

**City of Leawood  
Planning Commission Minutes  
March 10, 2009  
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:** Pateidl, Roberson, Rohlf, Williams, Elkins, and Heiman. Absent: Jackson, Neff-Brain and Munson

**APPROVAL OF THE AGENDA**

Chair Rohlf: We have one change, and that is to delete the Approval of Minutes from the August 26, 2008, September 9, 2008 and September 23, 2008 meetings.

**Motion to approve the agenda as amended was made by Elkins; seconded by Williams. Motion passed with a unanimous vote of 5-0. For: Pateidl, Roberson, Williams, Elkins and Heiman.**

**CONTINUED TO MARCH 24, 2009 MEETING:**

CASE 04-09 - TOWN CENTER BUSINESS PARK LOTS 4, 5 AND 6 – Request for approval of a revised preliminary site plan, located at the northeast corner of 117<sup>th</sup> Street and Roe Ave. **PUBLIC HEARING**

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**

**CONTINUED TO APRIL 14, 2009 MEETING:**

CASE 14-09 - PARK PLACE BUILDING G AND PARKING GARAGE B – Request for approval of a revised preliminary and final site plan, located north of 117<sup>th</sup> Street and east of Nall Avenue. **PUBLIC HEARING**

**OLD BUSINESS:**

CASE 09-09 – BI-STATE/CENTENNIAL PARK – MAXWELL HOTEL AND SALON AT THE RESORT – Request for approval of a preliminary and final site plan, located at the southeast corner of Overbrook and West 143rd Street. **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 09-09 – Bi-State Centennial Park – Maxwell Hotel and Salon at the Resort, which is a kennel. The Applicant is requesting approval of a preliminary and final site plan within the Bi-

State Centennial Park Development to construct a 16,261 sq. ft. kennel on 1.49 acres for an F.A.R. of .25. The Planning Commission heard this case at the February 24<sup>th</sup> meeting. The presentation given included several deviations and concerns, including waste handling. The Applicant has provided a waste management program, which is summarized on the first sheet. The other primary concern was the 5' sidewalk along the north side of the building, which would potentially be decreased to 3' by overhanging cars. The Applicant is proposing concrete stop blocks to prevent the overhang. I also want to draw your attention to an additional stipulation regarding the lighting on the site with a uniformity ratio (average foot candles over minimum foot candles) of 4.0. It's been recently added to the Leawood Development Ordinance, so we'd like to include it here. Staff will be happy to answer any questions.

Chair Rohlf: Questions for Staff?

Comm. Elkins: Mr. Klein, does Staff have any new or different perspectives on the setback variances the Applicant has requested?

Mr. Klein: No, Staff is still concerned that perhaps the project is a little too large for the site. We discussed those variances at the previous meeting; however, I think the Planning Commission had focused in on the two we just mentioned.

Comm. Elkins: Thank you.

Chair Rohlf: Any more questions? Then we'll hear from the Applicant.

**Applicant Presentation:**

Chris Sailors with R.H. Sailors and Co., 2045 W. 141<sup>st</sup> Terr., Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Sailors: I think you've read the summary, so I'd be happy to answer any questions or further concerns you might have.

Chair Rohlf: Questions for the Applicant? Mark, I guess I'd like to clarify – have you added any stipulations other than this one on the dais?

Mr. Klein: No, we talked with Johnson County Wastewater and the Bureau of Waste Management several times to get their input regarding the waste and added Stipulation No. 35 following their recommendation.

Chair Rohlf: Mr. Sailors, there were several people who spoke on behalf of the Applicant last time. Are you all in agreement with these stipulations? Were there any that we didn't discuss last time?

Mr. Sailors: I believe we agree with the stipulations.

Chair Rohlf: There are quite a few concerning the landscaping and items referring to the final site plan.

Mr. Sailors: Yes.

Chair Rohlf: Mr. Sailors, did you have a chance to read the letter from Zack Milburn at Johnson County Wastewater?

Mr. Sailors: Yes, I actually spoke with him to verify.

Chair Rohlf: I'm not sure I understand that last sentence: "Please keep in mind there cannot be any drains or trenches that are not completely enclosed within the building." Does that apply to this project?

Mr. Sailors: Yes, and I asked him about that to make sure I understood it. What he's saying is that all of the drains connected to the sanitary sewer system have to be inside the building. They're careful to always address that issue.

Chair Rohlf: I wasn't quite sure if that was going to cause problems or not. Mr. Ley, does this seem appropriate from your standpoint for the discarded waste?

Mr. Ley: Yes, last time we wanted the waste to be disposed of in the sanitary sewer or by Deffenbaugh. That's what they're planning to do.

Chair Rohlf: Does anyone else have questions for the Applicant?

Comm. Elkins: Mr. Sailors, do I understand that plan involves disposing of all the animal waste either through the sanitary sewer or by a third-party waste-removal company and that no animal waste will go into the storm sewers?

Mr. Sailors: Yes.

Comm. Elkins: Thank you.

Comm. Pateidl: Mr. Klein, what does the stop-block solution to the parking situation do in terms of narrowing the driveway through the facility, and does that create any problems?

Mr. Klein: It definitely will make it so the cars don't pull up as far in each of the parking spots; however, the 18' in length is what the City requires. It is common to have two parking spaces next to each other, preventing cars from pulling beyond the 18'.

Comm. Pateidl: We don't have a problem in terms of space from the backside.

Mr. Klein: Right, they meet the 24' drive aisle requirement.

Comm. Pateidl: At the last meeting, we discussed that this is a warehouse dressed up with gardens that, I believe, are quite aesthetic as proposed. One of our Commissioners pointed out that parking is obviously tight as well. What uses and parking facilities will be required if the nature of the business should change?

Mr. Klein: Within this Business Park district, there aren't any solid parking requirements; rather, each business is evaluated individually. Warehousing often does not require a lot. We would like to make sure enough space is available to add additional parking if necessary. To give perspective, this is proposing a 1.6 parking ratio (number of spaces per 1,000 sq. ft. of building area). Within the mixed-use and office, it's a range of 3-4

parking spaces per 1,000 sq. ft. Neighborhood and General Retail is 3.5-4.5. If this business were to go out, it would be difficult for the developers; but they would have to try to find a use that would fit the parking or modify the site to fit more parking.

Mr. Sailors: We plan for success. We have a building going into the park that's two levels, and there's a use restriction on the lower level that it can't be finished. I think that's how the lack of parking was handled. If you look at the overall building as finished space, there's still the opportunity to limit use in this building at a future date if the parking requirement couldn't be met for the proposed use.

Comm. Pateidl: This is certainly not a requirement, but a suggestion. I looked at the site and the layout of your proposed use of the building with the outside dog run next to the drainage ditch on the east side of the building. Should you have to use this for something other than what you're doing, you're going to have difficulty accessing that. If you reversed your floor plan and had the dog run on the Overbrook side and the Planning Department didn't object, at least you'd have some option for access to the building and some additional parking. Thank you.

Chair Rohlf: Any other questions for the Applicant? Mr. Sailors. Are you involved in the overall development of this park, or do you have select lots you own?

Mr. Sailors: We own all of the undeveloped and unsold lots.

Chair Rohlf: So when you market this park, what are some of the points that you market? It just seems that all of the lots, so far, have been interesting uses. They've all been tricky as far as fitting on the sites, and there have been parking issues before. I'm just curious how you see this development playing out over the next few years.

Mr. Sailors: We look to it as a Business Park, which gives us a wide variety of uses. One of the things we did through our design guideline process is identify different areas in terms of the types of buildings, such as the small office condos in the Overbrook cul-de-sac. As that continues, we expect that type use to go in that cul-de-sac; and more of the industrial-type uses toward State Line. We market it as a wide range of possibilities.

Chair Rohlf: And someone who might be interested is fully aware of what's already been approved and what's going in? Is the dog kennel a plus for this park?

Mr. Sailors: Absolutely, we think every use has been strategic because of the daycare and the Business Park and some private businesses putting their headquarters in. We're pleased with the unique mix, and it will be very well done.

Chair Rohlf: There are a number of deviations. Collectively, I don't think we came to a conclusion one way or the other on all of them. I think there is less concern because it is going into this type of park. I have reservations about granting all of these deviations because of other potential uses within the park, where we might find ourselves with other buildings granting these kinds of deviations. On the other hand, I think it's a great use of that particular lot. It's not going to be one of the easier ones to sell because it backs up to the Public Works area. I commend you for that, but I'm sure you understand our reservations about granting this collectively with some of the deviations. I think it's going to look great, and I have no problems with that. I want it to be successful, so we're

hoping another use doesn't come in. This park has intrigued me from the beginning. I think this is our second dog kennel at this particular location.

Mr. Sailors: We like it over there. We're right in the middle of it with our building.

Chair Rohlf: Does anyone else have a comment or question?

Comm. Williams: Unfortunately I missed the last meeting. I heard from my colleague earlier that 150 pets that potentially be served here at a given time. Is that correct?

Mr. Sailors: Yes, that's the maximum capacity.

Comm. Williams: Is that for kennel purposes?

Mr. Sailors: Yes.

Comm. Williams: With this being a kennel and salon, would those animals be placed in those kennels for the salon service that day? Treatments may not occur there, but would they be kept there until the owners pick them up?

Mr. Sailors: Typically they'll be held in the salon, I believe. Some of the dogs will stay for daycare and will use the kennels.

Comm. Williams: So you've got 150 for kennel purposes and then some number planned for salon. We're talking more than 150 animals.

Mr. Sailors: No, the average capacity in a facility like this will be around 50%. Weekends and vacation holidays will be more filled up, and in those instances the kennels will not be available for dogs that are there for grooming or daycare.

Comm. Williams: My reason for asking is the parking space question. An average of 75 going through grooming or daycare would create a lot of traffic in the evenings. 26 parking spaces would strike me, from my personal experience at other facilities, to be fairly tight. What analysis has your tenant gone through to determine that 26 parking spaces are enough for staff and customers?

Mr. Sailors: From my understanding, the way the kennel business works is the majority of the time, you're under your capacity substantially; but you have to be able to handle your loyal customers on the holiday weekends. In heavier hotel times, other services adjust and additional staff helps get dogs in and out. It's very rare that you'll have full capacity, and even then, the dogs typically are staggered.

Comm. Williams: How many parking spaces will be used by staff?

Mr. Sailors: At any given time, it's 4-5 spaces.

Comm. Williams: For potentially 150 animals?

Mr. Sailors: There will be more spaces used when we're running at capacity, but people will bring dogs in and out. The idea is to create the courtyard with drop-off services. They actually have a computer system now in which the customers have a card. They'll

go on line, book the room and book services. Then when they show up, there's a card on the collar that gets scanned and brings up information. It makes it easy for people.

Comm. Williams: That would help a lot since the majority of the time spent is just figuring out services. On the outdoor play area, the site plan says 2,300 sq. ft. Do you have thoughts as to how many dogs will be out there at any given time?

Mr. Sailors: The dogs are handled in shifts of 15-18 dogs, and that may actually be divided. One person may watch 15 animals, depending on mix and size. We want enough room for them to get out and play a little bit, but also keep them close to handle them. If the area is too big, it becomes more of a problem and a risk to the animals.

Comm. Williams: Mark, you say that by the LDO, some of these deviations can be approved, providing there's an open-space trade-off. In your opinion, we don't have that here, and I concur with you on that. Does that open-space conversion really apply to the Business Park versus many of the other projects we see, namely retail or condo?

Mr. Klein: The ordinance itself is listed in a deviation section that applies to all the districts. I understand that you're speaking to the Business Park being more of a mixed use since it's a little different than retail. Still, each district has its own standards, and they were developed specifically for those districts. Deviation could be granted in any district that meets the requirements.

Comm. Williams: I guess this is a different animal. This area doesn't have the public interaction of a retail development, such as 119<sup>th</sup> or 135<sup>th</sup> St., where certainly those criteria would be very important. In that regard, I'd be willing to give a little bit here on this. It does look like an interesting project. I share your concerns with it being awfully tight, and if this doesn't go, it's pretty much locked in. Thank you.

Chair Rohlf: Does anyone have anything else for the Applicant? Thank you, Mr. Sailors. Is there anyone in the audience who wishes to speak about this case?

#### **Public Hearing:**

**As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Heiman. Motion passed unanimously with a vote of 5-0. For: Pateidl, Roberson, Williams, Elkins and Heiman.**

Chair Rohlf: That takes us up to any discussion, leading to a motion.

**A motion to recommend approval of Case 09-09 – Bi-State Centennial Park – Maxwell Hotel and Salon at the Resort – Request for approval of a preliminary and final site plan, located at the southeast corner of Overbrook and W. 143<sup>rd</sup> St. with 39 Staff Stipulations included in the Staff Report – was made by Elkins; seconded by Heiman. Motion passed unanimously with a vote of 5-0. For: Pateidl, Roberson, Williams, Elkins and Heiman.**

*MEETING ADJOURNED*