

**City of Leawood
Planning Commission Meeting
August 27, 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, Strauss, and Ramsey.

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Elkins; seconded by Roberson. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey.

APPROVAL OF MINUTES:

Approval of the minutes from the July 23, 2013 Planning Commission meeting.

A motion to approve the minutes from the July 23, 2013 Planning Commission meeting was made by Williams; seconded by Elkins. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey.

CONTINUED TO September 24, 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 77-13 – RANCH MART – MCDONALD'S DOUBLE DRIVE-THRU – Request for approval of a Revised Preliminary Plan and Special Use Permit, located north of 95th Street and east of Mission Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 67-13 – MANORS AT MISSION FARMS – Request for approval of a Revised Final Plan and Revised Final Plat, located south of W. 105th Street and east of Mission Road.

CASE 107-13 – TOWN CENTER PLAZA – HELZBERG DIAMONDS – Request for approval of a Final Plan for a Tenant Finish, located north of 119th Street and east of Nall Avenue.

Case 110-13 – LEAWOOD PUBLIC WORKS FACILITY – FENCES – Request for approval of a Revised Final Plan, located south of 143rd Street and east of Kenneth Road.

A motion to approve the Consent Agenda was made by Williams; seconded by Elkins. Motion approved with a vote of 7-0. For: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss and Ramsey. Abstaining from Case 67-13: Roberson.

OLD BUSINESS:

CASE 66-13 – MISSION FARMS – PHASE 3 – Request for approval of a Revised Final Plat and Revised Final Plan, located south of W. 105th Street and east of Mission Road.

Comm. Roberson recused himself from Case 66-13.

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: This is Case 66-13 – Request for approval of a Revised Final Plat and Revised Final Plan. This application was originally heard by the Planning Commission on July 23, 2013 with a stipulation stating that a parking study based on the Urban Land Institute Parking Model shall be provided prior to Governing Body. The outcome of the parking study indicated a shortage of 72 spaces. The City of Leawood hired Carl Walker, a consultant, to review the parking study to assess the study's completeness and accuracy shown in Exhibit B. The results of the review brought up a series of questions and clarifications regarding parking ratios and technical data interpretation. As a result of these concerns, this case, which was originally scheduled for the August 19th Governing Body meeting, was remanded to the Planning Commission to allow commissioners to review the parking studies and associated reviews. In response to the concerns raised by the review of the original parking study, the applicant has provided a revised parking study, which is Exhibit C. This indicates a shortage of eight parking spaces during a brief time period in the month of December; however, all other months and hours of the year are projected to have a surplus of parking. This revised study has been reviewed by Carl Walker and city staff. We are supportive of the parking study and the proposed parking at Mission Farms. Staff recommends approval of Case 66-13 with the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Chair Rohlf: Is the exhibit in the memo on our dais the same one that is in our packet?

Mr. Klein: Yes, you already had the revised parking study done by Transystems. We are waiting for the review of the parking study revised by Carl Walker. That memo includes both the revised parking study by Transystems and the review by Carl Walker. Additionally, you have a memo that restates what Justin just said; however, there is a recommendation for two additional stipulations. One would limit the amount of restaurant space located within the Mission Farms development to what they currently have. The other would require a parking study with the next phase in development, showing that they meet the parking.

Chair Rohlf: Is that parking lot and study just for that building, or are we going to revisit the overall again?

Mr. Klein: This is for the overall development. With this last revised parking study, it indicates they are basically meeting the parking with a slight shortage. With the next building, we would look at the overall, and hopefully it won't be an issue.

Comm. Elkins: I'm curious about the bounds of our authority in jurisdiction in considering this. For example, if there was an instance to just ignore the shortage of 8-11 parking spots in December, can we recommend approval of that deficiency, or does the LDO require as a matter or ordinance that the standards will be met?

Mr. Coleman: You could approve it. The LDO provides for the applicant to conduct a parking/traffic study that shows that their proposal will meet the parking needs of the development. Staff felt comfortable enough that there was not a large enough discrepancy or shortage of parking spaces and that the development would function fine. There is the possibility that if there was an issue in the future, the developer would be adjusting leases and possibly looking to reduce some square footage to ensure everybody had adequate parking to ensure success.

Comm. Pateidl: There are a number of different authorities referenced with respect to the information used in their calculations. What was the authority used by the city in establishing the ratio requirements that exist in the current LDO, such as two per resident, three per 1,000 feet of retail space?

Mr. Coleman: Those were industry standards that most places used at the time. If you go back far enough, you see a lot of it is for general retail. It might be six spaces per 1,000 square feet. At one time, that was seen as what was necessary for retail. A lot of this has been refined over the last twenty years, so new numbers from studies show more accurate numbers for different types of commercial use. It's getting more and more sophisticated. The studies are done from real-life observation of particular businesses. Small retail or boutique retail generates a certain level of use per 1,000 square feet, where as big box retail may generate a whole different set of numbers with a larger increase in parking. Restaurants have their own parking numbers. It depends on the type of restaurant. There's fast food, casual and fine dining. All of those have parking parameters that have been determined by studies and observation of those types of uses in the numbers of cars and trips that they generate. That's how those numbers come about.

Comm. Pateidl: What interests me is that these developers come forth with a parking supply that exceeds our minimum requirements by 15%. Does this lead to an assumption that we need to be revisiting the LDO in our parking requirements? I would find it to be very frustrating to bring a plan that so fully complies with the requirements of the LDO to them facing discussion about whether it is adequate or not.

Mr. Coleman: We are looking at that, and we probably will make an adjustment in the parking requirements for Mixed-Use developments in the future.

Comm. Williams: The city's consultant initially said there was a deficit of 72, and then the applicant's consultant went back and refined their study and came up with a much lower deficit. How did we get there?

Mr. Klein: The applicant's initial parking study was using the ULI ratios that were standard with the model. In their first review, they indicated that they didn't feel that some of the ratios were appropriate for the types of retail and businesses they had over there. We had a conversation with Carl Walker and Transystems, and Carl Walker indicated concern that they wanted to use different ratios but they weren't explaining those and the reason for them. In the next conversation, Carl Walker indicated if they're going to use something different, it is fine, and they need a source and an explanation why. They did that and used the ITE manual in order to come up with the parking ratios. Carl Walker indicated that was not an unusual thing with regard to those ratios. He seemed satisfied that they had support for their numbers.

Comm. Strauss: I understand it is industry standard to use these parking ratios from ULI or ITE, but just so the other commissioners understand, they are representative of anywhere in the country. A restaurant in Pasadena is being compared to a restaurant here. I'm okay with that until we have our own existing data. We're talking about expanding the land uses that are already there, so we've got our own sample data. I'm not talking about going back and doing anything, but I would be interested in seeing this next stipulation saying that we would use the parking ratios that are developed from the development already out there. That is the best understanding of how many parking spaces per square foot of office are needed or the current demand being generated.

Applicant Presentation:

Doug Weltner, Saddle Properties, 4520 Main, appeared before the Planning Commission and made the following comments:

Mr. Weltner: If there are any questions, I also have Jeff Wilkey with Transystems, who is the author of the parking study we conducted as the developer. He also coordinated with the city's consultant. Terry Leary is the co-developer and is also here tonight. Bill Prelogar and Nicole Anderson are here with NSPJ, and Judd Claussen is here as well. I would hope for approval tonight to move the project on to City Council, and I do agree to Stipulations 1-26. I have some issues with the memorandum that went out today. I understand everyone wants to do the right thing and everyone wants to study and vet these projects so we can all be

successful, but this was a frustrating process. I want everyone to know I'm in excess of code of 124 parking spaces. This is not a project out of code. I've already received a phone call from our lender asking if we had a parking problem at Mission Farms. I said our project is in excess of 124 spaces, and we have met that and are doing some use analysis. I bring it up because a stipulation has been requested in the memo today that we limit the square footage in my restaurants to 24,317 square feet. I think that's a pretty unfair thing to impose on this project at this stage. Number one, we're here for a Final Plan application for the apartment portion of the project; we're not here to vet what I've already built. We understand it all has to go into one box and we have to analyze it that way, but I did meet the code. You see highlights that we are short parking by eight spaces at approximately 1:00 in December only, and then at 12:00 in December, it is one space. How that happens is they have increased retail activity because of the holiday season. They also increase my bank's activity. Maybe we all go to the bank more in December; I don't know. That is in December at lunchtime. I always knew this project was going to be stressed at lunch because that's when my office is there. We did a lot of design things in place. You'll notice we didn't put lobbies for the office at the same location as our retail storefronts; we put them on the reverse side of the building and made no connection. It really has worked. I had a guy in Dallas who did the Southlake project tell me not to put the hallway in even if I wanted to because the office guys might use the retailers, but all that happens is the office guy parks at all the empty retail spaces at 8:00 in the morning and then the retailers complain. I know our project feels pretty active at certain times. That's what we want. Town Center is not a great place when I drive in. I drive through a sea of empty parking when I come off 117th Street. That's not what we're doing in Mixed-Use. Some people have to learn that they have to drive around to the back to get a parking space even at lunchtime or dinner. That's what we're all about. We spent a lot of time designing this with staff, and that's what everybody wanted at that time. I actually exceeded code because I knew three per 1,000 wouldn't be enough parking spaces. I'd like to be the manager of that. Today, I had someone define shared parking for me, which is how land use demands coincide with other uses. Every year, things are going to change. I'll have a new tenant, and I've got to manage a restaurant that might be for breakfast or dinner only. At dinner, in the current study, I never lack parking. In fact, the study shows you that at dinnertime, my range is 114-184 surplus parking spaces. If you throw that at twelve per 1,000, I can do another 8,000 sq. ft. restaurant if it's open only at dinner. I've talked to staff about this. I know I have Building E coming up, and we will have to be careful about restaurant uses. We know that. I don't want this 24,000 put upon me because things can change. Things have changed in ten years since we first got this project approved. We may have a zero tolerance on drinking and driving. Everybody will come by taxicab, and that will change how we operate and how our parking will operate. Mass transit could come to this site with busing or whatever. I don't know what's next, but putting 24,000 square feet on me when I'm exceeding code by 124 parking spaces doesn't make a lot of sense. To impose it on just Mission Farms especially really irritates me because I think we have proven successful for the city. We have proven successful for our restaurants. Something is working. What I don't want is some arbitrary number put on this because I have eight spaces at 1:00 in December that we're lacking when I have surplus parking for the rest of the year in all other times of the day, especially in the evening. It came up in your discussion, "What's code?" Isn't that what we're supposed to talk about? We haven't changed the code yet. I know you're reviewing it, but it hasn't changed. When I come in with my application, code is sacred. I've asked for a tweak from this Planning Commission and have been told you can't change code. Limiting me to 24,000 square feet changes code on me exclusively, and I just don't understand it. That number needs to be thought about a lot more than just in one afternoon. We're not short on parking. I think these studies are helpful to me, and I'm glad I have the benefit of them, but they are hypothetical laboratory studies. As the commissioner mentioned, Pasadena restaurants are different than restaurants here. The ULI does not have a lot of classifications; retailers are just thrown into one group. Fortunately, Jeff Wilkey from Transystems and the parking consultant from Walker were both able to come up with these other ways to account for certain things such as boutique shops. ELI didn't account for if a resident is living at Mission Farms and walks to a restaurant. They assume he will use a parking space. That is what the first study showed when we were short 72 spaces. Those 72 spaces we were short were in two months. The rest of the months of the year, we had excess. Those are the tweaks these two consultants successfully came up with. We'd like to manage our reality and be within

code. We respect the sensitivity of parking. We can't be successful; our tenants can't be successful if we don't have them. That is where we are, and we would appreciate a favorable vote this evening. I agree with Stipulations 1-26; I do not agree with limiting my restaurants to 24,317, and I really am not in favor of the ULI parking study and having to do it again for the same development unless I change something.

Chair Rohlf: Any comments with the parking studies or the discussion about the additional stipulations staff would like to add?

Comm. Pateid: First of all, there is an old saying in the construction industry: "You can beat it to fit and paint it to match." With the various and different assumptions that are involved in these parking studies, it is very hard for us to evaluate what is right, wrong or indifferent. I find it difficult to make judgment on who's right and who's wrong, but I do find that the applicant has certainly made a strong effort to meet and exceed code. We're left with the question of what's left in this development to be constructed. If a restaurant is proposed, I would ask staff if there would be a recalculation of parking spaces required based on that usage or what our study right now contemplates.

Mr. Coleman: Part of the idea behind it was that we anticipated they were not going to add any more restaurants to the development; however, we would be agreeable that if they decided to add additional restaurant space in Building E, a parking study could be done to show that they would have adequate parking.

Comm. Strauss: I think what some of the discussion is leaning toward is that we get rid of that first bullet of limiting the amount of restaurant space, and the applicant just has to show us that they have met the required code on parking spaces when they come back with Building E. They are saying they are there now, but we want to make sure the use doesn't change. I don't think we need to limit the restaurant square footage.

Comm. Ramsey: That was going to be my comment.

Comm. Levitan: I agree with Commissioner Strauss. Parking ratios are extremely hard; it's a floating concept. Obviously, they have the ratios to work with, but they have office in there that's not dense, and they can shuffle that parking to the retail. If they put in a 30,000 ft. restaurant, it would kill the development from a parking standpoint. It goes back to the parking in the garage for the apartments. This is something the developer has to manage. They'll manage themselves right out of business if they put in a 30,000 ft. restaurant and kill the parking. They'll drive the tenants away. I'm in agreement with striking that limitation.

Chair Rohlf: Mr. Weltner, where do the visitors who are there to see the apartment's tenant park? Do they park in the underground garage?

Mr. Weltner: No, that is all surface parking. I think there are two maps in the parking study that we provided, one shows you where the two per unit would be located for the 132 units; the other shows you what ULI is telling us is really required and where those shared spaces would be.

Chair Rohlf: I agree with my fellow commissioners about the limiting of your space, but let's say after this phase is completed and you have all your apartment people in, is there any wiggle room in this part of the plan for additional parking if you determined that something you couldn't predict arose?

Mr. Weltner: If you go back to 2001, we had to show that we could do a garage next to the highway behind Building E, and that could be a possibility. I'd like to avoid it. I'd rather make Building E smaller.

Chair Rohlf: I wanted to know if something could be stretched if you needed it.

Mr. Weltner: We'll get a lot of restaurant parking with Building E because it has a lot of office parks that haven't been built and won't be built with this phase.

A motion to recommend approval of CASE 66-13 – MISSION FARMS – PHASE 3 – Request for approval of a Revised Final Plat and Revised Final Plan, located south of W. 105th Street and east of Mission Road – with Stipulations 1-26, adding No. 27 to include the second bullet in the memo from August 27, 2013 – was made by Williams; seconded by Elkins. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss and Ramsey.

Comm. Roberson returned to the meeting.

NEW BUSINESS:

CASE 56-12 – UNITED METHODIST CHURCH OF THE RESURRECTION CAMPUS SIGNAGE – Request for approval of a Final Sign Plan, located south of 137th Street and east of Nall Avenue.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 56-12 – Request for approval of a Final Sign Plan. The applicant is requesting approval of a Revised Final Plan for signs with regard to the campus at Church of the Resurrection located at the southeast corner of 137th Street and Nall Avenue. As you recall a few months ago, the city took forward an amendment to the Leawood Development Ordinance with regard to campus signage for campuses that are public, semi-public or government and are 10 acres or more and allowed a variety of different sign types to be located within those types of developments. Building identity symbols, directory signs, directional signs, banners on light poles and entry door signs were all approved. Since that approval, Church of the Resurrection has worked to develop a plan in which they could meet that ordinance. Tonight's request would add building identity symbols, directory signs, directional signs, banners on light poles and entry door signs. Everything meets with the current Leawood Development Ordinance, and staff is recommending approval.

Applicant Presentation:

Dick Cooper, Director of Facilities and Construction, Church of the Resurrection, 13720 Roe Avenue, appeared before the Planning Commission and made the following comments:

Mr. Cooper: We have been working with staff relating to our sign package.

Chair Rohlf: It's quite an extensive sign collection.

Mr. Cooper: It is, and I don't recall when I was in front of you last. As you know, the church has roughly 300,000 square feet, and we are working on some expansion plans out there. We have roughly 6,000 visitors that come to the campus annually: those that are coming on weekends for worship, those that come during the week for special programming and then a number of conferences that we host. We often find folks are in the wrong building, so we feel good signage or way-finding on the campus will really help folks and visitors find the right parking, the right building and the right room the first time. It's pretty daunting and intimidating for a first-time visitor, particularly if they are in grief or need to find a pastor. We feel the sign package will greatly improve our visitors' ability to find where they need to go the first time.

Comm. Strauss: I know we've talked about the signage for the church for quite a while, and I'm all in favor of the signage. 6,000 visitors a year is a lot, and I've been up there before and have gotten lost. What struck me when I read the staff report was the number of banners on the light poles. I count 42 light poles, and

each one has two banners. I wonder what this looks like from the street. I know a lot of the parking is on the back and is probably not visible from Nall, but it may be from Roe. I just wonder about the view for the neighbors in the back. I guess when we amended the LDO, we had the opportunity for public vote, but I am asking myself that question and don't know if other commissioners have a similar concern.

Chair Rholf: I guess not, but it is a point well taken. We always want to make sure we don't have overdone visual clutter. I just don't think much of their parking is visible from the street.

Comm. Strauss: I agree the parking would not be, but the light poles are up much higher. I know the planning department does pictorials with an existing photograph and will draw in the changes. Do you get concerns from the neighbors on the back side?

Mr. Cooper: We haven't had any concerns. We currently have banner signs now, and we are not adding many more. We are just relabeling them. They are perpendicular to the streets. I don't know if the city has received any concerns about the banners. I would suggest that the vast majority of our signage is not visible from any public right-of-way. Drivers on Roe will see the banners near those two parking lots, but we have had banners up for years now, and we are not changing the quantity.

Mr. Klein: In their package, they are indicating about 49 of these banners. My understanding is they are replacing the ones that currently exist; however, the Leawood Development Ordinance allowed two banners per light pole.

Comm. Jackson: I think if the color is true to what is on the paper with the dark green and the light pole on at night, it will not have a neon effect. I think it is a pretty subdued color.

A motion to recommend approval of CASE 56-12 – UNITED METHODIST CHURCH OF THE RESURRECTION CAMPUS SIGNAGE – Request for approval of a Final Sign Plan, located south of 137th Street and east of Nall Avenue – with Stipulations 1-3 – was made by Jackson; seconded by Roberson. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey.

CASE 103-13 – LEAWOOD ELEMENTARY SCHOOL – CANOPY – Request for approval of a Revised Final Plan, located north of 123rd Street and east of Norwood Street.

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: This is Case 103-13 – Request for approval of a Revised Final Plan for Leawood Elementary School. The applicant is requesting approval to construct a canopy at the entrance along the east elevation. The canopy will extend approximately 28 feet from the entrance doors and will be approximately 13 feet in width. The southern end of the canopy will be supported by concrete columns with a sandblasted finish to match the color and finish of the existing precast concrete panels on the building. These will be a light beige color. The northern end of the canopy will be supported by painted metal columns. In staff's opinion, the canopy will have a better aesthetic if all four columns supporting the canopy were sandblasted concrete to match the building. Currently, the applicant is proposing the rectangular concrete columns on the south and then round metal poles on the north side. Staff recommends approval of Case 103-13, subject to the stipulations outlined in the Staff Report. I'd be happy to answer any questions.

Applicant Presentation:

Chad Luikart, 7840 Conser Street, appeared before the Planning Commission and made the following comments:

Mr. Luikart: I'm here for Blue Valley School District. We're in agreement with the stipulations except for No. 3. We would like to clarify on the recessed lighting and get an understanding. The existing structure we are tying into is currently a 6-inch C channel structure. That depth of the structure, we need to maintain with a new canopy. Lighting fixtures don't typically come in the depth that we need for that, so what we've proposed is a 2 inch by 2 inch surface-mounted LED light fixture that gets mounted to the bottom of the structure itself. It is very thin and narrow and is not visible.

Chair Rohlf: Would there be a comment from staff on that?

Mr. Klein: That was my understanding. I wanted to make sure something didn't get approved that wasn't intended. Actually, No. 3 states that "Lighting associated with the canopy shall be completely recessed into the underside of the canopy, and per the LDO, the source of illumination shall not be visible." The applicant is saying it will not be recessed but mounted to the bottom.

Mr. Luikart: The cut sheet that we are providing is 2 inches by 2 inches for the light fixture. The source is not visible.

Comm. Williams: Is there light coming out of the side of the fixture?

Mr. Luikart: No, it is directly down.

Comm. Williams: You get the same result as if you had recessed the fixture; it is just on the surface. It shouldn't be a problem.

Mr. Klein: If that is approved, I want to make sure the stipulation matches what they are doing. In addition to that, I know we brought up the comment with regard to the columns matching. That currently is not a stipulation in there, so it would need to be added.

Comm. Williams: It might be good if you describe why you chose to do it the way you have proposed.

Mr. Luikart: There are two different columns represented. A precast column mimics an existing precast vertical structure that supports the flag, and then on the north side of the structure, there are new steel columns. The columns are a reference to some interior steel columns on the inside of the building that support a curtain wall system. We extended those columns to the exterior. Another thing that is important for you to know is part of a construction package getting ready to come out is a secure entry package for an interior renovation. They are flipping on the inside the visibility of the administrative to the exterior. A lot of the people that approach this site come from the north. We're trying to open up the visibility to the north of the site versus to the south. Secondly, another issue is when kids come out from drop off at the end of the day, they end up going to the north. We don't want to obstruct that view from people who are inside the office watching the kids come out. We're trying to keep it as slender as possible.

Comm. Williams: That made a lot of sense. I would ask Mark to ensure that the light fixture meets code, and we keep No. 3 but take out the part about it being completely recessed while keeping the notation that the source of illumination is not visible?

Mr. Klein: That would work if that's what the Planning Commission wants to do.

Comm. Williams: To do that, the lighting associated with the canopy shall be per the Leawood Development Ordinance; the source of illumination shall not be visible.

A motion to recommend approval of CASE 103-13 – LEAWOOD ELEMENTARY SCHOOL – CANOPY – Request for approval of a Revised Final Plan, located north of 123rd Street and east of Norwood Street with Stipulations 1-7, modifying No. 3 to read, “Lighting associated with the canopy shall, be per Leawood Development Ordinance, the source of illumination shall not be visible” was made by Williams; seconded by Jackson. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey.

CASE 104-13 – TUSCANY RESERVE VILLAGE – Request for approval of a Rezoning (From RP-2, Planned Cluster – Detached Residential District, to RP-3, Planned Cluster – Attached Residential District), Revised Preliminary Plan, and Revised Preliminary Plat. **PUBLIC HEARING**

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: This is Case 104-13 – Request for approval of a Rezoning, Revised Preliminary Plan and Revised Preliminary Plat. Tuscan Reserve Village was originally approved for a total of thirty attached dwelling units and eight condominium buildings. The property was zoned RP-3 [Planned Cluster – Attached Residential] to accommodate this proposal. The development was divided into two tracts, each with their own private drive from 137th Street. The eastern tract, Tract A, was approved as four four-unit condo buildings while the western tract, Tract B, was approved for three four-unit condo buildings and one two-unit building. The eastern tract has been partially developed with the existing two four-unit condo buildings while the western tract was recently rezoned to RP-2 to convert the previously approved condos into nine single-family homes. This was part of Case 16-13. The applicant is proposing to rezone part of Tract B of Tuscan Reserve back to RP-2. They will zone from RP-2 [Detached Residential] back to RP-3 [Attached Residential]. This area is approximately 5,000 square feet and is the eastern portion of Tract B. The rezoning is necessary to permit the construction of the westernmost townhome. Rezoning this tract to RP-3 will allow for the proposed structure to meet the required 30-ft. setbacks while still allowing the single-family homes within the RP-2 portion of the development to continue meeting all the required bulk regulations. The proposed Revised Preliminary Plan calls for two three-unit townhomes. The proposed townhome units will be located around the existing condos with one north of the existing pond and the other one adjacent to 135th Street. The overall site will consist of fourteen units. The applicant is requesting a deviation to the 30-ft side yard setback. The RP-3 zoning district requires a minimum of 30 feet. Per the LDO, side yard setbacks may be reduced when the city approves adequate open space for the project and between the buildings. The applicant is proposing a minimum of 20 feet between the structures. Staff is supportive of this deviation. Staff recommends approval of Case 104-13 following the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Applicant Presentation:

Brick Owens, NSPJ Architects, 3515 W. 75th Street, Prairie Village, KS, 66208, appeared before the Planning Commission and made the following comments:

Mr. Owens: (*Refers to computer presentation throughout*) Our developer, Mark Simpson is also here this evening if you have specific questions. The property we're talking about is the eastern portion of the Tuscan Reserve project. Currently, there are two existing four-plex units on that plan called stacked units with one on top of the other. We're here this evening to talk about what we can do with that property. We came a couple months ago and talked about the detached units on the west cul-de-sac. We have about three of those under discussion with one sold. This evening, we'll talk about the challenges to provide an attached product on the remaining piece of ground. That's the struggle and the conflict. We learned on the west cul-de-sac that detached units in small lots will work very well here in Leawood and Tuscan Reserve. Our challenge is to attach the units and still create that single-family detached concept. Elsworth Smith Carlson completed two plans for us with the idea that it was a villa, meeting the requirements that the villas

on the west side essentially provided. It's a three-car garage and master bedroom on the first floor, laundry room on the first floor and a very open floor plan with lots of light. The other unit they have created is a little bit longer and has a study or guest bedroom on the first floor. These two units, with their layout, were carefully crafted to be attached. The unit displayed on the screen, we've repeated twice. It is essentially a three-plex with the end unit being flipped and turned on the side. The middle unit has an interior courtyard and private space attached. Because we're a little tight on space, we're squeezing the east unit and adjoining it a little differently to the west one. We had plans for second floors in these units. They will lay out on the two pad sites where the four-plexes were proposed. We're reducing eight units down to six units. Part of our challenge is how to marry the architecture of what's there to the units that we're proposing, and we're repeating the same elements of materials with stucco, Ashlar-bond stone, concrete tile roofs and then colors similar to the units that were there previously. With that, we are in agreement with all of staff comments, and I'm here to answer any questions you might have.

Chair Rohlf: Are there eight units with four in each building?

Mr. Owens: Yes.

Comm. Pateidl: Going back to the final layout, if I'm interpreting this correctly, there will be another application made for an additional six units to be in that eastern section of the property.

Mr. Owens: What we're asking now is six units on that eastern property.

Comm. Pateidl: And there will be another six units at a later date?

Mr. Owens: No, sir.

Comm. Pateidl: The eastern property will remain vacant?

Mr. Owens: The open space that's there now with the lake and trails all will remain. We have 50% open space now.

Comm. Pateidl: Part of my concern was I was thinking he had two three-plexes on that one little corner, and we're saying that fourteen units in Plat A is the maximum that we are looking at, correct? This would be the current eight plus six.

Mr. Klein: In the RP-3 zoning district, a maximum of four units is allowed within a building.

Comm. Pateidl: Do we have anything in our LDO that relates to visitor parking spaces available for multi-family residents?

Mr. Klein: No, the requirement is a minimum of two parking spaces per unit within the RP-3 and RP-4. One of those has to be enclosed; the other does not. In this case, I believe they are providing both of them enclosed.

Comm. Pateidl: Candidly, when all of that is done, there will be no street parking in that subdivision, which pushes your visitors out on to 137th Street and that concerns me with the density coming from the Oddo project.

Mr. Owens: Mark shares with me that there is parking on the street. We do have parking for two cars in the driveway outside the garage.

Comm. Pateidl: But with shared driveways, it is a little difficult for one resident to block the driveway for the other resident. I'm just saying it is going to be a very congested area. While you've got some on-street parking, they better be Volkswagens because they're not going to be Suburbans. It will be very tight, and I am concerned as to traffic patterns and public safety as it relates to forcing the outside parking to 137th Street if it's allowed at all. Is there parking along 134th Street at this point by the park or down past the residences?

Mr. Ley: There is no parking allowed on 137th Street. If it became an issue with people parking, we would install No Parking signs.

Comm. Pateidl: And the same is true of 134th?

Mr. Ley: 133rd is the parallel to 137th, and there is no parking on that street, either.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey.

A motion to recommend approval of CASE 104-13 – TUSCANY RESERVE VILLAGE – Request for approval of a Rezoning (From RP-2, Planned Cluster – Detached Residential District, to RP-3, Planned Cluster – Attached Residential District), Revised Preliminary Plan, and Revised Preliminary Plat – with Stipulations 1-14 – was made by Williams; seconded by Roberson. Motion approved

CASE 106-13 – RANCH MART – CARE SPOT – Request for approval of a Tenant Finish, located north of 95th Street and east of Mission Road.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 106-13 – Request for approval of a Revised Final Plan for a Tenant Finish for Care Spot at Ranch Mart, located north of 95th Street and east of Mission Road. The applicant is seeking approval to finish the building once known as the Leawood Post Office into an express health care facility and a second tenant space yet to be determined. The applicant plans to replace all windows with updated clear thermal storefront windows. The existing front door on the west side of the building shall be replaced with a double aluminum glass door. The tenant is also proposing to remove the windows and some of the brick façade north of the existing entry to install a new access for the future tenant with the same double aluminum glass doors. On the east side of the building, the tenant is proposing to remove the southernmost window and a portion of the brick façade to add a single aluminum glass door and clear thermal storefront windows. On the east side of the building, the applicant is also proposing to install concrete stairs, which will rise up approximately 2 feet, 6 inches off grade to access a door and will extend 5 feet from the building. A 25 sq. ft. concrete pad will be at the base, and a 3 ft. steel railing shall be installed on the stairs. The applicant will be removing all existing landscaping along the south side of the building that fronts 95th Street. In its place, the applicant shall plant a combination of grasses, small evergreen trees and ornamental trees. To the east of the building, the applicant shall plant a combination of shade trees and evergreen trees in the open space to create a buffer for the residents east of the building. The applicant is also proposing to plant a combination of shade trees and shrubs in the parking median and open area along 95th Street. Staff recommends approval of Case 106-13 with the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Comm. Williams: I recall in your staff comments that the mechanical equipment is protruding into the side yard setback. Are you looking to have that moved?

Ms. Kriks: Yes, I spoke with the applicant yesterday, and he is prepared to discuss that.

Applicant Presentation:

Jon Waynick, Klover Architects, 10955 Lowell Ave, Suite 700, appeared before the Planning Commission and made the following comments:

Mr. Waynick: We are in agreement with the 18 stipulations. I asked for clarification on No. 16 about, "The owner/applicant must establish a funding mechanism." This is one single owner for the entire building, so there are not multiple owners. I don't believe this applies.

Mr. Klein: The reason for the stipulation is we never know what may happen in the future. If something is in place as far as the common areas being maintained by a development association, it would be in place. Now, it is one owner, but in the future, it could be divided and sold.

Mr. Waynick: That's fine, and I'll ask for one other slight deviation on the stair. I know it outlines a concrete stair; we are requesting a metal stair since it is all screened. It is a better maintenance item long term.

Comm. Williams: What does staff think of that idea?

Mr. Coleman: Actually, I think it's a higher maintenance item because with metal stairs, you have gravel or something because weeds grow up underneath the metal structure. We have one over in Camelot Court right now that has failed and we're going to have to get it replaced. I think a concrete stair would be more appropriate.

Comm. Williams: Did they call out concrete originally on the drawings?

Mr. Coleman: I believe so.

Comm. Roberson: What is Care Spot?

Mr. Waynick: It's an urgent care facility where you don't have to have an appointment.

Comm. Roberson: And the other tenant is unknown at this point?

Mr. Waynick: Correct.

Comm. Levitan: Do we know the hours of operation?

Otto Westerfeld, 20190 Dearborn, Stilwell, KS, appeared before the Planning Commission and made the following comments:

Mr. Westerfeld: Care Spot is HCA's urgent care effort nationally. It's a quality tenant. They are branding here in Kansas City right now in multiple locations. We do comply with the hours from the Slab 'N Pickle debacle that we all remember. I agreed to a lot of things, and hours of operation were one of them. In addition, we put \$15,000 worth of trees along the east property line. I'm doing everything I said I would do. The remaining vacancy has multiple tenants interested. I think this might make Leawood residents happy because I remember how horrible the response was to the post office closing that branch: we own the Prairie Village post office, and they want to downsize about 7,000 feet. I can't accommodate them at that

location. I suggested that they move back into Leawood and take the 1,200 feet since their loading dock is on the north side. They're taking a look at it.

Mr. Westerfeld: We did call out concrete stairs. I didn't approve that. It got done by my architect. It saves me about \$15,000 to put in metal stairs. I don't know about Richard's example, but the stairs I'm going to do will have concrete steps with metal framing. We have them at other properties. I'll deal with weeds or anything that's unsightly. I'm north of \$300,000 right now, and I'd like to try to save a bit of money since it's screened. We're making every effort to try to be good neighbors, and I'd like a little help.

Comm. Jackson: Where is that on the plans?

Mr. Coleman: It's at the southeast corner of the building next to 95th Street.

Mr. Waynick: You can see quite a bit of landscaping around the stair. I don't believe anyone is going to see that stair.

Comm. Jackson: It's not the entrance to the building?

Mr. Westerfeld: It's an entrance to the basement area, which will be used for storage but will have no people. I'll put \$1,000 worth of landscaping around those stairs in addition to what we already have to make certain you guys are happy with it. Our object here is not to build something or open something that looks hideous.

Mr. Coleman: Did you say the stair goes to the basement? That's an exit stair. I just wanted to clarify that.

Comm. Strauss: What were the hours of operation?

Ms. Kriks: It is 8:00 to 8:00 every day. I confirmed that last week.

Comm. Williams: Addressing the mechanical equipment in the setback area, is that to be moved, or are we keeping it where it's shown on the plans?

Mr. Waynick: The transformer will be pole-mounted and the lines will be buried. I know we need to show our condensing units not extending past the east line of the building.

Comm. Williams: Concerning the stair question, I agree with Richard that the metal stair can likely be more maintenance, but if the applicant is willing to take on that maintenance and ensure that it is concealed from the public and serves the purpose it's intended to serve, I would say to let the applicant do the steel stair and make sure it is screened from public view.

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

A motion to recommend approval of CASE 106-13 – RANCH MART – CARE SPOT – Request for approval of a Tenant Finish, located north of 95th Street and east of Mission Road – with Stipulations 1-18, adding No. 19 to read, “The Commission is in agreement on a metal stair in the lower right corner of the building, fully screened from public view” was made by Strauss; seconded by Williams. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey.

MEETING ADJOURNED