

City of Leawood
Planning Commission Minutes

August 26, 2003
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

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

Williams arrived.

APPROVAL OF THE MINUTES: Approval of the minutes from the July 8, 2003 and July 22, 2003 meetings.

Henderson asked if the ordinance identifies the procedure for approval of a final site plan. Binckley stated the Commission has the right to make a decision at time of final site plan and then the Governing Body has the right to either affirm the Commission's decision or overrule. Henderson then suggested changing the word "seek" to "obtain" at the top of page 5 of the July 8, 2003 minutes.

A motion to approve the minutes from the July 8, 2003 meeting was made by Henderson and seconded by Rohlf. Motion approved unanimously.

A motion to approve the minutes from the July 22, 2003 meeting was made by Henderson and seconded by Rohlf. Motion approved unanimously.

Pilcher arrived.

CONSENT AGENDA:

CASE 62-03 LEAWOOD ELEMENTARY - SIGN Request for approval of a final site plan. Located at 2400 W. 123rd Street.

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

NEW BUSINESS:

CASE 54-03 TUSCANY RESERVE - TEMPORARY SALES TRAILER Request for approval of a special use permit to allow the use of a temporary sales trailer. Located at 135th Street and Chadwick.

Staff presentation: Presentation by Jeff Joseph. The applicant is Ed Kennamore. The applicant is requesting approval of a one-year special use permit to allow for a 576 sq. ft. temporary sales trailer on lot 80 of the Tuscany Reserve subdivision. This property is located at 135th Street and Chadwick. The

elevation of the building is single story. The main entrance to the building is on the west side. Included in the packet is the actual picture of the trailer. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked if the City engineer's comments are included in staff's recommendation for approval. Joseph stated, yes.

Munson asked if the sales trailer would be placed on a buildable lot. Joseph stated, yes.

Applicant presentation: Presentation by Ed Kennamore. Hopefully the Commission has had the opportunity to drive through Tuscan Reserve to see all of the details. The sales trailer will be in keeping with the high standards already established.

Munson asked why the applicant would not build a home to use as an office, instead of a trailer. Kennamore stated there needs to be sales staff on site to sell the lots. It would take too long to get a building built in order to put a sales office in the building.

Williams asked if it is the applicant's intent to build a home on the lot where the sales trailer will be. Kennamore stated the sales office would be able to operate from a different location within a one-year period.

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

A motion to approve was made by Carper and seconded by Rohlf. Motion approved 6-1 (Munson against).

Carper asked the status of the trailer in north Leewood that is owned by the City used for the Police department. Binckley stated it is an approved part of the site plan. Carper asked if it is allowed through a special use permit. Binckley stated she believes so. Carper asked if the intent is for it to be replaced with a permanent building. Binckley stated, yes, that is the intention.

CASE 55-03 COVENANT CHAPEL - SECOND PHASE Request for approval of a final site plan. Located at 13300 Kenneth Road.

Conrad recused himself from this case.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan for construction of the second phase of Covenant Chapel Church located south of 133rd Street and west of State Line Road. The second phase consists of a two-story, 18,000 sq. ft. building to be constructed on the south side of the existing building. The building will be used for office and classroom space. The applicant has met with staff since the staff report was written and there are some changes to the stipulations. The staff report states the total square footage is 18,000 sq. ft. and it should be 15,400 sq. ft. Stipulation 18 would require the applicant to reconstruct the retaining wall with stone veneer at the time of phase three, or within 5 years of the building permit for phase two. The applicant has indicated the retaining wall will not be exposed once the next phase begins. Staff is recommending stipulation 18 to be removed. Stipulation 20

states the applicant shall construct architectural tiles on the roof of the proposed building to match the architectural tiles of future buildings. The preliminary proposal stated architectural tiles would be used on the three future buildings. This is the second phase; therefore staff expected the architectural tiles to be used. The applicant has stated they are not sure what architectural tile will be on the next phase and they are hesitant to put architectural tile on this building when it could change with the next phase. They have proposed to put on standing seam at this time, and then it could be reevaluated at the time of the third phase whether to change it to architectural tile or allow it to remain as standing seam. Staff is uncomfortable with this because staff would like to make sure all future phases match and the applicant is heading in a new direction with the architectural style of the building. Staff is suggesting to allow the applicant to put the standing seam on this building now, and then change it to match the architectural tile used with the third phase. Staff has had conversations with the applicant regarding the landscaping and has encouraged them to put in more trees and shrubs. The applicant has stated they will show the additional landscaping proposed to meet that requirement. Staff is supportive of this case with the stipulations as listed.

Henderson stated he has questions with stipulations 14, 15, 16 and 20 but would wait until after the applicant presentation.

Applicant presentation: Presentation by Steve Lyons, chairman of the building team for Covenant Chapel. Lyons introduced the development team. The applicant is proposing to build an addition to the existing first phase building that was constructed approximately five years ago. This addition is a little over 15,000 sq. ft. on two levels. The footprint is a little over 7,500 sq. ft. This new addition will provide additional administrative offices for the church and it will also provide much needed classroom space. The applicant has had an opportunity to meet with staff and go over some of the points in the staff report. The applicant is in agreement with all of the stipulations with the exception of stipulation number 20, regarding the roofing material to be used for the second phase. There was almost an agreement to allow the applicant to put on a standing seam roof as used on the existing building. Using smaller portions of the standing seam on the second phase roof would provide some consistency between the two buildings over the next several years. The next phase may not happen for several years. Staff would like the applicant to agree right now to change out the phase two roof if and when phase three is built. The applicant is requesting to revisit that requirement at the time of phase three to see what building materials are used at that time and see what kind of design is proposed for that phase.

Henderson asked how the applicant would ensure non-leakage and appropriate drainage for the two buildings that will be joined together. Karl Yager stated the roofing area would not actually be connected. There will be a parapet wall at the edge of phase one that will continue in place. The flat roof areas will have interior drains and tapered insulation to ensure proper drainage. Henderson asked if there would be a physical gap between the buildings. Yager stated there would be a parapet wall. Henderson asked what materials would be used to construct the wall. Yager stated it is currently constructed of membrane on the inside with EIFS for the face. The applicant will flash the exterior wall with the roofing material on both sides where it is not visible to the public. Henderson stated his concern with leakage. He then asked if there is another place that has used this type of roofing and if they have had any problems with leakage. Yager stated his company has used this type of roofing on a number of buildings. It is a very commonly used material. Duffendack stated there would be a dual drainage system at each valley point so that if there is an overflow and if one drain stops up, the other one would take over. It is a very common roofing method on this type of building. Yager stated there is a 20-year warranty on the material. Henderson stated he is always wary of flat roofs.

Rohlf asked to see the revised landscape plan. Yager showed and described the approved overall preliminary plan. Michael Burton, with George Butler and Associates, described the revised landscape plan. Carper asked if this is the revised plan subsequent to the meeting with staff. Burton stated, yes. Carper asked staff if the plan the applicant is presenting is what they envisioned. Klein stated this is the first time staff has seen this landscape plan. Staff was actually recommending more ornamental shrubs and perhaps more landscaping to be added in and around with a combination of shrubs and trees.

Klein stated one of the stipulations asked the applicant to look at different ways to break up some of the larger façades. Staff suggested adding more natural materials in some places and possibly some ground lighting to up-light the building. Landscaping is one way to break up the elevations. The applicant has stated they feel this is a transitional building and what they are proposing is the best design to go from the existing building to the new style of architecture. Yager stated the applicant has increased the area of stone since the first submittal. Approximately 60% of the exterior is stone. The east entry has a recess of about 6 ft. with a canopy that projects out from the building about 10 ft. with two stone columns. The west side of the building is recessed at the entry about 3 ft. and the applicant has added a matching canopy and columns on that side. The south elevation is about 60% stone. The applicant does not feel the elevations are so large as to require more articulation.

Duffendack asked where the retaining wall would be located. Yager stated the retaining wall comes out on the east portion of the south façade then angles to the southwest from that point. With this phase the wall will follow the contour down to grade. In the final phase that wall will be removed and a full-height retaining wall from the second phase building to the sanctuary will be built. That will create an enclosed walkway and then a courtyard at the lower level between the two buildings. The south side will not be visible to the public at all. The applicant has also added a central spine to the building that connects the two entries, which has the gabled roofing areas. There will be a skylight on the eastern end to provide natural lighting to the entryway with screen walls to connect the two gabled ends to screen the mechanical equipment that will be located between those two features.

Rohlf asked what the time frame would be for the next phase. Lyons stated about 8-10 years.

Williams asked if the stucco is actually stucco or EIFS. Yager responded it is stucco. Henderson asked if stucco color is Prairie Tan. Yager stated the color is Manor White, which is a tan-colored stucco. The other stipulation was to paint the existing building the same color to match the second phase. Henderson asked if the first building would be repainted after the second building is built. Yager stated, yes.

Henderson asked when Kenneth Road would be reconstructed. Ley stated Kenneth Road would be reconstructed when the airport property is developed.

Duffendack asked if the Commission has any comments on the roofing and the south elevation being exposed. Henderson asked if the retaining wall would hold up for the 8-10 year period. Williams stated if they are doing stucco and stone, it should hold up. It has been used all around the City. Williams also stated he is not sure if he would have a problem with allowing the applicant to keep the standing seam roof on the second phase. Henderson asked Williams if he is okay with the green roof and the tan stucco. Yager stated the roofing is a green color, which is the same color that is currently on phase one. The applicant is hoping to tame it down and only use it in a much more defined area. The copings on the walls will have a color that is integral with the stucco, rather than the green band around the parapet areas.

Williams asked if the accent green would end up being on the standing seam roofing only. Yager stated, yes.

Munson asked if the north elevation is where there would be exposed construction. Yager stated the concern is that from the west elevation on the south side of the building, there is a retaining wall that comes out from the building for a height of 12 ft. for about 10 ft. of distance then it changes direction, angles to the southwest and tapers from 12 ft. to zero over about a 40 ft. length. That retaining wall, which accommodates the grade change from east to west, is the wall that will be removed and replaced when the next phase occurs.

Munson asked what the blank space on the elevation drawing represents. Yager stated it is the current enclosed storage area and is not exposed.

Henderson asked what the wall is retaining. Yager stated the wall is retaining about 12 ft. of dirt. Henderson asked if it would be sturdy enough to be temporary for a long time. Yager stated it would be 12-inch thick, capped in place, concrete wall. The applicant looked into options of engineering the wall so that they could add on to the wall in the future and after discussion with the contractor decided it would be simpler to pour the wall now and it could stay as long as they wanted it to stay. When the applicant wants to raise the remainder of the wall to the 12 ft. height, it will be easier to demolish this wall and pour a new wall. Williams asked if the wall would be stucco. Yager stated it is a poured-in-place concrete with a stucco finish on the west side. Henderson asked if there would be any erosion factor with the wall at this point. Yager stated they are not anticipating any water because of the steepness of the slope. One of the reasons for tearing down this retaining wall and building a new one with the third phase is because there would always be a seam between the wall constructed now and a new one built on top of it. It would be safer for the long term due to the penetration of water.

Duffendack suggested a change to stipulation number 18 to correctly describe the material for the retaining wall.

Carper asked if staff has reviewed the landscape plan. Klein stated, no. Carper asked when it was submitted. Klein stated the applicant was asked to provide the landscape plan at this meeting. Carper asked if staff is in approval of the landscape plan. Klein stated staff would like to look at the plan more closely; staff has not had a chance to thoroughly review it. Carper had concerns with stipulation number 20. He then asked why staff seems to be allowing something that seems temporary, when there is roofing material identified with the approval of the preliminary plat. Klein stated it is the position of the applicant to use the standing seam metal. There is a good chance the standing seam metal would become permanent. The applicant has proposed to reevaluate it when the third phase comes in because they have not chosen the exact architectural shingle that will be used with that phase. Staff likes the look of the architectural shingles as proposed; therefore staff would like the applicant to put on the architectural shingle with this phase. However, staff does not want to get the applicant into a situation in which they put the architectural tile on, and then they decide it is not what they want to use for the third phase. Staff was trying to reach a compromise so that all of the future phases would match in regard to the roof. Duffendack asked why staff would not rather match the roofs on phase one and two, versus phase two and three if this building relates more closely to the current building. Klein showed an elevation of what was approved at the preliminary application. Klein stated the applicant is showing a connection between all of the buildings. Staff was not looking at it as if it more closely matches the current building. Staff feels the architecture has changed a little; the stone they are using is different than what is on the current building. It seems as if the applicant is

heading in a new direction and this would be the prime break point as far as going with the new architecture they are proposing. Staff felt the applicant was moving in that direction when they came in for their preliminary plan. Staff is also concerned it will be an easier argument for the applicant to request standing seam for the third phase if it is allowed on the second phase. Duffendack stated staff is assuming the standing seam roof is a lesser quality than the architectural tile, and he disagrees. He thinks it makes sense to not tie down the applicant. Carper stated the Commission has already approved the preliminary plan with the architectural tile. Duffendack stated it frequently happens where materials change between the preliminary approval and final application. Binckley stated staff is not trying to say the standing seam is a lesser quality material. The green roof that exists is fairly harsh so staff is trying to soften the overall look of the development. Staff does not want to continue with the substantial green roof for the entire project. Staff feels there was a certain representation at preliminary and would like to continue that through to the final. The Commission can make the final decision on this, but staff wanted to express their concern. Yager stated the reason for the change is that since the preliminary submittal the applicant has better defined the construction time frame of the next phase. There will probably 8 to 10 years between the second and third phases. The applicant is concerned with committing to an architectural shingle on phase two because the applicant does not know what materials would be available 8 to 10 years from now. The concern would be to have three buildings with three different types of roofing. Binckley stated staff is requesting the applicant to agree to look at changing the material of the second phase to match the third phase at that time. Duffendack asked if that is how stipulation number 20 reads. Klein stated stipulation 20 states the applicant must change to an architectural shingle. The applicant has proposed in discussions with staff they be allowed to put the standing seam on the building right now, then as the third phase came in and they knew what the architectural shingles were, it could be discussed whether the standing seam should remain or if it should be changed over to match the architectural shingle.

Klein stated there was a stipulation with the preliminary plan that the applicant would look at changing some of the elevations. The applicant suggested they had changed some things, and that is true, these are different than the original submittal, but these elevations are pretty much the same elevations that were approved with that stipulation.

Henderson asked if the current seamed roof is working. Yager stated, yes.

Carper asked for a clarification of staff's recommendation on the roofing. Binckley stated staff is suggesting to allow the applicant to put the standing seam on this building now, with the review at the next phase.

Rohlf asked if these elevations are what staff was expecting from the stipulation in the preliminary approval. Klein stated staff was expecting a few more changes from preliminary to final. When the applicant first submitted, they did not have some of the recesses and the canopies. They did raise the stone up, but that was between their original submittal at preliminary and what was finally approved at preliminary. The current elevations are the same that were approved with the stipulation that prior to final application they would look at changing the elevations to further break them up. The changes have not taken place after the approval of the preliminary plan. Duffendack asked which elevations staff has concerns with. Klein stated the west and the south elevations. The north elevation is pretty much concealed by the existing building to the north. Duffendack stated the south side would be enclosed at some point by a courtyard. Klein stated on the west side the applicant has taken the stone band and continued it at pretty much the same height as they had before. It does recess in about 3 ft. and there is a canopy, but it is still fairly flat.

Henderson stated the owner is going to build a succession of buildings without knowing what materials will be used down the road. He would like to know if there would be a development team to oversee all of the phases since it will be constructed within an 8-10 year time frame. Duffendack stated there is a point where there can be a plan, but it is still up to the diligence of the Planning Commission at the time of the third phase to decide if continuity exists.

Williams asked if staff is recommending removing stipulation number 18. Duffendack stated it could be removed or replaced with a statement explaining the materials to be used in the construction of the wall. Henderson asked for a suggestion on how to rewrite the stipulation. Duffendack stated it would need to define the construction of the wall in phase two in the second line, but he is not sure if that is necessary. Binckley stated the plans cover the fact that it is a stucco wall. She is not sure that it needs to be listed in the stipulations. Williams asked if stipulation number 20 should be removed completely. Binckley stated it would be up to the Commission to decide.

A motion to approve was made by Pilcher, with an amendment to remove stipulations 18 and 20 in their entirety and changing stipulations one through four to reflect the correct square footage. Seconded by Williams.

Carper asked if there would be any changes to stipulation number 8. Duffendack stated it would remain the same. Binckley asked for some guidance from the Commission on the landscape plan. **Carper suggested changing stipulation number 8 to read, "Prior to Governing Body approval, the applicant shall submit a revised landscape plan as acceptable to staff." Pilcher agreed to the change, Williams seconded.**

Carper stated concern that by eliminating stipulation number 20 it could become an issue with a transition going from what is on the first and second buildings and then the third and fourth. He would like to reserve the right to require the current standing seam metal is the same as what is put on future buildings. Pilcher stated he believes it is not an issue because it is 8 or more years down the road.

Lyons stated the applicant has had issues with trying to define substantial or significant. They have discussed this with staff and there was some initial concern that the north areas were too open. The applicant decided rather than doing some smaller bushes, they would plant three trees on each corner to provide height and bulk. They also added another tree on the south side. It was the applicant's understanding that staff was accepting those changes. Carper stated staff has not had a chance to review the landscape plan. He then asked staff be reasonable in terms of what they are asking the applicant to do in the way of landscaping. He would like staff to have the ability to look at it. Duffendack stated the revision to stipulation number 8 ensures the plan will be acceptable to staff.

Motion approved unanimously.

CASE 56-03 VILLAS OF WHITEHORSE - LOT 39 Request for preliminary and final site plan. Located north of 151st Street and east of Nall Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a preliminary and final site plan to allow a deviation to a minimum 15 ft. side yard separation between buildings on lots 38 and 39 within the Villas of Whitehorse subdivision. The applicant is requesting a deviation to allow for 14.5 ft.

side yard separation between buildings due to a construction error that was made in the field. At the time the Villas of Whitehorse was approved, it was approved with the 15 ft. separation. The current LDO requires a 20 ft. separation. The Commission and Council granted the deviation with the requirement that the homes have class A roofs. The fire marshal has stated in his memo it is not an issue to him to allow them to go to the 14.5 ft., since they are required to have class A roofs. A bay window was built on the house on lot 39 and the builders found out that it was not 15 ft. from the existing house on lot 38. The reason this is not going to the Board of Zoning Appeals is because they do not have the ability to grant a variance to a deviation that was previously granted by the Governing Body. The Governing Body had already reduced it from 20 ft. to 15 ft. The LDO allows the Commission and the Governing Body to go up to a zero lot line, but only with their approval. Staff is recommending approval of this case with the stipulations stated in the staff report. Staff's main concern is to make sure this does not become a precedent for this subdivision as a whole; this should just be allowed between these two buildings.

Henderson asked the approximate square footage of the villas. Klein stated the applicant could better answer that question. Henderson stated he remembers a case where a person owned two adjacent lots and encroached on the vacant lot with his driveway. When he wanted to sell the second lot he came before the Commission to request a variance but the Commission voted to deny because the applicant had made a mistake. The second house was not built in that case, but in this case the second house is built. He then asked why the developer could not remove the bay window. Once the setback is narrowed down on these large houses on narrow lots they begin to exist almost like townhouses. There is very little green space. He would not vote against it, yet is concerned with it becoming a precedent. If this type of case comes up again he would suggest removing the bay window.

Pilcher asked why there are only three or four feet between one of the villas and the property line to the unplatted land to the east. Klein stated the subdivision was set up to have a lot of the buildings set to one side of the lot or another to provide more significant green areas. It is not uncommon for the houses to be fairly close to one property line, but then the requirement is still for a 15 ft. separation between the houses.

Carper asked if the bay window is an add-on or if it is part of a new villa. Klein stated it is new construction. Rohlf asked if the homes have been completed. Klein stated the home on lot 38 is complete and the one on lot 39 is substantially complete. Rohlf asked if the homes are occupied. Klein stated he does not believe they are occupied. Conrad stated he agrees with Henderson, that if this same thing were to happen again in the Villas of Whitehorse it will come down.

Applicant presentation: Presentation by Wendell Ubben of Phelps Engineering, representing the homebuilder, Bob Willis. The applicant agrees to all of staff's stipulations.

Henderson asked Ubben's opinion of when a person encroaches on a setback that was not approved. Ubben stated the builders were working off of an approved plot plan. It is 15 ft. from building to building. Most cities do not include foundations and overhangs for the setbacks.

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

Carper stated the builders have permits and should understand the City of Leawood's ordinances. He would hope that all of the builders understand this, and that it will not happen again. The consensus of the Commission is that if this type of case were before them again they would not be as open minded about it.

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

Henderson stated he would vote for approval if the comments about the Commission's genuine unhappiness with this kind of case were also transmitted to the Council. Binckley stated the Council receives a copy of the minutes with each case.

Motion approved unanimously.

CASE 57-03 MADDEN MCFARLAND INTERIORS Request for approval of a final plat and final site plan. Located south of 127th Street and west of State Line Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Bernie Madden. The applicant is requesting approval of a final site plan and final plat for a 13,360 sq. ft. office building. The property is located south of 127th Street and west of State Line Road. The proposed building is two-story and is composed primarily of stucco. The main entrance to the building is on the east side of the lot off of State Line Road. Parking is provided on the east and west sides of the building. A trash enclosure is proposed on the northwest corner of the lot. A monument sign is provided for this project. The applicant is proposing to use the same monument sign that is used at their present location. The applicant is proposing a Certainteed Grand Manor roof. One of the requirements of the development ordinance is that the roofing must have an ICBO or ICC approval. This roof does not have an ICBO approval. Staff is recommending the applicant use slate, tile or similar roof material for this project. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked if this is considered a new application, since the preliminary plan was approved over seven years ago. Joseph stated this is the same building that was applied for at preliminary application. The only difference is the applicant has added parking spaces that were land banked, so they have more parking spaces. Henderson stated there is typically a sunset clause of five years. Binckley stated the preliminary plan was approved towards the end of 2001, so it has been within the last couple of years.

Duffendack asked why staff is recommending slate. Joseph stated staff looked at this project as a commercial project. Duffendack stated he believes composition roofing has been used on commercial projects in Leawood. Binckley stated the City typically does not allow composition roofing on commercial buildings. Williams asked what type roofing is on City Hall. Binckley stated it is slate.

Applicant presentation: Presentation by Ron Stallbaumer of Wendlent and Stallbaumer Architects, representative of the applicant, Bernie Madden. Stallbaumer introduced the development team who were available to answer any questions.

Henderson asked what the use would be for the basement level. Stallbaumer stated the first floor would be exhibits, the second floor would be offices and exhibit and the lower level would have some offices and storage.

Henderson asked what surrounds the area of this site. Joseph responded on the north side is the Sterling House, which is an assisted living facility. The west side is residential. Henderson asked the zoning of the property. Joseph stated it is zoned as office.

Pilcher asked if there are a large number of trees in this area that can be saved. Joseph stated some of the existing trees could be relocated to the islands, but not many.

Conrad asked if there is a composition shingle approved within the City. Binckley stated, yes, there are several. Unfortunately, the product the applicant identified has recently lost their ICBO approval. It is not for performance of the product; it is just a matter of changing over from ICBO to ICC. The product does not have approval through either one, so it was removed from the City's approved listing, but there are other composition style products available. Carper asked if there is a composition shingle that meets ICBO. Binckley stated, yes. Duffendack stated the question is not the approval of the composition shingle by ICBO, the question is whether or not the City allows composition shingles on commercial projects. Binckley stated the ordinance does allow for composition shingles, but the Commission does not usually approve composition roofing on commercial projects. Staff is asking the Commission if they are willing to allow the composition roofing and, if not, then what other materials would the Commission allow. If the composition is allowed, the applicant has identified a black pearl, which is a darker color than approved for residential. It would need to be a color that the Commission would approve.

Bruce Wentland stated he brought some images of this exact roof to see what it looks like.

Williams asked if the downspouts would be exposed. Stallbaumer stated, yes. Williams asked how many downspouts the applicant is proposing. Stallbaumer stated there would be four downspouts.

Pilcher asked why the applicant was not required to attach the trash enclosure. Joseph stated it was approved with the preliminary plan. Binckley stated staff has allowed them to fall within the old ordinance since this is a final and the plan is substantially compliant.

Stalbaumer showed the Grand Manor shingle in the black pearl color. He stated the applicant is trying for a slate-like look. Wentland showed photos of a home that has had the tile for about 5 years. The applicant is seeking a residential concept for the office, which is in keeping with their clientele. Sterling House has a vast composition roof. The applicant feels it would convey a much better image for this structure as opposed to slate with a much heavier hip shingle, and without the undue expense of the applicant of a slate roof. The other issue is the landscaping. The landscaping request came in much more significant than what was proposed earlier. There will be so much landscaping around this project, he is not sure if the roof will be seen.

Henderson asked if the colored elevation given to the Commission is what it would actually look like. Wendlant showed the materials board. The drawing's colors are a little different than the actual materials. Henderson asked what material would be used for the white accents. Wendlant stated they would be a stucco product.

Carper asked about the monument sign. Wendlandt stated the applicant is requesting to take the existing monument sign and bring it to this site. He showed a photo of the existing monument sign.

Conrad asked the zoning of the parcels to the north and south. Binckley stated the property to the north is a special use permit and the property to the south is AG. Conrad then asked if this was rezoned during the preliminary plan. Binckley stated, yes. There was also an amendment made to the LDO at that time to

allow this type of use in office zoning. Conrad asked if the total square footage is just the two top levels, or all three. Binckley stated it is all three levels.

Binckley stated if the Commission were to allow the composition roofing, staff would recommend the Grand Manor to be approved assuming it will have the ICBO rating prior to installation. Duffendack suggested approving it based on a prior approval and circumvent the requirement to have it approved. Binckley stated she believes the product will have the ICBO approval prior to construction.

Carper asked how much time can lapse before a preliminary approval is null and void. Binckley stated the time limit is five years. She then reminded the Commission there was a revised preliminary plan approved in 2001 for this project.

A motion to approve was made by Conrad with an amendment to stipulation number four to state, "The applicant will allow the composition roofing and it shall have ICBO approval, but if the originally requested shingles receive ICBO approval before that, then the Commission recommends it be used". Seconded by Henderson. Motion approved unanimously.

CASE 58-03 PET SUITES OF KANSAS CITY Request for approval of a preliminary site plan. Located at the southeast corner of 143rd Street and Overbrook Road, within the Bi-State Business Park.

Staff presentation: Presentation by Jeff Joseph. The applicant is Michael Walsh. The applicant is requesting approval of a preliminary site plan to allow the construction of a one-story, 15,362 sq. ft. building. This project is within the Bi-State Business Park located at 143rd Street and Overbrook Road. This project is located east of the Albers Medical building across from Overbrook Road, which is approved for a final. It is directly north of the Public Works facility. The parking for this building is located to the west and south sides of the building. The entrance to the building is located at the northwest corner. This building is proposed to be an animal daycare facility with an open, fenced-in playground area. Per the LDO, outside animal runs are not permitted. Staff does not object to this request because the use is within a business park and also because the applicant has provided landscaping for screening purposes. The applicant is proposing two wall signs and one monument sign. Per the LDO only one wall sign and one monument sign are allowed within the Business Park district. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked the height of the landscaping and fence. Joseph stated stipulation number 16 refers to the landscaping. Landscaping is looked at during final site plan application. Williams asked if the height of the fence would be addressed during final site plan application. Joseph stated, yes.

Duffendack asked what the surface would be of the fenced in area. Joseph stated the applicant would be able to answer that question. Duffendack asked if there is any concern about pollution or runoff from animal waste. Joseph stated they would have to meet all of the state's requirements before the building permit is issued.

Carper asked if there was any discussion in regard to noise from the dogs out in the open area. Joseph stated it is in within a business park and there are no residences nearby. Carper stated there are other operations with people working around that area that might not want to listen to barking dogs.

Applicant presentation: Presentation by Andy Schlagel. Schlagel introduced the development team, displayed the landscaping plan and described the site plan and surrounding buildings. The property is zoned as Business Park. This is a permitted use. It is an animal care facility with boarding. There is a small playground area on the east end of the building totally enclosed with fencing and heavily screened where the animals will be taken out for brief periods of time during the day for exercise. This is a high-end type of day care facility for animals. The Walsh's have researched this for a very long time. The applicant has no difficulty with staff's stipulations. Schlagel pointed out the final comment before the stipulations relating to the letter requesting a storm sewer variance. There are two open channels. One channel separates this property from the public works facility and parallels the south property line and is proposed to be closed via 30" concrete pipe. The other channel is along the east property line which is significantly larger and comes from the north and goes south on to the Public Works site, crosses under the railroad tracks, goes into the flood plain and eventually works its way down to Blue River. South of this site's southeast corner the land is unimproved and is expected to remain in its natural condition all the way to Blue River, which is ¼ to ½ mile down the road. The applicant would request consideration from this body and the Council to use 143rd Street as a breakpoint for the underground placement of that stream. The applicant would accept the maintenance of it and will stabilize it so that erosion is not a problem. That would be consistent from 143rd Street, through this site, through the Public Works facility on to Blue River. The applicant has held an interact meeting with a few of the neighbors and had no complaints.

Henderson asked if the applicant has looked at the stabilization of the land. Schagel stated they would look at the land as this project goes to the final stage.

Duffendack asked for a description of the outside play area and the long-term maintenance. Michael Walsh, facility owner, stated the outside area is a general play area. It is about 40 ft. by 88 ft. It is a grassed area enclosed by fence and screened by trees and shrubs. The State of Kansas licenses this type of facility. Solid waste will be picked up daily. Soft waste will be watered in through normal irrigation.

Carper asked what would be the occupancy of the facility. Walsh stated the maximum occupancy would be 88 dogs and 36 cats. Carper asked how many animals would be in the play area at one time. Walsh stated there would be about 10 or 12, depending on how the pack interacts with each other. Employees will supervise the dogs when they are out in the play area. Carper asked where the owner's current facility is located. Walsh stated there is no current facility. This is a new venture. Schlagel stated it is modeled after one in Lenexa and one in Blue Springs. Carper stated concern with the maintenance and noise of 88 dogs. Schlagel stated the only time it would actually reach maximum occupancy is during the holidays. Carper stated concern with the noise because noise can travel a half-mile with the topography that is there. Schlagel stated the outdoor area would be ringed heavily with evergreens. Carper stated he wanted to let the applicant know there could be issues and if it does become an issue, it will need to be resolved.

Henderson asked what type of fence would be around the exercise area. Walsh stated there would be a vinyl coated 6 ft. chain link around the play area. Henderson stated his dog could jump that size of fence. Walsh stated there is an interview process with the pet owners and they would know if a dog is prone to fence jumping. Henderson asked about the different types of bordering areas. Walsh stated there are different areas for elderly dogs, luxury suites, regular suites, and then economy. The elderly dogs want a quieter environment and more accessibility to the staff. Those are closer to the occupied area of the staff. The suites are glass-fronted, instead of a cage-type environment. The suites will have painted walls, a TV,

a VCR and music. Henderson asked if it would be climate controlled. Walsh stated the entire facility is climate controlled.

Carper asked if there is something particularly unique about this facility to not allow it to be used as another type of use. Walsh stated it could be converted to a type of warehouse/office facility. The walls inside the boarding part are freestanding, non-load supporting walls.

Conrad asked if the continued adjacent boarding area is the exterior run to the interior cage. Walsh stated, yes. Conrad asked if it is open to the outside. Walsh stated just on the sides. Conrad stated noise is the concern when they could have 64 dogs outside in open air to the outside. Walsh stated there is also a screen wall along the north side that runs along 143rd Street to totally block those openings to the outside. Conrad asked if the north wall has any openings. Walsh stated there are openings in it, but they are separated from the openings to where the kennels would be. There would be no direct sound path to the outside. Walsh has worked with an architectural firm known for acoustical capabilities. The roof pitch on the inside will also help to contain the noise.

Henderson asked what type of items would be sold as retail. Walsh stated the retail sales would be limited to dog food, leashes, pet toys, and those types of impulse items. Henderson asked if the facility would be selling animals. Walsh stated, no. Henderson asked if there would be grooming. Walsh stated, yes.

Rohlf asked if David Ley is in approval of the request for a variance. Ley stated the Public Works department is recommending both of those channels to be enclosed. The standard under APWA is that if the capacity can fit in a 72" pipe or smaller, it needs to be enclosed. Public Works will be maintaining that channel. Schlagel stated it is the pipe size right under the 72 ft. It would make sense to have one continuous system from 143rd Street going south. It is the same type of design. The applicant would like the opportunity to look at a different treatment.

Henderson asked if the surrounding facilities generate much noise. Ley stated the Public Works facility could be very noisy during snow removal. Binckley stated there is a set of active train tracks just east of this site.

Pilcher asked for information on the interact meeting. Schlagel stated about three people showed up and they asked about noise and waste and they were all satisfied with our proposal. Pilcher asked to see a copy of the interact meeting notes. Joseph stated the interact information was given to the Commission in the packet that was delivered last Friday.

Henderson asked staff's opinion of the fire marshal's recommendations for a sprinkler system 24/7 and not using wood trusses. Joseph stated those recommendations would be looked at during the building permit process. Henderson asked if staff is recommending there to be non-wood trusses and an automatic sprinkler system.

Duffendack asked if the applicant has a contingency plan on how to address the noise if there are a number of noise complaints. Walsh stated a couple of options would be different screening, possibly all evergreens. If that did not meet the approval they could do a solid screen, versus a chain link fence. Schlagel stated it depends on if it ever comes to that point, which the applicant does not believe it would. The applicant believes the landscaping would suffice. The applicant understands it is their responsibility to look at and address if it becomes an issue. Duffendack asked if the applicant has spoken to the owners of

other facilities like this about noise. Walsh stated they have spoken to the owners of other similar facilities and they have not had significant complaints. The animals will only be out in those areas during the daytime hours. Duffendack is concerned about noise leaking to the outside. Walsh stated there is a swinging aluminum door to allow dogs to go to the outside part of their run to help contain the noise.

Henderson asked if the City has received any complaints from businesses that are near current veterinary offices that board dogs. Binckley stated no.

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

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

Duffendack asked if Munson meant to add something concerning the open channels and Public Works' concerns. Munson stated an amendment could be added to state, "must meet the requirements of the Public Works department." Joseph stated it is listed in stipulation number 17.

Henderson asked if Munson meant to include the fire marshal's concerns. Munson stated he is okay with adding it in. Binckley stated the fire marshal's comments are looked at during the building permit process.

Munson added an amendment to stipulation number 17 to read, "from the Public Works department and the Leawood Fire Marshal". Henderson seconded the amendment.

Conrad stated he would like to address the acoustics and he is concerned the continued adjacent boarding areas are outside kennels. He suggested the Commission or staff should take a road trip to another kennel to get an estimate of the noise level. Duffendack stated it is his belief that there are doors to help with the noise reduction. Williams stated he uses a kennel with indoor/outdoor runs and the dogs can be heard from two blocks away. Carper stated there is more than a 50/50 risk that noise can become an issue and if it does become an issue, it could be a significant expense for the applicant.

Pilcher asked from where the LDO requirements for noise are measured. Binckley stated it noise is measured from the property line. Pilcher stated it is his understanding that it is up to the Code Enforcement department to look at the noise. Binckley stated it is also up to the police department.

Binckley stated staff has a device to measure noise and can do that prior to this case coming back for final application. Carper stated he does not want the applicant to start a successful business, then have to close because of complaints. Conrad stated he would like to see the noise testing done before, but it would be up to the applicant to request a continuance.

Motion approved 6-1 (Conrad against).

Duffendack suggested combining cases 60-03 and 61-03 into the same presentation.

CASE 60-03 PARKWAY PLAZA - EAST Request for approval of a final plat and final plan. Located at the northwest corner of 135th Street and Roe Avenue.

CASE 61-03 PARKWAY PLAZA - WEST Request for approval of a final plat and final plan. Located at the northwest corner of 135th Street and Briar.

Staff presentation: Presentation by Jeff Joseph. The applicant is Richard Sailors with RH Sailors and Company. This project is located at the northwest corner of 135th Street and Roe Avenue. For the west portion of the project the applicant is requesting approval of a final plan and a final plat to allow the construction of 17,000 sq. ft. of office/retail space, 39,600 sq. ft. of retail space and 180,000 sq. ft. of residential space. The total FAR for this section is .27. For the east portion of the project the applicant is requesting approval of a final site plan and final plat to allow the construction of 15,600 sq. ft. of office/retail space, 119,060 sq. ft. of retail space, 28,000 sq. ft. of office space and 360,000 sq. ft. of residential space including 3,000 sq. ft. for a club house. The total FAR for this section is .30. The main center is located on the east side of Briar Street with office and retail buildings surrounding it. There are ten pad sites proposed on the east side and four pad sites on the west side. Parking areas for this project are located within the interior of the site surrounded by buildings and garden areas. The residential buildings are proposed on the north side of the property, adjacent to 133rd Street. This project proposes a parking ratio of 3.5 spaces per 1,000 sq. ft. The applicant has revised the plan so that it offers more public open space within the residential portion of the development. The orientation of the residential buildings has been changed to face the internal private street. The applicant has provided a letter from the property owner to the east of Roe Avenue indicating his approval of the northbound left turn lane. Staff has concerns with the standing seam roof as the primary roof material for the retail buildings. Staff is proposing tile as the primary roof material with standing seam as the accent feature. Stucco is used as the primary material for the residential buildings. Staff is recommending natural materials, such as stone, for the primary material and stucco as the accent feature for the residential buildings. Staff is recommending the monument signs be allowed at the entrances to the development to define the development instead of individual businesses. Roof mounted signs are shown on the retail shops. The LDO does not permit roof-mounted signs. Staff would like to add a stipulation to read, "The applicant shall submit an updated traffic study to the City of Leawood Public Works department. The study shall be reviewed and approved by the Public Works department prior to the Governing Body hearing. If the study is found to be inadequate or unacceptable, cases 60-03 and 61-03 shall be reverted back to the Planning Commission for review and recommendation." Staff is recommending approval of these cases with the stipulations stated in the staff report and the additional stipulation as stated.

Duffendack asked if staff has had a chance to review the traffic study. Ley stated the study was just submitted today; therefore staff did not have time to review it.

Williams asked for a clarification on what materials staff is recommending. Joseph stated staff is recommending stucco to be used as the accent features. Williams asked how much of the building would be stucco trim accent features. Joseph stated there should be about 60% natural materials and 40% stucco.

Conrad asked if this should be platted as final. Joseph stated this is a final plat for the entire development and as each of the individual buildings will be platted as final plats as they come in for approval. Binckley stated there are four lots. Some of the outlots that align 135th Street could become multi-tenant and may need more space. Instead of trying to maneuver the lot lines, then each individual lot would be replatted at that time.

Applicant presentation: Presentation by David Suttle of Suttle Mindlin Architects. Suttle introduced the development team. The highlight of the last meeting was the orientation of the residential portion of this mixed-use project. The plan had two major addresses. 135th Street was the front address and 134th Street was the pedestrian and a formal idea of a front door at this point. The plan had 133rd Street and 134th Street with two kinds of front doors. There was a discussion to bring those together to create more synergy and be more flowing. The plan has been revised to consolidate the front formal pedestrian and automobile addresses to the internal part of the overall development. The applicant now feels it is more cohesive and related to one another. It is an improvement and not a compromise in the quality. The applicant has also looked at creating a zone within the development. The applicant has opened it up by eliminating the walls and making the internal space much better than it was. The sidewalk has been deflected into the space for a sense of movement and not just the street going through. There are still the same features, but with a formal address located to 134th Street. The materials proposed are metal roofs, heavy concrete dimensional shingle profile and tile profile roofs. The applicant would like to have a combination between the standing metal and the heavy concrete shingle and the ability to alter those proportions from building to building. There would be a healthy mix of the tones of the colors. The applicant feels the materials proposed for the residential buildings gives a softer architectural quality to it. Stone might be too heavy of an architectural statement for the residential portion of the project. In regard to the grading and the removal of the existing trees, the applicant has agreed to walk the area with staff to tag which trees can be saved. In regard to the monument signs, the applicant is not proposing any monument signs to advertise the development. The applicant has integrated them into the corner trellis structure features, the gateway columns at the intersections off Briar and in the gatehouse structures along 134th Street. The applicant has tried to integrate the letters in a more traditional way rather than coming out with a sign just for a sign's sake. There will not be the entrance at the corner that says the name of the development on it. The applicant feels it is a move in the right direction for this kind of mixed-use and upscale quality development. If the development is allowed to have a few very select monument signs that take the retailer's name where they want it the most and do it in a way that fits aesthetically, there would be a better chance at getting the best retail tenants. The applicant is proposing a field stonewall, a stone cap, pin letters and landscape-soft lighting so as to not have the overly commercial quality to it. Suttle showed different views of the model to show the streetscapes and then described the materials board.

Conrad asked if the gates and fences have been detailed. Suttle stated the applicant has taken away most all of the fencing and is now proposing decorative open fence around the corners leading up to the gateway plazas to give it a defining front door. There is a series of terraced gardens between the buildings and the sidewalks that slightly rise in multiple levels. The buildings had to be turned away in order to get the orientation in the center area. There are two residential courtyards off of 133rd Street.

Duffendack asked for a motion to extend the meeting.

Carper made a motion to extend the meeting for thirty minutes, until 9:30 p.m. Motion approved.

Conrad asked if there are any operable gates for the development. Suttle stated the gates would open and close for anyone. There would be a button to push to open the gate. This allows for the lifestyle people want in the accessibility without restriction to the people of Leawood. Carper stated concern with the residents wanting to make this area private and then asked if the applicant would be willing to agree to a stipulation to ensure this area to always remain public. Suttle stated the applicant would be willing to agree to that.

Henderson stated the proposed plan is an improvement from the preliminary plan. He then asked about the deceleration lane on 135th Street serving the AMLI apartments. Ley stated the City is not requiring a deceleration lane for AMLI property since it is in Overland Park. Henderson asked if the AMLI community would agree to a deceleration lane. Ley stated it would be subject to Overland Park's approval.

Duffendack asked if the applicant is foreseeing a problem with pedestrian and vehicular traffic mixing in a much greater extent than it was before when the entrances were off of 133rd Street and if so, how does the applicant plan to control the traffic. Suttle stated the volume of traffic would be very low from the residential. Duffendack asked if that change is contemplated in the traffic study. Suttle stated yes, the traffic study is for the proposed plan. Duffendack asked to see the elevations of the residential buildings. Suttle showed the elevations. Duffendack asked Suttle to restate his opinion of the stone on the buildings. Suttle stated the applicant would like to keep the rooflines broken, treating stone as a base material. It is more related to the weight of the ground and the gardens and the buildings were predominantly a lighter material. The stucco in varying shades with some variation would be very appealing and not create an aggressive, heavy weight look. It could be very ponderous looking and would not be the institutional quality the applicant wants. The development will have courtyard walls and places to use stone, but the applicant feels it is a better aesthetic not to rely on stone. Duffendack stated he likes what is being proposed. Williams agreed with Duffendack.

Pilcher stated he likes the plan but is concerned about the gate. He would be in full support of the project without the gate. He is also concerned about the five drive-through facilities, but understands that would be addressed at each special use permit application.

Henderson stated concerns with stipulations 8, 9 and 16. He asked if staff and the applicant have agreed on stipulation number eight. Joseph stated, yes. Henderson asked how staff would work out stipulation number nine. Joseph stated there would need to be a 10 ft. landscape buffer around the buildings. Henderson asked if the landscaped area referred to in stipulation number 16 would be irrigated. Joseph stated all the landscaped areas would be irrigated.

Pilcher asked if there are gates for the 133rd Street. Suttle stated there would be gates that would open up as you drive up and open to everyone.

Rohlf asked if the phasing would be the same throughout the development. Suttle stated, yes. Rohlf stated she is concerned about the traffic since she has not had a chance to read the traffic study. Duffendack stated it would need to be approved by Public Works and if it is not acceptable it would come back to the Commission. Rohlf asked for a clarification of the monument signs. Suttle stated by asking for monument signs for a few select tenants, as a trade-off the applicant has taken away all types of monument signs for the development. Williams asked where the proposed monument signs would be located. Suttle pointed out the locations on the site plan. Duffendack asked staff's opinion on the applicant's proposal. Binckley stated staff is recommending against monument signs along 135th Street. Cornerstone has no monument signs. There is one allowed in Plaza Pointe, which was identified by a special situation. Staff is supportive of having "Parkway Plaza" on the corner features and kiosks they have identified, but identifying tenants within the development on 135th Street is opposing what the City typically wants.

Pilcher stated concern with this development being the westernmost entrance on the north side of 135th Street and there is no ceremony or something to demark that. Henderson stated it would be hard to have

something ceremonial on the west corner because one would be leaving Leawood traveling west on 135th Street. There would be a corner feature with the Cornerstone development on the south side of 135th Street. Duffendack stated there has been some thought about a larger entrance into Leawood, and the Commission has talked about doing something that is consistent throughout the City. It is not something the City should do piecemeal through different developments. It should be something that may come forward in the future.

A motion to approve case 60-03 was made by Carper and seconded by Rohlf.

Duffendack asked for a clarification on the signage, unless the motion maker is in agreement with staff's stipulations. Carper stated he agrees with staff's stipulations. Williams asked if Carper is agreeing with staff's stipulations, versus what the applicant has requested. Carper stated yes. Pilcher asked if the motion intentionally does not address gates. Carper stated, yes.

Conrad asked if the motion maker would accept an amendment to add a stipulation that no gates would be on the roadways and also if the applicant would agree to that stipulation. Sailors stated if the gates would need to be removed in order to have approval, the applicant would agree to that, but it would be a personal choice to keep them.

Conrad made a motion to amend the stipulations to state that no gates would be allowed on the roadways. Pilcher seconded. Motion to amend failed 4-3. (Henderson, Rohlf, Carper and Munson against. Conrad, Williams and Pilcher for.)

Carper made a motion to amend his original motion to add a stipulation to make it a deed restriction to always keep the residential portion as public. Amendment seconded by Munson.

Pilcher asked if the Commission has that ability. Binckley stated the Commission could identify it in a stipulation and require the developer to include it within their deed restrictions. Pilcher asked how that would be stated. Binckley stated there would be more formal wording, but essentially it would say, "The developer would not be allowed to permanently privatize access to the residential portion." Carper stated the purpose of his amendment is to preserve the aesthetic Mr. Sailors is looking for, but keep the entire development open to the public.

A motion to approve Carper's amendment approved 6-1. (Conrad opposed.)

Motion to approve case 60-03 approved unanimously.

A motion to approve case 61-03 was made by Carper with the same amendments as approved for case 60-03, and seconded by Munson. Motion approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chairman