

**City of Leawood
Planning Commission Meeting
June 25, 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, Hunter, Belzer, Hoyt, Elkins, Coleman, Block, and Peterson. Absent: Stevens.

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any changes to the agenda?

Mr. Klein: No.

A motion to approve the agenda was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

APPROVAL OF MINUTES: Approval of the minutes from the May 28, 2019 Planning Commission meeting.

Chairman Elkins: Thanks to Commissioner Hoyt for serving as Pro-Tem. I'm sure she enjoyed the experience. Are there any amendments to the draft?

Comm. Coleman: On pages 3, 5, and 6, Ms. Bennett was not the attorney that night; it was Ms. Knight.

Chairman Elkins: If there are no other amendments, I would accept a motion for approval.

A motion to approve the minutes from the May 28, 2019 Planning Commission meeting was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

**CONTINUED TO THE JULY 23, 2019 PLANNING COMMISSION MEETING:
CASE 16-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO
SECTION 16-4-9, FENCES AND WALLS – Request for approval of an amendment to**

the Leawood Development Ordinance, pertaining to fence location and fences within RP-A5 (Planned Rural Density Single Family Residential District). **PUBLIC HEARING**

CASE 71-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6.3, OFFICE, COMMERCIAL AND INDUSTRIAL SIGNAGE IN PLANNED DISTRICTS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Governing Body approval of deviations to development sign criteria. **PUBLIC HEARING**

NEW BUSINESS:

CASE 33-19 – REGENTS PARK MULTI-FAMILY SUBDIVISION – Request for approval of a Final Plan and Final Plat, located south of 135th Street and west of Kenneth Road.

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 33-19 – Regents Park Multi-Family Subdivision – Request for approval of a Final Plan and Final Plat. The property is located south of 135th Street and west of Kenneth Road. A preliminary Plat for the 135th and Kenneth project was approved in December of last year. The application for this project deals with the residential portion of the project north and south of 137th Street, not including any of the mixed-use portions of that larger development. The applicant will be platting the entire 135th and Kenneth Road project with this application, keeping the mixed-use portion of the development within open tracts until time of future development. Within the Regents Park subdivision portion of the project, each residential unit will then be platted as each building gets constructed. As the foundation gets poured, they will come back to the Planning Commission and record those plats. The Final Plan being proposed tonight includes 117 residential units within six tracts on 38.09 acres for a density of 3.06 dwelling units per acre, in addition to a number of public improvements, including the construction of 137th Street from its existing terminus at Chadwick, which will then connect up to Kenneth Road, the construction of High Drive, a third lane onto 135th Street, and pedestrian connections, including a 10' hike-bike trail with pedestrian-demarcated crossings.

To describe the site a bit, the residential units are split along north and south sides of 137th Street. Four main entrances into the subdivision are proposed, all of which are cul de sacs. One of them comes off north of 137th Street, and three come off the south of 137th Street. The applicant has proposed bioretention and detention ponds to be located on the east sides of the development south of the proposed 137th Street. Additional bioretention and detention areas are proposed within the southwest corner of the development along both sides of 137th Street. All of the bioretention and detention ponds are proposed to be dry basins. A 20' tree preservation easement is proposed along the south side of the development to help screen the existing residential neighborhoods to the south. The applicant has also provided additional plantings close to the tree preservation easement to help infill some of the sections that aren't totally filled in.

Staff would like to point out two items. Regarding the bioretention and detention along the south side of 137th Street on the east side of the development, it is staff's position that an amenity area could be created. During the Preliminary Plan for this project, it had been stipulated that the applicant and staff would work together to see if a wet detention basin or amenity area would be possible for this area. An amenity area with a water feature would help create an entrance into the subdivision and the development as a whole. Staff feels that creating this wet basin would be a great amenity, and the basin would be an opportunity and has the ability to be done reasonably. Staff has a request in Stipulation No. 13 that a permanent water feature be created in the current location of the cry detention basin. The second point staff would like to make is that an internal connection has been created by the applicant between the residential units. It is an 8' asphalt pedestrian path that runs on the back sides of some of these units. Staff has requested in Stipulation No. 10 to see an additional connection made from the proposed trail up to the proposed amenity area within Tract C, which is a proposed second phase to this development and will be a community area in a future phase. This would allow residents of the development to have a direct path from their rear yards to this amenity. Staff has also placed a memo on the dais for you tonight with regard to the removal of Stipulation Nos. 31 and 33. Staff has worked with the applicant since the delivery of the packet to come to some agreement on these. Public Works also has a memo in there that they may discuss later on. With the removal of these stipulations, the last should be changed to read, "Stipulations 1-44." The Final Plat and Final Plan meet the regulations of the Leawood Development Ordinance (LDO), and staff recommends approval of Case 33-19 with the stipulations listed in the memo. Staff is happy to answer any questions.

Chairman Elkins: Thank you. Questions for staff?

Comm. Block: To confirm, the stipulation with the downspouts is to be removed as well as the source of the lighting?

Mr. Sanchez: Correct.

Comm. Block: Why is that different? I thought this was in most of these that we see.

Mr. Sanchez: Most of the times, it is. It was really part of the MX-D (Mixed-Use Development) portion of the whole project. When the MX-D portion comes in, it will include apartment complexes, office, and retail, those would apply.

Comm. Block: Could I get a summary of what has happened to this point on this? I know this started back in September. I didn't get a chance to look all the way through the minutes.

Mr. Klein: We emailed the minutes from the previous case 71-18, which was the 135th Street and Kenneth project. That included not only this portion of the development, but it also had the MX-D portion located on the north side of 137th Street. That went through Planning Commission and City Council for approval for a Rezoning for the portion that was north of 137th Street, except for a portion of the RP-3 that you currently see in this

plan that is also north of 137th Street, RP-3 for the southern portion that was south of 137th Street, and the portion they're showing now in the southwest corner on the north side of 137th Street. The plan itself really hasn't changed much from the time it was approved. The Planning Commission made a recommendation for denial originally with this application. City Council remanded it back to the Planning Commission, who then came back with another denial. From there, City Council approved the project more or less in the form you see now. Now, the MX-D portion of the project is not part of this final application. There are some public improvements being approved with this in addition to the RP-3 on the south side of 137th Street and the one that is in the southwest corner. Those include the construction of a third lane along 135th Street, including burying power lines, construction of High Drive as it extends from 135th Street down to 137th Street, and the construction of 137th Street from Kenneth Road over to the terminus of where 137th Street currently ends at Chadwick. It was actually at the City Council meeting that the applicant made the offer to extend the street instead of just doing a cul de sac that terminates at the west end.

Comm. Block: The improvements to the roadways are all of these that we see on page 5?

Mr. Klein: Correct, including a third lane on 135th Street as well.

Comm. Block: That would be on the south side?

Mr. Klein: Yes, just adjacent to the property.

Comm. Block: The median cut down the road in the second phase is between the east-west lanes would allow left turns into the development, then? Right now, there is a median just north of High Drive. This doesn't line up with the street to the north of it, correct?

Mr. Scovill: It will eventually be a signalized, full-access intersection.

Comm. Block: But that is not part of this application.

Mr. Scovill: As part of this application, it adds the lane along 135th Street.

Comm. Block: There are drawings that reflect it, but I thought maybe it was a future phase. If you look at the aerial, you'll see a median just to the north. Further in the packet, they show a turn lane in there.

Mr. Scovill: It doesn't appear that there is a median break. There is not one there now, and I don't believe there will be one with this phase of the development.

Comm. Block: We saw this as a total project with the mixed-use and other components to the north. Is this different? Why are we only seeing a portion of it now? Is that typical? Is it not?

Mr. Klein: It actually is not uncommon with an overall development with part of it being phased. They have a common area located within Tract C, which is at the southern end of High Drive. That is supposed to be a future amenity for a pool in Phase 2. They will come back with a Final Plan for that. As far as Phase 3, what is shown on that colored plan as Tracts G and H would be included as the mixed-use portion of the development.

Comm. Block: I just flipped through. The page I was referring to is entitled “135th Street Improvements,” and it shows the median. That is a future phase; okay.

Comm. McGurren: I’m curious if 137th Street, when it extends over to Kenneth Road, is eventually designed that, when it hits Kenneth Parkway, to line up with the exit or entrance coming off the Target center.

Mr. Coleman: Target is another property to the east.

Comm. McGurren: I understand, but our property goes through what is listed as Leawood Market Center over to Kenneth Parkway on that first page. Is it the city’s intention that 137th will make it all the way over to Kenneth Parkway?

Mr. Coleman: Not necessarily. A lot of it will depend on Leawood Market Center development and how it develops. We don’t have a plan for it yet.

Comm. McGurren: So, it is not Leawood’s hope or desire that 137th Street makes it all the way over to what would be the state line almost.

Mr. Klein: Actually, that is a private drive. The last plan on Leawood Market Center has long since expired. As part of that plan, they showed an internal drive. It wasn’t supposed to be a public street.

Comm. McGurren: I’m also curious about the 8’ asphalt trail proposed throughout the interior portion of the development to the south of 137th Street. Is that the same standard and requirements that the city uses for its asphalt throughout the parks and other places?

Mr. Klein: This is a private trail for them. They did provide us detail that showed the amount of asphalt. I know we worked with the applicant. I’m not sure if it’s the actual one they use in city parks.

Comm. McGurren: I was just trying to remember if it was 8 or 10 feet that the city required.

Mr. Klein: Usually, for a hike-bike trail, we like to see 10 feet, but 8 feet is the minimum. The standards are getting wider.

Chairman Elkins: Are there other questions? This is either for Mr. Sanchez or Mr. Klein. We may have covered this in the earlier cases, but I’m curious to get staff’s perspective

on the extent to which this portion of the overall plan fits in with the 135th Street Corridor Plan. Are we moving in a fashion consistent with that part of the Comprehensive Plan?

Mr. Klein: This portion of the development is primarily a residential development. On the Comprehensive Plan, the portion south of 137th Street was shown to be Medium-Density Residential. The difference we have in the Preliminary Plan was they shifted 137th Street to the north, reducing the amount of area that was for the mixed-use on the north side of it. They also included some RP-3 zoning on the north side of 137th Street, which had all been shown MX-D before. At this point, the alignment has already been approved for the Preliminary Plan by City Council, so it does still have some of the MX-D on the north side of 137th Street; it is just less than it was. It is in agreement with the approved Preliminary Plan.

Chairman Elkins: I understand that it is consistent with the approval from City Council. The question is about staff's professional perspective on how consistent it is with the 135th Street Corridor Plan.

Mr. Klein: Staff had always been very upfront about concerns that the overall plan with shifting 137th Street to the north reduced the mixed-use portion of the development was a concern with the 135th Street Community Plan. We were on record with that during the Preliminary Plan phase.

Chairman Elkins: You still have those reservations? I understand it is approved and there is not a lot we can do about it, but I just want to get your perspective.

Mr. Coleman: We still have those same concerns we had then.

Chairman Elkins: Thank you. Other questions for staff?

Applicant Presentation:

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

Mr. Petersen: Richard and Rick Lashburg, principles of the development entity, are here as well as Tim Tucker with Phelps Engineering, who has worked with us on a lot of the civil engineering. This is the first phase of the overall Preliminary Plan. It is very common for projects to be developed in phases. The good news is that on the back end of Phase 1, you will see the site and the table set for continued development. The entire site will be graded. Utilities will be brought for the villas and also for the mixed-use components. The street network will be completed in large part, and it is very common to activate a site with a villa component like we are proposing, and it sets the table for the commercial entities to see that there is activity. It is not only common; it is actually the most logical way to approach a project of this size and magnitude.

I got a little confused because we kept dropping out stipulations, but my last count is 43 stipulations proposed by staff. I will tell you that we agree to 41 of those 43, and we have just two to talk about: Nos. 10 and 13. I'm going to generally preface our desire and

request to hopefully make the discussion clear and remain within the appropriate context. Nothing we are talking about with regard to these two stipulations addresses whether we do or do not adhere to the LDO or whether we are asking for some type of deviation from the ordinance or design standards. Both of these issues settle on preference of staff versus the property owner, who is spending millions of dollars on a high-quality project. With that background, I'll move to the first issue, which is Stipulation No. 10. We were going to talk about building materials, but in the sense of cooperation, we worked that out before I came to the podium.

Chairman Elkins: Could you tell us the resolution of the building materials?

Mr. Petersen: We were going to use manufactured brick and stone but changed to natural to meet staff's request. Stipulation No. 10 reads, "Prior to Governing Body consideration, the applicant shall provide an additional trail connection from the proposed trail within Tract B connecting to the future second phase of the project, which will include an amenity area." As you know, we talked about the size and width. It is important to know that the green line, which is part of the Preliminary Plan approval, represents varying degrees and types of pedestrian access. On the south side of 137th Street will be a city bike-hike trail that we will construct to full standards of 10' width. On the north side, we have a 6' sidewalk interfacing directly with the mixed-use commercial area. As you can see, we have trails on both sides of all residential streets as they move down into the villas. Then, we add the looping one that is not the most efficient way to get anywhere, but it is another place to walk. It starts at the northeast portion and loops down and back to the northwest portion. Staff's preference is we also build a trail down the middle of what we propose as an open green space. Their preference would be a trail; our preference is not to put a sidewalk of any kind. This has nothing to do with somebody's ability to get to the amenity. Walking out of any of these units, you would have access to a sidewalk that is much closer and much more efficient than one that would be offered for those villas. We want this to remain as an open, undisturbed area. Quite honestly, some buyers like a trail going past their back yard; some don't. We want to give that option to people to say they love the trail system but don't want it in their back yard. This is a quality project. No one will be denied quick, easy access to any part of the project. We appreciate the suggestion, but we don't want to do it for the reasons stated. With that, we would request Stipulation No. 10 be deleted.

The second one is No. 13. We're going to talk about stormwater facilities. On the Site Plan in the northeast corner is the location where the Preliminary Plan shows the ability to control storm events in a dry detention basin. It is obviously designed so that water can be held for a period of time in the case of a storm event. These are all over the city. That is our preference, as we always stated. When it is not doing its scientifically engineering-based function of momentarily holding stormwater in a storm event, we saw it as another open grassy area and an amenity to the community. Staff indicated that they thought it would be a better, more aesthetic amenity as a wet detention. In other words, it would always have water in it so people could visualize a body of water as they are walking by. We said it was difficult, but we would look at it. Our conclusion is that it would not be nearly as nice as an amenity as what we proposed to do. Ours would have a bit more grade to the sides. We would have trails, places to sit, and a shade station when

it is not being used for its purpose of momentarily detaining water. That is the amenity we would like to see. It makes sense and works well. This is not a large area. When it is done, someone looking from the north side would look down 9 feet to see the surface. This is not at grade. If we went through the problems with keeping water in there, the surface of the water is about 7,000 square feet. This is not a half acre or a true, aesthetic amenity. We all know what comes, particularly with these small ones. It is silty. It needs an aerator. It comes with great cost and expense. The homeowners will need to maintain it. When it gets silted in, they get mad at the developer and the city. Our professional judgment is we can create an amenity that will serve our neighborhood well and be aesthetically pleasing without creating a body of water that is 7,000 square feet at its surface. This isn't the driving part, but we would have to build a retaining wall in the bio swales through the grassy area. We would have to build it over a stormwater line. We would have to build another retaining wall in case a kid falls into the standing water. We would have to build a fence. It is hundreds of thousands of dollars to do that, and we think we are proposing a great amenity package that still functions and provides the benefits in terms of stormwater management. With that as background, we would ask that the stipulation be modified to read, "Prior to Governing Body consideration, the applicant shall modify the plans to show an amenity green space with manicured lawn, sidewalk, and seating opportunities." We'll bring in details to show how we will do the seating and the sidewalk. With that, we would ask for your support, including the modifications to the two stipulations. I'd be happy to answer any questions.

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

Comm. Belzer: Can you talk about a time frame for the other two tracts?

Mr. Petersen: They will be driven by the market. I know there has been interest. Honestly, based on my experience, you build the villas and the road, and the market will pick up interest. If the market is ready for it, then it could be there sooner than we probably speculate.

Comm. McGurren: Phase 2 with the pool and Tracts C, D, and E are how much later than Tracts A and B?

Mr. Petersen: Once we get the villas up, the answer from the applicant is a year or two. Once the villas start to sell, the amenities come in. There is some coordination between that amenity and the residents across the street, so we want to make sure how that is going to work and operate.

Comm. McGurren: Does staff ever place requirements on timing for second and third phases?

Mr. Klein: With this application for a Final Plan, they have to continue development of it. It is limited by Kansas statute to ten years from the time they do the plat. We used to have sunset clauses of five years; however, the state statute changed, so that stipulation changed.

Chairman Elkins: Mr. Petersen, would you agree with that?

Mr. Petersen: Yes, it has been changed to ten years.

Chairman Elkins: Mr. Petersen, you showed a picture of the green space feature. At first, I thought you said it was an example of some other place in Leawood. Is it that, or is that a depiction of what you would expect this space to look like?

Mr. Petersen: The latter.

Chairman Elkins: You mentioned that, at some point in time, you would add to the plan, consistent with that stipulation, a sidewalk with the seating and shade. Where would you see that happening? Would it be before taking it to Governing Body?

Mr. Petersen: I think the stipulation speaks to before we get to Governing Body. That would be our intent.

Chairman Elkins: Thank you. Are there other questions? Thank you. That takes us to a discussion of this Final Plat and Final Plan for Phase 1.

Comm. Coleman: Going back to Mr. Petersen's question on Stipulation No. 10 with the trail, he makes a valid point. Can you give more insight into wanting the stipulation on here?

Mr. Sanchez: With the trail connection, right now, the ends of the two points of the trail don't really go anywhere; they just start on the south side of 137th Street. With that additional trail connection up to the amenity area, it then gives those two points a connector, a place to go. That is what staff is looking for.

Comm. Coleman: Can you give insight into the discussion on No. 13?

Mr. Sanchez: Creating a wet detention basin will allow for an amenity area or something to look at. Often times with these dry detention basins, they are just a shallow hole that is grass. It would create an amenity not just for this residential part of the development, but also the development as a whole. Really, this area where they're proposing the detention and bioretention is where a lot of the existing trees were. Many trees are coming out with this. Staff would like to see a large amenity provided.

Comm. Coleman: To his point, it is just a preference to staff, then.

Mr. Sanchez: Correct; they do meet all the requirements of the LDO. This is staff's preference to create a better amenity and better planning practice.

Mr. Klein: Leawood has always tried to make many connections. I think the developer did a great job coming down and doing the 8' asphalt trail. We just thought it made a lot

of sense to have a trail where people could access directly. Additionally, it takes people to the common area with a connection that will eventually go to the mixed-use portion. That ties in to the water feature and everything we are asking for. As Mr. Petersen indicated, Continental Engineering looked at it, and they shared ideas with the applicant yesterday. The city wants to continue working with the applicant. In the original analysis that Continental did for us, they thought they could actually get the water up to 4-6 feet in height and have an aerator in there. It would still be down, but it would be visible from the sidewalk. Often times, water has an impact that other elements just don't. That is part of the reason we wanted to see this.

Chairman Elkins: Thank you. Other comments? Mr. Petersen, I have another question. I should know this, but with respect to what I would call back yards and your point that some people don't necessarily want a trail going through the back yard, how would the question of fencing be dealt with in this plan? If somebody in the third group of units decided to put in a fence, how would you regulate that?

Mr. Petersen: The city regulates it. There is no fencing.

Chairman Elkins: Fencing is absolutely prohibited under the LDO? Thank you.

Mr. Petersen: I don't want to beat this horse to death, but this is a preference. Staff wants the looping. That loop really isn't there primarily to get from A to B; it is another option for a little longer walk through the neighborhood. There are plenty of ways for folks to get from A to B. I emphasize that we have a trail in the back yards of many of these villas. We need a few that don't have one. Is it the preference of those who are going to call this their neighborhood and their home. Since we did meet our points of ingress and egress and the bike-hike trail, I think the preference should go to the landowner that is investing in and creating a community. We met with staff six times on this plan and just heard about it Friday. We just don't think it's a good idea or that it will bring any higher level of quality to the project.

Chairman Elkins: Thank you. Mr. McGurren, did you have a comment?

Comm. McGurren: Mr. Petersen, when it comes to the bioretention or detention area that exists today in that same space, how does that compare in size and depth to what you would recommend when it comes to green space? Does it retain its current shape and size, or does it get lowered dramatically?

Mr. Petersen: There is not one there today; there is a creek.

Comm. McGurren: Where the trees are today, my secondary question is what is happening right now? How much water is being stored there today, or is it all draining?

Mr. Petersen: I would say it's probably all just passing through in a natural state. When the site is developed, there may be sheeting water coming across grass and an undersized pipe under the road. We're required, pursuant to the LDO, to bring discipline to our

water. Part of the case is we also bring discipline to water coming onto our site from other people's properties. We're creating a mechanism that will appropriately time the release of stormwater from storm events downstream. We're not saving the world downstream, but the standard is we can't make it any worse. I would suggest we are making it a little bit better. We are taking out some trees. We have to grade the site and bring utilities in. The opportunity to do some tree planting is going to be much greater in a swale, grassy area that people can play in. I would ask you to think about the times you have been on this board and have seen these ponds that end up being a problem for the neighbors. They silt in; the aerator quits work; it's a big cost. We just don't think it brings that much value to the table in terms of aesthetics because that is all we're talking about. I just think the scale should tip in the favor of the person spending a lot of money to make a nice project.

Comm. McGurren: Given the retention area you're proposing, the green space, and the lowering of the land, will the water end up destroying what is there, and would the homeowners be responsible for replacing that?

Mr. Petersen: The furniture could get wet, and with appropriate materials and planting, it would be designed to wear well.

Comm. Hunter: I understand the applicant's statements about the trail because not everybody wants a trail in the back yard for privacy and safety reasons. For the basin, are there any other dry detention basins in any other developments in Leawood?

Mr. Klein: There are quite a few. Typically, they're used for stormwater quality. They'll have natural plant material included. Sometimes, they can look nice; sometimes, they can look weedy. This is located in a prominent corner at 137th Street and Kenneth Road, so staff was looking for something that could be good for the development and also something the overall community would see as well.

Chairman Elkins: Other comments or discussion?

Comm. Block: For what it's worth, I was not a fan of the nonconformance to the 135th Street Corridor Plan back in September, and I'm still not.

Chairman Elkins: If there is no further discussion, does a commissioner care to put forward a motion?

A motion to recommend approval of CASE 33-19 – REGENTS PARK MULTI-FAMILY SUBDIVISION – Request for approval of a Final Plan and Final Plat, located south of 135th Street and west of Kenneth Road – with the following adjustments: strike Stipulation Nos. 10, 31, 33, and change No. 13 to read, “Prior to Governing Body consideration, the applicant shall modify the plans to show an amenity green space with manicured lawn, sidewalk, and seating opportunities” - was made by Coleman; seconded by Belzer.

Mr. Scovill: There was another memo provided by Public Works. I don't believe the applicant is contesting any of those items, but I wanted to bring to your attention the three stipulations that changed from what was originally in your packet. Those may need to be in your motion. Those items include Item 2(c)3 of the Public Works memo, essentially changing the stipulation from requiring the developer to construct the full signal at the intersection of High and 135th Street to requiring them to provide an escrow payment in the amount of 50% of what we anticipate that signal cost to be because the residential component won't necessarily warrant the full construction of that signal. The second item I should bring your attention to is Item 9: "The sidewalk and bike-hike trail shall be located within the right-of-way or sidewalk easement." This has to do with requiring 6' sidewalks along the main roads of 135th, 137th, and High Drive. We don't require the 6' sidewalk easements within the cul de sacs or the residential areas; those would be 5' sidewalks. Then, Stipulation No. 10 is to clarify the requirement for the use of special streetlights. The city requires the special streetlights to be used on all the main roads between 135th and 137th. That wouldn't apply to the subdivision road south of 137th. To create and maintain a consistent look of the subdivision, we wouldn't suggest requiring those special streetlights on the one cul de sac that will exist north of 137th. We clarified that.

Mr. Petersen: We have no objection to any of those.

Chairman Elkins: The question I have on the last part is why is there a lack of uniformity on the streetlights? What is the justification for having one kind of street light on one cul de sac and another kind everywhere else?

Mr. Scovill: The city requires the special streetlights on the 135th Street Corridor, and that would include such streets as 133rd, 137th, and those north-south streets like High Drive. They are not required on the residential streets south of 137th. They do have one road that is north of 137th Street. We don't feel that it would be appropriate to have an inconsistent look of that residential street. We'd still have the special streetlights on 137th but not on the cul de sac streets.

Chairman Elkins: Let me see if I'm following this correctly. If I look at the residential development, will the streetlights in the residential development all look the same?

Mr. Scovill: Yes, sir.

Chairman Elkins: And you're in agreement with that comment?

Mr. Petersen: Yes, sir.

Chairman Elkins: Questions about this last-minute thing? Commissioner Coleman, would you care to amend your motion? I'm not going to ask you to restate it; I think the record is clear on what is being asked.

Motion amended to include the Public Works recommendations from the report dated June 25, 2019 – by Coleman; second amended by Belzer.

Comm. Coleman: I'd like to thank staff for doing this. I think you made some valid points, including these amenities in Stipulation Nos. 10 and 13, but I think the developer and the property owner do have a right to some latitude in what to do with the property. I give them latitude in proposing those changes.

Comm. Hoyt: I fundamentally agree with what Commissioner Coleman is saying; however, at the same time, from the first time we looked at this proposal, one of the big concerns was the creation of sense of place. I've interpreted some of these preferences to try to drive home the point that we're looking for something within the amenities that is significant enough that it does create a sense of place and perhaps a sense of place that will be consistent throughout the entire development. I would like to go on the record urging the applicant to create whatever amenities end up within the Final Plan and whatever goes to Governing Body to be something that is significant enough and has impact on identity, for lack of a better term.

Chairman Elkins: Thank you. Are there any other comments on the pending amended motion and amended second.

Motion approved with a vote of 6-1. For: McGurren, Hunter, Belzer, Hoyt, Coleman, and Peterson. Opposed: Block.

CASE 41-19 – PARKWAY PLAZA – KIDDI KOLLEGE OFFICE/DAYCARE ADDITION – Request for approval of a Revised Preliminary Plan and Special Use Permit for a commercial daycare, located south of 134th Street and east of Briar Street.
PUBLIC HEARING

Commissioner Hunter recused herself from Case 41-19

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 41-19 – Parkway Plaza – Kiddi Kollege Office/Daycare addition – Request for approval of a Revised Preliminary Plan and Special Use Permit for a commercial daycare, located south of 134th Street and east of Briar Street. The project will consist of an additional 5,450 square feet of building to be constructed on the same lot as the existing Kiddi Kollege within Parkway Plaza. The building will now house the Kiddi Kollege office space as well as additional room for their daycare. About 1/3 of the building will be dedicated to the daycare space needed, and the rest of the building will be used for the office. The Parkway Plaza development was originally passed with a Preliminary Plan showing a 3,500 sq. ft. office building in conjunction with the existing Kiddi Kollege building. Since there has been a change of more than 5% of the square footage from the plan that was approved, you are seeing this project as a Preliminary Plan this evening. A sidewalk is proposed between the proposed building and the existing

building. The sidewalk is gated and may only be accessed to allow for people to go from one building to another. There are fences that will gate anyone from the outside of the existing sidewalks around the perimeter of the lot. The applicant plans on removing five on-street parking spaces to the east of the proposed office/daycare building to help provide additional open space. A cross-access parking agreement was established with this development, and the number of parking spaces still meets the requirement of the LDO. No changes are proposed to the existing parking lot to the south of the proposed and existing building. The applicant has provided preliminary elevations and is proposing to closely match what is existing at the Kiddi Kollege. The Preliminary Plan and Special Use Permit for a commercial daycare meet the regulations of the LDO. Staff recommends approval of Case 41-19 with the stipulations listed in the report.

Chairman Elkins: Thank you. Questions for staff?

Comm. Block: I don't know that I understood the parking. I know it conforms, but there are not enough spaces in the front. Is it because of the agreement with the larger complex that they are able to hit the required number?

Mr. Sanchez: That is correct. With the parking spaces that they currently have, they would not meet the requirement if they were their own development; however, since the whole development was done at one time, they are able to use the parking from other areas to make it work.

Chairman Elkins: Other questions for staff? Mr. Sanchez, in the Elevations comment there is a reference to the expansion, including cast stone. This continues to be an issue as a building material that confuses me because it was obviously an issue in the prior case, but you had it resolved. I wasn't able to expand my understanding any further there. When we talk about cast stone, I take it that's a manufactured stone product.

Mr. Klein: It is a manufactured stone product. It is a bit different. It has different properties and is typically used in features like sills on a building or accents. It is much stronger than cultured stone. The difference is that it tries to look like this natural stone. Often, they'll have concrete and will bond a color to the face of it. Over time, that color wears off and fades. If it breaks, that color isn't running throughout the entire process; whereas, if the cast stone breaks, it is the same all the way through and has the look of sandstone or something like that.

Chairman Elkins: Is there a difference in terms of either one being approved on a commercial space as opposed to a residential space?

Mr. Klein: Staff has always been comfortable with cast stone, and it's probably something we'll bring in.

Mr. Coleman: We're working on providing some detailed information to the commission on manufactured versus cast stone.

Chairman Elkins: There are really three buckets: cast stone, manufactured stone, and natural stone.

Mr. Coleman: Correct, and just for example, the Cast Stone Institute provides for certain pounds per square inch and also absorption rates for water absorption. They're a much higher standard than manufactured products, which are more like a soft concrete with a PSI of 2,500. Cast stone is 6,000 and up. Real stone used for building stone like limestone is 10,000-11,000 PSI. That gives some indication. The water absorption is also about half of what manufactured stone would be.

Chairman Elkins: Does the LDO speak to the use of any of these three?

Mr. Coleman: It does in the sense that stone is listed as an approved building material, but manufactured stone is not.

Chairman Elkins: It doesn't list cast stone, either, does it?

Mr. Coleman: I don't believe it does, but we're working to rectify all that.

Chairman Elkins: Currently, even cast stone is not shown as an approved building material.

Mr. Coleman: I believe that is correct.

Chairman Elkins: Does that create an issue for us being within our authority to approve it if it's not an approved building material?

Mr. Coleman: I don't know that it does.

Chairman Elkins: Let's have the discussion, and perhaps we'll have additional discussion after the presentation. Any other questions for staff?

Applicant Presentation:

Jeff Schroeder, Sharhag Architects, 6247 Brookside Boulevard, KC, MO, appeared before the Planning Commission and made the following comments:

Mr. Schroeder: I'm here representing the applicant. The civil engineer for the project is also here for any questions if that need arises. I'll try to be even simpler. We're in agreement with all 23 stipulations. I think this will be a good development that matches the existing building. The cast stone in this case is going to be used as very thin accent strips around the building. The base of the building will be actual stone material with brick above it, but then to split between those two materials, it would be a narrow band of cast stone. It is a good material, as Mr. Coleman said. All the materials will be the same as what is on the Kiddi Kollege building, so it will match that. They have a good track record of development. They've been a good neighbor there. They have these similar types of buildings now in Lenexa, Overland Park, and Olathe. They decided they wanted

to have Leawood as the office location now that they are big enough that they need a dedicated office space. The daycare is growing, also, so as staff said, there is one room that would be used for older children in the back of the building. It would have a fenced, gated connection and sidewalk to the existing building, and there will not be any new playground equipment. Anything outside around the building will be green, landscaped space. We'd be glad to answer any questions if you've got any.

Chairman Elkins: Thank you. Questions for the applicant?

Comm. Block: To clarify, you say that the outside of the building next door is exactly the same with the banding. You said it's natural stone and then a band of the cast stone and brick.

Mr. Schroeder: Yes, sir.

Chairman Elkins: The cast stone materials is in the current building.

Mr. Schroeder: It is.

Chairman Elkins: Other questions for the applicant? Because part of this case is an application for a Special Use Permit, we'll open a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Hoyt; seconded by Block, Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

Chairman Elkins: That takes us to a discussion of the case in general. Are there comments?

Mr. Sanchez: I just wanted to make note that this is a Preliminary Plan, so they will come back with a Final Plan and give detail into the locations of the exact materials and more depth into the materials being used.

Chairman Elkins: Thank you. I still have a mild reservation about whether this is an approved material. To the extent that we've had this discussion at great length in the past, the fact that the current building already has it helps me a little bit.

Mr. Coleman: There is a short list of prohibited materials, and it is not on there.

Ms. Bennett: In the section of permitted materials, it just has stone. It doesn't say natural stone. Historically, it has been interpreted to include cast stone.

Chairman Elkins: Does the short list of prohibited materials include manufactured stone?

Mr. Coleman: No.

Chairman Elkins: Thank you. Are there other comments? Does anyone care to make a motion?

A motion to recommend approval of CASE 41-19 – PARKWAY PLAZA – KIDDI KOLLEGE OFFICE/DAYCARE ADDITION – Request for approval of a Revised Preliminary Plan and Special Use Permit for a commercial daycare, located south of 134th Street and east of Briar Street – with 23 Stipulations – was made by Block; seconded by Peterson. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Coleman, Block, Peterson. (Hunter recused from the vote)

CASE 59-19 – TOWN CENTER PLAZA – CHASE BANK – Request for approval of a Revised Final Plan, located north of 119th Street and east of Nall Avenue.

Commissioner Hunter rejoined the meeting.

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 59-19 – Town Center Plaza – Chase Bank – Request for approval of a Revised Final Plan. Chase Bank is located at the corner of 119th Street and Roe Avenue. A Final Plan was approved in March, 2019, including the Site Plan changes and changes to the former Dean & Deluca building. The applicant would like to modify the mullions that are located above the canopies at the corners of the building. Currently, those windows are divided into a square pattern. The applicant proposes to remove that square pattern and replace it with a three-panel window system with a larger central window to accommodate future signage, which would be set back a minimum of 3 feet from the window; however, no signage is approved with this application. The proposed plan is in compliance with the LDO, and staff recommends approval with the stipulations in the Staff Report.

Chairman Elkins: Questions for staff? Ms. Schuller, this is a little off the wall, but it struck me in this case. As I understand it, this is the old Dean & Deluca building, which is at 119th and Roe to my reckoning. Why do we describe this as being north of 119th Street and east of Nall? That is obviously accurate, but it is actually west of Roe.

Ms. Schuller: It just carried over from the previous plan, so we kept it consistent.

Chairman Elkins: Thank you. Are there further questions for staff?

Applicant Presentation:

Bruce LaSurs, Core States Group, 6500 Chippewa Street, St. Louis, MO, appeared before the Planning Commission and made the following comments:

Mr. LaSurs: Thank you for the opportunity to present this revision for the Final Plan. We intend to improve the building. We're working with the existing contemporary building to essentially take a window that has 32 panes and exchange it for a window that has three panes. We will increase the glazing and natural light and reduce the shadow created by the aluminum storefront. We are not changing the overall opening. The rough masonry opening stays the same in both instances.

Chairman Elkins: Do you have any objection to the five recommended stipulations?

Mr. LaSurs: Is it different from the previous? If they're the same, I have no objections. This is mostly just an effort to create more natural light and rebrand the building for the new tenant. We'd like more emphasis on the corner towers of the building and to reduce the horizontal effect of the multiple small panes.

Chairman Elkins: Thank you. Questions?

Comm. Coleman: I noticed that the building is going to have two tenants, one being Chase Bank. I noticed only one opening on the drawings. Is the intent that one side of the building will not have an entrance directly outside?

Mr. LaSurs: There is a direct entrance for the new tenant on the south elevation. The primary entrance for Chase Bank is on the east elevation. I think there were some modifications in the doorways that were proposed and approved in the original Final Plan.

Comm. Coleman: The south entrance looks like it's elevated with some stairs and a ramp on one side.

Mr. LaSurs: There were some modifications to make it ADA compliant and accessible for the entrance.

Comm. Coleman: Do you have a tenant?

Mr. LesSeurs: The expectation is that it will be other divisions of the bank, but that is not certain at this point.

Chairman Elkins: Thank you. Other questions? This takes us to a discussion. Any comments?

Comm. Peterson: The building is definitely closer to Roe than Nall.

Chairman Elkins: I appreciate that. I would entertain a motion.

A motion to recommend approval of CASE 59-19 – TOWN CENTER PLAZA – CHASE BANK – Request for approval of a Revised Final Plan, located north of 119th Street and east of Nall Avenue – with five stipulations – was made by Hoyt;

seconded by McGurren. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

CASE 48-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-7, LANDSCAPING AND SCREENING REQUIREMENTS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to required tree replacement and the spacing of street and ornamental trees. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 48-19 – Leawood Development Ordinance Amendment to Section 16-4-7, Landscaping and Screening Requirements. It contains three parts. The first two parts are fairly simple as far as the required ratio of street trees and ornamental trees along public rights-of-way. Whenever you see a plan come before you, there are certain requirements that have to be met in the buffer between the right-of-way line and to where the building is, or if there is parking adjacent to it, within that parking. It basically requires 40 feet between a building and right-of-way or 25 feet between parking lot and right-of-way. Currently, we have a ratio of one tree per 35 feet to be planted along the public rights-of-way. At one point, it was 40 feet, and before that, it was 50 feet. We changed it to 35 feet. We're actually proposing that we adjust it back to 40 feet. We are looking at large street trees, so we want to provide enough room for them to grow and create an adjusted look. Additionally, the city code was changed to 40 feet for large street trees. We are trying to bring the LDO into agreement. The other ratio that is changed is that of ornamental trees, which are currently required to be planted at a rate of one per 12 lineal feet. Additionally, shrubs are to be planted at a ratio of one per five lineal feet. This has gotten tight for developments, especially if parking is adjacent to the right-of-way. We are proposing to scale back the ornamental trees from one per twelve to one per twenty. This will allow more spacing between the trees so they can mature and not obscure the buildings. The third component of this amendment addresses replacement of trees. Currently, the LDO requires any tree larger than 12 inches in caliper must be replaced on a 1:1 per caliper inch basis. It can be several trees that have caliper sizes that add up to that 12' requirement. We have run into situations with significant requirements for the landscaping itself. Whenever we run into a property that has a decent number of existing trees, especially if it they have trees with large calipers, replacing them on a 1:1 per caliper inch basis, it is almost impossible to fit the landscaping on the site in a healthy way. This amendment proposes a threshold of 132 caliper inches of trees that are larger than 12' caliper, they may replace those trees at half the rate they would be replaced otherwise. Staff recommends approval of this amendment. I would be happy to answer any questions.

Chairman Elkins: Questions for Mr. Klein?

Comm. McGurren: How long have the existing requirements been at those footages?

Mr. Klein: I think they were in existence since the start of this ordinance since the end of 2002. We typically don't see many lots that have a large number of trees; however, if there is one, it can actually add up to a lot of replacement caliper inches. We have many lots to be developed that have a lot of trees.

Comm. Block: Is there somewhere within the LDO that has a listing of what a street tree is versus an ornamental tree?

Mr. Klein: Article 4 talks about street trees. I don't believe we have a definition in Article 9.

Comm. Block: Should we have one?

Mr. Klein: Street tree is actually a shade tree.

Comm. Block: Should that be included in this somehow? Is there a common definition of a shade tree so someone would know?

Mr. Klein: Let me check to make sure. I don't see it in Article 9 right now. We can come back with that and tighten it up.

Chairman Elkins: Other questions? I think I see why and what we've done. The subparagraphs elsewhere in the LDO have a Section E and numbered subsections under this. In this one, we have Section E with subsections designated by capital letters. That is a little confusing. I think I know why they city did it that way, but I'm having difficulty reconciling the new section at the beginning of E, especially the accommodation of the provision and the exception, against EH that relates to this whole business of the 12' caliper tree being replaced by a 1:1 ratio with the exception. Would you mind going through that one more time and explaining what the beginning of E does as compared to what EH does?

Mr. Klein: Originally, replacement trees were located under Landscape Plan Requirements (Section H). That was problematic in the fact that it threw in a requirement to replace in a section of the ordinance that was stating what needed to be included on the plan. That was moved out of that section and included as E under Section 16-4-7.3 to address a standalone requirement of tree replacement. This is an actual requirement and not something to do a tree inventory for. We wanted to ensure the plan still had the requirement to show the 12' caliper trees. We also added how they will be measured in Section 16-4-7.5(H). The measurement will be taken from 4 ½ feet.

Chairman Elkins: Let me see if I'm tracking this correctly. The starting point is that if a tree is larger than 12' caliper and has to be removed, it gets replaced on a 1:1 caliper inch ration except where a city arborist determines that there is not enough space there to support the 1:1 ratio, and then we go to this 50% of the qualifying caliper inches. Is that correct?

Mr. Klein: Yes, and it does have a threshold of 132 caliper inches.

Chairman Elkins: Tell me one more time what H does.

Mr. Klein: H is more related to the plan. When we get applications, we require the landscape plan to be part of that. The whole section lists the components that must be included in the landscape plan. H adds more specificity.

Chairman Elkins: Thank you.

Comm. Hoyt: Back to your question about the difference between a street tree and ornamental tree, it could be that you could easily add one or two sentences under 16-4-7.3(a) – General because the LDO sort of implies what the definition is in subpoints 1 and 2.

Mr. Klein: We also have a list that the Parks Department has put on the city's website that lists trees allowed to be used as street trees.

Chairman Elkins: Other questions? Because this is an amendment to the LDO, a Public Hearing is required.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Hoyt; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

Chairman Elkins: That takes us to a discussion of the proposed amendment to the LDO. Are there comments? I would entertain a motion.

A motion to recommend approval of CASE 48-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-7, LANDSCAPING AND SCREENING REQUIREMENTS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to required tree replacement and the spacing of street and ornamental trees – was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

CASE 61-19 – THREE HALLBROOK PLACE – OFFICE BUILDING – Request for approval of a Final Plan and Final Plat, located south of College Boulevard and west of State Line Road.

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 61-19 – Three Hallbrook Place – Office Building - Request for approval of a Final Plan and Final Plat, located south of College Boulevard and west of State Line Road. The Preliminary Plan was approved for this project in November of last year by Governing Body. With this case, the applicant is proposing a new four-story office building totaling 120,520 square feet. The building will be located along the northeast corner of the property with property surrounding the south and west sides. Tract A is located on the southwest corner of the site and will remain as an existing BMP (Best Management Practice) for both 2 Hallbrook Place and 3 Hallbrook Place. Two main entries are proposed off Overbrook Road. The applicant is proposing two plaza areas with this project. One plaza area is located along the western entrance of the building. The second plaza area is located on the northwest corner of the building. Both plaza areas will be landscaped with shrubs and trees, along with seating walls and lit bollards. Two pedestrian connections are proposed from the building, connecting to State Line Road and College Boulevard. The building is proposed to be 59 feet, 6 inches tall and constructed mainly of a glass storefront system with walled paneling in grey accent, accented with masonry brick veneer. A trash enclosure and generator are located along the south sides of the building within a gated brick enclosure. The current LDO requires that the applicant replace the existing trees onsite at the 1:1 caliper ratio. With the approval of the case we just heard, they would meet the criteria of 132 calipers per acre, noting that they would have to replace at a 1:2 caliper inch ratio. The Final Plan and Final Plat meet the regulations of the LDO, pending the approval of Case 48-19 by Governing Body. Staff recommends approval of Case 61-19 with the stipulations listed in the Staff Report, and I'd be happy to answer any questions.

Chairman Elkins: Questions for staff?

Comm. Block: Were there any changes with this application?

Mr. Sanchez: Not much. A lot of it had to do with the landscaping, and that's what pushed the last LDO amendment. They had over 1,000 caliper inches of trees on their site. We worked with the applicant, and it was hard to get all those trees replaced on a 1:1 ratio. We worked on the amendment and their Site Plan to meet both.

Comm. Block: I thought I remembered an issue with parking as well and banking some parking. Was that approved in the Preliminary Plan?

Mr. Sanchez: It was approved without needing banking.

Chairman Elkins: Other questions?

Applicant Presentation:

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

Mr. Rezac: I'm joined tonight by our architect Burns & McDonnell, our civil engineer Phelps Engineering, and landscaping designer BBN. 3 Hallbrook Place is located on an

8.56-acre parcel that is bordered by State Line Road on the east, College Boulevard on the north, Overbrook Road on the west, and an adjacent Hallbrook parcel on the south. As was mentioned, it is a four-story office building with a little over 120,000 square feet. We do have 467 cars surface parked to the west and south of the building. The building is sited on the high end of the site, which creates great presence and holds the primary intersection. Per the LDO, the project will be landscaped with many new trees, shrubs, and ground cover to seamlessly fit into the Hallbrook development. Additionally, an entry plaza that Mr. Sanchez mentioned with landscaped seating areas and specialty paving and lighting is intended to enhance the pedestrian experience. 3 Hallbrook Place is an office building with clean lines and materials, subtle scale, and appropriate proportions. This modern office building is a perfect complement to 1 and 2 Hallbrook Place and the rest of the Hallbrook development. From a schedule perspective, we will begin pre-leasing activity once we receive our FDP approvals, hopefully next month. Our hope would be to begin construction no later than spring 2020 to complete by the summer of 2021. We've worked diligently with planning staff to ensure our submittal aligns with the design requirements of the LDO. We appreciate their assistance and support getting to tonight. We have read and agree to all 35 stipulations in the Staff Report.

Chairman Elkins: Thank you. Questions for the applicant?

Comm. McGurren: Is there anything you can say about pending tenants?

Mr. Rezac: We'll begin pre-leasing right after we get approval from City Council for the Final Plan on July 1st. We haven't even gone to market yet, but we think there is good activity for office tenants out there. We think this is going to be a fantastic site. If you know anybody, let me know.

Comm. McGurren: I was just curious as it related to the Ascend building with the tenant there and the length of time that sat empty. Some of that was related to the recession, but it was probably four years.

Mr. Rezac: I think that building came online in 2008 at absolutely the worst time. Hopefully, we're hitting the market at a better time.

Comm. McGurren: I have been on the Parks and Recreation board, and my recollection was there has been discussion of a significant art piece on the corner of College and State Line. I was curious if space had been allotted for something like that.

Mr. Rezac: Not that I'm aware of. The way our building sits off the side and terraces down from the intersection, I think there is an opportunity for something to happen on the corner. We would welcome that.

Chairman Elkins: As a passing thought, does your client own the property to the north of College?

Mr. Rezac: Yes, they do.

Chairman Elkins: Any other questions for Mr. Rezac? Thank you. That takes us to a discussion. Any comments?

A motion to recommend approval of CASE 61-19 – THREE HALLBROOK PLACE – OFFICE BUILDING – Request for approval of a Final Plan and Final Plat, located south of College Boulevard and west of State Line Road – with 35 stipulations – was made by Hoyt; seconded by McGurren. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

CASE 62-19 – HOMESTEAD OF LEAWOOD ASSISTED LIVING FACILITY – Request for approval of a Revised Landscape Plan, located south of 127th Street and west of State Line Road.

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 62-19 – Homestead of Leawood Assisted Living Facility – Request for approval of a Revised Landscape Plan, located south of 127th Street and west of State Line Road. The Preliminary Plan, Final Plan, and Special Use Permit was just approved this past June. The applicant is requesting to revise the Landscape Plan to meet the new requirements for street and ornamental trees, pending Governing Body approval of Case 48-19. The original plan that you saw showed street trees at one per 35 feet and one ornamental tree per 12 lineal feet. Their site had some existing mature street trees, and it was difficult for the applicant to plant the required number of trees. They are coming back to us to reduce the number of street trees to one per 40 lineal feet and the ornamentals to one per 20 lineal feet to allow greater long-term health and viability of those trees. Staff recommends approval of Case 62-19 with the stipulations in the Staff Report, and I'd be happy to answer any questions you may have.

Chairman Elkins: Thank you. Questions for staff?

Comm. Belzer: I think there is a mistake in the date as it was written: June 17, 2019 for when we approved.

Ms. Schuller: Yes, that should be different. It was a couple months ago, I believe. This was the Governing body date. You recommended it, and they approved it June 17th. You would have seen it probably on May 28th.

Chairman Elkins: So, it was approved by the Governing Body on June 17th.

Ms. Schuller: Correct; I'll add that note.

Comm. Block: It wasn't clear to me from the rendering; are they starting over, or what is new on this plan?

Ms. Schuller: The plan is remaining substantially the same with the exception of the trees along State Line Road. That is just to reduce a handful of ornamentals and a handful of street trees. I didn't provide the original plan with this, but those were the only changes.

Chairman Elkins: Any other questions?

Applicant Presentation:

Lauren Fitzpatrick, 2231 Southwest Wanamaker Road, Topeka, KS, appeared before the Planning Commission and made the following comments:

Ms. Fitzpatrick: Thanks for having us. Leawood is busy with some big projects. Good for you guys. This one is not so big. Like Ms. Schuller said, we are just going in for an amendment based on their recommendation on revising street tree numbers. We do have some existing substantial maple trees that were planted back when the ordinance had them at a distance of 40 feet. Now, with it being at 35 feet, it required significantly more shade trees and ornamental trees. It was going to be really difficult for us to cram all that in there. We felt they would not survive the conditions, considering the quantity and the space provided. We are, I think, doing a great job of providing a nice landscaped area. We are also providing a new screen wall against the parking area so that the parking is not visible from the street. The focus is the trees, shrubs, and building. We are doing a substantial amount of work on the building. We're replacing all the exterior finishes with brand new ones that are up to the new code, so we would like those to be seen, too.

Chairman Elkins: Thank you. Questions for Ms. Fitzpatrick? Staff has recommended a total of nine stipulations to the approval of this case. Do you have any objections to those?

Ms. Fitzpatrick: I do not. We meet them all.

Chairman Elkins: Thank you, and thank you for your patience. This takes us to discussion of the proposed plan.

A motion to recommend approval of CASE 62-19 – HOMESTEAD OF LEAWOOD ASSISTED LIVING FACILITY – Request for approval of a Revised Landscape Plan, located south of 127th Street and west of State Line Road – with nine stipulations – was made by Belzer; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

Chairman Elkins: Is there any additional business to come before the commission tonight?

Comm. Coleman: I'd just like to mention that Commissioner McGurren and I attended the Mid-America Regional Council (MARC) 2019 regional assembly on June 14th representing the commission at the City of Leawood table.

Chairman Elkins: Thank you. Any news to come back from the MARC meeting?

Comm. Coleman: No news; it is just always a very interesting meeting because everyone in the greater Kansas City area is there, including all the local municipality leaders. I did run in to former commissioner Kip Strauss there as well, representing the City of Overland Park.

Chairman Elkins: Thank you; we appreciate it.

MEETING ADJOURNED