

**City of Leawood
Planning Commission Agenda
January 28, 2014
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 Williams; 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 January 14, 2014 Planning Commission meeting and work session.

A motion to approve the minutes from the January 14, 2014 Planning Commission meeting and work session was made by Jackson; seconded by Williams. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey

CONTINUED TO February 25, 2014:

CASE 135-13 – IRONHORSE GOLF COURSE CLUBHOUSE EXPANSION – Request for approval of a Revised Preliminary Plan and Revised Final Plan, located approximately at 146th Street and Mission 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

CASE 08-14 – TOWN CENTER PLAZA – DEAN AND DELUCA EXPANSION - REVISED PRELIMINARY PLAN AND REVISED FINAL PLAN, located north of 119th Street and west of Roe Avenue. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 05-14 – TOWN CENTER PLAZA – CLAIRE'S – Request for approval of a Revised Final Plan for a Tenant Finish, located north of 119th Street and east of Nall Avenue.

CASE 10-14 – PLAZA POINTE 4TH PLAT – Request for approval of a Revised Final Plat, located south of 135th Street and west of Roe Avenue.

CASE 13-14 – TOWN CENTER PLAZA – GYMBOREE – Request for approval of a Revised Final Plan for a Tenant Finish, located north of 119th Street and east of Nall Avenue.

CASE 15-14 – TOWN CENTER PLAZA – ALTAR'D STATE – Request for approval of a Final Plan for a Tenant Finish, located north of 119th Street 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 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey

NEW BUSINESS:

CASE 136-13 – TOWN CENTER CROSSING – ANTHEM MEDIA – Request for approval of a Final Plan for a Tenant Finish, located south of 119th Street and east of Roe Avenue.

Commissioner Levitan recused himself from Case 136-13.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Case 136-13 is a request for a Final Plan for a Tenant Finish for Anthem Media, located within Town Center Crossing at 119th Street and Roe Avenue. The applicant is proposing to enclose a portion of the patio on the second level on the south side, which is at the rear of the main center facing Tomahawk Creek Parkway. The enclosure shall be primary clear glass with the ability to open the windows with a crank that will be used from the inside. A glass door is proposed to be located on the east side of the enclosure, giving access to the rest of the patio to those using it. A railing consisting of tension cables shall be installed on the parapet on the south and west of the patio. The applicant is proposing to install metal framework over the rear door of the tenant space, which also faces Tomahawk Creek Parkway. The metal framework is, in essence, a metal tube structure extending 3 feet from the building with an 8-in. fascia. Staff is not supportive of the metal framework over the rear door since the structure is not designed to have any covering over the top and therefore does not provide any weather protection for those individuals using it. Additionally, the framework is planned for future permanent signage in the rear of the building, which staff will not support since this is not a main entrance for the tenant. Staff does recommend approval of Case 136-13 with the stipulations outlined in the Staff Report, and I'm happy to answer any questions you may have.

Comm. Williams: On the door and the metal work, your objection is that it doesn't provide weather protection? If it had that protection, would you approve of it?

Ms. Kriks: If it matched the rest of the development, we would support it.

Comm. Williams: Does any other door on the rest of the development have anything other than the lights?

Ms. Kriks: I believe one has a red cloth canopy, and a salon on the west side has a canopy over the front door, but that is the main entrance. There is no other canopy like this on the rear of a building.

Comm. Williams: Is the anticipation that staff parking is in the back and that's why they have a rear entrance, or is it a required fire exit?

Ms. Kriks: That would be a good question for the applicant to answer.

Applicant Presentation:

Megan Whitman, 1101 Walnut, Unit 1402, Kansas City, MO 64106, appeared before the Planning Commission and made the following comments:

Ms. Whitman: Regarding the canopy at the back entrance, per the lease agreement for the tenant, that is the primary entrance for the tenant, so we are proposing that structure at the back for signage for the employee entrance, not for weather protection.

Chair Rohlf: Could you put something on the overhead to show what part you are talking about?

Ms. Kriks: (*Places diagram on the overhead*) The canopy is a frame with an existing light over the rear door, and then the frame will wrap around.

Chair Rohlf: Is this down below the enclosure?

Ms. Kriks: Yes; the door is at ground level.

Ms. Whitman: This is the entrance to the stairwell and elevator that go up to the tenant space.

Chair Rohlf: Is it currently being used for that?

Ms. Whitman: It will be.

Comm. Williams: Is part of the plan to replace the door itself?

Ms. Whitman: Yes. Currently, it is a hollow metal door, and we are proposing to replace it with a storefront door that matches the adjacent storefront.

Comm. Williams: Would you share your reasons for the framed canopy?

Ms. Whitman: We are proposing a medium bronze finish, which matches the adjacent finishes. There was a question about weather protection. That wall is just a stud wall, so if we were to provide weather protection, additional structure would need to be added because the current wall could not hold that structure with a snow load. It is more of an entrance for the employees.

Comm. Williams: You said it would be to support signage if that is approved?

Ms. Whitman: Yes.

Chair Rohlf: If signage would not be approved for that, would you still want to proceed?

Ms. Whitman: We would have to talk with the tenant. I would think not, but we would have to work it out with them.

Chair Rohlf: Michelle, can they do that? Can the signage be there?

Mr. Klein: Currently, on the back of the One Nineteen, I don't believe there is any signage other than the main entrance located on that side of the building, which is the corner at the west. Staff would have some real concerns with signage on that side of the building because there is the potential that all the other tenants along there would want additional signage, and it faces the parkway. Then it would just look like a series of signs on the back of the building. The applicant indicated it is the main entrance, but it would actually be the main entrance for the employees. It's not uncommon for employees to enter the back of the store. Additional parking was recently added, and I believe many employees park there and go through the back entrance, I'm sure. We have been contacted by the sign company with regard to Anthem Media wanting a sign on the north elevation. Staff would not be supportive of additional signage on the back.

Chair Rohlf: Even if we were to approve this tonight, they would have to come back for signage, correct?

Mr. Klein: They would have to be approved for the signage, and I don't think staff would support it.

Comm. Pateidl: Do the sign plans for the development allow for signs on the rear or the building, and/or is our LDO clear on a prohibition of signs on the back of the building?

Mr. Klein: The LDO allows two signs per tenant; however, when the One Nineteen development came through, they only showed signage on the north side. I would have to review the Sign Criteria to determine the text.

Comm. Pateidl: And at this point, you haven't done that?

Mr. Klein: Correct.

Comm. Williams: You said this entrance is for the employees. Is there another entrance for the employees?

Ms. Whitman: No, this is the primary entrance for the employees.

Comm. Williams: This is the one and only entrance for this business?

Mr. Klein: I believe they have an entrance on the north side of the building as well for clients. I can't see a lot of employees walking around and using the north entrance, so I imagine many would use the south entrance.

Ms. Whitman: The second entrance is for the clients, but for the employees, the lease agreement states that they need to park in the back.

Comm. Strauss: I don't understand what the use of the enclosed space is.

Ms. Whitman: There is a patio that will be a three-season space for meetings.

Comm. Strauss: It would be an additional conference room for clients?

Ms. Whitman: Correct.

Comm. Strauss: There is no exit to the rest of the roof?

Ms. Whitman: There will be a door from the enclosed space so people can access the patio.

Comm. Strauss: I didn't see anything from the fire chief as far as additional emergency exits.

Ms. Whitman: We've already reviewed it through our building permit, and we had to switch the direction of some of the doors for egress.

Chair Rohlf: This takes us up to our discussion on this matter. It's almost a two-part proposal. We have the patio enclosure and the rear door.

Comm. Jackson: The way staff stipulations are written, they have completely taken the door off.

Chair Rohlf: You're right. If we approve this, we will approve the patio enclosure.

Comm. Williams: I don't see the harm of the canopy. I don't see a real reason for the back of this building to be stark and blank. Yes, it faces Tomahawk Creek Parkway at several feet above the parkway, but I don't see any harm for a business to come in to the area and want to use this for an employee entrance and give it better definition. I think it would be a nice addition to the back of the building. It is not addressing the signage, but it is a nice architectural element and doesn't cause harm. I don't think it opens Pandora's box. It is different than an entrance for a retail store. I don't think it has to have weather protection for this type of business.

Chair Rohlf: Can everyone visualize this canopy?

Comm. Pateidl: I certainly agree with Commissioner Williams. When you look at the nature of this business as being advertising/consulting and polishing an image, they are talking about aesthetics on the rear. Quite candidly, it might be referenced as an employee entrance, but I could envision clientele coming in with boxes of material, and parking in the front of the building is difficult. It could be convenient for them to have an interesting entrance. It is aesthetics and not functional, and I think that's fine. The back of that building is not visible from Tomahawk Creek at any point. The salon's frontage is much more dramatic, and it is not visible. I fully agree that it adds a nice touch to the back of the building and the development.

Chair Rohlf: I'm not clear how to visualize this canopy. This is open and not covering, correct? It's just a visual element?

Comm. Williams: It becomes a visual element. They are wrapping around the existing light fixture. It is one architectural treatment that emphasizes the entrance. I think that's a good thing.

Chair Rohlf: Without signage?

Comm. Williams: Again, we're not addressing signage tonight.

Chair Rohlf: I think that is the real issue.

Comm. Williams: I think it's fine without the signage, and I think we would have to see the signage to see how it affects this canopy, which would be the next stage.

Comm. Pateidl: In Stipulation No. 5, there is something of a warning that no signage that is animated or electronic will be visible from the exterior. Certainly, that is not an issue for the rear because there is nothing to imply that would be there, but I noticed framework in the lobby of the front entrance. Is the planning department aware of a treatment of this nature that you anticipate being a problem? To the applicant, are you aware of these descriptions at this point?

Mr. Klein: I believe we have had conversations with regard to this. There is concern with a large video screen that would be visible from the front. The stipulation is just to make clear that, per the LDO, window signs cannot be more than 5% of the façade, including the wall sign. Additionally, electronic signs and motion are not allowed.

Comm. Pateidl: Are there plans for treatment of that nature?

Ms. Whitman: I think the area you're referring to has a temporary railing, and we are in the process of building out a guardrail. Part of that framework is for that.

Comm. Pateidl: Then you don't have any objection to No. 5 in this application?

Ms. Whitman: No, and we have had conversations about that.

Comm. Williams: Are we going to start seeing this as a routine add to stipulations? I don't recall seeing this. It is clear in the LDO that this is prohibited, so why is it necessary to include it?

Mr. Klein: The only reason we added this is we have had discussions with the applicant, and we wanted to be proactive and clarify this.

A motion to recommend approval of CASE 136-13 – TOWN CENTER CROSSING – ANTHEM MEDIA – Request for approval of a Final Plan for a Tenant Finish, located south of 119th Street and east of Roe Avenue – with the following revisions: remove Stipulation Nos. 1 and 3, leaving 7 stipulations – was made by Williams; seconded by Pateidl. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey

Commissioner Levitan returned to the meeting.

CASE 138-13 – NALL VALLEY SHOPS – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 151st Street and east of Nall Avenue.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Case 138-13 is a request for a Revised Final Sign Plan for Nall Valley Shops, located north of 151st Street and east of Nall Avenue. The applicant is requesting to revise the existing Sign Criteria for Nall Valley Shops for the tenants of the main building and outparcel buildings. Some key changes include establishment of a maximum height by not allowing the tallest letter to be more than 12 inches taller than the smallest letter. Multi-line signs are permitted; however, they must fit comfortably within the façade of the allowed signage area and cannot encroach upon the architectural elements. Window signs are not allowed to be more than 6 inches in height and are limited to 5% of the window area. Tenants who qualify as small shop tenants as defined within the Sign Criteria are allowed a blade sign not to exceed 5 square feet in size. Outparcel buildings shall be allowed directional signage, drive-through menu boards and confirmation displays as allowed by Section 16-4-6.13 of the LDO. Monument signs shall not be permitted for tenants, and the existing monument sign shall be reserved to identify the development only. Staff recommends approval of Case 138-13 with the stipulations outlined in the Staff Report, and I'm happy to answer any questions.

Chair Rohlf: Will there be any signs that currently exist that will need to be grandfathered in?

Ms. Kriks: That might be a good question for the applicant. I'm not sure.

Applicant Presentation:

Henry Klover, Klover Architects, 10995 Lowell, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Klover: The answer to your first question is that there are no existing signs that would be prohibited or restricted by these criteria. In essence, we're doing this at the request of staff to address some issues that came up. It's very much in conformance from when we got approval for Ranchmart North. The Staff Report talks about the smallest letter, but it's actually the average letter height. Again, it's to encourage creativity.

For instance, Hen House in Camelot Court has one tall letter. We're also in agreement with staff comments. It should be pretty simple.

Chair Rohlf: Do you feel like this is flexible enough for the tenants?

Mr. Klover: Oh, yes; it offers as much flexibility as we can coerce out of staff.

A motion to recommend approval of CASE 138-13 – NALL VALLEY SHOPS – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 151st Street and east of Nall Avenue – with two staff stipulations – was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey.

CASE 141-13 – ENCLAVE AT CEDAR POINTE – Request for approval of a Preliminary Plan and Preliminary Plat, located north of 133rd Street and east of Nall Avenue. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following comments:

Mr. Klein: Case 141-13 is a request for approval of a Preliminary Plan and Preliminary Plat for Enclave at Cedar Pointe, located north of 133rd Street and east of Nall Avenue. The approval would be for 24 homes on 7.49 acres for a density of 3.2 dwelling units per acre. For those of you who were on the Planning Commission in 2005 and 2007, this property is adjacent to the west side of Village of Seville, which is located at the intersection of 133rd and State Line Road. Originally, this property was zoned with the Village of Seville and was always planned to be residential. At that time, Cottages of Lakeshire was actually proposed and approved on that piece of property as Preliminary Plan on July 26, 2005. The approval for the Final Plan was February 7, 2007. That particular application had 36 lots on it and a density of 4.88 units. The proposed application has fewer lots with a lower density. The applicant is proposing to have a single road of 133rd Street that will terminate in two cul-de-sacs and turn to the east. The applicant also is proposing to have a 30-ft. setback on both the west and north property lines. I gave you a Revised Site Plan in which the applicant has addressed the stipulations. These were in conformance with 15-ft., no-cut zone along the west and north property lines for the full length. In addition, there was a 30-ft. rear build line that staff stipulated and requested; the applicant has done that as well. The sidewalks have also been changed to 5 feet. Also, a crossing will connect the sidewalk on the east side of the main street entering the development to the sidewalk that extends to the west property line to a common tract with Greenbriar to make a connection with that subdivision. Additionally, the applicant has extended Tract A and B along 133rd Street to extend to 133rd Street. The applicant has also provided connections on the northern cul-de-sac to Village of Seville. This is proposed to be a common maintenance subdivision. Staff is recommending approval with the stipulations in the Staff Report, and I'd be happy to answer any questions.

Chair Rohlf: Have they answered all of your concerns? We're good on Nos. 3, 4 and 6 then?

Mr. Klein: I believe the applicant has addressed all of the stipulations. We'll have some revised plans that will reflect these changes as they come through, but the Site Plan was changed.

Chair Rohlf: Can you tell me why we have so many tracts in this particular plan?

Mr. Klein: The applicant may be better able to answer this as to why they put the tracts where they are. Just as a reminder, Tract A has the retention pond and is owned and maintained by Village of Seville. That is actually not part of this application and is not included in the land area that was done for the calculations for density. I think they wanted to provide a little buffer between 133rd Street and the homes they are proposing

to build. They indicated Tract D was there to make it a bit more of a rectangular lot. They also provided Tract C, I believe, more or less for the same reason. There is a tract in the northeast corner of the development that was part of the property they had; however, they were not planning to be able to use as a lot. They would have some landscaping at that point. The previous Villages of Lakeshire actually had a connection through the parking lot off State Line Road. That terminated in a cul-de-sac area that then tied in to the subdivision. When we talked with the fire marshal about that, he indicated he would not be interested in using that connection, so that was removed from the plan. We did work with the applicant fairly extensively on this project to realign the subdivision and have it meet all the requirements of the LDO.

Comm. Pateidl: In Stipulation No. 5, the corner lot setback is 15 feet on Lot 16 and 17 with no deviations approved for lot 23. Do the changes that were made resolve that issue?

Mr. Klein: They did ask for a deviation with regard to the lots to the west of the property line so it could provide additional room along that west property line to save the tree line. Staff wanted to make sure the tree line stayed. That was a big issue with the last subdivision approved; they had a deviation to approve a 23.5-ft. front yard setback along the west side. The applicant is proposing 25.5, so they didn't have quite as much deviation as the previous one did.

Comm. Pateidl: Is Lot 23 clear or not?

Mr. Klein: Lot 23 is clear.

Comm. Pateidl: We can wipe out that last part of the stipulation then. My second question is on the 6th stipulation, Item D. Could you be clearer with respect to what you mean by an amenity on Tracts B and C? What are we trying to accomplish there?

Mr. Klein: We're looking for an amenity for the development itself to where there might be a gathering area for members of the subdivision. We've had amenities like this in other subdivisions in Leawood. Village of Chapel Green has the island down the center of the road. We're looking for a pergola, for instance, some seating on a paved surface with enhanced landscaping.

Comm. Pateidl: This is not an issue of bonus points for density?

Mr. Klein: No.

Applicant Presentation:

Jim Lambie, Lambie Custom Homes, 8712 W. 151st, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Lambie: What we're presenting is a 24-lot, maintenance provided project in the \$450,000-\$600,000 price range. We do have an amenity package being drawn up. Staff just got that about two days ago, so I'll bring it up in the next meeting. It has the entry monuments and Landscape Plan.

Chair Rohlf: I appreciate you revising the Site Plan before our meeting tonight. My questions were answered by staff. Does anyone have any other questions?

Comm. Roberson: Your price range is quite a bit different than our meeting notes.

Mr. Lambie: When we first came in and worked for about a month and a half with staff, we had 34 lots. Then the lot sizes changed and we only have 24, so we have to go with a more expensive product.

Chair Rohlf: The elevations in our packet are representative of the size?

Mr. Lambie: They are representative of the type of home, but they won't all be the same; most of them will be custom.

Chair Rohlf: It appears the lot sizes are varied throughout.

Mr. Lambie: Yes, most of them are 70X120.

Chair Rohlf: What about Lot 23?

Mr. Lambie: Lot 23 is a little bit wider.

Public Hearing

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

A motion to recommend approval of CASE 141-13 – ENCLAVE AT CEDAR POINTE – Request for approval of a Preliminary Plan and Preliminary Plat, located north of 133rd Street and east of Nall Avenue – with 18 stipulations – 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.

CASE 01-14 – PARKWAY PLAZA – THE VENUE OF LEAWOOD – Request for approval of a Preliminary Plan and Special Use Permit for an Assembly Hall, located north of 135th Street and west of Roe Avenue.
PUBLIC HEARING

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Case 01-14 is a request for approval of a Preliminary Plan and Special Use Permit for Parkway Plaza, the Venue of Leawood, located north of 135th Street and west of Roe Avenue. The applicant is proposing to create a space for meeting rooms and a banquet hall. A portion of the sidewalk in front of the tenant space is proposed to be closed off to pedestrian traffic by using a combination of fencing, planting boxes and a fireplace. A small plaza is proposed to be located on the southeast corner of the building and is planned to be a combination of hardscape, landscape and an arbor. The applicant is not making any changes to the façade of the building. They are planning to build a trellis within the enclosed patio area. The trellis is proposed to be approximately 38 feet in length and will project from the building about 3 feet, 6 inches. It will replicate the other trellises within Parkway Plaza. The applicant is also planning a gas, see-through fireplace, which will be about 6 feet from the building. Staff recommends approval of Case 01-14 with the stipulations outlined in the Staff Report, and I would be happy to answer any questions.

Comm. Williams: Is it a wood trellis?

Ms. Kriks: Yes, it's a cedar trellis.

Applicant Presentation:

Dan Foster, Schlegel and Associates, 14920 W. 107th Street, Lenexa, KS, appeared before the Planning Commission and made the following comments:

Mr. Schlegel: Also here tonight is Larry Kimble, chairman of The Venue in Leawood and a 27-year Leawood resident. Julian Viso is the chief creation executive officer. Some of you may know Julian from his pizzeria in Parkway Plaza. Also here tonight is the legal counsel for the LLC: Tim Elliot and Curtis Holland as a consultant. I want to thank staff for their hard work during the holidays. The Venue in Leawood is a private dining facility for special events and business events. The proposed project is located on the east end of Parkway Plaza within the main building. Some of you may remember it as Sumo Restaurant. We're here tonight requesting a Special Use Permit for a venue to hold special events, which is considered an assembly hall and thus requires a permit. Prior to finalizing any plans or making the application, our client met with the property owners in a portion of Parkway Plaza to make sure they knew what the plans were for the project. They also met with Parkway 133 condo owners. After we had everybody's comments and support, we had a neighborhood meeting and had all positive support. The Venue is an 11,000-sq.-ft. space with a multipurpose room. (*Refers to plan*) The blue area shows the assembly area, and the brown area is the service area. This will be able to be divided into two spaces. We have a meeting room for small events with cocktails and hors d'oeuvres. The seating capacity is up to 300. It will have state-of-the-art audio/visual equipment. The patio area will have a fireplace and amenities that we outlined. It will have catering equipment and a very specific group of caterers they'll work with. Julian and his staff are all very experienced in this. Karl Brant is one of his general managers and worked at Loch Lloyd and ran the clubhouse facility there. He's involved with this. The Venue will have exquisite décor and ambience, and that's critical. This is a place for special events, and the appearance has to be outstanding for people to want to have their event at this location. As staff said, on the exterior, the architecture is going to remain the same basically. (*Shows interior diagrams and exterior photos*) Essentially, all the materials and architecture stay the same on the exterior. We will add a trellis, and that is included in your packet. The front door and the area around the front door will be changed, and we will obviously change the sign. Most of the time we spent was on the outdoor patio. We're trying to expand and enhance that to create a nice atmosphere for folks to get out and experience. The existing sidewalk network will still allow for folks to be able to pass back and forth. In front of the four parking spaces is a sidewalk from one end of the shopping center to the other. We're not restricting the sidewalk flow across the front of the shopping center. The plan included additional plants. If you look at what was out here on this particular plan, it meets the code, but it's not quite to the level they want to have. We're adding quite a few more plants to the front beds and a wooden arbor with a sitting area that could be used for photographs and also seating. Where there is no landscape bed will be a high quality decorative metal fence, providing a barrier between the patio and the general public. The patio includes a double-sided gas log fireplace, and this is similar to what you've seen in other restaurants in Leawood, such as the Bristol. The fireplace material and color will be compatible with the building materials, and it will be designed to meet all the requirements of the fire marshal. We talked to him about the glass and separation between the flame and the general public. It will provide a focal point for not only the patio, but also, the fireplace is located at the terminus of the entry drive of 135th Street. We feel that is a nice feature. Also as part of this, the planter boxes will help create the separation. This will give it a feel of a landscaped patio rather than a parking lot. There was a stipulation with some question about what would be in the planters. We're talking about a boxwood or holly that will provide year-round color with annuals supplementing it. We will provide this detail prior to Governing Body.

The Venue will provide a much needed elegant private dining space in the City of Leawood. The adjacent business owners and residents within Parkway Plaza have expressed their support. The project will enhance the appearance and visibility of Parkway Plaza through all the additions. Our clients are experienced and passionate about creating this experience. They've been very successful at being able to create special places for Leawood residents, and they're looking forward to creating a successful venue here in Leawood. We agree to all the stipulations and are available to answer any questions you might have.

Chair Rohlf: You will put the egress gate on prior to Governing Body approval?

Mr. Lambie: Yes.

Chair Rohlf: What about parking? If this is at peak of 300 people for an event, will it be an issue?

Mr. Lambie: There is adequate parking on the site. If everybody at the entire site parked at the maximum of three spaces per 1,000, which is what the MX-D zone allows, there will still be 160 spaces open. By the UDO, we are required to have one space per 50 square feet of actual assembly area. That is 135 spaces, and then about 25 spaces for the maximum staff/employee. There are more spaces that we need by code.

Chair Rohlf: Aren't there still buildings to be built on that back side there?

Mr. Lambie: Those numbers account for future buildings. Part of the reason I was involved in the original plan is the way that MX-D code is written, it doesn't single out restaurant or this type of use. We allowed for a higher per-thousand parking count than the code on the original design exactly for that. Restaurants park at a different rate, but in MX-D, it is three per thousand across that whole thing. They are counting on shared parking.

Public Hearing

Phil Acuff, 4901 W. 130th Street, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Acuff: We live right behind the project. I think it's a fine addition to the city. We need something like this. Right now, you have to go to Ritz Charles for a private function or maybe a country club. This would be the only one in Leawood. I think it would be very good for our citizens. Right now, we're taking money out of the city and spending it somewhere else. I think it's a good deal for the city. Also, Mio has really turned around that shopping center. They really brought a nice restaurant there and helped the city a lot. We have a big empty space there, and it would be nice to get that thing filled up. I will say that I walk in that neighborhood every day, and I see the cars parked by the restaurant. There are a lot of Missouri tags. That's about all I have. I think it's a good opportunity for the city.

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

Chair Rohlf: That takes us up to discussion.

A motion to recommend approval of CASE 01-14 – PARKWAY PLAZA – THE VENUE OF LEAWOOD – Request for approval of a Preliminary Plan and Special Use Permit for an Assembly Hall, located north of 135th Street and west of Roe Avenue – with 20 stipulations – was made by Elkins; seconded by Williams. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey

CASE 07-14 – CORNERSTONE OF LEAWOOD – CHARLES SCHWAB – Request for approval of a Final Plan, located south of 135th Street and east of Nall Avenue.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Case 07-14 is a request for approval of a Final Plan for Cornerstone of Leawood, Charles Schwab, located south of 135th Street and east of Nall Avenue. The applicant is proposing a 6,760 sq.-ft.

single-story office building on Lot 4 of Cornerstone. They are proposing 70 parking spaces, and the parking lot will be connected to Lot 5 where Talk of the Town is, just north and east of that location. Pedestrian connections are planned to be made to Nall Avenue to the west and to the remainder of the development to the east, located on the northwest corner of the building, a 1,050 sq.-ft. plaza area is planned with amenities such as seating and planting boxes. On the west side, an employee patio of approximately 600 square feet is also planned. The building is proposed to be a maximum of 25 feet in height and shall have a sloped roof behind the parapet wall. The building is proposed to be constructed with a combination of Cordova stone, tinted glass and cemented stucco. As stated, the applicant has provided staff with a Revised Landscape Plan, which is on the dais for your review. Staff is not supportive of the use of the Cordova stone on the façade of the building. Per the manufacturer's literature, it is a masonry unit or CMU. Per Section 16-2-10.3(b)4 of the LDO, CMU is a prohibited building material. Staff recommends denial of this case for this reason. I'm happy to answer any questions you may have.

Chair Rohlf: Could you talk a little about the Cordova stone? Are there problems with application?

Mr. Coleman: We met with the applicant when they first came in and said we would not be supportive of cultured stone. They indicated they would use limestone. When the plans came in, it showed the Cordova. We looked it up, and it does reference that it is a CMU. The LDO does not permit the use of CMU. It looks different than most CMU, but there are other CMUs that are honed, polished and colored. It was a type of building material that was prohibited from our viewpoint, so we could not support it. We could support a natural stone.

Comm. Williams: Since it is a prohibited material, there is no reason for us to discuss the material, correct?

Mr. Coleman: That would be my opinion.

Comm. Levitan: *inaudible comments*

Mr. Klein: When we went through the Cornerstone development when it was originally approved, it was considered one development, so a lot of the parking was calculated across the overall area. It does meet the parking requirements, and there is a cross-access agreement across the overall development. They haven't changed the parking from what it was originally.

Comm. Levitan: *inaudible comments*

Ms. Kriks: The original Design Guidelines for the Cornerstone Development specified that this lot would have 70 parking spaces. That is probably where they came up with the number.

Mr. Coleman: The original building was slightly larger than this building, too, with more square footage.

Applicant Presentation:

Bart Lowen, Red Legacy, 4717 Central, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Lowen: It's exciting to be in front of you tonight. I have Kevin Campbell with Yaeger Architects, who designed the building. Brad Sonner with Olsson Associates has done the site improvement drawings. Kevin Bernard is with Charles Schwab, the tenant for the building. I want to let Kevin Campbell and Kevin Bernard talk a little about the design of the building and let you hear from Schwab about why the building looks the way it does. Brad is here to answer questions if you have some. We do realize that we're talking about a project that's recommended for denial. The reason for the denial is the material we're using. Kevin Campbell will talk about a material that you hopefully will see is a good fit in lieu of the Cordova stone. We're happy to

change the product to something that is a little different than what Mr. Coleman mentioned he would like to see on the building, but at the end of the day, it's a product that you see in several projects in your community today. There were two other stipulations relative to screening, both for the transformers and parking lots. The Site Plan that Olsson submitted this morning should address those two comments. We'll let you be the judge of that. The only issue we have relative to the 27 recommendations if you do approve the plans here tonight is in No. 1, and it has a lot to do with what Mr. Levitan just asked relative to the parking for the project and the size of the building. The Preliminary Plan for this project set aside this pad site for a 10,000 sq.-ft. maximum building and would require that pad to contain 70 parking spaces. We're not objecting to the number of spaces that need to be built. Sometimes these pads are penalized to make sure the overall ratio makes sense. Again, our Site Plan shows the parking stalls required. The only thing we would like to try to make certain we have on the record is to not lose sight of the 10,000 square feet that plan afforded this parcel. We're not asking to build that size, but we don't want to give out the additional 3,000 square feet and change to the development if, down the road, we need to capture that for an expansion or something else. We're penalized, so to speak, for the 70 stalls we need to build for the shopping center, and I'd like to maintain that 10,000-sq.-ft. building size for this pad. I'm going to turn it over to Kevin Campbell to talk about the material.

Kevin Campbell, Yaeger Architects, 7780 W. 119th, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Campbell: I actually am up here to agree with Richard. We did meet and talk about materials, and we talked about the stone. I think the simulated stone, we all feel, isn't the greatest material. Looking into the specifications of the Cordova stone, we realize it is a concrete masonry unit. Therefore, we would like to propose using a cast stone of the same color and finish that is in the drawings now. It is a product on the approved materials list for the shopping center. It is also prevalent throughout the city, specifically the Leawood Justice Center. I have a sample of the material (*shows sample*). It has the same chisel face we proposed in the drawings. Again, it is a cast stone that will be the color in the drawings, which is an alabaster or white stone. This can be manufactured and laid out similar to the pattern we're proposing, which is a random Ashlar. We think this is a product that meets city requirements and development requirements. Do you have any questions on this material? I would add this is a masonry product that lays up. It is 3 5/8 in thick with clips and air barriers.

Mr. Coleman: We didn't use that product on the Justice Center. They're using this as a built-up block in pieces. The Justice Center has real brick and pre-cast panels that are insulated. There are some architectural cast trim pieces. We haven't had a chance to vet this, either, so it's a bit of a surprise.

Mr. Campbell: Cast stone is at the cornice of the Justice Center. There is pre-cast at the base and cast stone around the upper portion of the building. We attempted to get this in front of Richard before; it was decided the best route to approval tonight would be to discuss this openly here. We're not trying to spring anything on anybody. We had multiple conversations leading up to the meeting and thought this was the best way to address this. We'd be happy to discuss this material at length.

Mr. Coleman: I think there's a misunderstanding from the conversation we had. They referenced the Justice Center using the material. In my mind, I'm thinking about an entire pre-cast panel wall system that was used at the Justice Center and not architectural blocks used as masonry units. There is a difference, and we haven't had a chance to look at what they're actually talking about doing. We're still of the mind that masonry on the building should be real stone. This building is the first building you see as you enter Leawood from Overland Park. It sets the tone for the 135th Street Corridor. I don't think we can be supportive of using concrete block, even if there are architectural cast pieces. We haven't seen the specifications of this material. We offered compromises in reducing the amount of natural stone because

their objection was the cost. We offered to look at a revised design that would reduce the amount of natural stone on the building or look at an entirely different system. That was rejected. I can't support this right now.

Chair Rohlf: Leaving that aside, is there anything else you'd like to say about it? It looks like we're heading for a continuance on this to give staff a chance to look at this product. Since you're here, would you like to finish your presentation?

Kevin Bernard, Charles Schwab, 215 Fremont Street, San Francisco, CA, appeared before the Planning Commission and made the following comments:

Mr. Bernard: I made the trip out to see you folks because this is an important building to us. We're excited about the building Kevin has designed for us, and we like the way it's turning out. We appreciate the look of the stone on the building and want to keep it. We don't want to reduce what is stone to us. This is the first pad site building. We're doing a push to do pad site buildings for our company. This is also going to be the second branch in our network that will receive our new brand finish colors. This is an important branch for us, and we're excited to see it here. It's going to be a beautiful building. We're hoping we can come to a resolution on the material issue. The approved materials that showcase all the other buildings on the property are cultured stone. In the previous discussion we had with staff earlier, we expressed that we like cultured stone but we would like to do something different, a little more refined and elegant. I think the material being proposed is a lot more elegant than the approved cultured stone materials that exist on the sample board. We hope you'll find this material acceptable. Thank you.

Chair Rohlf: If this is somewhat of a new branding, would this be somewhat of a prototype, then, for future buildings?

Mr. Bernard: It is somewhat of a prototype but not an exact replica. We're trying to be a little bit sensitive to the vernacular of the areas we're going to. We have a building under construction now in Denver that is part of our new corporate campus which has a lot of stone. It is cultured with the local earth of the area, so it has a different color to it. We prefer the whiter cast because it works well with our new logo.

Mr. Lowen: You mentioned a continuance a little bit ago. As Kevin was alluding to, one of staff's comments was to give 30 days and we could work through the material. We've got a delivery requirement with the tenant that we're trying to maintain. It is very important for us to stay on track and get our construction drawings going. In short, the reason we wanted to tackle a denial is the material we are proposing tonight is an approved material, not only in the City of Leawood, but also in the project. (*shows material board*) The material is in the shopping center today. We are only proposing to utilize a material that is in the palette for the project and the city. We can argue about size and location in the Justice Center, but it is the exact same material. I would ask that you would approve the request tonight and put a stipulation on it that the material has to be subject to staff review and has to be an approved material. I would just like to continue in the process and not lose 30 days when I know it will be a material you will agree to.

Comm. Williams: I have a question for staff. If we move this forward and put a stipulation related to the material, would there be enough time between now and Governing Body to review this cultured stone proposal?

Mr. Coleman: I'm not really sure. Mark, when is the deadline for Governing Body?

Mr. Klein: This would probably go in the third Monday in February. We have to have Staff Reports done approximately a week ahead of time, with the draft ten days before that.

Comm. Williams: Do you think that would afford you time to look at this? Cast stone, as pointed out, is an approved material but maybe not used in this application. It looks like stone and is durable like stone. The texture of the product they presented to us tonight looks a lot different than a CMU product. It seems like a better quality product, but that's for staff to determine.

Mr. Coleman: If we have all the information, we could probably review it within a week to ten days.

Comm. Pateidl: Regarding the size of the project from 6,700 square feet and reserving the right to the additional 3,000 square feet, just to be clear, if we don't address that situation as it exists right now, would we be eliminating that other 3,300 square feet for this project?

Mr. Klein: The way the development was approved was with a certain square footage and a certain floor area ratio for the development. The way we've done it in the past is we wouldn't necessarily give it up at this point because the Preliminary Plan approved an overall F.A.R. for the overall development. We are running into new issues with the fact that a lot of the developments are now starting to sell off different pieces of property. We're running into concerns of how to carry that F.A.R. and parking spaces into that as a whole.

Comm. Pateidl: To address the concern of the applicant, do we need to amplify the stipulation stating that it will not modify the original approval per square footage in the development?

Mr. Klein: I don't see any harm in doing that.

Comm. Jackson: Just to be clear, the white on the building in the photos is the material you are proposing?

Mr. Lambie: That's correct.

Comm. Jackson: The drawing shows different sizes. Is that correct?

Mr. Campbell: That's correct. It is a random Ashlar pattern of specific sizes so it's not so linear in structure. It's meant to be a pattern. We can still achieve that with cast stone.

Comm. Williams: To help us better understand the material, approximately how thick is it?

Mr. Campbell: 3 5/8 or the same as standard masonry.

Chair Rohlf: We have a Revised Landscape Plan, but those stipulations refer to "prior to Governing Body." I think we are finished with questions.

Comm. Williams: This might go back to staff. Mark commented this would go to City Council on the third Monday in February. Looking at my calendar, I think we're scheduled as a joint meeting with Council. Will they meet after our meeting or before?

Mr. Klein: Typically, the Work Session is prior to the meeting, and then the Governing Body would meet after on the 17th.

Comm. Roberson: I don't think I've ever done this, but quite frankly, I don't think this building fits. The look, the style, the architecture, the whole nine yards; I don't think it fits in this location at all. There's a building not too far away from it that we've all talked about in the past that we wish this body had never approved, and I think this is another one of those types of buildings. It's a personal opinion, but I think it's a sore thumb.

Comm. Strauss: What's the other building so I can get a frame of reference?

Comm. Roberson: I'd rather not comment.

Comm. Strauss: I don't know if I agree that it doesn't fit, but a corner lot is very prominent, and maybe the 10,000 sq.-ft. building that was proposed may have fit better?

Comm. Roberson: I just think it's the size. I'm not an architect; I'm a layman. I just don't like the way it looks. It has nothing to do with square footage.

Comm. Williams: I will attempt to craft a motion but would like guidance on how to revise No. 2.

Comm. Pateidl: I would suggest including, "using a building material approved within the Leawood Development Ordinance and used within the City of Leawood for the façade, etc. before presentation to Governing Body." When it comes to materials of this nature, those of us on this board are not that familiar with building materials. It's micromanagement that is beyond our capacity. We have approved materials. If the applicant can make a case with the planning department, then so be it; make an application to the Governing Body and go from there. I think that modification to the stipulation might accomplish that.

Comm. Williams: What you just stated made reference to actual wall material.

Comm. Pateidl: The existing stipulation says, "The applicant shall submit to staff revised plans using natural stone or brick for the façade and base and landscape lanterns." The only change I made is to remove "natural stone or brick" and incorporate "building material approved within the Leawood Development Ordinance and used in the City of Leawood"

Mr. Coleman: I think that's a problem because there are materials in the Leawood Development Ordinance that are allowed under certain circumstances. For example, we allow EFIS trim but not wall systems. I just think it opens a can of worms.

Comm. Pateidl: That is what I'm getting at. It's a can of worms that I don't think this commission should be working on. That is a can of worms for the application of the rules and regulations in accordance with you, the professionals in the planning department, and the applicant. Don't ask me to approve the material because I'll make a mistake.

Mr. Coleman: I'm not asking you. We recommended denial, and we're trying to work something out. I just want to make sure the language isn't opening it up into a broad area.

Comm. Jackson: How about just taking out "natural stone and brick" and substituting "cast stone"?

Comm. Williams: That is if we're going to accept the cast stone. I was trying to give staff the opportunity to review it. As Richard was talking about, they haven't seen it until tonight and can't recommend it until they've seen the specifications. Yes, it is approved and has been used extensively for trim. Most of my experience with cast stone has been with trim and fermentation. I just haven't seen it used in wall material. It's not to say it's not appropriate. It's a great, solid product that's dense. I could see it being better in stone in many respects, but again, this body isn't here to pass approval on a product. It's staff's job to review the technical aspects of it and say whether or not it is acceptable. Since the LDO isn't specific to say this material is approved for a wall application and it is a masonry product, is it going to be as good as natural stone or brick? That is their job; I agree.

Comm. Jackson: That still gives Governing Body the option to deny it and staff to say whether or not they support it.

Mr. Coleman: Maybe you could just add to No. 2 and say, "natural stone, brick or cast stone if appropriate per the LDO."

Comm. Ramsey: I understand and appreciate what you're doing to work with the applicant. I'm troubled by this, though. In my mind, I can see this thing getting all balled up as we try to go outside the realm of normal procedure. What I would be more comfortable with is denying it tonight and having the applicant work with staff to get this resolved and bring it back to us. It either needs to be natural stone or something else that is approvable by way of the LDO. To put it on staff to make that kind of decision at this point without us being able to ratify the decision to the Governing Body is something I'm uncomfortable with. I know it's delaying it, and I hope that we could ask the staff to put a sense of urgency on this. I think it would be a lot cleaner and a lot more expeditious for the applicant to work with staff, get it resolved once and for all, bring it back to us for ratification and be done with it.

Comm. Jackson: I'm with Commissioner Pateidl on this one. Masonry work, we don't understand, and we generally take staff's advice on it. If it comes back through with staff's approval, we'll approve it and then Governing Body would most likely approve it. Sometimes when we're asked to give our opinion with where roads go and how big the buildings are and where they sit and they say they'll work it out before it goes to Governing Body, I understand where you're coming from there; that's our job. This, I don't feel, is something within our job description.

Chair Rohlf: I think the commissioners are recommending a continuance.

Comm. Ramsey: I misspoke when I said to deny it; I meant to continue it. I'm not opposed to the project. I don't want to set a wrong precedent for someone else to come in and say that we approved the stone material for these guys.

Comm. Williams: I'm not advocating an approval of the material; I'm trying to work with the applicant to move this along. That's why I was asking staff how much time they need to review this. If they can't be done by City Council on the 17th, it breaks their schedule right there. If it could be inserted to give them a chance to make it happen with staff's review, it could move. If staff doesn't approve, so be it. We won't be the ones to debate the material. Council will review it as well.

Chair Rohlf: The application appears to depend on the application of the product, not the product itself.

Comm. Williams: The places in Leawood where we typically see it is as trim material. I haven't seen it as wall material but don't see how it couldn't be. Again, though, that's not my evaluation to make.

Mr. Coleman: Mark just made a suggestion that this case could be continued to the first Planning Commission meeting in February and you could make a recommendation at that time.

Comm. Ramsey: Will that give you enough time?

Mr. Coleman: It will be tight, but we'll give it a try.

Chair Rohlf: If it's been utilized as a trim product, how would assess the application in this instance?

Mr. Coleman: It will be much more uniform in appearance than a natural stone because the matrix of the cast stone is very uniform. It's going to look like concrete. It will look like a white concrete. Commissioner

Jackson asked about the patterns. It is a random Ashlar pattern, but the 4-6 units will all be the same size. It's a different look. We'll evaluate it.

Chair Rohlf: How would you go about it, though?

Mr. Coleman: We'll try to look at other buildings that have used it.

Comm. Pateidl: Maybe we could consider a simple modification. I understand if we say "a building material approved" leaves it a little too broad. How about "an appropriate material approved in the LDO"? Then you could take away the difference between trim and walls? If we leave the broad base out there, it gives the applicant the opportunity to meet a schedule which is real and important. It takes us out of the decision-making on whether we're casting rocks or concrete. I wanted to be clear that the whole purpose of this is to move the process along and not to be inflammatory in any fashion. I can appreciate what Mr. Coleman is saying that it could be a problem. "an appropriate" should take care of that.

Comm. Williams: The definition of "appropriate" comes to staff, and that's where it should be.

Comm. Levitan: It seems like the applicant is willing to work it out, so why continue it and stall the process? Keep it moving. They'll work it out.

Chair Rohlf: I think so, too.

A motion to recommend approval of CASE 07-14 – CORNERSTONE OF LEAWOOD – CHARLES SCHWAB – Request for approval of a Final Plan, located south of 135th Street and east of Nall Avenue – with Stipulation Nos. 1-7 with the following revision:

- **No. 1: changing "the" to "This project is limited to 6,760 square feet of construction on Lot 4 of the Cornerstone development, comprised of 40.6 acres for an F.A.R. of 0.45 for the Cornerstone development and an F.A.R. of 0.12 for Lot 4 with all remaining square footage approved within the Cornerstone development previously available for future development."**
- **No. 2: "Prior to the Governing Body meeting, the applicant shall submit to the staff revised plans utilizing an appropriate building material approved within the Leawood Development Ordinance and previously used within the City of Leawood."**
- **was made by Elkins; seconded by Williams. Motion with a vote of 7-0. For: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss and Ramsey. Opposed: Roberson.**

CASE 09-14 – GRACE GARDENS – REZONING – Request for approval of a Rezoning from RP-1 (Planned Single Family Residential District) to RP-3 (Planned Cluster Attached Residential District), Preliminary Plan, Final Plan, and Final Plat, located south of 143rd Street and east of Nall Avenue. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Case 09-14 is a request for a Rezoning from RP-1 to RP-3 for Grace Gardens, located south of 143rd Street and east of Nall Avenue. This application is before you because Grace Gardens currently is operating under a Special Use Permit for an independent living facility. It was originally approved with a 76-bed assisted living facility on 143rd Street, and a church was initially proposed on the southeast corner of 143rd and Nall. The application is changing because they would like to convert this from a Special Use Permit to four-plexes for the general public not operating under an SUP. In order to do that, the zoning would have to change. The applicant is proposing to construct the remainder of the project as it was originally approved with the exception that, at the north property line, since it would now be considered an exterior property line, it would have to have 30-ft. setback. They have moved the buildings closer together

for the remaining four-plexes. The rest of the application is the same as what was originally approved, including the density. Staff is recommending approval of this application with the stipulations outlined in the Staff Report, and I'd be happy to answer any questions you may have.

Comm. Pateid: We have an additional memo on the dais.

Mr. Klein: I'm sorry; there is a memo on the dais from Public Works that was incorporated into the approval if it should be approved.

Comm. Pateid: Is this because of recent changes in the BMP, or had this been previously part of the approval of Grace Gardens as an assisted living home?

Mr. Ley: This is because of the change in the BMPs, so it is now required. Since this is a Preliminary, they are required to add them to the site.

Comm. Williams: This is no longer going to be part of the planned facility. We have an entrance off the south street into the development and an entrance from Nall. Since that is going onto private property for a different use, can it connect into this residential development?

Mr. Klein: The loop drive off Nall would be private and would be maintained as private. It was never built to public standards at the time it was approved. The four-plexes that are currently there would probably make it impossible to improve it to public standards.

Comm. Williams: With the new roads going in for the new development, those would be built to public standards?

Mr. Klein: No, actually it would still maintain the private drive, very similar to the Milano apartments that were constructed. They had private drives through that development to access the apartment units.

Comm. Pateid: To be clear, this rezoning applies to all sixteen four-plexes and not just the five that are being proposed.

Mr. Klein: Correct; it would be all sixteen because none of the four-plexes will operate as an independent living facility.

Comm. Pateid: Are those eleven four-plexes independently owned at this point, or are they owned by Grace Gardens?

Mr. Klein: Originally, it was a lifetime lease done for the independent living. The applicant would probably be better able to answer that question.

Applicant Presentation:

Harold Phelps, 1270 N. Winchester, Olathe, KS, appeared before the Planning Commission and made the following presentation:

Mr. Phelps: With me this evening is Curt Holland, representing the property owner, and Stan Woodworth, who represents 20% of the existing property residents of the development. This is a little unusual in the fact that we're not coming to you tonight with a new plan. It's there for all practical purposes. The entire project is built with the exception of the five units that are in the back of the project and highlighted in the plan. This process started because of some mortgage/financing issues. I'm not sure how much I can go into that. If you have specific questions about that, I'll probably turn it over to the attorneys. The bottom line is in order

to be able to transfer the individual units of each of the four-plexes, we are platting the units into four separate units. In order to plat those, we have to change the zoning from RP-1 to RP-3. Our goal is to plat the property into single units for future transfer. A homes association will maintain and be responsible for all of the common areas, including the drives and roadways. In this particular case, we don't have any roads specifically that tie into any public roads. All the roads are built today. The only thing not built is what is before you today. If there are any changes to those buildings, a separate plan will come back before this body for approval. We are asking that you approve the plan exactly like it is and exactly like it was before, and then the Final Plat will show the division of the units. I'd be happy to answer any questions.

Chair Rohlf: Will the name stay the same?

Mr. Phelps: Actually, we are going to propose a name change. What we have on the plat right now is Grace Gardens, but we would like to change it to Highland Villas because of the separation. It is currently a church-owned property, and this would be a privately owned property.

Chair Rohlf: So the assisted living will maintain its name and affiliation?

Mr. Phelps: That is correct. In fact, they're separate units now. Actually, the assisted living facility is under separate ownership currently.

Chair Rohlf: The corner piece is no longer part of either one?

Mr. Phelps: Not to say they're not a part, but they're not part of this plan or application request. Originally, it was anticipated that a church would go on that corner. If that changes, it would come back before this body.

Comm. Pateidl: As you know, staff is recommending this subject to 22 stipulations. Do you have any objections to any of those?

Mr. Phelps: The only one that will cost the residents potentially is the landscape stipulation, bringing it up to today's standard versus what is there today. Our original proposal was to come in and do an exact plan as approved, but we're willing to work with staff.

Public Hearing

Daniel Profiter, 14314 Juniper Street, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Profiter: I back up adjacent to the property in question (*shows Site Plan*). My issue isn't with the four units but more of where my property is located and how it backs up and how the entrance of the easternmost units approaches into the properties. My back yard comes into the units, so you can see as people enter into these last two units, the back of my house looks directly into my driveway. Headlights into my back yard as well as open garage doors are a concern to me. I like how the units are done at the end. Almost every unit that goes into Highland Creek has the back of the unit to the current residents in Highland Creek. I would much prefer something like that, where the unit backs up directly behind us and this unit backs out, a very similar configuration to what you see at the south end of the property. That's all I have.

Chair Rohlf: Do we have a back easement there, Mark?

Mr. Klein: A 35-ft. setback is located along the east property line. That is continuous with what is there. In order to change the alignment of those buildings, they would have to redesign the project. I'm not sure if that's possible; it would be up to the applicant. Staff has not really reviewed this.

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

Chair Rohlf: That takes us up to discussion.

Comm. Williams: Following up on the Public Hearing concerns, in your estimation, can we add berming or screening along that side that would help the situation?

Mr. Klein: I can certainly understand his point. It does meet the setbacks. What we have done in the past is through landscaping with evergreen trees for year-round screening. They would have to be of sufficient density in order to do that. When they are originally planted, they are normally about 6 feet high with spaces between. I'm not sure if there is a swale along the property line.

Comm. Williams: With the swale there, would there still be enough to put the evergreen landscaping?

Mr. Ley: Landscaping would be fine.

Mr. Klein: The original plan showed some trees along that area but not many. Perhaps a stipulation could be added that prior to Governing Body approval, the applicant shall submit a Revised Landscaping Plan, which is actually No. 9; it would just need to be amended to indicate increased landscaping in the form of evergreen trees to screen the fronts of the buildings adjacent to the east property line. I'm not sure if the applicant wants to speak to that as well.

Comm. Williams: You said properties to the east?

Mr. Klein: Yes, Highlands Creek is directly to the east. I have an aerial that will show it. (*places on the overhead*). You can see houses backing up all along the east property line. As the gentleman indicated, the ones up to the point where the new construction will occur are actually turned so the side is facing the units. The way they are proposed, the houses in Highland Creek look into the sides. The two that are causing concern would have headlights at night.

Chair Rohlf: Is the Landscape Plan the original one that was approved?

Mr. Klein: That was the original one. I have a stipulation in there because the landscaping requirements have changed some, so the applicant would have to meet current standards.

Chair Rohlf: Is there anything that would require them to put it in because of an ordinance versus our discussion here tonight?

Mr. Klein: I don't think there is anything in the ordinance that would require screening. What they are currently not meeting is a requirement for ornamental trees and shrubs on the right-of-way. There are no screening requirements here because it is residential to residential. It would have to be added in by stipulation.

Comm. Williams: Would it be a separate stipulation or a modification to No. 9?

Mr. Klein: I think you could probably modify No. 9 to include screening, and then you would have to make it clear where the screening would start.

Comm. Ramsey: I think we need to screen the whole thing because Highlands Creek homes are of similar size and price range. I think we need to put a screening up there between the two.

Chair Rohlf: Does the applicant have any comment about the landscaping?

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

Mr. Holland: I think what we'd like to do is work on this a little bit as we move forward to City Council. The stipulation gives us the opportunity to do this. I think there is opportunity for screening there. I would like to point out that the plan has been approved for a long time, and both property owners knew what was there going into it. I don't know if we need dramatic changes, but with respect to certain portions of the property where headlights might come into back yards, we can look at doing some screening in those areas. We're willing to do that. I'm not sure about what Mr. Ramsey meant.

Comm. Ramsey: Something in there, Curtis.

Mr. Holland: We'll have some trees in there, and we'll make sure that when we do that, we're doing it at the time we build these units. I understand that we need to provide some of the screening, but as long as we can do it when we're building those units, we can agree on some things. As we move to City Council, we'll look at sight lines, angles and so forth to screen those areas.

Chair Rohlf: Is there anything else we need to discuss?

A motion to recommend approval of CASE 09-14 – GRACE GARDENS – REZONING – Request for approval of a Rezoning from RP-1 (Planned Single Family Residential District) to RP-3 (Planned Cluster Attached Residential District), Preliminary Plan, Final Plan, and Final Plat, located south of 143rd Street and east of Nall Avenue – with 22 staff stipulations, modifying No. 9 to read, “Prior to Governing Body approval, the applicant shall submit a Revised Landscape Plan that meets the requirements of the Leawood Development Ordinance and to provide effective landscape screening to protect against car headlights on the east property line” – 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.

CASE 12-14 – LEAWOOD SHOPS – SIGN CRITERIA – Request for approval of a Final Sign Plan, located south of Somerset Drive and west of Lee Boulevard.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Case 12-14 is a request for a Final Sign Plan for Leawood Shops, located south of Somerset Drive and west of Lee Boulevard. Currently, Leawood Shops does not have approved Sign Criteria. It is the extreme north end of Leawood. There have been some questions regarding what signage is appropriate at that location. We've had a number of different sign applications, placing signs on different parts of the building. The applicant has outlined criteria that would standardize the signage on the development. It would be composed of circular signage bracketed to the mansour roof. It would have a maximum of 40 square feet or 4 feet in height and 10 feet in width; however, no individual tenant space would be allowed to extend more than 5% of the façade, just like the Leawood Development Ordinance requires. Staff is recommending approval of this application. I'd be happy to answer any questions.

Comm. Levitan: This looks similar to the Corinth shops.

Mr. Klein: Yes; I think the applicant worked really hard, and we have been talking with the applicant fairly extensively through this.

Applicant Presentation:

Scott Shultz 1255 North Winchester, Olathe, KS, appeared before the Planning Commission and made the following comments:

Mr. Shultz: I want to thank staff for their assistance in developing this Sign Criteria and allowing us the opportunity for this application. We agree with the stipulations. I'm happy to answer any questions.

A motion to recommend approval of CASE 12-14 – LEAWOOD SHOPS – SIGN CRITERIA – Request for approval of a Final Sign Plan, located south of Somerset Drive and west of Lee Boulevard – with 3 staff stipulations was made by Strauss; seconded by Ramsey. Motion approved with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey.

CASE 14-14 – CITY PARK – GOOGLE FIBER HUT – Request for approval of a Preliminary Plan, Special Use Permit for Utility Service Facility, and Final Plan, located east of Mission Road and north of Lee Boulevard. **PUBLIC HEARING**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Case 14-14 is a request for a Preliminary Plan, Special Use Permit for Utility Service Facility and Final Plan for City Park, Google Fiber Hut, located east of Mission Road and north of Lee Boulevard. The applicant is proposing to place a utility hut for Google Fiber adjacent to the cell tower at City Park. A fenced-in closed space is proposed to be approximately 22 feet wide by 45 feet in length with ground cover that is a clear rock aggregate. Within the fenced-in area, the enclosed utility cabinet will be placed. The size of this hut is 11 ½ feet wide by 20 feet long and 9 feet high. The hut will be fiberglass with a buff-colored rock aggregate attached. The site will be secured by a wrought iron fence with a curved climb stop at the top. The applicant is proposing a 3-ft. berm on the south side of the parking lot to screen any headlights from Lee Boulevard. They will have a combination of shade trees, evergreen trees and shrubs and ornamental grasses planted around the facility. Staff recommends approval of Case 14-14 with the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Comm. Pateidl: Very simply, is the material used in this hut approved by the Leawood Development Ordinance? Is it appropriate?

Ms. Kriks: Mr. Coleman has reviewed it, and he approved it.

Mr. Coleman: I don't believe it is prohibited.

Comm. Pateidl: I asked if it was approved.

Mr. Coleman: It's not listed as one of the prohibited materials like the CMU was.

Applicant Presentation:

Caleb Flake, BHC Rhodes, 6363 College Boulevard, Suite 300, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Flake: We are here tonight for the pre-cast uninhabited structure to be located off Lee Boulevard. We've worked with staff on the details of the project, and we are agreeable to the stipulations in the report. Representatives of Google Fiber are here tonight if you have any questions specific to Google Fiber and not the hut. If you have questions for engineering or Site Plan layout, I'd be happy to answer those.

Chair Rohlf: Is the term "Fiber Hut" a mainstream term?

Mr. Flake: I would call it a term of industry.

Comm. Jackson: I have to ask the Google folks, why isn't it a hutch as in a rabbit hutch?

Inaudible comments

Chair Rohlf: Any other real questions?

Comm. Strauss: What is in the Google Fiber Hut? What is it housing?

Mr. Flake: I can't get into too much detail, but it's mainly fiber optic light and server equipment.

Chair Rohlf: Are there more huts around?

Mr. Flake: There are many huts around for many different providers.

Chair Rohlf: This is our first.

Mr. Flake: Actually, there is one next door to our proposed site.

Mr. Coleman: There is a cell tower next door.

Chair Rohlf: That's not a hut, or is it?

Mr. Coleman: It's terminology. They're really big utility shelters.

Comm. Strauss: Are there more planned in Leawood? Is there a master plan that lays out how Google intends to move forward?

Mr. Flake: There aren't any others planned for the City of Leawood.

Comm. Ramsey: There are no other plans, but who will this service?

Mr. Flake: I'm going to turn that over to Google Fiber.

Theresa Erb, 2318 W. 47th Avenue, Kansas City, KS, appeared before the Planning Commission and made the following comments:

Ms. Erb: This is to serve Johnson County, so for me to go into more detail, we don't have it established yet.

Comm. Ramsey: We get to provide the ground for you to put your servicing hut on to take care of the rest of the county?

Ms. Erb: There are others. They are definitely in other cities as well. It's kind of our ring that gets us out to the world, but there is a ring that goes in many cities, and it will serve residents in those cities.

Chair Rohlf: Why did you pick this location if you really haven't mapped it?

Ms. Erb: Maybe I'm not saying it correctly. We have a service map, and we have to have enough huts to service that entire area. We have to get coverage for that entire plan, so we look for various locations to cover that. It definitely was planned as part of the entire map we have for the city as well as the county.

Comm. Jackson: You have these huts. Are there also antennas and smaller utilities?

Ms. Erb: There are no antennas. There are smaller boxes that will be part of the design as we get into neighborhoods and then underground equipment as well as equipment on telephone poles potential.

Comm. Jackson: So, for the next couple years, we'll see you back for antennas and for other utility boxes?

Ms. Erb: There are no antennas. There will be boxes and discussions around that, but I don't know that those come to the Planning Commission. They're only a couple feet high.

Mr. Coleman: They're pretty small. They have one a couple feet from my house. They're smaller than most of the other utility structures you see in the neighborhoods.

Comm. Jackson: They're not on a concrete pad or anything?

Mr. Coleman: They can be, and they may have a box next to them. The one in my neighborhood is about 24 inches high and maybe 15 X 15 inches square.

Ms. Erb: That's about right.

Comm. Elkins: Richard, from your perspective, will these smaller units require approval from Planning Commission and City Council?

Mr. Coleman: Per the LDO, no. It depends on the size.

Comm. Elkins: For the applicant, the reason I ask this question is some of your predecessors in the telecommunications business have had a tendency to come to the commission on a piecemeal basis. They'll want to put a box here and there, and we get a series of applications over 24 months or so. At least from my perspective, it's helpful and incumbent upon us to get a sense of what the overall plan is. I understand you haven't built out the plan. You probably have your plan in place for the ring. What I would request is that at some appropriate time, Google comes back to us with some overall plan for at least the Leawood area, recognizing that nothing is set in stone, so that we can get a sense of it all rather than coming in for this box tonight and then another three in six months, etc. That way, we have a better understanding of what this means for infrastructure for our city. Thank you.

Public Hearing

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

Chair Rohlf: That takes us up to final discussion.

A motion to recommend approval of CASE 14-14 – CITY PARK – GOOGLE FIBER HUT – Request for approval of a Preliminary Plan, Special Use Permit for Utility Service Facility, and Final Plan, located east of Mission Road and north of Lee Boulevard – with 17 staff stipulations – was made by Elkins; seconded by Roberson. Motion approve with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Ramsey.

MEETING ADJOURNED