

**City of Leawood  
Planning Commission Meeting  
May 22, 2018  
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, Hoyt, Levitan, Elkins, Strauss, Coleman, Block, and Stevens Absent: Pateidl

**APPROVAL OF THE AGENDA**

Chairman Elkins: Does staff have any revisions to the agenda? Seeing none, I would entertain a motion.

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

**APPROVAL OF MINUTES:** Approval of the minutes from the April 24, 2018 Planning Commission meeting.

Chairman Elkins: I have one revision. On Page 1, my statement relative to business we thought might be coming forward to the commission says, "I want anyone here for that purpose that it will not come up for discussion." It should have said, "I want anyone here for that purpose to know that it will not come up for discussion this evening."

**A motion to approve the revised minutes from the April 24, 2018 Planning Commission meeting was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

**CONSENT AGENDA:**

Chairman Elkins: Does anyone wish to pull any of the items on the Consent Agenda for discussion?

Comm. Coleman: I would like to pull Case 53-18.

**CASE 50-18 – TOMAHAWK CREEK CONDOMINIUMS – POOL PERGOLAS – Request for approval of a Revised Final Plan, located north of Town Center Drive and west of Tomahawk Creek Parkway.**

CASE 51-18 – TOWN CENTER PLAZA – POTTERY BARN – Request for approval of a Revised Final Plan for changes to the façade of a building, located north of 119<sup>th</sup> Street and east of Nall Avenue.

CASE 52-18 – RANCH MART – DUCK DONUTS OUTDOOR PATIO – Request for approval of a Final Plan, located north of 95<sup>th</sup> Street and east of Mission Road.

**A motion to approve the Consent Agenda to include all cases except Case 53-18 was made by Stevens; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

CASE 53-18 – ENCLAVE AT HIGHLAND VILLAS, FOURTH PLAT – Request for approval of a Revised Final Plat, located south of 143<sup>rd</sup> Street and east of Nall Avenue.

**Staff Presentation:**

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 53-18 – Enclave at Highland Villas, Fourth Plat – Request for approval of a Revised Final Plat. The properties are located south of 143<sup>rd</sup> Street and east of Nall Avenue. The Enclave at Highlands Villas was approved with a Preliminary and Final Plan by the Governing Body with Case 28-16 on April 18, 2016. The applicant is platting around each of the twin villas as the units are constructed to divide the twin villas into two units. This will be the fourth twin villa to be constructed within the development. Staff recommends approval of Case 53-18 with the stipulations in the Staff Report. I'd be happy to answer any questions.

Comm. Coleman: Under Staff Comments on Page 3, it says, “Staff is supportive of the deviation to offer 0’ interior property line setbacks.” Can you show us on the map of the property in question what that includes, where it was when we initially approved it, and where you’re moving the line?

Mr. Sanchez: (*Refers to plan*) The 0’ setback is to allow for a shared wall in the middle, creating the twin villa in one building.

Comm. Coleman: What was originally approved?

Mr. Sanchez: It was the 0’ setback.

Comm. Coleman: What is the need for the deviation?

Mr. Klein: In RP-3, they have 10’ side yard setbacks. Since these are duplexes, there is a 0’ lot line between the two walls. The reason for the deviation is to allow for the shared wall.

Comm. Coleman: What did we approve initially versus now?

Mr. Klein: It has always had this deviation, as it is necessary to have a split between them. Condominiums will always have a 0' lot line because of the shared walls.

Chairman Elkins: Additional questions? As long as we called the case, I would invite the applicant to address the application.

**Applicant Presentation:**

Judd Claussen, Phelps Engineering, 1270 N. Winchester, Olathe, appeared before the Planning Commission and made the following comments:

Mr. Claussen: This side yard deviation has been previously approved with the Preliminary Plan; you're just seeing it again as a reminder. To reiterate what staff has said, these units are being built, and we do a survey to determine the location of the common wall before we submit and record the plat. That is why it is coming to you for approval at this point.

Chairman Elkins: Thank you. Do you or your client have any objections to the 5 stipulations?

Mr. Claussen: The stipulations are in order, and we have no objections.

Chairman Elkins: Thank you. That takes us to discussion of the application. Do any of the commissioners have comments? Is there a motion?

**A motion to recommend approval of CASE 53-18 – ENCLAVE AT HIGHLAND VILLAS, FOURTH PLAT – Request for approval of a Revised Final Plat, located south of 143<sup>rd</sup> Street and east of Nall Avenue – with 5 stipulations in the Staff Report – was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

**NEW BUSINESS:**

CASE 55-18 – PARK PLACE EAST END – MULTI-FAMILY RESIDENTIAL AND OFFICE – Request for approval of a Final Plan and Final Plat, located east of Nall Avenue and north of 117<sup>th</sup> Street.

**Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 55-18 – Park Place East End – Multi-Family Residential and Office. The applicant is requesting approval of a 3-story, 50,000 sq. ft. office building at the corner of Town Center Drive and 117<sup>th</sup> Street and a 3- and 4-story, 120,251 sq. ft. multi-family residential building with 81 units. The apartment building will wrap a 247-space parking garage that provides shared parking between the proposed residences and the office building. Surface parking is provided with each building addition, which

provides the required amount of parking by use per the Leawood Development Ordinance. The applicant is proposing two identical water features to be located at the entrance to Park Place at Rosewood Street. These water features are 7' tall and 9' wide and made of copper. They have a curtain-style water flow and will be landscaped and illuminated at night. Bicycle parking will be located outside both the residential and office buildings. Regarding the office building before you tonight, staff has concerns regarding the aesthetics of the rooftop mechanical unit screening wall, which is shown on the building elevations. Staff has stipulated in Stipulation No. 11 that the applicant will work with staff to reduce the height of those units and screen wall prior to Governing Body approval in order to be in better keeping with the scale of the office building. Staff also has concerns regarding the screening of surface parking lots with berms or walls and landscaping, which are required to be a minimum of 3' in height per the LDO. Staff has included Stipulation No. 17 to address this concern. Per concerns from the Fire Department, Stipulation No. 25 is included to modify the curb geometry of the residential lot entrance prior to building permit. Lastly, on the dais, you have a modification to Stipulation No. 28 regarding the repair of the creek north of City Hall. The memo addresses a 2-year maintenance bond associated with the creek and stormwater improvements. Staff recommends approval of Case 55-18 with the stipulations in the Staff Report, and I'm happy to answer any questions.

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

Comm. Hoyt: In the report under History, it says that the office building adjacent to Nall Avenue is not included in this Final Plan, the hotel building is not included in the expansion, and Parking Garage C is not included. What is the nature of that, and what does the future hold as far as that is concerned?

Ms. Schuller: The applicant can address the future of those buildings. I pointed it out because they were on the Preliminary Plan, and this Final Plan is only addressing the first two buildings they wish to construct.

Comm. Hoyt: There is some mention of these in the plan. On Page 7, for instance, the hotel is identified. Are we just saying that it might happen but is not currently being put into this plan?

Mr. Klein: On the Preliminary Plan, they're showing this as the first phase. They came in with the hotel and office building adjacent to Nall Avenue. With this case, they are only taking the first two buildings. They do plan on coming in to add the others in another phase. That happens often with a lot more buildings in the Preliminary Plan, and as each phase comes in, they'll construct.

Comm. Stevens: I was curious on Stipulation No. 17. Part of the screening talks about existing retaining walls. Is that the newly proposed retaining wall around the north parking?

Ms. Schuller: Yes, there is currently a retaining wall at the end of the parking lot. We are proposing that it be raised in order to be 3' higher than the elevation of the parking lot itself.

Comm. Stevens: There is an existing wall at the north end of the west parking?

Ms. Schuller: It is shown on their plan, but it doesn't currently exist today.

Comm. Stevens: Because that parking lot is elevated, wouldn't that requirement go around? It wouldn't just be at the north end, but it would actually enclose some of that elevated part.

Ms. Schuller: The long side of the parking lot is going into the site, and the short end is what is facing the public right-of-way. The ordinance requires it to be screened at least 3' in height from the public right-of-way. That is why we are more concerned with the wall on that end. It does have shrubs surrounding the other side of the parking lot on the interior.

Comm. Block: The pedestrian crossing improvements that are part of David Ley's memorandum caused some concerns in the Preliminary phase. Has that all been rectified?

Ms. Schuller: The applicant has required the additional landscaping that we asked for so people couldn't jaywalk between the streets. I believe that concern has been addressed.

Comm. Strauss: I have a question about the memo regarding improvements to the creek north of Town Center Drive. I think this has a history with this site that goes well beyond my time with the commission, but I was curious why there is just a provision for the 2-year maintenance bond. Is that saying that after that, the city is responsible for any maintenance of the creek?

Mr. Ley: That is correct. Our standard policy is a 2-year maintenance bond.

Comm. Strauss: I have a question on Sheet C2.8, which shows pedestrian paths. There are a couple locations where it says it is not ADA accessible. Could you give some explanation?

Ms. Schuller: Due to the elevation of this site, those locations have stairways. We require that the area be ADA accessible but not that every path. Due to the slope of the site, some of those areas were not able to be made accessible.

Comm. Strauss: Will that meet federal requirements to have some alternate way to be accessible?

Ms. Schuller: Yes, it is required, and we believe on the plan, there is an alternate way to get it.

Chairman Elkins: Can you repeat what buildings are not included in this Final Plan?

Ms. Schuller: On the Preliminary Plan, Building L was a 7-story office building adjacent to Nall Avenue between Parking Garage C and the building to the south, and you approved the deviation for the height of that. The hotel on the east end is across from the R-3 residential building you see tonight. Then, there were expansions to Parking Garage C, which is at the corner of Nall and Town Center Drive. That is not included.

Chairman Elkins: The title of this is Park Place East End. Is that a different development than what we've dealt with for the last 17 years, known as Park Place, or is this part of the same overall Mixed-Use plan?

Ms. Schuller: It's part of the same overall plan. We just did that to distinguish that this is the second phase for the side of the development.

Chairman Elkins: As a Mixed-Use development, there are certain commitments that the developer made to different types of uses. I've lost track of where that has gone over the years. Going forward with this part of the Final Plan, does it impact their compliance with the commitments they've made? When these two buildings get built, where will they stand relative to their compliance and obligation to the percentage of various uses with the Mixed-Use district?

Ms. Schuller: The overall district has to meet the requirement of 10% Retail, 20% Office, and 20% Residential. The numbers for these new buildings are calculated into the overall. They still meet the requirements.

Chairman Elkins: Where does the hotel fit into the uses?

Ms. Schuller: The percentage of the hotel is able to be calculated as Residential but not all of it.

Chairman Elkins: They are still compliant even if they only proceed with these two on the plan.

Mr. Klein: We look at the Preliminary Plan as well, so they have the office building as well as the hotel that will come in later. Every time a plan comes through, we figure the percentages. When Park Place came through originally, it had to be 20% Residential and 30% commercial. Since that time, we've done amendments and have split out 10% Retail. We are calculating against the current requirement, and it is still well within the requirements.

Chairman Elkins: I guess I'm being a little more granular. By taking this to Final Plan, there is still a possibility they might not get the rest of the Preliminary Plan done. What I'm asking is once they do this Final Plan, if it were all they completed, would they still be in compliance with their commitments?

Mr. Klein: I believe so. It would change the denominator as well as the numerator, so the overall square footage of the development goes down as well. We don't want that to happen, obviously because the 1.25 has been there the entire time.

Chairman Elkins: Thank you. Additional questions?

Mr. Klein: (*Displays plan*) This shows locations of the buildings. *Inaudible comments*

Chairman Elkins: The parking facility is under the apartment building?

Mr. Klein: It is actually built around it. Part of it is under, and part is up around the sides. The parking garage has 122 spaces for the office as well and 125 for the residential.

Chairman Elkins: The parking facility actually wraps around the residential unit?

Mr. Klein: The residential unit wraps around the parking garage.

Chairman Elkins: Thank you.

Comm. Levitan: I didn't see the screening issue on top of the office building.

Mr. Klein: There is a stipulation with regard to the screening with the berm on either side. It obviously still has to meet sight triangles. Stipulation No. 17 also deals with the parking lot on the west end of the residential area. The parking lot slopes from 926' down to 921'. We want to make sure headlights hit something other than shining across the street.

Comm. Levitan: I should have been more specific about the mechanical screening.

Mr. Klein: There is a stipulation that the applicant shall work with us. Right now, they are at about 11', and the screen is that tall as well. We would like to see that reduce in size.

Comm. Levitan: It's possible to shrink that equipment to get it down? I can ask the applicant, too.

Chairman Elkins: Thank you. At this time, I'd invite the applicant to step forward.

**Applicant Presentation:**

David Rezac, Van Trust Real Estate, 4900 Main, Ste. 400, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Rezac: Thank you for the opportunity to speak to you tonight. I can shed more light on many of the things you've talked about. I have a really quick presentation to go over some of the imagery. Feel free to stop me if you have questions. (*Refers to presentation*) The east end that is in question is currently grass. It is comprised of three lots, and we have some tracts that will produce the new private street. The lot with the hotel was changed from the Preliminary Plan, but it is not what we're going through this evening. We are putting in infrastructure with the building projects.

I'm joined tonight by several of our project team. Judd Claussen with Phelps Engineering is the civil engineer and has been on all the Park Place projects. Chris Dring with Young and Dring is our landscape architect. He has also been involved for the last 15 years. From an architecture standpoint, LRK is our architect on the multi-family, and Finkle Williams is the architect on the office building.

The multi-family fronts Town Center Drive but also on our private street. It is 81 units, and it is really a mix of 1-bedroom, 1-bedroom plus den, and 2-bedroom units. It is either 3 or 4 stories tall, depending on location on the site. It has surface parking for 37 cars on the west side of the building, and then 139 spots are dedicated in the garage. It is a wrap, so there is no parking underneath the units. From an architecture standpoint, R-3 takes a lot of its cues from the existing R2 and R1 buildings to the west with very complementary materials and colors. The landscaping allows us to be very thoughtful with the residential character that has been established on Town Center Drive. The office on the very east holds the corner and has 34 parking spaces to the north and west of the front door. It is 50,000 square feet and 3 stories. There is a surface parking lot for 34 cars, and then there are 110 spaces in the garage dedicated to the office tenants. With the glass, clean lines, subtle scale, and appropriate proportions, we think this is a modern office building that is a perfect anchor to the east side of the Park Place development. I wanted to let you know that we are having very good discussions with an anchor tenant that would take the entire building. We hope to have a lease executed in the next 30 days or so.

Once we get through the Final Plan and Final Plat tonight hopefully and June 18<sup>th</sup> at City Council, we would like to begin construction this summer and hope to complete these projects as I've laid out here by the end of 2019. We have enjoyed working with city planning staff to get here tonight. We appreciate all their suggestions and recommendations. We have incorporated all of those. We have reviewed and agree to all 34 of the stipulations as published. At this point, I'll open it up for any questions.

Chairman Elkins: Questions for Mr. Rezac?

Comm. Strauss: I mostly just wanted to thank you for wrapping the garage so we don't have to look at a garage and putting what looks to be a very pretty building on the corner. I like both of those aspects. Thank you for the whole development.

Chairman Elkins: I would echo Commissioner Strauss's comments, particularly on the parking structure. It has been a matter of concern, and you have done a nice job of

masking that particular necessity. We are grateful for that. Seeing no further questions, it would bring us to additional discussion. Are there comments for the record? Is there a motion?

**A motion to recommend approval of CASE 55-18 – PARK PLACE EAST END – MULTI-FAMILY RESIDENTIAL AND OFFICE – Request for approval of a Final Plan and Final Plat, located east of Nall Avenue and north of 117<sup>th</sup> Street – with 34 stipulations – was made by Hoyt; seconded by Levitan. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

CASE 56-18 – THE HILLS OF LEAWOOD – Request for approval of a Rezoning, located north of 151<sup>st</sup> Street and east of Mission Road. **PUBLIC HEARING**

**Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 56-18 – The Hills of Leawood – Request for approval of a Rezoning. The applicant is requesting confirmation of Zoning on Lot 28 of the Mission Heights subdivision as R-1 [Planned Single-Family Low Density Residential]. Mission Heights was zoned to R-1 in 2016 and included the area that is now described as The Hills of Leawood with the exception of this one lot. The application is to formally zone Lot 28, which is included as part of The Hills of Leawood Preliminary and Final Development Plans and Plats. The application is in compliance with the Leawood Development Ordinance, and staff recommends approval. I would be happy to answer any questions.

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

**Applicant Presentation**

Mark Simpson, Leawood Hills Development Company, 15145 Windsor Circle, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Simpson: This is a paperwork correction. There has been a house on this property since '65. It has been there either properly or improperly for 53 years; we're not quite sure. With an abundance of caution, we agreed to zone this 53-year-old house for a house.

Chairman Elkins: Thank you. Do you have any objections to the three stipulations?

Mr. Simpson: No.

Chairman Elkins: Thank you. Questions? Because this is a Rezoning, 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 Coleman. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

Chairman Elkins: We'll move to comments from the commission. If there are no comments, is there a motion?

**A motion to recommend approval of CASE 56-18 – THE HILLS OF LEAWOOD – Request for approval of a Rezoning, located north of 151<sup>st</sup> Street and east of Mission Road – with 3 stipulations – was made by Strauss; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

CASE 65-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.4, MXD (MIXED USE DEVELOPMENT DISTRICT) – Request for approval of an amendment to the Leawood Development Ordinance pertaining to residential unit size. **PUBLIC HEARING**

### **Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 65-18 – Leawood Development Ordinance Amendment to Section 16-2-6.4, MXD. This amendment is taking a look at the minimum residential size that we have within Mixed-Use, which requires that 80% of the units have to be a minimum of 1,000 square feet or more with no unit being less than 750 square feet. The amendment is not proposing to change as far as the lower number of 750 square feet. Every unit would have to be at least that. However, it drops the square footage for the remaining 80% of the units from 1,000 square feet to 900 square feet. Staff is recommending this change to allow a little bit more flexibility for the developers. We have had a number of people come in and say that a smaller unit would help a little bit. Rather than try to reduce it a great deal and overshoot, we figured it would be more prudent to gradually lower it and see the effect. Staff recommends approval of this amendment, and I would be happy to answer any questions.

Chairman Elkins: Thank you. Questions for Mr. Klein? Just to reiterate what I thought I read, this is part of the program for implementing the 135<sup>th</sup> Street Corridor, at least in part. Is that correct?

Mr. Klein: One of the recommendations of the 135<sup>th</sup> Street Implementation plan was to allow smaller unit sizes, so this works in that direction.

Chairman Elkins: Additional questions for Mr. Klein? That would take us to a discussion of the proposal to amend the Leawood Development Ordinance. 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 Coleman. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

Chairman Elkins: That moves us to discussion of the proposal. Are there any comments for staff? If there are none, I would ask for a motion.

**A motion to recommend approval of CASE 65-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.4, MXD (MIXED USE DEVELOPMENT DISTRICT) – Request for approval of an amendment to the Leawood Development Ordinance pertaining to residential unit size – was made by Belzer; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

Chairman Elkins: Is there any additional business to be brought before the commission?

Comm. Coleman: According to the agenda, we have the election of officers.

## **PLANNING COMMISSION ELECTION OF OFFICERS**

Chairman Elkins: That is correct. The bylaws of the commission require that the officers of the commission shall serve at the pleasure of the commission for 1- year terms. Those traditionally have been June-May. There are three offices. The first is Chairman; the second is Vice Chairman; the third is Clerk. At this point in time, I would open the nominations for Chairman.

**A motion to nominate Marc Elkins as Chairman was made by Coleman; seconded by Hoyt.**

Chairman Elkins: Thank you. Are there other nominations? Seeing none, we will move to a vote.

**Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

Chairman Elkins: It looks like I'm elected again. I'm very grateful to all of you for the expression of confidence. Hopefully I've done a good job. I certainly intend to try to do a good job. If anyone has comments or constructive criticism, please know you can always contact me. I'm always interested in that. I know sometimes I get to going fast. In our last meeting, I was all off kilter. I appreciate your confidence. We'll open nominations for Vice Chairman of the commission.

**A motion to nominate James Pateidl as Vice Chairman was made by Coleman; seconded by Strauss.**

Chairman Elkins: Are there any other nominations for Vice Chairman? Seeing none, we'll move to a vote.

**Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

Chairman Elkins: James Pateidl is elected to Vice Chairman for a term through May, 2019. The last office is that of Clerk. Traditionally, a staff member serves in that position. I believe Mark has served in that position for last year. I'll open nominations.

**A motion to nominate Mark Klein for Clerk was made by Coleman; seconded by Belzer.**

Chairman Elkins: Does anyone at the table want to challenge Mark's position as Clerk? It appears not. We do appreciate your work, Mark.

**Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Strauss, Coleman, Block, and Stevens.**

Chairman Elkins: Mark Klein is elected to serve as Clerk for a term through May, 2019. That concludes business on the agenda for the evening.

Comm. Coleman: I would like to point out with one of our developers across the street, Town Center, is hosting a music series starting next month of renowned musicians that I'm sure everyone would be familiar with. This is their 5<sup>th</sup> or 6<sup>th</sup> year. It is on Thursday nights starting at 7:00, I believe. This year's talented acts will be The Romantics, The Fabulous Thunderbirds, Fastball, and Sister Hazel. I'm not going to look around for anyone who remembers the names of these groups. Normally, you would have to pay a lot of money to go see these acts. One of our treasured developments is doing this for the city at no cost.

Chairman Elkins: Another instance of community service. Town Center has stood us in good stead over the years. We're grateful for what they've done. Thank you. If there is no other business, the commission will stand adjourned until June 26<sup>th</sup>. Have a great Memorial Day weekend.

*MEETING ADJOURNED*