

**City of Leawood  
Planning Commission Meeting  
March 25, 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, Jackson, Rohlf, Williams, Elkins, Strauss, and Ramsey.  
Absent: Roberson.

**APPROVAL OF THE AGENDA:**

**A motion to approve the agenda was made by Williams; seconded by Elkins. Motion passed with a unanimous vote of 7-0. For: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss and Ramsey.**

**APPROVAL OF MINUTES:**

Comm. Jackson: On Page 20, the vote should be 4-1.

**A motion to approve the minutes from the February 25, 2014 Planning Commission meeting with correction was made by Jackson; seconded by Strauss. Motion passed with a unanimous vote of 7-0. For: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss and Ramsey.**

**CONTINUED TO APRIL 29, 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 21-14 – CROWN CASTLE CELLULAR TOWER – Request for approval of a one year extension for a Special Use Permit for the continued use of a wireless communication tower and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 22-14 – AT&T MOBILITY CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 23-14 – CRICKET CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 24-14 – CLEARWIRE CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 25-14 – T-MOBILE CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 26-14 – VERIZON WIRELESS CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment , located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 27-14 – SPRINT-NEXTEL CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 48-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS, - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the definition of school, technical or vocational. **PUBLIC HEARING**

CASE 55-14 - LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS, - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the definition of school, college or university. **PUBLIC HEARING**

CASE 51-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-7, TABLE OF USES, - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to colleges and universities. **PUBLIC HEARING**

**CONSENT AGENDA:**

CASE 32-14 – TIME WARNER CABLE SUPPLY METER – Request for approval of a Final Plan, located north of 151st Street and east of Mission Road.

CASE 38-14 – EDGEWOOD HOMES ASSOCIATION – POOL CLUBHOUSE AND GATEHOUSE – Request for approval of a Revised Final Plan, located north of Town Center Drive and east of Nall Avenue.

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

**NEW BUSINESS:**

CASE 39-14 – MISSION FARMS – PHASE III – CARPORTS – Request for approval of a Revised Final Plan, located south of 105th Street and east of Mission Road.

**Staff Presentation:**

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Before I get started, please be advised that a memo has been placed on the dais regarding tonight's case. The applicant has submitted plans for a building permit, and changes were included in the plans that were not in tonight's plan. The applicant will also be prepared these changes. May I present Case 39-14 – Request for approval of a Revised Final Plan, located south of 105<sup>th</sup> Street and east of Mission Road for Mission Farms, Phase III. The Governing Body approved Case 66-13 - a Revised Final Plan for Mission Farms on September 3, 2013. That plan included residential units, a courtyard with a pool, office space and a parking structure. Since the time of that approval, the applicant is requesting additions and modifications to that Final Plan. One major change is the addition of three carports to be located on the roof

of the approved parking structure. Each carport shall be 9 feet, 4 inches in height, 18 feet in width and 126 feet, 90 feet and 36 feet in length. The other major change to the final plan is the addition of an exterior staircase on the south side of the parking structure, which was derived from comments by codes administration. The staircase shall be a combination of brick, stucco and stone veneer, which matches the current exterior. Other minor changes include relocating an access gate to the courtyard and pool area, the addition of small decorative wing walls on either side of the stairs leading to rear accesses of residential units on the south side of 106<sup>th</sup> Street and a fountain on 106<sup>th</sup> Street. Staff recommends the Planning Commission recommend approval of Case 39-14 with the stipulations outlined in the Staff Report, and I'm happy to answer any questions you have.

Chair Rohlf: Do we need to modify any of the stipulations based on what the applicant has brought this evening?

Ms. Kriks: No.

**Applicant Presentation:**

Doug Weltner, 4520 Main, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Weltner: Based on the questions to Michelle, it would seem to me that we had three items come up today that apparently needed some clarification. I have Nicole Anderson here from NSPJ to go over those with you if you need detail. We had some additional landscaping that didn't show on the plans that were presented to staff. We also wanted to point out a door for a storm shelter that is part of the townhouse storm shelter that is required to be separate storm shelter in the apartment building, and then we separated the patios on the townhomes on the lake so we don't end up with dividers that are on the shared patios. If you'd like, I can have Nicole walk you through those.

Chair Rohlf: I think so. It probably wouldn't hurt to point out the changes so we all know where they are.

Nicole Anderson, NSPJ Architects, 3515 W. 75<sup>th</sup> Street, Prairie Village, KS, appeared before the Planning Commission and made the following comments:

Ms. Anderson: I'm going to start off by pointing out some of the changes on the Site Plan. (*Refers to Site Plan throughout*) The stair tower is in the main parking garage on the southwest corner. We had to add it for code purposes, and it was included in the packet. The carports were added on the east portion of the parking garage 60 feet back from the main west wall of the garage. We added a storm shelter in the townhome units in the garage as is required by code. The other item we changed is the balconies on the back of the townhomes overlooking the lake were together with a brick wall; they have been pulled apart to minimize the amount of handrail in one location and to eliminate the brick wall. This also allows for more landscaping in those areas. On this plan, we have the approved west elevation of the garage as well as the new one. As you can see, everything has stayed the same with the exception of the stair tower that was added. It is pulled back from this main façade slightly, giving a little relief to the elevation, not making it flat. It also projects out, giving more depth on the south elevation. As you can see, the rest of the garage remained the same. Cutting through the garage, you see the carports with a slope. They will be painted the same color as the trim. We're doing what we can to minimize the overall look of the carports. Obviously, with the garage and width, the residents want covered parking. This allows that without a fully enclosed top floor. The storm shelter will have a door rather than a window. We have also separated the patios to allow for more privacy. As you see, it will also break up the railing in those locations. The rest of the intent stayed the same. An elevation that was not in the packet shows the courtyards through which the units enter. All of the materials on the front elevation wrap through so it is not just a fake brick façade.

The last thing we want to go over is the change to the Landscape Plan. The number of trees stayed the same. Locations of trees did move some because sidewalks had to move to allow for the storm shelter to grow. A transformer location was identified, so we moved the tree. The number of trees did not change. We also added over 100 shrubs. Some got switched out for purposes of their location not having enough light or to serve the purpose of screening transformers. On the previous plans, shrubs were in the entry areas of the commercial portion, the clubhouse and the center island area. You can see that the overall intent and feel of the project remained the same. Do you have any questions?

Chair Rohlf: They have actually submitted plans with those changes?

Mr. Klein: The plans that they submitted were actually submitted with the building plans. They'll be incorporated in the plans that go forward to Governing Body.

Comm. Williams: Are the carports screened on the perimeter of the building? They don't show up on your exterior elevation.

Ms. Anderson: They actually are on the exterior elevation.

Comm. Williams: I see it now; it is just faint.

Ms. Anderson: They asked us to make it faint because they wanted the stair tower to show. The main façade elevation will shield those.

Comm. Williams: That is on the south side that is facing the highway, so it's not facing surrounding properties. And the construction, again, is simple steel pipes and steel roof framing and this membrane roof?

Ms. Anderson: Yes, with a low slope to minimize the profile.

Comm. Williams: Can the membrane roof be seen within the development?

Ms. Anderson: I would have to look at that, but we are making it as low of a slope as we can. The only place I can think of that it would possibly be seen is in the upper floors of the building that is yet to be built. Even there, it would be close.

Comm. Williams: The membrane roof doesn't note a color.

Ms. Anderson: That comes in a beige color that will closely match the carports themselves.

Comm. Williams: From previous submittals, I thought we had landscaping along the east property line in addition to the landscaping just to the east of the new buildings. Yet, I didn't see any landscaping noted on the plan.

Ms. Anderson: That is because none of that changed from the original submittal.

Comm. Williams: Do you know when that will go in?

Ms. Anderson: This year. I would say at least before October. We want to plant it when it will actually grow.

Comm. Strauss: To better understand the carports, can you give me an idea of the perspective from the highway? Interstate 435 is higher than the roofline probably. Are the carports covering the entire top deck of the garage?

Ms. Anderson: They are covering all of the east side of the garage. East garage is two tiers. They are not on the ramp; they are on the flat portion.

Comm. Strauss: It's almost like putting a roof on the east side of the garage, and on the west side, the parking will still be visible. When I drive down 435, I'm looking down on the development. That's what I'm concerned about. I think this is an improvement over a parking deck, but I'm trying to visualize what the roof of the carport will look like.

Ms. Anderson: It will actually be a flat beige roof that will just blend away with everything else in the surroundings. One thing that is deceiving on the site is where most of that tree bank is. What you see now is where Building E will be, so it will still be shielded and guarded by the trees. Some of it will be visible, but it will be very streamlined.

Comm. Strauss: It's a unique perspective because most of the views are from the ground perspective, but with this, it is from the highway.

Ms. Anderson: It will still be a higher view because the top of the sound barrier wall is above the height of 435.

Chair Rohlf: Do you have the first plan that shows the overall plan?

Ms. Anderson: The part of the garage that you can see parking in has a ramp, and along the ramp side as well.

Comm. Strauss: Is the roof material what you might see on the apartments?

Ms. Anderson: It is the same as the flat portion of the apartments.

Comm. Williams: Do you, by chance, show the sound barriers on your Site Plan?

Ms. Anderson: Our Site Plan does not go out far enough for that, though.

Chair Rohlf: Kipp, you're saying you're above this?

Comm. Strauss: I'm just saying that at least with the Oppenheimer Building, you're at roof level. I just want to make sure the roof is a material that blends in with the rest of development and is a nice material because I think it will be prominent.

Ms. Anderson: We will actually be down below this because our top floor aligns with the tree line.

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

Comm. Ramsey: I have a quick question for staff. With the addition of the carport and these minor changes, do they still meet the requirements and are you still supporting this? Does it change any of the specifications?

Mr. Klein: Staff doesn't have any concerns with regard to the changes they proposed, and it still meets all the bulk regulations, including height.

Chair Rohlf: Those additional changes will be called out on the next set of plans before Governing Body, right?

Mr. Klein: Yes.

**A motion to recommend approval of CASE 39-14 – MISSION FARMS – PHASE III – CARPORTS – Request for approval of a Revised Final Plan, located south of 105th Street and east of Mission Road – with six stipulations – was made by Jackson; seconded by Pateidl. Motion passed with a unanimous vote of 7-0. For: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss and Ramsey.**

CASE 40-14 – ENCLAVE AT CEDAR POINTE – Request for approval of a Final Plan and Final Plat, located north of 133<sup>rd</sup> Street and west of State Line Road.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 40-14 – Enclave at Cedar Pointe – Request for approval of a Final Plan and Final Plat, located north of 133<sup>rd</sup> Street and west of State Line Road. This is for 24 homes on 7 acres for a density of 3.2 dwelling units per acre. The RP-2 zoning district allows a maximum of 7.26 dwelling units, so this is under the maximum. The Preliminary Plan for this application was approved by the Governing Body on February 17, 2014. The applicant is back with a Final Plan with a public street extending off 133<sup>rd</sup> Street to the north and two cul-de-sacs extending to the east. This development is located directly adjacent to the west side of the Village of Seville. The existing tree line is on the north and west property line, and the applicant is proposing a no-cut zone within the area to protect the trees. The applicant is also proposing an amenity area on Tract C, which will consist of two benches and a brick paver area along with some trees for landscaping. Additionally, a monument will also be located on Tract B, having the name of the development and signature architectural feature that consists of a column constructed of natural stone and red brick. Staff is supportive of this application, and I'll be happy to answer any questions.

Chair Rohlf: Mark, could you go through what becomes No. 8 with the comments on the tract of land?

Mr. Klein: The applicant is actually proposing two pedestrian connections: one to the east and one to the west. The one to the west is mentioned in Stipulation No. 8 and is actually a sidewalk that would connect this development to Greenbriar of Leawood, which is located on the west boundary of the subject property. The stipulation states if the applicant wishes to obtain an easement for a sidewalk on that piece of property, the applicant will then construct a sidewalk. I talked to the applicant today, and he has indicated he's been in conversations with the property owner, and he is considering that. He thinks he'll continue to talk with him next week.

Chair Rohlf: Where is that property owner located?

Mr. Klein: Right along the west property line.

Chair Rohlf: It's one of the ones on No. 6 or No. 7?

Mr. Klein: The property owner purchased a tract directly to the north, and this is the one the applicant is talking to about a sidewalk easement across that property that would then be connected to Pembroke Lane.

Comm. Strauss: Can you talk about where the sidewalk on the east side of the property would connect? It looks like it's connecting to the parking lot.

Mr. Klein: (*Refers to aerial photo*) The sidewalk connection is on the east side of the northern cul-de-sac. Village of Seville has another phase that will continue to the north when constructed. When it comes through, staff will require a connection between Enclave and Greenbriar to go to Village of Seville.

Chair Rohlf: What is along the eastern boundary along Village of Seville? Is that a tree line?

Mr. Klein: It is a berm required with Village of Seville. It has some landscaping to accent it. It was originally intended to create a buffer between the commercial development and the residential development.

Chair Rohlf: At one time, a street was to go there.

Mr. Klein: Correct; there were single family homes approved at one time.

Comm. Pateidl: Mark, I'm interested in this 15-ft. no-cut zone. I took the time to take a look at those sections, and particularly on the west, the grove of trees has not been maintained, and it's pretty wild. I'm curious as to who remains responsible for the care of that as in removal of dead limbs and that type of thing. What does this really mean, and who is responsible for it long term?

Mr. Klein: Long term, it would be the homes association for Enclave.

Comm. Pateidl: It will be considered common ground.

Mr. Klein: A common easement that is not allowed to be cut down.

### **Applicant Presentation**

Brad Sonner, Olsson Associates, 7301 W. 133<sup>rd</sup> Street, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Sonner: We're the planning and engineering firm on this project. I also have Jim Lambie with Lambie Custom Homes with me tonight as the developer. We'll both be glad to answer questions. Staff did an excellent job of summarizing where we are and what's being proposed. This is in conformance with what's being approved with the Preliminary Plat and Plan. We've reviewed the stipulations, and we agree with them. We would request your approval and would stand for questions.

Chair Rohlf: Were you at the Interact Meeting that was held in November?

Mr. Sonner: Yes.

Chair Rohlf: Did the surrounding residents come?

Mr. Sonner: They did. We probably had 15-20.

Chair Rohlf: I couldn't remember if anything in the minutes from the meeting reflected concerns that the residents had.

Mr. Sonner: We talked about the preservation of the tree line, and that was well received. They enjoy that dense tree line. That was about it.

Chair Rohlf: Does anyone have questions for the applicant? This takes us up to discussion and a motion.

Comm. Strauss: Does the fire marshal review plans? I thought there was always some concern from the fire department on long cul-de-sacs.

Mr. Klein: There was at one time. We had an ordinance that the maximum length of a cul-de-sac would be 500 feet. It was removed, and the fire department was aware of it at that time. At another time, there was actually supposed to be a connection with the previous subdivision that connected the parking lot over to the west into this subdivision; however, the fire department indicated it would not be of use to them, and they agreed with it being removed.

**A motion to recommend approval of CASE 40-14 – ENCLAVE AT CEDAR POINTE – Request for approval of a Final Plan and Final Plat, located north of 133<sup>rd</sup> Street and west of State Line Road – with all 23 stipulations – was made by Williams; seconded by Jackson. Motion passed with a unanimous vote of 7-0. For: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss and Ramsey.**

CASE 50-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-5.7, RP-4 (PLANNED APARTMENT RESIDENTIAL DISTRICT), - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to building height. **PUBLIC HEARING**

#### **Staff Presentation**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 50-14 – Leawood Development Ordinance to Section 16-2-5.7, RP-4, pertaining to building height. The reason staff is proposing this change is currently, the RP-3 [Planned Cluster Attached Residential] has a maximum height of 43 feet. That particular district allows a maximum of four units attached, and this allows for eight. It didn't make sense for something with a lower density to be at a higher level. We're proposing that the RP-4 matches the RP-3. Staff is supportive of this amendment, and I'll be happy to answer any questions.

Chair Rohlf: What are the apartments being built at 137<sup>th</sup> and Mission?

Mr. Klein: They are at the 35 feet. They had to go with what was approved at that time.

Chair Rohlf: Is that all RP-4?

Mr. Klein: It is RP-4, and there is an RP-3 section.

Chair Rohlf: That is consistent for them, then.

Mr. Klein: Yes, they actually met the ordinance in effect at the time.

Chair Rohlf: Are they at 35 feet on the RP-4 and 40 feet on the RP-3?

Mr. Klein: I think they're probably about the same at 35 feet.

Comm. Jackson: Has anyone asked for this change?

Mr. Klein: No; as we were going through the Leawood Development Ordinance, it seemed to be a bit of an inconsistency.

Comm. Pateidl: You haven't gone through the exercise of the McMansion and the height and density. There was quite a bit of angst as to what height should be. At some point in time, the code or the Planning Commission determined that 30 feet was the right height. What we're proposing is changed it because, in some other one, we have 40 feet. We don't really have any reason or justification behind it as it relates to all that we have done with this very issue in the past. The alternative would be to reduce the 40 feet to 30 feet.

Chair Rohlf: This is RP-4. The other were all single family, right?

Mr. Klein: The 40 feet is the RP-3, which allow for a maximum of four units. When that was changed, there actually was a project associated with it. It was increased to 40 feet as part of that. If we reduced it back down to 35 feet, we would create a legal, non-conforming development that exceeds the limit. You are correct that the Planning Commission went through a number of years with regard to height and massing of single family homes, particularly in developed areas, to ensure a McMansion wouldn't be developed next to two ranch houses. The intent of this is that the property would have to be zoned RP-4 for the apartment house and would have to meet all the setbacks of the development as a whole.

Comm. Pateidl: I guess my only point is that if we're going to be making changes to the code that we do so for good, sound reasons, and not to say that getting conformity from RP-3 to RP-4 is not a good sound reason, but to me, it just raised the question that we spend so much time on this subject and all of a sudden, we're changing it because it didn't match.

Mr. Coleman: We have another reason for it, too. If we limit it to 35 feet, the roof gets flatter, so you end up with a 3/12 or 4/12 pitch on the roof; where, if you have the 35 feet, you can get a little steeper pitch on the roof. It's aesthetically more pleasing, and you have better ice and water flow off the roof. They can build them up and be just a flat roof, but in these residential things, they often have sloped roofs.

Comm. Pateidl: I guess I really don't disagree, but I appreciate the fact that there is a good, sound reason for it. Thank you for clarifying that.

## **Public Hearing**

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

**A motion to recommend approval of CASE 50-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-5.7, RP-4 (PLANNED APARTMENT RESIDENTIAL DISTRICT), - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to building height – with all staff stipulations – was made by Jackson; seconded by Strauss. Motion passed with a unanimous vote of 7-0. For: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss and Ramsey.**

*MEETING ADJOURNED*

Chair Rohlf: Before you leave this evening, I have an announcement. I would like to tell everyone that I will be stepping down from the Planning Commission at the end of May. My twelve years have come to an end, and I think it's probably time for somebody else to have the opportunity to serve the city and get involved in planning. I just wanted to let all of you know. I gave my handwritten resignation letter to Mayor Dunn Monday night and thought I should let you all know as well. I have a few meetings to go, and then you'll get to carry on without me.