

City of Leawood Planning Commission Minutes

April 27, 2004
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AMENDED AGENDA: Binckley asked to have case 25-04 moved to the May 11, 2004 Planning Commission work session. **A motion to approve the amended agenda was made by Rohlf and seconded by Pilcher. Motion approved unanimously.**

APPROVAL OF THE MINUTES: Approval of the minutes from the February 24, 2004 and March 23, 2004 meetings.

Henderson pointed out on the fourth page of the Feb. 24, 2004 minutes, last paragraph, there are three terms used; Cherokee brick, brick and Cherokee block as if there were three products. He believes there were only two products being discussed. He suggested some editorial changes be made to ensure that anyone reading this in the future would understand that there are only two products being discussed. Duffendack suggested the correct term is Cherokee block and Williams stated he is not sure. **Henderson made a motion to approve the February 24, 2004 minutes as corrected. Motion seconded by Brain. Motion approved unanimously.**

Conrad stated he would like to change the statement from the March 23, 2004 minutes, fourth page, at the bottom of the third paragraph from the bottom, to read, "Conrad asked if the sport court is wide enough for a doubles tennis court." In addition, the middle paragraph of the fifth page, he would like to have noted that Binckley also pointed out the distance from the Ruf house to the sport court and it was about 800 feet. **Henderson made a motion to approve the March 23, 2004 minutes as corrected. Motion seconded by Brain. Motion approved unanimously.**

CONTINUED TO THE MAY 11, 2004 MEETING:

CASE 25-04 SBC PRONTO/DSL - 9613 LEE BOULEVARD Request for approval of a special use permit to allow a DSL cabinet. Located at 9613 Lee Boulevard. **Public hearing**

CONTINUED TO THE MAY 25, 2004 MEETING:

CASE 03-04 NEXTEL ANTENNA SITE - 5200 W. 135TH STREET Request for approval of a special use permit to allow the continued use of an existing wireless communications antenna. Located at 5200 W. 135th Street. **Public hearing**

CASE 14-04 VILLAS OF WHITEHORSE, 3RD PLAT Request for approval of a final plat and final site plan. Located north of 151st Street and east of Nall Avenue.

CASE 24-04 SBC PRONTO/DSL - 3950 W. 119TH STREET Request for approval of a special use permit to allow a DSL cabinet. Located at 3950 W. 119th Street. **Public hearing**

CASE 26-04 TOWN CENTER PLAZA Request for approval of a preliminary site plan. Located north of 119th Street, between Nall Avenue and Roe Avenue. **Public hearing**

CASE 33-04 PAWNEE PLACE - DEVELOPMENT 1 Request for approval of a rezoning from AG (Agricultural) to MXD (Mixed Use District), preliminary plat and preliminary site plan. Located south of 135th Street and east of Roe Avenue. **Public hearing**

CASE 34-04 PAWNEE PLACE - DEVELOPMENT 2 Request for approval of a rezoning from AG (Agricultural) to MXD (Mixed Use District), preliminary plat and preliminary site plan. Located south of 135th Street and east of Roe Avenue. **Public hearing**

CASE 35-04 VILLAGE OF SEVILLE Request for approval for a rezoning of a portion of the property from SD-CR (Planned General Retail) to RP-4 (Planned Apartment Residential), preliminary plat and preliminary plan. Located at the northwest corner of 133rd Street and State Line Road. **Public hearing**

CONSENT AGENDA:

CASE 23-04d VILLAGE OF CAMDEN WOODS, 60TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 23-04e VILLAGE OF CAMDEN WOODS, 61ST PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 23-04f VILLAGE OF CAMDEN WOODS, 62ND PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 36-04 PARKWAY PLAZA Request for approval of a revised final plat. Located at the northwest corner of 135th Street and Roe Avenue.

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

NEW BUSINESS:

CASE 28-04 LDO AMENDMENT, SECTION 16-4-1, ACCESSORY USES IN RESIDENTIAL ZONING Request for approval of an amendment to the Leawood Development Ordinance to allow outdoor kitchenettes and fireplaces.

Staff presentation: Presentation by Diane Binckley. This request is a change to the Leawood Development Ordinance. There have been a substantial number of requests for outdoor kitchenettes and fireplace structures in the rear yard to be allowed around a patio area or deck. They are not a movable barbecue, but something that is permanent in nature. Staff is requesting an amendment to the ordinance. Under the location exceptions, staff has identified that these permanent type structures would be limited to the rear yard and that they may encroach the rear yard setback by no more than 5 feet, which is equal to what is allowed for a deck. Under section 16-4-1.3 B staff added readily moveable fireplaces to allow for items like chiminias and other easily moveable fireplaces. There was also a fourth use under section B that was added to bring a definition to what these types of uses are.

Williams asked if the 5 ft. encroachment is assuming the structure is roofed or not roofed. Binckley stated, either. Conrad asked if a deck would be able to have a roof with that encroachment. Binckley stated, no. Currently if a house has a screened-in porch or even a roofed deck, then it would need to meet the rear yard setback. Conrad suggested amending the ordinance to include that it cannot be roofed if it encroaches onto the setback. Binckley stated the wording could be changed if that would be the preference of the Commission. Williams stated he has no problems with these structures being roofed, but would not want to allow the encroachment on the setback, if it's not allowed for decks.

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

Henderson asked if there would be any fire code violations with these outdoor cooking/heating areas. Binckley stated these structures would require a building permit, so it would be up to the building department to evaluate them against the building code.

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

Williams asked if the motion maker's intent was to include the wording on section six. Brain stated he would like to include the discussion of the roofing that was discussed before. **He amended his motion by adding a stipulation not to allow the setback encroachment if the structure is roofed. Secunder approved the amendment to the motion. Motion approved unanimously.**

CASE 29-04 LDO AMENDMENT, SECTION 16-2-10.3B, MATERIALS AND COLORS Request for approval of an amendment to the Leawood Development Ordinance to allow vinyl soffits and vinyl siding.

Staff presentation: Presentation by Diane Binckley. This request is to amend the ordinance to allow for vinyl siding and vinyl soffits. In the recent past, staff has had residents request vinyl soffits for maintenance purposes, and we continue to get requests to allow vinyl siding. The amendment identifies that the product would be in conformance with the City Code and staff has excluded these items under "prohibited materials" in the LDO.

Rohlf asked if the Commission had discussed not allowing vinyl siding during the last work session. Binckley stated residents have requested this change and staff would like it to go through the formal process.

Williams asked if vinyl siding and soffits could be allowed. Binckley stated if this request were approved as proposed, the LDO would be changed as given to the Commission in their packets, which is to allow vinyl siding and vinyl soffits.

Public hearing: Charles Kimoro, 3504 W. 85th Street, in Leawood Lanes. They moved into that area in 1971 and have lived there since. He is originally from Hawaii. He was the first pediatrician in the area in the 60's. He practiced in the Bryan Building, Corinth Medical Square Building, Georgetown Medical Building and belongs to the staff at Shawnee Mission medical center. He has been an adjunct assistant professor of pediatrics at KU Medical Center and also at the University of Missouri during that time. Four of his children have attended Shawnee Mission school district. Three of them are now doctors and the other is in physical therapy. His wife worked for the Shawnee Mission School District, she was the area council president when Dr. Azal Bar was the superintendent of schools at that time. His property is about 150 ft. by 200 ft. and there are about 20 trees on his property and he has had problems with leaves. They must clean out the gutters 5 or 6 times a year to keep them flowing. They have also had many other problems with squirrels, woodpeckers and chipmunks. The woodpeckers are making holes in the batten board. It takes time to patch up the board and paint over it. It looks like camouflage when this is done. Last November he asked people from St. Louis to put a guard over the gutter and those same people suggested vinyl siding for his home. He took their advice and had them put on the siding, but was stopped in February of this year by the City. Those people apparently did not know the ordinance. The work is 98% complete. He showed an example of the product. He has seen vinyl siding that looks like paper and flaps in the wind. This siding is very solid. He is not able to keep cleaning the gutters and painting his wood. This would be easier for him to maintain. He would appreciate anyone coming to his home and see the difference. It is not a fly-by-night product. He would appreciate some sort of a variance or a change to allow this siding. He believes this is like a roof, and people are now using more artificial materials, besides the wood shingles. He believes there will be more people asking for something like this.

Ahmad Awad, building a house at 3904 W. 142nd Drive. It is a million-dollar house in a very nice neighborhood. He asked his architect to build his house in a maintenance-free exterior and the architect recommended a tile roof,

exterior brick, clad windows, aluminum fascia and vinyl soffit. The aluminum gutters will be 6-inch, which will cover the soffit and will not be seen. He currently lives in Overland Park and every five years or so he has to paint and peel the wood underneath the soffit, on top of the rest of the house, which is why they chose something different. He was aware that vinyl siding was not allowed, but was not aware that the vinyl soffit was not allowed until the inspector came for the rough inspection and told them it was not allowed. He presented the case to the Board of Zoning Appeals and they said that it was a good product, but they were not able to approve the change, that only the Council could. The house is constructed of 48,000 bricks. It would be a great hardship to remove the soffit, because the brick comes against the soffit. He is glad there is a process to go through in order to ask for approval of this. The code reads, "building construction shall be of high quality and durable materials. Equally valued materials and colors shall wrap all exposed elevations." This is of high quality and durable materials.

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

Conrad asked if there is an evaluation for vinyl building products. Binckley stated the ICC. Staff chose that because that is what the City requires for roofing. At this point, staff has not gone into in-depth reviews of all of the different options on reports. If it is something the Commission is not comfortable with, staff could go back and work on it more. In the past, those reports have taken care of other situations, for example, roofing.

Rohlf asked if there is a way to separate out the two different vinyl products being approved. Binckley stated, yes.

Henderson asked if there are any comparative studies of the value of batten board and vinyl siding. Duffendack stated the question is of all types of synthetic materials that the City and staff are asked to evaluate. Past opinions have generally supported a more natural materials pallet for both residential and commercial projects. He believes there will be more opportunities and there will be many of these synthetic materials before the Commission. They will eventually look more natural. That might not be as relevant to the issue tonight, but could be in the future as the Commission tries to evaluate the entire pallet of synthetic materials. Henderson stated he feels most of the efforts are towards improved maintenance for the building and vinyl seems to have a better, growing quality in that regard. Duffendack stated the synthetic material that the Commission heard about earlier, composition roofing, was more of a safety issue, but it could probably be argued to be more maintainable.

Williams stated it has been his experience that there is a varying degree of product. That being the case, he thinks that if the Commission was to begin to entertain a vinyl siding addition, it may be tied back to the building code. Both of those quality levels might be acceptable to the building code, but the end effect could be very different. He would like to see a stronger definition in the LDO as to how the City would allow vinyl installation to take place. Whether it was backed with the foam insulation or not would make a difference on the installation. In looking at the list, there is a popular material called "cement fiberboard" and it does a lap siding design, much like what the vinyl siding is providing. He does not see where this would be accepted under the proposed listing of materials. It is a synthetic material that is being put up in large numbers across the area. Binckley asked if he was talking about "hardy board" and Williams stated, yes. Binckley stated it is allowed in Leawood and it has been looked at as finished concrete.

Henderson suggested vinyl windows were allowed because there is less maintenance needed and less dry/wet rot. He asked if that could be true for soffits also. Duffendack stated he believes there would be less maintenance as far as painting, but every material has some maintenance issues. There is a long-term issue with some petroleum-based products that has something to do with exposure to UV rays over a long period of time. He is not sure about the particular material shown tonight and is not sure if there is a regulation that the approved evaluation report be evaluated with that criterion. He knows that it has been an issue in the past with other materials, particularly materials used for transparent panels. Henderson stated he believes most synthetic materials would be susceptible to fungi.

Brain stated that while he is sympathetic to the people who spoke at the public hearing, he is very concerned about moving down a path of non-natural materials for exterior of homes. He feels part of the commitment from the City to the residents has been to maintain the quality of the housing stock in the City. He was involved with the Commission when they first allowed non-shake roofs. They were finally allowed because the fire chiefs had been very supportive of non-shake roofs for a number of years. It was not a maintenance issue; it was a fire safety issue. There are some wonderful applications for non-natural materials, but there are some bad examples too. The challenge is to not only look at the product, but also the quality of the installation. He is somewhat sympathetic about the vinyl soffits, but is having a hard time with the vinyl siding.

Conrad stated he believes the vinyl soffits and siding require accessory parts and an evaluation of those materials can make or break the long-term maintenance of the products and the look of the products. There is more traditional detailing with natural materials. He is concerned with the details and accessory pieces of the product. He is not convinced that there is enough clear information to make sure that the City ends up with a quality installation. He also agrees with Brain that there could only be consideration for the soffits and not the siding.

Duffendack stated vinyl details are still in the prohibited category and if the siding issue were passed, those detail pieces would need to be broken out, such as corner caps and trim pieces.

Henderson stated he feels this is the same general issue that was looked at when non-shake roofing was allowed. He thinks that the vinyl siding issues would need to be more detailed as far as the application process.

Brain stated he would like a lot more staff time put into delineating some of the concerns expressed tonight before this were ever considered to be approved. He would still be opposed to vinyl siding.

A motion to deny was made by Brain with the addition of asking staff to go back and look at a future case dealing with soffits only. Motion seconded by Pilcher.

Conrad asked to make an amendment to continue this case so that staff can study vinyl soffits with some direction to accessories and details and research on what approved evaluations would be required for that material. Brain stated he would like staff to look at those things, but his concern with continuing a portion of this case is that he would be sending a signal to the community that he would not want to send. He would not want to continue the case. Conrad withdrew his amendment.

Motion to deny passed 5-1. Rolhf, Conrad, Brain, Williams and Pilcher for. Henderson opposed.

CASE 30-04 LEABROOKE, 1st PLAT Request for approval of a final plat and final site plan. Located at approximately 145th Street and Kenneth Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final plat and final site plan for the construction of 117 residential lots zoned RP-1 (Planned Single Family), 96 residential lots zoned RP-2 (Planned Cluster Detached), 126 residential units constructed as 42 triplexes zoned RP-3 (Planned Cluster Attached) and 34,500 sq. ft. of retail space on 6.49 acres zoned SD-NCR (Neighborhood Commercial Retail) for an FAR of 0.12. The total number of residential units within the development is 339. The first plat consists of 39 lots and one tract of 17.03 acres located within the northern portion of the development, adjacent to the Villas of Camden Woods. The applicant has reduced the number of triplexes. The ones north of the power line easement were removed and replaced with RP-2 lots. Staff has a couple of recommendations for this case. There is a trail system that goes throughout this development. One of the trails runs along the flood plain to the south. The applicant has provided some connections into this trail system to some of the sidewalks that go around the southern parts of the streets on the southern roads of this development. Staff is recommending an additional pedestrian connection be provided. The applicant is requesting approval of an additional lot, lot 333, located in the southern portion of the development.

Staff is not supportive of this request because the lots front onto the cul-de-sac that lot 333 is adjacent to. Also, all of the lots around this piece front onto that cul-de-sac and this lot would also open up and have a curb-cut to the loop-street to the south. Staff is concerned because it does not relate to any other lot in the area. In addition, this lot is located close to the intersection of a road that will be constructed to tie into the future alignment of Kenneth Road, thus causing safety concerns regarding the close proximity to the intersection. There is a realignment of Kenneth Road that was strongly supported by the City of Overland Park. The applicant is proposing a connection that would T-into that road to provide a connection to this subdivision. That connection would be very close to the newly proposed lot 333. By realigning the road, that would avoid a number of at-grade railroad crossings thus eliminating the number of whistles that go off around that area. It would also allow less money to be spent for a bridge to get the train over. In addition to that concern, staff is recommending that the monument markers the applicant is proposing be reduced to 6 ft. in height to bring it more into scale. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if the application is just for the first plat. Klein stated the first plat is just being looked at tonight. The developer will need to come in at each phase for approval. This first plat only contains single-family homes.

Conrad stated he voted against approval of this when it was seen at preliminary. One of his concerns was the number of variances requested for the R-1 lot width and side setbacks. He then asked staff if there was any discussion with the applicant to try to comply with those setbacks. Klein stated the applicant went through a number of versions of this plan trying to work with the neighbors. The applicant voluntarily reduced the number of lots they were wanting. They came to the Planning Commission and further reduced the number. They went to the City Council and the number was further reduced from there. The applicant has always indicated that in order to get the homes that they wanted, they would want the deviations. Binckley stated there was one Council member that was opposed to the deviations and part of the discussion came about that if part of the reason for the deviation requests was to allow side-entry garages, then Council added a stipulation requiring a minimum of 22% of the individual homes to have side-entry garages. The developer has looked at those and has identified 22% for those homes. Conrad stated the developer and the architect have put together a nice project, but he feels the streetscape would be greatly affected by those two issues. It is not the Commission's place to judge the number of lots or the economic viability, but if they were to take one lot out, they could meet those side yard setbacks and curb lengths. Duffendack pointed out that the Commission and the City Council have approved the requested deviations.

Pilcher asked if the realignment of Kenneth Road is a final decision. Klein stated Overland Park approached Leawood when they heard this development was going in to discuss the options. Binckley stated the City of Overland Park is going to be reviewing the road with their comprehensive plan. Staff asked the applicant to evaluate to see if they could create the road in the future if Overland Park gets it approved. Pilcher asked if that would considerably change the south entrance to the subdivision. Klein stated it would be a through street. Brain asked if by approving the case tonight, the Commission would be approving the now proposed alignment of Kenneth Road. Binckley stated this was shown to the City Council. Staff is going to make an amendment to our Comprehensive Plan to allow this. At this time, the applicant is showing how they can do it. They are going to dedicate the right-of-way so the City could come in and adjust it. Brain asked what would happen if the City of Overland Park were to change their plan. Binckley stated the proposed plan would not change. Ley stated the developer would build it as proposed so in the future Public Works would reconstruct Kenneth Road on a curve. Henderson stated that would be an improvement for traffic.

Duffendack suggested they add a contingent stipulation in event the realignment of Kenneth Road would not happen. Binckley stated that would be reevaluated with the final plat for that phase of the commercial site. Duffendack asked for a clarification of what the Commission would be approving tonight. Binckley stated the City would not be required to keep the proposed realignment of Kenneth Road if they change their mind in the future. Pilcher asked if the overpass would be in Overland Park. Binckley stated it would be 50/50. Pilcher asked where the base of that overpass would start. Ley stated it would start where their main intersection comes into Kenneth Road. Pilcher asked how high it would be. Ley stated he believes the minimum is 22 ft. from the bottom.

Williams asked how the realignment of Kenneth Road would affect the setbacks to the proposed triplexes. Klein stated the developer has already planned ahead for that so that if the realignment does not happen, they would still meet the setbacks. Williams asked if the difference would be taken out of the commercial portion. Klein stated the difference is that the triplexes are set back far enough that when they lose the right-of-way, they will still meet the setbacks. Ley stated the City would abandon the right-of-way on the existing Kenneth Road. Williams asked if Kenneth Road gets realigned, how does that impact the entrance into the development. Ley stated a sweeping curve would be maintained for the right-in on the southbound. Binckley stated people coming out of the development would go to the T intersection.

Conrad asked what the speed limit would be on Kenneth Road if it were realigned. Ley stated it would be about 35 to 40 MPH, four lanes, undivided.

Application presentation: Presentation by Phil Owen of SO3 Architecture. Owen introduced the development team. Several changes have developed, not by the developer's hand, since the Commission last saw this case. This plan was originally approved with 39 units of RP-3 on the north side of the KCPL easement. At the council meeting, a condition to get it approved was to change the 39 units into RP-2 units. A more significant change is the realignment of Kenneth Road. City Council felt there was nothing on anyone's 20-year plan to finance that. In the meantime, City staff, Joe Johnson in particular, has been asked to work with the Railroad Safety Act and it appears there is a huge amount of money available for cities to improve at-grade railroad crossings. It was determined that it can happen. At that point, there was a significant redesign that changed where the main entrance will be. The original main entrance will now only be temporary. The main entry would change if Kenneth gets realigned. The monument signs were originally approved as water walls but those have been downgraded since the main entrance would more than likely change. The concept is a mix between an English Village and Old Leawood. There would be stone, brick and stucco. The signs would be 5-ft. high stonewalls, simple letters, halo lit from behind with very traditional British letters. The shopping center across the street would have a 3-ft. wall that says, "LeaBrooke Village" with ground lights. The applicant is proposing an obelisk to identify the entrance/exit to the development. The applicant is proposing 8-ft. high primarily to hide any bird feces that would end up on the cast stone, but staff is requesting those be reduced to 6 ft. simply because that is what they are used to working with. The applicant is willing to reduce those to 6 ft. They would be one-sided, stone base, cast stone cap, stucco, and a cast plaque at the entries that would just be the LB Leawood logo to identify entering a different area within the development. There is a 270-ft. bridge that goes across the flood plain that goes to the "forest" area. This will be built out of half-arched box culverts, clad in pre-cast concrete panels to look like old stone. There will be wrought iron railings and expansion lights. The concept on all of this is to stay within the feeling of an English village; very muted and with Old Leawood. There will be a lot of stone and texture. Owens described the main roundabout. There will be a bermed landscaped area and a 40-ft. wide fountain. It will be very simple, not ornate, and very English and country. Rather than having retaining walls built around the Club House, the applicant has gone to two successive retaining walls to get to the roundabout. There will be a swimming or lap pool, with an area for the handicapped to get into it. The clubhouse is set up to have a main entrance with paths coming down. Owens described the interior of the clubhouse and the exterior materials. He then showed the material that they are proposing to use on the clubhouse and shopping center.

The realignment of Kenneth Road has changed the commercial portion of the development. The City of Leawood is planning on giving up their 30 ft. of the 60-ft. Kenneth Road right-of-way and if necessary, for Overland Park to give up theirs. The commercial portion now faces Kenneth Road. Owens described the materials. The applicant is trying to create individual shops that are connected. There will be an 8-ft. retaining wall and a berm to deflect the train noise. There is an exterior service corridor behind the building and they will be hidden by a fully landscaped berm. The town manors are built around a court. The one difference between the plans submitted and this drawing is that the applicant is now proposing to eliminate the little island with landscaping and a light pole. Because the market for these is for empty nesters, the tendency would be to back into those islands out of the driveways. Owens described

the materials for the town manors and then described the elevations. The decks and patios will vary depending on the grade of each of the homes.

Owens showed examples of the types of homes they are expecting to approve for each area. The forest area will have an average lot price of \$300,000. They will be looking at \$1 million-plus homes for this area. The highlands are very premium lots. The preserve area backs up to the drainage area. They are smaller, villa-type homes, using wrought iron fence along the preserve with two different types of wrought iron fence. The applicant has worked with staff to see which lots can be made as side entry versus front entry garages in order to achieve the 22% that was agreed on during City Council. The enclave town home area will be enclosed by the preserve and the highlands. They will have the same type of materials that have been approved. The enclave villas are the smallest units. Owens showed an example of the typical backyard wrought iron fence.

There are a couple of the stipulations that the applicant has a question with. On page 2 of the staff report, the second bullet reads, "in addition to Kenneth Road being realigned, the applicant will have to modify the southern entrance to accommodate the realignment." It is the applicant's understanding the developer would be constructing it now the way it has to be and if and when the realignment happens they would be taking out the old perpendicular entrance onto Kenneth Road and be constructing the perpendicular entrance that comes down onto Kenneth Road. Binckley stated that is an error on page 2. The City would be the one to make the change to Kenneth Road. Owen stated lot 333 is an attempt to recapture one lot that falls within the legal description of that zoning. The last comment has to do with the last point on page 8, "staff has concerns about the aesthetics of using asphalt composition shingles on the commercial portion of the shopping center". The applicant feels that is with keeping and tying it in with the rest of the project. The applicant is trying to tie the development together, especially since there would be a road separating the commercial from the residential.

Presentation by Pete Opperman, the landscape architect for the project. The project will meet all of Leawood's landscape requirements. There will be 4-inch caliper trees, 35 or 40 ft. on center on all of the residential streets. There will be the required buffer along Kenneth Road. The tan areas on the site plan will have native grass areas.

Henderson asked if the berm that goes down Kenneth Road and partially obscures the back of the commercial buildings would have landscaping on it. Owen stated, yes it would, presuming that Kenneth Road would not be there anymore.

Williams asked if the smaller, villa homes, would have stucco on the sides and rear of the homes, as well as the fronts. David McIntyre stated, no, the rear and sides would be woodsman sidings, except in the glenmore district and the town homes will all be stucco. The preserve and the enclave villas will not all be stucco. Williams asked for a definition of woodsman siding. McIntyre stated it is a high-density oriented strand board that has been tested for being waterproof. It is not like the old board and bat siding that gets wet and swells up. It is a textured board that comes in a 4x8 panel with random width boards. Williams asked how the joints are handled between the boards. McIntyre stated there is a lap joint that fits together, one board fits on top of the other, and then it is caulked. It is pre-primed, but as part of the deed restrictions he is requiring the builders to put two coats of paint on all woodsman siding.

Henderson stated he would be interested to see if this type of design in the town homes leaks because he has heard of this type of design leaking in the past in other areas. McIntyre stated he believes in his architect, Mr. Owens.

Brain asked about the bridge and what type of storm might ever effect, cover or somehow isolate those people. Ley stated it is above the ultimate 100-year flood plain. The length of the bridge is a corps requirement so he doesn't believe there would be any water coming over the bridge. Brain asked for clarification of whether the bridge was above the 500 or 100-year flood height. Ley stated he believes it is above the 500-year, but the applicant's engineer could better answer that question. Owens stated the deck of the bridge is about 8 ft. above the 200-year flood level. Brain asked if there have been any floods that have reached that level.

Conrad asked if this is a floodway that requires corps engineer approval for the development of the bridge. Ley stated yes, and he believes they have that. Judd Claussen stated Phelps Engineering is in the process of working through the final permitting issues with not only the corps but also the Kansas department's for reviewing flood rise and permitted construction in streamways. That will be permitted as part of the final detailing and construction permits for this project. Conrad asked where the 100-year flood elevation would hit on the bridge. Owens showed, on the site plan, where the 100-year and 200-year floods would rise. He then stated that FEMA requires they completely span the 200-year flood level.

Henderson stated the intersection that now exists at 151st Street and Kenneth Road was closed during the last major rain fall. Owens stated that intersection is considerably lower than the area in question. Conrad stated it looks like there is probably a minimum of 25 to 30% of the current floodway with the bridge and the culverts, which seems pretty significant. Claussen stated the final design and final plan of those openings would go into the final design of the project. Conrad asked how far along the engineers are in the process of obtaining the permit. Claussen stated they are in the preliminary stages of that part of the process. Ley stated the bridges in the park are about half the size of the one proposed for this project. The park is right upstream from this project. They are above the 100-year level and they have half the capacity for conveyance. Owens added there are about two 12x12 square box culverts in the park, and that's about it. Brain stated the City could close the park, but people are going to live in these homes. Brain asked if there would be another entrance into that area for emergency vehicles. Ley stated, no, not unless the developer is requesting some access through the southwest corner of their site. Owens stated the park has requested a special event exit through LeaBrooke. The applicant suggested putting in a secondary entrance into the upper part of the park and that was met with a deafening "no" from the Parks department. The actual deck of the bridge is approximately 10 ft. above the flood plain. Brain stated it is a long bridge; there is a lot of blockage, with no other egress for emergency vehicles. He is concerned about residential safety in the long run. Ley stated the storm drainage report looked at this bridge and it does not create an increase in flow or elevation outside of their development, so this bridge does not create any type of obstruction. Conrad asked if the issue would be upstream, in the park. Ley stated the study looked at the west property line and the elevation of the 100-year flow would not change, even with the bridge. Conrad asked what the pavement elevation would be. Owens stated the pavement elevation is approximately 10 to 12 ft. It varies as it goes across, above the existing flood plain.

Henderson asked if FEMA has any plans to do any development on the Little Blue River to the east. Owens stated the applicant had to look at the outflow onto Overland Park and that has been addressed. He does not know if FEMA is planning on anything. Ley stated the City is doing a water study for the Blue River Water shed. If Kenneth Road is realigned it would be taking out the existing bridge on Kenneth Road, which would cause a major obstruction of the channel and decrease the 100-year water surface elevation through that area. Duffendack stated the future alignment of Kenneth Road has been taken into account on the 100-year plan.

Brain stated he feels the developer has done an excellent job with what they are proposing and has continued to improve. He would hope that in laying out the parcels within the different residential areas of the subdivision that somehow the people who are buying the homes in this subdivision understand what else is going in around them. McIntyre stated he believes the people moving into this subdivision will not have any surprises. There will be boards in the sales office so that everyone who looks to buy will see what is planned. Brain asked if the City has any requirements for this sort of thing. Binckley stated the City does not have any ordinances or policies in regard to that. Staff does stop by at these developments to keep an eye on things and staff provides a copy of the Comprehensive Plan to new developments. Brain stated he would want to make sure everybody understands what he or she is buying into. Henderson asked if there would be some possibility to have periodic meetings for owners in order to remind them of what they are signing on for. McIntyre stated there would be deed restrictions. The booklet is very large so far. He is working on a two-page checklist for each tenant to initial so there are no surprises.

Conrad asked for a description of the phasing and timing of the development. McIntyre described the phasing on the site plan. Conrad asked if all of the streets would be public. McIntyre stated, yes. Conrad asked which streets

would be built within the next 12 months. McIntyre showed the streets that would be built in the next twelve months on the site plan.

Rohlf asked how a person would get into the first phase if they were to look at a lot. McIntyre stated they would enter off of Kenneth Road. Rohlf asked where the sales office would be located. McIntyre stated there would be a model home row in the northern portion of the development where the sales office would be located.

Conrad asked how the storm water from phase one would be handled. Claussen described the drainage flow for the development. Conrad asked if it would be all swales or piped. Claussen stated it would be piped. Conrad asked if the first phase would go to the 36-inch pipe that is to the west. Claussen stated the first plat stops just short of that point; it would be a future connection. Conrad asked if any of the phase one water would go west. Claussen stated it goes to the southeast.

A motion to approve was made by Brain, keeping all of staff's stipulations. Motion seconded by Rohlf. Motion approved 6-1. Conrad opposed.

CASE 31-04 BANK OF BLUE VALLEY - SIGNS Request for approval of a revised final site plan for the revised signage. Located at 13401 Mission Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan to revise the approved signage on the building. This case has been before the Planning Commission several times for changes to the buildings. During the other applications, the signage has pretty much remained the same. The applicant would now like to modify the signage on the bank. Staff has placed a revised staff report on the dais. Klein showed what was originally approved versus what the applicant is now proposing. Staff is supportive of this application with the stipulations as listed, however, one of the issues that has come before them is that the Bank of Blue Valley has a small line at the bottom of their sign that reads, "internetmortgage.com". There is a section in the Leawood Development Ordinance which prohibits any kind of notification of product, or what they sell. The applicant has indicated that is part of their legal name. Staff is leaving it up to the Commission as to whether or not that would be allowed. They have signage on the east side, and then they have signage on the north and south side of the tower. In previous reports, staff has referred to it as one elevation, which was the west. The applicant has changed the signage from being one long sign, to now on multiple lines. The size of the signs is fairly close to what was originally approved. The west sign has been made slightly smaller.

Duffendack asked if the staff report that should be looked at is the one written on April 27, 2004. Klein stated, yes, that is correct.

Henderson asked if the "internetmortgage.com" is still a question to the Commission. Klein stated, yes. Duffendack asked if staff has an opinion on that issue. Binckley stated the ordinance specifically identifies that anything advertising beyond the name of the company is not allowed. The question for the applicant would be as to whether this is part of the legal name or part of the logo. It is up to the Commission on whether to accept it. Duffendack stated he feels there is also the question of the intent of the ordinance. He feels the spirit of the ordinance is to identify the company, regardless of the legal name. Binckley stated she believes that is what the intent was when the ordinance was revised. Henderson stated he feels the City and Commission have followed that intent for the buildings along Tomahawk Creek Parkway.

Applicant presentation: Presentation by Pat Murray of KC Sign. When the original designs were submitted to the City, KC Sign was not involved. They were invited to get involved at the time that the bank wanted to look at the signs. At that time, Murray met with the architects and saw the plans. It was explained to him that they took the typical logo that was being used at the time and superimposed that on the building and that was what they took to the City. The most recent signage done by the bank is at College Blvd. and Lowell in Overland Park. They were

originally approved for a sign that was 15 ft. in width. The tower is not even 15 ft. wide. The letters for "bank of" were so small that there would be no way to internally illuminate the letters. He simplified the signage and went to a block format. He originally submitted the sign as 16 inches tall. Staff recommended reducing the size to 12 inches, which the applicant has done on the revised drawings. Either way, the sign is well below the 5% of the square footage of the elevation of the building, which the City allows. He submitted a design concept that met all of the requirements of the City, then he was made aware that since this drawing was not the originally approved sign he would need to come before the Commission.

Henderson asked if he should interpret the proposed sign to mean that the bank does not engage in loans and deposits, but is only capable of internet mortgage. Bob Renier stated the bank gets involved in all kinds of loans and deposits. The company made a decision several years ago to change the branding of the bank and because of this particular division of the bank, all of their trademarks and everything says, "Bank of Blue Valley internetmortgage.com". It is part of the branding of their institution.

Brain stated the height of the signs has increased and the sign design guidelines for Market Square Center state 2 ft. for a maximum height for pad sites. He is trying to figure out how this would look for the other pad sites. Binckley stated she believes the design guidelines did not look at stacked lettering and multiple lines. Staff went to the 12-inch letters based on the small area, widthwise, that they have for their signs on the tower portion. Duffendack asked if the design guidelines were assuming a one-line sign. Binckley stated staff was assuming a sign band for the outlots.

Brain stated he is supportive of the application, but is opposed to the "internetmortgage.com" because he feels it is advertising. The bank is a destination place. Conrad agreed with Brain. On the east elevation everything is on one line. On the tower, they had to separate the "of" to another line, and turn to the south elevation, it almost appears as disproportional to the tower itself. There is very little space to the left or right of the sign. He agrees that the "internetmortgage.com" should not be allowed because of the trouble it could create.

Williams asked how "internetmortgage.com" is different than a realtor having "realtor" in small letters underneath the name of the realty company. Brain stated the Bank of Blue Valley is a bank and that the "internetmortgage.com" is trying to get people to go to an internet site to get information about a mortgage. A consumer would not be driving to the bank to use the internet. Realtor is the same delineation as a bank. Williams stated that "internetmortgage.com" is part of their business. Brain stated it is not an identifier for a destination; it is part of their branding into the community. The City's philosophy has been to allow signage to get someone to his or her destination, not signage to advertise a brand. Pilcher asked if the argument is the intent of the ordinance versus the exact language of the ordinance. Binckley stated staff has identified that the use of additional items to advertise the facility should not be used in permanent signage. In other words, anything beyond the name of the tenant has not been allowed. Brain stated, for an example of Hallmark, they would not be allowed to put "When you care enough to send the very best." on their signage, even if they change the name of the company. To him, it is advertising and not an identifier.

Williams stated the Commission has allowed a similar situation on the Dermatology and Skin Cancer Center. Conrad stated there are probably a lot of situations like that in the City. The Commission has tried to follow the guideline that signage would be minimal, it would identify that a person was at the right location, and it would minimize any advertising. If it's a logo and a name, there should be some consistency with it. He thinks the internet.com is synonymous today with a phone number. He then asked how the City would approach a situation of a company legally changing their name to a series of numbers and dashes. Williams stated he brought up the Dermatology sign because he believes what has been proposed tonight is much more tasteful than the Dermatology sign.

A motion to approve was made by Pilcher, with the amendment to add a stipulation removing the "internetmortgage.com" from the sign. Motion seconded by Brain. Motion approved unanimously.

CASE 32-04 CORNERSTONE, LOT 5 - TED'S MONTANA GRILL Request for approval of a preliminary site plan. Located at the southeast corner of 135th Street and Nall Avenue, on lot 5 of the Cornerstone development.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a preliminary plan for the construction of one 4,620 sq. ft. restaurant building on 1.30 acres for an FAR of 0.082, located on lot 5 of the Cornerstone development at the southeast corner of 135th Street and Nall Avenue. This building is a restaurant and is located next to the westernmost interior drive that enters Cornerstone. The building has a front that faces onto 135th Street, but also has an entrance that faces to the west. Adjacent to that entrance is a patio with an outdoor seating area. The parking is on the west side of the building. The building and the parking arrangement is generally the same as was approved for the overall Cornerstone development. The building is using primarily brick. Some portions of the buildings are at different levels. The trash enclosure is located on the south side of the building. There will be a drive from an east-west interior drive that will provide access to the pad sites, as well as providing access to the parking. Staff is supportive of this application with the stipulations stated in the staff report. Staff is recommending the materials be looked at more closely at the time of final application. The applicant is proposing to use veneer plywood. It is a mahogany veneer over plywood and looks fairly attractive, but staff has some concerns with the maintenance of it.

Conrad asked if the Commission has seen the two adjacent pad sites. Klein stated, no. Conrad expressed concern for the cross-parking agreement. He then asked if staff has looked at the parking and whether it would be adequate for three restaurants in that area. Klein stated the ordinance reads that in the SD-CR district there be between 3.5 and 4.5 parking spaces per 1000 sq. ft. of building. The restaurants would require much more than that. That is one of the reasons staff is in approval of the parking that this applicant has proposed, which is substantially in excess of the required. The pad site to the west could be another restaurant. There is additional parking that serves the main center across the drive aisle. He believes there is enough overflow parking in that general area. Conrad asked if the pedestrian paths to get to that area are adequate. Klein stated the development is providing pedestrian sidewalks along the interior east-west corridor as well as connections to the perimeter sidewalks along 135th Street. There are also sidewalks that connect the main center with the individual pad sites.

Henderson asked if the name of the restaurant is "Ted's Montana Grill", because it is listed differently on the signs. Klein stated it is his understanding that it is "Ted's Montana Grill". Some of the reason behind their signs being different is based on staff's recommendations due to size. The signs will not be approved with this application; they will be done during final plan application.

Henderson asked if the trash enclosure is attached. Klein stated, yes.

Williams asked if the curb cut to get into the trash enclosure is deep enough for a trash refuse truck to back into without blocking the driveway. Klein stated the drive is very shallow, but the applicant could better answer that question.

Applicant presentation: Presentation by Jim Powell with GJR Architecture. The applicant is requesting preliminary site plan approval. Originally, Cornerstone had this lot tagged for a 10,000 sq. ft. building. The applicant is proposing a 6,400 sq. ft. building with about a 390 sq. ft. patio with outdoor seating. The applicant takes no exceptions to staff's comments or stipulations and is working with staff and the development's architect for the exterior materials of the building.

Brain asked if there are other Ted's Montana Grills. Powell stated, yes, it is a fairly young concept. They have typically gone into retail centers, but have recently developed the freestanding building to go into more destination-type locations. There are about 35 to 40 restaurants. Brain asked for an explanation of the style of the restaurant. Powell stated it is casual dining, along the line of a Chili's.

Williams asked if the building design proposed tonight is a company prototype building. Powell stated it is a prototype-developed design. Ted's hired consultants to project an image of an early 1900's shotgun-type space. There will be wood finishes, with a narrow bar on one side and seating on another. Williams asked if there has been a meeting with the developer's architect regarding the design guidelines set forth for the development. Powell stated they did. Williams asked if the applicant feels the proposed building fits into the design guidelines for the development. Powell stated they feel that it does.

Williams asked about the length of the driveway and if the refuse trucks would be out of the way of traffic. He also asked the length of a refuse truck. Powell stated the depth of the drive is 20 ft. He does not know the length of the refuse trucks. Staff recommended the drive to be narrowed down to what is now proposed. Williams asked where deliveries would take place. Powell stated they are typically in the back, directly into the kitchen. Williams asked which side of the building would receive deliveries. Powell stated the south side, through the service enclosure. Typically, the deliveries are scheduled early in the morning, around 6 or 7 in the morning, as well as the trash pickup.

Duffendack asked about the rooftop equipment. Powell stated the parapet wall would screen any rooftop equipment. Duffendack asked how tall the parapet wall would be. Powell stated about 4 or 5 feet. All of the equipment would be below the parapet wall. Duffendack asked if there would only be one level to the building. Powell stated there would only be one level to the building. Duffendack asked about the door that is shown on the rear elevation. Powell stated it is an access door for maintenance. Duffendack asked how that door would be accessed by the first floor. Powell stated there would be an internal roof hatch.

Duffendack stated the Commission and City tries to make sure there is no "back side" to a building; that it be a four-sided design. He feels the service entrance side of the building is close to looking like a "back side" and is concerned about that, especially since this is the side that faces the rest of the development. He then asked where the utility entrances are located. Powell stated they are typically on the rear of the building and are screened. Duffendack suggested that be looked at before the applicant presents for final site plan approval. He would like to make sure that façade is treated as equally as the other three sides.

Henderson asked how traffic is going to get into and out of Nall Avenue since it is not signalized. He also asked if that space would be adequate for the turns. Binckley described the entrances into the development and traffic flow on the site plan. Henderson asked the width of the roadway as it comes in off of Nall Avenue. Binckley stated it is divided with a 20-ft. minimum width. Henderson asked if the drive would be adequate. Binckley stated she believes so. She believes it was reviewed at the overall development's application.

A motion to extend to the meeting until the completion of this case, or 9:30 p.m. Williams seconded the motion. Motion approved unanimously.

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.

Brain stated he does not feel the architecture is in keeping with the design of the center and feels the applicant will need to modify the look of the building to blend in with the design concept.

Henderson asked if Brain is suggesting a continuation of the case. Brain stated it is his understanding the preliminary plan can be approved tonight and that the design can be changed before final plan application. Binckley asked the Commission for any other comments to help the applicant understand what the Commission is wanting. Pilcher stated a four-sided design would be something to change. Williams stated the design of the building is not of the same style as what was approved for this development. The Commission spent quite a bit of time with the Eckerd building and had them change their corporate standard to reflect elements of the design of the center and this is not doing that. Prairie Style is not subjective. This design does not fit with the design standards of the development.

Pilcher asked if there has been any discussion about land banking any parking spaces, because this parking exceeds the City's requirements. Binckley stated they do exceed, but staff feels it is appropriate because of the type of use. There have been problems in Town Center Plaza and staff feels it would be better to have additional parking.

Henderson stated section six, page one of the Cornerstone guidelines states, "The building façade should be designed to give an innovative design concept". Williams stated it goes on to read, "Tenants are encouraged to take full advantage architecturally of the shopping center design." He does not feel that the proposed design is doing that. Henderson stated the next paragraph of the guidelines reads, "National or regional tenants with a typical or recognizable design are expected to review the design of the Cornerstone of Leawood and adjust their design to ensure compatibility and compliance with these criteria."

A motion to continue this case to the May 25, 2004 meeting was made by Brain to allow the applicant and staff time to work on the comments given by the Commission to change their design concept. Motion seconded by Conrad. Motion to continue approved unanimously.

Duffendack stated tonight was Brain's last meeting and he will be missed. His counsel and wise and piercing discussions will be missed. Brain was an influence on how they proceeded as a Commission. Duffendack personally appreciates his kindness and help as the chair. He will be missed.

Brain stated he had the privilege of talking to Erin Fitzgerald of the Star earlier this evening and she asked him what he enjoyed as a Commissioner and he told her it is the gratification that in the 18 years that he has worked for the City probably over 50% of the City has been developed. He has also enjoyed the comraderie of the Commission and staff over the years. He is glad to be a contributor but also recognizes there are very talented people on the Commission and there will be additional citizens to bring a fresh perspective and that is part of what is needed for public service.

Meeting adjourned.

J. Paul Duffendack, Chair