

City of Leawood Planning Commission Minutes

May 10, 2005
Meeting – 6:00 p.m.
Leawood City Hall
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Henderson, Perkins, Rohlf, Conrad, Duffendack, Munson, Williams, Azeltine (absent), Reynolds (absent)

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

NEW BUSINESS:

CASE 25-05 VILLAS AT HIGHLANDS RANCH Request for approval of a rezoning from RP-4 (Old Zoning) to RP-2 (Planned Cluster Detached Residential District), preliminary plat and preliminary plan. Located north of 138th Street and east of Chadwick.

Staff presentation: Presentation by Jeff Joseph. The applicant is Don Donahoo with Highlands Group. The applicant is requesting approval of a rezoning from RP-4 to RP-2. This property is located north of 138th Street and east of Chadwick. The Tuscan Reserve subdivision is located to the west of this property. Leawood Falls is located to the east. Highlands Ranch is located to the south. A portion of the property to the north is Chadwick Place, which is a commercial development that received approval in 2004. The proposed subdivision consists of a total of 22 lots on 7.11 acres. An interact meeting was held on April 11th as part of the application process. According to the summary, there were no major concerns expressed at the meeting. This property was part of the Leawood Falls subdivision located to the east and has the same zoning as Leawood Falls. The rezoning to RP-2 is an effort to bring the property into conformance with the current Leawood Development Ordinance. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked who was invited to attend the interact meeting. Joseph stated property owners within 500 ft. of this property were sent an invitation to the interact meeting.

Conrad asked the density for the old RP-4 zoning. Joseph stated it is the same as it is now, which is 7.2 units per acre. Nothing is changing except the name.

Perkins asked if there is a new concession for the setbacks. Joseph stated that is what is required for the new RP-2 zoning. Perkins asked if the developer agreed to this. Joseph stated, yes.

Applicant presentation: Presentation by Don Donahoo. Ken Nichols, his partner, representing Highlands Group. This parcel was previously part of the master plan for Leawood Falls and as such was approved for 48 units. They are now applying for a plat consisting of 22 lots.

Duffendack asked how the applicant is proposing to handle lot numbers 17 through 22 in terms of frontage, since they are double-sided. Donahoo stated those lots would back to 138th Street and face the new street. There will not be any driveway access from any of those lots to 138th Street.

Perkins asked about the tree area to the west. Donahoo stated Tuscan Reserve, to the west, has an open area that is used for drainage. The Highlands Ranch storm drainage study has been updated and given to the City Engineer. He has

reviewed that and is happy with what is being proposed. Perkins asked where the water goes from Highlands Ranch. Donahoo stated the second plat of Highlands Ranch has two curb inlets and they sized the piping for those and all of the downstream piping to include this stormwater runoff. They sized it to accommodate up to 48 additional units.

Henderson asked if the proposed wrought iron fence would match the existing fence to the west. Donahoo stated they are not proposing a perimeter fence. The individual lots could be fenced, but they could be no taller than 4 ft. and black wrought iron, so it would essentially match up with what is along Tuscany Reserve. There will be three horizontal bars, two on the top 6 inches and then one at the bottom and pickets every 3 1/2 to 4 inches, with or without finials.

Henderson asked approximately how deep in the lot the homes on lots 17 through 22 would be constructed. Donahoo stated he believes the rear yard setback is either 20 or 25 ft. Henderson asked how the homes would be situated on the lots. Donahoo stated he is basically looking for the homes to be centered left to right on the lots with the exception of a few of them which would be able to have a side-entry garage.

Rohlf asked what is going to happen to 137th Street. Donahoo stated his understanding is that 137th Street will be coming along their northern boundary from their west boundary and begin curving off of their property midway across and then jog up a block as it goes along to the east. Rohlf asked if that is consistent with what the Commission saw with Chadwick Place. Joseph stated, yes. Rohlf asked if the villas will all be similar in design. Donahoo stated they have not really decided on the marketing yet. They are looking for upper-bracket villas with tall roofs and all masonry exteriors. There could be a combination of stucco, brick and stone, but they don't know if they will limit it to a specific style. They would have concrete tile roofs.

Henderson asked if there will be a homes association just for these 22 units. Donahoo stated they would become part of the Highlands Ranch homes association and be built in accordance with the current operations manual. Henderson asked if it is conceivable that some of the guidelines for villas might be different from those homes that are already built. Donahoo stated they would not be less stringent. They will be more stringent in that concrete tile roofs will be required. Henderson asked if they anticipate finishing this project soon. Donahoo stated they will be completed in two years.

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

Henderson stated two or three years ago the proposal before the Commission had to do with a retirement home. The neighboring residents seem quite pleased with this new plan. He is much more pleased with what is now being proposed, rather than an institution. It fits well within the Golden rules.

A motion to approve was made by Rohlf and seconded by Williams. Motion approved unanimously.

CASE 31-05 LDO AMENDMENT Request for approval of an amendment to the Leawood Development Ordinance, section 16-5-2.1 - Planning Commission review.

Staff presentation: Presentation by Diane Binckley. The amendment is to require the Planning Commission to reach a two-thirds majority to overrule a decision by the Governing Body. During the planning process, if the Governing Body adds an amendment to the stipulations of approval or to the plans as approved by the Planning Commission, they are required to have a two-thirds majority to overrule the Planning Commission.

Duffendack asked if that would be a minimum of six votes. Binckley stated, yes.

Perkins asked how long a case could keep going back and forth between the Commission and the Governing Body. Binckley stated the Governing Body has the final say. If the Commission voted to overrule a decision they had made, then to overrule the Commission, they would need to have a six-person vote again.

Conrad asked for a clarification on two-thirds of membership, not just two-thirds of the Commissioners voting. Binckley stated that if they were in that situation this evening, for example, six of them would need to vote in order to overrule. It is not present and voting, it is of the membership. Conrad clarified by stating that if there were only five Commissioners in attendance, then they could not overrule a change made by Council. Binckley stated, that is correct.

Henderson suggested adding "at least" in front of "two-thirds" in the ordinance. Technically, the way it is written now, one could say that it would not be approved if more than six people voted.

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

A motion to approve was made by Henderson with an amendment to add "at least" in B1 before "two-thirds".

Conrad asked if they should defer to counsel on that decision. Marcano stated she is fine with it. She spoke earlier with Binckley about this. It is worded the exact same way that it is with the Governing Body and they have not had any trouble with it, but if the Commission is more comfortable with it worded the way Henderson has suggested, then legal is fine with it. Conrad asked if the Governing Body review ordinance should be changed. Marcano stated she would look into that.

Motion seconded by Williams. Motion approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chairman