

**City of Leawood
Planning Commission Meeting Minutes
November 25, 2008
Meeting - 6:00 p.m.
Dinner Session – No Discussion of Items – 5:30 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

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

APPROVAL OF THE AGENDA

Chair Rohlf: There is a change. The second item under the Consent Agenda, Case 91-08 – LeaBrooke Enclave First Plat will be moved down to our first case under New Business.

Motion to approve the agenda as amended was made by Roberson; seconded by Jackson. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

CONTINUED TO January 27, 2009 MEETING:

CASE 54-06 - LDO AMENDMENT – SECTION 16-2-10 – ARCHITECTURAL STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 81-08 - LDO AMENDMENT – SECTION 16-4-9.3 FENCES AND WALLS - Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 90-08 - MISSION FARMS BUILDING E – Request for approval of a revised final site plan, located at approximately 105th Street and Mission Road.

CASE 93-08 - VILLAGGIO M&I BANK – UTILITY BOX – Request for approval of a revised final site plan, located at the southwest corner of 135th Street and Fontana.

CASE 95-08 - PARKWAY PLAZA – PIZZA FUSION – Request for a final site plan, located at the northwest corner of 135th Street and Roe Avenue.

CASE 97-08 - SABATES EYE CENTER – UTILITY BOX – Request for approval of a revised final site plan, located south of 112th Street and east of Nall Avenue.

NEW BUSINESS:

CASE 91-08 LEABROOKE ENCLAVE 1ST PLAT – Request for approval of a final plat, located approximately at 145th Street and Kenneth Road.

Chair Rohlf: I believe we have a memo on the DAIS regarding this.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, that's correct. Really the only reason this is being pulled from the agenda is that it's a re-plat, and as such, it had already been charged impact fees with the original plat. This re-plat is not creating any new lots, so there are a couple of stipulations, including Nos. 2 and 3, that indicated we are charging a park and public impact fee. We're just asking that those be removed.

Chair Rohlf: Stipulations 2 and 3, which would then reorder the stipulations?

Mr. Klein: That's correct.

Chair Rohlf: Do we need any further discussion on this?

Motion to approve Case 91-08 – LeaBrooke Enclave 1st Plat – Request for approval of a final plat, located approximately at 145th St. and Kenneth Rd. removing Staff Stipulation Nos. 2 and 3, renumbering the remaining stipulations was made by Williams; seconded by Elkins. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

Chair Rohlf: The second case this evening is actually a series of cases on the LDO amendments. I'm going to ask for some guidance on how you want to handle these and if you need to have separate Public Hearings and so forth.

Mr. Klein: If we discussed them as one item because they're all related, we would still have to have separate votes and separate Public Hearings as well.

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

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 56-06 – LDO amendment to Section 16-2-5.3 in an R-1 District. This case

and the following one, 57-06, are related and have basically the same LDO amendment provided for that. I have a memo that explains Staff's proposals. It's intended to limit the building height within existing residential areas by looking at surrounding development in the area. For instance, it considers a remodel situated between two single-story dwellings, and it also considers a home with either one single-story adjacent to or no dwellings adjacent to the home. Another section considers two 2-story buildings on either side. I can run through those to clarify that.

Regarding a rebuild or remodeled home situated between two single-story dwellings, the maximum height of the exterior wall adjacent to the side yard setback shall not exceed 15' in height as measured from the front door elevation, provided that the second story of the new, rebuilt or remodeled dwelling shall not exceed 50% of the total square footage of the main story footprint of the subject dwelling. In addition, for each additional 1' of setback, 1' of additional height may be added, up to 30'. This is intended to limit the height of a building going between two single-story homes, particularly in an area such as North Leawood, where you may have a ranch on each side. It allows additional height the farther the house is from the 15' side yard setback. The intent is that the height would not go beyond the 15' when you're right at the setback. Regarding a rebuilt or remodeled home situated with either a 1-story adjacent dwelling or no adjacent dwellings, the height of the subject dwelling shall not exceed 30' as measured at grade at front door, provided that the second story of the rebuild or remodel shall not exceed 50% of the total square footage of the main story footprint of the subject dwelling. The last one is if a rebuilt or remodeled home is situated between two 2-story dwellings, the height of the home shall be limited to the taller of the adjacent dwellings. That's just trying to recognize a situation with two 2-story dwellings on each side, when it would be appropriate to go to the height of the adjacent dwelling.

There's a proposal for an appeals process in the Board of Zoning Appeals. It also allows for a destroyed home to be rebuilt to its original height. Staff is recommending approval of these LDO amendments and would be happy to answer any questions.

Comm. Jackson: Mark, on 2A and 2B, is it just a typo not to have new, rebuild, remodeled dwellings in the title?

Mr. Klein: That was intentional. This ordinance will be in effect city-wide, so there will be areas, including down south, that go in; and this is an effort not to limit the first house going up in a new subdivision.

Comm. Jackson: Then you probably need to take "new" out of the 4th line that says, "the second story of the new, rebuild or remodeled dwelling."

Mr. Klein: Okay.

Comm. Jackson: Then in the second paragraph of C, you're allowing the last house built or remodeled to be 38' tall. Why is that?

Mr. Klein: It's trying to allow additional height farther from the property line. It creates a building envelope with greater setbacks on the adjacent side. This is a bonus, recognizing it's not quite the impact it would be with a closer setback.

Comm. Jackson: Up to 38'?

Mr. Klein: Yes.

Comm. Jackson: Why not let everybody have 38'? It seems unusual to allow an extra 3' in that situation when every other house in the community has to be 35'.

Mr. Klein: Again, it's trying to recognize the situation where a lot of homes, especially in North Leawood, have lower setbacks than are required. Currently, most of that area is R-1, which has a minimum side yard setback of 15'. Many homes there have 10' and even less in some cases. The intent is to limit those homes, but you might have a situation where the lot is wider and pulled back a little bit. This would allow a little more flexibility for those homes on wider lots.

Comm. Jackson: Why not allow that community-wide, then? I don't understand why we have 35' everywhere else, including the areas with big yards that have 15' or more setback.

Mr. Klein: Right, this is under C, which is new, rebuilt, remodeled dwellings situated between two 2-stories.

Comm. Jackson: That's all I have.

Comm. Williams: First of all, in 2A, you talk about 15' being measured from the front door elevation. Is that intended to be the sill or the grade? In the next paragraph, you talk specifically about taking it at grade.

Mr. Klein: In the table in Section B, height limit of 35' is measured at the grade of the front door. That's the intent.

Comm. Williams: I guess first define what you mean by a side wall at 15' high.

Mr. Coleman: Any wall on the side of the structure could be 15' maximum at that point, including the gable.

Comm. Williams: Existing houses would have a lot of gables that are even higher than 16'. You're saying the new condition would reduce those?

Mr. Coleman: The intent is that the new gable maximum height at the setback would be 15'. If they wanted an 18' gable, they would need to set it back 3'.

Comm. Williams: If they had a 20' gable, which would not be unlikely, they could keep it, even though they could put an addition set back from the side wall?

Mr. Coleman: You're referring to the neighbor?

Comm. Williams: No, the existing house.

Mr. Coleman: These are for houses being rebuilt or remodeled.

Comm. Williams: We're talking a remodeled house getting a second-floor addition.

Mr. Coleman: And it has an existing 20' gable?

Comm. Williams: Yes.

Mr. Coleman: Then it would be allowed as a lawful conforming use.

Comm. Williams: What established the 15'?

Mr. Coleman: The 15' was part of the 45 degree envelope, so you're 15' back from the property line and 15' up. As you go back 1', you're allowed to go up another 1'. Also, many of the smaller ranches have 15'-16' gables.

Comm. Williams: I'm looking at doing some design work for two ranches in the area. One is a 24' wide house with a 16' gable. The other is 28', and I think I measured that closer to 24' with a much steeper roof pitch. Neither will be putting in a second floor, but those are quite common conditions in the area. It seems a little strange to be requiring a 15' condition now when much of the neighborhood is already above that.

Mr. Coleman: If they're existing, they're allowed to keep them. If they're tearing down and rebuilding, we're trying to provide an envelope of bulk and height control.

Comm. Williams: I suppose you're saying here that if someone wants to build a new ranch, they would be stuck with a 15' wall height as well?

Mr. Coleman: Any style would require that.

Comm. Williams: Let's say the builder or designer is not looking to do a gable, and you have this 15' wall height with a hip roof. Based on the clarification on

where the measurement would be taken, it appears the maximum interior wall height would end up being 4'. Is that what you're considering?

Mr. Coleman: I'm not following.

Comm. Williams: If you take anywhere from 16" to 2' from grade to first-floor line because you've got roughly 1' of structure on top of your foundation, an 8' typical ceiling on a first floor and roughly 1' structure to get to your next floor line, then that 15' maximum wall height leaves you approximately 4-5' for an interior wall.

Mr. Coleman: Are you describing a wall that's two stories?

Comm. Williams: On the inside of the second story, you have anywhere from 1 ½ - 2' from the grade up to the possible height of the exterior side wall on that second level, we're looking at 4'-5', depending on grade condition.

Mr. Coleman: That's possible. If you were looking at the wall being 17', you need to set back an additional 2'.

Comm. Williams: Now clarify the relationship between the 15' height and the 50% maximum second floor addition.

Mr. Coleman: The 50% is simply bulk control. 15' setback and 15' height is the envelope part of that bulk control. Within that envelope, you can build 50% above the first floor. If you had a 1,000 sq. ft. ranch, for example, and you decided to add on a 500 sq. ft. great room to create 1,500 sq. ft. on the ground floor, you could add 750 sq. ft. to the second floor.

Comm. Williams: The way this reads is you get the 15' in height, provided the second floor does not exceed 50%. Can you get more height if that level is less than 50%?

Mr. Coleman: No.

Comm. Williams: In terms of the 50% calculation, are you looking at that strictly being the living space and not counting garage areas?

Mr. Coleman: The footprint would include the garage space. If you had 1,200 sq. ft. on the ground floor, including an attached garage, that's all part of it.

Comm. Williams: The 15' applies only to the side wall height? So the front and back walls can be standard 8-9' or whatever works within the overall height parameter?

Mr. Klein: Correct, this is the impact that it has on the adjacent homes.

Comm. Williams: Going back to the allowance to increase height, you talked about the side wall being stepped back. You're looking at the whole wall being stepped back from the side yard and not doing a small piece and then stepping it back 3' and then another wall to increase the overall height.

Mr. Klein: It would allow that.

Mr. Coleman: That would be allowed. If you had part of the walls at 15' and then step back 1', then it could be 16'.

Comm. Williams: That's all I have.

Comm. Elkins: Mark, I'd just like to revisit the answer that you had with Commissioner Jackson and put it in a little different context. Since this ordinance is going to apply to all of Leawood and parts of South Leawood where we still have new construction going on, assume for a moment that I've got two 1-story homes with a lot between them that's never been built before. Given what you told Commissioner Jackson, what part of this ordinance would apply to define the maximum height of the home I would build in that vacant lot?

Mr. Klein: If you had two single-story homes on either side and it's a brand new lot, it would be allowed to go to its 35' height limit.

Comm. Elkins: And where is that addressed in the ordinance?

Mr. Klein: It would be in the chart that states, "The height will be 35' as measured at grade at the front door." These are further limitations to that. The reason "new" wasn't included in there is there have been some new subdivisions, particularly Glen Abby of Leawood at 143rd St., in which you might have architectural design guidelines allowing different floor plans. In order to allow the new subdivisions to build according to that vision, we removed the "new".

Comm. Elkins: I don't mean your point is to do this, but the effect of it is that in North Leawood, where you have rebuilding, you'll have a different rule on height for a rebuild between two single-story homes than in South Leawood for a new home between two single-story homes.

Mr. Klein: The rule would be applied for both city-wide. We honestly didn't think there were many lots up north that hadn't been built on, so in that situation it would still apply the same rule and allow for 35'. North Leawood is more developed out and has more existing homes. That situation will work its way through the central and south as these subdivisions are built out, and this will be applied uniformly. The effort is to keep a very large house all of a sudden tearing down and re-emerging with a giant house between two smaller homes.

Comm. Elkins: I appreciate the rule will be uniform across new construction in all of Leawood. Comparing a rebuild between two single-story homes, regardless of location, and new construction between two single-story homes, regardless of location, do you end up with the same limitations?

Mr. Klein: No, it is definitely designed to be different for rebuild and to new.

Comm. Williams: You have conditions between two singles and a single and a vacant lot and two 2-stories. What about a lot that sits between a ranch and a 2-story or a ranch and a split-level?

Mr. Klein: If you have one single-story on one side, then Paragraph B would dictate that, even though you may have a 2-story on the other side. Then if you have a situation with 2-stories on either side, it would be Paragraph C.

Comm. Williams: Shouldn't this be written in such a way to clarify that so someone doesn't raise the same question I did?

Mr. Klein: We tried to define a single-story and a 2-story dwelling to cover that, and we thought this was clear. I see your point.

Comm. Williams: Two of you made comments about trying to control mass bulk. I guess with these restrictions, how do you control the bulk in houses that are respective - if that's the goal - to the smaller, single-story houses that we keep referring to here? What's to prevent a house from going in that may be below the 15' on the setback lines, steps up to meet the 35' in the middle, adds all the extra square footage that Mr. Coleman is talking about far beyond the 500' and suddenly goes from a house that may have been, at most, 1,500 sq. ft. of living space to 5,000 sq. ft. of living space next to a 1,200 sq. ft. house? There are a couple of those conditions that I stumbled on over the weekend. I think we've seen some when we've been out with the bus tours.

Mr. Coleman: Sometimes those conditions will occur under this amendment. The idea was to try to modify the bulk directly next to the neighbors. We weren't trying to control design in the sense that it would still take a good designer to design the house to fit with the neighbor.

Comm. Williams: It's fine that it's a 5,000 sq. ft. house next to a 1,500 sq. ft. house?

Mr. Coleman: If they met the guidelines.

Comm. Williams: One house in particular that stuck out was next to a ranch, and yet this thing was a sprawling country villa. Height-wise, only a small piece of it would even get up to 35'.

Mr. Coleman: There are some area coverage requirements they would have to meet.

Comm. Williams: Within that area coverage, doesn't the LDO say to maintain 30% open space? So they could cover everything to meet that restriction and stay within the side yard setbacks and so forth. Depending on lot size, they could grow pretty large.

Mr. Coleman: Sure.

Mr. Lambers: The reason this ordinance is going forward is if you can get it to the Council and get it adopted so that the height limitations are established, our intent is to come back and address the mass question. We don't believe the lot coverage percentages are necessarily appropriate, but given the example you gave, they may still be possible.

Chair Rohlf: Mr. Lambers, the last time we saw this, there was a hope you could meet with some of the homebuilders to discuss what was proposed last time. Did that occur?

Mr. Coleman: Yes, we've met a couple of times with various homebuilders, the Homebuilders Association and some neighborhood representatives, trying to include everyone as much as possible to develop the amendments.

Chair Rohlf: So you've probably had some changes in these.

Mr. Coleman: Yes, we have.

Chair Rohlf: Tell me a little bit about how these will be implemented once they're approved. Will a notification go out that we now have this section in the ordinance? Will it be soon, or will you grandfather it in somehow?

Mr. Lambers: When we started this process, I'd envisioned that it would be in effect January 1, 2009. My intention is we go through intensive notification and have it in effect by January 1, 2010. People are going to be looking at homes to remove and build, and there may be a lot of transactions going on. The goal is to give ample notification to anyone who is engaged in any such negotiations.

Chair Rohlf: Also, we talked at one time about putting pictorials in with these amendments?

Mr. Lambers: Once they're adopted, we will.

Chair Rohlf: It's hard to see all that.

Mr. Lambers: People who are going to be coming to us to do this will be the homebuilders, and they're going to have a good idea. A typical person is not going to be buying a home and demolishing it; they'll have a contractor do it for them. The severe regulation is on the lot that has a single-story ranch home on either side. Our intention would be to impose it after a year and then to review it after a year and see if we have any difficulties with the appeals process to the BZA. I believe we have set up safeguards to deal with marginal issues to accommodate designs of homes. Yes, there will be one that just won't work, and we'll hear about it. Primarily, we don't want people getting into purchasing mode prior to knowing all this is in place.

Chair Rohlf: Does anyone else have questions for Staff?

Comm. Williams: Mr. Coleman, a couple weeks ago we had the opportunity to look at some samples that you thought would comply with this program. Do you have those with you tonight that you could show to the body?

Mr. Coleman: No, those were plans that actually came through our building permit process. They were just examples of some houses that, with some modifications, would meet the amendments.

Comm. Williams: I think it would have been nice for the body to be able to see some examples of how these changes would potentially be implemented. Hopefully everyone here understands what the implications of all this could be.

Chair Rohlf: Anything else? This case does require a Public Hearing. Mark, would it make sense to combine the Public Hearings for the RP-1 and RP-2 districts?

Mr. Klein: Yes, the amendments in those two are almost identical. The other ones have a single sentence added to the table clarifying that height is to be measured at the grade of the front door.

Mrs. Shearer: Just for procedural due process reasons, I think we should have separate Public Hearings for each amendment.

Mr. Klein: Sorry, and a separate vote for each one as well.

Mrs. Shearer: Even though the language is duplicative, I feel we should have separate Public Hearings.

Chair Rohlf: This one would be for 56-06, R-1.

Public Hearing:

Bruce North, 8025 Lee Blvd, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. North: I'm with the Leawood Homes Association, and I do the architectural work for the Homes Association. We have reviewed these guidelines and have had the opportunity to discuss them with Staff. The copies I've seen, assuming it hasn't changed too much, we endorse. I don't have anything in my copy referring to 38' anywhere.

Mr. Klein: It doesn't technically say 38'; what it says is it's an addition of 1' in height for every additional 1' of side yard setback. 35' is typical.

Mr. North: But you can go to BZA and get it up to 37', I thought.

Mr. Klein: There is a section in Board of Zoning Appeals: "Additional height shall not be more than 2' for a maximum height of 37' for instances when the 35' height limit applies, and 32' for instances when the 30' height limit applies." It would be limited to 37' and not 38'.

Mr. North: We've reviewed that, and we accept that. I would like to add a couple of comments. Even the Homeowners Association Guidelines, where we have a maximum height of 30' between two single-story buildings and, as you said, typically a roofline of about 17' does destroy the streetscape. Now, having said that, our Homeowners Association Guidelines allow it. The other comment that I have on this is about Section G that talks about grade. Within that, it addresses grade change. The copy I have states, "The natural grade of the lot in which the new, rebuilt or remodeled dwelling shall not be altered more than 1'." It's my feeling that on new construction, it would be very difficult to modify within 1' of existing grade. It's our opinion that "new" should be stricken from that section. Meg Gilmore from Leawood Estates isn't here, but we discussed this at the last meeting. I can say that Leawood Estates endorses this as well.

Mr. Klein: I want to clarify so I don't mislead anybody. The 38' is if you're between two 2-story houses, and the other is if you're going to the Board of Zoning Appeals for an exception, and that has a limit of 37'.

Mr. North: 38' still requires BZA?

Mr. Klein: Actually no, not if it's between two 2-story houses and have the additional side yard setback to allow the step back of the additional 1' for each 1'.

Mr. North: 38' somewhere in the center of the yard, wherever that 45 degrees is.

Mr. Klein: Right, as long as the yard is stepped back far enough.

Mr. North: 38' would be a really tall building. I won't even call it a house.

Mr. Klein: And that's what it currently states.

Mr. North: I would have to object to that, then, unless you had extensive side yard setbacks. 38', you're talking about the centerline of the house, right?

Mr. Klein: This is saying you'd have to have two 2-story buildings, so you'd have height on either side. Then, you meet the minimum setback of 15', and you have to have a minimum of 18' on each side in order to obtain that.

Mr. North: So if you had a typical 27'-30' high 2-story, you'd still have 8' over.

Chair Rohlf: Thank you.

Comm. Williams: Mark, clarify what you just said about the setbacks.

Mr. Klein: I'll just read Section C regarding building between two 2-stories. "An allowance shall be made for an additional 1' of height to the new, rebuilt or remodeled dwelling for every foot that is added to the side yard setback permitted by this ordinance for a maximum of an additional 3' height above maximum height permitted by this ordinance."

Comm. Williams: I wanted clarification because you were saying it's 1' setback on each side to get that 1' height.

Mr. Klein: To get the specific side wall 3' increase, you would have to be set back and additional 3' on that side, and the same would apply on the other. You don't want a situation where the house is at minimum setback on the right side and then has an additional 3' of setback on the left side and allow it.

Comm. Williams: So it has to have setbacks on both sides to get the increase.

Mr. Klein: We're trying to control the impact on the adjacent houses.

Chair Rohlf: Is there anyone else in the audience who would like to speak?

As no one else was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Munson. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

Chair Rohlf: That takes us up to any discussion.

Comm. Williams: Would it be appropriate and allowable to show some examples of existing homes that would appear to address some of what is in this proposed ordinance and have Staff comment on if they think these homes would meet the proposed guidelines?

Comm. Roberson: I think that would have been appropriate for a work session. I'm not sure now is the time to do that.

Comm. Williams: What we had at the work session was a different set of proposed wall heights. It's a new deal, and we've never had a work session on these proposed changes.

Comm. Roberson: This is the third time we've seen this.

Comm. Williams: Is this the third or second time we've seen this 15' wall?

Mr. Klein: We've seen this a number of times, and it has taken a number of different forms and has evolved with the input we've tried to take into account.

Comm. Williams: Have we had the opportunity to discuss the 15' wall height that is now proposed?

Comm. Roberson: You discussed it the last time this came up. Staff has heard the comment before.

Comm. Williams: When we discussed this before, wasn't the requirement a 5' second-floor wall and not a 15' total height?

Mr. Coleman: It was 15', and then it was 5'; and it's 15' again today.

Comm. Williams: So we had discussion on 15'?

Comm. Roberson: Yes, we have.

Mr. Coleman: I think it ended up getting continued.

Comm. Roberson: We talked about how short someone had to be in order to be in the second story.

Comm. Williams: Again, I thought that was the 5' discussion. Some of these people in the audience weren't here two weeks ago.

Chair Rohlf: Right, but I think the initial time, we had the 15' discussion.

Comm. Williams: At our last session two weeks ago we had it, and it was continued from there.

Chair Rohlf: I think it's unfair to ask.

Comm. Williams: I withdraw my request.

Comm. Jackson: In the second paragraph of C, I would like to discuss amending that to read, "Allowance shall be made for an additional 1' of height to the new, rebuilt or remodeled dwelling for every 1' that is added to the side yard setback permitted by this ordinance for a maximum of a height of 35'." I think it's unreasonable to say that if you're platting a new subdivision that your first house has to be only 35'; your second house can only be 35'. If those houses have a couple lots between, those middle ones can be 38'. It makes no sense to allow what one of the speakers tonight called a monstrosity. A lot of houses are only 30'. I don't mind allowing a 33' house if you have two 30' houses if they have the setback; but it seems a little much to allow a 38' house in there. They would still have the alternative of going to the Board of Zoning Appeals and asking for another 2', so I would like everyone to think about amending that portion. Then, take the typo out in 2A in the first sentence.

Mr. Klein: Could I clarify to make sure I understand? You remove "new" from C?

Comm. Jackson: No, in 2A.

Mr. Klein: Right, and then the other part was down on C, allowing it to go to a maximum of 35' in height instead of an additional 3' above whatever the maximum of the zoning district was.

Comm. Jackson: Correct.

Chair Rohlf: How does Miss Jackson's modification work with the thought process behind this?

Mr. Coleman: It was simply to allow some additional flexibility of height, but I don't think Staff would have any objection.

Comm. Elkins: I'm troubled about the policy here. I haven't heard an explanation from Staff to justify it. What I understood is we've got two sets of rules here: one set for new construction and one for rebuilds. If you back up, the purpose of this exercise is to protect the use and enjoyment of individuals who may have - at least in some instances - one-story homes on either side. Where we've seen the issue come up certainly over the last 3-4 years is in the more built-out, developed parts of Leawood where there is demolition and rebuilding, resulting in a tall house in the middle of two ranch homes. The reason I've been interested and concerned about pursuing this is to protect the use and enjoyment of homeowners on either side of that. It seems to me that homeowners who happen to build a 1-story home in a new development should be entitled to the same protection. I'm still hard-pressed to hear, from a policy standpoint, why there should be a difference in rules. I understand flexibility. I understand we have reputable developers in the south part of Johnson County, but it seems to me the protection ought to be the same.

Mr. Coleman: The rules apply to the entire city. They don't apply to just North Leawood or South Leawood. The reality on the ground of North Leawood versus South Leawood at the current point in time is simply different because North Leawood has been developed for 60 years, and South Leawood is continuing to develop. The same rules apply. I'll give you some examples. In North Leawood in the Old Leawood development that is now east of the old country club, those lots have never been built on. The same rules apply to that development there, as they would apply to some of the other ones south. At some point in the future, when Leawood is completely built out, these guidelines would continue to apply; so if somebody tore out a house in South Leawood, these rules would apply to them equally as someone tearing out a house in North Leawood.

Comm. Elkins: With all due respect, you're missing the point of the comment. You're exactly right, and that's what I was trying to point out. It doesn't matter if it's North Leawood or South Leawood. A new build in North Leawood is treated the same as a new build in South Leawood. A rebuild in North Leawood is treated the same as a rebuild in South Leawood. What's not being treated the same is a new build, regardless of where it is in Leawood, versus a rebuild, regardless of where it is in Leawood. The rules are separate, but the circumstances are exactly the same. You have a single-story home on either side of the lot, and we're treating those differently.

Comm. Neff-Brain: Isn't it a matter of expectation, though? If you purchased a house and there was a house of a certain size next to it, you'd expect that house to stay approximately that size. If you buy next to a vacant lot, you'll see the ordinance and know that it could go up to another size. You buy your house with that knowledge.

Comm. Elkins: Commissioner, my point is if you have a vacant lot with a 1-story home on either side of it - regardless of if it's a vacant lot or you're going to buy a home - tear it down and rebuild it, you should be entitled to have the same expectation, regardless of whether you've bought a vacant lot or non-vacant lot.

Comm. Neff-Brain: I thought we were trying to protect the houses that are on either side, and it's their expectation I'm talking about; not the person who's building on the vacant lot or doing the rebuild.

Comm. Elkins: My point, and I'll just leave it at this, is that it seems that the rules should apply equally in both of those circumstances. To the extent that we're regulating the use of a person's land, that regulation should be equal across. For good reasons, we can justify a different one. I'm just saying I haven't heard a policy justification for that. My colleagues may disagree, and that's fine.

Mr. Klein: I'm not sure if this is what you're looking for, but I'd like to try to give perspective. I'll use an example of Tuscan Reserve A) because it's fairly new and B) because it has enough houses that people can see what's going on. It's a

Tuscan theme with a variety of different houses, including 1-story, 2-story and in-between. After listening to the developers saying, “We spent a lot of time trying to market and create a certain style of subdivision that we’re marketing to, and the limitations make that difficult” we struggled, but ultimately left this in.

Comm. Elkins: Thanks, Mark.

Chair Rohlf: Any other comments?

Motion to recommend approval of Case 56-06 – LDO Amendment – Section 16-2-5.3 in an R-1 District – Height; Request for approval on an amendment to the Leawood Development Ordinance - with the following amendments: 1) In Paragraph 2A, first sentence, fifth line to strike the word, “new” and 2) In Section C, second paragraph, the end of the sentence should read, “by this ordinance for a maximum height of 35’,” striking the words, “of an additional 3’ above the maximum height permitted by this ordinance” made by Jackson; seconded by Neff-Brain.

Chair Rohlf: Anything else?

Comm. Williams: I’m not supportive of this, and there are a couple reasons I’d like to get into the record. First, I’m not supportive of the proposed amendments as they’re written - even with the slight modifications we made tonight - partially because there has been a lot of clarification offered and questions from various panel members. I think those clarifications need to be in the ordinance so when this Staff is gone and replaced by a new Staff and a new Commission here, that whoever is coming in to try to build or remodel a house anywhere in Leawood has some clear guidelines as to what they’re trying to comply to. I don’t have an issue at all with the overall height issues as discussed. I do agree that we need some height limitations. I do find, though, that the limitation on the side yard wall height as described by Staff tonight to include the gable is very arbitrary and doesn’t even match or maintain the theme of what we have in existing homes throughout Leawood. It varies substantially, depending on the size of the house and roof pitch. To try to get down to a 15’ height means you have a narrow building front-to-back and a low roof pitch. I think we need to have the opportunity to match what’s already there if the intent of this is to try to preserve the character, size and bulk of existing construction. I’d like to see LDO amendments that are very clear as to the expectations, including a greater height for side walls.

Chair Rohlf: Does anyone have anything else before we vote.

Motion passed with a vote of 5-3. For: Roberson, Jackson, Neff-Brain, Munson, Heiman. Opposed: Shaw, Williams, Elkins.

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

Chair Rohlf: Is there any other comment from Staff necessary on this since it's very similar?

Mr. Klein: I don't believe so.

Chair Rohlf: I would open the Public Hearing.

Public Hearing:

Bruce North, 8025 Lee Blvd., Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. North: My comments on this section are almost identical to what I had on the earlier section. I'd like to add a comment regarding some of the things Mr. Williams has said. In our Homeowners Association Guidelines, which very much follow the envelope concept that's being addressed here, our side setback height is 23', which is typical of the neighborhood. I do have to comment that the 15' may be somewhat restrictive. In addition, from our perspective, the Staff guidelines have a 45-degree slope up from that 15'. We have a 3-to-1 slope, so a shallower angle, but a higher starting point effectively. That might be a consideration.

Chair Rohlf: Is there anyone else who would like to speak about this case?

As no one else was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Williams. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

Chair Rohlf: I believe the language is the same, so the modification would need to be the same for the motion.

Comm. Williams: I'd just like to add for the record my same comments I had on the earlier application.

Comm. Elkins: I, too, would ask that the record reflect the same comments I made with the previous case, specifically regarding the difference in treatment between new construction and remodel/rebuilds.

Chair Rohlf: Thank you, anyone else?

Motion to recommend approval of Case 57-06 – LDO Amendment – Section 16-2-5.4 in an RP-1 district – Height; Request for approval of an amendment

to the Leawood Development Ordinance – with the following amendments: 1) In Paragraph 2A, first sentence, fifth line to strike the word, “new” and 2) In Section C, second paragraph, the end of the sentence should read, “by this ordinance for a maximum height of 35’,” striking the words, “of an additional 3’ above the maximum height permitted by this ordinance” was made by Jackson; seconded by Neff-Brain. Motion passed with a vote of 5-3. For: Roberson, Jackson, Neff-Brain, Munson, Heiman. Opposed: Shaw, Williams, Elkins.

CASE 77-08 - LDO AMENDMENT – SECTION 16-2-5.1 (AG) – HEIGHT;
Request for approval of an amendment to the Leawood Development Ordinance.
PUBLIC HEARING

Chair Rohlf: Is there anything we need to know?

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair, it’s as you stated. The main clarification is that it doesn’t clearly state from where the height is to be taken. Each one of these within that table, it lists that it will be taken at grade from the front door. All of these are the same amendment: 77-08, 55-06, 58-06 and 53-06.

Chair Rohlf: Does anyone have a question for Mark?

Comm. Roberson: I’m assuming it’s just the underlined portion that’s been added?

Mr. Klein: Correct.

Chair Rohlf: This case does require a Public Hearing.

Public Hearing:

As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Williams. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

Motion to recommend approval of Case 77-08 – LDO Amendment – Section 16-2-5.1 (AG) – Height – Request for approval of an amendment to the Leawood Development Ordinance – made by Williams; seconded by Elkins. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

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

PUBLIC HEARING:

As no one was present to speak, a motion was made to close the Public Hearing by Roberson; seconded by Heiman. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

Motion to recommend approval of Case 55-06 – LDO Amendment – Section 16-2-5.2 (RP-A5 District) – Height – Request for approval of an amendment to the Leawood Development Ordinance was made by Elkins; seconded by Williams. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

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

PUBLIC HEARING

As no one was present to speak, a motion was made to close the Public Hearing by Roberson; seconded by Munson. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

Motion to recommend approval of Case 58-06 – LDO Amendment – Section 16-2-5.5 (RP-2 District) – Height; Request for approval of an amendment to the Leawood Development Ordinance – was made by Jackson; seconded by Roberson. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

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

PUBLIC HEARING

As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Neff-Brain. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

Motion to recommend approval of Case 53-06 – LDO Amendment – Section 16-2-5.7 (RP-4 District) – Height; Request for approval of an amendment to the Leawood Development Ordinance – was made by Roberson; seconded by Heiman. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

CASE 85-08 - MISSION FARMS TRASH ENCLOSURE – Request for approval of a revised final site plan; located at approximately 105th Street and Mission Road.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 85-08 – Mission Farms Trash Enclosure. The Applicant is requesting approval of a revised final site plan to construct a trash enclosure at the north side of the development, adjacent to the townhomes. Staff is recommending denial of this application. I'll just give you a little overview of the area (*places Mission Farms Site Plan on the overhead*). Along here is Mission Road. Currently, Buildings A, B and F are constructed. Just to the north is a parking lot on this site, but adjacent to that is Mission Farms Manors, which are townhomes. Most of them are single-family homes; however, I believe there's a single tri-plex within there. (*Places aerial photograph of the area on the overhead*) Again, here are Buildings A and B and Mission Road along here. Here are 20 residential units in Mission Farms Manors and the trash enclosure proposed to be constructed along there. There is a utility enclosure that goes along there (*Places photograph of utility enclosure on the overhead*). It's a brick structure with cast-stone cap and gates that enclose the mechanical units. They would like to expand that to allow two dumpsters to be enclosed as well. Staff has concerns about the proximity of the adjacent residential area. (*Places photographs of dumpsters on the overhead*) This is taken from the side of Mission Farms Manors looking toward the commercial development and the screen that's currently there. Part of the reason Staff opposes this is that this would actually get used for restaurant waste. (*Places Site Plan on the overhead*) We have concerns about odor, upkeep and general aesthetics that close to a residential area. Staff is recommending that this trash enclosure be located by the other trash enclosure on the south property line adjacent to I-435. There's quite an embankment there, and it would be fairly well hidden and away from the residential area. Staff would be happy to answer questions.

Chair Rohlf: When we first saw this plan, was the trash enclosure included on it, or was that something they had held off?

Mr. Klein: No, this is the first time you've seen the trash enclosure there. They did have the utility screen, but this is a different situation involving expanding the brick wall and adding trash to the area and all that goes along with that.

Mr. Lambers: They originally proposed an internal trash enclosure to service both the residential and the commercial properties, which we thought was great. Turns out, the commercial trash odors are such that they cannot be controlled. Doug said we needed to do something because he couldn't sell the units. I gave him permission to temporarily locate the trash enclosures where they are now to allow the commercial trash to be separate. They tried everything to make the internal system work, and it's unfortunate that it doesn't.

Comm. Neff-Brain: Are those lots to the north sold?

Mr. Lambers: They're under construction.

Comm. Roberson: Can you tell me the price range of those homes?

Doug Weltner, Developer of the Mission Farms Project, 4520 Main, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Weltner: They're being priced at about \$825,000. We're getting some customs that are getting above \$1 million.

Comm. Neff-Brain: So the lots are sold?

Mr. Weltner: We have sold them to another residential developer, and there are a couple sold. Most have not been sold.

Chair Rohlf: Is this existing trash enclosure on the plan not there or there?

Mr. Klein: A portion of it is the utility screen, and they want to add on to it.

Chair Rohlf: No, the one on the south side.

Mr. Klein: That's there.

Chair Rohlf: Is that where you're proposing they could add the rest of it?

Applicant Presentation:

Doug Weltner, Developer of the Mission Farms Project, 4520 Main, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Weltner: (*Places Site Plan on the overhead*) Thanks for hearing us tonight. I want to give a little history of what happened. We did try to do this internally with trash compactors, which was something we thought would be much more efficient. In each building that has condominiums above the retail and

restaurants, we put a pretty expensive trash compactor room. Then we had access through a back corridor for retail and restaurants to get into there to dump it. We used the same trash compactor to take the trash from the residential units above via chutes that go up through the hallway. You don't dump a trash compactor as often as you would a regular dumpster because it can collect and compact - they can go for a month. We miscalculated the volume of trash from the restaurant in that month. We've got a connection with this chute, and we also need to consider fire codes regarding pressurization. This literally was drawing air up the shaft. Even though we had closure on the shaft and a separate room upstairs, we still had trash odor coming into the upper floors. We tried pressurization within the room, but then we were taking the air out of the room and putting it in the alley, which wafted up and was right underneath residences. I've done a little bit of research about it, and this is a problem with these projects all over the country. That's one thing I wanted to point out to you. The second is that the townhome development is in a mixed-use district. They're part of our project, and it's not a different zoning over there. They have declarations warning them about restaurants, just like our residences above our restaurants. There's a little of that, that you need to consider here.

Probably the major problem came in the summertime. You just can't have any kind of trash in an enclosed room, especially when exposed to heat in the summer. I've dealt with trash in Midtown locations, and I've always found you're best off, especially with restaurants and all that, if you can get it in as wide and open an area as possible that has air movement. As soon as you stick it in a corner, it gets captured. It's best if you have it on the outside of a parking lot. We've been doing that for the last several months on a temporary basis. I disagree with Staff a little bit on this because it's not negatively visually impacting anybody. In fact, I think it's positive. The pictures you have show the existing wall that a person from the townhomes would see. Then if you look at the next picture, you'll see an extended brick wall that screens our parking lots even further. I would say most everyone who drives through there right now thinks it's a trash enclosure, but it's mechanical equipment. The picture didn't look good to me with the dumpsters in the lot. That's not what we're proposing, as you know. I think from the sidewalk, it will have a better appearance. We're willing to put up more landscape if that's what everybody likes. I think the brick looks great and helps with noise. We have a lot of walkers in that neighborhood, and the townhouse street is where they connect down. Nobody has ever complained about the dumpsters that have been there for the last five months. Paul Robin is the developer of the residences above the retail and restaurants and the 60 condominiums. We haven't had any complaints from those residents, as opposed to the numerous complaints when it was inside. Some of these people are looking out on that parking lot, and no one has complained. A letter was distributed by Mr. Robin on behalf of the Condominiums Association indicating they're in support of the locations. Further, the developer who owns 16 of the Mission Farms townhome development lots is fine with the location. In fact, I think he likes the brick wall.

I've had better luck with situations in which you separate trash sites, as opposed to the City's suggestion that it go in one area by the highway because then you've got everybody going to the same location and lots of trash trucks to do 5-6 dumpsters. It's disruptive to your pavement, and the larger the volume, the more daily maintenance required to keep the area clean. I know this sounds petty, but I like to have two people using one dumpster because then I can find out if anyone is not doing it the correct way. If I've got six doing it, I can never identify that person. It works, and I've had that situation before. It made our management job easier because we can't be on patrol all the time. To continue on that, you are asking an employee who probably has only worked there for a few weeks to walk 200' down the hallway to an alley door and then 470' to the highway to get to the location the City likes. I like the highway location better, but I'm going to have a huge management problem with that. I'll have trash going through the center of our main pedestrian area, right by the front door of Knolls, Room 39 and the new Zest restaurant. That's just not the way you try to move trash through a project. The proposed site is 150', so this is an additional football field to what is already a football field walk. What really worries me is having that come through at night. They dump at all times, but you can't control it. That's all I have. Those are the main advantages of our proposed location. I know it's not perfect, but this mixed use creates some challenges.

Comm. Neff-Brain: Mr. Weltner, what do the restaurants that do high volume at night do with trash? I'm sure somebody doesn't dump a little trash barrel.

Mr. Weltner: I provide them with a wheelbarrow-type cart.

Chair Rohlf: And the trash is in bags?

Mr. Weltner: It has to be bagged and tied. Most of the time people are good.

Comm. Neff-Brain: These pictures you provided us are at grade level. Will these units be just one story?

Mr. Weltner: No, they'll be 1 ½-story.

Comm. Neff-Brain: So they could be looking over the top of this.

Mr. Weltner: I would argue that the angle and distance from the wall should prevent them from seeing in. Staff has recommended a trellis system or roof structure, and we'd be agreeable if necessary.

Comm. Neff-Brain: Would a roof structure be over the top, but then the side facing the condominiums would be open?

Mr. Klein: We'd be looking for something to address your concern about the second floor residents – maybe a trellis feature with some style and not just a mechanical piece of metal.

Comm. Neff-Brain: Could a pitched roof be put over it, or would you not be able to get the dumpsters out?

Mr. Weltner: No, you could get some kind of structure done.

Chair Rohlf: How frequently are you emptying the dumpsters now?

Mr. Weltner: Daily.

Comm. Roberson: And how often are they cleaned?

Mr. Weltner: Daily – oh, you mean the dumpster itself. You rely on the commercial contractor to switch those out. I would think it's once a week or two weeks to clean them out. We have a guy on-site who could do it if they were empty. Our person is responsible for the floor area. That's really where a lot of your problem comes – not so much the stuff inside that's dumped each day. It's what is on the concrete floor that is a problem if not maintained properly.

Comm. Shaw: Did I understand that Mike Fox is the developer of the patio homes to the north of the trash?

Mr. Weltner: Yes.

Comm. Heiman: Mr. Weltner, you had mentioned there were no complaints up to this point regarding the dumpster. Does that include smell?

Mr. Weltner: Yes - I'm there a lot, and I've checked.

Comm. Munson: If odor were to become a problem when you've got a prevailing southwest wind, particularly in the summertime, blowing toward those \$825,000 patio homes, how do you handle that?

Mr. Weltner: The only reason that would happen is if the area were not maintained properly.

Comm. Munson: It could happen.

Mr. Weltner: It could happen, but I'm required to dump and maintain and meet code that's enforceable by the City if I don't.

Comm. Roberson: I'm curious, is there an ordinance on dumpsters and maintenance and smell?

Mr. Lambers: The only ordinance we have is for attractiveness and rodents that get in if the trash is left for too long. It would be for debris not being left; we do not regulate odors.

Chair Rohlf: Does anyone else have questions for the Applicant? All right, I'll open for discussion.

Comm. Neff-Brain: I don't have a problem with the trash enclosure. I see a problem in a mixed-use area like that with dragging trash bags all the way around or through the complex, but I'd like to see a better disguise of the units with some kind of nice-looking roof enclosure that would mimic the buildings there now.

Comm. Munson: I think Mr. Weltner has given a very good explanation of the situation in terms of operating the mixed-use center. If the developer of the patio homes is not worried about it, and he's the one who would eventually suffer if there were a problem, then perhaps this is a good solution. If he's willing to take that risk, I think it's okay.

Chair Rohlf: If no one else has anything, perhaps we could have a motion, or we could talk about additional stipulations.

Comm. Neff-Brain: How would we modify the stipulations to call for the roof?

Mr. Klein: Stipulation No. 2 says it would come back prior to building permit, so it would need administrative approval. This is a final site plan, so if you wanted it to come back before this body, it would need to be continued to allow them to provide a design. The other option would be to have it submitted prior to Governing Body approval so the Governing Body would have a chance to see it.

Mr. Lambers: Since Staff is recommending denial, I would prefer you see what the structure is to approve it before it goes to Council. I don't want to be accused of not supporting something because we're against it. It would be the only item on our agenda on December 9th.

Comm. Neff-Brain: I'll move for a continuance, but I would look for a nice-looking roof structure that's more than a trellis.

Chair Rohlf: Is the Applicant agreeable?

Mr. Weltner: Yes.

Mr. Klein: I'd just like clarification because you said you'd like the roof structure to mimic the roofs in the area. Is that the same roofing materials and slope?

Comm. Neff-Brain: I'm not an architect, but you want something to block the trash containers, and a trellis would not do that. You don't want a tin roof, either.

Mr. Weltner: The only person who's going to see it is up high. First off, I'd like to make sure that a person can see in there from the second floor, which we can do. There might be a case here where no one can see into it.

Comm. Neff-Brain: Looking to this grade, it seems that you could because it's pretty flat.

Mr. Weltner: We've got a townhome now with the same wall height, so we'll look at that.

Chair Rohlf: Thank you. We'll continue this to the December 9th meeting.

Motion to continue Case 85-08 – Mission Farms Trash Enclosure – Request for approval of a revised final site plan; located at approximately 105th St. and Mission Road – to allow Applicant to design a roof structure – made by Neff-Brain; seconded by Roberson. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

CASE 94-08 - PARKWAY PLAZA – SUMO RESTAURANT TENANT FINISH – Request for approval of a final site plan, located at the northwest corner of 135th Street and Roe Avenue.

Staff Presentation:

Director of Community Development Richard Coleman made the following presentation:

Mr. Coleman: Madame Chair and members of the Commission, this is Case 94-08 – Sumo Restaurant tenant finish – Request for approval of a final site plan; located at the southeast corner of the Parkway Plaza. It has a sign associated with the tenant finish and a modification to the entry, which is on the 4th page of your handout. It shows the entry with zinc metal cladding and glass doors. The sign consists of two lines of text: "Sumo" and "by Nambara". The "o" is red halo-lit and is flat metal painted black. It's on both the south and east facades. The "Sumo" is 2' in height; the overall height of the sign is 2'7" and meets the Parkway Plaza design criteria. Staff would be glad to answer questions.

Chair Rohlf: So Mr. Coleman, we're only looking at the sign?

Mr. Coleman: It's the sign and the entry.

Chair Rohlf: This is a restaurant that was originally going to be a freestanding restaurant. Do we know what happened?

Mr. Coleman: I couldn't tell you what happened. I know that Sailors and Co. was probably recruiting restaurants and got them to come in.

Chair Rohlf: But this is the same restaurant, just in a different location.

Mr. Coleman: I believe it is.

Chair Rohlf: Do we have questions for Staff?

Comm. Williams: On the entry, it faces south?

Mr. Coleman: Yes.

Comm. Williams: So it's the south entry that gets the zinc panels around the entrance door?

Mr. Coleman: Yes, there's a pair of double-glass doors, and the surround and one panel are zinc.

Comm. Williams: It just wraps around the corner to the east, around the column, going to a standard storefront?

Mr. Coleman: Correct.

Comm. Williams: And then per their elevations, Sheet 201 would be three and one. That's scored stucco?

Mr. Coleman: Correct.

Comm. Williams: Staff has concerns about the zinc. I'm missing where that's addressed in the stipulations.

Chair Rohlf: If it's not zinc, what is it?

Mr. Coleman: In Stipulation No. 9, "The developer/owner agrees to return the façade to the original condition of the approved final plan within 30 days."

Comm. Williams: So you're saying they can do this, but if that space becomes vacant, they have to move it.

Mr. Coleman: That's correct; they'd have to return it to the standard storefront.

Comm. Williams: Trying to avoid the "Cheeseburger in Paradise" issue.

Comm. Roberson: There's no outdoor seating, I take it.

Mr. Coleman: Actually, there is outdoor seating to the left of the entry. They'll come back to us with some furniture.

Chair Rohlf: Does anyone else have questions for Staff? Then we'll hear from the Applicant.

Applicant Presentation:

Christian Arnold, 423 Delaware, Ste. 102, Kansas City, MO, with Clockwork Architects appeared before the Planning Commission and made the following comments:

Mr. Arnold: I have no comments. The Staff is recommending approval.

Chair Rohlf: Does anyone have questions for the Applicant?

Comm. Williams: (*Holding a material sample board*) Looking at the sample board right here, the zinc panel has what appears to be a black finish. What's going to happen to this black zinc panel after 5-10 years with weather?

Mr. Arnold: That is the manufacturer's finish, and it stays that tone. It's a pre-finished material, so it maintains that visual.

Comm. Williams: So we won't see fading of any consequence?

Mr. Arnold: No, it's typically used on exterior cladding. This location is actually protected from direct weather, so there should be very little change at all.

Comm. Williams: How far back does the wall sit?

Mr. Arnold: I would say approximately 8'. It's back at the line of the glass of the existing building.

Comm. Williams: Out of curiosity, how did you select black zinc?

Mr. Arnold: We wanted a material that blended in with the storefront material and the glass. We wanted a quality element that would hold up to general wear and tear that didn't stand out and would reflect the wishes of the client in the space.

Comm. Williams: Just keeping the original storefront wouldn't work?

Mr. Arnold: That's correct. In the restaurant space, they were hoping to demarcate their entry a little bit with the branding. They have other locations, so they're trying to convey a consistent theme with those locations. We were looking at a larger vestibule addition, and we worked closely with the Staff to minimize that and make it blend in as much as possible.

Comm. Williams: What's the size of the zinc panels?

Mr. Arnold: The zinc panel is from the grade all the way up. The module is maybe 2'. There are about five panels for the size of the door.

Comm. Williams: What's the joint condition on the panels?

Mr. Arnold: It's a flat seam.

Comm. Williams: Nothing further. Thank you.

Comm. Jackson: Inside the "o" of "Sumo", what do those characters mean?

Mr. Arnold: That's the name in Japanese characters.

Comm. Roberson: Maybe you can explain – this was supposed to be a freestanding restaurant. Could you explain the change?

Mr. Arnold: We weren't involved in the original restaurant space. I'm guessing there were economic conditions that made it not feasible, but I'm speculating.

Mr. Lambers: The freestanding restaurant was too large, and when they did their market analysis, they decided they needed to be smaller. They were still committed to the shopping center, but needed a separate identity. You may not recall, but the previous restaurant had six different seating areas and sushi areas. Plaza III is an example of how that size restaurant doesn't make it.

Chair Rohlf: Anything else for the Applicant? Thank you.

Motion to recommend approval of Case 94-08 – Parkway Plaza Sumo Restaurant Tenant Finish – Request for approval of a final plan; located at the northwest corner of 135th St. and Roe Ave., subject to Staff Stipulations 1-10 was made by Roberson; seconded by Munson. The motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

MEETING ADJOURNED.