

**City of Leawood  
Planning Commission Meeting  
March 26, 2019  
Dinner Session – 5:30 p.m. – No Discussion of Items  
Leawood City Hall – Main Conference Room  
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:** McGurren, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson. Absent: Hunter, and Elkins.

Mr. Klein: We don't have a Planning Commission Chair or Vice Chair, so the first order of business is to elect a Chair Pro-Tem. I would ask if anybody has any nominations.

**A motion to nominate Commissioner David Coleman for Chairman Pro-Tem for the March 26, 2019 Planning Commission meeting was made by Stevens; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

Mr. Klein: We will have an election of officers at the end of the meeting for Chair, Vice Chair, and Secretary.

Chairman Coleman: I'd like to introduce two new members of the Planning Commission: Steve McGurren and Art Peterson; welcome. Second is the approval of the agenda. Does staff have any changes?

Mr. Klein: No.

**APPROVAL OF THE AGENDA**

**A motion to approve the agenda was made by Stevens; seconded by Hoyt. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

**APPROVAL OF MINUTES:** Approval of the minutes from the December 11, 2018 Planning Commission work session and February 26, 2019 Planning Commission meeting.

**A motion to approve the minutes from the December 11, 2018 Planning Commission work session was made by Block; seconded by Hoyt. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

**A motion to approve the minutes from the February 26, 2019 Planning Commission meeting was made by Block; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

**CONTINUED TO APRIL 23, 2019:**

CASE 24-19 – THE MAJESTIC – INDEPENDENT LIVING FACILITY – Request for approval of a Preliminary Plan, Preliminary Plat, and Special Use Permit for an Independent Living Facility, located south of 137th Street and west of Mission Road.  
**PUBLIC HEARING**

**CONSENT AGENDA:**

CASE 20-19 – MANFIELD MULTI-TENANT BUILDING – Request for approval of a Revised Final Plan, located south of 103rd Street and west of State Line Road.

CASE 21-19 – TOWN CENTER PLAZA – AMERICAN CENTURY INVESTMENTS – Request for approval of a Revised Final Plan for changes to the façade of a tenant space, located south of Town Center Drive and west of Roe Avenue.

CASE 22-19 – TOWN CENTER PLAZA – POTTERY BARN KIDS – Request for approval of a Revised Final Plan for changes to the façade of a tenant space, located north of 119th Street and east of Nall Avenue.

CASE 23-19 – ENCLAVE AT HIGHLAND VILLAS, FIFTH PLAT – Request for approval of a Revised Final Plat, located south of 143rd Street and east of Nall Avenue.

Chairman Coleman: There are four items. Would any of the commissioners like to pull any of these cases?

**A motion to approve the Consent Agenda was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

**NEW BUSINESS:**

CASE 04-19 – RANCH MART SHOPPING CENTER – REDEVELOPMENT – Request for approval of a Revised Final Plan and Final Plat, located east of Mission Road and north of 95th Street.

**Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 04-19 – Ranch Mart North Shopping Center – Redevelopment – request for approval of a Revised Final Plan and Final Plat. The Preliminary Plan for Ranch Mart was approved in December, 2018 with Case 115-18. With this case, the applicant proposes to improve the parking lot of the entire center, consisting of a mill and overlay. They will update and add additional parking lot islands with landscaping and lighting. Additional landscape islands are proposed north of McDonald's to improve the

circulation on the site. The applicant also proposes to eliminate the existing driveway entrance along 95<sup>th</sup> Street between the McDonald's entrance and the stoplight to the east. The applicant proposes 5' sidewalks along 95<sup>th</sup> Street and 7' sidewalks along Mission Road as well as 5' sidewalk connections from 95<sup>th</sup> Street up to the main center. The applicant proposes street trees, shrubs, grasses, and a 3' parking lot screen wall along 95<sup>th</sup> Street and Mission Road with the exception of the McDonald's frontage. The applicant proposes updated facades and roofs for the main center. The materials generally consist of the grey-tone brick and tile, accented with natural wood tones on the awnings and metal perforated screens used as accents throughout. The pharmacy drive-through is proposed in approximately the same location as the existing grocery store pickup location. A portion of the main center will be demolished for use as a pedestrian plaza space, including landscaping, seating, and lighting. On the northeast corner of the site, the applicant proposes to demolish the existing structure and provide a 27,597 sq. ft., two-story office and retail building. The proposed two-story building will have a second-story balcony that overlooks the plaza space. The overall square footage of Ranch Mart is decreasing slightly from 221,552 square feet to 218,057 square feet. The existing structures of the McDonald's, NBKC Bank, and CareNow building will remain. There are multiple art features that are shown on the renderings in your packet; however, the art features are not finalized and will come back for final approval at a later date. Ranch Mart was originally developed prior to the adoption of our current ordinance, so a number of the setbacks onsite do not comply with today's Leawood Development Ordinance (LDO) but are considered legally nonconforming. The applicant is not increasing any non-conformity on the site. Staff does recommend approval of Case 04-19 with the stipulations in the Staff Report. I'm happy to answer any questions.

Chairman Coleman: Are there any questions from the commissioners?

Comm. Block: Thank you very much for the summary; it was very helpful with the changes from the last one. It helped navigate the packet. I was curious about the wood light poles. Why were you only concerned about the east-west and not all of them as far as maintenance?

Ms. Schuller: That concern actually has been resolved. The applicant was originally proposing a dressed-up light pole in front of the center as a feature. Staff had concerns about the long-term maintenance of those, so the applicant has agreed to remove them and use the regular pole that will be used in the rest of the site.

Comm. Block: Then maybe I misunderstood. I thought those wood poles were throughout the site.

Ms. Schuller: It was just at the entrance.

Comm. Block: It looks like the trash enclosure situation was dealt with.

Ms. Schuller: That is correct; the Board of Zoning Appeals ruled on it.

Comm. Block: It will go over by the bank. What does fritted glass look like?

Ms. Schuller: There should be an image in the back of your packet. It's a patterned glass. They are proposing a tree element. There is also a different example on the material board.

Comm. Block: I think the last time we talked about this, we discussed traffic flow around McDonald's. I don't remember the details exactly, but leaving McDonald's close to Mission, will there be a left turn allowed there?

Ms. Schuller: Yes, it will be as shown on the plans. I will let the applicant further address this, but I believe they reached out to the owners of that portion of the site, who was unwilling to make changes.

Chairman Coleman: Are there other questions?

Comm. McGurren: I'm curious why there is a difference in the parking slanting between the parking between McDonald's and everywhere else. Is there a specific need that is met by having slanted parking versus straight-in?

Mr. Klein: The angled parking requires traffic to flow in one direction.

Chairman Stevens: On Page 4, some of the staff comments refer to the 7' sidewalk along Mission Road except along the McDonald's pad site. I know staff is recommending it to be reduced to a 6' sidewalk. This is also one of the stipulations.

Ms. Schuller: That is correct. In locations where there is a wall directly adjacent to the sidewalk, we require it to be a 6' width, which is why we added that stipulation. Otherwise, on the site, 5' sidewalks are required.

Comm. Stevens: The applicant has done a good job in documenting that condition along that site, so the 7' dimension they were using appears to be from the curb edge of the parking lot to the wall. Would this change in dimension be a request to them to move the location of their wall along Mission Road?

Mr. Klein: It would move the wall in 1 foot more, which would add landscaping along Mission Road. That is why we are requesting that.

Comm. Stevens: As a quick point of clarification, under the last comment of that same site plan review, it talks about a future pad or location for a KCATA bus facility in the future. It notes the location being near the entrance just east of the McDonald's site location. That is the determined location. I noticed in the submission, in the civil drawing C1.1, it shows the location to be south of the cemetery. Maybe as a point of clarification, this is the preferred location for the future bus stop.

Ms. Schuller: That looks like the sheet didn't get updated. At the time of Preliminary Plan, it was proposed in front of the cemetery, but it has been relocated to just east of the driveway on 95<sup>th</sup> Street east of McDonald's. It leads straight to the sidewalk that will allow entrance into the center. It was determined by KCATA that they didn't require a pull-off, so they moved it closer to the existing site.

Comm. Stevens: It does show that on the submittal on 8.1. It was confusing. Lastly, on the parking counts on Page 7, this may be a carryover or typo, but the Leawood Ordinance calculations for parking still add up to 928 spaces, but it looks like the new submission is for 917 and 933. I have a feeling maybe one of those numbers isn't updated.

Mr. Klein: They are proposing 933, which is more than what is required minimum. We split it based on the zoning for the retail spaces at 3.5 parking spaces per thousand. With the restaurants, we calculated one parking space per two seats. They provided restaurant seating counts within the plan as well.

Chairman Coleman: On Mr. Scovill's report dated March 21<sup>st</sup>, I want to confirm that all the stipulations he added are part of the stipulations in the Staff Report.

Mr. Klein: They are part of the stipulations.

Chairman Coleman: Are there other questions? I'll invite the applicant to come up.

**Applicant Presentation:**

Curt Peterson, Polsinelli Law Firm, 6201 College Boulevard, Overland Park, appeared before the Planning Commission and made the following comments:

Mr. Peterson: We have very little affirmatively to say tonight, as we have worked through a lot of issues. I would like to be official and say that Stipulations 1-39 are acceptable and offer Chris Hafner with Davidson A&E, our design firm, is here and can walk through anything you like. I did want to speak to the McDonald's question. The stipulation we were left with was to go deal with the ground lessee. We had a good conversation and asked them to go further than they had gone before. They had cooperated with the closure of that entrance on 95<sup>th</sup> Street and some other things. Staff knows that they said they had done what they were going to do. We can dig deeper, but we did the best we could do.

Comm. Coleman: Does anyone have questions? Thank you.

Chris Hafner, Davidson Architecture and Engineering, 4301 Indian Creek Parkway, Overland Park, appeared before the Planning Commission and made the following comments:

Mr. Hafner: Thank you for the time and consideration. I'm just going to walk through some of the images we've created and a video to explain the character and nature of the

new development we are proposing (*shows video*). Moving along Mission, you can see a good definition of entry, both vehicular and pedestrian. There are new sidewalks along Mission Road. We are consolidating the parking fields and creating more of an opportunity for people to get deeper into the site before making vehicular decisions, where to park, and how to move through the site. We're very proud of these pedestrian connections, both from 95<sup>th</sup> and Mission, to get into Ranch Mart. One goes up to the front door of Price Chopper. The signalized intersection will remain in the current location. The existing building has a tooth removed from it to create the pedestrian pathway from 95<sup>th</sup> into what we consider to be a vibrant community-activated area. It has a lot of landscaping and a nice pedestrian path. We've scaled it to make it feel intimate and nice and then open up to a pedestrian plaza with artwork and a new two-story mixed-use building with a plan for an office on the second floor and restaurant/retail space below. To the right is the back of the current retail center with a lot of landscaping, screening, and things like that to kind of block the views of meters on the back of the buildings. There is a piece of art in the island to create a signifier that the new building is behind. It is a pretty large transformation of Ranch Mart. We're trying to get people deeper into the site and make the area a bit more activated in the pedestrian plaza. There were questions about how Cure of Ars interacts with Mission, so we created a series of renderings to help explain to parents and anybody with a child walking down Mission. We wanted to show the experience. I appreciate staff working with us. Along Mission, we have a lot of landscaping, a screen wall, and then a sidewalk that drops down to the parking lot level just to get them away from Mission traffic. We also did a few renderings coming in from Mission and Hallmark, which will stay in place with a pretty big transformation to their façade. We created an intimate park setting in front of that with another little plaza where people can interact. We'll be back with our signage package, but we will have a little wayfinding in the signage incorporated into the architecture and the landscaping. Price Chopper is under renovation internally based on some of these external proposals we have here. We're excited about all of it, including the pedestrian plaza and artwork that will come forward with the signage package so we can look at it in detail. It is a signifying piece moving from the retail center to signify the center of this pedestrian plaza. The east parking field is undefined right now to create a lot of islands and definition of where people park. We really foresee this as one of the main entry points. There is a pretty large parking field for use within the pedestrian plaza. We all are familiar with the architecture of what Ranch Mart is. It's a departure, for sure, but as we talked about at the last meeting, it is a departure from the south side as well. We wanted to take a step forward architecturally and differentiate this project from the south side and its uses. We added a kiosk to serve the public plaza. The tenant is still to be determined, but there are good talks for someone to operate that and open up to the plaza. We have a recurring tree theme throughout the art features. We have carried that throughout some of our angular lines, including a 3" speed bump to slow east-west traffic down and make the intersection safe for everybody to use. Again, we have sidewalks coming into the site on the north side of Mission along Hallmark, and we have two along 95<sup>th</sup> Street and a sidewalk that runs adjacent to the signalized intersection, keeping the cemetery access to the steps. Right now, the parking field is one-way traffic. We worked with staff. To make the parking spaces ADA, there is a slope. We have slid the parking west away from the

CareNow building to get the parking more ADA accessible in that area for that building and consolidated another vehicular access point on 95<sup>th</sup> Street. Instead of two points because of the one-way traffic, we've consolidated it back down to one full access point. We're excited about the project, and I'm happy to answer any design questions.

Comm. Hoyt: You were talking about handicapped accessibility. Speaking from personal experience at that shopping center, there are places that are really short on handicap parking spaces. Is there a detailed study that takes place when you do a project of this scope where you reassess where you're positioning the different types of parking?

Mr. Hafner: Absolutely; the ADA has requirements based on parking count of how many spaces we need to provide. We looked at that and understood the 933 required. I don't remember how many ADA spaces we have, but they do meet code. We then dispersed them based on square footage of area. For instance, at Price Chopper, we worked very closely with the tenant to make sure we got those located appropriately. The vast majority happen right at the front door for their purposes. Around the rest of the shopping center, they're dispersed somewhat throughout so they're not all located in one spot where you have to move throughout the center.

Comm. Hoyt: Anecdotally, you'd have to hear from the different tenants, but it seems like O'Neill's needs a lot more handicap parking, based on personal experience. There might even be something about the types of business, and some need more than others; it's not just square footage. The other question I have may be here and I just don't see it. Where are bicycle rack positioned?

Mr. Hafner: We worked with staff on locations of those. I'm going off memory, but we have an island on the northeast corner of O'Neill's that has bicycle racks. Just north of Hallmark has bicycle racks. In the north area of our pedestrian area, we have bicycle racks. I believe at the pedestrian entry off 95<sup>th</sup>, we have bicycle racks. Much like the parking and ADA, we spread them around so there's not just one consolidated location.

Chairman Coleman: Can you point out the drive-through for the pharmacy?

Mr. Hafner: Right now, if you can envision where the grocery pickup canopy is, that sticks out into the drive lane. We removed that and got the drive lane to be a true east-west and not have to jog around it. The door in that location is where we coordinated with AWG and the tenant for Price Chopper to get their pharmacy located there. We worked with staff on proper stacking and went through the special use process to get that approved on the south side of the existing Price Chopper.

Chairman Coleman: Commissioner Block brought up a good point. The exit could be problematic coming out of McDonald's.

Mr. Hafner: We worked with staff closely on this as well and, as mentioned, with the tenant. What we like about this plan is the parking right now is just angled parking on the pavement. Important to note is we have put in the island to define the angled parking to

the traffic flow standpoint. We have an escape lane in case you don't want delicious McDonald's. We liked the location for the escape lane and the angled parking stalls to get farther away. Some of the plans we looked at consolidated all the exiting traffic. In working with McDonald's and our client, we tried to split that up so there's not as heavy of a concentration at that intersection. We did our best around the site to increase the throat depth vehicular-wise. On the north side, the plan allows for vehicles to come in and make the turn with a bit more time to make that decision. We have closed off the access point to the signalized intersection. You can see that throat depth is deep and goes all the way to the T intersection. We did the best we could everywhere we could. Because of the orientation of the existing conditions of McDonald's, I wanted to split the traffic up as well as I could.

Chairman Coleman: People coming out of the drive-through potentially could go right.

Mr. Hafner: They could. They could either go out of the drive-through and hit this point, go back around, or do a 180 and go out. It does give them multiple opportunities out of the drive-through.

Chairman Coleman: Are there any other questions? That brings us to discussion. Does anyone have comments?

Comm. Hoyt: I thought the graphics were extremely helpful. It looks beautiful. It's a huge improvement.

Chairman Coleman: Any other comments? The chair will entertain a motion.

**A motion to recommend approval of CASE 04-19 – RANCH MART SHOPPING CENTER – REDEVELOPMENT – Request for approval of a Revised Final Plan and Final Plat, located east of Mission Road and north of 95th Street – including all 39 staff stipulations - was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

CASE 14-19 – MOLLE OFF-SITE PARKING – Request for approval of a Special Use Permit for a temporary use of land for off-site parking, located south of 104th Street and west of State Line Road. **PUBLIC HEARING**

**Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 14-19 – Molle Off-Site Parking – request for approval of a Special Use Permit for a temporary use of land for off-site parking. The site is located south of 104<sup>th</sup> Street and west of State Line Road and consists of a gated asphalt parking lot with a decorative black fence along 104<sup>th</sup> Street. The parking lot stores new vehicles for Molle Toyota and has been in use by Molle since 1999. There is a memo before you with changes to Stipulation No. 9, which will be included with this approval. The Special Use Permit is for a temporary use of land, and so it is limited to a term of two years.

Staff recommends approval of Case 14-19 with the stipulations in the Staff Report, and I'm happy to answer any questions.

Chairman Coleman: Are there questions for staff?

Comm. Block: I think we dealt with this more recently than two years ago. I thought there was some discussion about a light. I assume it's up and everything is good.

Ms. Schuller: The case came in 2017, and the stipulation was to remove existing parking lot fixtures because they were not in conformance with the LDO. Since then, it has been removed, and there is a note on their plan, noting it has been removed.

Chairman Coleman: We would invite the applicant up.

**Applicant Presentation:**

Matt Moriarty, 900 W. 48<sup>th</sup> Place, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Moriarty: I'll keep this brief. I will say at the outset that I do not have quite the interactive presentation the last one did, but this is for a small sliver of land with some cars parked on it. As was pointed out, we are just coming here for renewal of a Special Use Permit that has been in place for 20 years. A light that was not up to code was removed shortly after the application was granted two years ago. By my count, this is now the 12<sup>th</sup> time we have been here for this application. We are just trying to get it renewed and use it as we have for the last 20 years. I will answer any questions, but there is not a lot to talk about with this one.

Comm. McGurren: Did this land suffer flood damage when the two summer flooding events occurred?

Mr. Moriarty: There was some flooding on the property, but the reports from Molle said it was nothing significant.

Chairman Coleman: Any other questions? Is there discussion on this case? This case requires a Public Hearing. Is there anyone in the audience who would like to speak?

**Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Block; seconded by Hoyt. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

Chairman Coleman: Is there discussion?

**A motion to recommend approval of CASE 14-19 – MOLLE OFF-SITE PARKING – Request for approval of a Special Use Permit for a temporary use of land for off-**

**site parking, located south of 104th Street and west of State Line Road – with all staff stipulations – was made by Belzer; seconded by McGurren. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

CASE 25-19 – BARSTOW SCHOOL – LEAWOOD CAMPUS – Request for approval of a Final Plan and a Special Use Permit for a Commercial Daycare, located north of 123rd Street and west of State Line Road. PUBLIC HEARING

**Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 25-19 – Barstow School – Leawood Campus – request for approval of a Final Plan and a Special Use Permit for a Commercial Daycare. The Preliminary Plan for the Barstow School was approved with Case 107-18 this past October. The proposed Barstow School in Leawood Plaza is an ancillary campus to the existing Barstow School, which is located near 115<sup>th</sup> Street and State Line Road in Missouri. This new school will serve elementary, middle, and high school students. The applicant proposes the students will be shuttled from the main campus to this ancillary campus, which will house approximately 50-150 students with 10-15 teachers. The applicant also proposes a daycare facility within this ancillary campus for approximately 18 infants and 48 toddlers, which will be open to the Leawood community. The hours of operation for the school are generally 6:30 a.m.-6:30 p.m. The existing retail structure is a one-story, 63,370 sq. ft. building. The applicant does not propose any changes to the existing parking lot, the parking lot lighting, or the number of parking spaces, which meets the requirements of the LDO for schools. The applicant proposes an interior outdoor play area for students in lieu of installing a traditional playground within Leawood Plaza. The applicant is proposing modifications to the eastern elevation of the building, which is the main side of the building. They propose new storefront windows across the eastern façade in place of the stucco infill that is currently there. They're going to update the metal fascia on the building to match what is existing. The applicant also proposes an additional doorway and two windows to be located on the southern elevation and a new accessible ramp and stair landing on the western elevation, which is the rear of the building. The site is currently landscaped. The applicant proposes some additional ornamental trees on the west side of the building on the existing landscaped berm and also within the parking lot island on the south side of the main parking lot. Staff recommends approval of Case 25-19 with the stipulations in the Staff Report, and I'm happy to answer any questions.

Chairman Coleman: Are there questions for staff?

Comm. Block: Again, I appreciate the history since the Preliminary Plan; I think that's very helpful. I thought there was a high number of cut sheets for the HVAC system. It seems unusual. Is there something I missed in the explanation as to why we need to see that many?

Ms. Schuller: Sometimes, the applicant submits more and they don't all get narrowed down for the packet.

Chairman Coleman: Additional questions? We'd like to invite the applicant up to present.

**Applicant Presentation:**

Ellen Pantaenius, Husch Blackwell, 4801 Main Street, Kansas City, MO, 64112, appeared before the Planning Commission and made the following comments:

Ms. Pantaenius: We have a quick PowerPoint to show so you can see the plans with the minor changes that have been made since the Preliminary Plan. Planning staff went through some of the background information, so I will pass that up, except to point out that the Barstow School did complete its purchase of the property from HyVee in November, 2018 after our Preliminary Plan and Special Use Permit were approved. We are seeking Special Use Permit approval for a daycare center. It's something we contemplated all along, but we have increased the number of toddler students by just a little bit. As we discussed with our Preliminary Plan and original Special Use Permit, we will be expanding robotics and STEAM programming in this space. I do have Jeff Schnitzler with Hollis and Miller Engineering, who will help go through some of the images and describe what the changes are.

Jeff Schutzler, Hollis and Miller, 1828 Walnut, Suite 922, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Schutzler: I'm the architect for the Barstow School. As Ellen mentioned, we'll talk about a few of the additions. Thank you to staff for highlighting those. With the further development of the project, the addition of an additional south egress door and some windows for one of the infant rooms, updating some of the west access in terms of rebuilding existing ramp and stair to make them ADA compliant and bring the building up to code. Then, along the eastern side, everything remains largely the same with the exception of the northeast corner, where some additional glazing is proposed. Again, no changes to the existing parking lot to the east, no changes to the existing drive or access due to the cross-use agreements with the existing other adjacent property owners. We are proposing some new building lighting under the east canopy and along the west to provide better site illumination. There is no new parking lot lighting at this time. At the top elevation, you'll see the existing condition where the building lacks a lot of windows and has a lot of existing stucco. As staff mentioned, the addition of new storefront glazing along the east elevation to provide more life and vibrancy and get daylight in for the students in the school and make it a little more friendly to the neighborhood. There are modifications to the existing entry to update the look. One of the changes from the Preliminary Plan is the entrances to and from the building will remain in their current location but will be updated. Originally, we contemplated an entry off the parking lot, but due to some of the site constraints and safety factors, we kept it the way you see it. The remaining treatment of the elevations is more maintenance and upkeep with the exception of the ramp and stair that we discussed on the rear of the building and the addition of the

door and windows on the south for the infant rooms. You'll see mechanical screens for the rooftop equipment as well as the skylights. Those are vertical glazing. They face north to get nice filtered light without a lot of heat gain so we can bring daylight into the space. We discussed that with staff in terms of that approach versus a traditional skylight. The continued evolution of the floor plan is provided for everybody in terms of the main entry space and how the different program areas will be utilized in the space in terms of STEAM and robotics, black box theater space, and additional multipurpose spaces. The daycare is at the southeast corner adjacent to the existing canopy, which will serve as the secured daycare entry. At the center of the plan, you'll see a figure eight, which is the interior courtyard. It is an outdoor play space at the interior of the building footprint to meet the requirements for outdoor play and to provide a safe and secure environment for the preschool and daycare children. Due to the limitations of the surrounding site, there is not enough clearance to put in a sizable play area without crossing traffic. Signage is not part of this application. The image you see is interior and approximately 15 feet from the glazing. You'll see the modern approach to updating the look of the building. As staff mentioned, we are updating the dated fascia that was originally a sign band so it's more consistent and more in keeping with the image. It will match the existing color, but it will be new material. If there are any questions, we're happy to entertain those.

Ms. Pantaenius: We did have an additional interact meeting where we received very positive input from the surrounding community. Barstow has also sent a survey to residents to try to gather more community input. We are in agreement with all the stipulations in the report with the exception of one, which we would like to respectfully request reconsideration. That relates to No. 9, which is construction of a storm shelter in accordance with ICC 500. We understand that those requirements will be adopted no sooner than May by the city and that thereafter, there would be a 90-day enforcement buffer. We would like some additional time to work with city staff to adopt a plan that works the best for this property. The storm shelter facilities that are already a part of this design are largely in compliance with this, but we would just like the additional opportunity to develop a plan that's tailored to this site.

Mr. Klein: Staff recommends that it actually be constructed to FEMA standards. Currently, however, we don't have an ordinance that requires it. As the applicant mentioned, it is something that is going to be adopted in the new city code before the end of the year. We think it is a good idea since it's a school with children.

Mr. Schutzler: There are high-wind areas anticipated as part of the design of the project. The difference is with the terminology when we refer to FEMA shelters, which have certain requirements, and then the ICC 500, which is referenced and overlapped with FEMA, but there are some subtle differences. ICC 500 is specific to that building; FEMA, often times, incorporates federal FEMA funding and may also include community access and different requirements in terms of operation. The ICC 500 standard is specific to this building. Currently, the design anticipates and meets the requirements for the high-wind protection for 250 MPH winds and missile protection. Think of images of Joplin, where 2x4s were blown through walls as well as ventilation and lighting requirements. The area where the current design does not fully comply with

ICC 500 at this time is the requirement of the number of restroom facilities in each of the high-wind areas. To Ellen's point, we would like to have the opportunity to work with city staff to better understand what the implementation looks like and to tailor an approach for meeting the requirements the best we can within the constraints of the adopted ordinances and the intent of the school. That was the reason for the request of the removal of that stipulation. We learned of that requirement Friday and have not had time to work with city staff to get a better understanding of all the implications of that.

Mr. Klein: I talked to the building official before the meeting, and he referenced ICC 500. One of the things he wondered is about the doors' capability for wind protection.

Mr. Schutzler: Absolutely.

Mr. Klein: He is absolutely correct; one of the issues of the ICC 500 is requiring bathroom facilities in those areas. I believe currently, they aren't showing any bathroom facilities in those areas. Again, this isn't something that currently is required by the code, but since we will be adopting it within the year, we think it would be a good idea.

Comm. Hoyt: If the stipulation were to be removed, what is the mechanism to make sure that the Final Plan is, in fact, in compliance with ICC 500?

Mr. Klein: That is what the applicant is asking. I think they are willing to make the room safe as far as the wind speeds and objects flying into the room. I don't know if they're proposing to meet all the requirements of the ICC 500.

Mr. Schutzler: The question is to better understand all the implications of that, given that we just learned of the stipulation a few days ago as a requirement for something that is not yet adopted. The intent of the design team is to provide wind areas that meet the wind speed, missile protection, ventilation, emergency lighting. At this time, the remaining item is the number of restrooms provided in each of the areas. The strategy for this building is that there is not one large, centralized shelter area, partly because of existing construction and partly to make sure they are located in areas because we are dealing with children of different ages. The stipulation states a singular requirement for the shelter area, and we would like to better understand the city's interpretation of that. We would respectfully request that the stipulation be removed so we can continue to move forward while working with city staff.

Mr. Coleman: We'd be glad to work with them, but we would not want it removed.

Comm. Hoyt: I guess that was my question. How do we do this so that there is a guarantee that this becomes addressed and that you all work together to sort this out? My initial position would be, particularly if the city is moving toward this within the near future and wanting to be cautious and exercise our responsibility to look after public safety, I would want to see some guarantee that there is a mechanism in place so you get together on this.

Mr. Coleman: It could be worded as, “a safe room as approved by the building official that meets the safe room requirements.” It looks like there are a couple options that wouldn’t be any change to the floor plans but maybe more dealing with the materials.

Comm. Hoyt: Can somebody come up with some alternative language that would be satisfactory?

Mr. Klein: Maybe, “Prior to Governing Body consideration, the applicant shall work with staff to provide a safe room deemed compliant by the City of Leawood building official.”

Comm. Hoyt: You want to leave out the reference to ICC 500?

Comm. Coleman: Or keep it in there and add a sentence to it.

Mr. Klein: “To meet ICC 500 or as approved.”

Mr. Schutzler: What I would request is that the ICC 500 be removed for the time being because the intent is if we add that back in, we’re in the same spot. The intent is to provide a safe room. The understanding of the size and the amount of shelter area is yet to be defined. There are criteria to meet ICC 500. Again, this is a unique educational building in terms of the defined number of students. When you look at it based on square footages, the difference in terms of the amount of shelter area may vary greatly. That is one of the reasons we would like to work with city staff to better understand what those requirements are. The intent is to provide shelter rooms or shelter areas to protect the students that are there.

Mr. Klein: It is possible to keep the case moving forward for Governing Body by having it read, “In accordance with the ICC 500 or as deemed in compliance with storm shelter requirements by the building official.” That way, it doesn’t lock you out, but it also keeps all the issues front and center for Governing Body as well.

Mr. Schutzler: I guess another way to do that would be to comply with the Wind Speed and Missile Protection criteria.

Mr. Klein: I’m not a building official. I’m sure there are a lot of different aspects. I would prefer to rely on his expertise. That way, at least it wouldn’t lock you into the ICC 500. He would have to review to make sure he felt it met the requirements.

Mr. Schutzler: I guess also understanding the timeline in which the city will adopt the new building code because that is part of this as well. We anticipate submitting these drawings prior to the end of the year.

Mr. Klein: I think currently, this application will go to the April 15<sup>th</sup> Governing Body meeting, which allows us a couple weeks to have discussions.

Comm. Hoyt: The title of the city official who would sign off on this is what?

Mr. Klein: Building official.

Ms. Pantaenius: My thought is if we could eliminate the reference to ICC 500 and just state something to the effect of “deemed in compliance with building requirements or ordinances” so that we are in compliance with Leawood’s laws, whatever they may be but not necessarily pulling those requirements into it.

Chairman Coleman: Can we find common ground on that?

Mr. Coleman: It’s just that we’re looking to the future. Currently, it is not in the code but will be in the code before the end of the year. We’re just trying to look ahead.

Comm. Block: I think there is a disconnect. At least what I understand is the ICC 500 requires bathrooms. I think that's a big, expensive item. Mr. Coleman does not reference that.

Mr. Coleman: I think we'd be looking at the existing floor plan and what could be done with it as it is rather than trying to move things around. There are a number of rooms that have bathrooms incorporated into them.

Comm. Block: And you think that's enough?

Mr. Coleman: We would work with them to figure out what would work and what wouldn't work.

Comm. Block: If this facility were built and already operational today and that ordinance gets passed at the end of the year, it's legal, nonconforming with regard to ICC 500. Will the city not issue an occupancy permit because they won't be in compliance with it?

Mr. Coleman: No, we're just trying to address it ahead of time. It would be if they came back with something else for the school later on to add something, they could potentially have to bring it into compliance.

Comm. Block: I'm just struggling with how we hold them to an ordinance that doesn't exist today.

Mr. Coleman: That's true.

Comm. Block: What's the trigger going to be that they will have to conform to it once they're open if they don't do it today?

Mr. Coleman: They don't have to. That's the point technically because it's not in the code now. It depends on when the code is adopted and when they pull their building permits. We've seen this coming for more than a year, and we recommend it to schools to adopt it.

Comm. Block: I don't remember the school that was rebuilt on 103<sup>rd</sup>. Does this apply to that?

Mr. Coleman: I couldn't tell you that right now, but I know other school districts have adopted that standard. They tend to be districts where the school was destroyed like in Alabama and Joplin.

Comm. Hoyt: Mark suggested that we add, "or as deemed appropriate by the city building official."

Mr. Klein: I just figured that would be a way for Governing Body to know that we would be adopting the ICC 500 before the end of the year; however, it also recognizes the fact

that the current ordinance, depending on when they pull the building permit, doesn't exist. The applicant indicated a willingness to work with us to do that. It made the Governing Body aware that ICC 500 is going to be adopted but also allowing the applicant to work with us. If it doesn't meet all the things with the ICC, as long as the building official is comfortable with the fact that it meets all the requirements for storm shelters and maybe just doesn't have the restrooms, it could be up to the building official.

Comm. Hoyt: So, we take No. 9, and instead of a period, it is, "or as deemed appropriate by the city building official." If this gets approved with that stipulation and you go to Governing Body with this and still think it's too restrictive, you could take it up with Governing Body at that time, but it would have come on our recommendation that it ought to meet ICC 500 or some very close facsimile of that based on whatever the city building official is comfortable with.

Chairman Coleman: Is that acceptable?

Ms. Pantaenius: Well, it would potentially leave us in the very same position with that higher standard being stated.

Chairman Coleman: I think it also gives you some time between now and the April 15<sup>th</sup> meeting to come up with something with staff that is more acceptable that they can add in to their report to City Council.

Comm. Hoyt: And if nothing else, you could come to an agreement on what "deemed appropriate" even means because that could hold the key to protecting you as well as the city being able to express its intent of what it really wants. Maybe there could be a meeting of the minds between now and when this goes to Governing Body on what everybody would accept as appropriate.

Chairman Coleman: Or come up with something that you could substitute in for the entire stipulation. Are there any other questions for the applicant? Thank you. This case requires a Public Hearing.

### **Public Hearing**

David Fisher, 12110 Overbrook Court, appeared before the Planning Commission and made the following comments:

Mr. Fisher: What are the hours of operation?

Ms. Schuller: They are generally 6:30 a.m. – 6:30 p.m.

Mr. Fisher: And you say there's going to be a shuttle to bring the children in?

Ms. Schuller: That is correct. The daycare facility will have open hours for drop-off in the morning, but the school will have a shuttle from their main location to this ancillary campus.

Mr. Fisher: The Barstow School at 117<sup>th</sup> is a mess every morning on State Line. You can't go by; you can't do anything there. There will be 48 children?

Ms. Schuller: The daycare has the potential for that many, yes.

Mr. Fisher: And the storm shelter will be indoors?

Ms. Schuller: Correct.

Mr. Fisher: So, there shouldn't be a line of traffic like there is on 117<sup>th</sup>?

Comm. Hoyt: It should be less traffic than what HyVee produced, actually.

Mr. Fisher: Will the children be playing outdoors?

Ms. Schuller: I don't believe so. They have a play space located on the interior of the building.

Mr. Fisher: So, there won't be a playground outside?

Ms. Schuller: No, there will not.

Mr. Fisher: Okay. I have no other questions. Thank you.

Chairman Coleman: Thank you. Is there anyone else who would like to be heard?

**As no one else was present to speak, a motion to close the Public Hearing was made by Block; seconded by Hoyt. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

Chairman Coleman: I was going to ask the applicant if they wanted to address the person's concerns, but he left. Any discussion on Case 25-19?

Comm. Hoyt: I don't know if this is the appropriate time to do that, but I think I need to make a motion to amend Stipulation No. 9.

Chairman Coleman: I think you do that when you do the entire motion. Is there any discussion from the commissioners? Chair will entertain a motion.

**A motion to recommend approval of CASE 25-19 – BARSTOW SCHOOL – LEAWOOD CAMPUS – Request for approval of a Final Plan and a Special Use Permit for a Commercial Daycare, located north of 123rd Street and west of State**

**Line Road – with all staff stipulations, changing No. 9 to remove the period and add, “or as deemed appropriate by the city building official.” was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

CASE 32-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-12.4, DISTRIBUTED ANTENNAE SYSTEM (DAS) AND SMALL CELL FACILITIES – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 32-19 – Leawood Development Ordinance Amendment to Section 16-4-12.4, Distributed Antennae System (DAS) and Small Cell Facilities. Currently, the City of Leawood is seeing more of these types of facilities. They are a much higher frequency and are much lower to the ground. They are often located on top of light poles. Currently, the LDO has restrictions regarding DAS of a maximum of one per pole and a size limitation of 54 inches in height, 16 inches in diameter and no mounting more than 12 feet above the arm of the light fixture. Additionally, no more than two pieces of equipment can be attached to the pole and no more than 2 feet of exposed wiring going from the radio equipment down, making it internal to the pole. The reason you are seeing this application is the FCC has adopted some new regulations, and the city is responding to them and incorporating them into the LDO because we would be required to follow them. This addresses the aesthetic standards, the time limitation staff has to review and approve these applications, and application requirement. Another factor is that 5G is starting to gain prominences, and as a result, poles might have 4G on there, which meets all the standards we currently discussed; however, it might need the 5G as well with additional requirements of three pieces of equipment. This ordinance responds to that. This ordinance responds to that. Rather than two pieces of equipment, no more than 3.5 cubic feet, this will allow no more than five pieces, no more than 8 cubic feet. It still limits to one enclosure at the top of the pole. It also has the restriction of no exposed wiring greater than 2 feet, and it has to be internalized to the pole. Additionally, it responds to a right that the providers have as far as placing their own poles. Currently, we’ve been seeing DAS going on city light poles. They’ll replace the poles with theirs that look like city poles. Now, they might have the ability to have their own pole. This ordinance addresses that and tries to ensure the aesthetic is the same with the poles within 300 feet, both in height and style. In addition, this addresses the shot clock, which requires an approval 60 days to add on to an existing pole; a new pole would require 90 days for the approval process. There are also requirements that the applicant would provide, including photo sims. Staff is recommending approval of this ordinance, and I’d be happy to answer any questions.

Chairman Coleman: Any questions?

Comm. Block: Do you have any images of what these look like?

Mr. Klein: Unfortunately, I do not.

Comm. Block: How much different does it look than what is out there today? Is it just slightly bigger?

Mr. Klein: Yes, with just more pieces of equipment.

Mr. Coleman: Probably two more of those little boxes.

Comm. Block: These are the cylindrical things on top of the poles?

Mr. Coleman: There will still just be one on the top. On the pole itself, there could be two more radios, essentially.

Comm. Block: The shot clock language is driven by the FCC?

Mr. Klein: Correct.

Comm. Block: We have to do that with federal law, but how hard is that with our process?

Mr. Klein: The city will have ten days to determine if it is a complete application. We can then toll the clock at the point we get a complete application. I think the city has in place a permitting system that should work well.

Comm. Block: Is the language proposed here model language from somewhere? It seems good to me, but was it pulled from a city that we liked what they were doing?

Mr. Hall: It's taken from a few different places around the area. Initially, the City of Pittsburg, Pennsylvania had a really good system, and several other Kansas cities adopted it. Much of this language is taken from them.

Comm. Block: The desire is to not make it look much different than it does today but still account for new technology.

Mr. Klein: Correct.

Chairman Coleman: Are there other questions? I was going to ask if it was a 24- or 30-second shot clock. I'm in full basketball mode. I'm glad you explained it was a longer duration. This case requires a Public Hearing.

## **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Block; seconded by McGurren. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

Chairman Coleman: Is there any discussion on Case 32-19? Chair would entertain a motion.

**A motion to recommend approval of CASE 32-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-12.4, DISTRIBUTED ANTENNAE SYSTEM (DAS) AND SMALL CELL FACILITIES – Request for approval of an amendment to the Leawood Development Ordinance – was made by Hoyt; seconded by McGurren. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

### **PLANNING COMMISSION ELECTION OF OFFICERS**

Chairman Coleman: I believe these are one-year terms. We have to elect a Chairman, Vice-Chairman, and Recording Secretary. Are there nominations for Chairman?

**A motion to nominate Marc Elkins for Chairman of the Planning Commission was made by Hoyt; seconded by Belzer.**

Chairman Coleman: Are there any other nominations for Chairman?

**Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

Chairman Coleman: Are there nominations for Vice-Chairman?

**A motion to nominate David Coleman for Vice-Chairman of the Planning Commission was made by Belzer; seconded by McGurren.**

Chairman Coleman: Are there other nominations for Vice-Chairman?

**Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

Chairman Coleman: We have traditionally done Mark Klein as Recording Secretary. It is in our ordinance that we have to do that. Is there a nomination for Recording Secretary?

**A motion to nominate Mark Klein for Recording Secretary of the Planning Commission was made by Hoyt; seconded by Belzer.**

Chairman Coleman: Any other nominations for Recording Secretary?

**Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Block, Stevens, and Peterson.**

Chairman Coleman: Any other business to come before the commission? I would like to note that we have a work session in two weeks with the City Council at Vista 154 Room at The Lodge. I think it's a 5:30 dinner, 6:00 start.

Mr. Coleman: It is April 9<sup>th</sup> at Ironhorse – not at The Lodge.

Comm. Hoyt: Is that a 6:00 firm time, or do we come early?

Mr. Klein: It's a firm time.

*MEETING ADJOURNED*