

**City of Leawood
Planning Commission Minutes**

February 27, 2007
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Henderson, Roberson, Jackson, Rohlf, Conrad, Munson, Williams, Elkins, Reynolds

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

APPROVAL OF THE MINUTES: Approval of the minutes from the January 23, 2007 meeting.

A motion to approve the minutes was made by Henderson and seconded by Williams. Motion approved unanimously.

CONTINUED TO THE MARCH 13, 2007 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

CASE 04-07 ST. MICHAEL THE ARCHANGEL Request for approval of a final site plan. Located north of 143rd Street and east of Nall Avenue.

CONTINUED TO THE MAY 22, 2007 MEETING:

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

CONSENT AGENDA:

CASE 11-07 VILLAS OF HIGHLANDS RANCH Request for approval of a final site plan. Located north of 138th Street and east of Chadwick. *** PLEASE NOTE*** The applicant is no longer requesting preliminary approval, therefore, there will be no public hearing.

CASE 17-07 PLAZA POINTE, 3RD PLAT Request for approval of a final plat. Located south of 135th Street and west of Roe Avenue within the Plaza Pointe Development.

CASE 22-07 GARDENS OF VILLAGGIO – LOTS 1-4 Request for approval of a final plat. Located north of 137th Street and east of Roe Ave.

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

NEW BUSINESS:

CASE 01-07 CAPITAL IMPROVEMENTS PROGRAM Request for approval of the Capital Improvements Program for 2008-2012.

Staff presentation: Presentation by Kathy Rogers and Joe Johnson. According to the state statute, the City is required to hold a public hearing before the Planning Commission to hear any comments from the Commission or from the citizenry on the planned construction for those forthcoming years. This will go to the Governing Body for a work session on March 12th.

Henderson asked where he would find a comprehensive plan to see how this fits with the Capital Improvements Program. Lambers stated it is the Commission's job to look at how the City is developing. Since the Commission has first-hand knowledge of which developments are creating the most pressure, the Commission is involved to ensure adequate resources of the City are applied to the infrastructure to service those areas. Since Leawood is not in the business of providing utilities and we are land-locked, the Commission has a very limited role in the CIP. The question for the Commission is if this CIP addresses the needs of the City. He believes this plan is meeting that. Most of our efforts are going back into reinvesting into the existing infrastructure and maintain at the level the citizens expect.

Henderson asked when the comprehensive plan was last updated. Klein stated he believes it was 2005. Henderson stated it would be helpful to have a copy of the most recent comprehensive plan map so the Commission would know how to carry out the needs. Lambers stated he agrees and he has asked the Information Services director to update the map to show what has transpired over the last seven years. The Commission will have a review of the comprehensive plan for the limited areas that remain to be developed. Henderson stated he did not find that we are out of step with what we are doing with this Capital Improvement Plan.

Roberson asked if the improvements listed are in conformance with the Comprehensive Plan. Lambers stated, yes.

Jackson asked how it is determined which roads to widen and extend first. Johnson stated a lot of it is based on traffic volume, speed, and where development is going. We also look at partnering with other cities to offset the cost of improvements. They hired a firm to look at the number of accidents, speed and volume of 143rd to 151st Street to see which one should get improved first. They also look at connectivity of Leawood with other cities. The items that are scheduled for 2018 can be moved up as development occurs.

Rohlf asked if the costs listed are the City's costs and not the developer's cost. Rogers stated under the funding sources it is netted down at that time and it lists what Leawood's share is. Rohlf asked about the special district funding source of \$4.5 million. Rogers stated it would come from the developers rather than the public at-large.

Munson asked if they are planning on doing any kind of signal at 143rd Street and Kenneth Road, because it is a dangerous intersection. Johnson stated they are planning on looking at installing temporary signals at 143rd Street and Kenneth this year. There are plans for a mill and overlay of 143rd Street. Permanent signals would not be put in until 2012.

Henderson asked if Public Works plans on taking out the rise in the road at Kenneth, just south of 143rd Street. Johnson stated that cannot be improved until the developer to the east comes in, which is in Overland Park.

Public hearing: Brad Vince, 14553 Sherwood Street. He believes the intersection at 143rd and Kenneth is a very dangerous intersection. He prefers not to go through there.

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

Munson agreed with Henderson's comment regarding the comprehensive plan. Other than that, he is happy with the proposed CIP.

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

CASE 19-07 COTTAGES OF LAKESHYRE Request for approval of a final site plan and final plat. Located north of 133rd Street and west of State Line Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan and final plat for the construction of 36 single-family villa-style units on 7.37 acres for a density of 4.88 dwelling units per acre. This application contains the 36 single-family homes. There is a public street that runs off of 133rd Street to the north and then curves to the east. When the Planning Commission originally saw this case there was a connection between this cul-de-sac to Village of Seville, further to the east. This cul-de-sac has been pulled back a little and the vehicular connection has been eliminated. Staff is supportive of that connection not occurring. In addition, there are some revised elevations with regard to the wall and the signage along 133rd Street. Stipulation 16 states staff had some concerns with regard to the height and wanted to see it reduced from 8 ft. to 6 ft., with the remaining portion being 4 ft. The applicant has reduced it to the 6 ft. and the main portion of the wall is 3 ft. Stipulation 17 indicates staff is not supportive of the words "by Reveda" on the sign. The City has always limited signage to just the name of the development itself. Staff is supportive of this case with the stipulations stated in the staff report.

Rohlf asked if there were any concerns when the Commission saw this case at preliminary. Klein stated basements were an issue at that time. All of these units have basements. There was some discussion regarding buffering between this development and the development to the east. The applicant has provided some additional landscaping along the west property line. They plan to supplement the current hedge row with some evergreens. There is a stipulation in the staff report that if additional landscaping is deemed necessary then they would need to add more. Rohlf asked if the fire department still has a strong concern with the cul-de-sac. Klein stated there used to be a section in the LDO that limited the maximum length of a cul-de-sac to 500 ft. Since that time, that portion of the LDO has been rescinded. Rohlf asked why it was changed to a cul-de-sac. Klein stated they did not want to encourage the people from the commercial development coming into the residential development and vice versa. The cul-de-sac has been designed in such a way as to allow an emergency vehicle enough space to turn around.

Henderson asked about the gate option referred to in Hunter's memo. Klein stated there are no gates. He asked if Hunter wanted to change his memo and he decided not to just in case the applicant ever came back wanting gates, he would have something on the record in opposition to the gates. Henderson asked Ley to discuss the comments made in his memo. Ley stated the water source is just in case of a droughts condition, so the developer will keep the detention/retention pond maintained at a surface elevation. Any irrigation will typically handle that. The Village of Seville is required to do a detention pond and this developer made an agreement for them to construct the detention pond, so the only thing left to be installed is an aerator or a fountain. Henderson asked if there would be any water coming from the existing homes to the west. Ley stated, no, just from this development and Village of Seville.

Conrad asked if the street is public. Klein stated, yes. Conrad asked the length of the cul-de-sac. Ley stated approximately 900 ft.

Applicant presentation: Presentation by Richard Eisner, president of Reveda of Leawood. These homes are designed for single-story living. The basements will add approximately 700 sq. ft. A person could have as much as 3,000 sq. ft. of living

space. They are targeting mainly empty nesters, active retirees and professionals, although they are not closed to anyone. The homes will start in the high \$200,000's to low \$300,000's.

Rohlf asked if the applicant has agreed to all of staff's stipulations. Klein stated the applicant has submitted revised elevations of the wall and staff is okay with the new proposal. The applicant has agreed to remove the signage reading, "by Reveda". Eisner stated he agrees to all of staff's stipulations.

Henderson asked if this is in the same zoning as apartments. Klein stated, no, this is zoned RP-2. Henderson asked if the word "cottage" will be defined in the ordinance. Klein stated there is no definition of cottage in the ordinance. RP-2 does not limit it to a villa or cottage.

Conrad asked if the street was connected before. Klein stated, yes. Conrad stated he is concerned with the layout. It is a difficult site. He understands that the ordinance allows a long cul-de-sac, but he is not in favor of this plan. Klein stated Mission Farms has a similar situation. It is a difficult situation whether to have that connection or not.

Rohlf asked if Eisner has decided which homes will sit on which lots. Eisner stated all of the five plans will fit each of the lots. It will be determined by the market. Rohlf asked if the exteriors are all similar. Eisner stated every home is different, but the materials are consistent.

Munson asked if this a fee-simple purchase of the property. Eisner stated the homeowner will buy the actual foundation and the rest of the community is common area, maintained by the community.

Reynolds asked if the stippling shown on the elevations is a simulated stone. Eisner stated the darker areas are stone and other is stucco.

Jackson stated it does not appear to her that people would cut through that street if it were open to the commercial. She then asked if they really foresee so much traffic that it needs to be closed off. Eisner stated that change was made at the request of the planning department. He is open to whatever the Commission and Council decides. Lambers stated the concern is that the commercial development would use that road as an access to depart. Jackson asked how the commercial development is laid out. Klein stated there is an entrance off of State Line and one off of 133rd Street. Part of the reason staff was in favor of this is because having a public street end in a commercial parking lot is not the best situation. The cul-de-sac will allow for emergency vehicles to turn around.

Henderson stated he does not understand stipulation 7 regarding homes not having vehicular access directly to 133rd Street. Klein stated it is a precaution so that people that live in those houses do not extend a driveway directly to 133rd Street, in order to limit the number of driveway accesses off of the reverse collector road.

A motion to approve was made by Williams, including the revisions stated by staff regarding the revised monument. Motion seconded by Elkins.

Joann Farris, secretary of the Cambridge Townhouse association, asked to speak. Her subdivision is just to the north of this development. She was furnished with many pieces of literature when it was first coming up for approval. She has not heard anything about any of this after the City Council turned it down because there were no basements. She then asked if the plan is the same as it was before. Klein stated it was heard by the Planning Commission on July 26, 2005 and approved by the City Council on August 15, 2005. Rohlf asked if there were basements shown at that time. Klein stated, yes. The plan is generally the same as shown before, except there are basements. Farris stated she has not heard anything about landscaping to the north, which abuts her homes association. There is currently a line of trees, but she would like more landscaping. Rohlf stated she believes the landscaping to the north meets the City's ordinances. Klein stated the applicant has provided a 15-ft. tree preservation area along the north and west property lines. The intention is to keep the trees that are along those property lines. More emphasis was given to the west property line because those homes back directly against this development. There are fences along the north subdivision. The hedgerow that is there is supposed to stay.

The applicant has not provided more trees. Farris stated she would be happy to work with the developer and would even offer to help with the landscaping.

Eisner asked Michael Ashley, the landscape architect for this development, to speak in regard to the landscaping. Ashley stated they have two units on the northwest portion of the property. There will be very nice typical landscape all the way around the buildings. There is currently a substantial hedge row. They are proposing to keep that in place. They plan on cleaning that area up. There is not a lot of extra room to put in additional landscape materials. Along the north side of the street there will be City-required street trees. The landscape plan shows the tree survey. Rohlf asked if the applicant would be agreeable to having a meeting with the representative of that homes association to explain the proposed landscape plan. Ashley stated, yes.

Motion approved 7-1. Conrad against.

CASE 20-07 BI-STATE OFFICE BUILDING – LOT 23 Request for approval of a final site plan. Located south of 141st Terrace and east of Overbrook, within the Bi-State Business Park.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a final site plan for the construction of a one-story 18,225 sq. ft. building on 2.33 acres for an FAR of 0.18. This project is located within lot 23 of the Bi-State Business Park, at the southeast corner of 143rd Street and Kenneth Road. This building is in the same location as approved during the preliminary plan application. The proposed building will be constructed primarily of pre-cast concrete panels. This building will be used as an office warehouse. In some plans the trash enclosure is shown at the northeast corner of the property. The applicant revised the plan to show it attached to the building. Sheet C200 shows the trash enclosure as attached. That was a concern during the preliminary plan. The landscape plan provided does not meet the ordinance. There is a stipulation regarding that. Staff is supportive of this case with the stipulations stated in the staff report.

Rohlf asked if the applicant has made the change regarding the trash enclosure. Joseph stated, yes. They attached the trash enclosure to the building. Rohlf asked if anything has changed subsequent to the staff report. Joseph stated, no. They have time to change those items prior to building permit. Staff will have a chance to look at those plans at that time to ensure the applicant has done everything as stipulated.

Williams asked why the trash enclosure moved to the south when Hunter's comments were for it to move to the west. Joseph stated the Council asked the applicant to work with staff to attach it to the building and the applicant decided to attach it to the building. Williams asked how that addresses Hunter's questions. Joseph stated Hunter's primary intent was to move the trash enclosure from the northeast corner to somewhere else. Williams asked if Hunter has reviewed the new plan and if he is in approval of it. Joseph stated he has not reviewed this new location yet, but he will during the building permit process. He believes Hunter was concerned if there will be room for the fire truck to turn around and there will be more room now.

Applicant presentation: Presentation by Brad Vince. Initially the trash enclosure was placed at the northwest corner. There was some concern about the visibility of the trash enclosure. It was then placed at the northeast corner. There was response from the fire department that there was an issue with the turning radius if they attached it to the northeast corner of the building. They want to get started on this project. The turning radius will not be an issue. The fire department will review this again at building permit. The applicant agrees to all of staff's stipulations. They picked earth tones and added relief.

Roberson asked if this building is the same style as the other building that the Commission looked at in this development. Vince stated, no. The goal was to create something a little nicer, such as the arched glass and the bump-outs for architectural relief. This building will have more traffic to see it. Roberson stated he would love to see this business park have a consistent style. Vince stated he wants to keep in the earth tone color. Glass is more elegant than concrete, stone or stucco. They are going to be looking at design guidelines in the future.

Reynolds asked if the applicant has the ability to attach the trash enclosure on the far left side. Vince stated he is not sure. He does not want to have this project delayed another 2 or 3 months over a trash enclosure. Reynolds stated he believes this building will make a nice benchmark to be consistent with future buildings in this department. Vince stated he will be involved with this development for the next few years.

Rohlf asked if Vince believes the rest of the development will look more similar to this building, versus the previous building that was approved for this development. Vince stated he has to make sure there is a product that is good in the market. He could change some of the color palettes and bring in some other earth tones. Some of the glazing could be changed around. They are talking about taking glass all the way down one of the sides of the building if there are going to be more offices on that side. At this point, more of the buildings will look like this building.

Rohlf asked if the applicant is in agreement with all of staff's stipulations. Vince stated, yes.

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

CASE 21-07 VILLAGE OF SEVILLE – LOT 6 Request for approval of a final site plan. Located at the northwest corner of 133rd Street and State Line Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a revised final site plan for lot 6, a 14,173 sq. ft. retail space within the main center of Village of Seville, a retail development located at the northwest corner of 133rd Street and State Line Road. This is the retail development that is just to the east of Cottages of Lakeshyre. This application is only for lot 6. Currently, buildings OP-5 and R-1 have been built. This is the piece that will be to the north of R-1, and then a future piece will fit onto this piece. There are also a number of future pad sites along State Line Road. In addition to the buildings that have been built, the driveway from 133rd Street to State Line Road, the parking in front of R-1, along with some parking on the back side, and an 8-ft. berm to buffer this development from Cottages of Lakeshyre has been constructed. This building was originally shown to be a little over 17,000 sq. ft., so it has gone down in size. The applicant is proposing to have a loading dock on the west side of this tenant space. It is shown to be an Office Max. There will be a screen wall along the west side to screen the loading dock and in addition to that there will be parking for employees and then an 8-ft. berm with landscaping on top of that. The applicant is proposing a 36 inch sign over the entrance to the building. The sign criteria for the overall development limit signs to 24 in. in height. Staff is recommending the tenant sign criteria to remain in place. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked how the parking is handled. Klein stated some parking has been put in. The parking that is proposed to be constructed with this lot will have a parking ratio at a level of 3.64 parking spaces per 1,000. They fit within the range for this zoning. Overall, they are showing 5.0 per 1,000. That is above the maximum of 4.5 for the zoning. There is a stipulation that they have a maximum of 4.5 and the applicant has indicated they can do that.

Roberson asked why the City does not want too much parking. Klein stated the City used to have a minimum of 5 per 1,000 parking ratio and we found a lot of the parking spaces stayed empty. Rather than having developments with too much parking, the city put a range of a minimum and a maximum. With less parking there is the opportunity to have the space as landscaping, which is much more attractive.

Henderson asked if lots 1, 2 and 3 will face inward or will face State Line Road. Klein stated it appears OP-1 would face towards the south. We really do not know because we have not seen those buildings. Henderson asked if there would be a sea of parking as one drives down State Line Road. Klein stated no more than 40% of the frontage along State Line will be parking. Things could shift and change as each building comes in, but the overall frontage should maintain along State Line Road. Henderson asked how the height of the building relates to the buildings that are constructed to the west. Klein stated it is similar.

Conrad asked if there are rules about when large trucks can deliver and how long they can stay. Klein stated that is something the Commission could stipulate. Conrad asked if the turning radius has been calculated to get the trucks backed into there. Klein stated that might be a question for the applicant. Lambers stated a stipulation could be added regarding prohibiting idling of a truck stating the applicant would need to post it.

Roberson asked if there are any ordinances that require the pavement to be of a higher quality since those larger trucks tend to make ruts in blacktop. Lambers stated we are in the process of reviewing our parking lot standards. The Public Works committee is looking at that right now.

Munson asked if the building on the south side will be abutting an existing structure. Klein stated it will eventually be attached. Munson asked how long it could take. Klein stated the applicant could better answer that question.

Applicant presentation: Presentation by Henry Klover of Klover Architects. The original development was approved for a parking ratio of 4.5. It is slightly higher than that now, because the total square footage has been reduced. He realized that the numbers listed in the chart are not correct. The restaurants are held separately, so the actual number is 99,120. There are not 5. There are 3.7 across the front of the center. The rest of it comes from the out pads. They have not been designed yet. The Commission will be seeing those soon. They are looking at a restaurant and could ask for a smaller building and more parking. In response to Williams' comments, it will not be a blank wall. It will have banding. They will treat that wall the same as the existing wall. He would suspect it would happen fairly quickly. The applicant agrees with all of the stipulations. The 4.5 is not an issue. The building will have the same materials and the same heights as the existing buildings. For a building of this size, it is not massively tall. When they put the 2-ft. letters on the building they felt it was out of proportion. From an overall aesthetics standpoint, they do not feel the 2-ft. letters looks good on the building. They are asking for 3 ft. The main entrance is a protected canopy that goes all along the front.

Rohlf asked if this was spoken about with the Price Chopper. Klein stated, yes, but it was far away from the road. The ordinance allows signs up to 5% of a façade, but he has never seen a 5% sign. They typically run from 0.5 to 3%. Rohlf asked if staff feels the applicant's request is inappropriate. Klein stated the 2-ft. sign looks fine. It is not as far away from the road as Price Chopper is from Mission. In addition, there will be buildings in front of it, so most people that would be looking at the sign would be inside the development. Klover stated there is a 3-ft. sign on the side of Price Chopper that faces 135th Street.

Munson stated the 3-ft. sign shown is most appropriate. Reynolds agreed.

Reynolds asked what temporary signage is proposed for the tower element. Klover stated they understand a banner is a separate sign permit and it would come back before staff for approval.

Rohlf asked if only one building has been completed. Klover stated, no, there are two. Rohlf asked if all of the elevations are typical in style. Klover stated, yes, the materials will be the same.

Munson asked if the restaurant will be sit-down. Klover stated, yes, but there is a drive-thru restaurant proposed on the site.

Henderson asked how all of these buildings will fit together in a cohesive unit without one of them calling attention to itself in terms of signage and architecture, with particular reference to what is across State Line Road. This will be the first sizable commercial establishment that people will see coming into Leawood. Klover stated it has already been inferred that what is on the east side of the street is not cohesive. This was always planned to be the biggest building in the site. It is at the center of the site, as well. There will be other tenants that want identification. There are sign criteria for the development. It is the nicest development along State Line Road.

Williams asked Klover to describe the materials board. *Klover described the materials board.* Williams asked if the stone is real or cultured. Klover stated it is cultured. Williams asked if the cultured stone is up off the ground. Klein stated, yes.

Conrad stated he does not remember an over the road tractor trailer access to the back of this facility. Klover stated it was on the preliminary plan. Conrad stated he is concerned about the quality of the pavement with the heavy trucks. Klover stated the screen wall is 10 ft. and there will be 125-ft. separation. It is much more than is normally done. The Commission should add the stipulations they feel are appropriate. Lambers suggested including a stipulation stating there are no deliveries between 8 a.m. and 9 p.m. and there should be a sign posted that states, "no idling". If the tenant has concerns they can bring them to the Governing Body.

Henderson asked if there is any possibility we will see requests for cell towers at this location. Klein stated we have not received any information regarding that. Leawood's ordinances are very strict. He would assume that cell towers would go to the Missouri side in this area. Henderson stated he would like to keep cell towers out of this development. Lambers stated the City has had some requests for repeater systems in the Leawood South golf course. They are looking to do trees to disguise them. He does not envision a cell tower coming into play here.

A motion to approve was made by Williams with the change to stipulation number 25 to change the letters to be 36 inches and the addition of a stipulation to read, "Deliveries to the loading dock will be between the hours of 8 a.m. and 9 p.m. and a sign should be posted to read, 'no truck idling'". Motion seconded by Munson.

Motion approved unanimously.

Meeting adjourned.

Lisa K. Rohlf, Chair