

**City of Leawood
Planning Commission Minutes**

**June 10, 2008
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive**

CALL TO ORDER/ROLL CALL: Roberson, Jackson, Rohlf, Munson, Williams, Elkins, and Heiman. Absent: Shaw and Neff-Brain.

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

APPROVAL OF MINUTES: Approval of the minutes from the May 13, 2008 meeting.

A motion to approve the May 13, 2008 Planning Commission meeting minutes was made by Roberson, seconded by Munson. Motion approved unanimously.

Chair Rohlf: I do have one thing to clarify. Mr. Lambers, as you recall, these are the minutes reflecting all of the Public Hearings on the LDO amendments. A number of comments were made regarding the change to the height of residential structures. Do you know how we are going to proceed with this particular LDO amendment?

Mr. Lambers: We met with the Home Builders Association prior to our meeting. They expressed their dissatisfaction with our methodology that we were proposing to use. They also expressed that they had no alternative solution to suggest. They indicated that if they did not agree with what we wanted to do, they felt it was incumbent upon them to come up with an alternative. It was my understanding that there were references made in that they were going to meet amongst themselves and see if there was something they could come up with. When we did meet with them, they had no problems with the 35-ft. height limitation as measured. They had some concerns over the fact that some lots may have to be adjusted for storm drainage purposes. I told them that this was something that the City Staff could easily evaluate and determine whether they needed to raise a lot up in order to provide appropriate protection. We could make that determination and not have it count as the 35-ft. limitation. They pointed to the lot on Lee Boulevard north of 103rd Street, which has had the house removed, is down in a hole, and needs to be built up. They felt it would be pretty onerous to go to the BZA for something as obvious as that. I told them that it certainly made sense for us to provide relief if Staff is comfortable with it; but, if not, they would have to go to the BZA.

The other thing that we talked about, which appeared in an article in the newspaper, was if there were two single-story ranches, it would be appropriate to limit the height to 1.5 stories with the understanding that the second story would be centered towards the middle of the home. They all thought this was fine and could live with it. I did not realize that this indeed is what Mission Hills has in place. For now, it would be my recommendation to allow me to follow-up with the HBA and see if they have come up with anything.

As an interim measure, I would suggest that as the 35-ft. limitation is continuing to be considered that the 1.5 story between two ranch homes be considered as well. We could allow this to go forward to see where it might cause angst. It would be very straightforward and I think everyone understands this. The only issue would be the circumstances where they want to raise the lot beyond what Staff thinks is necessary for storm drainage purposes. I think this would be a very simple solution and mirrors what a city already has in place that appears to be working.

Comm. Munson: I wasn't at the meeting but in reading the minutes, I felt there was a valid point raised regarding how to go to the abutting property to make the slope determination.

Mr. Lambers: We were able to do it. We had the same point raised at our meeting. Our Staff was able to use laser equipment to make the measurements and come up with a calculation. They were just finding ways to pigeon-hole this with one thing after another as to why it wouldn't work. Towards the end, they all agreed that they didn't have an alternative to offer. I really thought they would come to the meeting with the 1.5 story option between two ranches with a 35-ft. limitation. Apparently, they did not and that is where we left the meeting. I feel that if they are not able to come up with something, we at least adopt the restriction of 1.5 stories between two single story ranches with a limit of 35-ft. If they have issues with that, we will set up parameters to appeal to the Board of Zoning Appeals that we have separate criteria for. It would not be the State criteria for them to hear in a traditional case. It would be the homes and the lot configuration. Again, this would be so straightforward that I can't see many things being appealed. They just may want to build a two-story home between two single-story ranches. As long as we have this in effect, we notify people, and they have it in advance, then someone is not going to be taken by surprise if they purchase a home and have it torn down. My game plan would be to get something on the books as quickly as possible with a long lead time to be effective. We should do everything we can to let everyone know that this is indeed the situation.

Chair Rohlf: After you have made contact with the HBA, then we will most likely take this up again?

Mr. Lambers: My plan is to get this back to you in September, get it to the City Council in October, and have it become effective on January 1, 2009. That would give us sixty days so that anyone thinking of purchasing a home would know that this restriction is coming. Again, I would propose a six-month grandfathering period in case people are in contracts or the word doesn't get out so that by July 1, 2009, this is the way things will be. It would be difficult for someone to claim that they didn't know about this. It has a serious repercussion for people wanting to buy and sell homes. We need to balance this with everything we are trying to do, which is certainly appropriate to protect the character of the neighborhoods through this height issue.

CONTINUED TO JUNE 24, 2008 MEETING:

CASE 122-07 – PARK PLACE – THE ELEMENT HOTEL – Request for approval of a final site plan; located at the northeast corner of 117th Street and Nall Avenue.

CASE 127-07 – PARK PLACE TOWNHOMES – Request for approval of a preliminary site plan and final site plan; located at the northeast corner of 117th Street and Nall Avenue. PUBLIC HEARING

CASE 05-08 – ONE NINETEEN – GREEN EARTH DRY CLEANERS (BLDG A) – Request for approval of a special use permit, preliminary site plan, and final site plan; located at the southeast corner of 119th Street and Roe Avenue.

PUBLIC HEARING

36-08 ONE NINETEEN – HABITAT SHOE STORE – Request for approval of a final site plan; located at the southeast corner of 119th Street and Roe Avenue.

37-08 ONE NINETEEN – PRODUCTS BY MARIA – Request for approval of a final site plan; located at the southeast corner of 119th Street and Roe Avenue.

39-08 TOWN CENTER BUSINESS PARK – WALGREENS – Request for approval of a rezoning, special use permit, and preliminary site plan, located at the northeast corner of 117th Street and Roe Ave. PUBLIC HEARING

42-08 PARK PLACE – INGREDIENT SIGN PLAN – Request for approval of a final site plan; located at the northeast corner of 117th Street and Nall Avenue.

44-08 TOWN CENTER BUSINESS PARK – DISCOVER O – Request for approval of a preliminary site plan, located north of 117th Street and east of Roe Ave. PUBLIC HEARING

CONSENT AGENDA:

43-08 LEAWOOD OAKS – Request for approval of a final plat; located approximately at 93rd Street and Lee Blvd.

40-08 BI-STATE CENTENNIAL PARK – PARS ENGINEERING BUILDING – Request for approval of a final site plan, located north of 141st Terrace and east of Cambridge.

Chair Rohlf: Regarding Leawood Oaks, you will note that there is a copy of a letter from Lori Thompson on the dais before us this evening that goes along with this particular Consent Agenda item. We do have two other cases besides this on our Consent Agenda. I see some people affiliated with the Bi-State Centennial Park in the audience this evening. It was my thought that perhaps we should pull the Kiddie Academy case off of the Consent Agenda for further discussion and to follow-up where we left off last time. I have a couple of quick questions.

Comm. Jackson: I also thought that the Kiddie Academy should be pulled. It looked like we needed to address a change in parking spaces within the stipulations and the change in the entrance.

Chair Rohlf: We will then remove that item from the Consent Agenda for further discussion.

A motion to approve the Consent Agenda was made by Jackson; seconded by Williams. The motion passed following a unanimous vote.

38-08 BI-STATE CENTENNIAL PARK – KIDDIE ACADEMY – Request for approval of a final site plan, located south of 141st Terrace and east of Overbrook.

Chair Rohlf: I don't know if there is anything that Staff can add to this before we get into further discussion, but I believe we heard this case on March 25, 2008.

Mr. Joseph: Correct. There is no change from the preliminary plan at all. It is the same plan.

Chair Rohlf: I briefly re-read the minutes and I didn't see anything that was outstanding except for whether we were going to follow-up with the Attorney General or not.

Mr. Lambers: The Attorney General did respond that this does not fall under the qualifications to where there would be restrictions imposed on the distributorship next door. Their determination was that this is not a school.

Comm. Elkins: Was that a formal published opinion or was it just in the form of a letter?

Mr. Lambers: It was in the form of a letter.

Comm. Jackson: Do we need to add the changes in parking to the stipulations? I don't think they are shown on the site plan.

Mr. Joseph: That is actually Stipulation No. 13. When they come back for a building permit, they have to change the plan accordingly.

Chair Rohlf: I did note at the bottom of the report, we have two different acreage numbers. I think it is the 2.05 that is correct. The bottom sentence says 3.32 acres.

Mr. Joseph: It should be 2.05.

Chair Rohlf: Does anyone else have any further questions? I think my only question was regarding the Attorney General's opinion.

Mr. Lambers: I apologize, I should have told you about that. We would not have taken it to the City Council until we had that resolved.

Chair Rohlf: What is the situation with the applicant? Now this means that there should not be a problem with the beer distributorship?

Mr. Lambers: Right, the concern was that if the distributorship were to sell and needed to get a new license, they might not be able to sell it because of the proximity of this facility. Since it has been determined not to be a school under the regulations of the Stage, this will not be an issue for the distributorship should they decide to sell in the future.

A motion to approve Case 38-08, Bi-State Centennial Park, Kiddie Academy, request for approval of a final site plan, to include Stipulations 1 through 19 was made by Jackson; seconded by Roberson. The motion passed following a unanimous vote.

NEW BUSINESS:

28-08 PUBLIC WORKS VEHICLE STORAGE BUILDING – Request for approval of a preliminary site plan and final site plan, located south of 143rd Street and east of Kenneth Road. PUBLIC HEARING

Applicant Presentation:

Joe Johnson, Public Works Director for the City of Leawood, 4800 Town Center Drive, appeared before the Planning Commission and made the following comments:

Mr. Johnson: Madam Chair and Planning Commissioners, thank you for the opportunity tonight. On behalf of the City, we are requesting a preliminary and final plan approval for the construction of an additional vehicle storage building located on our site at 133rd Street and Kenneth Road. The materials are the same as the existing building – it is the same manufacturer and same color. It is consistent with the other buildings. I have pictures to show in order to orient everyone with the facility (*displays photographs of site plan on the overhead*). The location of the new facility is in the bottom part of the picture. Just north of this is the City's maintenance garage facility. There are two existing storage buildings. To the west is the field island and wash bay. On the far east is the salt dome. This is the layout of our site. The new storage facility is proposed to be on the very south end. It is approximately 224-ft. in length and 50-ft. deep. The front of the building is 18-ft. in height with a 25-ft. peak.

The next couple of slides reveal our existing facilities. The proposed facility is metal along the south and east end with a metal roof. The west side of the building, which faces Kenneth Road and single-family homes, is proposed to be stucco.

Chair Rohlf: How much of this remaining site belongs to the City? Is it at the tree line to the south?

Mr. Johnson: The tree line is the Leawood/Overland Park City boundary. We go out almost to the railroad tracks. There is an area for spoils where we keep construction debris from maintenance activity as well as dirt and rock that we use.

Chair Rohlf: Is there room for one more building on the east?

Mr. Johnson: The only other expansion we would have in the future would be to add two more maintenance bays at the east end of the existing garage facility.

Chair Rohlf: What is now to the east of this facility.

Mr. Johnson: There is a graded pad that the Fire Department uses for practices. Every once in a while we store surplus vehicles out here before they go to auction. We also have KCP&L twin overhead power lines. They are transmission lines.

Chair Rohlf: There are three lots along the north side belonging to the Centennial Park development?

Mr. Johnson: Correct. (*Continues photograph presentation of existing buildings*).

Chair Rohlf: Are these pre-fab buildings?

Mr. Johnson: No, they are similar to a Butler building. There is a steel frame and they will come in and put the siding and roof on. It will have internal lighting in the peak of the roof. We have some exterior/outside lighting that meets the requirements of the City of Leawood. Just to give you an idea of how the grade sits, behind the site it is fairly flat to the curb. We have a fence that sits back about 15-ft. from the curb. We also have a 9-ft tall berm. This facility will actually be cut into the berm. We are not going to cut down the berm. The bottom half of the facility will not be visible to anybody from the south or west. We are going to build a 6-ft. high retaining wall in this location that will run all along the west and south side of the building. We have one tree that will be removed. The rest of the existing trees will stay in place. Just to the west of the building is an AT&T VRAD cabinet. They have one of their main cabinets out there.

Chair Rohlf: Those homes would have received the Interact notice?

Mr. Johnson: Yes, we sent out 68 notices. We had one individual show up, Chris Sailors. He was just curious as to what we were doing. I did get phone calls from two property owners, who both live off of 140th Street. Both of them actually wanted to take a look at the plans. They were okay with them and actually said that we were good neighbors.

This is what is being requested tonight for the preliminary and final plan approval for one additional vehicle storage building. If there are any questions, I would be happy to answer them.

Comm. Jackson: In reading the plans, I thought you were taking out a lot of trees. Am I not reading that right?

Mr. Johnson: No. Actually, we are planting 19 trees back. There is only one tree coming out on the west end. We plan to put 19 trees along the south and west side so that we are not in conflict with either AT&T or Williams Pipeline. Along the top of the berm is Williams Pipeline. We will stay off of their line.

Comm. Jackson: On here, it says "existing pines to be removed." These are actually being added?

Mr. Johnson: Yes, but actually there are no pines in that location.

Chair Rohlf: This case does require a Public Hearing. Is there anyone in the audience that wishes to speak on this matter? If so, please raise your hand.

As there were no individual present to speak on the matter, a motion to close the Public Hearing was made by Roberson; seconded by Jackson. The motion passed following a unanimous vote.

A motion to approve Case 28-08, Leawood Public Works Facility, request for approval of a preliminary and final site plan for a vehicle storage building, located south of 143rd Street and east of Kenneth Road was made by Roberson; seconded by Munson.

The motion passed following a unanimous vote.

Chair Rohlf: Before we adjourn, I notice on the agenda that we do have a number of items that we will be hearing on the June 24th meeting. I can't remember from our last meeting, but I think we had one that we waited two weeks for. It was pretty lengthy. Do you think we will be able to hear all of these matters?

Mr. Lambers: No. Again, we had items for tonight that were continued. We will do the best we can. The GreenEarth case will be continued. They were unsure if they could get the traffic study done because I insisted that they do two versions – one showing the GreenEarth cleaners and the other showing just a traditional standard retail store activity so that you would have the benefit of both. They need to know whether or not you will support any development back there. They were questionable as to whether they could have both versions done in time for submittal. I told them that if they couldn't, we would have them at the top of the agenda at the July 22nd meeting.

MEETING ADJOURNED.