

**City of Leawood
Planning Commission Meeting
November 28, 2017
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: Belzer, Levitan, Pateidl, Elkins, Strauss, Ramsey, Coleman, and Block. Absent: Hoyt.

APPROVAL OF THE AGENDA

Chairman Elkins: Staff has placed a Revised Agenda on the dais. Do you care to fill us in on the changes?

Mr. Klein: The case for Leawood Pines also includes a Final Plan.

Chairman Elkins: If there are no questions, I will entertain a motion.

A motion to approve the Agenda was made by Pateidl; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Comm. Block: On Page 24 at the bottom, Commissioner Coleman and I were switched.

APPROVAL OF MINUTES: Approval of the minutes from the October 24, 2017 Planning Commission meeting.

A motion to approve the amended minutes from the October 24, 2017 Planning Commission meeting was made by Coleman; seconded by Pateidl. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

CONTINUED TO THE FEBRUARY 27, 2018 PLANNING COMMISSION MEETING:

CASE 129-17 – HILLS OF LEAWOOD – Request for approval of a Preliminary Plan and Preliminary Plat, located north of 151st Street and east of Mission Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 119-17 – PARK PLACE – TOM TIVOL JEWELS – AWNINGS – Request for approval of a Revised Final Plan for changes to the façade of a tenant space, located north of 117th Street and east of Nall Avenue.

CASE 126-17 – CHURCH OF THE NATIVITY – REVISED LANDSCAPE PLAN – Request for approval of a Revised Final Plan, located north of 119th Street and east of Mission Road.

A motion to approve the Consent Agenda was made by Pateidl; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

NEW BUSINESS:

CASE 115-17 – 2017 ANNUAL UPDATE TO THE CITY OF LEAWOOD COMPREHENSIVE PLAN – Request for approval of the 2017 Comprehensive Plan.
PUBLIC HEARING

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 115-17 – Annual Update of the City of Leawood Comprehensive Plan. Updates to the Comprehensive Plan for 2017 include the most recent demographic information, minor changes to the Comprehensive Plan Land Use Map, the inclusion of Bicycle and Pedestrian Maps from Self-Propelled Leawood Master Plan, and the addition of Historic Trail Maps, showing the routes of the Santa Fe, Oregon, and California National Trails. Additional minor changes to the text occur throughout the document to clarify and also to introduce various sections within the document. Staff recommends approval of Case 115-17, and I'm happy to answer any questions.

Chairman Elkins: The question of the update to the Comprehensive Plan was the subject of extensive conversation in the last work session by the commission. I appreciate the effort the commissioners put into reviewing the potential revisions as well as making various recommendations to staff concerning edits and amendments to the draft. I thought I might hear a question for staff.

Comm. Strauss: I'm sorry I couldn't make the work session; I was out of town. You may have covered this. I had a question on the Comprehensive Map on Page 57. I was expecting to see on 89th Street where the Leawood Country Club was that the area designated as a park area had a development agreement to be left vacant either as a privately owned or public park.

Mr. Klein: The park on the east side is going to be open space, and it is shown that way; however, we should make that darker now that it will be a public park as opposed to private. Additionally, Tract A was located on the west side of Sagamore and used to be open space. That changed with that development because several lots are located there. It has been changed to reflect that change.

Comm. Strauss: It was approved with residential units on the west side of the street?

Mr. Klein: Correct.

Comm. Belzer: I'm sorry that I was also unable to be here for the work session. Is there detail for Self-Propelled Leawood for the central area?

Mr. Klein: The way the map is divided, the north is separate from the rest of it, which is all covered together. It is only divided into two sections now.

Chairman Elkins: Thanks to staff for including Self-Propelled Leawood as part of the Comprehensive Plan. Additional questions? Because this is the annual review, it requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Chairman Elkins: That takes us to additional discussion.

Comm. Coleman: We had some discussion on the trails that go through Leawood that are not marked. I want to thank staff for including them in the packet this year. Kansas City, Missouri does an excellent job of including all the points of the trail, and then Leawood falls off the map a bit. I'm hoping we can do a bit more to identify the major historic part of our city in the future.

Chairman Elkins: That is a reference to the historic trails as opposed to Self-Propelled Leawood, correct?

Comm. Coleman: Correct; it is on Page 60 with the Santa Fe, Oregon, and California National Trails.

Chairman Elkins: Other discussion? If none, does someone care to make a motion?

A motion to recommend approval of CASE 115-17 – 2017 ANNUAL UPDATE TO THE CITY OF LEAWOOD COMPREHENSIVE PLAN – Request for approval of the 2017 Comprehensive Plan – was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

CASE 123-17 – PRAIRIE STAR ELEMENTARY SCHOOL – Request for approval of a Revised Final Plan, located north of 143rd Street and east of Mission Road.

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: You have a memo in relation to Stipulation No. 5 of the Staff Report. I want to note that change as we discuss this case. The change is with regard to the utilities. The stipulation previously stipulated that the existing and proposed utilities and power lines be required to be placed underground. The stipulation amendment gives the option to bury the utilities or to provide a signed document not to oppose a future benefit district or other financial mechanism to bury the utilities along 143rd Street.

This is Case 123-17 – Prairie Star Elementary School – Request for approval of a Revised Final Plan. Prairie Star Elementary is adjacent to Prairie Star Middle School. This area is surrounded by single family residential subdivisions. The elementary school is in need of more classroom space to serve their current needs, so they are requesting approval for an additional 9,642 square feet of classroom space as well as mechanical equipment area. This will include one fully enclosed mechanical room on the northwest corner of the school as well as an open mechanical yard. It also includes a fully enclosed classroom on the northeast corner of the school and a fully enclosed classroom addition on the southeast corner of the school. These additions will allow the school to remove the mobile classroom unit that is currently on the campus. The school is also removing the major mechanical unit from the rooftop and is placing it in the new mechanical yard. The remaining rooftop units will be replaced with smaller units and will be screened from view in compliance with the Leawood Development Ordinance. The school also proposes landscaping to screen around the new mechanical yard as well as the utility boxes. They are adding trees around the perimeter of the site to comply with their original landscape plan, which will meet the city's requirements for street trees placed every 35 feet on center. However, staff is also requesting that the school further comply with the current ordinance guidelines by planting a staggered row of shrubs next to the existing parking lots as well as to provide the pedestrian improvements that are outlined in Self-Propelled Leawood on Page 76. (*Refers to diagram*) Staff recommends shrubs to screen the parking lots in accordance with the Leawood Development Ordinance. Also, we are proposing they provide sidewalk access from Mission Road to Prairie Star Elementary, as there is a gap in that sidewalk currently. Staff is also requesting painted pedestrian demarcated crosswalks across their driveways. Self-Propelled Leawood also outlines a sidewalk from the east and the north. Staff recommends these improvements because, although this plan is a Revised Final Plan, the increase in square footage is substantial and very close to exceeding the increase in square footage allowable for a Revised Final Plan. When they come back for a new plan eventually, they're going to be pushed back to a Preliminary Plan, which means they will be required to fully comply with the Leawood Development Ordinance. We think by addressing some of these issues now, they can come into compliance incrementally, thereby avoiding that full cost at a later date. Staff recommends approval of Case 123-17 with the stipulations in the Staff Report.

Chairman Elkins: Thank you. Questions for Ms. Schuller?

Comm. Coleman: How much shrubbery will be adjacent to the baseball fields? The kids run all over, and I don't want the shrubs to be a solid barrier. Is there going to be room for kids to get through them?

Ms. Schuller: I believe it's a staggered row of shrubs.

Mr. Klein: It is just meant to hide some of the parking. Typically, a berm is required with landscaping accents. This would include shrubs that would achieve that same goal. They should be able to get through there.

Comm. Strauss: It looks like there is a sidewalk around the perimeter of the golf fields on the northeast side. There is an existing sidewalk on the north side of the elementary school that goes partway on the track. Could they also extend that sidewalk up to the north as a way to have that pedestrian access, or does that not achieve the goal?

Mr. Klein: Are you referring to the sidewalk that comes in from Mission Prairie and goes toward the track?

Comm. Strauss: I'm talking about the one that comes off Windsor Street on the east side. Instead of creating all that new sidewalk, could they just turn left instead of right, use that existing sidewalk, and then work up the east side?

Mr. Klein: We can talk about that with the Pedestrian Bicycle Committee. With this application, we are not requiring them to put in the connections that go along the loop around the north and east. That is something shown in Self-Propelled Leawood, but when they come back for a Preliminary Plan, it would be triggered. With regard to connections into the adjacent subdivisions, it would require an easement from the subdivisions. Currently, the one that Jessica indicated will stripe pedestrian connections, and it is also shown on Self-Propelled Leawood.

Comm. Strauss: You're just outlining this for future reference if they come back.

Mr. Klein: We just wanted to make you aware of what Self-Propelled Leawood designated for this site.

Comm. Strauss: It's not in any of the stipulations?

Mr. Klein: Not as far as that trail along the north side connecting to those subdivisions to the north and east.

Chairman Elkins: Other questions for staff? I have one. It relates to the memo regarding Stipulation No. 5. I know that it's traditionally required of developers to bury the utility lines as they come before us for additional development or improvements to their property. In this instance, staff is recommending an alternative. First, do we typically make that option available to other commercial developers, or is this a special

accommodation we are making to the school district? Secondly, can you tell us a bit about what circumstances would trigger this idea of a Special Benefit District?

Mr. Klein: I apologize. In talking to Public Works, we have already dropped those power lines along 143rd Street, so we can eliminate that stipulation altogether. With regard to when we offer this type of stipulation, we have been offering it on some commercial projects. Typically, it is offered when it is just not such a financial burden. Rather than putting all the onus on one property owner to drop them at that time, we have offered this letter to not oppose a Special Benefit District, Transportation Development District, or some other financial mechanism. One of the commercial projects you may recall is I-Modules located off College Boulevard. It was a fairly short stretch, and it just didn't make sense to have the power lines dropped for that one small piece of frontage.

Chairman Elkins: I appreciate the explanation, but if we were to approve such a stipulation, what are the conceivable circumstances in which a Benefit District would come into being? That is an expense no developer relishes the idea of taking on.

Mr. Klein: There has been talk of a Special Benefit District along 135th Street to bury a lot of those power lines. Some of them have been dropped with the Cornerstone Development, but some of the power lines farther east have not. Polsinelli was actually trying to get everybody on board to drop the lines at one time.

Chairman Elkins: It would have to be a cooperative effort.

Mr. Klein: It would take some notifications and discussions to arrange it.

Chairman Elkins: I also have just a bit of confusion because this is a request for a Revised Final Plan, and I heard both you and Ms. Schuller refer to the possibility that the school district might come back for something more.

Mr. Klein: The school was approaching the threshold of a Preliminary Plan to where the amount of square footage increase was more than 5%. They removed a mobile unit to help keep it as a Final Plan. We were trying to say that if they have an addition in the future, it will not take much to push them over the 5% and back to a Preliminary Plan. Staff would like to get some improvements now so they don't get hit with everything all at once. They have enough street trees along the perimeter to meet the requirement. It might take some adjustment to get them 35 feet on center. The rest is the sidewalk connection and the shrubs.

Chairman Elkins: Thank you. Additional questions? I would invite the applicant to step forward.

Applicant Presentation:

Scott Pashia, DLR Group, 10200 Ensley Lane, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Pashia: Thank you for your time this evening. I want to talk about the project scope for a moment. The goal is to enhance the learning environment at Prairie Star Elementary. Of the two components involved in that, the first is a major mechanical project that Blue Valley has done on several of the schools. They go in and enhance the existing lighting. They do a mechanical retrofit and improve the internal technology. It is really all internal upgrades to the mechanical systems to enhance the learning environment from that component. The second aspect is the additions of space as we remove the mobile unit. Those spaces are to help right-size the classrooms and help establish more flexible learning environments within the school, which future learners are requesting these days. It helps enhance the teaching pedagogy within that existing building. The focus is on Prairie Star Elementary. With that being said and staff's analysis, a fair number of the components are tied to the Prairie Star Middle School site. We would ask the commission and staff to understand that the elementary school is really the focus, and the stipulations should be related to the elementary school. The district has reviewed the stipulations and has agreed to most of them. There are a few that they have opposition to. Some have been clarified through staff definition this evening, but I would like to spend time to review a few. The stipulations are Nos. 2, 3, 4, and 23 because of the overall encompassment of the stipulation.

Regarding No. 2, as staff has referenced, there are existing street trees that fulfill most of the requirements. The district is proposing to add street trees along 143rd Street, as it is most related to the elementary school. That would meet the criteria under the Leawood Development Ordinance. They agree to that with the understanding that trees along Mission Road would not be required, as it pertains more to the middle school piece of the project. Stipulation No. 3 refers to parking lot screening and additional shrubs. In general, staff has identified the shrubs to be located around the internal parking lot. Those lots are pushed into the site and have a natural buffer with the ball fields. The district would oppose this request for a couple reasons. Long-term maintenance of the existing shrubs can be an issue. Safety is a concern, having proximity to the ball fields and separation between the ball fields and the existing parking. We would like the Planning Commission to consider those elements. Regarding No. 4, it sounds like most of the issues here are the external crosswalks and the connection between Mission Road and Prairie Star Middle School. In the original comments, there was reference to internal crosswalks as well, and then it got past the loop path related to Self-Propelled Leawood. Addressing the crosswalks along Mission and 143rd, the street was just improved a couple years ago, and at the time, the city did not make any improvements related to the crosswalks. Being a public entity, the district finds that this is an added cost and burden to them to now add the striping after the fact. Related to the connection between Mission Road and Prairie Star Middle School, the district will address that and will add the walk under an additional project. There have been revisions based on the new sidewalk put in as part of the street project and grade differentials they will address as part of a different project. I think the big objection would be related to the crosswalks.

I am requesting clarification on No. 14, which requests irrigation for the landscape. Is that all landscaping? What is the extent of the irrigation?

Mr. Klein: The Leawood Development Ordinance requires that landscaping is irrigated. We don't have anything regarding a deviation to that. It is a standard stipulation.

Mr. Pashia: Thank you for the clarification. With that being said, there is still opposition to installation of an irrigation system. Currently, the school district does not have irrigation at any of the schools. The concern is cost and long-term maintenance. The district has landscape professionals on staff to monitor landscaping, and we request that it is left to the professional judgment to address any watering concerns and approaches related to the landscaping. It is much more appropriate to spend limited public funds replacing small percentages of landscaping that may die instead of implementing a full irrigation system upfront that would include water meters, booster pumps, piping, controllers, heads, etc., that may never be necessary. The district has historically maintained grounds with the staffed professionals. I believe the Planning Commission has the ability to recommend the City Council waive the requirement for irrigation associated with this project and would appreciate consideration on that. Finally, this notion of going to irrigation as a solution runs counter to the goals of the Leawood Sustainability Advisory Board and their goal to promote water conservation.

In all, we believe the stipulations that the district objects to add additional expenditure to the taxpayers. We can share numbers if needed. A portion of the scope has been backed out by the removal of the pedestrian paths around the exterior. We would encourage the Planning Commission to grant our request to recommend that City Council eliminate or rewrite Stipulation Nos. 2, 3, 4, 14, and 23.

Chairman Elkins: You did not go into detail about No. 23.

Mr. Pashia: No. 23 is a catch-all that says we agree to all of the stipulations above. That would be amended, obviously, to reflect either the deletion or rewriting of the stipulations as requested.

Chairman Elkins: Thank you. Questions for Mr. Pashia?

Comm. Block: In our packet, there is a plan labeled Landscape Overall. If I read it correctly, the darker trees around the property on all four sides are added by the middle school. You are okay with those trees but not adding other trees beyond that?

Mr. Pashia: That is correct. That was in order to address some deficiencies the city had identified previously. It has been rolled into this project.

Comm. Block: Does this not accomplish the goal of 35 feet on center?

Mr. Klein: That is what I was trying to say. The comparison between what is existing and what is proposed leads us to believe they can meet the 35 feet on center with a few of the trees being located to fill in a hole. We don't believe it would require more trees that what they are showing. Regarding the reason we use the overall site as opposed to just Prairie Star Elementary, when we do our analysis, we take 5% overall of both buildings as far as how much is being renovated. If we just used the elementary school, they would have been far more than the 5% limit. The LDO directs us to take all the buildings on the site. Since this isn't a subdivided lot, we used all the buildings. Regarding the pedestrian

paths, we are calling out what is shown in Self-Propelled Leawood and are trying not to be over burdensome by requiring all the paths along the north and tying into the subdivisions to the north and east. Since they are adding a substantial amount of floor space onto it, we wanted to add the striping. We talked about the landscaping. We took the overall parcel because it is used in our analysis to determine if this would be a Preliminary or Final Plan.

Comm. Block: Going back to No. 2, can we take it off the table and modify it to say that you will work with staff to adjust the trees that you have already proposed to meet the criteria?

Mr. Pashia: I believe that is acceptable. That was our initial proposal.

Comm. Coleman: To clarify, there is an existing temporary classroom onsite now?

Mr. Pashia: Yes, there is one mobile unit.

Comm. Coleman: That will be removed. How many additional classrooms will be added to the school?

Mr. Pashia: We are not adding any classrooms per se; we are right-sizing classrooms to make the rooms a bit larger for the student population. It is also to incorporate flexible learning spaces.

Comm. Coleman: Is the enrollment the same for the school?

Mr. Pashia: The enrollment will stay the same.

Comm. Coleman: Are you doing this at other schools throughout the district, or is it just this one in particular?

Mr. Pashia: We are doing one in Overland Park as well. These are the first two that are looking at a new teaching pedagogy implementation for flexible learning.

Comm. Coleman: Is the intent to roll them out throughout the district?

Mr. Pashia: Yes.

Chairman Elkins: Thank you. Mr. Pashia, with respect to the crosswalks, do I understand correctly that the school district has a continuing objection to painting the crosswalks or whatever treatment that staff is requesting for the crosswalks?

Mr. Pashia: That is correct.

Chairman Elkins: You said there was additional cost for that. What is the total cost of this project?

Mr. Pashia: It is at \$7,500,000 currently.

Chairman Elkins: What is the incremental cost of marking those crosswalks?

Mr. Pashia: We estimate it at about \$40,000.

Chairman Elkins: The school district believes that is a material difference?

Scott Crane, Director of Design and Construction for Blue Valley School District, 15020 Metcalf Avenue, appeared before the Planning Commission and made the following comments:

Mr. Crane: The estimate for \$40,000 for the crosswalks was anticipating the demarcation approach that the city has required in the past of a different material type or a colored concrete. Certainly, the cost of marking crosswalks would be much less than that. We want to bring that forward this evening. One of our concerns is not that it is a huge expense, but Self-Propelled Leawood plan was finalized in October of 2014. The street improvements along 143rd Street and Mission Road didn't start until spring of 2015; yet, the city didn't see the need to mark those crossings at that time. We don't understand why that wouldn't have happened and why that burden, however small it may be in everyone's eyes, now belongs to the school district.

Chairman Elkins: Mr. Pashia, I know you made the case that this is focused on the elementary school and not the middle school, so the stipulations ought to apply there. I got a little lost in that thread. Does that thought still hold true for any of the objections that you have to Nos. 2, 3, 4, and 14?

Mr. Pashia: Based on the information presented this evening, the majority of the components for Nos. 2 and 3 are past.

Chairman Elkins: My concern is that there is a little bit of the school district wanting to have its cake and eat it, too, where you take advantage of the combined buildings on the same platted property in order to achieve an advantage with respect to whether this is a Preliminary Plan and the associated requirements but then go the other direction with stipulations and have them only apply to the elementary school. There is an inconsistency that concerned me, but it sounds like you're past that.

Mr. Pashia: We are, based on Mr. Klein's clarification this evening.

Chairman Elkins: Where are we left with your current understanding with respect to No. 14? You indicated we have the authority to waive that requirement. Can you point me to where the LDO grants that authority?

Mr. Pashia: I can't offhand; I would have to come back to you with that.

Chairman Elkins: We have to make a decision tonight. If you truly think there is authority for that kind of a waiver, I would like to hear it, but we are somewhat hamstrung by the LDO, which gives us authority to recommend waivers in certain instances; I am just not well enough versed myself to know if we have that option here. Are there other questions for Mr. Pashia? That takes us up to discussion. Maybe the best place to start is to determine what the school district and staff have agreed to and what they haven't. Mr. Pashia, if you hear something that seems in conflict, feel free to come back up.

Mr. Klein: From Mr. Pashia's comments, it sounds like we are moving closer. Staff is looking to try to make this reasonable. Regarding the irrigation, I am not aware of any deviation allowed. We include that stipulation on all of the applications for that very reason.

Chairman Elkins: We have already stricken No. 5. Based on what you heard tonight, would the recommendation be that we strike No. 2?

Mr. Klein: It sounds like we're both in agreement. Staff's position is that we would keep it. I don't think they will have a problem meeting it.

Chairman Elkins: Mr. Pashia, given that explanation, is the school district still objecting to No. 2?

Mr. Crane: I don't believe we object to No. 2 anymore. We would like some clarification on the irrigation issue. As I read No. 14, it suggests all landscaped areas shall be irrigated. Is this new shrubs, new trees, existing shrubs, existing mature trees?

Mr. Klein: It would include the shrubs in landscape beds. Typically, street trees are irrigated with a spray sprinkler system that can reach farther. We're not looking for the entire site to be irrigated but rather just the landscaped portions.

Chairman Elkins: I don't want to put words in Mr. Crane's mouth, but I think he's asking if this requirement requires the district to provide irrigation for existing landscaping in addition to the new ones.

Mr. Klein: On this one, since it is still a Final Plan, we would be looking at the new landscaping, including trees and shrubs.

Chairman Elkins: Mr. Crane, how does the district feel about No. 3, given that interpretation?

Mr. Crane: I think based off Mr. Pashia's comments and the distance from public right-of-ways, the shrubs have been identified as needing to screen the parking lots, we would continue to object to the installation of shrubs with No. 3.

Chairman Elkins: Thank you. I may have you come back up here.

Comm. Coleman: We just had Leawood Elementary School in recently. I see it's a different team. We required them to have irrigation on their new plantings for their parking lot, didn't we?

Mr. Klein: I believe so. Again, it's a standard stipulation.

Comm. Coleman: It's not that we're changing anything up with the school district.

Chairman Elkins: I appreciate that comment. I couldn't remember if we had landscaping in the plan for Leawood Elementary School.

Comm. Coleman: It was the new parking lot on the west side of the school. I distinctly remember discussion over the landscaping in that area. Irrigation was a question at that meeting.

Chairman Elkins: Any other questions or comments? Apparently, the district still objects to No. 4. Mr. Crane mentioned that marking the crosswalk is different than demarcating. Can staff elaborate on the expectations?

Mr. Klein: We're pulling this from Self-Propelled Leawood, which indicates striping. We are looking for striping and not a different material. We are not looking to put a heavy burden on the school district.

Chairman Elkins: I'm curious to hear explanation from staff about Mr. Crane's point that the street was redone by the city after Self-Propelled Leawood without the striping.

Mr. Ley: The plans for 143rd Street were approved several months before construction started. At the time, I don't believe Self-Propelled was approved. When it was approved through Governing Body, we followed the striping plan on all new projects.

Chairman Elkins: In the ordinary course, are these crosswalks on school district property or on city property?

Mr. Ley: It is in the public right-of-way, but it is maintained by the adjacent property owner. These are not public streets.

Mr. Crane: The approaches to the property were part of the project to redo 143rd Street and Mission, so it was new concrete that was placed where these markings are requested to go now. I suspect there were change orders associated with that project that could have easily allowed markings to occur at that time. The project didn't complete adjacent to the elementary and middle school until nearly a year following the finalization of Self-Propelled Leawood. We struggle to understand why that is ours if it was a desire of the city's at that time.

I have a couple other comments. First, I would like to make sure to point out that we absolutely oppose the irrigation associated with Leawood Elementary School, just as

we do here. Also, regarding No. 4, I have heard conversations about the four crosswalks that cross the approaches into the site. I think there were three circled on the exhibit that was identified earlier. The stipulation also calls out internal crosswalks across driveways and parking areas. What is the expectation?

Mr. Klein: There is one on the north along Mission Road. There is the pedestrian connection to the south.

Mr. Crane: We are interested in making that pedestrian connection there.

Mr. Klein: Those two would be included. Then there would be the two along 143rd Street. There is also a sidewalk that goes into the site, but it ends with no demarcation to the next sidewalk. That is the interior one we referenced. There are six total.

Mr. Crane: We would be very interested in doing the two that are internal to the site in the manner being proposed now, but we believe the ones in the right-of-way should not be the responsibility of the school district.

Chairman Elkins: Thank you. Other questions or comments? It strikes me that we can take two approaches. One is to take up some of these stipulations one at a time. The other approach would be, having given due consideration to the school district's concerns, to move forward with the plan as recommended and make a recommendation for approval or denial. I would like to ask if there is any commissioner that would like to take up any of the individual stipulations that the school district has objected to?

Comm. Pateidl: I would like to modify No. 2. At the very end, it would include the verbiage, "via reconfiguration of the trees in the attached Landscape Plan." This would deal with that issue.

Chairman Elkins: The school district would probably be perfectly happy with that revision, but they have no ongoing objection to No. 2. It leaves us with Nos. 3, 4, and 14. Does anyone wish to take up any of those?

Comm. Pateidl: I'll take No. 14 and add the words, "all newly landscaped areas will be irrigated."

Chairman Elkins: I don't think that satisfies the school district, but we can certainly add that. I would ask staff if Leawood Middle School has come before the Governing Body for approval yet?

Mr. Klein: No.

Comm. Block: On No. 14, I might go further and call out just the new shrubs and not the trees. They would be adding irrigation around the entire property to irrigate the trees, and I think they have a better chance of surviving than the bushes. You'll check to see if the

trees are living or not, and they can be replaced if they are not. If there is not irrigation already, it just seems like a big expense.

Chairman Elkins: I think that's a good point. The question I was putting is if we want to put any of these stipulations to a vote. Even with that revision, the school district would still oppose it. I'm not sure we have the authority to vote on that stipulation.

Comm. Levitan: If we required irrigation for Leawood Middle, I don't see that we can cherry-pick schools.

Comm. Strauss: Are we requiring irrigation on the new Brookridge school for Shawnee Mission District? Certainly, every school that is being upgraded or rebuilt has the requirement. I don't see it as an issue.

Comm. Pateidl: It is what it is.

Comm. Strauss: In fact, I think when it was put in the LDO, it was to set an environment in Leawood with plants and trees. I don't think we should cherry-pick and just irrigate the shrubs. It wasn't put in the LDO as such, so I think it should be left as it is.

Chairman Elkins: Would anyone like to discuss Nos. 3 or 4?

Comm. Strauss: I think that there was a grey area when 143rd Street was put in. Being in the transportation industry, I know those plans are put together sometimes years in advanced and are not finalized until months before, but for one reason or another, it got overlooked. The fact is that they're not now, and I think of those as safety improvements for the kids. It really demarcates and tells the driver where pedestrians are driving. I see it as an important safety issue. I'd like to see those put in.

Chairman Elkins: Are there other comments? Commissioner Block, do you want us to proceed with the limitation you suggested earlier, or having heard what you've heard, do you want to proceed with what is on paper currently?

Comm. Block: I feel it should only be the bushes. It just seems overly burdensome for the entire perimeter, and I think the same goal could be accomplished with the bags that start the trees and get them established. They are not going to need long-term irrigation.

Chairman Elkins: Do you want to put that in the form of a motion?

A motion to amend Stipulation No. 14 to replace, "All landscaped areas" with "Newly landscaped areas" – was made by Block.

Chairman Elkins: For lack of a second, the motion dies. That takes us on to the balance. I didn't get a sense of consensus with respect to Commissioner Pateidl's revision to No. 2, but it looks like No. 2 is not objectionable to the school district. Given that, Commissioner Levitan, do you have a comment?

Comm. Levitan: What does the LDO say with respect to landscaping?

Mr. Klein: We don't have deviations available to landscaping.

Chairman Elkins: Commissioner Pateidl, what was your recommendation on No. 2?

Comm. Pateidl: The end would have the added verbiage, “. . . via reconfiguration of the trees included in the attached Landscape Plan.”

Mr. Klein: The question was what the LDO says about irrigation. It is exactly what is in the stipulation. Section 16-4-7.3 – Landscaping Requirements states that all landscaped areas shall be irrigated. This provides an exemption to Single Family Residential, but all others are required to meet that.

Chairman Elkins: Thank you. I think we're past that. I think we're looking now at No. 2. It doesn't sound like the revision suggested by Commissioner Pateidl would violate what you described in the LDO.

Mr. Klein: Correct.

Chairman Elkins: With that, I would entertain a motion, Commissioner Pateidl, relative to the case in total.

A motion to recommend approval of CASE 123-17 – PRAIRIE STAR ELEMENTARY SCHOOL – Request for approval of a Revised Final Plan, located north of 143rd Street and east of Mission Road – with the following changes:

- **No. 2 – add verbiage at the end, “. . . via reconfiguration of trees included in the attached Landscape Plan**
- **No. 5 – delete**
- **No. 14 – modify to read, “All newly landscaped areas shall be irrigated”**

To include 22 stipulations – was made by Pateidl; seconded by Strauss. Motion carried with a vote of 6-1 For: Belzer, Levitan, Pateidl, Strauss, Ramsey, and Coleman. Opposed: Block.

Comm. Block: My objection is not to the plan; it is only to the one stipulation.

CASE 124-17 – JOHNSON COUNTY WASTEWATER – KCP&L ELECTRICAL SUBSTATION – Request for approval of a Special Use Permit for a Public Utility Facility/Electrical Substation, and Preliminary Plan, located south of I-435 and east of Mission Road. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 124-17 – Johnson County Wastewater Facility – KCP&L Electrical Substation. The applicant is requesting approval for a Special Use Permit for a Public Utility Facility to be operated by KCP&L, as well as a Preliminary Plan, to be located within the Johnson County Wastewater treatment facility south of I-435 and east of Mission Road. The application for Johnson County Wastewater came before the Planning Commission and was approved by the Governing Body on August 7, 2017. At that time, they identified additional power needs. In order to meet those needs, they showed an electrical substation located in the northeastern section where there is currently a detention pond as a future placeholder until Johnson County Wastewater and KCP&L came back before the Planning Commission and Governing Body for a Special Use Permit to allow the substation. They are here tonight to seek that approval. They are proposing a site that is generally rectangular. The dimensions are approximately 322'x194'. It is in the northeastern part of the site. It will include many structures within the substation. It will be constructed of galvanized steel. The structures range anywhere in height from 11 feet to 90 feet. There are a couple structures that are 90 feet in height that are actually transmission poles that come into play with a realignment of the transmission lines. Currently, the transmission lines exist along the south side of Lee Boulevard, including directly north of this site. They are proposing to redirect those lines. Instead of the ones directly north of the site extending east-west, they would remove those and realign them so they would come down and connect with those poles within the substation itself. As part of that, they are proposing to remove one structure that is 79 feet in height and is located a little bit to the east of their property on city-owned property (*shows a graphic*).

Chairman Elkins: Is the substation necessitated by the demand created by the wastewater treatment plant, or is this part of a more generalized need around the provision of electricity in the surrounding area as well?

Mr. Klein: My understanding is that this is the result of Johnson County Wastewater Expansion, and they may be able to answer more about that.

There are power lines that run along the south side on Lee Boulevard. They would like to realign the ones directly north of where the substation is proposed. The lines that went east-west will be directed down to the southwest and southeast to that substation. As part of that, a structure is located on city property, and they want to remove it. It is 79 feet in height and has three poles associated with it. They are proposing a pole that is 25 feet from their eastern boundary that they would then connect those wires into and redirect that down into the substation itself. The power lines in the middle will be removed and redirected. The 90' pole will run down to the substation. Another 90' pole will also run to the substation. They propose to take out some right-bend distribution lines on the east property line. The right bend near the entrance will be straightened out. Staff is recommending approval of this application, and I'd be happy to answer any questions.

Chairman Elkins: The length of the Special Use Permit?

Mr. Klein: We have it at 20 years, which is the limit placed by the LDO.

Chairman Elkins: Thank you. Questions for Mr. Klein?

Comm. Block: We had a new plan on the dais, dealing with a fence.

Mr. Klein: Originally, they proposed a single fence around the substation. The fence was going to be chain link and about 7 feet in height, angling out with three strands of barbed wire. Since it was a single fence, they wanted to add a safety measure in the way of walls between that fence and the outside perimeter fence to keep the perimeter fence of Johnson County Wastewater being electrified by the substation. Two walls were proposed. Since that time, they are now proposing that Johnson County Wastewater will construct a security fence around the compound. It will be chain link with barbed wire, but inside of that will be another security fence constructed by KCP&L that will be chain link and 8 feet in height, but it will not contain barbed wire. As a result, they no longer need the walls.

Chairman Elkins: Staff has no objection to that revision?

Mr. Klein: No.

Comm. Block: I wasn't clear on the timing of all this. Does this occur sooner than the whole replacement of the upgrade?

Mr. Klein: That might be a better question for KCP&L. Right now, this is a Preliminary Plan and Special Use Permit. It is my understanding that Johnson County Wastewater will probably be making an application for the Final Plan for their portion of it, and then another time, they will have to come back in for the Final Plan for the substation as well.

Comm. Coleman: This is right next to Indian Creek. It seems that the whole park and area gets major flooding once every year or two. I don't know a lot about substations, but it seems to put it right next to a flooding waterway may not be the smartest thing.

Mr. Klein: I know the area is currently in the floodplain, but Johnson County Wastewater is proposing to elevate the site as much as 12 feet in certain areas. They also have a drainage channel along the north side of the substation. It continues east-west across the site and is intended to handle the additional runoff. KCP&L or Johnson County Wastewater might be able to better address that.

Comm. Coleman: I did not go to City Park when it flooded last year. I saw pictures of it where the water got up to the rims of the basketball court. My question to staff is if we have a major flooding event like last year, will the substation be under water?

Mr. Ley: It would not be. The substation is about 4 feet above the FEMA Flood Model. With what happened before, it would have been at least 4 feet above that storm event.

Comm. Strauss: I must be wrong, but I thought chain link fences were a prohibited use in Leawood.

Mr. Coleman: The fence portion of this will be part of an interlocal agreement between the county and the city. Chain link fences are allowed in Leawood.

Mr. Klein: Barbed wire typically is not allowed, but it is being handled through an interlocal agreement with Johnson County Wastewater. Johnson County Wastewater is the one that will construct the fence with the barbed wire that goes around the top.

Comm. Strauss: Are you saying the Johnson County Wastewater site is like an island, separate and outside of Leawood ordinance? I understand their agreement, but it still falls within the City of Leawood.

Mr. Coleman: It still falls in the City of Leawood; the property is owned by the county. There is the ability for the county and city to enter into an interlocal agreement over certain issues.

Chairman Elkins: Any other questions? Does the applicant wish to be heard on this?

Applicant Presentation:

Tammy Lorenzen, Johnson County Wastewater, 4800 Nall, Mission, and Chris Cook, KCP&L, 4400 E. Front Street, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Ms. Lorenzen: We were here you previously to talk about the reasons for the improvements to the Tomahawk Creek Wastewater Treatment Facility. (*Shows an aerial view of the site*). This is located between Mission Road and Leawood City Park, south of I-435 and north of College. The proposed facility has increased power demands for two reasons. The existing facility only treats approximately 40% of the daily flow that comes to the facility. The rest is sent to KC, MO for treatment. There is also a significant portion of wet weather that comes to the site that is sent on as well. This proposed facility is going to treat all the flow, so we have power demand increases because we have additional sized equipment to treat all of that flow. Also, the processes in place now provide a lower level of treatment that was appropriate at the time the facilities were constructed in the '60s. It is a much more cost-effective, low-energy demand. The new more stringent water quality requirements that we must meet require processes that are much more energy intensive. As we were going through the design for this project and looking at daily and peak electrical demands, through discussions with KCP&L, we found out that the existing distribution lines and the substations that feed those did not have the capacity to serve the proposed facility. We looked at different alternatives, and it was decided the substation at the site was the best solution for three reasons. It provides the most reliable solution for the treatment facility; it can be constructed for the least cost; it also would cause the least disruption to the public. If we were not to construct this facility and instead do improvements to another substation and bring all new lines into the site, there would be considerable disruption to the public. For all those reasons, we jointly decided this was the right solution. I'm going to turn it over to Chris so he can speak about the details of the substation.

Mr. Cook: (*Shows plan*) This shows that the substation dead-ends at 90 feet. The transformers would provide electricity to the plant. As staff discussed, this will have enough capability to provide the plant its source but also provide local circuits the ability for any low growth in the area. These are low profile design substations. The buses are at 16 and 23 feet in height. As staff mentioned, the structures range from 11 feet to 90 feet within the substation. There is what we call a crawl-down, a single substation dead-end structure, that will be constructed in the new facility at Indian Creek. A typical single-pole dead-end structure will be constructed in the transmission corridor.

As we talked about, the requirement for the load at Johnson County Wastewater was for October of 2020. This will be a two-year design and construction. We will start out design in October of 2018, and the construction will probably start on the site in fall of 2019. Most of that time, we'll be ordering equipment throughout all of 2018 and most of 2019 to try to get it in. It takes approximately a year to get our equipment from the manufacturers. In that meantime, Johnson County is doing all the grading for KCP&L.

We held an Interact Meeting. We'll go over some of the comments and responses from that meeting. One person was very concerned about the flooding issues. He was out of the flood zone, so he had flooding occur in his home. Johnson County stipulated that the plan will mitigate any fill place in the floodplain. The overflow channel will be constructed to achieve no changes in the flood levels. One other comment dealt with concerns about Lee Boulevard. They asked about burying the power lines or for additional trees to be planted. Johnson County talked about the Tomahawk project, on which Johnson County would work with Leawood to address various aesthetic concerns. Another question concerned the substation doing anything to address the intermittent power outages. We did give this customer a contact. We have not yet heard from him. We have contacted out distribution to try to get more information about where these outages are occurring. Another topic was if a future load comes up, it will provide better reliability. We have long circuits in this area. As we redesign this area, we might be able to bring circuits out of this to improve reliability of the local area. We made a 3-D model of the substation and took it to the Interact Meeting.

I'd like to talk about the stipulations. Staff stipulated about pole heights. KCP&L must follow the NESC code that deals with clearances from ground and other structures. Since this is a preliminary design, we don't have all the information. I want to clarify some pole heights with staff and the commission. Under the modifications of overhead utilities that were described, they stipulated that the distribution pole heights would increase to 36 feet. We need to change that to 43 feet. When we get closer, we're placing the maximum height on the structures until we determine what is under the wires to make sure we get the right pole heights. We make conservative estimates to try to make sure we cover any contingency. The poles might not be 43 feet, but it will be the maximum height we need to set for them.

Chairman Elkins: Which stipulation references the height?

Mr. Cook: This was in the report concerning the modifications to overhead utilities. It might not be in the stipulations.

Mr. Klein: It isn't in the stipulations; it was in the description of what was shown in the Site Plan. He is calling out a change to meet their standards. It wasn't stipulated.

Chairman Elkins: The current stipulations wouldn't impact that at all.

Mr. Klein: No. Basically, it would be more your approval of the plan because what I have described here is what he received. He is just trying to ensure the plan reflects the changes.

Mr. Cook: Regarding Stipulation No. 4, we had our transmission review the transmission structures, and we need to comply with the National Electric Safety Code [NESC], so we'd like to stipulate that we move the 90' transmission poles to 110'. That will be our max setting for them. The distribution of new circuits being constructed underneath has us taking a more conservative approach for what that would be.

Chairman Elkins: Does staff have any objection?

Mr. Klein: The Governing Body must approve anything over 75 feet, but I thought there was a restriction that they cannot go above 105 feet. I'll doublecheck that.

Mr. Cook: Our only other concern is with Stipulation No. 3 concerning the duration of the SUP. The substation site sits on an easement. We have very limited control over anything outside our easements. Typically, we try to go for a 90-year duration on the SUP.

Chairman Elkins: That may be a challenge for us because our statute limits us to 20 years. Our code trumps your code on that one.

Mr. Klein: The height limit of 105 feet is for churches, so Governing Body can allow 155 feet.

Chairman Elkins: You answered my questions. These heights are dictated by the codes that govern your electrical transmission lines.

Mr. Cook: Yes.

Chairman Elkins: Other comments? Thank you. Questions for either Mr. Cook or Ms. Lorenzen?

Comm. Block: Mr. Cook, you mentioned that this project is the low-profile version. Are these images showing that?

Mr. Cook: Yes.

Comm. Block: On the schedule, this would be completed when?

Mr. Cook: October 1, 2020.

Comm. Block: That is when the water treatment plant would be finished, too?

Mr. Cook: I don't know about their finish date. I can let Tammy talk about that.

Ms. Lorenzen: The substation will be able to take load before the treatment facility is complete. We wanted to have it there, ready to start testing equipment and all of that. We are looking at October, 2021 to start treating flows and discharging to the creek.

Comm. Coleman: What happens if water gets on the site? What procedures are in place?

Mr. Cook: The ground level is designed at 500-year floodplain. It is the same as Tomahawk, which is off 103rd Street and did not flood during the last two floods. We have a riverside substation that is elevated, so our switchgear is elevated on structures to get them out of the flood area. Usually, if they get too high, on our transformers, we shut down the substation and de-energize it. Then we pick up load off other circuits. That is what we did during the flood of '93.

Comm. Coleman: You have a certain way to shut them down.

Mr. Cook: Yes, we have gone on boats to get to the site to shut everything down and make sure it is safe.

Chairman Elkins: Are there other questions? Ms. Lorenzen, does Johnson County Wastewater have any exceptions to the stipulations?

Ms. Lorenzen: We do not.

Chairman Elkins: Because this is a Special Use Permit, our LDO requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Pateidl; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Chairman Elkins: That takes us to discussion of the proposed plan. Are there comments or questions? Then I would ask for a motion.

A motion to recommend approval of CASE 124-17 – JOHNSON COUNTY WASTEWATER – KCP&L ELECTRICAL SUBSTATION – Request for approval of a Special Use Permit for a Public Utility Facility/Electrical Substation, and Preliminary Plan, located south of I-435 and east of Mission Road – with 17 staff stipulations and a modification to No. 4 not to exceed 110 feet – was made by Block;

seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

CASE 125-17 – LEAWOOD PINES – Request for approval of Zoning, Preliminary Plan, and Preliminary Plat, located north of I-435 and east of Mission Road. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 125-17 – Leawood Pines. The applicant is requesting approval of a Zoning to confirm the Zoning of R-1, Preliminary Plan, and Preliminary Plat, Final Plan, and Final Plat to divide the existing 2.35-acre parcel into three single family lots. The density on the development will be 1.28 dwelling units per acre. This piece of property is located at the northwest corner of 103rd Street and Lee Boulevard. This property has come before the Planning Commission before. That development didn't go forward. This particular application is proposing three lots. All of the lots will access off Lee Boulevard. The lot farthest south and closest to the intersection of 103rd and Lee Boulevard will be required to have its driveway pushed as far north as the property line. They are proposing a 25' landscape easement along the east property line to allow street trees to be planted along Lee Boulevard. The applicant is proposing to have the houses in line with the property. There is a large single family house directly to the north that is on un-platted property. Also, across 103rd Street to the south is another house located within Leawood Estates. They propose to have these houses in line with that house rather than having them 35 feet back from Lee Boulevard and following the curve. The reason for that is it will prevent those houses from cutting off the views of the existing houses. I want to draw your attention to a memo on the dais with regard to some modifications to stipulations. The first is per the Public Works Department. The street fee can be lower than what was constructed for 103rd at the time from \$301 per front foot for an estimate of \$55,718 to \$96.41 per lineal foot, estimated at current date to be \$17,272.82. The second modification is with regard to the power lines. There are not power lines adjacent to the property, but a pole is located at the southwest corner of the lot farthest south. Instead of requiring them to lower the pole and bore under 103rd Street to lower the one line, we would like to change that stipulation to allow them to provide a letter prior to the Final Plat, agreeing that they will not oppose a Benefit District or some other financial mechanism if all the other power lines along 103rd Street are lowered. We would also like to split two stipulations out of No. 7 with regard to the power lines and then utility boxes. The back of the memo lists out all the stipulations as they would be modified. Staff is recommending approval of this application, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions for Mr. Klein?

Comm. Levitan: Can you explain that street fee and the cost to construct it?

Mr. Ley: The fee schedule on new developments that come in along arterials are required to pay \$311 per foot. It states that if a development comes in after a street has been reconstructed, the original cost for the street shall be used when determining the street fee. The street was widened in 1985, and we don't have the original cost. In the fee schedule is a street depreciation schedule. We used that to back it off to 1985 and determine the amount.

Comm. Strauss: I know that Self-Propelled Leawood had improvements to Lee Boulevard. Are there planned widenings or improvements?

Mr. Ley: In 2020, we're going to add bike lanes to Lee Boulevard from 103rd to 95th Street.

Comm. Strauss: But not change the pavement width?

Mr. Ley: The pavement will have to be widened a couple feet, but we'll have to work within the existing right-of-way.

Comm. Strauss: Will it be a little bit on both sides?

Mr. Ley: It will probably vary. In some locations, it may be on one side; it just kind of depends on how the roadside ditches are and where it's easiest to place the additional 2 feet.

Comm. Strauss: I'm just trying to think about how that will affect these parcels.

Mr. Ley: On this location, there are curbs. South of here, there will be no bike lanes; there will be sharrows. Since there are left turns, we would probably end the bike lanes just north of where the curbs start, which is right around Lot 3.

Chairman Elkins: There wouldn't be any charge levied against the property owners for that project as a result?

Mr. Ley: That is correct; there is no charge.

Chairman Elkins: Thank you. Other questions? Seeing none, I would invite the applicant to step forward.

Applicant Presentation:

Randall Leimer, 3404 W. 132nd, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Leimer: I am the trustee for the trust that owns this property. I'm sure all of you are familiar with the property. There have been prior attempts to try to do something with this property. Originally, it was acquired by a local developer who had visions of taking this parcel as well as the parcel with the old farmhouse to the north and perhaps putting in

as many as 5-8 lots. That didn't get done, obviously. That individual passed away. The original trustee for this trust has, for the last number of years, tried to market this property on behalf of the trust. There have been a couple of contracts. I think it was brought before you one other time under one of those deals under a slightly different configuration. I think that one failed, and perhaps some other opportunities failed to have something done here primarily because the cost of development is quite high. There are virtually no utilities at the site. The long-time trustee that was in place passed away last year. Now, I'm here, trying to pull the pieces together and see if we can find something that works. The plans that were previously proposed were all looking at higher density, different configurations to try to cover the costs of running sewer. We have to street-bore a sanitary sewer under 103rd Street. We have to put in a substantial length of storm sewer to the west. Of course, there is discussion about the electric utility as well. The conclusion we reached was rather than trying to find some developer to take this on, we'll try to move it through ourselves and do the least dense type of development we can do that adheres to the standards of the city and try to honor the setbacks. There are some extreme setbacks with the neighboring houses. Although this is a very inefficient use of land, it is the most harmonious approach we feel can be taken. That is why it looks the way it does. What we've tried to propose here is something that adheres to all the standards of the city. Essentially, we have three lots. The average size is about 2/3 acre. Our expectation is that homes would be built on these that would hopefully market in the \$700,000-\$900,000 range minimum.

Staff has been fantastic to work with. You are blessed with a good group of people here. We worked up until the 11th hour it seemed to put together some stipulations and try to make this come together. With the proposed revisions that were just explained, we don't have any problems or objections to any of the other stipulations. Overall, I don't have a lengthy presentation. We are going for a low-density approach. We don't really think there is going to be any less-obtrusive idea for developing this and bringing it in to the community and onto the tax rolls. We're trying to minimize the impact to the neighborhood and adjoining houses. We would request approval of our plan. If you have any technical questions, we have Harold Phelps with Phelps Engineering and Pete Opperman with Opperman Land Design.

Chairman Elkins: Thank you. Because this is a request for Zoning, we are required by our ordinance to have a Public Hearing. You'll have an opportunity to respond to comments from the public after that.

Public Hearing

Katie Hiatt appeared before the Planning Commission and made the following comments:

Ms. Hiatt: I live in the farmhouse adjacent to the property. We have worked with Randall and the owner. I saw the plans about a week and a half ago. I'm looking for absolute clarity on driveways. I want to make sure I don't have a driveway right next to mine. I'm concerned a little bit about the traffic. I would like absolute clarity on where the driveways are going to be located as opposed to "the northernmost part of the property." I am asking if there have been traffic studies done for the turn lane on Lee Boulevard. If

there have been, I would like to know if they are available for review. Those are my two questions.

Chairman Elkins: Thank you. We'll ask the applicant to respond.

Mr. Leimer: We have discussed this with Ms. Hiatt. We are willing to stipulation with her that we will put the driveway in a location that should be mutually acceptable to both sides. Not having done the exact engineering on where that would be, it is not drawn on our plan. Staff has concerns that we have all three of the driveways as far north as practical, I think in part, to help alleviate the stacking issue at the traffic light at 103rd. Those two considerations are working against each other. We are very sympathetic to their concern that we not put our driveway all the way up on the north property line, which is directly adjacent to their driveway. I think it would make sense for us to move it south a reasonable distance.

Chairman Elkins: The driveway from Ms. Hiatt's property is right at the southern boundary of her property?

Mr. Leimer: Yes. The driveway cuts within 1-2 feet of the property line. I think the concern is if we move our driveway on Lot 3 to the extreme north edge of the lot as staff has recommended, it might be close enough to that one to create concerns.

Chairman Elkins: Mr. Ley, I thought I heard some discussion from the city that there were traffic concerns that indicated the driveway, especially on the northernmost lot, should be as far north as possible. What does this mean?

Mr. Ley: The stipulation from Public Works is just on the first lot and it is that it have one driveway access placed adjacent to the northern property line. The other two lots present no issue for us. The reason we wanted the driveway on Lot 1 to be as far north is the turn lane on southbound Lee Boulevard. If there becomes an issue with the queue of the vehicles through the driveway, Public Works would just put up a "Do Not Block Driveway" sign to the north of the driveway.

Chairman Elkins: Mr. Klein, for a Preliminary and Final Plan, at what point would any of us see where the driveway would be proposed for that northernmost lot?

Mr. Klein: Typically, we don't see that until the building plan is submitted to construct a house because, quite honestly, a lot of times, the lots will be sold to builders, who will determine placement of the house and configuration of the driveway. If there was going to be a stipulation, it could be that the driveway couldn't be any closer than X number of feet to the north property line. You would also have to consider the potential for a 3-car garage with a driveway that curves.

Chairman Elkins: Is there any sort of side yard setback that impacts driveways?

Mr. Klein: Per the LDO, at-grade concrete can go up to the property line.

Chairman Elkins: Is there any sort of assurance we can build into this plan?

Mr. Klein: I imagine there could be a stipulation on part of this application, stating that the driveway cannot be closer than a given number of feet.

Chairman Elkins: Mr. Leimer, how do you feel about putting something on the record relative to this issue?

Mr. Leimer: I don't think we have a problem with it as long as it's not too many feet.

Chairman Elkins: Can somebody help me with a reasonable number?

Mr. Leimer: I'm going to say something in the 5'-8' range. One of the challenges we're going to have whether we build the houses or another builder does, the lots and the building envelopes are relatively narrow. This provides some limitation on how the driveway is put in. I don't want to tie the hands of a prospective homeowner too tightly, but I am sympathetic to what they're discussing. I'm not an engineer or planner.

Comm. Ramsey: What about 10 feet?

Mr. Leimer: I think we could live with that.

Ms. Hiatt: There is a light pole, but if it is within 10 feet of my driveway, you would probably have to remove the light pole.

Harold Phelps, Phelps Engineering, 1270 Winchester, appeared before the Planning Commission and made the following comments:

Mr. Phelps: Typically we move driveways around the light poles. If there is a light pole, it may come a little farther south. Our driveways typically aren't straight today, so we'll have some character to it, especially as long as that driveway is. If it's 10 feet, we can plan for that.

Chairman Elkins: The light pole may actually give you some additional protection because my guess is they're not going to want to take that light pole down. That will force them farther south. Does staff have any thoughts or comments about adding an appropriately worded 10' side setback for the driveway?

Mr. Klein: There is nothing in the LDO that would require it. In fact, the LDO allows at-grade concrete to go to the property line. It would be up to the applicant.

Chairman Elkins: Nothing in the ordinance prevents us from adding that restriction.

Mr. Klein: Correct.

Chairman Elkins: I fully realize the Public Hearing is still open. Ms. Hiett had a second question for either the applicant or Mr. Ley about a traffic study. Mr. Ley, could you address this?

Mr. Ley: In residential subdivisions where we just have a small number of lots, we do not require traffic studies unless there are concerns from staff. By getting that one driveway as far north as we can get it, we don't require a traffic study.

Chairman Elkins: Mr. Phelps, am I correct in assuming that a traffic study has not been done?

Mr. Phelps: That is correct. Typically, we don't do a traffic study for a residential development unless staff specifically asks for it. In this particular case, the three lots are about as low as the density can go. It just didn't make a lot of sense to go to that expense.

Chairman Elkins: Thank you. Ms. Hiett, thank you very much for your input. Is there anyone else who wishes to speak?

Brad Carrell, 10205 Ensley Lane, appeared before the Planning Commission and made the following comments:

Mr. Carrell: I live behind the property. My house is extremely close to the back fence. It is definitely less than 40 feet. I don't know the history of it. I have two concerns. I know a little about construction projects. There is a desktop survey and a walkout survey. The desktop is done on a computer and looks at what is supposed to be there; the walkout is a physical survey of the property. At the time of the public information meeting, a walkout had not been done by the engineering group. The electrical is planned in an area with several small trees and vegetation. If they are going to put the electrical there, all that has to come out. Also, the back of the house is planned 40 feet away from the property line. With those two events, I believe we'll be in a situation where we will be looking at each other through the windows. I just wanted to have some assurances that we are holding to the City of Leawood requirements for how far away a house can be built from the back of the property line. The southernmost house is much farther back than the two northern houses. I was wondering if that was the normal spot or if 40 feet is normal. I have an odd-shaped lot with no back yard; it is all side yard. It is like a baseball field to the side. Where my house is, there's very little room between the back fence and the driveway.

Chairman Elkins: Your home is the first one to the west?

Mr. Carrell: Yes. The house is much closer to the back property line than it shows. My concerns were that the electrical doesn't remove all the existing trees and landscaping that block the view between the two properties and that we have a reasonable distance between the two houses. That's all I have.

Chairman Elkins: Thank you. For the case we have before us, it indicates that for Lots 2 and 3, there is a 40' rear yard setback. As you point out, there is a 58' setback for Lot 1. I think those are consistent with the LDO.

Mr. Klein: This is zoned R-1. The standard rear yard requirement is 30 feet. It increases if the lot is deeper, but there is a credit available if the front yard setback is exceeded. That was the situation with these lots because the houses are pushed back so much farther than the 35' required front yard setback. They are actually back 10 feet farther than a typical setback would require.

Chairman Elkins: The bottom line is that the setbacks here are more than what the LDO requires, and assuming that City Council approves this plan, the developer will be bound by those setbacks. There will be enforcement opportunities if they are different.

Mr. Coleman: This meets the LDO.

Chairman Elkins: I thought you said the LDO is 30 feet and this is 40 feet.

Mr. Coleman: The normal setback is 30 feet, but as Mr. Klein explained, if it is an excessively deep lot, there is a calculation involved.

Chairman Elkins: This meets that standard.

Mr. Coleman: Yes, it does.

Chairman Elkins: Do any other citizens wish to be heard?

As no one else was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Comm. Pateidl: As far as the electric service is concerned, is there a utility easement at the back of those lots?

Mr. Klein: I believe there is. The LDO requires utility boxes to be in the back yard when possible.

Comm. Pateidl: It could be that these trees are in the utility easement.

Mr. Klein: You're talking about an existing utility easement. I believe they have one shown. I'm not sure if it's existing or not.

Mr. Leimer: We do have a 10' utility easement shown on the back of our property. I believe there's a 10' easement on the back of the adjacent property as well. The power is at the north end of their property. At the south end of the property on 103rd Street, we talked about that power line that comes over and serves that lot immediately to the south

of our neighbors here. There isn't an existing electrical line in there now. We will have to run electrical on our side of the property within our property.

Comm. Pateidl: In terms of his request, I don't know that there is a valid answer to address it is my point.

Mr. Leimer: The existing vegetation is pretty much the wild stuff that is on our property. There are existing cedar trees on the other side that are nursery stock that have been planted on their property. We would certainly not be disturbing anything on their property, but we would be cleaning up. A \$700,000-\$900,000 house wouldn't have something like that in the back yard.

Chairman Elkins: Mr. Leimer, do you have any presentation or response to either of the citizen comments other than what you've already given us?

Mr. Leimer: No.

Chairman Elkins: Thank you. That moves us on to discussion of this case. Are there questions or comments? Seeing none, I would entertain a motion.

Comm. Strauss: I just wanted to clarify that the applicant accepts the 14 stipulations with the 10' driveway addition.

Chairman Elkins: He testified that he did.

A motion to recommend approval of CASE 125-17 – LEAWOOD PINES – Request for approval of Zoning, Preliminary Plan, and Preliminary Plat, located north of I-435 and east of Mission Road – with 15 stipulations, including the stipulations attached in the memorandum and a 16th stipulation that requires a 10' side setback – was made by Strauss; seconded by Pateidl. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

CASE 128-17 – CITY OF LEAWOOD PUBLIC ART – WALKING WOMAN – Request for approval of a Final Plan, located south of Town Center Drive and east of Tomahawk Creek Parkway.

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 128-17 – Walking Woman – Request for approval of a Final Plan. The applicant is proposing to install a public art sculpture titled Walking Woman just east of Tomahawk Creek Parkway and across from the Leawood Justice Center. The sculpture will consist of a 7.5' tall sculpture made of bronze, patina ribbons, and stainless steel interior pipes. The Walking Woman will be set up on two limestone rocks. A third rock will be out in front of her, waiting for her next step. Those limestone rocks also serve to raise the sculpture out of the floodplain. The median of Tomahawk Creek

Parkway will be cleared of the invasive species between the north and southbound lanes for better visibility of the art piece. The sculpture will be lit at night, and there will be a bronze plaque detailing the title, date of dedication, and the Art in Public initiative of the Leawood Arts Council. Staff recommends approval of Case 128-17 with the stipulations in the report, and we have Chris Claxton here with the Parks and Recreation Department to answer any further questions.

Chairman Elkins: Thank you. Questions for Ms. Schuller? Seeing none, I would invite the applicant to step forward. I would also note the commission's gratitude to the Leawood Cultural Arts Council. It seems like you're always the last one on our docket, and so you get to see city government in action. We appreciate your patience and tenacity. Ms. Bishop, I guess we'll be hearing from you tonight?

Applicant Presentation

April Bishop, 13200 Fontana, Leawood, and Ann Blessing, Chairman of the Arts in Public Places initiative, 2124 W. 115th Street, Leawood, appeared before the Planning Commission and made the following comments:

Ms. Bishop: As the Cultural Arts Coordinator and a staff member, I am the applicant. I think you have most of the information before you. We've spent the last year planning for this, and we have taken it through the proper channels for our policy. It's been through the Selection Panel, Art in Public Places, Leawood Arts Council, and the Parks Board. You are the next group for approval before this goes to City Council. This will be installed along Tomahawk Creek Parkway in the Sculpture Garden.

There is a large tree in the median that we will not remove, but we will remove the scrub brush below so traffic can view it better.

Chairman Elkins: Do you have a photograph you can put on the screen that is a little more distinct than what you got in the packet of the sculpture?

Ms. Bishop: The sculpture doesn't exist. It will be manufactured by the artist. It is a bronze piece with stripping. It has a bluish-green patina on it that will help us maintain the piece.

Chairman Elkins: I know it says in here someplace, but what material is the stripping made of?

Ms. Bishop: It is bronze, and it will be burred so there are no rough edges. It is pretty friendly. It is strong enough that it will withstand somebody standing on the sculpture. I don't think it's actually going to happen, either, but you never know.

Chairman Elkins: Always a concern. I appreciate that. Questions for Ms. Bishop or Ms. Blessing?

Comm. Pateidl: Can you tell us something about the artist?

Ms. Bishop: The artist lives in California. He's been installed around the country and in other places around the world now. He's really gaining in popularity, so we feel this is a sound investment for the city. We considered him when we did the installation in City Park of the Blanco pieces. He has been here to Leawood. We've had him on our radar for years, hoping we could find an appropriate location for his work.

Ms. Blessing: Mr. Stutz created his first public art piece in 1999 in San Francisco. He is featured in public art collections in Portland, Oregon; Salt Lake City; Jacksonville, Florida; Richmond, Virginia; West Hollywood, California; Des Moines, Iowa; San Diego; and South Pasadena.

Chairman Elkins: That's quite an eclectic market.

Comm. Levitan: I like this piece, unlike the other piece installed on the property. There's nothing that can be done about this tonight, but I would love to see the art funds stay here. The art fees that are assessed to developers are coming from local developers most likely. I'd like to see the funds stay local. I know there may not be enough renowned artists in Kansas City and that you put out an RFP and threw out a wide net, but I would really like to see the money stay local.

Ms. Bishop: We do try to consider local artists when possible. We considered a couple local artists when we were going through the selection process. Again, we are limited here. That's part of the problem, and we are trying to make sound investments for the city. We're trying to purchase a piece that will not only hold value but will increase in value, and that doesn't necessarily happen with all the local artists.

Chairman Elkins: Thank you. Other questions or comments? I would add my thanks to the work that they Public Arts Commission has done. It is something that I think is relatively unique in the area to have the extended sculpture garden that we have. I know it's due to the hard work of all of you and your members. Certainly, sometimes the art is controversial, but that is part of the function of art. We appreciate the eclectic types of art that have been placed there. Hopefully, there is something there for everyone. If there are no other questions or comments, I would entertain a motion.

A motion to recommend approval of CASE 128-17 – CITY OF LEAWOOD PUBLIC ART – WALKING WOMAN – Request for approval of a Final Plan, located south of Town Center Drive and east of Tomahawk Creek Parkway – was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Belzer, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

MEETING ADJOURNED