

City of Leawood Planning Commission Minutes

November 11, 2003
Meeting – 6:00 p.m.
Leawood City Hall
4800 Town Center Drive

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

APPROVAL OF THE AGENDA:

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

OLD BUSINESS:

CASE 71-03 CHADWICK PLACE Request for approval of rezoning from AG (Agriculture) to SD-NCR (Planned Neighborhood Retail) and SD-O (Planned Office), preliminary plat and preliminary site plan. Located at the southeast corner of 135th Street and Chadwick.

Staff presentation: Presentation by Mark Klein. This case was heard at the last Planning Commission meeting. This is a development on about 7.8 acres and is comprised of 10 lots. The two northernmost lots are proposed to be neighborhood commercial retail and the southern eight lots are proposed to be office. At the last meeting, there was concern that the property owner to the east either was not aware or had not had the opportunity to talk with the current applicant about ways they could join forces with the land and develop a more comprehensive development to take advantage of the larger pieces of land. The Planning Commission asked staff to try to arrange such a meeting. Staff has tried to contact the representatives of that property. Staff left a message on one day, received no response, called back and found out that person was out of the office, spoke to someone else and they said they would check into it. Staff received no call back. Staff then called another time and left another message and has still not heard anything back. Staff has tried on several occasions to arrange a meeting but has not been successful.

Duffendack asked if everything was heard at the last meeting. Binckley stated, yes.

Brain stated he was the one who made the motion for a continuance at the last meeting. He then suggested the applicant could update the Commission on any changes since the last meeting as he does not see a need to redo the presentation.

Applicant presentation: Presentation by Larry Winn. The applicant has received no communication at all from the representatives of the adjacent property. If there were a willingness to do it, staff or the applicant would have heard back from the adjacent property owner. Winn then requested the Commission approve this preliminary plan and then the applicant will determine if there is a market for these office units and retail. The applicant does not have a specific user at this time. If the representative of the adjacent property contacts the applicant before they have any end-users, it would be fairly easy for the owner to meet with them and have them submit their proposal. Their preliminary plan will look a lot like this one because there is not much to do with this land. It would be feasible, legally and practically, for this

applicant to submit a revised plan to merge the two site plans, there would be no significant site plan changes. There could be some minor deviations on the common side setback line and there might be an access issue on 135th Street. He believes the City's professional staff might suggest a right-in, right-out approximately at the property line. He does not think all is lost in doing a larger development and would certainly be open to that. There are advantages to doing a larger development. This applicant welcomes the opportunity, but in order to market the property they request the Commission to approve this project as presented.

Duffendack stated there were some setback issues and then asked if the deviation problems have been resolved. Winn stated there was a deviation that staff recommended and there was one issue with a retaining wall that was falling within the side yard setback. The applicant has indicated they will move or modify that wall so as not to violate the construction within the setback during the final plan application.

Henderson asked how the third lane on 135th Street would relate with the property to the east. Klein stated the City Engineer had been in discussions with the applicant in regard to having them contribute money or become part of a benefit district in order to put in a larger piece at one time.

Henderson asked if there would be detention ponds on other properties. Winn stated the pond would function as other wet detention ponds. If the other property owner to the east decides to merge the two properties then perhaps they could work together and have only one detention pond.

Henderson asked if there is any correlation between the special streetlight that the planning staff and the City Engineer refer to in their comments. Klein stated the streetlight would match.

Conrad asked why the applicant is proposing two different types of zoning. Winn stated there are two different proposed uses within the mixed-use category. Klein stated the two northernmost lots are proposed to be retail, which would fall under the neighborhood retail district. The lots to the south are proposed to be office.

Rohlf asked the purpose of the aluminum sunscreen between buildings number one and two. Greg Hasselwander stated there would be an aluminum trellis between the buildings. If there would be some outdoor sitting area, it would be a place for a user of the retail. A plaza area is the anticipated intent. Henderson asked if the trellis would be a reflector or blockage of the sun. Hasselwander stated it would be a partial blockage of sun. Rohlf asked if it is freestanding. Hasselwander stated, yes. Winn stated there is some of the same type of trellises used along 135th Street. Klein stated the corner feature at Plaza Pointe would offer the same effect as the sunscreen and plaza area this applicant is proposing. Rohlf asked the material used for the Plaza Pointe trellises. Klein stated primarily heavy metal.

A motion to approve was made by Brain, noting the applicant's willingness to comply with Public Works comments and their willingness to meet with the neighbor to the east and consider modifying this plan. Motion seconded by Henderson. Motion approved unanimously. (7-0)

CASE 73-03 PINNACLE CORPORATE CENTRE IV Request for approval of a preliminary plat and preliminary plan. Located approximately at 115th Street and Tomahawk Creek Parkway.

Commissioner Conrad recused himself.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a preliminary site plan and plat for a 60,300 sq. ft. office building. This case was continued from the last meeting. Since that time, the overall area of the site has increased and the FAR has changed to 0.31 due to the addition of the area of right-of-way. The applicant has provided a landscaping plan showing a reduction in the landscaping. Staff's memo explains that the overall area of the site has changed and also the extensive planting section was taken out in the Superior Site Planning category due to the reduction in landscaping. Based on the evaluation, staff is recommending an FAR of 0.31. Staff is recommending approval of this case with the stipulations stated in the staff report.

Duffendack asked if the incentives have added 0.06. Joseph stated, yes. Duffendack then asked for clarification on the reduction of landscaping. Joseph stated it is in the superior site planning section. The applicant had provided extensive plantings in the original submittal and it was therefore included in the bonuses. Since they now show reduced landscaping, staff removed that from the bonus section. Currently, the landscape plan does not meet the requirements, but it will be looked at during final application. Binckley described the landscaping changes on the site plan. Duffendack asked how that corresponds with the other Pinnacle buildings. Binckley stated this building still has more landscaping than the others, based on the current ordinance requirements.

Henderson asked how the other buildings would look in comparison, if this has more landscaping than the other buildings. Binckley stated this property sits next to Town Village Leawood and they added more than required, so she feels this will blend well with that one.

Rohlf asked the location of the right-of-way. Diane stated it includes the portion along 114th Street.

Rohlf asked if the part about the trail system was removed. Binckley stated it was not removed from the stipulations, but it will be clarified in the staff comments.

Brain asked if stipulation number nine is being entirely eliminated, including the part about the pedestrian connections with existing office buildings, or just the part about tying in the trail. Binckley stated the neighbors were just concerned with the trail that connected into the subdivision. Brain asked if the applicant would still need to provide pedestrian connections. Binckley stated, yes, but not the trail connecting to the subdivision.

Henderson asked for a description of some of the pedestrian amenities. Joseph stated the applicant has not identified that yet, but perhaps the applicant could answer that better. Henderson stated concern with lightweight items or items that are subject to rust. Binckley stated the pedestrian amenities are items that would be looked at during the final plan application. She then assured Henderson that they would be quality items.

Duffendack asked to be reminded as to where this case was at the end of the last meeting. Binckley stated the applicant made their presentation and staff made their comments. The public hearing was opened and closed. There came a point where the FAR was an issue and then the case was continued.

Munson asked for an explanation of the bonuses and the new FAR. Joseph stated the applicant donated right-of-way, which increased their area, which reduced the FAR to 0.31. Binckley stated the applicant can use the right-of-way as part of their total area, based on the LDO.

Henderson asked if a storm water study was needed because of the location of the building near Indian Creek. He does not understand the rationale. Duffendack stated he believes a storm water study has been submitted for the entire development. Fred Tafaghodi, civil engineer for the City, stated he believes there would not be enough water to require the detention. He also stated he believes there has been a storm water study for the entire Pinnacle development. Henderson stated he recalls a discussion by this group about this area and standing water. He then asked if there needs to be anything else more than what there is now. Duffendack asked if the elevations have been elevated. Tafaghodi stated that is correct, in regard to the floodwater studies. Duffendack suggested the City Engineer ascertain whether or not this study is still relevant. Tafaghodi stated he would check into it, but he believes the design of the buildings was based on the final flood study, after all the phases were constructed.

Duffendack asked if the applicant would like to speak in response or has any new information.

Applicant presentation: Presentation by Kevin Berman of Hoefer Wysocki Architects. The applicant is Ken Block of BK properties. Berman showed the Commission the current landscape plan. The applicant has maintained the front landscape edge. There are some interior amenities such as a pergola structure, fountain and decorative screen walls.

Brain asked the material of the screen walls. Berman stated it would be brick and cast stone. The same masonry used on the side of the building.

Henderson stated the letter from Berman states the applicant wishes to provide a trash enclosure that is not attached to the building. Henderson asked for clarification as to whether or not the Commission would be approving the letters included with the staff report. Duffendack stated the Commission would be approving what has been presented during the preliminary application. Berman stated the applicant is still requesting a detached trash enclosure. It is not desirable to place a trash structure on a major street frontage. The other option with this plan is to place the enclosure on the north side of the building. The north side of the building is four ft. below finished floor, which makes it difficult to provide an attached trash enclosure on that side. The applicant would like to do something that is architecturally acceptable. Binckley stated stipulation number 15 states the applicant shall continue to work with staff on the design and location of the trash enclosure prior to final plan. Staff's concern with placing the enclosure on the north side is that it would be backing up to a residential development. Duffendack asked how far away the nearest neighbor's yard is located. Binckley stated they share the same property line. Staff would like to try to work with the applicant and decide the best location.

Brain stated he is disappointed the applicant felt the need to reduce the landscaping enough that staff had to remove it from their bonus.

A motion to approve was made by Brain with the removal of stipulation number 9. Seconded by Rohlf. Motion approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chair