

City of Leawood
Planning Commission Meeting
May 28, 2013
Dinner Session – 5:30 p.m. No Discussion of Items
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160

CALL TO ORDER/ROLL CALL: Levitan, Pateidl, Roberson, Jackson, Rohlf, Williams, Elkins and Strauss. Absent: Ramsey.

APPROVAL OF THE AGENDA:

A motion to approve the revised agenda, removing CASE 27-13 from New Business and continuing it, was made by Elkins; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

APPROVAL OF MINUTES:

Approval of the minutes from the April 23, 2013 Planning Commission meeting, and the May 14, 2013 Planning Commission work session.

A motion to approve the minutes from the April 23, 2013 Planning Commission meeting was made by Jackson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

A motion to approve the minutes from the May 14, 2013 Work Session was made by Jackson; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

CONTINUED TO June 25, 2013:

CASE 60-13 – LEAWOOD PLAZA – Request for approval of a Rezoning from SD-NCR (Planned Neighborhood Retail) to SD-CR (Planned General Retail) and Revised Preliminary Plan, located north of 123rd Street and west of State Line Road. **PUBLIC HEARING**

CASE 61-13 – RANCHMART – Request for approval of a Revised Preliminary Plan, located north of 95th Street and east of Mission Road. **PUBLIC HEARING**

CASE 27-13 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-9 – PERFORMANCE STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to noise from generators. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 39-13 – TOWN CENTER PLAZA – THE BUCKLE – Request for approval of a Revised Final Plan for a Tenant Finish, located south of Town Center Drive and east of Nall Avenue.

CASE 59-13 – PARK PLACE – SPACE G-05 – Request for approval of a Final Plan for a Tenant Finish, located south of Town Center Drive and east of Nall Avenue.

A motion to approve the Consent Agenda was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

NEW BUSINESS:

CASE 32-13 – 103rd TERRACE AND STATE LINE ROAD MULTI-TENANT MONUMENT SIGN – Request for approval of a Final Sign Plan, located south of 103rd Terrace and west of State Line Road.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 32-13; the applicant is requesting approval of a Final Sign Plan for modification to an existing non-conforming multi-tenant monument sign located within the public right-of-way owned by the City of Leawood. The sign was originally approved by the Governing Body on January 22, 1996. This particular sign is located at 103rd and State Line Road. The applicant is proposing to make changes to the sign to allow some additional color, change out names and also combine three of the panels to advertise US Toy. The applicant talked to property owners regarding the sign, which is legal, non-conforming for a number of reasons. It is located in the City of Leawood's right-of-way, which is typically not permitted. It is a box sign, which is prohibited by ordinance. It is also taller and longer than what is permitted by the current ordinance. This sign is allowed to continue if no more than 50% of the sign is changed, and this is what is being proposed, as the structure of the sign is not to be changed. One stipulation requires evidence of this with regard to the cost. Staff has a concern that this may convert to one tenant as opposed to offering exposure to a number of businesses in the development; therefore, we have included a stipulation requiring a minimum of ten businesses on the sign and no more than three of the panels can be combined into a single panel. The current proposal meets those two criteria. Staff is recommending approval of this application, and we'd be happy to answer any questions.

Chair Rohlf: Do we have any control over the lettering or logos or anything that goes on the sign?

Mr. Klein: This one has more change as far as logos and colors which were not part of the original sign. The Leawood Development Ordinance does not speak to logos or the size of the lettering, other than an 18-in. height limit for monument sign lettering. This sign meets that requirement. Staff is supportive of the application as presented.

Applicant Presentation:

Seth Freiden, US Toy Company, 103rd and State Line, appeared before the Planning Commission and made the following comments, using a computer presentation throughout:

Mr. Freiden: This is my family business, and my grandmother is the one who got that sign put up back in 1996. When my brother and I took over the company a few years ago, we started a branding initiative. This sign is our only visibility for our largest and most profitable of our eight stores across the United States. People cannot see our store from the road; we have no frontage on the main road. A year and a half ago, we began this initiative for this sign. Right now, the sign has businesses not even in existence anymore. We are proposing to be the owner and keeper of the sign and would therefore be the point of contact for any changes. We maintain the electrical bill and insurance with existing users, so it will be natural for us to take on the ownership and burden of this process. When we talked to owners in the development, some preferred to update the sign with their logo. We have been doing branding updates into all of our stores as we grow, which will hopefully generate more revenue for the city in the form of sales tax. We are trying to build awareness. Most of our business is Internet; Leawood is just the tip of the iceberg and crown jewel for us. People in Kansas City know that store, and we want to build branding for the customer base and let them know where we are.

Comm. Strauss: The signs list US Toy and US Toy and Magic. Are those different stores in that complex?

Mr. Freiden: US Toy Magic is a store within our store, so to speak. My uncle runs that as a separate operating division. On the existing sign, it says, "Constructive Playthings." We have many brands, including CB Toy. US Toy Magic has its own website and is its own business.

A motion to recommend approval of CASE 32-13 – 103rd TERRACE AND STATE LINE ROAD MULTI-TENANT MONUMENT SIGN – Request for approval of a Final Sign Plan, located south of 103rd Terrace and west of State Line Road – with all nine staff stipulations – was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

CASE 45-13 – MILANO (FORMALLY SIENA) APARTMENTS – Request for approval of a Revised Final Plan, located south of 137th Street and east of Mission Road.

Staff Presentation:

Assistant Director Mark Klein made the following comments:

Mr. Klein: This is Case 45-13. The applicant is requesting approval of a Revised Final Plan for the Milano, which was formerly the Sienna Apartments, located south of 137th Street and east of Mission Road. The reason for this plan is due to changes in the elevations of the buildings, internal trails, amenity areas and some of the berming within the development. The number of buildings, location of the buildings, and the total number of residential units and density of the development is not changed from the currently approved plan. The applicant proposes to construct four duplex buildings containing eight units on 2.19 acres within the proposed RP-3 [Planned Cluster Attached Residential] District. Within the proposed RP-4 plan [Apartment Residential District], the applicant is proposing to construct a 13,500 sq. ft. clubhouse, 23 apartment buildings and 270 units and then six duplexes with twelve units on 26.12 acres. As you know, this application came before you in 2010 and was approved by the Governing Body on July 19, 2010. At the time they submitted the building permit application, staff reviewed it against what was approved at that time. The director has the ability to approve certain modifications, such as landscaping, minor architectural features and signage; however, if the director feels uncomfortable, it goes back to Planning Commission and City Council, which is why it is here tonight. I would like to call out your attention to a memo with regard to this case and Stipulation No. 20. I also want to draw your attention to the 11X17 plans which show what is currently approved.

On the previous Site Plan, some of the pedestrian trails wound through the development and circumscribed the different ponds. Those changed due to grading. Staff has worked with them to provide an alternative. They have taken some of the trails and extended them off the internal drives and put them next to one of the ponds. The amenity areas consist of some benches on a paved area with landscaping. That is consistent with what was approved; however, they have added flagstone paving. They have also added an amenity area next to 137th Street. On either side of the western entrance, they have two benches with paved area and also some landscaping next to the hike/bike trail. Additionally, they have proposed a number of changes to the elevations. The style of the apartments generally is the same; however, some of the features have changed. In addition to that, they changed some of the berming in the area and have added retaining walls along Mission Road. This will face the interior of the development and will still look like a berm from Mission Road. On the east property line, they were required to have a 3 ft. berm, and they are maintaining that; however, there is a retaining wall located at the northeast corner of that section adjacent to Tuscan Reserve.

The memo before you tonight speaks to cultured stone. Staff has some concerns about this, but it was approved with the Preliminary Plan. Staff is recommending that they be allowed to use cultured stone or natural stone. Staff is recommending approval with the stipulations in the Staff Report, and I'd be happy to answer any questions.

Comm. Elkins: I have a question on staff's change in position on cultured stone versus natural stone. As I understand it, the LDO calls for real stone. Apparently, the Preliminary Plan permitted cultured stone. Does that pre-date the LDO?

Mr. Klein: As you recall, this case went through a lawsuit, and as part of the settlement agreement, certain stipulations were put in place with the Preliminary Plan. With regard to cultured stone, it is not listed as a permitted material within the LDO.

Comm. Elkins: It seems like we have had a lot of discussion about cultured stone versus natural stone, and typically, we have landed on the side against cultured stone because of durability issues.

Mr. Klein: You are correct that we have recommended natural stone. In this case, it matches the stipulation approved with the Preliminary Plan.

Chair Rohl: Are there any issues that are open for us to discuss tonight that are not bound by the Preliminary Plan?

Mr. Klein: Some of the changes in the plan, such as the elevation changes and the changes in the trail are within this application.

Applicant Presentation:

Curtis Holland, Polsinelli Shughart Law Firm, 6201 College Blvd., Suite 500, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Holland: I would like to introduce a couple members of our team before we get started. I am representing the Oddo development. I have Mr. Frank Oddo and Mr. Rick Oddo. Next, I'd like to introduce our project architects: NSPJ

architects with Bill Prelogar and Paul Staats, who have been with this project from the beginning. Our civil engineering and landscape architecture is done by Schlagel and Associates, including Jeff Skidmore and Dan Foster. We are here to answer any questions you might have with regard to the report and our plan and some of the changes made and updated since we were here in 2010. I would like to start by thanking the Planning Commission because you have heard this project a number of times, and my recollection is you have supported the project each time. Unfortunately, we did not get the same support from City Council, and there was a lawsuit filed after denial of a plan that had been in place for nearly 20 years. Rezoning of this property occurred in 1988, and the original plan was approved in 2001. We were here in 2010 with a final approval, and it was incorporated into a settlement agreement, which is binding on the city and us. Some of the things you heard tonight are a direct result of what the ordinance and settlement require. Some updates to the plan have occurred, and we're here to talk about some of those. I don't want to revisit the lengthy history of the project, but we do have a couple of things we want to talk about tonight. I will cover some of the stipulations, and then I will turn it over to Bill Prelogar, who will go over the Site Plan with you and talk about some of the other changes to help the buildings blend into Tuscan Reserve to the east and to be complementary to the other project of Sienna, a single-family home subdivision to the south. You will see our project complements those projects in terms of the materials, colors, style and so forth. It will be a beautiful project.

I would like to talk about changes since we were here in 2010. The final civil engineering was done after the settlement agreement. This did require some modifications to the location of the trails. We put some retaining walls in, and there were conflicts, so we've worked all those out with staff. We have more trails and walks through this project than most do. We added trails around the open areas and lakes to provide amenities for our residents. We added amenities. We had a total of three amenity areas in the beginning; we now have six. We upgraded the concrete area to flagstone, which we thought would be a nice touch. It is an increase in cost to us, but it makes sense and is an aesthetic enhancement to the project. Many of the changes make the plan more compatible to the existing areas to the east and south. We are happy to be before you tonight with that plan.

We just have a few issues we would like to visit about. There was a settlement agreement and a plan that you considered. It was done fairly quickly because people wanted to be done with it, but when the stipulations were drafted, some could have been clearer. The language doesn't quite match what was shown on our plan. Stipulation No. 26 deals with the berms required along Mission Road, 137th Street and the east property line. As we showed it in 2010 and currently, along 137th Street, we are putting in berms where we can, but there are grade changes in elevation between the street and our property. Some of the property sits as much as 3 feet lower than the street elevation. This was clarified by staff; I am just putting it on the record.

The next clarification has to do with the construction access, which is a weird thing to talk about in this stage. Stipulation No. 34 deals with construction traffic during construction of the project. Back in 2010, this project was intended to be a phased project. We intended to start on the west side along Mission Road, which is the most visible portion of the project, and then go east. Under the original stipulation, the access was to be restricted to Mission Road, but if and when 137th Street was constructed, we were to gain access only along 137th Street. As we did Phase One, a portion of the stipulation says that we're going to have our construction traffic enter the westernmost driveway that we're doing. There was no restriction for using the eastern entrance to construct the buildings. We didn't know this was an issue until reading the stipulations. We would like you to consider allowing us to use the easternmost drive as we phase over to that side of the project and the property. We don't have any real phasing like we did back in 2010; this is all going to be built at one time. With a project this large, however, we will have a starting point and an ending point with the first item being built as the clubhouse and then the buildings on that side. We will use this westernmost drive to build the western phase of the project, but then our hope is to finish this part on the side so people could live in the community before we're completely done with build-out. As we move to the east side, we want to be able to have access to our east driveway. There is no reason not to have it. We think it is safer than to have construction traffic mixing with our residential traffic on the west side. 137th Street is mostly complete, and it wasn't built in 2010. We will complete it when we nearly finish the construction so we don't tear it up. It is usable for construction traffic and make more sense to take our construction traffic east along 137th Street and gain access to our project at the eastern access point rather than to be restricted to access at the western side. We'd like to have that stipulation modified so we are permitted to use the eastern access drive.

Stipulation No. 38 deals with the fencing around the perimeter of the property. We have always shown nice wrought iron fencing around the property. Along the west side of the project and along Mission Road where there is high visibility of our project, we've always shown stone columns among the fencing to break it up. When the stipulation was written in 2010, it could have been drafted a bit better because the way it reads, it could be interpreted that we are required to put the stone columns around the entire perimeter, which was never our intent. We just want to clarify that we are going to have stone columns only along the public roads.

The last stipulation I'm going to speak about is No. 21, which reads, "The stone on the building shall be installed using an Ashlar pattern." This is a rectangular pattern. I jokingly said to Mr. Coleman today that if you asked ten different architects to do an Ashlar pattern, you'd get ten different answers. This is a generic term that could mean a lot of different things. What we want to do is put a stone on the face of the buildings. There was never language about the pattern of the stone. Typically, patterns aren't something we get into detail about, and this was never mentioned in the Staff Report before. We are trying to be consistent with the area to the east and south when there is stone on the building. Certainly, we will have more stone than most of the single-family houses will have. The issue came up when we brought in a sample board that wasn't Ashlar. We have a difference of opinion of what Ashlar means. To try to resolve the issue, we got a bigger sample board so you can see the pattern we're trying to emulate. Staff replied with a picture of what they feel Ashlar is, and it is nothing like we want to build. You can't say what we are doing is not Ashlar. We don't get into patterns in Planning Commission meetings on this kind of an issue. We are getting far into the detail here when we are having a discussion about a specific Ashlar pattern. With all due respect, we are putting millions of dollars into the project; we would like to decide how we will put the stones together. We have some elevations I will let Mr. Prelogar take you through. This is not going to be an ugly building, by any means. We think the pattern and the colors are an enhancement to the project. I shouldn't say that this is what staff wants us to build; I think it is more representative of what Mr. Coleman indicated was an Ashlar pattern. As I mentioned, there is no mention of Ashlar in the previous approval.

Chair Rohlf: Is the brick pattern in the rendering in our packet representative?

Mr. Holland: That is exactly what we want to do. I'll let the architect speak to it, but it is representative with a computer simulation.

Chair Rohlf: This looks more uniform than what you're showing on your board, but we can talk about that.

Bill Prelogar, NSPJ Architects, 3515 W. 75th Street, Prairie Village, KS, appeared before the Planning Commission and made the following comments, referring to Site Plan throughout:

Mr. Prelogar: I'm not going to spend a lot of time going over what Curtis just went over. Basically, the site plan is essentially the same as far as street layout and buildings as what was approved in 2010. Curtis touched on engineering considerations; I won't go into them more deeply. In 2010, the city did not require BMPs [Best Management Practices], which have subsequently become a requirement for civil engineering and water management. This caused us to fairly radically alter some of the green spaces, which had an impact on what we could do as far as the internal trails. BMPs have consumed almost the entire south border of the property and have also consumed a large portion of the green space in the northeast corner of the site. The detention pond in the center of the site has become substantially larger. These changes are to bring the project into conformance with the current requirements for storm water management practices, both in storm detention and BMPs. The BMPs become a rather marshy area, so trails would not work going through them. We have put other trails in with the purpose of creating a community amenity area with landscaping. We have added a community amenity at the south end of the east-central green space. Again, we've preserved this as a large rectangular open green space for dogs to run and people to enjoy. I mentioned we have a large area across the southern sector of the site. That's largely for the BMP storm water management aspect of it. The north central pond is a detention facility. Grading this has prevented us from running a trail around the northern side, and enlarging the pond eliminated the chance of getting the trail along the eastern side. We have provided two flagstone patios with benches and landscaping to give it a semi-private feeling, separate from the adjacent residential development. The water feature has the same condition with the enlarging to handle storm water management. We have a trail that comes in from the northwest and between these buildings with another community amenity at this location as well. We have added some additional benches on the trail at our west entrance off 137th Street. That aspect of the project has been substantially enhanced, I believe. I'm not negative about the BMPs; because it is a grass land and interesting planting array, it will add interesting landscaping features to the site that I think the residents will find pleasant. Staff asked us to do a number of site sections. I don't know that we want to get into this particularly, but they are here at their request.

I would like to talk about the architecture of the buildings. The building forms and plans are exactly the same as they were when this was approved in 2010. I would like to give a very short history. The site was originally zoned for multi-family use in 1988 with plans and buildings that were appropriate at the time. In 2000, we came in and re-planned the site, still as multi-family, but updated the building designs and plans to something that was more appropriate in 2000. The architecture had a flair that would be more reasonably characterized as Country French. The color scheme

is what I would call Overland Park Beige. It was fairly bland colors, fairly bland stone and architectural motifs that probably would be more along the lines of a Country French home. I don't like to refer to architecture as fashion because that suggests it will change every spring and fall, but there has been an evolution away from bland colors and buildings into a much richer, deeper palette. I think this is a good thing. The color board in front of you depicts five different colors of stucco we intend to use on these buildings in a random mix-and-match pattern across the site to give it a lot more liveliness. Along with that, we wanted to use a stone that goes away from what I call Kansas Limestone and more along the lines of what you would see in a Tuscan Villa. This is partly because the stones in that color range blend very nicely with these richer stucco colors, which is the purpose and intent of what we're trying to do. These are the kinds of color and materials you would see in a European/Mediterranean setting rather than Central European. It was our desire to begin to use richer colors on the trim. The entry porticos on the buildings are more columns rather than timbers and arches. Chimney treatments have been rendered into more of a Tuscan appearance. The stone pattern is meant to more closely emulate what you would see in a Mediterranean setting. There has been discussion about Ashlar, which is generally a pattern of rectangular blocks of stone. Curtis found 50-60 renditions of Ashlar stone. They don't have to be rigid rectangular blocks; generally the idea is they are different sizes and generally rectangular shapes, but not necessarily all the stones are rectangular. There are a lot of different ways to handle the mortar joints. Our preference is that the mortar joints would be full mortar joints tooled back to make a good water-tight finish on our veneer. The sample in the back of the room is much more representative as far as the range, size, shape and mortar joints of the stone that would be used on the building than either the very small sample. Our intention is to use more of the richer colors in the stone so they blend nicely. We have also chosen a color concrete tile color and an architecturally laminated shingle color that tie in with this same thematic direction of the project. When this approval process is complete, the Oddos are prepared to start construction on the site. They have invested a fair amount of money getting 137th Street up to its current status, and they are anxious to move forward. Unless someone has questions, this concludes my comments.

Comm. Williams: Going back to the stone issue, I agree about the richness of color and that trend. I also am pleased with what I am seeing in the renderings submitted in terms of color, but I don't see that in the sample at the back of the room. Also, you talked about having the tooled joints separating the stone, and I understand that with any kind of thin set application, but when in the sample, there is mortar, but it's not the tool joints you're referring to. I'm a little at a loss as to what you're really trying to do. Forget the Ashlar term for a minute because I think it is confusing. I think maybe what staff was after was the rectangular shape of stone that you've shown in your renderings. The tool joints work very well with that. The coloring is very complementary to the colors you've shown on your sample board. A lot of what I see in the sample board is irregular-shaped, wide, big sections of mortar and even round stones. That doesn't get to what you have shown on your elevations. I guess we need some serious clarification of what you are trying to achieve because I don't see it.

Mr. Prelogar: The sample board in the back was done by Builders Stone at a request given to them over the weekend. They used the material they had there, which is manufactured stone. The stone we will actually use will be manufactured to our specifications on the color mix, the shapes and the rest of that kind of stuff. The shapes are pretty representative of what we're intending. We want it to look like stone we picked up and put into a Tuscan farmhouse. We don't want it to look like something that's been run through a saw and cut into square blocks. All of those options are within the range of Ashlar, which certainly can include some irregular-shaped stones. Ruble stone is all irregular shapes. We would like to use a range of colors, sizes and shapes without straight horizontal mortar joints. We have Tuscan homes in the city that have cost millions of dollars that use similar materials. We want our end result to look as authentic as possible to the style. That means we are not going to have a bunch of square stones because it is not consistent with this style of architecture.

Comm. Williams: I would agree completely on the Ashlar piece that was shown earlier in the presentation. However, there were substantial differences between the stone on the screen now and what you showed us. What this body is trying to understand the selection of the general stone pattern and the coloring. Contrary to comments made earlier, this body has taken that position repeatedly on many projects to tie down the color and pattern of materials and not necessarily leaving it up to the stone mason when he shows up on the job. Give us a picture or a sample of what it's going to be, and we can pass judgment on whether we think it is appropriate.

Mr. Prelogar: Is there concern that the images we've just shown on the computer screens are insufficient?

Comm. Williams: I don't really have any problem with them, but neither one match what is on the sample board. I am just trying to find out where exactly we are going to be.

Mr. Prelogar: One of the problems with the sample board is when you ask a manufacturer to manufacture the stone, they'll gear up and manufacture the stone and make a lot of it. We asked them basically 48 hours ago to create a sample for us, and they used what they had; they didn't manufacture from scratch the colors or necessarily the shapes that we intend to use. The images we have shown on the screen are a much more accurate representation. I think this will be very handsome. I'm sympathetic to your desire to see what it's going to be. I would ask you to be sympathetic to the difficulty in getting a precise exact sample. If we were just picking out something the manufacturer makes as a standard, it would be simple. This is more complex than that. We want it to be very customized.

Rick Oddo, 15431 W. 100th Terrace, Lenexa, KS, appeared before the Planning Commission and made the following comments:

Mr. Oddo: The cultured stone comes in 15-18 different shapes and about that many colors. They randomly mix the colors and shapes throughout. We asked them to make this about two weeks ago. They had the stone sent in; however, batch to batch will vary just like real stone. It is very representative in that it has a linear cross but also has different shades, colors and shapes. It is the tooling and mortar we are intending to use. We can also tell them to use another 5% more of the tan and a little less of the other colors to create the mix-and-match look. The board shows a sample of the colors and shapes. They wanted to make sure they had one color and one shape of everything. Like natural stone, it will vary from batch to batch. I'd be happy to answer any other questions.

Comm. Williams: No, we just needed a clear statement from you on what the appearance will be. I think the panel has enough experience with cultured stone to understand what the product and material is like. It does come in a variety of different patterns by the different manufacturers and sold as such to get any number of different appearances and looks; it's just not a mish-mash, like you might do with natural stone. I think we have a better understanding of where you want to go.

Mr. Prelogar: If you look at the mortar joints, you will see that they are full mortar joints that have been tooled ever so slightly with a typical mortar jointing tool. The stones don't have a flat face, so the mortar doesn't come out to the most projected parts of the faces; otherwise, it would be more of a slush-and-brush mortar joint. The body of the stone is fully mortared and then tooled back. It is definitely a tooled full mortar joint, which is what we expect to see when it's laid up on the building. I hope to get a little variety from building to building because it is not intended to be a repeating pattern. We want it to look like natural stone.

Comm. Williams: I think that is one of the reasons staff wanted you to go with natural stone.

Mr. Prelogar: If someone wants to write a really fat check, we'd be happy to put natural stone on the buildings; that is an extraordinarily expensive process. The nice thing about this is that it is manufactured here locally. We are able to highly control the process. We will get variation even as the stone comes out of the same quarry. We are trying to make this look as natural as we possibly can and not like some product that has been shipped in from wherever.

Chair Rohlf: Mark, are you in disagreement that what they are proposing is an Ashlar pattern?

Mr. Klein: Yes, we are in disagreement that what they are proposing does not match. If I may, after the applicant is finished, I would like to go through some of the stipulations they discussed.

Mr. Coleman: The drawings approved in 2010 showed an Ashlar pattern on the buildings; that is where that came from.

Chair Rohlf: Is it depicted at all in these drawings?

Mr. Klein: It is on Sheet 20 and some on Sheet 25.

Mr. Coleman: We would have no objection to what they showed on the first house they showed. It doesn't have a tooled mortar joint, but the pattern would be fine. We are trying to figure out exactly what is going to be put up there,

and we're having a difficult time doing that because the drawings didn't reflect the Ashlar pattern and the sample they brought in didn't reflect the drawing.

Chair Rohlf: Had you seen that prior to today?

Mr. Coleman: No, we saw it today, but they had a little sample previously.

Chair Rohlf: We'll get back to that when staff has an opportunity to get to that.

Comm. Pateidl: Describe for me what this 2 X 2 material board is.

Mr. Prelogar: That came off the shelf at Builders Stone. We chose it because it came as close to representing what we were trying to do.

Comm. Pateidl: It comes very close to representing what is reflected in the pictures represented, not only as far as this package is concerned but what had been presented back in 2010 when there was an agreement reached between the city and the Oddos with respect to this project. This whole debate of Ashlar is not just academics, I don't think. Like Mr. Holland, I didn't know what it was, either. I looked it up in Wikipedia. It is cubic and trapezoidal blocks that may be laid in random patterns, but the joints coming up to each other are, if not finely cut, reasonably cut. The sample in the back looks like a rock that I dug up from my back yard, and I don't see the refinement that is reflected in what was presented to this board and this city when we talked about a settlement, and the settlement has raised some pretty important issues here as it relates to at least the use of cultured stone. Obviously, since it is not a permitted material, it was a concession made inside of that settlement. If you're telling us that this is what you were going to build and now this is what you propose to build, I don't see that the planning department is at all out of line when they reference Ashlar. If there are issues to be met between you and the planning department as to what that means in relation to the project, I fully agree. To do a carte blanche approval of that kind of a pattern board without a more refined understanding is very difficult for me.

Mr. Oddo: I would really like to have the pattern on the right (*referring to overhead*). The sample on the left is the exact same colors in a very Ashlar pattern with a mortar joint. We would personally like to have a little bit of mortar joint because we feel it adds a lot of protection to the waterproofing. We show this one with a very Ashlar look. I hate to hold this up because of a discussion on the pattern of the stone. There is no other discussion on it other than the layout. I would like to have the one that I picked out as just the personal pride of it. If that's the only objection we have, there is a sample with the Ashlar layout with the mortar joint in it. The other picture shows it without the mortar joint. I'm willing to make the concession if I have to, but I don't want it to be the only thing that keeps this from unanimous consent. We just feel that the picture on the right is more representative of a true Tuscan look. We are trying to emulate a Tuscan home, such as the ones in Siena and Tuscany.

Chair Rohlf: Those look like the one on the left to me because you don't have as much mortar in there.

Mr. Oddo: Both of these have a light mortar. We are going with a heavier mortar joint.

Chair Rohlf: It just doesn't seem very visible in that one; it almost seems like stacked stone.

Mr. Oddo: You see it more up close than from a distance, and all of this fades drastically as you get farther away. Once again, this is going to be the finest community in all of Kansas City, the highest rents in all of Kansas City. They are very large homes with high-end clientele.

Chair Rohlf: You're saying your board representative back there and your personal preference will look like what?

Mr. Oddo: I took pictures of the homes I liked, and I sent them to my contractor. He said he had the perfect stone.

Chair Rohlf: Is this natural stone or cultured stone in these pictures?

Mr. Oddo: This house is real stone.

Chair Rohlfs: Is that what makes it look different?

Mr. Oddo: No, it's the mortar joint. They have a closer, tighter fit than what we're showing. That's the only difference between them.

Chair Rohlfs: I'm sure the rest of the commissioners will have a chance to comment; keep those pictures in mind.

Comm. Pateidl: It seems like we have a number of these stipulations to work through. Based on what Mr. Oddo just relayed, I would like to propose perhaps changing that stipulation to read, "The stone on the building shall be installed using an Ashlar pattern agreed upon by both the applicant and the planning department" and allow them to work the details of what this would look like, cautioning the planning department that the whole settlement was predicated on a very high class project and sold on the basis of this kind of a representation. I think the final project should have this kind of aura to it. That places a burden on the planning department to work with this, but if there are this many different definitions of Ashlar, there is no way to resolve this here this evening. I would suggest that maybe we revise that stipulation to that point.

Chair Rohlfs: I think that's a good suggestion.

Mr. Oddo: I do want to stress that we want to use a little bit of a mortar joint. I don't think anyone has an issue with that. Other than that, if the color is okay with everybody, let me know.

Chair Rohlfs: Is there any other part of your presentation?

Mr. Holland: No, we are here to answer questions. There are a few stipulations I mentioned. My client would agree to what Mr. Pateidl said. We can hopefully resolve the other issues, including the construction access and the stone columns.

Comm. Pateidl: Mr. Holland, regarding No. 26, you lost me on where you want to be on that.

Mr. Holland: We are agreeable with the stipulation as it has been discussed with staff today.

Comm. Pateidl: It has been discussed but is not reflected here, or do you just have an understanding as to what this means?

Mr. Holland: We do. It would be a simple change to say that along 137th Street, the berm will be installed per the grading plans submitted to the city. That would resolve it.

Mr. Klein: I can speak a little more to that. There are some areas of the road higher than these parking areas. The reason for the berms is to block the headlights going into those. On past projects, we have allowed builders to consider the area below the road level as a berm since it serves the same purpose. On their plans, where the road is even, they are proposing berms accented with landscaping.

Comm. Pateidl: What I understood Mr. Holland to say was that they would like to build the berms where they could, and that was a bit of a position that had me concerned.

Mr. Holland: I'm sorry; that was a little loose. Our plans show the berms where we can put them.

Comm. Williams: On that stipulation, we would potentially add, ". . . per the submitted plans"?

Mr. Klein: Or we could add, ". . . as approved by the planning department." Basically, the intent of the stipulation is to ensure any place along 137th Street where headlights can shine in has earth between the headlights and the road.

Comm. Elkins: I have some questions for Mr. Holland as well. The history of this project dictates that we need to be very precise and in agreement as to what the words are on the sheet of paper. Let's work backwards so I have a good understanding of what is proposed. Mr. Holland, with respect to No. 38, what specific change would you offer that you and your client would find acceptable?

Mr. Holland: Probably specifically that the reference to the stone veneered columns be provided along Mission Road and along 137th Street only, as shown on the plans.

Comm. Elkins: I haven't had a chance to look at the plans closely, but you mentioned the plan for what was called Siena indicated that. I don't see it.

Mr. Coleman: This stipulation was taken from the previous agreement.

Mr. Holland: My statement about it was that it could have been worded better.

Comm. Elkins: I understand that. What you identified for us in your presentation was a modest inconsistency between the stipulation and what was on the approved plan. I'm looking for where it would not call for stone columns to the south and east.

Mr. Oddo: On the original plan from 2010, we had one approximately every 150 feet along 137th Street and then again along Mission. On the new plan, it is the identical placement. It is Sheet One.

Comm. Elkins: I think I understand the thought process behind taking the stone pillars out of the south end, but I'm curious about why it is not appropriate to have the stone pillars on the east border.

Mr. Oddo: We never had them on the east end, and they are behind a 3 ft. berm.

Comm. Elkins: The berm is on the outside of the fence?

Mr. Oddo: No, the berm is on the inside of our property, and the fence line would be right on the property line, 6 inches in.

Comm. Elkins: I understand they were not on the original plan, but I would like to know why they were not because if I'm a neighbor on the east side, I would far prefer to look at something that had stone pillars instead of just a wrought iron fence.

Mr. Oddo: It was just never there before, so we didn't do anything with it now. We are just clarifying the statement. Our understanding was the fence would circle the entire property but the columns were just on public streets.

Comm. Elkins: I understand the city wrote the stipulation, but you were all here, too, when all of us approved those stipulations. I don't think we can lay that completely at the city's feet. Mr. Holland, with respect to No. 34, what precisely would be your proposal to modify that stipulation?

Mr. Holland: I would like the language in Mr. Ley's memo attached to the Staff Report. I'm going to read from Paragraph 5 toward the top of Page PW3, "The construction entrance shall be off 137th Street."

Comm. Elkins: That gets you your eastern access.

Mr. Holland: I believe it does. It doesn't restrict us to one entrance on the western side. We want the opportunity to have our construction access on the eastern side when we are building that side of the project.

Comm. Elkins: I understand I am being picky about words, but it seems important in this project. If we're talking about a construction entrance, it would suggest that you would like two entrances. I want Mr. Oddo to be able to begin his construction and not have you back here another time.

Mr. Oddo: In the beginning, we will start with the western entrance. As people move in 14-16 months into the start of the community, we will have to open up the community for everybody. It would be very difficult and dangerous to have all traffic going through one entrance. At that point, we will create a new construction entrance. I want to control security, so I want to have one entrance and exit as well, but it will move because I want to get it out of where people are living when that time comes.

Comm. Elkins: With respect to No. 26, you would just qualify that as being referenced in the plan, correct?

Mr. Holland: As referenced in the grading plan.

Comm. Elkins: I heard what my colleague said about No. 21, but just to get you on the record, how would you modify it to be acceptable?

Mr. Holland: As it is written, I think we meet the Ashlar pattern. What I want to avoid is later when we're out building the project, a planning inspector to come out and say it is not what was approved. I thought we needed to clarify that, so maybe it isn't adequate as written and needs to be more along the lines of what you said.

Comm. Elkins: I'm getting ahead of myself because I do want to hear from staff, but as long as we're at this point, my concern with Commissioner Pateid's proposal is what to do if your client and the planning staff cannot come to an agreement. We seem to be the adjudicators of that, and we'll have you back here again. I want to avoid that.

Mr. Holland: We would work in good faith to resolve it, and if we are not able to resolve it, then as a last resort, we would come back.

Comm. Elkins: Men of good intent can always disagree. That's why I want to see if we can't get there tonight. What would you add to No. 21?

Mr. Oddo: I would hope we could come to terms with something we both would like; otherwise, I would say to have two people from the Planning Commission sit in on the meeting, and they can be the ultimate decider. Between the two patterns I've shown, I can live with both, but I would prefer the one.

Comm. Elkins: I think that's a fine idea, but I'm not sure we have the jurisdiction to function that way.

Mr. Oddo: This is not the thing I want to fight over. It is pride in your own home. I'm building this like my own home. I really do care, and I wish I would have that opportunity to put in my own touches and flairs, so to speak.

Comm. Elkins: I understand that, and I will leave that for the time being. Thank you. I just wanted to make sure we had a precise target that staff is responding to.

Chair Rohlf: Mr. Holland and Mr. Oddo, if you are done, then Mr. Klein, do you have any comments?

Mr. Klein: Yes, let me go through some of the comments and let you know where staff is coming from on them. Staff is trying to stay as much as possible with the original stipulations. The issue with regard to the Ashlar pattern shows tighter rectangular joints and also that same pattern. In the instances where they actually have stone shown sporadically, the city is looking to replicate the same pattern. We have had a number of discussions about it. With regard to the stipulation about construction entrances, I have an approved ordinance from 2010 signed by the mayor. Stipulation No. 33 states "Signs shall be posted at all construction traffic, shall be limited to access off Mission Road if 137th Street has not been constructed; however, if 137th Street has been constructed between Mission Road and Pawnee Lane, then the western drive off 137th Street shall be construction access in Phase 1. These signs remain until all construction is completed within the development." Originally in 2010, they indicated they may phase construction. They are actually not going to phase the project. The last sentence is what we feel is the intent of the stipulation. It is not uncommon to put in stipulations for construction entrances and where signs can face in an attempt to protect the residential development in the area. We are talking about limiting the access to the western drive. Tuscany Reserve is to the east. To the north is vacant property. Some of you may recall a project called Mission Corner, which is a Mixed-Use development. That plan was never constructed and has since expired. To the northeast is vacant land zoned SD-NCR [Planned Neighborhood Retail] and also Tuscany Reserve Village, which is a case later tonight. This is a combination of single-family and multi-family homes. The whole intent of the stipulation was to keep the construction traffic as far away as possible from Tuscany Reserve, with the realization as they come in with the buildings, they will be close to that property line.

With regard to the fencing, No. 41 states, "A fence shall circumscribe the entire development and shall be constructed of a 5-ft. black aluminum interspersed with columns and faced with either cast stone or natural stone

veneer. The tops of the pickets of the fence shall be tapered to have the appearance of finials." This was added at the time of Governing Body, we believe. We are looking into it. The stipulations in Governing Body's packet did not contain this one. The intent is partly for aesthetics and then also for anchoring the fence going around, trying to ensure a finished look around the entire project and not just along 137th Street and Mission Road. Commissioner Elkins indicated that people living in Tuscan Reserve would probably like to see a more finished look. I understand that it was never the applicant's intent. It was to ensure a finished perimeter. Those are the stipulations the applicant had concerns about. I'd be happy to answer questions.

Comm. Williams: From what you're pointing out on the stipulations on the construction entrance and the fence, you're basically repeating what the Governing Body approved for this project. Really, it is up to the Governing Body to make the changes.

Mr. Klein: I think the disagreement is probably the interpretation of that ordinance. Our understanding is that the signs remain in place until construction of the overall development has been completed. They believe that the removal of Phase 1 changed the intent of that ordinance and it would basically allow the easternmost entrance to be used at a later time. That is not our understanding with that stipulation, and it would not be consistent with what we have done in the past to protect the adjacent residential.

Comm. Williams: If they want clarification, it would be best to get that at City Council.

Mr. Klein: Yes.

Comm. Roberson: After listening to all this, it makes absolutely no sense to me to restrict them to the westernmost entrance when they have finished the buildings and have people living there, especially with a second entrance where all the construction will be. I don't understand that, and I think there should be leeway allowing them to move the construction entrance from the eastern portion once they have the section finished. I have no problem putting in the black fence with columns all the way around. If that's the way it was agreed to, it's the way it should be honored. I actually like Mr. Oddo's stone pattern, so from my standpoint, I prefer his over what you all are recommending. I'll leave it at that.

Comm. Jackson: Mark, Mr. Oddo wants a lot more mortar between his stone. Is that stronger, not as strong, better waterproofing?

Mr. Coleman: It probably doesn't actually have any effect because cultured stone systems are just applied to the base concrete, and they both will have mortar between them. We're not opposed to having joints, but that wasn't what was shown on the original plans or what we presented to City Council at the previous reiteration of this. There was a disconnect between what we were being shown on the plans and what came to our office as a sample of the stone. The previous plans were approved with an Ashlar pattern, and that's why we stuck to it. The previous plans on these other stipulations that we're talking about were also from the 2010 approved stipulations. That is why we stuck with them.

Comm. Jackson: It sounded like there were even questions among Mr. Oddo's group as to what exactly they wanted. There is plenty of what staff is looking for all along 135th Street that is getting a little tiring. I wouldn't mind a change. I'm sure it will come up at City Council to decide one way or the other.

Chair Rohlf: Mark, do you think this is something staff and the developer can work out?

Mr. Klein: The applicant has indicated a good faith effort to work with us. We will certainly try to work with them. Ultimately, Governing Body is the one making the decision as far as the pattern of the stone. If the stipulation changes, it should indicate that it must be done prior to Governing Body approval because what we don't want to have happen is to go to Governing Body and then not have a new plan or something that we've worked out.

Comm. Elkins: Mr. Klein, on No. 21 relating to the stone, the issue that is to be resolved has to do with the mortar joints and not the shape and size of the stones? I've heard a couple different things and want to be sure I understand the issue.

Mr. Klein: I'm not an architect, either, but it is my understanding that it does have a lot to do with the shape and size of the stone in addition to the mortar joints. These are rectangular pieces of stone that are fit together and have a look very similar to what is shown on that picture in your Staff Report.

Chair Rohlf: If there is nothing else for Mr. Klein, Mr. Holland, is there anything else you wanted to add?

Mr. Holland: I understand what staff said. On that stipulation we're talking about, let's leave it for City Council and let them decide. Let's work between now and then with our staff and try to get to a pattern we can both approve. You guys can recommend approval however you want to as long as it doesn't have to come back to you. We've talked a lot about it and have gotten some opinions on it. It might be helpful for them to know what you think about the issue. As far as the access drive issue, I do want to make an important point. We are going to put up a permanent barrier right now between our project and Tuscany so our construction traffic can't even go that direction. This will be until we build out the project. That stipulation is poorly written. I'd like to know what it means.

Mr. Prelogar: I was here in 2010, and a bunch of you were, too. We talked about phasing the project, and the truth of the matter is that this project is phased construction, no matter what we call it. There are 30 or so buildings. We will not start or finish them all at the same time. We will start on the western end of this project at the corner of 137th and Mission Road where the clubhouse is and then do the buildings surrounding that. We may be 6-10 months putting in all the foundations, and there will be that much or more difference between putting the time the first buildings and the last buildings are finished. It could be possibly a year. It is not phasing in the true sense of the word, but it is phased construction nonetheless. In 2010, the intention was to define phases with the thought being when we did the first phase, the construction entrance would be the west entrance. That first phase was the western side. In fact, there is some discussion about starting on the west side and working our way eastward. The reason the stipulation is worded this way is with the clear understanding at that time that the construction entrance would move to the east entrance as construction moved east. I don't think there is any question in anybody's mind. The neighbors' express concern was they didn't want to see traffic moving eastward off our property and using Pawnee as an access to 135th Street. I believe those of you who were here may recall that is exactly what their point of contention was. They didn't want our construction workers driving through their development. We are sympathetic to that, and we agree completely. Right now, 137th Street has temporary barricades up at our eastern end. We intend to put a permanent physical barrier there that would prevent our traffic from moving eastward on 137th Street toward Pawnee. That is the purpose behind that stipulation in 2010. The idea was that once we had buildings finished, our residents could come and go out of that western entrance without having construction traffic driving past. It is not just an inconvenience issue; it is also a safety and cleanliness issue. It is very difficult to police a site that these people can all drive through.

Mr. Coleman: Maybe we could solve that issue by adding to the stipulation that the street is blockaded by a permanent barrier that restricts all access to Pawnee from 137th. Maybe that would suffice.

Chair Rohlf: You wouldn't be opposed to having both access points if they have the barrier?

Mr. Coleman: Right, if they had the concrete barrier or something that restricted construction traffic from going that direction, it would be fine.

Mr. Ley: Prior to getting a TCO [Temporary Certificate of Occupancy] for a building out there, they have to have 137th Street completed and open as part of the stipulation. That would be before any of the remaining buildings could be completed, but they would have to pull those barricades aside and open the roadway. This is No. 14.

Mr. Holland: I do have one potential solution on the columns. The stipulation talks about interspersing columns. We could put some columns to make it work but maybe not every 150 feet. We could do it where it makes sense at the corners to add some aesthetics to it.

Mr. Coleman: That stipulation was added by City Council.

Chair Rohlf: Yes, there are certain stipulations that were made by City Council. We can indicate the ones that they need to evaluate. They will have heard our recommendations on some of this by the record. I think we could move to that point. Mark, I hate to bring up materials, but in No. 24 with the concrete masonry units, are those different than the prohibited material in the LDO?

Mr. Klein: These are a tumbled finish instead of natural stone and have been used in other parts of the city.

Chair Rohlf: This brings us up to any further comments or questions. We have heard the discussion on what we might need to do with regard to the stipulations. No. 20 would be easy because we would substitute the stipulation that staff put up here on the dais, which is the memo from Mark dated May 28, 2013. I think we have had conversation on acceptable language for No. 21. I think we have language we can add. Nos. 34 and 38, I think we should perhaps add language in there that asks that they be resolved at City Council. These were obviously stipulations they put in with whatever intent it was in 2010. I would agree that we would want it to be finished all the way around. Rather than specify that, we'll let City Council decide that for sure. Would anyone like to give a shot at revising stipulations and make a motion?

Comm. Elkins: I have a couple comments. First, I am mildly concerned about deferring; although, we always defer to City Council, but my belief is we have an obligation to make a recommendation to City Council, even on these stipulations they may have added previously. I think that is part of what our charter is. Council has shown its independence in the past to ignore whatever we had to recommend, but I think that we ought to make some sort of recommendation with respect to Nos. 34 and 38. I'll come back to my thoughts on specifics there. I remain concerned, with all due deference to Commissioner Pateidl and what may actually be the majority of the commission, with respect to No. 21. I firmly believe that men of good intent can differ, and if anything has ever proven that, it is this particular project. I firmly believe both the developer and the city have acted with good intent every step of the way. At times, we've had disagreements that went far beyond to other venues. It is truly unfortunate, but it is the history of this project. I believe while it would be great to believe staff and the developer could come to an agreement on which stone we're going to use, I think we should come to a recommendation. City Council can agree or disagree. Those are my two general comments. Specifically with respect to No. 21, I would put in the stipulation that the materials be as indicated in the large materials board in the back of our chamber. I think the language that Mr. Holland suggested with respect to the berms in No. 26 should go in. On No. 34, quite frankly, I think history has overtaken that stipulation. I think we could use the language that both Mr. Coleman and Mr. Holland came up with, "Construction entrances shall be off 137th, and there shall be barricades that prevent construction traffic east on 137th and out to Pawnee." On No. 38, I would propose it remain as it currently is partially because of the historical nature of this, as it was approved in the past. I think it was a good idea and we ought to have the stone pillars periodically through the circumference of the project.

Comm. Jackson: Mr. Elkins, it appears, though, from Mr. Ley's comments because of No. 14 on the third page of his letter that Temporary Certificates of Occupancy won't be allowed unless that street is open.

Comm. Elkins: That's a fair point. I would drop the reference to the barricades but still permit construction entrances off 137th Street.

Mr. Ley: We could put signs across the street from the intersection that shows construction access with an arrow pointing to the west just so everyone is aware that when they're leaving the site, they need to go to Mission Road.

Comm. Elkins: That would be a good resolution.

Comm. Jackson: I would agree wholeheartedly with all your recommendations.

A motion to recommend approval for CASE 45-13 – MILANO (FORMALLY SIENA) APARTMENTS – Request for approval of a Revised Final Plan, located south of 137th Street and east of Mission Road with all 39 staff stipulations, making the following changes:

- **No. 20: To be replaced by the memorandum dated May 28, 2013.**
- **No. 21: Materials shall be as presented on the large materials board.**
- **No. 26: Berms shall be added as referenced in the Grading Plan.**
- **No. 34: When construction is completed on the western side, construction access shall be allowed through the eastern entrance provided a sign is placed directing construction traffic to the west toward Mission Road.**

A motion was made by Elkins; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

CASE 53-13 – SPRINT WIRELESS CELLULAR ANTENNAE – Request for approval of a Special Use Permit for wireless antenna and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: This is Case 53-13 – Request for approval of a Special Use Permit for wireless antenna and associated equipment. The applicant is seeking approval to replace an existing platform antenna and associated equipment with new slim-mounted antenna for Sprint Wireless at the tower located north of 135th Street and west of Briar. The existing and proposed antenna will be located at the 170-ft. height on the tower. In addition to replacing the antennas, the plan proposes to replace ground-mounted equipment within the cell tower enclosure. In an effort to align the expiration dates for both the tower and all antennas attached, they will expire on March 13, 2014. Staff recommends approval of Case 53-13 with the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Applicant Presentation:

Stephanie Sanford, 2639 Moundview Drive, Lawrence, KS, appeared before the Planning Commission and made the following comments:

Ms. Sanford: I work for Burroughs Creek Wireless Consulting. This is an existing tower, and Sprint is changing out antennas from 3G to 4G, so the expectation is your cell service will be a little bit faster. It also is going to reduce the amount of equipment on the tower. Currently, they are mounted on what looks like a honeycomb in a triangle. That will be gone, and the 4G antennas are smaller. An antenna and responding unit will be mounted closer to the top of the pole, which means less equipment. Also, the equipment within the Sprint enclosure will also be less. It will not make any other changes.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Williams; seconded by Jackson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

A motion to recommend approval of CASE 53-13 – SPRINT WIRELESS CELLULAR ANTENNAE – Request for approval of a Special Use Permit for wireless antenna and associated equipment, located north of 135th Street and west of Briar – with all seven staff stipulations – was made by Williams; seconded by Strauss. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

CASE 57-13 – CHRIST COMMUNITY EVANGELICAL FREE CHURCH EXPANSION – Request for approval of a Revised Final Plan, located north of 143rd Street and west of Kenneth Road.

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: This is Case 57-13 – Request for approval of a Final Plan for Christ Community Church. The applicant is requesting approval to construct a 10,790 sq. ft two-story building addition and an outdoor playground. The Preliminary Plan for this project was approved April 24, 2012 as part of Case 34-12. The proposed building addition is intended to provide additional office space, restrooms, workrooms and a kitchenette. The addition is proposed to be located immediately west of the existing church on the site of the existing playground. As a consequence, the plan proposes relocating the playground to the southwest across an existing parking area. Sidewalks 8 feet in width will surround the new addition to provide access from the existing building and new addition to the proposed playground. A brick paver crosswalk is proposed across the drive to connect the playground and the building. Due to grading, a retaining wall is proposed along both the south and west elevations of the playground. The length of the wall along the west elevation will be approximately 81.5 feet with a maximum height of 8 feet and tapering off with grade. The south elevation will be similar in height and will extend approximately 95.5 feet. The wall will be beige. The majority of the landscaping shown on the plan exists, with new landscaping primarily located adjacent to the proposed building expansion and playground. Additional landscaping is proposed along Kenneth Road specifically south of the entrance

to meet the current requirements of the Leawood Development Ordinance. Along the west side of the playground, fifteen upright junipers are proposed to provide an additional level of screening to the existing homes on the east. The plan proposes buff-colored masonry units as the primary building material, along with aluminum windows and sun-shade louvers above. The aluminum windows are proposed to be charcoal or grey in color, matching that of the sun-shade lovers. The overall height of the addition is 39 feet, 4 inches and is proposed to match the design of the existing building with flat roofs and rows of rectangular windows. Staff recommends approval of Case 57-13, following the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Comm. Williams: On the retaining walls for the playground, what is the material? Is it just concrete?

Mr. Klein: It is a concrete masonry unit that has a clean edge to it in beige.

Comm. Williams: The landscaping shown on the plan actually sits at the top of the wall inside the playground area and not on the outside of the wall to screen the wall?

Mr. Klein: I believe some landscaping is in front of the wall, but there is also existing landscaping.

Comm. Williams: The plan began to show a few cedar trees scattered but not actually a screen.

Mr. Klein: That is correct; it is just to break it up, more or less.

Applicant Presentation:

Rich Kniss, Gould Evans, 4041 Mill Street, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Evans: We are very pleased to be here again. The owner is now ready to move forward with construction. The plan before you is nearly identical to what you saw on the Preliminary Plan. It is the same height, the same footprint, same general overall square footage. This plan has two major differences. Last time we were here, we proposed a concrete masonry unit, and now we are proposing a clay masonry unit. It is still the same look as the adjacent addition in the same general color. We couldn't exactly match the concrete masonry, but we came as close as we could. The other notable difference is the amount of landscaping that staff talked to us about. There were many plants that didn't make it through the drought, so we are replacing those and adding the additional buffer along Kenneth as well as some additional shrub screening along the west side. All of those things are reflective of nearly the same plan you saw a year ago. I am happy to answer any questions you may have.

Comm. Williams: One of your drawings shows a fence around the playground, but I don't think it is called out on the plan. It is Site Section A1-2. There is a note for a 5 ft. metal picket fence parallel to the property line. I just want to clarify there is a fence.

Mr. Evans: There is a 5 ft. fence around the entire triangular-shaped area.

Comm. Williams: What is the landscaping at the top of the wall?

Mr. Evans: Those are fifteen Taylor Upright Junipers to serve as a screening element for the adjacent neighbors.

Chair Rohl: If there are no other questions or comments, I would ask for a motion.

A motion to recommend approval of CASE 57-13 – CHRIST COMMUNITY EVANGELICAL FREE CHURCH EXPANSION – Request for approval of a Revised Final Plan, located north of 143rd Street and west of Kenneth Road – with all twenty staff stipulations – was made by Williams; seconded by Jackson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

CASE 62-13 – TUSCANY RESERVE VILLAGE 2ND PLAT - Request for approval of a Final Plan and Final Plat, located generally northwest of 137th Street and Chadwick.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 62-13. The applicant is requesting approval of a Final Plan and Final Plat for the RP-2 [Planned Cluster Detached Residential] District portion of the Tuscan Reserve Village, located at the southeast corner of Pawnee and 135th Street. As you recall, this application came before you as a Rezoning and Preliminary Plan a few months ago. The applicant proposed to rezone the western half of this portion of the development from RP-3 [Planned Cluster Attached Buildings] to RP-2 [Planned Cluster Detached Buildings] and then constructing nine single-family homes within that portion of the development as opposed to condominiums previously approved. The applicant is proposing to use the existing cul-de-sac off 137th Street that will be paved with pavers. The applicant is also proposing to plat this piece of property into nine individual lots. The lot lines will go to the center of the cul-de-sac. There is a front line setback going along the outside of the cul-de-sac that will provide a minimum of 20 feet between the fronts of those buildings and the curb lines; staff feels this is important to ensure safety when people are backing out of the garages. There are both front-entry and side-entry garages. The architectural renderings of the building indicate it will be a Tuscan influence with stone on the front of the building and stucco on the sides and rear. A 5 ft. trail extends from the western side of the cul-de-sac to the west property line and terminates at a piece of property currently zoned SD-NCR [Planned Neighborhood Retail] and was originally approved to provide a connection to that development, as it is the city's policy to provide connections throughout the city. Originally, there were two connections approved with the condominium plan: one to the north and one to the west. At the time of Preliminary Plan, staff worked with the developer and the sidewalk to the north was removed, but a stipulation was added that they would provide the connection to the west. Stipulation No. 4 indicates the sidewalk will be constructed prior to the building permit issue for the fourth building. Staff is recommending approval of this application, and I'll be happy to answer any questions.

Applicant Presentation:

Brick Owens, NSPJ Architects, appeared before the Planning Commission and made the following comments while referring to a computer presentation throughout:

Mr. Owens: Mark Simpson is here with me tonight as the developer. We have intent to get started right away on this project after approval from you and City Council. With these plans, we have begun to tighten up details and answer questions from previous stipulations. Essentially, this plan is the same as the Preliminary Plan with five side entries, four front entries and nine houses on the plot of land with 50% open space. The architecture also gets a little tighter. As I mentioned, we are going to repeat the architecture that has already begun on the east cul-de-sac, which shows an Ashlar bond with mortar joints. We have also provided additional details on lighting. We will incorporate lights with the mailboxes. The description in the Staff Report says they are 18 feet tall; they are actually 8 feet tall. We have nine units with five lights total. On the Final Plat, we have an easement for the sidewalk that is 15 feet wide. In the process of designing the project and the flow of the sidewalk, we would like to manipulate the sidewalk within that 15 feet based on how the houses are designed and installed, placed, developed or whatever you want to say in Lots 2 and 3. We would like to have the flexibility to move it around, depending on what happens with outdoor spaces. In this scheme, Lot 3's outdoor space is on the southwest corner, and we purposely moved the walk within the 15 feet to the south side as far as we could to get away from outdoor patio space. The outdoor patio space on Lot 2 is on the lower southwest corner in this scheme. We felt comfortable to do that slight manipulation. I would like to say that the Willis builders will be building all the villas, so our ability to control quality and details from one house to the next will be much easier than if we had more than one builder. We have 25 feet between buildings and 10 ft. side yard setbacks for the sidewalk. We have tried to accommodate it so it makes sense. We are showing landscape that insinuates hedges by the front door and pushes the sidewalk against the back of the garage part of the house. We don't know exactly how it is going to land or how the drainage is going to work between Lots 2 and 3. We would like to agree with all the stipulations, but No. 4 has a slight issue with our ability to have some flexibility in putting that sidewalk in. We leave it up to you. What we would prefer and what we had talked about and agreed to with staff is that we would put that sidewalk in when No. 1, 2 or 3 is built. That way, I can lock down the sidewalk, get the grades and say to the next house, whichever one it is, that they will not depart from their lot line to the top of the sidewalk. I need at least 10-15 feet to put in a foundation. A D-9 does not operate well within 10 feet; it needs more. The development schedule process typically would have us put in these fine details after we can assure that we can protect them. I would rather have that stipulation read, ". . . when the 6th house is built," which I am very sure will be Lot No. 2 or 3. If we build it during the 4th house, we might be building that sidewalk when neither house is there. We'll spend about \$4,000 putting it in, and if I don't have anything to tie it to like a demarcation house, it will feel like theirs, and we might be replacing that sidewalk. I would like to suggest you to consider changing it to the 6th house instead of the 4th house or if Lot 2 or 3 is developed. That is our only glitch,

and respectfully, the staff has worked very hard with us to get to where we are. I just would like this flexibility that would make practical sense. Thank you.

Chair Rohlf: Thank you. Are there questions for the applicant?

Mr. Klein: I would like to explain why Stipulation No. 4 is there. Staff is concerned that out of these nine houses, these two on either side of the sidewalk will be the last two going in. It has always been better when the city has had pedestrian connections as quickly as possible so everyone has an understanding they will go in. We have had other instances in other projects when we've shown pedestrian connection on the plans that don't get built until later. Then people will be living in the subdivision, and when the sidewalk begins construction, it causes surprise and opposition. This is an effort to ensure the sidewalk is constructed before too many of the houses get occupied and to make sure everybody is aware that sidewalk connection will exist. If they wait until the 6th house, it is halfway through the project.

Comm. Williams: The pedestrian connection you are talking about, though, would currently go into vacant land, correct?

Mr. Klein: Correct, it would, and the reason for the connection is originally this project understood there would be a commercial development to the north. There is a good chance it could be a residential component as well because it is a Mixed-Use development.

Comm. Williams: Going to the sequence when the walk goes in, as you currently propose the 4th house, it's a sidewalk to nowhere. To give the developer a little allowance, I believe they have certainly made a good argument for putting the sidewalk in after those two houses are put in because of the construction issues. They don't need to spend the money needlessly unless there is a development to connect to. As long as they get the sidewalk there in a reasonable length of time, which is when those houses are up, it should be fine.

Mr. Klein: We're just concerned that if it gets populated too much in that subdivision that there will be an effort to stop construction of that sidewalk.

Comm. Williams: And I share your concern.

Mark Simpson, developer of Tuscan Reserve Village, 15145 Windsor Circle, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Simpson: We've done lots of these villas. We did the White Horse, Villas at Ironhorse and Club Villas at Lionsgate. We presold all nine of these to Bob Willis with Willis Construction. He has already sold two of them. All of our drawings that we've handed out to every single customer show a sidewalk connection to be built here. We've offered to staff to have it in a black box on every single contract for every buyer to initial awareness that a sidewalk will be built in the future. It is a simple practical matter that the sidewalk without a house will be at the wrong grade, and when digging foundation for the house next door, they will destroy the sidewalk. It is a sidewalk that goes nowhere and probably will go nowhere for ten years. I'm not in favor of building it at all. I've been forced to build it by staff. I'm only asking not to have to build it twice. If they're worried about the neighbors who live there now and don't want it and the future neighbors who don't want it, we are happy to have the neighbors sign a disclosure that they're aware it is going in no later than house No. 6. I'm not happy about having to put it in at all because it's a sidewalk to nowhere that not one resident will ever use. Kids will use it to cut through the back yards of these houses. Residents don't want it, but connectivity is what you want and we will deliver connectivity. I do not want to put a sidewalk I don't want to put in twice for \$4,000 - \$5,000 each just to save the city having to worry about neighbors. We will address that issue with full disclosure up-front to every single buyer. I'm happy to answer any questions.

Chair Rohlf: I think we probably need to think about what we want to do with No. 4.

Comm. Strauss: I think the applicant has presented reasoning that makes sense to me. If there was a development on the west side, I think there might be more urgency to put the sidewalk in, but I agree that without a development there, we ought to provide leeway and go with their suggestion of the 6th house being built or Lots 2 or 3 being developed.

Chair Rohlf: That sounds reasonable.

A motion to recommend approval of CASE 62-13 – TUSCANY RESERVE VILLAGE 2ND PLAT - Request for approval of a Final Plan and Final Plat, located generally northwest of 137th Street and Chadwick – with all 18 stipulations with a change to No. 4 to read “the sidewalk shall be built when either the permit for Tuscan Reserve Village Lot 2 or Lot 3 is issued, but in no event later than the 6th building permit issued in the development” – was made by Strauss; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Strauss.

MEETING ADJOURNED