

City of Leawood Planning Commission Minutes

August 8, 2006
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AGENDA: Rohlf stated there was a revision to the agenda. Case 08-06 and 09-06 should be shown as continued to September 26th and not September 25th as the previous agenda showed. **A motion to approve the revised agenda was made by Williams and seconded by Henderson. Motion approved unanimously.**

APPROVAL OF THE MINUTES: Approval of the minutes from the July 11, 2006 meeting. **A motion to approve the minutes from the July 11, 2006 meeting was made by Henderson and seconded by Williams. Motion approved unanimously.**

CONTINUED TO THE AUGUST 15, 2006 MEETING:

CASE 30-06 ONE NINETEEN Request for approval of a rezoning from SD-CR (Planned General Retail) to MXD (Mixed-Use Development District) and preliminary site plan. Located south of 119th Street and east of Roe Avenue. **Public hearing**

CONTINUED TO THE AUGUST 22, 2006 MEETING:

CASE 46-06 TUSCANY RESERVE VILLAGE Request for approval of a final plat and final site plan. Located at the northwest corner of 137th Street and Pawnee.

CONTINUED TO THE SEPTEMBER 26, 2006 MEETING:

CASE 08-06 LDO AMENDMENT - SECTION 16-2-9.2 NON-RESIDENTIAL USES Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 09-06 LDO AMENDMENT - SECTION 16-3-9 DEVIATIONS Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

NEW BUSINESS:

CASE 45-06 GARDENS OF VILLAGGIO Request for approval of a preliminary site plan. Located north of 137th Street and east of Roe Avenue.

Commissioner Munson recused himself from this case.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a preliminary site plan for the construction of three one-story office buildings totaling 20,418 sq. ft. This is located within the Villaggio West development which has final approval for the overall. This is the first case we have seen within this development. These office buildings are somewhat centrally located along 137th Street. The applicant is proposing a few changes to what was proposed with that development. The office building at the northeast corner of the three buildings was shown as two-story and that has now been reduced to a one-story. There were supposed to be 19 underground spaces located under the larger office building on the west side. Those have been removed and those parking spots have been replaced on the east side of the building along the drive. The driveways on either side of the building will also provide access into the overall Villaggio development. The buildings have increased in size and they have moved closer together a little bit. The applicant has provided an open space calculation within the plaza area. Part of the SD-O portion of the Villaggio development had an FAR of 0.30, so they needed bonuses in order to have that FAR and this is one of the key areas they indicated the bonusing

would be available. *Klein showed what was approved for this area with the overall final plan approval for Villaggio.* It was determined at the time of final site plan that they would be allowed to use that amount of open space on a one-to-one ratio for the additional FAR. The applicant has provided a calculation showing the areas they intend to use for the bonuses. There is an area where staff has some concerns that it is not meeting all of the bonus areas. They have provided a good portion of it, however, if it is determined by the Planning Commission at the time of final site plan, when we know more about the amenities and what is going to be provided, that they are not meeting the full bonus for that area, then the portion they do not meet would need to be provided somewhere else within the SD-O portion of the development, or they would need to reduce the FAR for the development within the SD-O portion. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if staff is including landscaping as well as other public amenities that might or might not be there yet. Klein stated they are required to have a minimum of 30% open space within the development. On this particular development, it was broken into two pieces: the retail portion and the office portion. They were not asking for any additional FAR in the retail portion. We were only looking for the office portion where they were asking for an FAR of 0.30. They needed bonuses for the FAR since they were exceeding the 0.25 maximum. They called out those areas indicating where they felt they could get bonuses for the additional open space. At the time it went through the Planning Commission and City Council there was some discussion as far as if those areas would be allowed to be used as bonuses and it was determined at that time that they would. This is the first area to come in and it is one of the areas that include those bonuses, so they were required to submit something showing what they felt met that bonus. The area they are showing includes 14,430 sq. ft., which is one foot over the one that was approved. The reason staff is concerned is because it includes some areas that were not previously allowed to be used as a bonus. Staff would like the Commission to look at that area to see if they feel it should be included or not. Staff had concerns that these particular areas were not shown as part of the bonus area, so staff was trying to make it look as much as possible like what was approved. Rohlf asked what areas were not previously considered. *Klein described the differences between the previous plan versus the currently proposed plan.* Klein stated that can be adjusted a little at final, it just needs to be in substantial compliance. A lot of it would also be determined by the types of amenities they show. They are showing a sculpture and pool in one area and another sculpture and landscaping elsewhere. A final determination would be made at final plan.

Henderson stated the space between the two buildings on the east side had been reduced. He then asked if that is all pedestrian and not vehicular. Klein stated, correct. In addition, they have added a sidewalk in that area since the plan was last seen. Henderson asked if staff would decide which shade of gray would be acceptable for the granite as being part of the building structure. Klein stated the applicant will provide a material board at the time of final. Staff is supportive of the granite. It is not included on the approved materials for the overall development, so it would need to be added at the time of final. Henderson asked what would be used for the portion of the sidewalks that are not pavers. Klein stated probably scored or colored concrete. That would be seen during final site plan.

Perkins asked where the other bonus features would come from, if this gets approved tonight with staff's comments. Klein stated they would need to find some way to expand those areas or find it somewhere else on the site. Perkins asked if they would need to contact the other developers. Klein stated, yes, they would need to work with the overall developer. In staff's point of view, this is one development. That is the reason we have the 10-acre rule, to make sure that everything is coherent, has connections and works together. Perkins asked if the granite would be approved at final. Klein stated granite is an additional material that is not included in the design guidelines for the overall development. Staff likes it because of the durability.

Conrad asked if the site plan has changed significantly. Klein stated the general layout of the site is pretty much the same. They still have a courtyard between the three office buildings. The drives are in the same location that they were before. There are still perimeter sidewalks. The main difference is that there used to be 19 spaces shown as underground and one drive aisle was increased by 18 spaces. Conrad asked if there were bonus points given for the underground parking. Klein stated they received bonus points for another parking structure.

Williams asked how staff justifies using the areas that extend down to the sidewalks as bonus areas. Klein stated that area was already approved by the Planning Commission. He believes the discussion at that time is that it needs to be available

to people who are walking by the development, however, not part of the actual sidewalk connection. Williams stated it looks like there was a bigger area on the north and west side and a much smaller appendage on the east side on the original plan, so the larger space would give more opportunity for public access. Klein stated that is for the Commission to decide. The applicant tried to match the previously approved area as much as possible. Williams asked what the applicant will need to do in their final submittal in order to justify this area for bonus points, other than just having grass. Klein stated in order to justify the areas they need to provide landscaped open space over and above the 30%. At the time of the final plan for the overall, they were above the 30%. All of the areas that were awarded for bonuses were not part of that 30%. The Planning Commission required they carve out the areas that are over the 30% and could only use those areas that the Planning Commission and City Council felt could be used as pedestrian areas that could be enjoyed by the public. The areas needed to be in courtyards or had to be readily accessible from pedestrian areas that could draw people into them to be enjoyed or at least viewed. At the time of final site plan for the overall an area was determined as meeting the criteria. It was understood at that time that they would come back in for a preliminary and final plan. This is the next stage in the process. Originally when they came in they were considering some other orientations. They decided to go with this orientation because it was close to what was approved and had the bonus area. They understood the bonus area in this location was important for the overall Villaggio development. Williams stated he finds it hard to justify an 11-17 ft. piece of grass with some landscaping in it as being available for bonus. He then asked if staff feels they do not meet the Tuscan design, since there was a statement in the staff report in regard to the architectural style. Klein stated he did not mean that at all. It was a statement that this applicant needs to meet the Tuscan design approved for the overall development. In the design criteria they show some examples of elevations and the Tuscan style. The main difference in what they are proposing is that they indicated they would like a change in material. However, this is a preliminary plan and materials are not reviewed at this time. Williams asked if the general style of the building is something to consider at this stage. Klein stated, yes. If the Commission feels this is not meeting the Tuscan feel then it would be appropriate to let the applicant know at this time.

Conrad asked if the design guidelines show what the other two bonus areas would look like. Klein stated, yes. *Klein then showed the other two areas.* Conrad asked if the corner feature will fit on the new site plan. Klein stated staff believes so.

Henderson asked the City Engineer to refresh his memory about the topography from 133rd to 135th and 135th to 137th as it might relate to water flow issues. Ley stated the watershed for the west half of this site, from 135th, is 300 ft. to the south that drains to the north. 300 ft. south of 135th Street is the high point, so all of that water would flow down to Leawood Meadows. The developer has just completed the storm system improvements along 137th Street a couple of weeks ago, so some of those comments about water flowing down to Leawood Meadows were probably made prior to the storm system being completed. Henderson asked if Ley feels his earlier concerns have been met. Ley stated, yes. A berm has been built from Roe Avenue to about 300 ft. east of Fontana, so that berm will direct all of the storm water into the pipes for Villaggio.

Henderson asked if the street with parking is wider on the east side than it is on the west side. Klein stated they are showing a 24-ft. wide drive aisle, which is typical for perpendicular parking. They are showing 19 ft. on the west drive aisle. That was also shown during final as well. There is a memo on the dais stating the fire marshal would like to widen that drive to 20 ft. Perkins asked if a stipulation would need to be added. Klein stated stipulation number 26 incorporates the Fire Marshal's memo.

Rohlf asked if there is a phasing plan for this development. Klein stated, yes, for the overall development. *He then showed the phasing plan for Villaggio West on the overhead.* They show the retail portion as phase 1. The piece under discussion tonight is included in phase 2. Phase 3 is adjacent to that and Phase 4 is down below. Rohlf asked if the improvements to 137th Street, such as undergrounding of utilities, would occur during the first phase. Klein stated it is his understanding those would be done with the construction of 137th Street. Rohlf asked if the concerns raised by one of the residents of Leawood Meadows have been resolved. Ley stated he believes there were two issues. One resident was on the phase 2 portion of the development, just west of Mission and that section will not be done until the next phase. In regard to the resident on the south side of Fontana, they have the berm in and there is silt fencing to keep silt off of that property. All of those issues have been resolved. Rohlf asked if everything that needed to be done in regard to storm water runoff has been completed. Ley stated, yes, for Leawood Meadows.

Applicant presentation: Presentation by Doug Patterson, the developer. He will be moving his law office back into Leawood. In regard to the open space and floor area ratio quandary, this is a 1.88 acre section of a 10-acre SD-O area where it is impossible to take their 1.88 acres and say every area needs to come within a particular FAR and open space. It is an overall concept. They are coming in less dense than the 1.88 acres originally proposed. It was originally planned for 25,000 sq. ft. and they are about 20,500 sq. ft. The exterior parking, interior structure and interior parking setbacks are consistent or greater than those originally prepared in the overall site development plan. It is not as if there are any number of developers to go to if they are coming in with less density but a different configuration of bonus open space. They don't. Pawnee Place is the owner of the overall Villaggio. It was Villaggio that proposed the 30% as opposed to the 25%. Their FAR in this 1.88 acre area is less than 0.25. It is the overall Villaggio in this SD-O area that wanted greater density and less open space and therefore proposed a bonus. He believes they are in substantial conformance with the original plan. If the final plan is approved with the bonus plan proposed, then it is up to the developers of Villaggio to make up for the difference. They chose granite because it is going to be there for a long time. Granite is a quality product. The guidelines for Villaggio did not anticipate that someone would want to install granite in this development. Because of the cost involved, these buildings will primarily be owner-occupied. They agree with all of the stipulations as stated by staff.

Henderson asked how the loggias will be presented. Patterson stated they will be consistent with what was submitted for the design guidelines of Villaggio. They are working with the developer's architect to make sure the theme is consistent throughout. As the plans evolve they will maintain consistency with that. Henderson stated there is latitude for loggias in the guidelines. He then asked if they are going to adhere more to the arcade-type structure or an entry porch and suggested the more classic arcade-type structure, as it is more Tuscan.

Perkins asked what kind of provision there is for maintaining the portion of the parking if the building is sold. Patterson stated in the approval for the overall site plan for Villaggio the restrictive covenants were submitted to the City. Within this three-building development there will be a similar association, but the overall Villaggio will be the umbrella. They will do overall trash, snow removal and landscaping, but the overall internal replacement of common areas, such as curbs and parking, will be like a homes association.

Conrad asked if the plaza would be owned by the overall development. Patterson stated it is part of this three-building development. Conrad asked if they would be totally public. Patterson stated, yes. Conrad asked if the trash dumpster would be enclosed. Patterson stated all of the trash would be internal. Conrad asked if the connector drive to the parking lot to the west would be constructed. Patterson stated that is west of this property. Conrad stated the overall plan seems to have a lot of changes. Rohlf asked if the 12 bonus features page came out of the same overall design guidelines. Klein stated Villaggio came through for two separate finals. They moved the funeral home from the east side to the west side of the development. That would be the reason for that adjustment at a different final site plan. As far as the bonus criteria that were approved, if they don't meet that bonus they would need to supply it somewhere within that SD-O portion of the development. Lambers stated he asked for a stipulation to state that with the next submittal for the next SD-O portion they would need to show where it would be recaptured. Klein stated there is a stipulation that states, "If it is determined at the time of final site plan application that the project does not meet the FAR bonuses for the open space associated with this site, open space that meets the criteria for the bonuses shall be provided elsewhere within the SD-O portion of the Villaggio West development or the building area within the SD-O portion of Villaggio West shall be reduced accordingly." Lambers stated that should be with the next submittal, otherwise we could be backing ourselves into a corner. We do not need to put this stipulation in there, because it is their obligation to meet the requirements. We felt compelled to put them on notice. We have concerns that they are not going to meet the bonuses with what has been submitted, but they need to achieve that with the next submittal. Henderson asked if the Commission will receive more detail on the landscaping with the next submittal. Lambers stated it would be a revised preliminary showing how they are adding it. The City prefers a clustering of landscaping as opposed to having little pockets of it. They could add a courtyard area. Henderson asked if flowers would be incorporated into the Tuscan architecture. Lambers stated staff would look at square footage of green space with the next submittal and the details would follow with the final plan. Conrad asked if the current owner of the rest of the property understands that he might not have the available square footage that he thinks he does. Lambers stated Patterson has stated so. Conrad asked if Patterson has the ability to speak for the developers of the overall development. Patterson stated the developers have seen the report and have seen stipulation number 5. This is an overall SD-O issue for this area, not just his area. He does not feel too bad committing his client to that because they are coming in under 0.25. They realize

they are going to need to come up with some open space somewhere, or reduce their density. Lambers stated he believes the developer has been put on notice. Conrad stated the Commission has had this situation happen with Plaza Pointe and the last lot had to be squeezed in. Lambers stated we are requiring developers to have a tracking mechanism for that so they know exactly where their square footage and open space is for each submittal. We are requiring the developers to revise that document, after each submittal is approved. They are trying to be as proactive as possible. Klein stated there is a stipulation that refers to that tracking table. There were some comments regarding landscaping. Staff does not feel there is enough landscaping, but that is typically looked at during final site plan and not at preliminary.

Perkins asked if Patterson is agreeable to stipulation number 26 in regard to adding another foot on the driveway. Patterson stated, yes.

Williams stated there is something happening in the middle of the east elevation that he is assuming has to do with the trash enclosure. He then asked if that is facing the courtyard. Patterson stated it is a door to the trash closet. Williams asked what kind of door it would be. Merdad Kalantari stated the back of the building is required to have the trash pick-up and that larger door will accommodate the dumpster that will go inside. They are required to have a 4-ft. door. It will be painted to match the other doors. There are two emergency exit doors and the trash closet door. Williams stated, in regard to the compliance of these buildings with the Villaggio Tuscan architecture, he has a hard time accepting this meeting that criteria. The towers are very different than what has been approved in the design guidelines. He sees large long walls with punched contemporary modern windows, but in a more Tuscan design he would begin to see a little more trim around the windows or a little more arches and detail. He does not have a problem with the granite. It just does not seem to fit as the architectural style for a Tuscan design as was presented with the design guidelines.

Henderson asked if all of the lighting features on 137th Street will be the same. Klein stated any development within the 135th Street corridor carries that same stipulation.

Henderson asked what cementitious stucco means. Williams stated it is generally the same as other stucco. He believes that they are just spelling out that it is real cement stucco versus the dryvit material.

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

Williams stated he thinks it will be prudent by the applicant to come in with more development and more justification to either show they deserve the bonus points or they will not get the bonus points and it will be shifted to someone else. In regard to the architecture, he does not have a problem with the granite and thinks it can be a good material. He would like to see this fitting in with a true Tuscan style instead of just putting a clay tile roof on a building and calling it Tuscan.

Perkins stated he would like the applicant to take into consideration Williams' comments about the windows. It looks pretty bland at this point and that is not what they are trying to get to with this development. He would vote for approval of the preliminary but would like to see something done with final.

Conrad stated he is still concerned about what is going to happen with the plan. If he deletes some areas that could potentially not become bonus, he comes up with almost 3,000 sq. ft. He is prepared to vote against future plans when we have a hard time incorporating those areas into somewhere else. If he were to move forward with this, he would want to expand upon stipulation number 5. It is possible that approximately 3,000 sq. ft. of potential bonus area could be rejected at final plan depending upon final configuration and amenities and then the overall Villaggio developer will be required and is legally bound to provide those areas elsewhere in the property. We continuously fall into this issue and that bothers him. He then asked if there is a plat associated with this application. Klein stated the property is currently platted and this applicant is not proposing to change the plat.

Reynolds stated he agrees with the importance of stipulations 5, 6 and 20. The applicant needs to understand the seriousness of those stipulations. He would look at bonus space more favorably if it had access from inside the building.

He would like the applicant to focus on the architecture of the windows and also the architecture of the doorways to make sure they have the appropriate detail and architectural intention needed.

Rohlf asked if the Commission will be seeing many more individual buildings like this for Villaggio. Klein stated, yes. This is just the first of many to come. The intent is to make the entire development a cohesive whole and make sure the development keeps the Tuscan architecture. Rohlf stated she feels it would be helpful for the overall developer to attend these meetings. Lambers stated that is possible. Unlike Cornerstone, which has a Prairie Style architecture and he does not feel has a uniform theme; Tuscan clearly has a much defined style. The Governing Body has made it clear that this Tuscan theme will be maintained and will be very strong in its presence to distinguish this shopping center from anything else along the corridor. The Commission's comments are appropriate to give the applicant. A signature restaurant with a signature style could be coming in, but he feels Council is at a point where that could get denied because they believe a consistent theme is more important than one entity coming in and breaking it up.

A motion to approve was made by Perkins with the stipulations stated by staff. Elkins seconded.

Henderson asked to be sure that stipulations 5, 6 and 20 are noted. Williams added to that stipulation 10, which specifically deals with the architecture. He then asked if stipulation number 5 needs to be changed so that the next submittal address the FAR if that becomes a problem. Lambers stated he would like to see the language added for the overall developer to show within the next submittal where it is going to come from. It will just be a preliminary design. It may not be on the project that is before you for approval, but the overall developer needs to say where it is coming from.

Williams proposed an amendment to stipulation number 5 to add the sentence "Plans to address the deficiencies and meet the FAR bonus areas for this SD-O area shall be submitted with the next preliminary building plans for submittal". Henderson seconded the amendment. Amendment approved unanimously.

Williams proposed an amendment to stipulation number 10 to add the text "and depict the level of detail, character and style associated with Tuscan architecture as in the approved design guidelines" after the words "final plan". Henderson seconded the amendment. Amendment approved unanimously.

Motion, as amended, approved 5-1. Conrad against.

CASE 52-06 LDO AMENDMENT – SECTION 16-2-5.6 (RP-3 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 53-06 LDO AMENDMENT – SECTION 16-2-5.7 (RP-4 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 55-06 LDO AMENDMENT – SECTION 16-2-5.2 (RP-A5 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 56-06 LDO AMENDMENT – SECTION 16-2-5.3 (R-1 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 57-06 LDO AMENDMENT – SECTION 16-2-5.4 (RP-1 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 58-06 LDO AMENDMENT – SECTION 16-2-5.5 (RP-2 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

Klein asked to discuss these amendments together and then make a separate motion on each one.

Munson returned to the meeting.

Staff presentation: Presentation by Mark Klein. These cases are amendments to the LDO in regard to the way the height is measured for residential structures. For the single-family residential districts RP-A5, R-1, RP-1 and RP-2 the amendment would change the way height is measured in those districts to make sure they exclude walk-out basements on the back sides of buildings. Part of the reason that this amendment is being requested is that there are a number of residential houses on sloped lots where the maximum 35-ft. height measurement is not a problem when measured from the street side, but measuring from the back side would not meet the height limitation. The other request deals with the multi-family districts of RP-3 and RP-4. It is proposing to eliminate walk-out basements on the backs of buildings from the measurement of height on those, but in addition it is also proposing to change the 35-ft. height limitation to 40 ft. The reason for that is there are sometimes larger buildings that might have steeper roof pitches to allow more flexibility to incorporate that.

Williams asked if we should also include daylight windows, since this is requiring it to be walk-out and there could be daylight windows that could substantially take up a good portion of that lower level and add to the height requirement. Klein stated that would be appropriate. One way to measure it would be to take the measurement from the front of the building, which would exclude both walk-outs and daylight windows. Williams asked if this would preclude homes that are on corner lots to have walk-outs to the side yard. Klein stated the way that it is currently written; it is limited to the back of the building. However, if you wanted to take the measurement from the front of the house, that would be one way to do that. Lambers stated the issue came up in regard to the back sides of buildings. Staff believes the simplest approach is to use the front elevation because that is generally what most people are concerned about in regard to height. There is still an overall limitation. Williams asked if they should remove any language about walk-outs and just take the measurement from the front elevation. Lambers suggested taking it from the curb.

Perkins asked why staff is proposing an extra 5 ft. on the multi-family housing. Klein stated these buildings typically contain anywhere from 2 to 12 units and the larger ones have larger façades and sometimes it helps to have that extra height to break up the façades. Staff has spoken with an architect that would like to have steeper roof pitches; however, if they lowered the roof pitches, then it would not achieve what they are trying to do. Perkins asked if it should remain at 35 ft. and then someone can request a deviation if they feel they need it. Lambers stated that would get us into an architectural review process that we would like to avoid. We would like to keep this just about the height and mathematical computations. In this instance, the roof pitch they are recommending does fit and if they lowered it, it would not be as appealing. In staff's opinion, adding the additional 5 ft. does not change it significantly. If this amendment did not get approved then their only alternative would be to go to the Board of Zoning Appeals and they could not get approved. Staff believes the 5-ft. increase will address this specific situation.

A motion to approve case 52-06 LDO Amendment – Section 16-2-5.6 (RP-3 district) was made by Henderson and seconded by Reynolds. Williams asked if Henderson wants to leave in the comments excluding walk-out basements on the back of the buildings or if he would like to take that out and insert language that says the measurements are taken from the front façade of the structure. Lambers stated the latter of that suggestion would be preferable. Williams asked to add an amendment. Conrad asked if it would be simpler to say that whatever a walk-out structure would be, say 10 ft., then the height of the building would be 45 ft. from the lowest grade adjacent to the building. Then there would be no question of where it starts, and it would be 45 ft. Williams stated he believes it makes more sense to measure it from the front façade, which is the streetscape. Williams' concern with what Conrad is proposing is that we could set that number and there would be the potential for grade conditions where there could be basements that are 14 ft. high. They are rare, but there are some steep grades that would necessitate that. Conrad stated sometimes the back can be as large as five stories. The person that lives behind him doesn't care what the street is on the other side. It is a large mass. **Henderson withdrew his motion.** He then suggested that staff take into consideration these elaborate points and come back with a recommendation for these ordinances. Lambers stated his recommendation is to use the curb-side measurement of 35 ft. and if we encounter difficulties or complaints, then we can come back for review. What Conrad is saying could occur, and he believes he has seen those in Mission Hills. He would like to see these amendments go forward tonight. There are height issues the City is trying to deal with in North Leawood and the ordinance is not clear as to where we should take the measurement from. Conrad asked if there are issues with tear-down and re-builds in North Leawood where people are asking for heights taller than what the current ordinance allows. Lambers stated, no, there are not. The terrain up north does not lend itself to

this issue. The issue up north is that you have a one-story ranch with three or four surrounding a lot and then someone wants to put in a two-story home. At the City Council meeting last night Lambers identified to the City Council that one option for them to consider is for the City to take into account an area of influence, calculate the height of those buildings, and then provide for additional setbacks beyond what the City requires if people want to go higher. That is a mathematical computation and does not get us into the architecture. Several Council members expressed interest in the City going to that level; more City involvement in terms of review of individual homes. The way the ordinance is written, we do not know where to take the measurements. He would like to get that clarified. It may be that the City Council may decide that a lower roof limit may be in order. The existing ordinance is just not clear enough for staff to be able to perform its function.

A motion to approve case 52-06 was made by Williams with an amendment to increase the height limit from 35 ft. to 40 ft. with the measurement taken from the grade at the front elevation of the structure. Motion seconded by Munson. Motion approved 5-2. Henderson and Conrad opposed.

A motion to approve case 53-06 was made by Williams with and amendment to increase the height limit from 35 ft. to 40 ft. and the language for the measurement as per case 52-06. Motion seconded by Munson. Motion approved 5-2. Henderson and Conrad opposed.

A motion to approve case 55-06 was made by Williams keeping the 35 ft. height and adding the language that the measurement be taken from the same point as case 52-06. Munson seconded. Motion approved 5-2. Henderson and Conrad against.

Rohlf stated she just realized that these require a public hearing. Lambers suggested opening up the hearing for any and all of the amendments. **With no one present to speak, a motion to close the public hearing was made by Williams and seconded by Munson. Motion to close the public hearing approved unanimously.**

A motion to approve case 56-06 was made by Williams, keeping the 35 ft. height limit and the measurement to be taken from the front grade elevation, the language as per case 52-06. Munson seconded. Motion approved 5-2. Henderson and Conrad against.

A motion to approve case 57-06 was made by Williams keeping the 35 ft. as in the ordinance and adding the measurement be taken from the grade at the front of the house, the language as per case 52-06. Motion seconded by Munson. Motion approved 5-2. Henderson and Conrad against.

A motion to approve case 58-06 was made by Williams keeping the height limit at 35 ft. with the measurement to be taken from the grade at the front elevation, the language per case 52-06. Munson seconded. Motion approved 5-2. Henderson and Conrad against.

Meeting adjourned.

Lisa Rohlf, Chair