

# City of Leawood Planning Commission Minutes

June 24, 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 (absent), Williams, Munson, Pilcher

**APPROVAL OF THE AGENDA:** A motion to approve the agenda was made by Henderson and seconded by Rohlf. Motion approved unanimously.

**APPROVAL OF THE MINUTES:** Approval of the minutes from the May 13, 2003, May 27, 2003 and June 10, 2003 meetings.

A motion to approve the May 13, 2003 work session minutes was made by Henderson and seconded by Rohlf. Motion approved unanimously.

Henderson had a question regarding the minutes from the May 27, 2003 meeting. He asked if on page 5, the last paragraph, last line, the first word should be "zoning" or if there were some words omitted. It doesn't make sense. He also stated that on page 6, middle of the page, beginning of paragraph three, he doesn't believe the office can be condominium. Binckley stated the minutes are correct; offices can be condominiums. Henderson stated that on the last page, Conrad did make a motion to approve per staff's stipulations, which had south and east, but after he moved and it was seconded, an amendment was made and voted on and approved to change it to south and west sides. He believes there were two steps in the process. **A motion to approve the May 27, 2003 minutes, with the corrections stated, was made by Henderson and seconded by Williams. Motion approved unanimously.**

A motion to approve the June 10, 2003 minutes was made by Henderson and seconded by Rohlf. Motion approved unanimously.

## **CONSENT AGENDA:**

**CASE 14-03f VILLAGE OF CAMDEN WOODS – 51<sup>ST</sup> PLAT** Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

**CASE 14-03g VILLAGE OF CAMDEN WOODS – 52<sup>ND</sup> PLAT** Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

**CASE 14-03h VILLAGE OF CAMDEN WOODS – 53<sup>RD</sup> PLAT** Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

**CASE 42-03 ROLY POLY SANDWICHES – OUTDOOR SEATING** Request for approval of a final site plan. Located at 4312 W. 119th Street within the Camelot Court shopping center.

**CASE 46-03 PLAZA POINTE - LOT 13 AND LOT 12** Request for approval of a final site plan. Located at the southwest corner of 135th Street and Roe Avenue, within the Plaza Pointe development.

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

## **OLD BUSINESS:**

**CASE 11-03 CAMDEN WOODS CENTER** Request for approval of a preliminary plan. Located at the southwest corner of 143rd Street and Kenneth Road.

**Staff presentation:** Presentation by Jeff Joseph. This case was continued from the May 27, 2003 Planning Commission meeting. The new plan shows additional architectural features on the second floor elevation along the south and west façades. The applicant has also indicated they are willing to plant additional landscaping along the south and west sides to screen the doorways and ground-mounted equipment. Staff is in approval of this plan since it does not appear the first floor elevation can be seen from the residential area to the south and because the applicant is willing to plant additional trees along the west and south sides. The applicant is requesting the

deviation to allow for a 64.31-ft. building setback from the south property line. The LDO requires a 75-ft. setback from land that is zoned residential. The deviation would allow the applicant to reduce the setback up to 85% of the standard requirement. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked if the drive would be under water, in the event of a 100-year flood. Ley stated the applicant raised the drive to bring it out of the flood plain.

**Applicant presentation:** Presentation by Paul Robben, owner of Robben Development Company. The applicant is in support of staff's stipulations. Mike Jantsch and Wendell Ubben are present to go over some of the changes that have been made. The drawings shown at this meeting have been on the applicant's web site for about a week to show the interested parties the changes.

Presentation by Mike Jantsch, of Jantsch Slaggie Architects. The main changes are the south and west elevations. The center was originally proposed as part of the village. The applicant has come back before the Commission because of the additional square footage. Jantsch showed the elevations.

Henderson asked if the orange colored product shown on the drawings would be along all four sides. Jantsch stated it is a terra cotta tile.

Munson asked what material would be used for the roofs. Jantsch stated the entry roofs would be metal and terra cotta but the other areas would be slate-type, some stone brick, and stucco with some wood accent. Munson asked to see the materials board. Munson stated he is not sure how the dormers would work and is not sure they would add much architecturally to the building. Jantsch stated the developer is interested in the imagery similar to the Brookside shops.

Rohlf asked what material would be used for the trim. Jantsch stated it is a stucco material.

Williams asked what a "slate-type" material means. Binckley stated the actual detail of the materials would be decided at final application and the applicant will need to provide an ICBO report if it is something that is not on the City's approved list.

Williams asked why there is a change of the windows on the west and south sides versus the window style on the second floor of the north and east sides. Jantsch stated the windows are slightly different sizes, but they are not meant to be of different material. Trying to mimic the transom panel on the front, but did not need that on the backs of the building.

Munson asked if the two inside windows on the east elevation would be obscured by the roof. Jantsch stated yes, but it is still better for the tenant than not having any windows there.

Henderson asked if the light fixtures would hang in front of the doorways. Jantsch stated the lights are on columns.

Duffendack asked for a description of the change to the entry drive. Jantsch stated the applicant has revised the entry drive to raise it so that it is not in the flood plain. Duffendack asked for a measurement of how much the building was raised. Jantsch stated the building was raised about a foot.

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

**A motion to approve case 11-03 was made by Munson and seconded by Conrad. Motion approved unanimously.**

**CASE 16-03 PARKWAY PLAZA – EAST** Request for approval of rezoning from AG (Agriculture) to MXD (Mixed Use District), preliminary plat and preliminary plan. Located at the northwest corner of 135th Street and Roe Avenue.

**CASE 27-03 PARKWAY PLAZA – WEST** Request for approval of rezoning from AG (Agriculture) to MXD (Mixed Use District), preliminary plat and preliminary plan. Located at the northwest corner of 135th Street and Briar.

Duffendack recommended combining the two Parkway Plaza cases into one presentation.

**Staff presentation:** Presentation by Jeff Joseph. These two cases were continued from the May 27, 2003 Planning Commission meeting. This project is located at the northwest corner of 135<sup>th</sup> Street and Roe Avenue. Case 27-03 is a request to rezone from AG to Mixed-Use and a preliminary plat and preliminary plan. Case 16-03 is a request to rezone from SD-CR and SD-O to Mixed-Use and a

preliminary plat and preliminary plan. The applicant has submitted revised plans since the last meeting. There are additional features such as gardens and sidewalks along the 135<sup>th</sup> Street corridor. This area along 135<sup>th</sup> Street meets the 135<sup>th</sup> Street Corridor design guidelines by providing a continuous row of street trees along the corridor and by placing the buildings closer to the building setback line. The west project has an FAR of .27 and the east project has an FAR of .30. The maximum FAR allowed within a mixed-use development is .25. The applicant is requesting a deviation for the increased FAR. Staff has calculated the bonus criteria for this deviation and is supportive of the proposed FAR because the applicant is providing additional open space as well as underground parking. The applicant is requesting a deviation for a 35-ft. building setback along 135<sup>th</sup> Street, since there is an 85-ft. right-of-way requirement by the Public Works department along 135<sup>th</sup> Street. Staff is supportive of the 35-ft. building setback deviation to accommodate the additional right-of-way. This will not change any green space around that area. Staff did a comparison study of this project with the Hawthorne Plaza development. The distance between Hawthorne's main center and the Tivol Jewelry pad site is 225 ft., which is similar to what the Parkway Plaza project is offering. This project has some outstanding issues. The parking ratio is still above the maximum of 3.5 spaces per 1,000 sq. ft. allowed by the LDO. This project has a parking ratio of 4 spaces per 1,000 sq. ft. The right-in, right-out access drive west of Briar Street must be removed. A deceleration lane is required along westbound 135<sup>th</sup> Street at Briar Street and for the right-in, right-out drive access east of Briar Street. All grading must be done within 15 ft. of the north right-of-way of 133<sup>rd</sup> Street in order to maintain the existing trees. Staff is recommending approval of cases 16-03 and 27-03 with the stipulations stated in the staff reports.

Conrad asked if there is a stipulation included in the staff report to try to reduce the parking ratio to 3.5 spaces per 1,000 sq. ft. Joseph stated all of the issues raised by staff have been addressed in the stipulations. Conrad asked if staff has given any additional consideration to the fact that the residential and the commercial are separated. Duffendack suggested waiting until the applicant's presentation to ask that question. Joseph stated staff has listed the bonus criteria in the staff report within the residential as well as the commercial portions.

Rohlf asked for a clarification of the second deviation request. Joseph stated the applicant is requesting a 35-ft. building setback along 135<sup>th</sup> Street. This deviation was added after the staff report was written.

Williams asked where the distance between the pad site and the main site at Hawthorne Plaza is relevant to the Parkway Plaza project. Joseph stated on the east portion side, the main retail center and the pad site to the south.

Henderson asked how many parking spaces would be land banked. Joseph stated the applicant would be better able to answer that question. Henderson asked who would be able to speak about the traffic situation during peak hours. Ley stated the 2020 counts take the future improvements into account. The improvements that are stipulated with this development would be to include the third lane as well as the right turn deceleration lane on 135<sup>th</sup> Street. The traffic lights will also be coordinated along 135<sup>th</sup> Street to keep the traffic moving.

Munson asked what staff decided to do about the intersection of 134<sup>th</sup> Street and Roe Avenue. Ley stated it would be decided at final application. The developer is working with the property owner on the east side of Roe and if that owner agrees not to request a southbound left at that intersection, then Public Works would not be against a northbound left at 134<sup>th</sup> Street. Munson asked who owns the property to the east. Binckley stated the Jameson Trust.

**Applicant presentation:** Presentation by David Suttle of Suttle Mindlin Architects. The driving interest in this proposal is the 135<sup>th</sup> Street guidelines. Under the "consistent edges" section, the guidelines state the buildings should be encouraged or required to be located at the property line, visual clarity will result with buildings that are consistently placed at a uniform distance from the street. The developer agrees and that has been accomplished. Under the "corridor defining" section, the guidelines state the most effective method in completing a sense of enclosure would be to provide a continuous row of 60 to 70-ft. tall street trees. It is also important to encourage buildings, especially taller buildings, to be located at the minimum setback line to further define the corridor edge. In pedestrian areas, it is important to establish a sense of enclosure and containment for the sidewalk by buffering pedestrians from vehicular traffic. This can best be achieved by placing landscaping and streetscape elements between the sidewalks and the traffic ways and locating sidewalks close to buildings. Those elements on the plan are creating the edges, while the buildings are not high, they have a high profile, the internal sidewalk connects loops with both areas of the development. The sidewalk is next to the retail buildings, and then filters out with the landscaping. The other front to the buildings is 135<sup>th</sup> Street. There will be a continuous sidewalk system looping in between the required sidewalk and the buildings. There is a variety of signage and landscaping. The applicant is trying to be very clear to the 135<sup>th</sup> Street idea. In regard to the mixed-use development, article 2 in the LDO gives specifics, yet choices. It states, "This section establishes a zoning classification which permits planned development that include a mixture of residential, commercial, and cultural uses in a single structure or multiple structures that incorporate a coordinated consistent theme throughout the development in its pedestrian and vehicular access and ways. The mixed use district allows for traditional town center marketplace development and other coordinated pedestrian-oriented mixed use development to ensure the location of employment and retail centers in proximity to higher density housing." This leaves a lot of interpretation in regard to whether the office should look more like residential, or if the residential

should look more like an office setting. There is a current concept as to what new urbanism is about. The applicant is very much committed to the right location as to where to do those types of developments. The developer's interpretation of this overall neighborhood is less dependent on exactly the living unit, but more about the entire intention of the place, to bring it together. The different areas are dependent on one another but not with the traditional sense where all of the homes and retail offices have identical front doors.

The developer has tried to bring the different uses into a planned community where it is all tied together, and is counting on that interpretation of an overall mixed-use development. The applicant would like to slightly change one element of the residential portion. It would be very appropriate to no longer have the residential buildings immediately abutting the water feature, but to include the perimeter definition of the property and let the public streetscape completely surround the water feature. The applicant would like the sidewalk area to include the main feature of the residential.

Duffendack asked if the perimeter fence for the residential area would now be on the other side of the lake so it is not a barrier to the public. Suttle stated the fence would go around the water feature and there would be benches to help make it more of a part of the common area. The rest of the residential is as previously proposed.

Henderson asked how many of the extra spaces will be land banked. Suttle stated the developer's intention is to land bank all of them. Henderson asked if the developer has addressed one of the resident's concerns about 133<sup>rd</sup> Street being a straightaway. Suttle stated the developer feels they have done all they can to make it not feel like a straightaway. Henderson asked if the internal street between 135<sup>th</sup> and 133<sup>rd</sup> would be a private street. Suttle stated, yes. Henderson asked if the homes association would be responsible for the maintenance of the street. Suttle stated, yes. Henderson stated concern with the upkeep of the street, since it would not be a public street. Binckley stated staff has indicated to the developer that the City would be expecting the same maintenance plan for the entire development. Binckley stated there would be a main contact if the City needed to require any kind of upkeep. It would be recorded at the County with the final site plan application approval.

Rohlf asked how the project would be phased. Suttle stated the development would start at Roe and move west.

Munson asked staff what type of measures are in place to ensure the type of buildings along 135<sup>th</sup> Street that are proposed at final will be what is actually built. Binckley stated the applicant would be required to submit site design guidelines at final plan application. As each one of those buildings comes in, the Commission will review it, just as was done with the Plaza Pointe development. Suttle stated he is under contract to personally design each of the buildings in this development. Munson stated during the last meeting Brain was concerned about the backs of the buildings and the linear look along 135<sup>th</sup> Street. Duffendack asked if some of the buildings would have entrances off of 135<sup>th</sup> Street. Suttle stated, yes. Suttle feels it would be very appealing to make it a second entrance. The developer will encourage the tenants to do that.

Henderson asked if the residential street would be gated. Suttle stated it would be a defined area with markers, but it has not been decided to be a gated community. Henderson reminded Suttle that if this were to be gated, the Fire Marshal would need to be involved. Suttle stated if it were to happen the developer would follow all of the City's guidelines.

Rohlf asked if there is one clubhouse and one swimming pool. Suttle stated, yes. Rohlf asked how the developer is anticipating the residents on the west side to utilize the clubhouse and pool. Suttle stated the residents would use the pathways and streets.

Duffendack stated he believes making the water feature more towards the public area is a step in the right direction, but the entire point of the mixed-use definition is not addressed when there is a fence. It can be an open fence or a closed fence, but it still gives the impression that the public is not welcome there. The public space should be available to the public. He feels the FAR bonus is not applicable. Staff is in approval of it, but he would be much more comfortable without that restriction. Suttle stated he feels the mixed-use definition is interpretive and hard to get a handle on, therefore the developer has had the same struggle. There is 70% open space in the residential area, the idea of a sparsely populated suburban area adds to the quality of life, with some degree of separation. Duffendack reminded Suttle he is not in approval of the residential portion's open space being used in the FAR bonus for the entire development. Suttle stated he would hope the Commission would allow the developer and City to have this type of development.

Conrad stated he feels this development is too separate and made even more separate by the fence. He does not like the idea of gated neighborhoods. He believes the development team has provided some quality projects, but he is not convinced of the mixed-use with this project. He then asked if the intersection at 134<sup>th</sup> Street would be signalized. Ley stated the island is about 15 to 18 ft. wide. An island would be required for eastbound to funnel the traffic south. Conrad was concerned about the configuration of the intersection and that there would not be east-west traffic on 134<sup>th</sup> Street. Ley stated there would not be east-west traffic on 134<sup>th</sup> Street. Heading east going to Roe, there will not be an exit to go north on Roe. There would be a continuance median going from 135<sup>th</sup> Street to 133<sup>rd</sup> Street. Binckley stated there will be a left-in at 134<sup>th</sup> Street, going north on Roe.

Munson asked how the FAR for the rest of the development would change if the Commission were to decide the residential and the commercial were two separate projects and should not share FAR. Binckley stated the commercial development is under the required FAR. All of the additional square footage would be in the residential. Suttle stated the applicant feels the overall development is strong enough that if the Commission were to require the fence to be removed or reduced, it could be done. Binckley stated the FAR for the west portion is .27, the FAR for the east portion is .30. Joseph stated the FAR for just the residential portion is .65. Binckley stated FAR is usually only looked at for commercial development, the only reason it is being looked at for the residential portion of this development is because of the mixed-use zoning. Binckley stated as far as units per acre, it is within the requirement. Munson asked the height of the residential units. Suttle stated two and three-story. Munson asked if by doing it that way it increases the open space. Suttle stated they have 70 to 73% open space in the residential portion. Munson asked if the open space in the residential portion could be used by the entire development. Suttle stated if it were private it would be used only by the residential neighborhood; if it's open, then it's theoretically open to everyone. Duffendack asked if the applicant would be willing to change the fence line and change the amount of acreage in the fenced enclosure. Suttle stated he is confident the applicant can come up with a way to define the comfort level so that the public is invited but there is a balance between respect to the public walking along the sidewalk and not feeling they are invading the resident's privacy. Conrad asked if the applicant feels there might not be the respect of the public staying on the sidewalk and not walking into the resident's yards. Suttle stated the residential units would be built close to the sidewalks. Conrad asked what the building setbacks are around the cul-de-sacs. Suttle stated about 12-15 ft. He is more concerned about being sure it is comfortable for the properties along 134<sup>th</sup> Street. Suttle stated the applicant could create this development without a fence and make the landscaping conform or alter the architecture, if that is the thing that will make it acceptable to the Commission.

Henderson asked if the proposed fence is wrought iron. Suttle stated yes, with stone pillars and landscaping.

**Parkway Plaza - East public hearing: With no one present to speak at the public hearing, a motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.**

**Parkway Plaza - West public hearing: With no one present to speak at the public hearing, a motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.**

Pilcher stated the area needs to be inviting and usable, and he believes removing the fence does not make it so. He does not like the exclusivity of the condominiums. He feels very strongly that it is important to look at ways to make some of the green space available and inviting to the public. If the applicant cannot find some kind of way to make it more inviting, he would be inclined to vote against the approval of this case.

Henderson stated this discussion should be more about the definition of a mixed-use development. He then asked if the residents and the people who frequent the office and retail space could move around together.

Munson asked if the traffic from the commercial portion to the residential portion would be significant. He also asked how the public space would really work.

Duffendack stated it is important to look at the definition of FAR bonuses. The LDO states, "A 10% bonus is available if the development provides permanent natural open space ratios in excess of the required minimum, based on not less than a 1:1 ratio of increased floor area to increased open space. Such permanent natural open spaces must provide value to the community by preserving and providing habitat areas for native flora and fauna, storm water recharge/management potential, and/or passive recreational potential for the public." He is not sure if it is enough of a gesture towards the passive recreational potential for the public if the developer and the architect can provide privacy around the condominiums and reduce it from the perimeter of those two blocks while still utilizing an enclosure.

Williams stated the "and/or" raises the question as to whether or not there needs to be passive recreational use in this open space. He is in favor of the idea of public green space, but in terms of the definition, he is not sure if this needs to be a public green area, versus one that does provide for the habitat and the landscaping and visual benefit for the people who live, visit and circulate through there. He asked if all of the criteria need to be met, or just most of them, with the exception possibly of the passive recreational potential. Binckley stated the "and/or" leaves it to the Commission's discretion. The applicant had left natural areas north and south of 143<sup>rd</sup> Street, they allowed to use the natural area as well as adding ponds for the storm water detention.

Munson asked if a resident has utilized the open space by walking from one side of the subdivision to the other. Binckley stated yes, but she feels the applicant's offer to remove the fence, thus allowing a resident of Bridgewood to walk to 133<sup>rd</sup> Street by cutting through the residential portion, would be using the open space also. Suttle stated there are other options. One option would be to extend and create a complete public zone through the center of the eastern residential area. The second entry point would become progressively closer. The other thing would be the height of the wrought iron fence.

A motion to approve case 16-03, Parkway Plaza – East, was made by Munson and seconded by Henderson.

Pilcher suggested an amendment to the motion to review more of a public use area along 134<sup>th</sup> Street, as suggested by the applicant. Munson asked for a clarification. Williams stated to create a public space area from 133<sup>rd</sup> Street to 134<sup>th</sup> Street, approximately the same width of the retention pond. Binckley asked if Pilcher is suggesting fencing the areas outside of that. Pilcher stated he feels that would be appropriate. He believes there could be some private areas, but some provision made for a public area. Conrad offered an amendment to approve the plan with the removal of all circumferential fencing or gates, with the acknowledgement that there would be further discussion at final site plan to create some security and sense around the condominiums.

Pilcher removed his amendment.

Munson asked if Conrad's amendment would be decided prior to or at final plan application. Conrad stated it would be discussed prior to final plan application. Binckley asked if Conrad was suggesting that while the applicant would still be in discussion with staff about the fence, the Commission would make that decision at final application. Conrad agreed.

Pilcher asked if the amendment suggests altering the space to make it feel more open and inviting. Binckley stated that was the intent of the amendment. Conrad stated the fences and gates need to be removed and there should be further discussion as to how elements could be changed to create more of a sense of security and they can be discussed at the final plan application. **Pilcher seconded Conrad's amendment.**

Williams asked how taking away the fences serves a benefit to the community for public use space, which is the intent of the bonus points. He supports the idea of no gates, but is not sure about removing the fence. Henderson agreed and stated he would vote against the amendment. Pilcher stated he agrees taking away the fence does not solve the problem of it needing to be inviting to the public, because it is still divided by 134<sup>th</sup> Street.

Duffendack stated he does not mind the separation as long as there is adequate open space to allow the FAR increase. Passive recreational use can simply mean the visual use of green space. He suggested the Commission is getting confused trying to think of open space in terms of a park. He does not mind a physical barrier along pieces of this property, as long as the entire piece of residential is not enclosed by the fence.

Conrad asked Staff if the Commission could deny this case when it comes back at final application and the Commission does not like the fence and/or gate. Binckley stated, yes. The amendment is stating there will be no fences or gates unless an appropriate design that incorporates a public open space design is provided. **Amendment passed 4-2. (Conrad, Pilcher, Munson, Rohlf in favor. Williams and Henderson opposed.)**

Conrad asked if the residential and commercial would be constructed simultaneously. Suttle stated, yes, it will start at the east and move in a line to the west.

**Motion to approve case 16-03, Parkways Plaza – East, was made by Conrad, with the additional stipulation to state, "All circumferential fencing or gates will be removed, with the acknowledgement there will be further discussion at final site plan to create some security and sense around the condominiums." Seconded by Pilcher. Motion approved unanimously.**

**A motion to approve case 27-03, Parkway Plaza – West, was made by Conrad, with the additional stipulation to state, "All circumferential fencing or gates will be removed, with the acknowledgement there will be further discussion at final site plan to create some security and sense around the condominiums." Seconded by Pilcher. Motion approved unanimously.**

#### **NEW BUSINESS:**

**CASE 34-03 IRONHORSE CENTRE** Request for approval of a preliminary plat and preliminary site plan. Located at the southeast corner of 151st Street and Nall Avenue.

*Duffendack recused himself from this case.*

**Staff presentation:** Presentation by Mark Klein. The applicant is requesting approval of a preliminary plat and preliminary site plan to allow for the construction of a 108,617 sq. ft. mixed-use office/retail development on 15.3 acres with an FAR of 0.16. This is the third time Ironhorse Centre has been before the Commission. It was first seen in 1999, then it came back last year with some revisions. The plan has remained basically the same with some adjustments. The last plan seen had 10 buildings. This plan has combined four of the

buildings into two buildings, so it now has 8 buildings. One of the buildings is located along the northern property line, the southwest corner of the central drive and 151<sup>st</sup> Street. The other building is located to the south and east of there. There was previously a building down at the corner that created a view corridor between the two buildings. A memo has been placed at the dais regarding some of the changes made to the stipulations.

Staff is proposing the following modifications to the stipulations regarding Case 34-03, Ironhorse Centre – preliminary plat and preliminary plan.

**Stipulation 16:**

**Original:** The applicant/owner agrees to all the stipulations listed in the attached memorandum to the Director of Planning and Development from the Ironhorse Golf Course Committee, dated July 16, 2002, and to all recommendations of the Ironhorse Golf Course Committee.

**Proposed:** The applicant/owner agrees to all recommendations of the Ironhorse Golf Course Committee listed in the minutes of the Ironhorse Golf Course Committee dated December 13, 1999, May 21, 2002, June 19, 2002 and May 22, 2003.

This change is being made to clarify the recommendations of the Golf Course Committee and to remove a reference to a public works memo dated July 16, 2002.

**Stipulation 25:**

**Original:** A revised preliminary and final site plan must be submitted as each building within the development is finalized.

**Proposed:** A revised final site plan must be submitted as each building within the development is finalized.

This modification is being made to allow each individual building to file a final site plan application only and not to require a preliminary site plan. In staff's opinion, the requirements for substantial compliance with the approved final site plan for the overall development have been met.

**Stipulation 26:**

**Original:** A combination of a three-foot berm and three foot tall landscaping is required around the perimeter of the parking lots adjacent to 151st Street, Nall Ave., and the Ironhorse Golf Course.

**Proposed:** A combination of a three-foot berm and/or walls accented with plant material, the width of which shall be a minimum of 10' at any location, is required around the perimeter of the Ironhorse Golf Course.

This modification is being made to ensure that the language more closely matches Section 16-4-7.3(B) of the Leawood Development Ordinance from which it is taken, and to remove this requirement from the perimeter of 151st Street and Nall Avenue, due to the grade.

Staff is recommending approval of this case with the stipulations outlined in the staff report and the memo given.

Henderson asked if this is a new proposal or a revised proposal. Klein stated it is a proposal to replace the previous proposal; therefore, it is a new proposal. Henderson asked if the statement that there have only been minor changes needs to be set aside. Klein stated that is correct.

**Applicant presentation:** Presentation by Curtis Holland, an attorney with the Polsinelli Shalton and Welte law firm, on behalf of the applicant. The applicants are the owners and co-developers of the property. Kevin Gilmore, president of Security Savings bank, is available for any questions. Fred Merrill and Richard Napper of Merrill development team, which is a new member of the development team. Some of the consultants available are Kevin Berman with Hoefer Wysocki Architects, Wendell Ubben with Phelps Engineering, and Brick Owens, a landscape design architect and planner with HNTB. This is an application, whether it is a revised preliminary plan or a new application, it is essentially the same project in terms of the layout, the overall concept, and building materials. Last year Mr. Merrill and the development company were not part of the development team. Mr. Merrill's background is in the commercial development business. He lends a different expertise and a different perspective on this project based on his commercial experience. He has done several projects in the Kansas City area. He has been a golf course manager as well as a golf course club pro. He has been involved in developments adjacent to golf courses. In bringing this project into fruition, there were some minor site plan changes to make it more marketable. The applicant is back before the Commission because of some of the stipulations that were previously approved. Holland described the site plan and changes. The overall square footage has decreased by about 200 sq. ft. There should be greater uses of stone, since it is in a residential area. The layout and drainage all remain the same as previously proposed. This project was originally approved to be developed as one phase but the applicant would now like to phase the project. The ordinance has been changed since the first submittal, and the phasing lines need to be shown on the preliminary plan. Holland described the phasing.

The applicant is basically in agreement with staff's stipulations. Stipulation number three deals with park impact fee. 10 years ago Mr. Bell, the owner of Security Savings Bank, donated much of the land for the golf course. At that time he entered into an agreement with

the City. Pursuant to that agreement, all park impact fees have been waived for Mr. Bell's developments. The applicant has submitted a letter to staff in regard to that specific issue. The applicant cannot locate a signed copy of the golf course agreement, but is hoping to have a signed copy within the next couple of days. The next stipulation to be discussed has to do with the wrought iron fence along the golf course. The applicant recognized it might not be prudent to construct the fence with the first building that is built on the property. The first building to be built would more than likely be the Security Savings Bank, which is adjacent to 151<sup>st</sup> Street. Once the developer knows who the users of the buildings next to the golf course would be, they would feel more comfortable with adding the fence. The buildings could shift and consequently could have some grade changes. Staff suggested this stipulation came from the golf course committee. The applicant has spoken with the golf course committee and they seem to have no issue with respect to the applicant's desire to phase the construction of the wrought iron fence. The first phase is so far removed from the golf course that there is not a public access issue. The applicant prefers to keep the area next to the golf course as natural as it is as long as possible. The proposal is to phase the wrought iron fence construction to coincide with the development as they adjoin the golf course. The golf course committee's one concern was to provide adequate erosion control measures following the rough grading of this property, which the applicant plans to do.

The proposed new language for stipulation number 25 is, "A revised final site plan must be submitted as each building within the development is finalized." The applicant's intention in terms of phasing is to phase the final plan as well. The next case to be seen will be the final plan for the first phase. The applicant would be agreeable to this stipulation if the word "revised" were removed.

Rohlf stated the buildings seem to be boxier and the parking is different. She then asked why. Kevin Berman with Hoefer Wysoki Architects responded that Mr. Merrill felt some of the office footprints were unrealistic for the size of buildings that they are. They are relatively small buildings. That, coupled with an irregular configuration, did not make it a marketable product. Merrill felt the smartest thing to do would be to put realistic footprints for these buildings on this site to show how these buildings would be laid out. The elevations drawn in the previous submittal that was approved was drawn from a plan that was rectilinear. The architectural character of the office building has not changed; it is still projected from a footprint that it is a rectangle. Rohlf stated there seems to be more parking around the circle and around lots 6 & 7. Berman stated the direct parking off of the secondary entrance drive has been removed, but the parking count has not increased. The applicant has talked with staff in regard to land banking.

Henderson referred to the Public Works memo that stipulates, "subject to the approval of the golf course committee". He feels the applicant is looking at that more lightly than the City. He asked if that is correct. Holland stated the applicant is in agreement with all of the golf course committee recommendations with respect to the drainage issues and the wrought iron fence. The applicant values the golf course committee's input.

#### **Public hearing:**

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

Henderson stated he is concerned about the applicant not agreeing with stipulations 3, 15, 25, and 34. He is prepared to deny the case because these issues need to be resolved.

Conrad suggested discussing the stipulations. Klein stated stipulation number three needs to be included as of now, because the signed document has not been found. Binckley stated the Council has the right to waive that stipulation. Klein stated stipulation number 15 was included with the 1999 application. It is staff's understanding the golf course committee had a concern about people using the center, even with the first building, then wandering over to the golf course property. Although the golf course committee would prefer the fence be built all at once, they understand why the developer does not want to do that at this time. The committee is willing to consider phasing. Binckley stated the sub-committee met and the minutes from that meeting were not clear, so she received clarification from Dick Fuller, who is in charge of the sub-committee. He indicated that he understood the applicant's request and the sub-committee did not have any issues with that, but they were concerned with overruling what the Council has approved in a previous stipulation. Staff included the stipulation in this case to allow the Commission and the Council to make the decision.

Conrad stated it makes sense to have it constructed as early as possible, especially because of the walking trail that is being proposed. Binckley stated the sub-committee is not in approval of the walking trail. Holland stated the applicant prefers to not have a walking trail along the golf course property. The applicant would like to plant the landscaping as to not invite pedestrian traffic along the golf course. Conrad asked if a stipulation regarding the elimination of the walking trail should be added. Binckley stated the Commission could simply state they are in approval of removing the trail and the case could go forward.

Henderson stated he would like to hear counsel's interpretation of the value of stipulation number 19. Klein stated it is a stipulation made of all projects adjacent to the golf course. Henderson stated this stipulation would not keep someone from suing the City, therefore he does not see the value of the stipulation. Klein stated the stipulation is just to put the people on notice. Holland stated the applicant

does not have an issue with this stipulation. It has been made of all of the properties adjacent to the golf course. This also reinforces the reasoning behind removing the walking trail.

Conrad asked for clarification of the applicant's disagreement with stipulation number 25. Klein stated the process for commercial property is to do a preliminary plat and preliminary site plan for that property, then as that property goes into the final stage, the applicant is required to submit a final plat and final site plan for the entire piece of property. This process locks down where the lots and common areas will be and it also triggers impact fees. The applicant has stated they would like to phase the development so as to just do a final plat and final plan for phase one, so that anything outside of phase one would not be platted at all. This would allow the applicant to prorate the impact fees, which reduces the amount of impact fees at each application. This also allows the applicant to plat different pieces of property. If the building changes they would not need to come back before the Commission to get approval of the change. Staff wants the final plan with a final plat. Staff wants to know where the common areas are and who will be responsible for the maintenance of those common areas, as well as how the buildings relate to each other. The buildings are allowed to move a little bit, as long as it is in substantial compliance with what was approved for the final overall plan. By removing the word, "revised", it would change the intent.

Henderson stated he likes the three-ft. berm and three-ft. tall landscaping on stipulation number 26.

**A motion to approve was made by Munson, with the addition of a stipulation to remove the walking trail and the changes to the stipulations listed in staff's memo. Seconded by Rohlf. Motion approved unanimously.**

**CASE 35-03 IRONHORSE CENTRE/SECURITY SAVINGS BANK** Request for approval of a final plat and final site plan. Located at the southeast corner of 151st Street and Nall Avenue.

*Commissioner Duffendack recused himself from this case.*

**Staff presentation:** Presentation by Mark Klein. The applicant is requesting approval of a final site plan and final plat for only the first phase, which includes two buildings consisting of Security Savings Bank and a retail building. Staff is recommending denial of this case. It was staff's understanding the applicant was requesting a final site plan for the entire property and as part of that application a final plan for phase one. However, their desire is to have a final plan and final plat only for the property in phase one only. There would be no final plan indicating where the buildings would be located outside of phase one. In light of that, and the concerns stated by staff in the report, staff is recommending denial. Staff is recommending the applicant follow the procedure that has always been used with commercial property, which is to plat the entire property as one plat and set the property lines. One concern has been placing the utilities underground. Staff has tried to reach a compromise with the applicant in which they would not be required to place the existing utilities underground until either the development to the north, on the corner of 151<sup>st</sup> Street and Nall Avenue develops, or the improvements to 151<sup>st</sup> Street are made. The reason staff has made the compromise is because it will be very expensive to place the existing utilities underground. It would require boring under the street and would, therefore, be more efficient if it were done at the same time as the improvements to 151<sup>st</sup> Street are made, or they might be able to get some financial help from the development to the north when it is developed. Another concern is that the applicant wants to plat the common areas. Each of the lots extends to the center line of those common areas, therefore, staff has concerns as to how the maintenance for those areas would be done. Another concern with staff is the number of parking spaces. The new ordinance has a maximum number of parking spaces. The reason for setting a maximum is to ensure there are not too many parking spaces. The applicant has indicated they are willing to work with staff to reduce their parking to 4.5 spaces per 1,000 sq. ft. There are a few spaces around the bank that could cause some traffic conflicts. Another concern of staff is when the 5-ft. wrought iron fence would be constructed. Staff is leaving it to the Commission and Council whether or not to keep the stipulation. In general, staff is supportive of the sign criteria, but has a couple of comments. Staff would like 18-in. letters, instead of 24-in. letters. The applicant has not stated if that would be a problem. Due to the way the applicant wishes to plat, and the concerns raised by staff, staff is recommending denial of this case.

Conrad asked if this procedure for submittal of final platting is clearly outlined in the ordinance. Klein stated, yes. Binckley stated staff has reviewed this many times today with the applicant. Staff has stated very clearly their position on this and the LDO supports it. The City's policy and ordinance have always allowed developers to do preliminary site plan and plats followed by final site plan and plats for the entire development and then a review of the individual lots at a later time. Staff did allow the applicant to do a first phase with their overall site plan and plat, but it was a miscommunication about what the applicant's actual request was until today.

Munson stated he would support the staff's recommendation for denial, and then suggested the applicant could request a continuance instead of a denial.

**Applicant presentation:** Presentation by Curtis Holland. This application was made as a final site plan and final plat for the first phase. This is a procedure that is allowed by the LDO. Article 16-3-5 (C) states, "Phases of development must be shown on the preliminary development plan, if applicable. If the development will occur in phases, the applicant shall submit a development plan that also displays

the entire development at the completion of all phases. No building permit shall be issued for any phase of development until a final development plan for that phase is approved." It is the applicant's contention that section 16-3-5 (C) allows for, authorizes and approves for projects to be submitted in phases, as in this case. The applicant believes the time to do the plat is after they find the tenants that will occupy the buildings and those building lines will be set. The process is consistent and still allows and ensures the applicant is complying with what is required. There is a preliminary site plan and a preliminary plat that shows the phasing lines. The applicant is requesting to do the final plan on those phases as they are ready to be developed. By platting the entire development at this time, it could potentially cause a number of replats. The way the ordinance is written so that the impact fees, which the applicant is subject to, must be paid with the recording of the final plat. The net cause is that even if the development will be built in phases, the applicant must absorb all of the impact costs with the first plat. In this particular case, that is \$200,000, which is a heavy load to carry with respect to this development. It is absolutely routine to do final plats in phases in Leewood. Most of the residential projects are done with phases and final plats and phases. The same issues the applicant is raising are the some of the same issues residential developments face. Plat lines, street locations, and/or the whole layout of a particular area could move. This City has a substantial compliance ordinance that says that if the final plan is not in compliance, and then the applicant must come back with a revised preliminary application. That guarantees the issues the City is talking about. There will be declarations and covenants that deal with the maintenance issues on the common space. It is very commonly done this way and the applicant does not find that to be an issue. The applicant has talked with staff and it appears staff's position is not going to change. The applicant's position is not going to change. The applicant would like to move forward with the process. A continuance would not do the applicant any good at this point.

Conrad stated he would like clarification as to whether or not there is a requirement for this submittal to include a final plat. This is the first time he can remember seeing a phased plat for a commercial development. Binckley stated Article 16-3-13 (E) reads, "Except in unusual circumstance, the final plat will be approved simultaneously with the approval of the final development plan." That identifies that those two need to be evaluated together and standard practice in the City is set by the ordinance, that the final development plan for the project should be evaluated. Holland stated the applicant has submitted a final plat and a final plan, they are consistent with each other, and cover this particular property. The applicant will address all of the other issues staff has talked about.

Conrad asked for legal counsel's opinion. Shannon Marcano, Assistant City Attorney, stated it has been discussed and the City has come to the conclusion this application is not in compliance with the ordinance.

Holland stated the applicant would accept the Commission's denial of the application.

Conrad stated the Commission could hear the case and take a vote, but it sounds as if it is the recommendation of legal is that the application does not comply with the ordinance. Marcano stated that is correct, in addition, all of staff's comments were made as if this would be a final development plan for the entire site, so she is not sure how the comments would be applicable. Holland stated staff's recommendation was for denial. He doesn't believe the stipulations would change if the application were different. Conrad asked if the applicant would like to present their case under the circumstances discussed. Holland stated the applicant would like to go forward with this case.

**A motion to extend the meeting 15 minutes was made by Munson and seconded by Henderson. Motion to continue approved unanimously.**

Holland stated concerns with stipulation number 4, regarding the park impact fee, and stipulation number 21, regarding the wrought iron fence. The applicant's understanding is that the sidewalk and golf course easement will be removed, and would like to make sure that is understood. The applicant will visit with staff to get the parking issues resolved. The applicant will remove the parking spaces by the bank. The applicant is willing to go to the 18-inch letters on the signage. The applicant thought they had an agreement with staff to have an individual monument for the office buildings in the corner, which is allowed by the code, and staff is now stating they will not allow for an individual monument sign for the office buildings. The applicant is suggesting to either have two wall signs or one wall sign and a monument sign. The applicant still believes they are legally entitled to do what they are asking to be done.

Berman described phase one on the site plan. Any minor adjustment could not substantially change the character of this development. There are design guidelines that will be followed.

Henderson asked what the Commission is considering for approval. Binckley stated they are looking at a final site plan and plat for phase one. Typically, the process is to apply for a final site plan and plat for the overall development. Staff understands the applicant's position on the platting and their concerns about fees. Staff's understanding was this was a final site plan for the overall development and the first phase of the development, and they were making a request for platting of the first phase only. Staff realized this afternoon that the applicant is only applying for final plat for the first phase and not for the entire development. Rohlf asked if Staff's stipulations are in regard to the first phase platting, or the entire development. Klein stated the stipulations written in the staff report are referring to the application as if it is were for the entire development. Klein stated he would like to make another clarification; the roofing material

listed has changed to a recycled, concrete tile that is not approved by the ICBO yet. The product is in the process of getting approved by the ICBO. The ramification of this is that if this case gets approved, the Commission would be approving a site plan for a roofing material that would not be allowed in the City.

Holland stated the applicant would not be requesting any deviation from the city ordinance requirements with regard to the specifications.

Henderson stated he likes the plan, but he is unclear as to what has been presented. He then asked if it would be helpful to continue this case to figure out what they are dealing with. Binckley stated if that is what the Commission would like to do, then staff and the applicant would need direction from the Commission that the only thing they are evaluating is just those two lots. Henderson stated he is not comfortable with that. He would like to see it in the context of the entire site plan. Binckley stated the applicant is not willing to do that, they only want to do the first phase.

Holland stated the Commission has everything needed to consider the final site plan. The applicant has submitted final site design guidelines for the entire shopping center, final signage criteria for the entire shopping center. The applicant has an approved preliminary plan for the entire shopping center. Now we are talking about phasing final plans. If the Commission's recommendation is to plat the entire project at one time, the result would be the applicant paying all of the impact fees up front and to ultimately replat those lots down the road. The applicant would like to move forward with this.

Rohlf asked if these stipulations would be different if it were just for the first phase. Klein stated it would go through a different process if it were just for the first phase.

Henderson asked if the applicant would be permitted to begin phase one if this case were passed with the stipulations written. Klein stated if there is a final plat for the entire plan and the applicant wants to change something, they would need to come back before the Commission for a replat for that piece of property. If an applicant just does a final plat for an individual piece of the project, the Commission would not have as many chances to look at it.

Conrad stated it is his understanding staff and counsel has indicated it is not a complete submittal.

**A motion to deny, due to an incomplete application, was made by Pilcher and seconded by Munson. Motion denied unanimously.**

**A motion to extend the meeting for 30 minutes was made by Williams and seconded by Pilcher. Motion approved unanimously.**

**CASE 44-03 COVENANT CHAPEL** Request for approval of a preliminary plan. Located at 13300 Kenneth Road.

*Commissioner Conrad recused himself from this case.*

**Staff presentation:** Presentation by Mark Klein. The applicant is requesting approval of a preliminary site plan for a revised master plan for Covenant Chapel. This project is located south of 133<sup>rd</sup> Street and west of State Line Road. The master plan for Covenant Chapel proposes 99,000 sq. ft. of total construction in four phases. The existing phase one consists of 19,000 sq. ft. and phases two through four propose an additional 80,000 sq. ft. of future construction. Staff placed a memo on the dais in regard to the stipulations being changed.

Staff is proposing the following modifications to the stipulations regarding Case 44-03, Covenant Chapel.

**Stipulation 4:**

**Original:** The developer shall be responsible for \$200/front foot for improvements to the future Kenneth Road at time of building permit.

**Proposed:** The developer shall be responsible for \$200/front foot for improvements to the future Kenneth Road at the time of building permit or as otherwise approved by the City.

This change is being made to allow the City and the applicant flexibility regarding the form and/or timing of the payment of the \$200/front foot for improvements to Kenneth Road.

**Stipulation 7:**

**Original:** Church services shall be limited to Sunday only.

**Proposed:** A traffic study shall be required at time of final site plan for the proposed sanctuary.

The reason for this modification is to ensure that a traffic study is submitted at the time of final site plan for the proposed sanctuary, which will have the primary impact on traffic.

**Stipulation 12:**

**Original:** The individual screen walls around the mechanical units on the existing building shall be replaced with a continuous screen wall that blends with the architecture of the building. Plans for the new screen wall shall be submitted at final site plan for approval prior to building permit for phase II of the development.

**Proposed:** The individual screen walls around the mechanical units on the existing building shall be modified with a continuous screen wall that blends with the architecture of the building. Plans for the new screen wall shall be submitted at final site plan for approved prior to building permit for phase II of the development.

The reason for this modification is to replace the word "replaced" with the word "modified". This will allow the applicant to modify the existing mechanical screen rather than completely replacing it.

Another issue is stipulation number 11. The existing building on the site has a standing seam green metal roof and the applicant is proposing an architectural shingle for the new buildings on the project. Staff is in approval of the architectural shingle, but has some concerns that it will not match the existing building. The applicant has indicated it would be cost-prohibitive to re-shingle the existing building's roof to make it match the other buildings.

Pilcher asked if the proposed material is complementary to the existing building roof. Klein stated it has not been looked at since it is just at the preliminary stage.

Klein stated the site plan would have the buildings facing east, towards future Kenneth Road. There is an existing building at the northern portion of the site. Three additional buildings would be built to the south of this development. There would be a central plaza area between each of them and an awning or covered walkway that would cover them. The property is higher from the eastern side, then slopes down to the west. Looking at the buildings from the east side, they appear to be one-story, but looking at them from the west side, they take on a two-story appearance. There are a couple of deviation requests with this application. The first deviation is from section 16-4-5.3 of the LDO which states no more than 40% of the area along a public street can contain parking to a depth of 90 ft. This would require buildings or green space up to 90 ft. Staff is in support of this deviation request because the ordinance is designed more towards retail and commercial buildings to avoid the large parking fields that tend to happen in front of strip malls. Another reason staff is supportive of this request is because future Kenneth Road will run between this property and the old airport property, which is zoned as retail. Staff is supportive of this application with the stipulations stated in the staff report and the memo placed on the dais.

Henderson stated he is glad that stipulation number 7 was changed because more than just church services occur in a church building.

**Applicant presentation:** Presentation by Tom Ryan, Sr. Pastor at Covenant Chapel. The applicant has tried to improve the site plan from the last submittal and hopes the new site plan will be effective for the ministry as well as the City. Water retention has been addressed, there is less parking and no increase in density. This new plan accesses the 5 or 6% grade better and has created some nice amenities for the neighborhood to be more involved. The applicant has tried to accommodate the city and Staff with the walking trail and has worked with the City with putting in 133<sup>rd</sup> Street and putting the sidewalk on the applicant's side, rather than their neighbor's side. The applicant has worked with the Greenbriar residents along the way and feel the relationship is very positive. The applicant held a public meeting with the Greenbriar residents and no one showed up. The landscaping has been upgraded on the newly proposed plan. The applicant is asking the Commission to waive the change of the roofing material on the existing building. It is important to the applicant that what is eventually built will make sense, is architecturally harmonious, work well with the neighborhood and is approved by the City. The existing building is made for a standing seam roof and it would cost the applicant in excess of \$100,000 just to re-roof that structure. The church has a fiscal responsibility to its members.

Duffendack asked for Klein's suggestion on the rewording of stipulation number 11. Klein stated Staff was just made aware of the applicant's opposition to this stipulation today. Staff has been trying to think up some alternatives in which they would be able to make the existing roof blend, or use some different type of treatment. Duffendack suggested removing the stipulation, since it will be addressed at final site plan. Klein suggested changing the stipulation to read, "The applicant shall work with Staff prior to final application." Duffendack stated he is not sure why this should be pointed out, when the entire pallet of building materials will be reviewed at final plan application.

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

**A motion to approve case 44-03 was made by Henderson, with the changes made by staff to stipulations 4, 7, & 12 and the removal of stipulation 11, seconded by Rohlf.**

Pilcher asked if there were any stipulations in regard to lighting and foot-candles. Klein stated the applicant would be required to comply with City ordinance. Munson stated he has driven by the property at night and it seems to have too much light on the parking lot and is concerned about the neighbors to the north. Pilcher suggested staff take a look at the lighting to make sure it is not an issue.

Klein stated there is a second deviation the applicant is requesting, which is to have the parking light fixtures match those of the existing parking lot, which is in excess of the 18 ft. allowed in the LDO. Staff is supportive of this request.

Duffendack asked if there would be typical provisions for glare and light pollution. Klein stated they would need to meet the City's requirements, which is no more than 5 foot-candles at the property line.

**Motion approved unanimously.**

**CASE 40-03 2003 COMPREHENSIVE PLAN REVIEW** Request for approval of the annual review of the comprehensive plan pursuant to K.S.A. 12-747(d).

**Staff presentation:** Presentation by Diane Binckley. Staff has reviewed the plan this year and is making no new recommendations on the master plan.

Henderson asked if the plan the Commission reviewed last year is the same one they are being asked to approve this year. Binckley stated there have been no adjustments made.

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

Henderson asked if staff had heard any comments in regard to the comprehensive plan. Binckley stated a resident did ask about the country club property and was happy there were no adjustments to that property. Henderson asked if the comprehensive plan is known to and used by the residents. Binckley stated a comprehensive plan is posted in the planning conference room, they are made available and there is information on the City's web site. The Planning Commission agendas go out to each of the homes association's presidents and other residents in the community.

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

**Meeting adjourned.**

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J. Paul Duffendack, Chair