

**City of Leawood Planning Commission Agenda**

**December 11, 2012**

**Meeting - 6:00 p.m.**

**Leawood City Hall Council Chambers**

**4800 Town Center Drive**

**Leawood, KS 66211**

**913.339.6700 x 160**

**Holiday Gathering – No Discussion of Items – Following meeting at the Hereford House  
Located at 5001 Town Center Drive, Leawood, KS, 66211  
within the Town Center Plaza development.**

**CALL TO ORDER/ROLL CALL:** Roberson, Jackson, Rohlf, Williams, Strauss, and Ramsey. Absent: Pateidl and Elkins. Arrived after roll call: Levitan

**APPROVAL OF THE AGENDA:**

**A motion to approve the agenda was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 5-0. For: Roberson, Jackson, Williams, Strauss and Ramsey.**

**APPROVAL OF MINUTES:**

Approval of the minutes from the November 27, 2012 Planning Commission meeting.

**A motion to approve the minutes from the November 27, 2012 Planning Commission meeting was made by Jackson; seconded by Williams. Motion approved with a unanimous vote of 5-0. For: Roberson, Jackson, Williams, Strauss and Ramsey.**

**CONTINUED TO JANUARY 29, 2013:**

CASE 152-12 – CAMELOT COURT – DRY CLEANER WITH DRIVE-THRU – Request for approval of a Special Use Permit, located south of Town Center Drive and east of Roe Avenue. **(PUBLIC HEARING)**

CASE 153-12 – CAMELOT COURT – DRUG STORE WITH DRIVE-THRU – Request for approval of a Special Use Permit, located south of Town Center Drive and east of Roe Avenue. **(PUBLIC HEARING)**

CASE 122-12 - LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6, SIGN REGULATIONS - Request for approval of an amendment to the Leawood Development Ordinance. **(PUBLIC HEARING)**

*Commissioner Levitan joined the meeting.*

**CONSENT AGENDA:**

CASE 159-12 PARKWAY PLAZA – ROMANELLI OPTIX – Request for approval of a Final Sign Plan, located north of 135th Street and west of Roe Avenue.

**A motion to approve the Consent Agenda was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 6-0. For: Levitan, Roberson, Jackson, Williams, Strauss and Ramsey.**

**NEW BUSINESS:**

CASE 151-12 – CAMELOT COURT – Request for approval of a Preliminary Plan and Rezoning from SD-NCR (Planned Neighborhood Retail) to SD-CR (Planned General Retail), located at the northeast corner of 119th Street and Roe Avenue. **(PUBLIC HEARING)**

**Staff Presentation:**

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Planning Commission, this is Case 151-12 – Request for approval of a rezoning from SD-NCR (Planned Neighborhood Retail) to SD-CR (Planned General Retail) and the associated Preliminary Plan for Camelot Court. The SD-NCR District is intended for small-scale neighborhood serving retail developments, while the SD-CR District is to provide for large retail developments at major street intersections. Camelot court is a large retail development at the northeast corner of 119<sup>th</sup> and Roe, which is a major intersection. The development at this intersection functions as a regional shopping area. Three other large retail centers are located at the intersection, including Town Center Plaza and Town Center Crossing, formerly One Nineteen. Each of these developments is zoned SD-CR. Due to both the size and location, the nature of Camelot Court more closely matches the intent of the SD-CR District. Section 16-3-2 of the Leawood Development Ordinance requires concurrent approval of a Preliminary Plan with any rezoning request. Consequently, the applicant is seeking approval of a Preliminary Plan at this time. No modifications to the site or buildings are proposed with this plan; the plan merely documents existing conditions on the site. The applicant has filed two Special Use Permit applications for two drive-through facilities within the development. While these are separate applications from the proposed rezoning, this rezoning is necessary in order for this SUP request to be approved. The applications are on hold, pending approval of this rezoning request. Staff is recommending approval of the rezoning request and Preliminary Plan, subject to the stipulations in the report.

Comm. Roberson: Would you explain again why we are doing this?

Mr. Rexwinkle: The applicant would like to add two drive-through uses, and those two uses are permitted only in the SD-CR District. Also, staff believes it is more appropriate for this development to be zoned SD-CR because it is not really a neighborhood serving development. Given its location and size, it functions more as a general retail or larger scale retail development.

Mr. Roberson: There are currently two drive-throughs: the bank and McDonald's. They will add two more?

Mr. Rexwinkle: Those two sites are excluded from this rezoning request. The McDonald's site is already zoned SD-CR. The rest of the development is what is proposed to be rezoned.

Mr. Coleman: There is a plan pending that would be a Preliminary Plan. The property owner is looking to remodel and upgrade the entire center. It is currently zoned Neighborhood Retail. Because of the age of the center, it has some issues with the layout. The property owner wants to go to the Board of Zoning Appeals to address some of those issues. If they didn't rezone the property and went to the BZA, they would have to rezone it in the future anyway because without the future zoning in place, the BZA's actions would not apply once they rezoned it. We looked at the property, and all the properties fit into the SD-CR category without any issues. It made sense to support rezoning the entire shopping center so if they chose to, they could go to the BZA and have the zoning in place for the appeals. It is a procedural matter, in large part.

Chair Rohlf: This change opens up more options for the overall center. It is all built out with no more lots, correct?

Mr. Coleman: If they want to add something, they would have to go back to a Preliminary Plan.

Chair Rohlf: But they would have to modify what is on-site now before they could add anything besides drive-throughs.

Mr. Coleman: If they do the application for the drive-throughs, they are under Special Use Permit. You will see everything.

**Applicant Presentation:**

John Petersen, Polsinelli Shughart Law Firm, 6201 College Blvd, Overland Park, KS, appeared before the Planning commission and made the following comments:

Mr. Petersen: I'm appearing this evening on behalf of 95 West LP, the owner of Camelot shopping center. The bottom line is that we are taking this in pieces, as staff accurately described, so that we have the opportunity to have the premise of this rezoning to take to the BZA to address some non-compliance issues. Because there are existing buildings, we have to go to the BZA to get it done, or the whole center would have to be torn down and started over. The good news is we will bring back a Revised Preliminary and Final Plan which will reflect the total redevelopment of this center. I would note that with the additional drive-throughs, we are not talking about pad site fast food restaurants; we are talking about pick-up opportunities for a couple of inline that we think will modernize those stores and make them more convenient for the shopping public. Those are the SUP items that were continued this evening to keep it all sequential. We are in support of staff's recommendation for approval tonight. We find the stipulations acceptable, and I'd be happy to answer any questions.

Comm. Jackson: Would you explain what type of drive-throughs you are looking at?

Mr. Petersen: It would be a drive-through facility for the pharmacy in place. It would be a partial reconfiguration of the inline buildings. On the end cap where Earl May was will be a dry cleaner drive-through.

Chair Rohlf: When we see these cases come back before us, will you have the overall plan for the entire shopping center?

Mr. Petersen: The plan will be for us to bring the Preliminary and Final with parking lot upgrades, reconfiguration of parking lot, lighting, landscaping and new building facades. It will be demolishing parts of the inline space to provide these facilities to provide pick-up opportunities. We are excited about it, and it will all come up for your review.

Chair Rohlf: What about some of the freestanding buildings down where Earl May used to be?

Mr. Petersen: The ones on the north side are also part of the redevelopment opportunity. They only ones excluded would be McDonald's and the bank.

Chair Rohlf: Do you know if this plan entails tearing down of buildings and putting in new?

Mr. Petersen: The facades and architectural appearance of the buildings will be new. The only other thing would be taking the north part of the end cap and breaking it apart to create the drive-through opportunities on the sides of the building.

Chair Rohlf: Will the parking upgrades include increasing parking?

Mr. Petersen: I'm not sure we need to increase parking, but hopefully, it will make the parking more efficient.

Comm. Roberson: I think this is good news; it certainly needs upgrading desperately.

Chair Rohlf: Will it have new design guidelines?

Mr. Petersen: Yes, we are working with staff on this. This is the first step to set the premise so we can come back with that.

Chair Rohlf: And will you have everything you need from the BZA done before you come back with that?

Mr. Petersen: That is the plan.

Chair Rohlf: Do you see any tricky parts to that?

Mr. Petersen: No, they are issues the BZA is required to look at, but if they don't allow it to happen, there will never be redevelopment. I am confident we will come through the BZA process successful. I am not particularly overly optimistic.

### **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Roberson. Motion approved with a unanimous vote of 6-0. For: Levitan, Roberson, Jackson, Williams, Strauss and Ramsey.**

Comm. Jackson: I am not a big fan of drive-throughs. I think they add to congestion and pollution in the area. They decrease the health of the community. Based on that, I am not in favor of adding two more drive-throughs to the area, though I am wildly in favor of updating the center.

Comm. Williams: If I am not mistaken, what is before us tonight is simply changing the zoning. The drive-through issue comes to us at a later date.

Comm. Jackson: But the zoning allows a lot more possibilities in drive-throughs.

Comm. Ramsey: But each drive-through will be a special use that we will vote on separately. I think this is long overdue. I'm really pleased.

Comm. Roberson: I am, too.

**A motion to recommend approval of CASE 151-12 – CAMELOT COURT – Request for approval of Preliminary Plan and Rezoning from SD-NCR (Planned Neighborhood Retail) to SD-CR (Planned General Retail), subject to the three stipulations provided by staff – was made by Ramsey; seconded by Williams. Motion approved with a vote of 5-1. For: Levitan, Roberson, Williams, Strauss and Ramsey – Jackson opposed.**

*MEETING ADJOURNED*