

City of Leawood
Planning Commission Minutes

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

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

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

APPROVAL OF THE MINUTES: Approval of the minutes from the June 10, 2003 work session and the June 24, 2003 meeting.

Henderson asked if the work session minutes should list when a quorum is present. Duffendack stated the meeting would not be held if a quorum were not present. **A motion to approve the June 10, 2003 minutes was made by Henderson and seconded by Pilcher. Motion approved unanimously.**

Williams stated the last paragraph of page 5 of the June 24, 2003 minutes reads "143rd Street", but it should read "133rd Street". Henderson stated on page 7, he would like to change the word "fact" to "statement". **A motion to approve the June 24, 2003 minutes, with the noted changes, was made by Henderson and seconded by Williams. Motion approved unanimously.**

Duffendack made the Commission aware of a packet handed out by staff. Binckley stated staff has handed out new packets in regard to the Estates at Old Leawood, which will be heard at the August 12, 2003 meeting. The plans have not changed. The contents of the packet include: the minutes from the Governing Body meeting, a memo from staff outlining the remand, the staff report, and the document from the owners that was provided to the Governing Body and is now being provided to the Commission for their review. Duffendack stated he hopes the Commission will take advantage of what staff has done to remind them of what has happened with this case in the past. Binckley stated the agenda that is being mailed out would include a shortened version of the memo provided to the Commission in regard to what the remand is about. Henderson asked if there is a sense this case will get postponed again. Binckley stated this is the last continuance available; otherwise the applicant will have to pull their application.

CONSENT AGENDA:

CASE 48-03 PLAZA POINTE, LOT 2 - RAYL INVESTMENT OFFICE BUILDING Request for approval of a final site plan. Located at 135th Street and Roe Avenue within the Plaza Pointe development.

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

NEW BUSINESS:

CASE 30-03 SPORT COURT – MARK LEDOM Request for approval of a special use permit to allow the lighting of a sport court. Located at 8845 Mission Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Mark Ledom. The applicant is requesting approval of a special use permit to allow lighting on his sport court at 8845 Mission Road. The sport court has been approved administratively; this application is just for the lighting. The sport court is 55 ft. by 110 ft. and is located at the southeast corner of the house. It is located towards the interior of the lot and is surrounded by a significant amount of landscaping. The applicant is installing 5 additional evergreen trees along the south side of the sport court. Staff is supportive of this application with the stipulations stated in the staff report.

Henderson asked if the proposed trees would be 8-ft. tall at time of planting. Joseph stated, yes.

Conrad asked when this was submitted and administratively approved. Joseph stated the sport court was approved in May of 2003. Conrad stated he has questions regarding the grading and elevation of the sport court. He then asked if the application reflected some possible elevation changes in the plan. Binckley stated there are some walls along the north side of the sport court. Conrad asked if the walls are modular. Binckley reminded the Commission they are just approving the lighting; the sport court has already been administratively approved.

Duffendack asked if staff has received any information regarding glare from the lighting. Joseph stated the applicant has met the LDO requirements of a maximum of .5 foot-candles along the property line. Duffendack asked if the lights would be shielded. Joseph stated the lights will not have any shielding at the time of installation, but could have some added at a later time if required. Duffendack asked if adding shields is possible with the types of lights the applicant is requesting. Joseph stated, yes, according to the information given by the applicant.

Applicant presentation: Presentation by Mark Ledom, 8845 Mission Road. Ledom stated he is available for any questions.

Henderson asked if 26 ft. is a typical height for tennis court lighting. Ledom stated 30 ft. is the typical height for tennis courts. The tennis court in the yard next to Ledom's is lighted at 30 ft. Henderson asked if the light would leak to the neighbors' yards. Ledom stated his site is 3 acres. The closest neighbor is across an inlet in Somerset Lake. It is very dense in the summertime.

Ledom stated he gave out 14 notices to ask neighbors to attend a meeting and no one showed up.

Henderson asked staff if 70 ft. is a good radius for the Commission to anticipate on other applications. He then asked why the applicant placed the sport court in that location. Ledom stated he placed it next to the back of his home. It has been part of a planned landscape plan of the site since he moved there. It fits well there. Ledom would not want to set a precedent of 70 ft. for other applicants since most lots are not as large as his.

Rohlf asked if Ledom is anticipating using the court at night on a regular basis. Ledom stated, no, and more than likely nothing past 9:30 p.m. Duffendack stated there is a stipulation limiting the hours of the lighting.

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

Henderson asked why staff suggested 26 ft. for the height of the lighting, if 30 ft. is the standard. Joseph stated the standard height for parking lot lights is 26 ft. and it was a compromise. Henderson asked if it has more to do with the standard size, versus the light leakage. Joseph stated the property light intensity would be .5 foot-candles, which is within the City's requirements.

Henderson asked if the neighbors that have the 30 ft. lights have caused any complaints from neighbors. Ledom stated, no, but they do not use their court very often.

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

CASE 49-03 CAMDEN WOODS CENTER Request for approval of a final site plan and final plat. Located at the southwest corner of 143rd Street and Kenneth Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Paul Robben. The applicant is requesting approval of a final site plan and plat for a two-story, 21,091 sq. ft. retail/office building. This property is located on the southwest corner of 123rd Street and Kenneth Road. The proposed building will be constructed of stucco and glass with stone and brick accents. The roof will be constructed of a combination of metal and slate. A monument and several wall tenant signs identifying each tenant space are proposed for this development. Additional landscaping needs to be provided throughout this project. Staff is recommending a circular turnaround be constructed at the southern end of the parking lot, which is a requirement of the fire marshal. The applicant has agreed to do this and they should provide a new plan showing the turnaround. Staff is not supportive of the light fixtures proposed for the west and south elevations. Staff is recommending the same decorative light fixture that is used on the east and north elevations. The applicant has indicated they are willing to change the light fixtures and they will be providing a new plan showing that change. The LDO prohibits the used of concrete masonry units. The decorative stone base material proposed on the building is a type of concrete masonry unit. The applicant has indicated they are willing to change the material and they have submitted a new material board showing the new materials. The roofing material shown does not have ICBO approval, which is a requirement of the LDO. The applicant has indicated they will submit a new roofing product that meets all of the requirements of the LDO. A massing model of the proposed building is a requirement of the final development plan process. The applicant has indicated they would bring a model to the meeting tonight. Staff would like to add two more stipulations to this case, which should read, "The applicant shall be responsible for a street improvement fee of \$200 per linear foot along 143rd Street and Kenneth Road prior to recording of the plat unless there is proof that the payment has already been paid. The total amount is \$207,200." and "A 20-ft. wide easement shall be provided for the trail on the final plat." Staff is

recommending approval of this case with the stipulations stated in the staff report and the two additional stipulations as stated.

Duffendack asked if the applicant has agreed to the two stipulations added by staff at this meeting. Joseph stated, yes, the applicant has agreed to the additional stipulations.

Henderson asked for clarification on the easement. Joseph stated it is 10 ft. on each side of the trail.

Applicant presentation: Presentation by Scott Slaggie, of Jantsch Slaggie Architects, on behalf of the applicant. Slaggie showed the massing model to the Commission. The applicant is now proposing to use a combination of brick and cast stone for the base, which are both acceptable by the City. The applicant has asked staff to look at a different material instead of the cast stone. The applicant will provide a list of buildings that have that material installed around town. The applicant is proposing to use the cast stone. In regard to stipulation number 18, the applicant is waiting for ICBO approval on the synthetic slate. There is also synthetic slate proposed for a building in Plaza Pointe and has been used elsewhere in the City prior to the adoption of ICBO requirements. If the roofing material is not approved, the applicant will suggest a different material that is acceptable. In regard to stipulation number 14, the applicant has agreed to use the same decorative wall sconce around the entire building. Due to this change, the applicant will need to perform a new photometric study, which will be submitted to staff. In regard to stipulation number 16, the applicant agrees to develop a turnaround that is acceptable to the fire department. The applicant understands there could possibly be a \$200. per linear ft. assessment along the building. The applicant agrees to that, but it has yet to be determined whether or not it has been paid. Slaggie stated he does not believe Mr. Robben will have a problem with providing the easement along the walking trail.

Williams asked the name of the synthetic slate manufacturer. Slaggie stated it is the same manufacturer that produced the material used in the Plaza Pointe development. Binckley stated she believes the manufacturer is Slate Select. Slaggie stated the concern that was conveyed to the applicant is fading of the slate; it has not been in the marketplace long enough for an evaluation. Duffendack asked if the ICBO has an approval pending. Slaggie stated he does not know. Binckley stated the only ICBO requirement that it does not meet is that it is not a standard size. Sam Maupin, the Codes Administrator, is working on that right now. Duffendack asked how the Commission should proceed without knowing if the ICBO would approve the roofing material. Binckley suggested the Commission could approve the application as it is, unless staff does not find the product to be acceptable. If the applicant could provide a material that is similar to what they are proposing, then staff could approve it; if not, then they would need to come back before the Commission. Henderson asked if there would be enough time before the Council meeting to get the material approved. Binckley stated it was given to the Codes Administrator about a week ago, so she would hope to have some type of answer before it goes to the Council. Henderson asked if the applicant would be able to start construction if Council approves this case before the material is approved by the ICBO. Binckley stated the roofing material would need to be approved before the building permit is issued. Slaggie stated the applicant would need to know beforehand also, because of the weight differential of the synthetic slate versus real slate.

Conrad asked if the Wastewater District has approved rerouting the public line. Ley responded the Wastewater District has already approved the plan.

Duffendack asked why the proposed future entrance by the turnaround is not going to be built now. Slaggie stated it is his understanding the applicant would incur significant expenses to make improvements along Kenneth Road, so he is trying to avoid doing that by providing the turnaround instead. Ley stated the access to Kenneth Road would be a right-in, right-out, so the developer would need to construct an island down the middle of Kenneth Road if the drive were to go out to Kenneth Road at this time. When the City widens Kenneth Road, the City would put the island in and at that time the developer would put his exit out to Kenneth Road. Duffendack asked if the turnaround is a temporary measure until the City puts in the island, which could be 10 years. Ley stated, yes, the Public Works stipulation states that once the City does the improvements to Kenneth Road, the developer will be required to build the exit out to Kenneth Road.

Carper arrived.

Henderson asked if a project has been approved in the past where the applicant is requesting materials that are not approved in the City. Duffendack stated he does not recall anything like this, but thinks the Commission should look at this type of situation arising more in the future. He would not want to have a process that precludes the new materials. He suggested the Commission could grant staff the ability to administratively approve the materials on a case-by-case basis. Conrad stated he believes that a plan should only propose materials that are approved by the City before the Commission approves the project. He stated concern with putting a whole other level on staff to follow up on the materials, versus having it resolved before the Commission approves. Binckley stated she does not feel it is an issue since the City is in the process of evaluating the roofing material for another project. If it is decided to not allow the material in the City, and the applicant cannot make another alternative that is already approved by the City, they would be required to come back before the Commission. Munson asked at what point in the process would the material be reviewed. Binckley stated at building permit. The Planning staff approves all building permits to make sure that the developer is using the materials the Commission approved. Duffendack suggested the Commission could approve the case with real slate, and then if staff finds the synthetic is approved, they could approve the change. Binckley stated Duffendack's suggestion would be a better way to go. Henderson stated he believes the Commission needs to be clear and precise about this issue. A couple meetings ago, the Commission was clear and precise as to the process for filing a final plat and final plan for a particular project and were hesitant to approve it because it was not how the City typically does it, because what the City typically does works best. The Commission is again potentially looking at approving a project where we are not clear and precise about what the materials are.

Slaggie stated the applicant was working with a material that has been approved in the past. To make a substitution between slate and synthetic slate would make a difference on the building systems. It would help the applicant if there were some sort of grace period in place for review of the material.

Duffendack stated the Commission is suggesting a way to approve this case using materials that are the quality the Commission is looking for. Slaggie stated he would like to know what information the Commission needs in order to make a decision. Duffendack stated there are approved materials and administrative authorities staff has in order to decide what is equal or adequate. Binckley stated the roofing ordinance lists the criteria that include the ICBO requirements and specific information needed to make a determination for roofing materials. Slaggie asked if the applicant were to propose to use slate, but would still like to use synthetic slate, could they use synthetic slate if staff approved it. Duffendack stated that was

his question to the Commission and it has not been answered. Carper stated Duffendack's suggestion is fair.

Williams asked when Sam Maupin would have the information on the roofing. Binckley stated she is hoping within a week. This project would go before the Council as early as August 4th, but could be later if the City needed more time.

Henderson stated he has concerns with the Commission not knowing what material they are approving. Williams stated his office has investigated the synthetic slate product and it did not present the color they were looking for. Since then, he has seen this product placed on historic buildings in Kansas City, Missouri and the roof is 100% better looking than before. Duffendack asked if this would be the same manufacturer as those seen by Williams. Williams stated that is why he asked who the manufacturer is, he looked at Eco Star roofing. Binckley stated the Slate Select roofing has been used in Plaza Pointe, but that project was approved prior to the new roofing ordinance. The material is very attractive and staff prefers it to standing seam. It is just a matter of getting a quality product.

Henderson asked when the review of material would be completed. Binckley stated she would talk to Sam Maupin tomorrow, definitely within this next month.

Conrad stated he is supportive of the project, but when the Commission approves a final project they should be approving the materials. By approving this case without the final materials, it pushes an activity that staff will need to follow up on before building permit issuance. The process now should be to send the projects forward within the guidelines of the LDO. Carper suggested adding a stipulation stating, "The roofing material must be in compliance with the LDO prior to building permit issuance." Duffendack stated he agrees with Carper. He has a lot of confidence in the planning staff's ability to make judgments and urged the Commission to move in that direction.

Carper made a motion for approval with the addition of the two stipulations added by staff.

Duffendack asked how Carper would like to proceed on the roofing material. Joseph stated stipulation number 18 refers to the roofing material. Carper stated the stipulation is okay with him. Binckley stated if staff cannot agree with the applicant, the case would come back before the Commission again.

Rohlf suggested changing stipulation number 18 to clarify what product is being submitted. Henderson stated "similar appearance" does not mean similar quality. Williams stated if the roofing material meets the LDO requirements, then it meets not only the appearance, but also the quality. The Commission should not be debating the issue of quality.

Binckley suggested changing stipulations number 18 to read, "The applicant shall use a roofing product with the appearance of slate and that meets the requirements under the LDO prior to building permit issuance."

Conrad stated when the project comes before the Commission with a final submittal, it should have materials offered that are approved by the City. These issues should be resolved before approved by the Commission. He then asked if something were to come up and the only option is real slate, what would

happen if the applicant suggests a standing seam roof. Binckley stated the applicant would need to come back before the Commission and Council if that were to happen. Duffendack agreed it would be nice to have these questions answered prior to being heard by the Commission and then suggested putting in a new procedure to allow for this. He then stated the issues are larger than this particular case.

Carper suggested changing stipulation number 18 to read, "The applicant shall use slate or other slate-like roofing product that is similar in quality and appearance to slate and that has been submitted and meets all of the requirements of the LDO prior to the building permit issuance."

Williams stated using slate as the standard of quality is going too far.

Motion to approve, with the stipulation change added by Carper and the two stipulations added by staff, seconded by Rohlf.

Conrad asked the name of the manufacturer of the roofing product being proposed tonight. Binckley stated it is Slate Select. It has been used in the Plaza Pointe development. Williams clarified that this is not a new product to the City; it has just not been approved within the new roofing ordinance.

Carper suggested changing his amendment to, "The applicant shall use slate or other slate-like roofing product that is acceptable in quality and similar in appearance to slate and that has been submitted and meets all of the requirements of the LDO prior to the building permit issuance".
Rohlf seconded the change.

Motion approved 5-2. (Rohlf, Carper, Williams, Munson and Pilcher for. Conrad and Henderson against.)

Meeting adjourned.

J. Paul Duffendack