there would be a guarantee that her foundation would not be damaged if the area were blasted. If there are problems, there would be recourse and that would be dependent on the viability of the company behind that. This company is a LLC, she is concerned with what those limits are and what would that mean to the people surrounding the property. She does not believe the nature area is a park, she believes it is a detention basin. She has spoken with the City Engineer and he stated it is a detention basin, not a park. She asked who would own and maintain that area. The 20 homes are financially responsible for the upkeep of that area. She asked the Commission if that is an area they would allow any of their children to play in. One of the Golden factors is that this property can't exist unless it is rezoned. They bought it this way, they closed on it this way. This is a business deal that they ventured on and took a risk on. She asked the Commission if the developer has demonstrated that they cannot do this any other way. She doesn't believe they have. Nancy Wallerstein, an elected official from Johnson County parks, quoted her a statistic, "homes that are within walking distance or next to recreational areas enjoy a 20% increase in their value". She is worried about what will happen to her property if this is rezoned. The area is not just currently zoned recreational; it is also master planned as recreational. She encouraged the Commission to consider the communities response to the rezoning. There was a political petition put forth during the summer that had about 1,000 signatures. There was a legal petition done about two months ago and it had almost 900 signatures. That was rejected because the wording was incorrect. The petition went through the process again with almost 600 signatures. This is not the will of the people.

Donald Lander, 8901 Meadow Lane. His family has owned this house for 43 years. His family were members until the 60's when the club was mismanaged. He used to play in that area before the club was built and it was basically an all-rock quarry, all shale.

Sue Rempel, 8025 Cherokee Lane. The country club was one of the main reasons she moved to Leawood from Brookside. She wanted a community place where her kids could play and ride their bikes. Speaking as a nurse, she is concerned for the health of the children. Having access to a place that provides recreational areas creates a viable community. She does not know what would replace it when it's gone. She would like to keep it as a community gathering place for the children.

Deb Welch, 8400 Ensley Lane. She was a 20-year member of the club. She lives up the creek from the country club near Dyke's Branch. The County has talked about spending \$4 million in order to fix Dyke's Branch. She feels the area is losing a tremendous amount of green space with the increase in pavement and is afraid of the effect on the upper part of the creek.

Ley stated the runoff on this project would have no effect to the north. There will actually be a greater amount of green space after this plan is developed. The developer will remove the existing pedestrian bridge, which will decrease the upstream 100-year water elevation by half a foot. Duffendack asked what improvements are planned for upstream. Ley stated the improvements start between 86th Street and Lee Boulevard, and then go upstream to approximately north of 83rd Street. The creek will be widened to get the homes upstream out of the flood plain. Duffendack asked the time frame of the improvements. Ley stated the bidding will start in August and it will probably be about a 2-year project.

Rheta Henke, 8901 High Drive. Her property is at the corner of 89th Street. She uses the walkover bridge many times to get to Ward Parkway and would hate to see that bridge removed.

G. Gordon Thomas, 10516 Mohawk Lane. He has been a resident of Leawood for over 55 years, and is one of the founding members of Leawood Country Club. The issue should be what the people want, not what the developer wants. He would like to keep this area a family unit. He has used the club many times. The will of the people should be looked at.

Lee Kester, 2018 W. 91st Street. A couple of people have spoken to the efforts that have been made as far as the petitions being completed. The City, because of the existence of the master plan, invalidated the most recent petition, therefore this is an administrative action, and the petition doesn't have any bearing. She asked why the City has a master plan, and if the Commission reviews it every year. The country club area was left as recreational.

Duffendack stated the Commission reviewed the master plan and approved it last year. Bennett stated the petition has been reviewed and administratively rejected by the City Administrator and the petitioners and their counsel have been notified.

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

Duffendack thanked the public for coming and speaking at the meeting. The case involves rezoning and this is the first question in the order of discussion. The rezoning revolves around a submitted plan. The model is helpful in understanding the plan, but the primary question has to do with rezoning, followed by a discussion of the merit of the project being proposed.

Carper asked the applicant to give a summary of what drilling has taken place on the property. Dave Richardson with PSI, who performed the geo-technical drilling, responded they performed some random borings in the open space. They were not able to drill anything in the pool area or where the building is currently. Richardson showed on the model where the borings were taken. They hit rock or refusal on most of the holes, aiming to drill about 15 feet. One of the holes got down to 14 ft., most were from 2 ft. to 14 ft. One of the holes was cored and weathered rock found that can be excavated with general large track hose. They did not do a comprehensive rock survey of the entire site. It is their understanding that the City will not allow blasting around that type of development.

Duffendack asked Ley if the City does not allow blasting in this development. Ley stated he is not aware of that restriction. Patterson stated the developer has committed to not blast. Pilcher asked if it is currently a stipulation or if it is beyond the Commission's ability to stipulate.

Pilcher stated he is concerned with the suitability for the zoning. He does not feel it has been proven it is unsuitable for recreational. Feels the timing is not right for the rezoning.

Munson does not feel it agrees with the master plan, primarily because of the flooding problem and the question of what the retaining wall would do to it. He does not want to rezone it at this time.

Williams stated he believes the club is a plus to the community and would hate to see it go away.

Brain asked if this club were to reopen, would the clubhouse need to be demolished and rebuilt in order to operate, since the flood plain has changed. Bennett stated it is her understanding that it depends on how long the club has been vacant. The City has a one-year time period on grandfathering. At this point, the new flood plain map has not been formally acknowledged. There are other elements of the building permit process. The building official would look at public safety. If there are any changes to any of the structures on the property, the developer may have to do certain things to provide for or improve flood safety.

Carper asked if the City would be prepared today to issue an occupancy permit for the clubhouse to be used. Bennett stated it would be up to the building inspector. Carper stated he does not see how the building could be opened as it is now, in the flood plain. Brain has concerns with leaving the area abandoned which could be an inviting proposition for other things that the residents and the City would not want in this area.

Conrad stated the club has failed, if the property is rezoned it will be hard to regain it as recreational. Public space is part of the fabric of what the City is built around. He would like to take the rezoning and the plan as two different issues. Rohlf stated she is having a hard time deciding the zoning and the development at the same time.

Pilcher stated there are some decisions that will not get a second chance to approve. Although the right thing might be to allow this development, he feels the time is wrong right now to approve.

Munson feels this proposal does not conform to the master plan and he has concerns with the potential flooding.

A motion to deny was made by Munson and seconded by Pilcher. Motion to deny passed 6-1. (Carper against.)

NEW BUSINESS:

CASE 23-03 PLAZA POINTE, LOT 2 Request for approval of a preliminary site plan. Located at 135th Street and Roe Avenue within the Plaza Pointe development.

Staff presentation: Presentation by Jeff Joseph. The applicant is David Rayl. The applicant is requesting approval of a preliminary plan for an 11,024 sq. ft. office building on lot 2 of the Plaza Pointe development. This particular lot is located at the southwest quadrant of the Plaza Pointe development. The proposed building is one-story and is located east of the detention pond. The roof will be constructed of standing seam and a combination of standing seam and synthetic slate. The approved plan for the Plaza Pointe development showed this as a two-story building. Staff is comfortable with the proposed building layout since it maximizes the view of the pond. The layout on the approved Plaza Pointe plan had a smaller footprint, which allows more space to the north to accommodate the parking spaces and a drive access that leads to 136th Street, which lined up with lot 13. Lot 13 is located north of lot 2, which is across 136th Street. Since the footprint changed, the drive access had to be shifted to the east. Staff is concerned with the three drive accesses being too close to each other. When the Cornerstone development to the west is developed, 136th Street will continue and will join Briar Street, which will create more traffic in the future. Staff is concerned this could cause some stacking problems at that point. The developer has provided a letter stating he will consider eliminating the drive access within lot 13 and has also indicated he will request the owner of lot 12, which is the Zipz convenience store, to change the alignment of their drive access to line up with this project. Since the footprint of the building has changed, there has been a significant reduction in the amount of open space for the entire development. The developer has indicated that any reduction in open space will be compensated when the remaining two lots are developed. Staff has requested the developer to provide a letter stating the amount of open space would be compensated when the remaining two lots are developed. Staff is recommending a continuance of this case based on the pending issues as outlined. If the Commission were to approve this case tonight, staff is recommending the stipulations stated in the staff report.

Duffendack asked why staff is requesting a letter from the developer instead of writing it as a stipulation. Binckley responded it is because the request is asked of the developer instead of this applicant of this case.

Munson asked why the developer could not stay within the constraints of what was originally approved. Binckley explained as the lots were built, the footprints have changed. Staff has been monitoring the green space throughout and has been working

with the developer in regard to open space. Binckley stated this has just recently become a problem with the last couple of buildings. The applicant's architect has been working with the developer in regard to those issues.

Conrad is concerned that by requiring the builder to accommodate the open space requirement with the development of the last two buildings, the overall development might end up with open space that is not as desirable as what was approved with the original overall plan.

Applicant presentation: Presentation by Scott Slaggie, of Jantz Slaggie Architects. David Rayl, the applicant, is available tonight for any questions. Slaggie passed out some graphics and images to the Commission. He showed the previously approved plan for Plaza Pointe and then showed the newly proposed layout for the buildings. The building was a two-story, 17,000 sq. ft. building and is now a one-story, 11,000 sq. ft. building. The applicant wants to take advantage of the water feature to the west, locating the parking directly to the east and around the buildings. The proposed building has the same distance from 136th Street as the building that is on the southwest corner of the circle, thereby creating a void between those two buildings and the Millenium building to the east. The applicant has located the entry so there would be circulation to this building and the building that will be on lot one. The idea is to create orientation to the pedestrian entries. The most northern entrance aligns with the entrance of the building on lot four. To have that pedestrian connection is important as to how that building is set. There will be a curved window to get some interest along 136th Street. The applicant has also suggested putting in a fountain central to the buildings in the plaza, that is carved out from the building on the west side so the tenants have the ability to enjoy the outside area. The approved design guidelines require an attached dumpster. The applicant would like to have a shared dumpster with the lot to the south. It would be a shared dumpster and perhaps a shelter with a walkway that would connect from the plaza directly to the south with a meandering path that would hub the detention basin all the way down to lot one, thereby becoming not just a dumpster enclosure, but a stopping point along the walkway. It would also be a shelter. The elevations are consistent with what has already been built there. The intent is to keep the same materials, same look, same roofing and pitches of roofing so it will be cohesive and harmonious with what is already at the development. There would be two sign locations on each column. A trellis is proposed to mimic what is happening on the backside of the building. The developer is still in dialogue with the owner of the Zipz to try to get the alignment of the drive completed. Slaggie asked the Commission to approve the preliminary tonight anticipating that the drive will be completed at a later time.

Pilcher asked for a description of the trash enclosure's design. Slaggie stated the sitting area would be blocked from the dumpster with a wall. Pilcher asked why the trash enclosure is not attached to the building. Slaggie stated to allow more windows on the south and to meet the parking requirement for this development. There have been combined dumpsters in the back, and there would not be a health risk. Pilcher asked if there is the potential for actual garbage from the other tenant. Duffendack asked what type of tenants are being looked at for this building. Slaggie stated it would be a targeted office use. It is not the intent to have a food service provider.

Munson asked how the shared trash enclosure/leisure area would work in relation to the building that would be sharing it. Slaggie stated it is up to the developer to ensure that the buildings live up to what has been approved.

Rohlf asked for a description of the previously approved plan and the access drives. Slaggie described.

Munson asked if it would be possible to line up the drives between the Zipz and this project. Binckley stated it would be better for the Zipz because of the large trucks delivering the gas. Duffendack asked if this case should be continued or just add the drive situation as a stipulation.

Brain stated he feels staff has raised two very important issues. He would like to continue the case but open the public hearing.

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

Conrad asked if the applicant would be required to comply with stipulation 12. Joseph stated it would be looked at during the final plan. Conrad asked if some of the building and site issues should be discussed to allow the applicant to have more details when they come back before the Commission. Binckley stated the issues should be looked at and fixed before the developer comes back. Conrad was concerned with the open space not being usable or as desirable as what was originally approved for the overall development. He would definitely expect them to comply with the 10 ft. landscaping. Duffendack stated he would like a confirmation of the green space that currently exists to validate that it is being completed. Binckley asked the Commission to comment on the trash enclosure. Duffendack stated the trash enclosure and proposed signage should be discussed. Brain stated the trash enclosure should be attached unless this applicant and the applicant that they are going to share it with make it

part of the stipulations that this space will be limited to office space. He is afraid the use for the building could change and the trash could be hazardous. Pilcher agreed with Brain's comments.

A motion to continue this case to the May 27th meeting was made by Brain and seconded by Munson.

Duffendack suggested the roofing be more clarified on the drawings, and also asked the Commission for some direction on the signage. Pilcher stated the signs are not looked at until final site plan application.

Motion to continue approved unanimously.

CASE 24-03 PINE LAKE Request for approval of rezoning from AG (Agriculture) to R-1 (Single Family Residential), preliminary plat, final plat and final site plan. Located at 140th Street and Mission Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Rick Oddo. The applicant is requesting approval of a rezoning from AG to R-1, preliminary plat, final plat and final site plan. The proposed subdivision consists of 43 lots on 34.23 acres for a density of 1.26 dwelling units per acre. This property is located at 140th Drive and Mission Road. The overall Pine Lake project received preliminary approval in 2000. The applicant has changed the layout of the lots including the addition of a tract of land to the north. This tract of land is currently zoned agriculture and the applicant is proposing to rezone it to R-1, which is single family residential. Staff is requesting approval of this case with the stipulations stated in the staff report.

Applicant presentation: Presentation by Bill Preloger, with the architectural firm of Nearing Staats Preloger and Jones. David Miller, an engineer with Slagel and Associates, has done the civil engineering work on this project and is present for any questions. The applicant has made a couple of modifications since the preliminary plat approval. The originally approved plat did not include the two lots to the north that have now been added. In order to make a couple of the lots more in balance with the other lots, they changed the north property line slightly behind lots 7,8,9,10, 11 and 12 and added some of that previously unzoned property.

Duffendack asked to be shown the new and old boundary lines. Preloger explained the boundaries on the plans to the Commission. He has brought along other drawings to further explain what is being done with the site features at entry points and the water feature. They have subtracted one lot due to the storm detention area. In dealing with the specific requirements of the City, the size of the detention area increased and that space absorbed one of the lots and became detention. The main entry will have entry monuments. There will be a central, divided island feature with two similar features on either side, outside of right-of-way. There will be a series of stone walls about 6 ft. tall that are connected with segments of wrought iron. The signage will be individual cut letters that will be attached to the stone walls. Staff has asked the applicant to bring a materials board. Slaggie showed and described the materials.

Brain asked what type of tile would be used. Preloger stated it is a type of clay tile. Slaggie described the details of the plans. There are pedestrian access points so that pedestrians can enter through the wall. The wall will be landscaped and bermed along Mission Road. Street signage will be handled with a pylon. The detention basin will be a wet bottom basin, and will maintain a permanent pool. There will be a sidewalk that meanders around the pond. The pond area can be entered from a sidewalk system that provides access to the street sidewalks throughout the development.

Pilcher asked if the applicant is in agreement with Staff's stipulations. Preloger stated the applicant is in agreement with all of staff's stipulations.

Duffendack asked if there would be a monument sign connected with the structures. Preloger stated there would be letters on the walls at the Mission Road entrance to show the development's name. The new material prepared in response to staff's comments depicts the wording.

Munson asked what the City requires for screening of the small utilities. Binckley responded the applicant would need to come before staff for review of the landscaping.

Conrad asked what the reason is for the solid wall along Mission Road. Preloger stated they have tried to use segments that are separated by iron so as to not have the feel of a solid wall. The stone walls only occur in small segments. In virtually every instance, the stone walls pull away from the Mission Road frontage. The fence that will be along Mission Road will be virtually all iron at the frontage. Conrad asked if the sections of stone wall are interconnected with the iron fence. Preloger stated, yes.

Rolhf asked what would happen to the wall when Mission Road is widened. Preloger stated they have looked into the widening and will place the features accordingly.

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

Brain stated it is nice to see a residential submission where there are no issues on setbacks and deviations. He congratulated this developer and staff.

A motion to approve was made by Pilcher and seconded by Brain.

Conrad asked if the gatehouse is just a feature. The applicant stated, yes.

Motion approved unanimously.

CASE 26-03 BI-STATE – ALBERS MEDICAL Request for approval of a final site plan. Located at the southwest corner of 143rd Street and Overbrook, within the Bi-State Business Park.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan for the construction of a one-story, 10,869 sq. ft. medical building on 1.3 acres for an FAR of .19. The preliminary application of this plan was seen at the April 8th Planning Commission meeting. The applicant is now before the Commission with a final application for that building. The building is located within the Bi-State business park. It is surrounded on three sides by streets; Kenneth Road on the west, 143rd street on the north and Overbrook on the east. To the south of this building is the Public Works facility. To the north of this building are the Heartland and Cocherl buildings, within the Bi-State development. The carports were a point of issue during the preliminary stage of this project. Those are not actually being considered with this application. The applicant would need to bring this before the BZA for approval, and then bring it back to the Commission. Staff feels the monument sign is aesthetically pleasing, but because the sign does not comply with the Bi-State design guidelines, the applicant would need to come back before the Commission as a separate application for approval of the sign.

Duffendack asked how the monument sign differs from what is allowed by Bi-State requirements. Klein stated the development requires a gray concrete with metal lettering. The applicant is proposing a brick monument sign.

Applicant presentation: Presentation by Kent Bowers, an architect with Nearing Staats Preloger and Jones, representing Albers Medical. The building is predominantly all brick. There are two different colors of aluminum being proposed. One is for the window wall system that wraps around the office portion of the building. The glass on the building has a bronze tint and will have a darker perception to it. The aluminum window wall system will be beige in color. The remaining metal on the building would include the soffit and fascia panels above the windows, the aluminum cap, the louvers on the mechanical alcove and some miscellaneous metals will be the slightly darker beige. Most of the character will be coming from the brick. The mezzanine plan shows where the warehouse actually overlaps the office building. There will be a mezzanine from the warehouse and a clear window that goes into the center of the office portion of the building. Each side of the mezzanine forms the mechanical alcoves. There are also included in the packet some study renderings submitted as a replacement to the model. They are works in progress as developing the rendering that was originally presented. The applicant is in agreement with all of staff's stipulations, except for stipulation number 14, which concerns the landscaping. It is a question of clarification. During the preliminary approval the landscaping issue was discussed. The intent of what was approved was that the applicant was to provide landscaping that was no less than that of contiguous properties and approved by staff. Staff added 10 street trees and 9 ornamental trees and a 3 ft. berm or wall that would screen the parking lot on the east and north sides. The applicant feels the extent of the landscaping and berms is out of character with the surrounding properties in this development. Bowers showed pictures of the Cocherl building to the north, which currently has 12 street trees and 18 ornamental trees. He then showed a picture of the maintenance facility. There are no berms on that property or the Cocherl building. The applicant believes it is disproportionate with what the other buildings have been required to do and out of balance with the existing landscape.

Binckley stated a question was brought up during Council for this preliminary application as to what was required of this property owner along Kenneth Road. The City was required to put in substantial berms along Kenneth Road as well as landscaping and trees on the east side of the berms in hopes to help buffer the buildings from the residential development across the street. Staff has not required any sort of berming for this project because staff feels it is an attractive building and they have supplied quite a

lot of attractive landscaping along Kenneth. Staff has not required berming between this building and the Public Works facility and have not required the amount of landscaping between the two buildings. Staff believes this is an attractive building and is not trying to hurt the project, but at the same time, the City has a new ordinance that was approved prior to this application. Staff feels strongly that the City should uphold the street tree requirements, but is willing to allow the developer to count the landscaping outside the 25 ft. parking setback toward the requirement, as the applicant has exceeded the amount of landscaping provided by others in the development.

Bowers stated the applicant is willing to work with staff. The applicant is willing to put in the street trees in addition to the 51 trees already proposed for the site, but feels the nine ornamental trees are too much for the limited amount of space, as well as the berming. Duffendack stated it is part of the stipulations.

Pilcher believes it is an attractive building and asked Binckley if she would be in approval of the Commission voting on staff working with the developer. Binckley stated she would like direction from the Commission if they feel the landscaping should be changed.

Duffendack stated this is a new development and the City has set a new standard for landscaping. The idea that the Kenneth Road side should be nice looking is not at all extensive or burdening. He would be in favor of staying with the requirements that have been worked out thus far. Brain stated the only deviation he would support would be the berming. He is not sure that the berming would add to the development from a landscaping standpoint.

Conrad asked how many more areas could be developed in the development. Binckley stated about a dozen. Conrad asked what the zoning is for this area. Binckley stated BP, Business Park. Conrad asked if the landscape plan for business park zoning is different than other zoning. Binckley stated it is all the same. Conrad stated the berms are not nearly as important to screen the cars as it would be along Tomahawk Creek Parkway. Duffendack stated he believes it should have more screening and landscaping because of the use. Conrad would agree from the Kenneth Road side and to the west, but not necessarily on the Overbrook Road side. Binckley asked if the Commission would like to stipulate they are not going to include the berms or walls as a requirement on this project, but that they would like to continue with the streets trees and have staff work with the applicant on the placement of the ornamental trees.

Williams does not feel the need for the berming.

Pilcher stated he is impressed and has liked this building from the beginning.

A motion to approve was made by Pilcher with the amendment to stipulation number 14 of removing the bullet identifying the screening and changing the bullet regarding the ornamental trees to read, "other ornamentals as agreed by staff". Motion seconded by Brain .

Conrad suggested looking at the landscaping requirements for the BP zoning in the future as further BP developments are proposed.

Motion approved unanimously.

Meeting adjourned

J. Paul Duffendack , Chairman