

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

**APPROVAL OF THE AGENDA**

Mr. Klein: You should have a revised agenda in front of you.

**A motion to approve the agenda was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

**APPROVAL OF MINUTES:** Approval of the minutes from the October 22, 2019 Planning Commission meeting.

Comm. Coleman: In the middle of Page 7, it should be Ms. Knight instead of Ms. Bennett.

**A motion to approve the revised minutes from the October 22, 2019 Planning Commission meeting was made by Coleman; seconded by McGurren. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

**CONTINUED TO THE JANUARY 28, 2020 PLANNING COMMISSION MEETING:**

**CASE 112-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6, SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to electronic and digital displays.**

**PUBLIC HEARING**

**CONSENT AGENDA:**

**CASE 110-19 – HALLBROOK FARMS SUBDIVISION – LOT 17 – RESIDENTIAL EMERGENCY GENERATOR – Request for approval of a Final Landscape Plan, located south of 112th Street and west of Brookwood Street.**

CASE 117-18 – ELITE PHYSICAL THERAPY – MONUMENT SIGN – Request for approval of a Final Sign Plan, located south of 127th Street and west of State Line Road.

CASE 118-19 – TOWN CENTER PLAZA – ARRAY – Request for approval of a Final Plan for Changes to the Façade of a Tenant Space, located north of 119th Street and west of Roe Avenue.

CASE 119-19 – CORNERSTONE OF LEAWOOD – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located south of 135th Street and east of Nall Avenue.

CASE 125-19 – HIGHLANDS CREEK – SEVENTH PLAT – Request for approval of a Revised Final Plat, located south of 146th Street and west of Cedar Street.

**A motion to approve the Consent Agenda was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

**NEW BUSINESS:**

CASE 102-19 – CURÉ OF ARS CATHOLIC CHURCH AND SCHOOL – Request for approval of a Rezoning to R-1 (Planned Single Family Low Density Residential), Special Use Permit for a Place of Worship and Elementary School, Preliminary Plan, Preliminary Plat, Final Plan, and Final Plat, located east of Mission Road and north of 95th Street.

**PUBLIC HEARING**

**Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 102-19 – Cure of Ars Catholic Church and School – Request for approval of a Rezoning to R-1, SUP (Special Use Permit) for church and school, Preliminary Plan, Preliminary Plat, Final Plat, and Final Plan for Phase 1 of the project. Cure of Ars is located north of the Ranch Mart shopping center and east of Mission Road. The project is broken into three phases. The applicant is requesting Final Plan approval of Phase 1 and Preliminary Plan approval of Phases 2 and 3. (*refers to display on projector*) Phase 1 consists will be the construction 11,721 sq. ft. parish/activity center/gymnasium to be located at the southeast corner of the site. This is where the playground is located. The playground will be moved to the west of the new building and will have a sidewalk connection to Mission Road, which will be constructed in the first phase of the project. The activity center will be 32 feet in height and will be generally constructed of red and white rick to match the existing school building. A deviation is requested during Phase 1 to reduce the 40' setback along the southern property line to 85% of the standard requirements, which is 34 feet. The Leawood Development Ordinance (LDO) does allow for this deviation when compensating open space on a 1:1 basis, which the applicant is doing. In Phase 1, the application also proposes to change the southern driveway entrance

to the site. The entrance will be narrowed from three ingress lanes to two. On the northern entrance, the applicant would also like to narrow the driveway from three egress lanes during Phase 1 to two egress lanes. During Phase 1, they are proposing to do this by striping the center of that drive exit and then also placing flexible bollards around that striped area so that people don't try to use the striped area as another exit lane. During Phase 1 of the project, the eastern property line is going to be set back to the required 25 feet. They will add landscaped islands with trees. They will do lighting, berming, and landscaping as well. Phase 2 of the project will consist of the demolition of the existing gymnasium. The new area will become a parking field for the site. The school addition will be located both west and north of the new activity center. It will be 40,036 square feet. The main parking field will be reconstructed with 8' parking islands. The parking along the northern parking field will have a required 25' setback and will be landscaped as well. The applicant is proposing a protective sidewalk between rows of parking to assist children crossing the parking lot during drop-off and pickup. During Phase 3 of the project, the applicant will remove the existing office building located on the northern portion of the site and then will construct a new office area that is connected to the church. It is 12,522 square feet and 14 feet in height. At this time, the applicant plans to reconfigure the northern driveway entrance to its final configuration being two egress lanes only. The applicant is meeting the parking requirements and the open space requirements of the LDO during all phases of the project. The applicant anticipates Phase 1 to start by March 2020 with Phase 2 anticipated May 2026, and Phase 3 anticipated in May 2030. Staff has included a few specific stipulations with this application. We are asking for a cross section of the sidewalks to be proposed so we ensure they are constructed adequately. We're also asking that the protected sidewalk be widened to 9 feet to allow for the 2' overhang on both sides with a 5' sidewalk. Lastly, staff is not supportive of using the striping and flexible bollards at the northern driveway entrance during Phase 1 of the project. We would like to see the northern curb drop down during Phase 1 to reduce the width of the driveway so the striping bollards aren't needed. The application is in conformance with the LDO, and we recommend approval with the stipulations in the Staff Report. I'd be happy to answer any questions.

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

Comm. Coleman: The first stipulation has to do with colors and stamps. Would that be where the protected area is across the middle?

Ms. Schuller: Any crosswalk on site would be required to be demarcated from the adjacent paved material. They are choosing to do stamped concrete, which will be anywhere you see the crossings, including the crossings across Mission Road.

Comm. Coleman: What are they proposing?

Ms. Schuller: They are proposing stamped concrete; we just want to see a cross-section detail of it so we can look at the subgrade and make sure it's going to last over time.

Comm. Coleman: Are they not supportive of the replacement of the bollards?

Ms. Schuller: From my understanding, they are fearful they would have to construct the driveway too many times. I'll let them speak to that.

Chairman Elkins: Thank you. Other questions? I just want to make sure I'm tracking correctly. Did I understand that the north driveway would be egress only?

Ms. Schuller: Correct.

Chairman Elkins: So, the only entrance into the facility would be the south driveway?

Ms. Schuller: Correct.

Chairman Elkins: For that entrance driveway, is Mission Road divided? Would there essentially be only a right-in entrance?

Ms. Schuller: It's not divided; there is currently a southbound left turn into the property. They submitted a traffic study with this project, and it was determined that turning movement conflicts create a need to do one ingress and one egress.

Chairman Elkins: Is there a left turn lane for southbound traffic?

Ms. Schuller: Yes, there is.

Chairman Elkins: Thank you.

Comm. Coleman: As a point of clarification on the city engineer's report, is that in addition to the stipulations, or are the stipulations part of that report already?

Ms. Schuller: They're mostly separate, so they would need to be included.

Comm. Coleman: The pastor wrote a letter dated October 1<sup>st</sup> stating an SUP would be issued to the church.

Ms. Schuller: The SUP is just issued to the legal entity, so we have them provide the name of the legal entity to which it should be issued. That's what the letter is regarding.

Comm. McGurren: How does staff feel about the approvals of subsequent phases that are up to a decade out?

Mr. Klein: Staff visited about this. We are comfortable with the way they phased the project because it would be difficult to do all the improvements at one time. They would end up ripping out some of the improvements to reconstruct items in the future phases. Staff is very comfortable with that. Also with regard to the driveway to the north and south, when we talked with the applicant and the Public Works department, it was determined that the best flow of traffic through the site would actually have the egress by

coming in to the south and then the egress to the north. That's the way the traffic flows. It will flow that way when they do drop-off and pick-up as well. Ms. Schuller also mentioned the fact that currently, they show an island. They are reducing from three egress lanes to two lanes, which leaves a really wide area in that north driveway. In order to solve that problem and avoid traffic conflicts, they suggested using the island, striping it out, and having flexible bollards go around. We have talked with the applicant to see if they could drop that north curb, like Ms. Schuller indicated, during the first phase. We'd like them to have it in the second phase so they wouldn't be reconstructing it more times than they would anyway. I know the applicant was considering that and may be able to speak to that tonight. We feel this will make a neater flow of traffic that is less confusing and more aesthetically pleasing.

Chairman Elkins: Will traffic be able to egress both north and south from that spot?

Mr. Klein: Yes, they have a right and left turn lane.

Chairman Elkins: They have to make a left turn across traffic to get to the left egress.

Mr. Klein: Correct.

Comm. Stevens: I'll add on to that. The request is to bring the north lane down to the center and maybe move that into an earlier phase. I see that the application has Phase 3 as the buildout of that, but moving the ultimate location to the north. Is it also part of the concern that the drive is too far north?

Mr. Klein: On the north property line, in the first phase, you'll notice they have parking that is right up to the north property line. They actually need that parking in the first phase. They can't afford to drop the curb south in the area where the parking is located. Staff is asking for the western portion to have the curb moved to the south. They can't drop it all the way like they have in the final phase where it will have to create a 25' setback from the north property line. They can't do that because they don't propose to remove the rectory where it currently sits until the final phase. When the rectory is taken down, the offices will be built considerably to the south, allowing more room up there, allowing that curb to be adjusted even farther south to create a 25' setback. Staff feels that is a reasonable accommodation or solution. Again, we've talked with the applicant about it, and hopefully they'll speak to it tonight.

Chairman Elkins: Thank you. Other questions for staff?

**Applicant Presentation:**

Dan Zeller, Gould Evans, 4200 Pennsylvania Ave, KC, MO, appeared before the Planning Commission and made the following comments:

Mr. Zeller: I have a diagram of what staff was just talking about if it simplifies the discussion (*refers to diagram throughout*). I'll go quickly through this because staff did a great job explaining the phasing. We just did it in a diagrammatic form and put the square

footage on so it's easier to read. We are proposing to improve the east property to meet the LDO 25' setback, parking and playground. The second phase adds approximately 49,000 square feet between the Parish Activity Center that we added in Phase 1 and the existing school. We're removing about 20,144 square feet, so it is a net total of almost 29,000 square feet added to the campus in the second phase. During that time, we will fully improve the campus except for the northernmost drive because Phase 3 finishes out the activity building and reduces that space for the drive. We identified the elevations. We've shown articulation of vertical windows just to pick up the façade from the existing building, but since it hasn't been designed yet, we're just identifying what it would generally look like, infilling between the two spaces. There were a couple comments on Page 3 of the Staff Report. I don't know if I need to clarify, but there was a bullet point that identified the colored stamped concrete crossing the crosswalk. We have an existing crosswalk, and there is another one located midway through. We proposed to paint out the one to the south so it's all black. We're proposing the stamped crosswalk in Phase 2, not in Phase 1. The only other point of clarification is the crosswalks across Mission Road actually cross the two apron drives going out. The issue we have is the dashed line on the little diagram shows the existing curb line. We are proposing to leave the flexible bollards. We are required to have a 28' curb-to-curb opening, and if we leave the existing south curb of the north drive and offset it 28 feet, it doesn't give us the 25' setback; it's about a 20' setback. If we were forced to do that, we would have to rebuild that curb once and a second time in Phase 3. We would be happy to lower that area 28 feet if we could get a variance to allow that setback off the north property line to remain in that manner as opposed to 25 feet. We would still landscape it as required; we were just trying to avoid reconstruction of the curb multiple times during the different phases. Finally, the owner is concerned about the additional sidewalk from Mission Road to the playground because the playground is not public. They don't want their kids to go out that way. The only reason for that area of sidewalk is to connect the playground to Mission Road. Currently, the crosswalk allows for students to cross the road, and then they come through the site and to the front door. In Phase 2, we would propose to complete the sidewalk over to Mission Road because the main entrance is on the south side. That will give students direct access off Mission Road. It's just building a sidewalk that will have to be torn out when we do some of the work later. We're trying to eliminate the cost of that work as well. I'm here to answer any questions.

Comm. McGurren: When the school entrance is on the south side, you're not proposing that the crosswalk be moved, are you?

Mr. Zeller: We're not, and as Phase 3 comes in, the office area will close off the access. The crosswalk is not planned to be moved.

Comm. Peterson: Back on the north turn lane, what looks like the curb line and what is compromising on the early shift is a garage structure. Is that structure used for additional parking?

Mr. Zeller: It's actually used for storage.

Comm. Peterson: It's just a small amount that is too close to the garage.

Mr. Zeller: Like I said, we'd be happy to leave that curb in place. That was the only area we couldn't get the 25' setback on the north side if we made that change.

Chairman Elkins: Other questions? Could you go back to the sidewalk? (*displays on monitor*) Am I right that left-to-right is before and after?

Mr. Zeller: Yes, the left side is in Phase 1, and staff requested that we continue the sidewalk out. Cure doesn't want to do that. We will in Phase 2 because it will be access to the front door.

Chairman Elkins: If the concern is in Phase 1 that the sidewalk would encourage public use of the playground, I'm hard-pressed to understand how that's different than Phase 3. I understand you have a need to get to the school, but the concern about encouraging access to the playground is equal in either case, isn't it?

Mr. Zeller: It is.

Chairman Elkins: It's just a delayed effect is what you're saying.

Mr. Zeller: Yes, and the sidewalk doesn't lead anywhere except to the playground unless it continues all the way down, but that would lead to the entrance of the Parish Activity Center and not the entrance to the school.

Chairman Elkins: Even after Phase 3, the sidewalk will still lead to the playground before it gets to the opening of the school.

Mr. Zeller: Correct. In Phase 2, if someone were to walk down Mission Road and remain on the sidewalk, he would come across the sidewalk, across the road, and back to the school or walk across the grass and across the drive. I'm assuming people would do that.

Chairman Elkins: In either event, they're going to go right by the playground no matter what.

Mr. Zeller: Correct.

Chairman Elkins: Going back to the north driveway, can you walk me through that difficulty one more time?

Mr. Zeller: The curve in the middle diagram is existing. We can't push it any farther south because of the existing garage. The requirement for a two-lane exit drive would be 28 feet. If we offset that line 28 feet to the north, it's where the shaded area would be. Then in Phase 3, we would have to shift the south curb line down, and we'd shift the north curb line down to align it to get our 25' setback off the property line to the north and to the drive. We're about 20 feet on Phase 2. If we were to just offset that line from

the curb and go north, we'd have about a 20' setback from the north property line versus a 25' setback.

Chairman Elkins: Thank you. Are there other questions? Thank you. We'll have a Public Hearing, and you'll have an opportunity to respond at that time. Because this is a proposal for a Replat as well as a Special Use Permit, the LDO requires a Public Hearing. If anyone wishes to be heard, we'll allow four minutes for comments. We want to hear comments, but we would encourage you to not be duplicative in the comments.

## **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

Chairman Elkins: That takes us to a discussion. Who cares to comment?

Comm. Coleman: On the north driveway, I'm wondering if it could just be restriped straight down the middle so it's two lanes, or is each lane going to be too big and cause too much confusion?

Mr. Klein: I just want to make sure I'm clear as well. We'd like to show you what staff was thinking, and they may be able to address the comments. (*shows pictures*) The current condition is that there is not much room between the north property line and the curve. It's maybe around 7 feet. In Phase 2, you can see that they drop the north curb down on the eastern side to create the 25' setback, but adjacent to the driveway, that curb doesn't drop down 25 feet. They aren't really meeting the 25' setback at that point, but they are reconstructing the curb. We thought that was one reconstruction of the curb at that time, but it's still not yet to 25 feet because they still have the rectory and garage. Phase 3 shows them meeting the 25' setback, and the curb is reconstructed farther south to meet the 25' setback. That is why we thought they wouldn't be reconstructing any more than before; it would still be two times. They also wouldn't have to take the trouble to stripe that area and pay for the bollards. That was our interpretation and what we were trying to propose.

Mr. Zeller: We were not planning to rebuild the north curb in the first phase. What the diagram shows is if we offset the area, we'd have to move that curb twice. We are proposing to stripe the area down the middle. Mr. Coleman asked if we did a cost analysis of the flexible bollards versus changing the curbs out. We have not done that. We would probably try to minimize the number of flexible bollards. Ideally, we'd stripe it, but the concern is that somebody may still drive on it even with the striping.

Mr. Klein: In Phase 2, it looks like the curb goes farther south. It looks like it is being reconstructed at that point when you get rid of the island. In Phase 3, to meet the 25' setback, it goes farther. We were just trying to replicate your stages.

Mr. Zeller: The intent is to rebuild it once when we fix that drive.

Mr. Klein: Currently, you have it being reconstructed in the second phase. That would mean the island would stay until 2030.

Mr. Zeller: Yes, and we were trying to get a sidewalk on the north side because today, when the kids come across that area and go north, they actually have to walk in front of the cars as they're leaving. The church would like to have the kids go up to the north side and up to the north property line. It might not be rebuilding the curb; it might be striping that area. Ultimately, the church would like to construct that curb once.

Mr. Klein: Currently, the plan shows it being reconstructed twice. I don't know that the city wants to have that circular island painted out until 2030.

Chairman Elkins: The other question I would have is what about the possibility of a variance on the setback?

Mr. Coleman: They could go to the Board of Zoning Appeals and ask for a variance, I guess.

Mr. Klein: If they meet 85% of the standard requirement not adjacent to a public right-of-way.

Mr. Coleman: This is against residential, so there's no deviation.

Mr. Klein: That's for the building setback.

Mr. Coleman: The parking?

Mr. Klein: Yes, the parking has a 25' setback, and they are allowed to go to 85% of the standard requirement not adjacent to a public right-of-way.

Chairman Elkins: Can you translate that for us, please?

Mr. Coleman: its 22 ½ feet.

Chairman Elkins: There is a process where the church could get some sort of relief from the 25' setback.

Mr. Klein: It would be a deviation recommended by the Planning Commission and would go on to City Council. Basically, there are two deviations. If it is next to a public right-of-way, it can be 75% of the standard requirement, which is 25 feet in this case. If it is not adjacent to a public right-of-way, it can be 85% of the standard requirement.

Chairman Elkins: This would be 85%, and what would that give the church if it was all approved?

Mr. Klein: It would be 22 ½ feet, but right now, it seems like there is disconnect between the phasing plan before you tonight and what they want to do.

Mr. Zeller: We have to measure the curbs to see if we can get 28 feet or if the drive lanes can be 27 ½ feet. We would like to have a right turn lane and a left turn lane and keep it simple without rebuilding things multiple times.

Chairman Elkins: From my perspective, I'm all for conservation and not having to build it twice. I'm just trying to see if there's a way to get there that satisfies both the city and the church.

Comm. McGurren: I drove out of that a few days ago, and there are obviously three lanes today. The far side lanes turn right or left, and the middle lane can turn either direction. To the suggestion that was made earlier, if they take the middle lane and give almost half of it to each side to allow for cars coming up to turn left or right and only have two lanes that exit, it would create a shorter bollard scenario that fans out at the top of the street, which would cause the cars to go the directions they wanted to go, would it look okay?

Mr. Klein: It may; we would probably need more time to make sure the measurements work.

Comm. McGurren: You could live with what you have today, not rebuild the curb now, do the curb in the third phase, and have something like that, working with the existing asphalt.

Mr. Zeller: From a traffic standpoint, we're trying to avoid that middle lane turning right or left because it is confusing.

Comm. McGurren: There won't be a middle lane anymore.

Mr. Zeller: Yes; we could stripe that whole area and just have two lanes.

Comm. McGurren: And put in the bollards at the western portion of the exit. That could basically cause no one to exit through them.

Mr. Zeller: We could do that.

Comm. Coleman: My original suggestion is just to restripe the entire area and put one line straight down the middle. It would have Costco-sized lanes on either side, but then it would avoid putting in materials that someone would run over anyway. Just restripe the whole thing; put a straight line down the middle with a turn lane going each direction. Then, I think it would solve it. You wouldn't have to rebuild anything.

Comm. Peterson: If I may, I have a couple things to note. Mark's point is that they are showing it being rebuilt twice currently in the plan they've submitted. It does appear that, by constructing the curb line south to match Phase 2, we would need to verify the dimensions that they could achieve the required lane widths. Maybe their engineer has already looked into that. The other point I might make is it's about 45 feet wide currently. If they put it down the middle, it would be 20 feet per lane. We have roads that are 10' wide lanes, so it is nearly two lanes wide. The key here is we're trying to simplify the driving plan and minimize the drivers' maneuvers within the site, allowing them to exit almost in a free-flow fashion. Just a couple points you might consider as you discuss the matter.

Chairman Elkins: Other thoughts? Do we know enough to be able to modify this plan on the fly, or is this something that the applicant might consider a continuance to see if we can reconcile it.

Mr. Zeller: We would request not to have a continuance. We're trying to meet schedules to get construction started and get it complete by the time school starts next August.

Mr. Coleman: I would just maybe stipulate that it's worked out prior to Governing Body approval.

Chairman Elkins: That would be acceptable to staff? Would it be acceptable to the applicant?

Mr. Zeller: I think so. The whole intent would be to try to minimize the rebuilding of the road.

Mr. Coleman: Well, we don't have all the dimensions.

Chairman Elkins: That would address the driveway issue. The other issue you have is the sidewalk.

Mr. Zeller: Those are the two stipulations that we are countering, I guess.

Chairman Elkins: Does the commission have comments on the sidewalk issue?

Comm. Block: From staff, I'd like to understand why staff felt it was necessary since it's not a public park.

Mr. Klein: With all the projects, the Comprehensive Plan and the LDO require sidewalks extend down to perimeter sidewalks along streets. We're trying to make that connection. Right now, there is a Parish Activity Center that will exist until 2026. It would be a way of connecting that. I understand a lot of people will use that northern one if they're coming from that direction, but there might also be people coming from the south and up the sidewalk. Rather than having to traverse way north, which is a good chance they're

not going to do anyway, it provides the sidewalk connection directly over to the Parish Activity Center.

Chairman Elkins: Can you show us the sidewalk again?

Mr. Zeller: It's highlighted in red.

Chairman Elkins: What's the current state? It's just a white sidewalk that just ends at the playground?

Mr. Zeller: The current state is nothing. The playground is where the Parish Activity Center is. We're shifting the playground to the west. What's in the plan now is what is on the left-hand side that is white and highlighted in red. Then, in the future, the one on the right would come into play. We were just proposing that we put the sidewalk in when we build that second phase.

Chairman Elkins: Current state is there is no sidewalk there because there isn't even a building there.

Mr. Zeller: Correct.

Chairman Elkins: Staff's concern is that the LDO frowns upon sidewalks that end in the middle of a property.

Mr. Klein: Correct; we're trying to provide a convenient path to the entrance of each of those buildings, both from the north and south.

Comm. McGurren: My thought would be that almost no one is going to walk to the Parish Activity Center from beyond Mission Road. Everyone is going to drive onto the property, park somewhere, and walk down to the Parish Activity Center. For the potential multi-year period of time, it would be less safe to have a scenario where children could walk up to the street where there is no crosswalk as opposed to what they've been doing for decades and walking to the appropriate crosswalk to cross Mission Road.

Chairman Elkins: The question becomes whether the LDO requires the sidewalk to go to the perimeter.

Mr. Klein: There is a requirement of the LDO that it provide a direct path to each building entrance. It's hard to know if future phases will get built. It's possible the church may decide to stop at this point because it's functioning pretty well. We just don't want to be left in a situation that we don't have that pedestrian access.

Chairman Elkins: Thoughts?

Comm. Block: Could the alignment of the sidewalk be closer to the right so you're not having to remove so much of it?

Mr. Zeller: There are grade changes that don't show up on this. The drive slopes 12-13 degrees. It doesn't make it an ADA-accessible sidewalk.

Comm. Block: But it would be under the red scenario?

Mr. Zeller: Yes.

Chairman Elkins: I understand where staff is coming from, but I'm struggling because the purpose of the sidewalk is to provide a pedestrian walkway from the gym classes to the playground. That seems to be an imminently sensible approach. I guess I'm struggling with the LDO requirement that requires the pedestrian walkway to go all the way to the perimeter. What section is it in?

Mr. Klein: its Section 16-2-9.2(d) 4. It states, "Every building shall have a main entrance oriented toward the street side of the building connecting with the sidewalk. Additional entrances may be provided and oriented toward parking for other pedestrians." At this point, they have that pedestrian entrance on the southern corner. This would be the sidewalk that would connect to the street.

Chairman Elkins: To the south is Ranch Mart?

Mr. Zeller: That's correct.

Chairman Elkins: To the east is residential?

Mr. Klein: Yes, Leawood Estates.

Chairman Elkins: Well, we've got a challenge here.

Comm. McGurren: Just to clarify, in the final phase, will the green line require the kids who have walked across Mission Road at the crosswalk to come down past the church and cross over two lanes of traffic that are attempting to come into the school?

Mr. Zeller: They will have to. We could put a sidewalk farther north.

Comm. McGurren: You could put it on the south side of the church and run it across that portion of the property and come to the same entrance where your arrow is with a straight line going across and then subsequently just have a walkway that goes from the school property over to the playground that is separate from the one that has to go from the Mission Road property line.

Mr. Zeller: We talked with staff a lot about the kids walking between the church and the school building. We're trying to minimize the locations where that happens in the parking lot. A child would walk across and go straight. The green arrow is going to be the eventual entrance into the school, and the children would want to walk straight across

there. Today, we don't show a crosswalk or the ability to get a crosswalk in that area. We're hemmed in with the existing curb on the south side and the existing curb on the north and south sides and the parking layouts to get everything to work. The request of making that walkway from 7 feet to 9 feet is something we'll have to study to see if we can make it work. We'd have to make that island on the south side shorter and skinnier, I think. I don't know if we'll be able to achieve the full 9 feet, but we could put in some parking stops to keep cars from overhanging the sidewalk as well.

Comm. McGurren: So, it's perceived to be safer to have the kids crossing where people are attempting to turn in off Mission Road than to have them crossing from the church property to the next island where the parking is within the property?

Mr. Zeller: Yes, and staff helps direct during drop-off to make the conditions safe. They currently do that on the north side and would like to try to minimize how many places kids have to cross, as you can imagine. We're not disagreeing with the sidewalk connecting because we want to have the closest connection to the front door; it's just the red line doesn't seem to benefit a lot in the first phase than it does in the second phase.

Comm. McGurren: It's more a deterrent in my mind than it is a benefit.

Chairman Elkins: I guess I come back to where I started, Mr. Zeller. If you're going to have a sidewalk that goes all the way out to the end, the concern about public access to the playground doesn't seem compelling to me because you're ultimately going to have the same issue no matter what.

Mr. Zeller: That's true.

Chairman Elkins: Just to make sure I'm tracking with what the city is talking about, staff's recommendation is the combination of the red and white on the left-hand side.

Mr. Zeller: And that's what we had in the plan we submitted, but as we had more conversations with Cure, they asked that we request the elimination of the sidewalk on the north side for the first phase and put it in the second phase.

Chairman Elkins: All right; any other questions for Mr. Zeller? Thank you. Any other comments or discussion, particularly with respect to the sidewalk? If none, Commissioner Block?

Comm. Block: I have one thing on the Bollards. When 143<sup>rd</sup> was widened and improved east of Mission, there are permanent temporary bollards at the entrance of the school. It's not that it's unprecedented to use in the city, right? I think that's a solution that works for everyone and saves them some money. That's fine with me.

Chairman Elkins: Other comments? I know Commissioner Coleman has been scribbling. Does he have a motion?

Comm. Coleman: Did we ask if the applicant was okay with the stipulations?

Chairman Elkins: They said those were the only two they objected to.

Mr. Zeller: That's correct.

Comm. Coleman: The only stipulations were Nos. 10 and what else?

Ms. Schuller: The crosswalk was actually not a stipulation; it was just part of their plan. No. 10 is the only one they objected.

Mr. Zeller: We just need to study it. I think as we get all the turning movements that happen around the south side, it fits with the 7' crosswalk, and to go to a 9' crosswalk means we'll have to take the 2 feet out of somewhere in the parking lot. We have a fixed area in the north and south. The only parking island we have is one on the south side. We could do a couple different things. We could try to maximize that and make it 8 feet and take 1 foot out of this. We could put parking stops to keep cars from overhanging. I think the concern is to have cars overhang the crosswalk and not allow adequate width for the crosswalk.

Mr. Coleman: Maybe just shift the drive down 2 feet.

Chairman Elkins: You have a plan before us that addresses this, right?

Mr. Zeller: Our Site Plan shows a 7' crosswalk, and No. 9 asks for it to go from a 7' crosswalk to a 9' crosswalk. Our plan shows a 7' crosswalk. It was to allow the cars on the north and south sides to overhang the parking space 2 feet.

Mr. Coleman: Can't you just shift the south drive 2 feet south?

Mr. Zeller: We're not rebuilding the south drive at this point.

Mr. Coleman: I thought you were building a new approach.

Mr. Zeller: No, we're turning that radius, and that's where the entrance plaza is going to be. I think we could put parking stops because it's really no different than cars parking head-to-head. They're not overlapping the parking spaces, so I think we could put wheel stops along both parking spaces where that crosswalk is so cars don't overhang, and it keeps a 5' wide sidewalk. We'll maximize it as much as we can; I just don't know.

Comm. Coleman: Going back to that one, can we keep No. 9 in?

Chairman Elkins: It sounded to me like we keep it in.

**A motion to recommend approval of CASE 102-19 – CURÉ OF ARS CATHOLIC CHURCH AND SCHOOL – Request for approval of a Rezoning to R-1 (Planned**

**Single Family Low Density Residential), Special Use Permit for a Place of Worship and Elementary School, Preliminary Plan, Preliminary Plat, Final Plan, and Final Plat, located east of Mission Road and north of 95th Street – with the revision to Stipulation No. 10 to state, “Prior to Governing Body consideration, the applicant shall work with staff to create a mutual north access point exit from the property onto Mission Road” and to include Exhibit A from the city engineer – was made by Coleman; seconded by McGurren. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

Mr. Zeller: You didn't mention the sidewalk.

Chairman Elkins: The plan had the sidewalk going all the way through, so that's what we're committed to.

CASE 120-19 – RANCH MART NORTH SHOPPING CENTER – REDEVELOPMENT – Request for approval of a Revised Final Plan, located north of 95th Street and east of Mission Road.

**Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 120-19 – Ranch Mart North Shopping Center Redevelopment – Request for approval of a Revised Final Plan. A Final Plan for Ranch Mart North was previously approved by the Governing Body on April 15<sup>th</sup> of this year. That plan approved updates to the facades of the main center of the development, proposed a new office and retail building located at the northeast corner of the site, and proposed a modified parking lot with lighting and landscaping. The application before you tonight proposes revisions to the building elevations of the main retail center as well as the new office and retail building, revisions to the Landscape Plan, to the parking lot east of the bank, and changes to the interior plaza space. Some other design elements of the project have been limited across the site as well. I'd like to use the screen to point out some of the project changes (*refers to monitor*). This is the third revision to elevations that the applicant has made to this project. The previously approved Final Plan was significantly altered from the Preliminary Plan by retaining a lot more of the existing brick on the buildings. Staff also finds this application to be significantly altered from the latest approval before you. The applicant proposes to lower the parapet walls across the main retail center anywhere from 2-4 feet, depending on the location. The applicant stated this was done for structural purposes; however, staff does feel that this alters the look and feel of the center by reducing the scale of the buildings and aligning them much more closely with the low-profile ranch-style buildings that currently exist. The applicant has also altered a number of the materials from the previous approval. Most significant is the removal of natural stone panels, which are now being substituted for manufactured stone. You may recall that staff is in the process of amending the LDO to prohibit the use of manufactured stone. This amendment was recommended by the Planning Commission on October 22<sup>nd</sup>, following a work session we also had on the subject. That amendment will proceed to the Governing Body for consideration this January. As you can see from the

image, the top image is a stone panel with a sleek, modern appeal. The image on the bottom shows the manufactured stone they are proposing. The side view shows the aggregate that the manufactured stone is made of. Some of staff's concerns include how visible that would be if the panel were broken. Additionally, that manufactured stone has a tendency to fade over time. The city has also seen instances when manufactured stone has failed and fallen off the building. Staff is not supportive of the use of manufactured stone, which is addressed in Stipulation No. 13. We are asking for the applicant to provide revised plans, replacing the manufactured stone they are proposing. Other changes to the elevations include elimination of some of the zinc metal panels. These are now being replaced with stucco or tile in various locations. Some of the design elements have been reduced. Perforated metal screens have been replaced with windows. Staff thought this was originally a cool and unique design element that is not seen elsewhere, and some elements such as this have been removed from the project. The applicant was originally proposing glazed brick in a grey scale with a bit of shine to it to give it a more modern feel. That has been removed completely, and the applicant is now proposing clay-fired brick in more of the traditional colors that are in Ranch Mart today. Staff feels this will change the character of the center from what you originally saw, removing some of those modern elements. The applicant is now proposing to retain a larger amount of the existing brick on the buildings as well. Most notably is the Price Chopper location, where previously, this was all being replaced with the modern metal panels. Now, the existing brick will remain, and the main entrance to the store is changing.

The character of the office and retail building they are newly constructing has changed as well. Notably, the first photo faces the interior of the plaza, where they had a two-story balcony. Staff was excited about that and thought it would really help activate the plaza space and create interest there. They have removed the second-story balcony and have proposed a row of windows on the top floor. On the north side of the building that faces the residential area, they had retail space proposed with a row of windows on the first floor. The applicant has stated that the retail is no longer going to be there, but that area will become the restaurant space. They have removed the row of windows on the bottom, which made the building much dressier from that side. We think it looked a bit nicer than the new proposal. They are proposing trellises to add some greenery and life back to that. They have lowered the height of the tower element on that side of the building as well. Originally, they proposed patterned glass with a tree motif. That was proposed to face the plaza area as well. That has also been removed.

Regarding changes in the site itself, due to shifting in tenant spaces, the applicant has changed the location of the southern cut-through to the plaza space. Previously, this was more aligned with the drive aisle and was visibly upon entering Ranch Mart. That has now shifted to the east, so it will be adjacent to the restaurant that is on the corner. Originally, this was a bit wider and had landscaping that drew the eye back to the plaza area; now, the applicant is proposing that some of that space be taken as patio seating for the restaurant tenant. At-grade lighting was proposed around the artwork that is in-grade. That design element has been removed. They originally proposed bollards to limit access to the plaza space. They have now removed the bollards and stated that they need to have access for trucks to enter for the restaurants and maintenance. They've made some slight modifications to the planter boxes that surrounded the restaurant space. It was one solid planter box before, and now it will be broken up with bench seating place there. They

originally proposed an interesting elliptical pavement pattern in the plaza area. The applicant stated that creating the pattern is not feasible; however, staff found it to add visual interest to the plaza space, so we would like to see some pattern created there. For instance, in front of the Hallmark location at the other end of the center, the applicant is proposing a circular pattern in the pavement. We would like to see that perhaps brought back here. There was also an interior kiosk, and they have removed that from this plan and added green space. Staff is stipulating in No. 15 that the applicant provide a pavement pattern within the interior courtyard to keep it a little more closely aligned to what was previously approved.

The applicant has also proposed changes to the site at the NBKC bank, which is on the eastern portion of the site. The existing bank does not have the amount of green space required by the LDO. The previous application on the left actually added a lot of green space to this site and reduced the nonconformity by adding green space and providing 7' sidewalks that wrapped around the building and provided access to the front door. Bumping out the green space actually reduced the overly wide drive width of about 45 feet down to the standard 24 feet, which is listed in the ordinance. The applicant no longer intends to meet the changes, which is increasing the nonconformity on the site from what was previously approved. The island in the southeast corner is no longer wide enough to support a tree. The LDO requires at least 8 feet in width. We have two stipulations to address the area. No. 11 states that the plan shall not increase the nonconformity of the drive lane widths across the site from the Final Plan approved with Ordinance 5173 in Case 04-19. No 12 asks that the applicant replace the green space previously shown in the area.

The applicant has also added a number of flumes to the site parking lot to help channel the flow of stormwater runoff. Two of these flumes are currently existing. One is just east of McDonalds, and one is south of the bank. Staff is not supportive of the use of flumes in general. They collect debris and bisect some of the landscaped areas. They have the ability to ice over during the winter and are just generally a tripping hazard. Staff would like to see the site graded in a manner to eliminate their use, with the exception of the flume located south of the bank. This has an existing steel grate over it, so staff would exclude that from the requirement. Stipulation No. 14 addresses this by stating that the use of parking lot flumes shall be limited to the southeast corner of the NBKC Bank only.

A 3' tall screen wall is proposed to border the parking areas along 95<sup>th</sup> Street and Mission Road. The applicant previously proposed to construct this wall with stacked limestone. The applicant is proposing to change the material of the wall to a patterned concrete. Staff is not supportive of this change but would like to see the natural stone used. This is addressed in Stipulation No. 17.

Changes were also made to the Landscape Plan. The applicant retained the previously approved number of trees; however, they are proposing to change the quantity and spacing of some of the shrubs, perennials, and ornamental grasses on the site. Most notably, the applicant is proposing to increase the spacing of the ornamental grasses and also reduce their size from #1 container sizes down to plugs. We have included a graphic to demonstrate what those sizes would look like. Staff is concerned that planting these grasses 24 inches apart at the size of a plug would not be visually appealing and would not have the same impact as what was originally intended to create, at least not at the time of planting. The LDO also requires that landscape beds maintain 60% living

material, so staff is concerned that it would not meet that requirement. We have included Stipulation No. 18 to ask the applicant to change the size of those grasses back to #1 containers, which is what was approved previously. Stipulation No. 19 was addressed by the applicant prior to this meeting. You have revised landscape sheets in front of you on the dais. They reflect the McDonald's updated site landscaping that was previously not reflected on the overall Landscape Plan.

In general, staff feels that the applicant has reduced the overall quality of the materials within the development from what was previously approved with Case 04-19 and also some of the unique flair with some of the design elements that made this redevelopment project distinctive. Again, we see reductions to the landscaping, to the quality of the building materials, and to some of the design elements within that plaza area, which really made the Ranch Mart project a cool, unique thing. Staff would like to recommend that the Planning Commission continue this case to the January 28<sup>th</sup> Planning Commission meeting. We would like some more time to work through some of these changes with the applicant and maybe find a bit more middle ground on some of the things we would like to see and some of the changes they would like to make.

Chairman Elkins: Thank you. Questions for Ms. Schuller? I have a basic question. What is a flume?

Mr. Coleman: It's a gutter.

Ms. Schuller: It's kind of a cutout so water can flow through an island.

Chairman Elkins: Other questions? If not, Mr. Peterson, welcome to the commission.

**Applicant Presentation:**

Curt Peterson appeared before the Planning Commission and made the following presentation:

Mr. Peterson: This is a hard project. I know you realize that with redevelopment. I know that of all the projects I have had the opportunity to work on around the area, the project I get asked about the most is this one. We know this is important, and there is a large investment of man hours behind the scenes. Right at the outset, we recognize that staff asked if we could be continued to the end of January. Nothing would be more devastating to the owner, the team, and the neighborhood to have another delay. While staff said a lot, of the 45 staff stipulations, we're only going to break down five of them. With that, I want to give another brief overview remark before getting into the details. This is redevelopment, and it's very hard. What happened since spring when we had our Final Plan approved by City Council, we had three main drivers that led to changes. First was normal tweaking during the process. Another example is feasibility of design when dealing with an actual plan, including the courtyard. Lastly was durability of materials because there is maybe nothing more important to the ownership group of this center. There have been many conversations about how it has fared in terms of weather. They have no intention to not own this property for a long time into the future. You'll hear us go back to this issue of durability and the contractor input. We also had changes that were

direct outgrowths of redevelopment. To give an example is height. From an architecture and engineering standpoint, when dealing with a building that is this old, we find that we are limited in what we can do. Finally, changes have been initiated by tenants. We have engaged tenants along the way. An example would be the shift to the east of the southern access to the courtyard. We think the courtyard is of paramount importance, and that is how we can access it. Another example would be the Price Chopper façade. We have an anchor tenant, and everyone wants the grocery anchor. We're thankful for them, and this is how they ultimately want it to look. Chris will walk us through what staff did with a little different flavor. I'll come back up then and cover the five stipulations we want to discuss, and then we'll be available for questions.

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

Mr. Haefner: *(refers to plan display throughout)* Thank you for your time. I'm going to walk you through the plan and give you some highlights about what we were tasked with and what we tried to do based on some of the revisions that have come forward. The main point is the access points stayed the same. The throat depths that we collaborated so much on stayed the same. All of the big-picture items stayed the same. What you see here is an understanding of where green space was removed and where it was added. At the end of the day, based on this plan, we added about 253 square feet of green space to the originally approved plan. We felt great about that and felt great that we were able to keep and maintain those access points from a Site Plan standpoint. You're really getting the same product that was previously approved.

Curt pointed out that the mixed-use building stays. We're excited about the tenant mix that we're working with right now. Instead of taking a portion of the space for two restaurants, we need the whole space for them. It's exciting. They want to activate and use the south and west sides of that pedestrian plaza and open it up. The other portion you see here with the shift in the pedestrian pathway from the south drive along the front of Price Chopper is that access point now works in conjunction with our anchor tenant of that old Seasonal Concepts building. Instead, now the access point is moved over and creates opportunities for glass and other areas that we didn't have before with some of the existing tenant mix. The spacing of that pedestrian plaza is based on where existing tenant walls are. We couldn't encroach any farther either direction based on those limits, but we were able to create that pedestrian pathway we're excited about. Again, removal of the kiosk happened, and it was tenant driven, as Curt mentioned. When we got further into negotiations, that space wasn't wanted anymore. We've taken it out and replaced it with green space. I will point out that we had an elliptical pattern, and apparently it is very hard to construct at that scale. At Hallmark, we're doing circles around the fountain and around other features at that entrances. Those lines represent the access change between the mixed-use building and the existing building. Everything is slightly askew, but it all ties back into our building orientation and provides a little more continuity between the two. The ellipse stayed within the pedestrian plaza and didn't really encroach. We feel that this linear pattern really draws people back into that space a bit more. We had bollards between the new mixed-use building and where our new

restaurant is going. All that traffic is moving north-south, so we started to review that a bit more and decide if we needed bollards. We don't think that's the case. We definitely have them on the front as vehicles come in off 95<sup>th</sup>. We have worked with KCP&L to bury power lines not only along 95<sup>th</sup> and Mission but also behind the building. They said that we can't have bollards because they need free access to the transformers. We have grease interceptors for the restaurants. The truck still needs to be able to access those. As we thought more about it and worked with those companies, we removed the bollards.

Staff asked for us to do side-by-side elevations, and I'll explain the driving factor for the change. In our opinion, it really maintains the character of the modern building. We were tasked with looking at the existing conditions of the wall. Our main intention was to keep the brick wall in place where all of the tenant access points were. The tenant features happen at the pedestrian level, behind this canopy. Then, we worked with the height of the parapet. Previously, we had it as a canopy 2-4 feet taller. We reduced the height, which allowed much less stress on the kickbacks on the existing parapet. We have a structural system and a structural line in front of this. All of that shake roof goes away, but we still create that continuous pathway that keeps customers protected as they walk around the center. This is simply a reaction to how we have to build this, cleaning up the structural lines a bit and reducing some of the redundancy in columns that we had throughout the project in creating some depth, still with opportunities. We don't feel like this has changed the flavor or the intention of the west elevation from the top to the bottom. It still reads as a modern project and an exciting redevelopment that we're happy to present today. The spacing, cadence, and landscaping from a vertical standpoint have all remained throughout the project. We're excited about the shift to be able to get a bit more pedestrian activity right at the corner of the restaurant that we're proposing.

We talked about the detailing of Price Chopper, working very closely with the tenant not only on the look of this building but also maintaining really good masonry that's in place and trying to celebrate that a bit more than putting panels over it that took away some of that character. We're trying to blend not only the character of Ranch Mart but a new modern take on it and not just completely abandon what we have here and what we've had for 60 years of people enjoying this shopping center. It was really a marriage of those elements to try to come up with something that still matched the aesthetic and intent we showed you originally and working with tenant feedback.

We touched on the mixed-use building. The restaurant at the far east end has aesthetics that work great and provide a modern access point throughout the project. On the east end, we still keep the pedestrian connectivity from our parking lot through that and to the pedestrian plaza. We have tried to maintain that aesthetic throughout all of this.

This all leads up to landscape changes. We got a contractor involved. We interviewed three reputable landscape contractors and did due diligence on their work. What we provided back was really a reaction to contractor commentary on what they could grow locally, what's going to be successful, the spacing that works the best for this sort of vegetation in this. It's important for us to point out that we didn't change the character of this; it was simply a reaction to how to make it work in this climate with the materials we wanted to provide. All this is moving forward. We're working closely with KCP&L. They've been engaged. Work is starting on their part to do all the underground work for these lines. We have a demo permit in place. There's a short time frame for the northeast corner of the property where the mixed-use building will go. We also have

permit-level plans for some of the storm sewer work and things we found throughout the site that needed attention. We haven't been working for months just on this refinement; there have been a number of other activities going on to try to keep this project moving forward. With that, I'm happy to answer any questions about the overall design. We can get into the stipulations that we'd like to talk about this evening.

Chairman Elkins: Are there questions, or would you prefer Mr. Peterson to go through and ask question afterward? Mr. Peterson, go ahead.

Mr. Peterson: As I said, what will come on the screen is a very short summary for your reference of the five stipulations we'd like to talk about. We are fine with the other 40 stipulations that staff has proposed. With respect to those on the screen, the first is No. 13. It states, "The applicant shall provide a revised plan replacing all manufactured stone with natural stone." First, stone is used on the buildings as an accent material. It's approximately 9.5% of the material on the overall building. We brought in material boards. I wasn't present, but I read about the work session on the idea of manufactured stone and whether it has a place in the city in commercial applications. I studied and worked with the architectural team because this is an important point for the team to understand and not just come in here and act arrogant and say that we know you just passed this and City Council will consider it in January. It seems that while there are some bad applications of manufactured stone. To sum up what was wrong, there were bad applications of sub-par material that wasn't integrally colored so when it broke away, it showed aggregate. I can't underscore more that there is bad application that occurs. I say all that for a context point. What we'd like for you to consider is a material that is integrally colored and meets the ASTM standards for this, both in terms of material and application. It is very rigorous. We are asking to use a material on less than 10% of the building that we think is truly superior in terms of durability. Frankly, we think you'll see it is aesthetically pleasing. I know there is a warranty for approximately 50 years. This is a top-of-the-line product in the industry. It is not what you've seen around town that has been improperly installed. Lastly, we're asking for deletion of Stipulation No. 13 because we think it would be a good move, given a great product with proper installation. This is more of a technical point, but it does comply with the LDO right now. We are a pending project, and we haven't gone to City Council yet. I don't like to end with that because it's a technical point, and the main point is that we want to use this product, and we hope you see why

Mr. Haefner: In the architectural community, we have found that the dry-stacked stone that might have a painted finish to it may get chipped and break. It is a layer of paint that makes that difference. I think it's important to note that this is a thick panel, intricately colored, and is much different than what you would see in that dry-stack look. I would also point out that real stone has the same application problems as applied stone. It all comes down to meeting ASTM standards and ensuring that it's put on the right way. That's our point: not to go against what you approved, but we agree that a painted stone isn't the right answer for any city, especially Leawood. It's about the application, and that's where we commit to making sure this material and anything else we put on the building is put on to stand the test of time.

Mr. Peterson: Stipulation No. 14 is the second we'd like to discuss. "The use of parking lot flumes shall be limited to the southeast corner of the bank only." As you saw, staff put up the exhibit that shows passageways for water (flumes). There are five instances of that on the Site Plan. Two exist: the farthest west and farthest east. Effectively, we are talking about the four to the west. In a perfect world, if we were building a new shopping center, we could just grade it as staff pointed out. It's a bigger deal. We're either putting in boxes, culverts, and new stormwater inlets at these locations to take the water, or we're doing significant grading that we don't have in the budget and have never planned. I don't say that to give you a bad solution or answer. The solution is having a couple flumes in the redeveloped shopping center is not a big deal; it's very common. We're going to put a couple images up from a great redevelopment success story that also happens to be in Leawood: Camelot Court. Flumes are all over the place. It's a totally normal application in a redevelopment. To keep it in context, we're talking about adding three additional spots based on what is there now. A technical point of this is that these were always part of our plans. We didn't do a good enough job of calling it out, but we never planned to put in new box culverts or do a massive regrading of Ranch Mart. We would request you to remove Stipulation No. 14 so we can have these additional flumes.

The third stipulation we would like to discuss is No. 15: "The applicant shall provide a paving pattern within the interior courtyard." Instead of just asking you to delete it, we ask to clarify/delete. We believe the pattern that is proposed now instead of what the contractor told us was crazy. You can see an image of the irregular scoring to provide interest. In fact, it ties into the southern eastern entrances and the decorative scored linear artwork in the pavement. This is just an extension of that. To me, it makes total sense. Staff pointed out another instance in the shopping center with architecturally interesting pavement in front of Hallmark. That is in a circular shape. It's a good point, but there are several important distinctions to make and why we would like to get your support not to get away from having a paving pattern but making sure that the pattern will be linear with irregular scoring. The reason it's not the right move to support staff's question or probe about moving the Hallmark-style circular pattern really looks at the fact that the scale is entirely different. The courtyard area is huge, and the Hallmark area is small. It's a poured feature, and we're just not going to be able to pull it off. Plus, it will create durability issues with maintenance, partly because it's a purely pedestrian feature at Hallmark, and it's an occasional utility vehicle or more often grease trucks. We think it's a much better move to stick with the linear pattern and use that feature rather than try to import the circular pattern from Hallmark.

The fourth is No. 17: "The applicant shall provide revised plans showing a 3' screen wall surrounding the parking fields, constructed of natural stone. In this instance, our plans are showing a poured wall (*shows examples*). I think these are compelling. It is not cheap, and it's certainly not second best from an aesthetic standpoint. We have significant landscaping and berming. We're not trying to hide it because I think it will look very good with those forms, but we also have significant landscaping. I call that a context point. Let's get to a functional point of why we think it's a superior application as compared to stacked-stone. One is the amount of salt and deterioration that will happen because of the salt. Frankly, large mowers will be right up against the wall, and we will not have the same 30-40-year durability. I know there are certain neighborhoods in other

places around Leawood that many of us know well that do have stacked stone, and it looks nice. That's a different application. There is one that shows the sheeting. It is not incredibly durable. We have a high-end concrete product. We think that's the long-term solution for Ranch Mart.

Mr. Haefner: What you're seeing here is us lessening the effect of that wall along 95<sup>th</sup> and Mission. Not only is that 3' wall in, but we then created landscape berms that creep up and undulate up and down those walls. That really hasn't changed from the original submission. I appreciate screen walls, and I understand their purpose, but sometimes, they're pretty stark. Our client gave us the opportunity to soften those walls not only on the street side but also on the vehicle side. If you remember, we brought that sidewalk on Mission inward and dropped it low to keep it away from that traffic, especially for the Cure traffic. Its finished concrete, and we're trying to show that we're still maintaining that aesthetic, but we're also trying to provide the durability. It would be a shame to use all these natural stones when we have a lot of earth up on them to grade them even faster with salt as well.

Mr. Peterson: As a closing technical point on this, this is not asking for a deviation or variance; this is allowed under the LDO. The final stipulation we would ask you to consider is No. 18: "The applicant shall revise the size of the natural ornamental grasses from plugs to a #1 container size." Staff showed you the picture of the difference between the two. I know we've said this several times, but this is directly from the landscape contractor and not just the designer or architect. Whether it's local sourcing and making sure they can get enough health product and put it in, in the spring to wondering why a project such as this with scarce resources would have them so close together. I'm talking about the ornamental grasses. We are putting in 6,837 ornamental grasses. This will not look bad. It will take a season to grow in, but it grows in. You can't get rid of this stuff. This is just a practical point. It will look really good. I'll also point out that the LDO allows this. We have plant material all over the place. With that, before we open ourselves to questions, I'll end somewhat how I started. The idea of a delay when we're teed up for demolition and permit submission will slow us down. Please consider the requests for these five stipulation deletions/clarifications. I'd be happy to answer any questions.

Chairman Elkins: Thank you. Before we ask questions of the applicant, I have a question for staff. As I understood, the staff's recommendation is denial. If we should choose to go forward, staff's backup is these stipulations; correct?

Mr. Klein: Correct. The way the application is currently proposed, staff can't support it. Our recommendation is denial. We have stipulations in case the Planning Commission were to approve. Really, we would like to see an opportunity to work with the applicant to try to find some resolution to this.

Chairman Elkins: The major reasons for that failure to support have to do more with the configuration of the plan generally; is that correct?

Mr. Klein: A lot of it has to do with loss of what we feel to be quality of materials, landscaping, and lushness. Some of it does refer back to the LDO. They talked about the east side of the bank with open space. When they did that, they took a very wide drive aisle and corrected the situation. The LDO requires 24 feet for two-way traffic. This one removes the green area, and now it is back to 45 feet in width, which doesn't meet the LDO.

Mr. Peterson: We've agreed to that stipulation.

Chairman Elkins: I'll ask my question a little differently. There's a 16% reduction in square footage of the two-story mixed-use building and some other fundamental changes to the size of the development. You didn't mention any of those things when you just described your objections. Is it correct that staff is fine with those changes?

Mr. Klein: Staff is willing to work with the applicant. We understand that changes occur based on engineering and tenants. Staff's bigger concern is the fact that it seems like the richness of the project, including landscaping materials, details, and amenities, has all been reduced.

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

Comm. Block: I guess I'm confused. I thought the process should be that you submit a Preliminary Plan, do all the stuff you're asking for tonight, and then go to Final Plan. It seems like you've done that and then gone out and did homework and found out it didn't work, leading to redoing the whole thing. Did I miss something?

Mr. Peterson: There is rarely a time on a massive project like this that we don't run into issues like this. Sometimes, it can be administratively approved; other cities require a revised plan. This isn't that unusual in redevelopment. It didn't surprise me at all. You wouldn't have seen this often in Leawood.

Comm. Block: You've been on this project the whole time, so I assume you looked at the structures to see what could be supported and said it made sense. Now, something has changed, and now it doesn't work because of what?

Mr. Haefner: We didn't have a structural engineer previously. We have one now that brought a lot of helpful insight into how we would build all of these buildings. The other important factor is we didn't have our general contractor in place, which is normal. We came to a point where we were able to go out and do selective demo to understand some of what was underneath everything so we could understand the best way to present a high-quality project.

Comm. Block: What about with the landscape architect? Did you engage a local one, or was it someone from another state?

Mr. Haefner: They are local with national offices.

Comm. Block: How did their plan differ from the execution by the contractor? Wouldn't they know about species' growth?

Mr. Haefner: A lot of this work included a great deal of owner interaction. Just like architects, landscape architects might not know what the contractor has available and what grows specific to what that particular contractor has available. They were able to come back and provide these suggestions. Again, it still meets every ordinance on landscaping, but we're able to get it to a point where they felt it had the best success rate.

Comm. Block: I'm not sure if I understand what you're saying about being available. Is the larger size not available? That phase of the project is way down the road. They should be able to grow or source what they need. It seems like a cost issue, not a sourcing issue.

Mr. Haefner: There was part of that and also spacing. We set them up on a 24" triangular grid instead of the 18" grid to help it grow and mature. These grasses will take off, and if we have too many, they'll choke each other out and lead to fewer than we started with.

Comm. Block: Mr. Peterson, you referenced Cosentino's preferred the brick.

Mr. Peterson: My understanding is that Cosentino's decided that the metal panel look for the whole frontage does not meet the image for the brand for their price point and who they are. We went back to brick.

Comm. Block: It just seems odd that someone wouldn't have gone to them before this stage.

Mr. Peterson: The discussion was ongoing.

Comm. Block: Is the 3' wall around the perimeter with the scaled-back landscaping or with the original plan?

Mr. Peterson: The scaled-back landscaping.

Comm. Block: I don't recall when we considered the change to the ordinance regarding stone that there was any testimony by anyone from the public.

Mr. Peterson: We usually keep track of these things but didn't know anything about it. We try to be involved but were not aware. We work with Olathe and Overland Park on that and apologize if it was our miss.

Comm. Stevens: This may be back to staff's development of the stipulations. In staff's presentation of changes and feeling of loss in character and scale, some of those items aren't stipulations, such as the building height and removal of bollards. Does that fall into your comment of general character changes?

Mr. Klein: That's part of the recommendation for denial. It's difficult to call out every decorative screen and every bollard. With regard to landscaping, staff has a concern with regard to the LDO. Landscape beds have to be 60 living material. Our parks superintendent is very much involved in these matters, and he didn't understand why they're going down to plugs. It really can look like just a few sprigs in the sod, and they're proposing 24 inches between each one. We have to sign off on the projects before a Certificate of Occupancy is granted. If it isn't at least 60% of living material in those islands, we can't sign off on it. That's not a position we want to be in because we like the project and want it to succeed. We thought the previous one had a lot of great elements; it's just that we were a little surprised when this came through. That's why we're asking for a continuance so we could have time to look at these.

Mr. Coleman: I was looking at the fly-through, and the difference between that proposal and what was sold to us and this was significant. With regard to manufactured stone, we had the sessions because staff can't vet every manufacturer. Some are better than others, and that is one of the reasons we didn't want to have manufactured stone on the facades of commercial buildings. One manufacturer might be good; one might not be so good, regardless of ASTM, which is usually a minimum requirement. In my experience, when I came to Leawood, one of the first time I went out to look, manufactured stone came off in my hand. That was one of the things. The other thing is we notice in the official newspaper the LDO changes regarding that. The main point is we can't vet every manufacturer. You might get one building that's perfectly fine and another that is not. Leawood has always upheld high standards as far as buildings. That goes back to cast-in-place concrete forms with stone look. On the south side is real stacked stone. That's where we're coming from.

Comm. McGurren: If we vote for denial or if the applicant chooses to continue until January, do you believe there is a sufficient time period that enables movement back toward what was originally approved seven months ago or a transition to something between that becomes acceptable?

Mr. Klein: There is sufficient time to do that. Again, we've been talking with the applicant. They came to us and said they had changes as a result of tenant mix. We thought we could support it. When the application came through is when we realized so many other things were changing. We tried to let them know our concerns. If we had known about the flumes, manufactured stone, and reduction of landscaping, we would have said it at that point. Again, we want this to succeed. When they came previously, it looked nice with a lot of detail. They obviously put a lot of thought into it and did a lot of hard work. We were a little surprised that it seemed like it was stepping back.

Comm. McGurren: What has been accomplished on site in the last seven months?

Mr. Peterson: We're mainly on pause because we're trying to work through this process. If it was easy and we could do what we had approved in April, we would have done it by now. We haven't mobilized; it's all working toward mobilizing, demo in January.

Comm. McGurren: Didn't you have final approval in April?

Mr. Peterson: We have to do construction drawings and permits. The problem is we figure out our contractor, and they start bringing up the concerns. This is really hard. While we hope there is a majority of you who could find a way to support the stipulation revisions and deletions and recommend this to City Council, I would ask that no matter what, we have to find a way to move forward. Having a discussion for 60 days and letting the project sit until January will do nobody any good. As staff said, it's not like this was a surprise. We've talked with them for weeks. I just don't think there will be a lot of changes. I keep hearing staff talking about quality of the project. I personally think that's an exaggeration. When you look at the side-by-side perspectives, you get an entirely different view. I know many on this project team did a huge redevelopment ten years ago and had some of the exact same situations. This team knows how to create a Leawood-quality redeveloped shopping center. If we had come forward with everything we came forward with tonight and had perfect knowledge back in April, it is my personal opinion that it would have been approved with some stipulations to talk about. It's unfortunate that we came forward with something we couldn't do

Comm. McGurren: It seems very odd. Why would you bring forward exactly what you wanted to get approved and get it approved and then have it not be feasible?

Mr. Peterson: I feel like it's repetitive. We didn't have all the contractors on board or a structural engineer.

Comm. McGurren: You just stated in the Corinth example that you learned some of the same things, and yet, they're coming up again.

Mr. Peterson: All I can tell you is this is redevelopment. This is the way it works.

Comm. Coleman: I have a question for staff. You're recommending denial but are also recommending a continuance. What is your preference?

Mr. Coleman: We'd prefer a continuance to work with them and work out a compromise. I've been working on this as long as anybody – nearly a decade - and we want to see it happen. We've seen many iterations, and we don't see that 60 more days will make a huge difference when this has been in process for more than six years.

Comm. Coleman: We're commenting and asking questions. I can't recall another project where we have given final approval and have so many changes coming in. My gut was thinking bait and switch when I was looking at this over the weekend. I'm not saying that's what your intent was, but to me, this is not what we agreed to and not what we passed. I remember in the spring, everybody was happy and thought it was a great project. I agree that we are stepping back a bit. The project that we all supported and thought was great for Leawood is different. I get a little sick in my stomach looking at everything that is changing. I'm not on board, even with the stipulations. I think we're

rushing this through. We've had many months since final approval to get to this point. I'm surprised that we're at this point right now.

Comm. Peterson: I do share Mr. Coleman's feelings. I was shocked reading through this because there are so many little changes from what we already approved. I honestly don't see anything to persuade me that, just by dropping five stipulations, would be acceptable.

Mr. Peterson: We have tenant obligations. I keep mentioning the weeks from now that we need to start. We have contractual obligations. If the majority sentiment was the same as Mr. Coleman's, we would respectfully ask that you recommend denial and move this to City Council because this project needs to die or live. We really have to move forward. If it's going to die at City Council, it dies, but we need to keep moving.

Chairman Elkins: Other questions? I have a few. With respect to the mixed-use building, there is a reduction of almost 3,000 square feet in that building. What were the circumstances that led to the reduction in the usable space in that building?

Mr. Haefner: We cleaned up some of the lines. We got a little more room for the plaza, based on some of these restaurant uses that needed more patio space. That square footage sounds misleading, but when is taken off one floor, the second has it as well. These are total square footages we're looking at. It goes back to tenant feedback with these two restaurants and where they saw the value in those spaces. Some of the space dealt with stairs, bathrooms, and other design features. It is all based on how we interacted with the tenants.

Chairman Elkins: It looks like it's more than 10% reduction. The height was reduced by 3 ½ feet. Was that due to structural constraints or some of the other buckets like tenant demands and aesthetics?

Mr. Haefner: More so just the height between floors with some of the uses with the restaurant not being needed. We're talking with an office user that would probably take the entire upper floor, which is why they didn't need some of those balcony spaces. We've reacted to all of that. We're still screening. The stair tower didn't need to go to the roof, so it came down. The structural system changed, and everything dropped.

Chairman Elkins: What about the business with the balcony? It was a really interesting attribute. Why did we lose it?

Mr. Haefner: It was an interesting attribute. We still have the canopy. We still have the look and feel of that patio space on the west side of the restaurant use. It was never going to be a public space because we've got an office tenant that's going to take the entire floor, and nobody is using that space that way. We do still have space on the south façade that reacts, but along the west edge is a canopy because it's just not needed.

Chairman Elkins: With respect to the question of manufactured stone, one of you mentioned a 50-year warranty and superior durability. This particular manufacturer is a

company called El Dorado. How long have they been manufacturing this example of manufactured stone?

Mr. Haefner: I believe 2015 is when they started it as a reaction to people wanting a bit more modern line of stone products. They do a lot of integrally colored stacked stone, and this is a more modern use.

Chairman Elkins: Other than the aesthetic, has this manufacturing process changed? How long have they been using that process?

Mr. Haefner: Let me see if I can find it in my notes.

Chairman Elkins: Let me get to my point here. It's a fine thing to have a 50-year warranty. I'm curious as to whether there is an example of El Dorado stone that has been in place for 50 years.

Mr. Haefner: There's not. It hasn't been around for 50 years. I would say early 2000 is when we started seeing this look coming forward. They have a 50-year limited warranty, and our point to that is that it's not necessarily a material issue. We agree with Planning Commission: if it's integrally colored, it's an application challenge to meet the ASTM standards. It comes down to having a good contractor and good special inspections to make sure it's all in accordance with what we're requiring.

Chairman Elkins: I'm going to get to the application soon, but with respect to the manufacturing process, have you seen examples that go back even 20 years of this product being applied and how it has weathered? You claim greater durability than the natural stone. Do we have examples of that?

Mr. Haefner: We have used a lot of other products when clients want the limestone look but don't want the degradation of that limestone with salt applications and things like that.

Chairman Elkins: I understand that's what the manufacturer is telling its clientele; I'm just curious if there are proof points.

Mr. Haefner: I would say our development at KU Med that we did 8-9 years ago.

Chairman Elkins: Still looking at 20% of the warranty. You make the point on application that one of the issues related to the ordinance suggested that many times, the issue with manufactured stone has to do with application and not manufacturing. Apparently, you've got contractors to install this. What kind of warranty are they giving?

Mr. Haefner: One-year installation warranty. He's going to make sure it is maintained and keep a client for life.

Chairman Elkins: Again, we're talking about the 50-year warranty. What's really important is the application and the contractual commitment. With respect to the 3' wall, you're proposing to move from natural stone to concrete?

Mr. Haefner: It was a little ambiguous on the original plan. It just said, "stone." We're trying to go to something to be durable. We feel this is the right application for that.

Chairman Elkins: Perhaps I misspoke. Instead of changing from natural stone to concrete, you're proposing concrete.

Mr. Haefner: Correct.

Chairman Elkins: As I recall, there's a retaining wall on the Ranch Mart development in Overland Park on the south side of 95<sup>th</sup> Street. What's that wall made of?

Mr. Haefner: It's concrete with a brick face. Again, that's acting as more of a retaining wall. If you think about how high Starbucks is, the wall is acting as a retaining wall at that point. We're doing a screen wall.

Chairman Elkins: I was trying to get a sense for another proof point on both the look and the durability of the concrete. Apparently, it's apples and oranges. Mr. Peterson, you may have already addressed this when you accepted the balance of the stipulations. There's a reference in the case to a 7' sidewalk on the bank building that was removed. What happens to that sidewalk now?

Mr. Peterson: The stipulations addressed narrowing of that drive to the east. That's what I was referring to in adding the green space, not adding the expanded sidewalk on three sides.

Chairman Elkins: So, the sidewalk comes out.

Mr. Peterson: Correct.

Chairman Elkins: With respect to Stipulation No. 15 on the scoring, tell me a little bit more about the scoring process.

Mr. Haefner: Saw cuts that create a cadence that are stacked. We set up a 4x8 grid based on the alignment of the old Seasonal Concepts building and the mixed-use building, which are slightly askew to each other. We took that grid and started to remove very specific patterns to create not just a 4x8 grid throughout the whole thing, but creating an interest in a 12' section, an 8' section, a 16' section, all working to mitigate cracks and all that, which is really what saw cuts are for. We're just doing it in a more inventive way that relates back to the building alignments.

Chairman Elkins: You made the point that the flumes were in place at Camelot Court. What has the owners' experience been with the accumulation of garbage and whatever else in those flumes?

Mr. Peterson: I can't say that I have had a conversation about that. Like many of you, I go there all the time, and I'm always observing nerdy thing. I don't recall that ever standing out in my mind as something. I'm sure it can happen at times, but I don't remember it being a prevailing problem. One thing that I usually wouldn't say in front of this body but that is just something that is irrelevant. I feel like there's a subtheme of skepticism that this has somehow been cheapened. For what it's worth, this project is more expensive than the budget that was approved in the spring. There's nothing cheap about it.

Chairman Elkins: Thank you. Those are my questions. Are there additional questions? That takes us to comments from the commission. We've had a fair amount already. Are there other comments?

Comm. McGurren: I'm prepared to make a motion if you're ready.

Chairman Elkins: I'll just make a couple comments. I think that ultimately, whether we proceed or not is in the hands of the applicant, who has made it clear that, regardless of the outcome here tonight, they wish to proceed. While it may be that staff and the commission would prefer to have more time for staff and the applicant to move through this, they're certainly within their right to ask us for a recommendation to Governing Body. I am concerned about the overall configuration of the project. We didn't really get into that. Frankly, the way staff has articulated objections, they are not to the reconfiguration of the project as much as they are around some of the aesthetic features. That is fine. I have my own concerns about the way the reconfigurations happened. As Mr. Peterson says, that is part of what happens in the redevelopment context. I am torn with respect to the use of natural stone versus concrete on the retaining wall. All we can work from is our own personal experiences, but in walls that I've had constructed by people who know what they're doing, limestone looks great for the first five or so years, but it's going to react with water and have the sloughing process over time. I worry about the interaction of water and ice with the limestone, especially when added to the street chemicals we use. I'm troubled with the idea that we've made a decision about manufactured stone, even though we're waiting on a decision from Governing Body and the LDO has not been amended, and we are looking at making a decision on it tonight. Those are a couple of my random thoughts. Are there other comments? If not, Mr. McGurren, I'll give you a chance to make your motion.

**A motion to continue CASE 120-19 – RANCH MART NORTH SHOPPING CENTER – REDEVELOPMENT – Request for approval of a Revised Final Plan, located north of 95th Street and east of Mission Road – was made by McGurren.**

Chairman Elkins: I'll look to staff and maybe counsel, but I'm not sure that motion is within our jurisdiction. As I mentioned before, the question of a continuance is one that belongs to the applicant. I don't think that we have the authority to continue.

Ms. Bennett: You can if you get a second upon staff's recommendation.

Mr. Coleman: We've continued before. In some cases, staff has continued the application when we felt there wasn't sufficient information to present to the commission.

Chairman Elkins: Over the objection of the applicant?

Mr. Coleman: I believe so.

Mr. Klein: I believe we have. If we have an application come forward that doesn't have enough information to bring it forward, we definitely have continued them until we get the information.

Mr. Peterson: That's a totally different situation as an incomplete application. This is a big deal. That's why I'm speaking.

**Motion seconded by Stevens.**

Comm. Coleman: We've had something similar before where the applicant requested that we either approve or deny to move it on to Governing Body. We could continue it, approve it with stipulations, or deny it. If we deny it, it's our recommendation to City Council that we deny, and they can take action on it. They can approve it with stipulations, remand it, or deny it. With the client wanting to move it on, I agree with the chairman and that a continuance isn't appropriate. In my heart, I'd like to do a continuance. I'd like for them to try to work something out, but because the client doesn't want it, I think another option would be best.

Chairman Elkins: Other discussion about the motion. Seeing none, I'll ask for a hand vote. Do we need to continue it to a date certain?

Ms. Bennett: I would continue it to the next available meeting, which is the January date.

Chairman Elkins: Do you agree for your motion and second?

Comm. McGurren: Yes.

Comm. Stevens: Yes.

**Motion did not carry with a vote of 2-3. For: McGurren and Stevens. Opposed: Peterson, Block, and Coleman.**

**A motion to deny CASE 120-19 – RANCH MART NORTH SHOPPING CENTER – REDEVELOPMENT – Request for approval of a Revised Final Plan, located north of 95th Street and east of Mission Road – was made by Coleman; seconded by McGurren.**

Chairman Elkins: Any discussion on the motion?

**Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

Comm. Coleman: May I request a five-minute recess?

*Five-minute recess*

Chairman Elkins: The commission will come back to order, please.

CASE 121-19 – CITY OF LEAWOOD PUBLIC ART – WOMEN OF THE WORLD – Request for approval of a Final Plan, located south of Town Center Drive and west of Tomahawk Creek Parkway.

**Staff Presentation:**

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 121-19 – Women of the World – Request for approval of a Final Plan, located south of Town Center Drive and west of Tomahawk Creek Parkway. This art piece will be located in the Justice Center pedestrian courtyard area just south of Town Center Drive and west of Tomahawk Creek Parkway. This art piece was previously located in front of the Nueterra Capital office building just on the west side of Tomahawk Creek Parkway. The city has purchased the art piece and plans to locate it in the middle of the big circular pedestrian courtyard in front of the Justice Center. The structure will sit on a 4' cube made of cast stone made to match the existing façade of the Justice Center. In total. The art piece should stand about 12 feet in height with a circumference of 8 feet. A plaque is also proposed, which will name the art piece, the artist's date of creation, and the dedicator. The art piece will be surrounded by river rock with existing landscaping surrounding the interior walkway. The application meets all requirements per the LDO, and staff recommends approval of Case 121-19 with the stipulations listed in the Staff Report. I'm happy to answer questions.

Chairman Elkins: Thank you. Questions for Mr. Sanchez? Seeing none, Ms. Claxton?

**Applicant Presentation:**

Chris Claxton, Director of Parks and Recreation, appeared before the Planning Commission and made the following comments:

Ms. Claxton: I also have April Bishop with me tonight. She will be retiring on December 22<sup>nd</sup>.

Chairman Elkins: Welcome, Ms. Bishop. On behalf of this commission, thank you for all your years of service. The public art we have in Leawood is something that makes us a distinctive community and something that makes at least me very proud. We thank you because you've had so much to do with that over the years, dating clear back to when I served with you on the Arts Commission, which was quite a while ago.

Ms. Bishop: Thank you.

Ms. Claxton: Thank you for hearing both of these cases tonight. I have one point of clarification. After many years, when the property owners changed, they donated the piece to the city. We're pleased to have that. We think our recommendation for the new location and the materials we've selected will give the piece and artist who is very highly recognized a more proper place where it can be seen and recognized. It is currently in Emporia where it is being refurbished. As Mr. Sanchez mentioned, there is a limestone ribbon that accompanies the brick on the Justice Center. We felt we could bring that into that pillar so it's not just a concrete piece. When we're designing and looking at these foundations and pedestals, we try to make sure they don't overpower the piece because we want the piece to be the focus and not the pedestals they sit on. We stand for questions.

Comm. Block: It looks like the name of the piece has changed since it was initially installed. It used to be called World on Hands.

Ms. Bishop: That definitely was a conflict. When we talked to Kwan Wu, the artist, he said it got into his actual website incorrectly. It's always been Women of the World.

Chairman Elkins: Other questions? Thank you. Comments?

Comm. Coleman: I would like to echo your comments about April. I enjoyed the pleasure of serving with her when I was on the Parks and Recreation Advisory Board. She's incredibly passionate about the arts here in Leawood, and I wish you a healthy and fun retirement. This does make you eligible to be on the Arts Commission or on the Parks and Recreation Advisory Board since you are a Leawood resident.

Ms. Bishop: There are plans.

Chairman Elkins: The only comment I have is that I'm astounded the sculpture is 8 feet tall and will stand 12 feet tall. It seemed so much smaller because it sat on grade. I'm excited it will be highlighted at the Justice Center because it's no longer sitting in a ditch, which is probably an exaggeration. I think this is a vast improvement. It's a beautiful piece of art. If there are no other comments, do I hear a motion?

**A motion to recommend approval of CASE 121-19 – CITY OF LEAWOOD PUBLIC ART – WOMEN OF THE WORLD – Request for approval of a Final Plan, located south of Town Center Drive and west of Tomahawk Creek Parkway –**

**was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

**A motion to extend the meeting for 30 minutes was made by Block; seconded by Coleman. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

CASE 122-19 – CITY OF LEAWOOD PUBLIC ART – INSPIRATION – Request for approval of a Final Plan, located south of College Boulevard and east of Tomahawk Creek Parkway.

**Staff Presentation:**

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 122-19 – Inspiration – Request for approval of a Final Plan. This art piece will be located at the southwest corner of College Boulevard and Tomahawk Creek Parkway. This area is part of the Sculpture Garden Master Plan set forth by the city which was approved by the Governing Body in 2008. This will be the northern part of the Sculpture Garden. It starts at the intersection of College and Tomahawk Creek Parkway and ends south along Tomahawk Creek Parkway. This art piece was previously located at Bannister and Hillcrest Road in Kansas City, Missouri, and since has been donated or purchased by the city and is now being refurbished. The person-like structure will sit at grade and will have a height of 26 feet. A small retaining wall will be placed along the northwest corner of the art piece along with Prairie Seed, which will be at the southeast corner. It will create an ellipses-type shape around the art piece. A plaque is also proposed with this art piece, which will name the art piece as well as the artist, date of creation, and dedicator. The application meets all requirements per the LDO, and staff recommends approval of Case 122-19 with the stipulations listed in the Staff Report. I'm happy to answer any questions.

Chairman Elkins: Can you describe a bit better where it is going to be?

Mr. Sanchez: There is a picture on the first page of the Staff Report. The road going east-west is College Boulevard, and the north-south road is Tomahawk Creek Parkway. The Meryl Lynch building is on the southwest corner of College and Tomahawk Creek. It is just across the street from that.

Chairman Elkins: It will be right in front of the row of birch trees.

Mr. Sanchez: Correct.

Chairman Elkins: Other questions? Seeing none, Ms. Claxton and Ms. Bishop?

**Applicant Presentation:**

Chris Claxton, Director of Parks and Recreation, appeared before the Planning Commission and made the following comments:

Ms. Claxton: Just to give you a little background about this piece, as Mr. Sanchez mentioned, this piece was created by Rita Blitt back in the '80s. It was over at the bank, as he mentioned. It is known to be her most successful piece and certainly her largest piece. There were other entities that wanted this piece. In terms of the location, that corner is pretty open. You can see on the diagram that there is a bit of a haul road in there, and we wanted to make sure we stayed clear of that. Drivers can see the piece as they drive northbound, at the intersection, southbound, and eastbound. Drivers can see it as they drive westbound off College Boulevard when coming from the state line area. The proposed 30" retaining wall is on the diagram wall. That picture in the left-hand corner is the stone in that location. That is farther east off of College at the entrance to Hallbrook Office Park. We feel those are good pieces. They are not stacked limestone. The piece is 26 feet tall, and they will not be in competition with it from that perspective. The same original installer will be installing it this time as well. They will construct the piece in the field, and then we will be able to have some options to how we want to orient it to make sure it's just right. We would stand for questions.

Chairman Elkins: Chris, where is the artist from?

Ms. Bishop: Leawood.

Ms. Claxton: It truly is a local piece. She recently donated the art on the exterior of the new Brookwood School because she had a grandchild there. The art you used to see at Oak Park Mall was hers. She was a pioneer for women sculptors in this area.

Ms. Bishop: She was at the forefront of putting art in public places where we live and work and shop. She's really an important artist, and we're very lucky to be able to acquire this piece. This piece has had various sizes and forms. It was actually given to our sister city back in the E-Lan Sister City Committee in a smaller size. It has had a nice history for us.

Ms. Claxton: One other thing I would like to add is the artist would like the piece to be painted yellow. Yellow is her favorite color, and I know that sounds kind of scary, but I think the backdrop of those birches will work with that. It is really a beautiful accent when the sun goes up and down. She has a piece at UMKC, and it is a very standard yellow. When it was at the bank, it just had a clear coating on the steel. It was grey.

Chairman Elkins: Art is in the eye of the beholder. I thought it was very nice at the bank.

Ms. Claxton: Think of some of the Jorge Blanco pieces we have down in City Park.

Comm. McGurren: Would painting it create ongoing maintenance?

Ms. Bishop: I think it will actually protect it for the long term. It's going through a restoration process now because it had a lot of rust with the welds. The coating was just not adequate for it, so this will protect the piece for the long term.

Chairman Elkins: How is the piece mounted? It's aluminum?

Ms. Claxton: No, it's steel.

Chairman Elkins: And it will be put on limestone, somewhat similar to the current installation?

Ms. Claxton: It will not be mounted to the limestone. The limestone is just to create that frontage, and then that will slough off to the back. It will have a significant footing because it weighs around 6,000 pounds.

Chairman Elkins: That's why I was curious. It actually has a concrete footing it's attached to?

Ms. Claxton: Yes, and there was a cut sheet on that, that showed a fairly substantial footing.

Chairman Elkins: Will the footing be below grade, then?

Ms. Claxton: It will be below grade.

Chairman Elkins: Any other questions?

Comm. Block: I didn't see any reference to the yellow. Is that going to happen if this gets approved, or is that a separate request?

Ms. Claxton: Yes. Staff supports it. In the Parkway, we had beautiful deer.

Ms. Bishop: Introspection is a black patina. It will be unique to our collection. It is a whimsical piece.

Chairman Elkins: The issue that I have is one that Commissioner McGurren raised, and that is the potential fading over time. I guess we just have to wait and see.

Ms. Claxton: Yes, but it's painted similar to what you would see on a car, and it also has a sealant. The other thing about our art program is we always put 15% into the maintenance budget so we have the money available if things come up. We also have our pieces inspected every year for fading or structure.

Chairman Elkins: Is the finish actually a powder coating?

Ms. Claxton: Yes.

Chairman Elkins: Other questions? Thank you. Any further discussion?

Mr. Coleman: Item No. 2 ways, “retaining,” but it should probably say, “retaining wall.”

Comm. Coleman: Should we add the color to this?

Chairman Elkins: I’m curious as to staff’s thought. Should it be part of the proposal we’re approving tonight?

Mr. Klein: I think it would be fine.

Mr. Scovill: To further support the painting, the carbon steel will need to be painted, or it will corrode. Stainless steel has a natural protective coating. It’s important we maintain that with a protective coating.

**A motion to recommend approval of CASE 122-19 – CITY OF LEAWOOD PUBLIC ART – INSPIRATION – Request for approval of a Final Plan, located south of College Boulevard and east of Tomahawk Creek Parkway – with the revision of Stipulation No. 1 to state that the project is limited to the installation of the yellow public art piece, along with the retaining wall, landscaping, and lighting – was made by Coleman; seconded by McGurren. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

CASE 124-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-9, DEVIATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to lot frontage. **PUBLIC HEARING**

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 124-19 – Leawood Development Ordinance Amendment to Section 16-3-9, Deviations. This amendment pertains to deviations on lot frontage. Currently, the LDO offers a deviation to lot width to 80% of the standard requirement. Two of the zoning districts that are primarily affected are R-1 and RP-1 that have a minimum of 100 feet of frontage. Currently, they don’t have any relief to that. This would provide a deviation if recommended by the Planning Commission and Governing body to go down to 80 feet. I believe RPA-5 also has a 150’ requirement, and it would also allow relief for that as well. Just to be sure everyone understands, I’d like to go over lot frontage and lot width. (*refers to display*) This is an aerial of houses in Leawood up north. Basically, if there is a rectangular lot, the width is measured at the build line where the house is set, and it is the same as the lot frontage. The lot frontage is the common property line that is the right-of-way line as well. That is really the difference. If there is a perfectly rectangular lot, they are the exact same measurement. A situation where the line angles, there will be a difference. That is probably the most pronounced as far as cul-de-sacs with the lot frontage that comes around on the cul-de-sac. The lot width is back where the house sits. Staff is recommending approval to allow some flexibility. We think

it was perhaps intended when the ordinance was originally written; it's just the difference between those two really didn't come to light.

Chairman Elkins: Thank you. Are there questions for Mr. Klein? Because this is an amendment to the LDO, a Public Hearing is required. Kevin, do you wish to be heard?

Mr. Jeffries: *Inaudible comments*

## **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

Chairman Elkins: Is there any discussion?

Comm. Coleman: I would just like to share that originally when I was looking through my agenda, I thought this was a sculpture called Deviations. I was looking forward to seeing it and where it was going to be installed.

**A motion to recommend approval of CASE 124-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-9, DEVIATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to lot frontage – was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

CASE 123-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-1-4.2, MINIMUM STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to heights of ground mounted utilities. **PUBLIC HEARING**

### **Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 123-19 – Leawood Development Ordinance amendment to Section 16-1-4.2, Minimum Standards. This amendment addresses the size of ground-mounted utilities. Currently, the LDO breaks this into two categories. One is for residential; the other is for commercial. It uses the same size requirements. A utility box that is less than 55 inches in height and also has a pad footprint of less than 15 square feet, in both residential and commercial, the Director of Community Development has the ability to approve it administratively. If the utility box is 55 inches or greater or has a footprint larger than 15 square feet, within the commercial development, they're required to go through Planning Commission and City Council for a final plan. In the case of residential, they would have to go through a full Special Use Permit process with notification, interact meetings, and public hearings. Tonight, we're proposing that the

height limitation change from less than 55 inches to less than 56 inches because we are starting to see a lot of small cell facilities that have ground-mounted utility boxes associated with them. In talking with the different carriers, they have indicated they are approximately 56 inches in height. Rather than having to have a full-blown Special Use Permit since many of these are in residential districts, we wanted to consider this amendment since it is such a small difference. Staff is recommending approval of this application, and I'd be happy to answer questions.

Chairman Elkins: All this for one inch.

Mr. Klein: Yes.

Chairman Elkins: Any questions for Mr. Klein?

Comm. Block: Is it enough? Do you want to give yourself some room and take it to 60 inches?

Mr. Klein: We actually talked about that, and we were trying to be conservative instead of opening up too much. If it does need to happen, we might come back before you, but so far, the carriers we've talked to have indicated that this would be enough.

Comm. Block: Is it limited to one manufacturer that makes them at 56 inches, but then another could be excluded because it's 56 ½ inches?

Mr. Klein: I appreciate your point. Staff talked about that but decided to keep it at 56 inches.

Chairman Elkins: Staff knows how I feel about ground-mounted utility boxes. Any other questions? This again is an amendment to the LDO, so a Public Hearing is mandated.

### **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

Chairman Elkins: That takes us to discussion of whether we wish to agree to give administrative authority to clear utility boxes that are less than 56 inches tall.

**A motion to recommend approval of CASE 123-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-1-4.2, MINIMUM STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to heights of ground mounted utilities – was made by McGurren; seconded by Stevens. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

CASE 113-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-12.4, DISTRIBUTED ANTENNA SYSTEM (DAS) AND SMALL CELL FACILITIES (SCF) – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Distributed Antenna Systems (DAS) and Small Cell Facilities. **PUBLIC HEARING**

Chairman Elkins: I notice in the title, you're using the plural of antenna, and in the description, you use the singular.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 113-19 – Leawood Development Ordinance Amendment to Section 16-4-12.4, Distributed Antenna System (DAS) and Small Cell Facilities. The reason this is before you tonight is the FCC has passed legislation with regard to requirements that cities have to allow these carriers to provide small cell. Right now, we have 5G that's going in, so we're seeing a little bit of new equipment. You probably noticed on some of the light poles that there is actually an enclosure on top of the pole. This is a very similar situation where that part that is on top of the pole typically is on 4G. Now, they would like to add 5G to add more bandwidth. That will be located below the poles. As I indicated in the memo, they can be located on three different poles: street light, utility, or a pole they create and put in the right-of-way that would not have a light fixture attached. I'll show a picture to make it easier to understand what's going on (*refers to picture*). This is an example of a small cell facility located on the light pole. This amendment is trying to clarify where different measurements are taken from and also trying to reflect different amounts of equipment that are allowed to be attached to the poles to bring them in line with what the FCC has already approved. This amendment will keep the cubic feet that the enclosure is allowed to be the same at 6 cubic feet; however, we currently have a limitation of 54 inches in height, and this would allow it to go to 80 inches in height. That means these will be smaller if they extend taller. These are the 4G; 5G is located on the poles themselves. The FCC has determined that all the rest of the attachments on the pole are allowed to be 17 cubic feet. As these applications come in, staff will look at the equipment and the total cubic feet to ensure it doesn't exceed 17 cubic feet. It has increased from 8 to 17 cubic feet. We also have a limitation of no more than five pieces of equipment. They can have more than one piece of equipment as long as it is on the same attachment. That is what the light pole would look like. There is also a utility pole. Typically, it would have a top enclosure. Since the pole is wooden, it obviously isn't hollow, so the conduit would have to be run on the outside. This amendment states that the conduit and other wiring would have to be compatible with the color of the pole to match a bit better. Currently, we have a limitation that the top enclosure can be no more than 30 inches in height. This amendment would change that to 80 inches in height, so it matches the light pole example. It does require the undergrounding of the utilities once it gets down the conduit and into the ground. It also tries to address the height of the pole. If somebody came in with a new pole, it couldn't be taller than all the other utility poles in the area within 300 feet as if they had included an enclosure on top of them to try to make sure there is some limitation. I believe there's

a 50' maximum no matter what as far as height. The other example would be a pole that is actually installed by the applicant. (*shows example*) We would not allow a mast arm as is shown on this pole. This pole has some of the same limitations. It also has a height limit within 300 feet, so it couldn't be taller than any of the light poles in the area, again, as if they have an enclosure already mounted on top. It limits the number of enclosures to a maximum of one. In this particular case, pole attachments would be limited to no more than 14 cubic feet. Staff is recommending approval of this application, and I'd be happy to answer any questions.

Chairman Elkins: Questions for Mr. Klein?

Comm. Block: Do the attachments on the side of the pole need to be enclosed? I've seen some in neighboring cities that are not enclosed.

Mr. Klein: It is not required on ours. We had a discussion about that. Some of the tradeoff is the enclosures make it look larger. In this particular case, we did not include screening. There is a limitation of not more than 2 feet of exposed wiring. That was part of the old ordinance and carried through on this one. The exposed wiring has to match the color of the pole.

Comm. Coleman: Does this eliminate cell phone towers at some point, or do you still have the need for those?

Mr. Klein: I think we still have the need for cell towers. This is providing an opportunity to supply bandwidth. From my understanding, these have to be much closer to the source of the reception, so they're a bit lower. You'll probably see more and more of these on light poles throughout the city because each carrier is vying for locations.

**A motion to extend the meeting another 30 minutes was made by Block; seconded by Peterson. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

Comm. McGurren: When the 5G equipment is added, is the 4G equipment removed?

Mr. Klein: No; my understanding is that it is additive because some people would still utilize the 4G.

Chairman Elkins: You know how dear this topic is to my heart. Starting with the smart pole, the picture you had looked like it had a street light.

Mr. Klein: It did.

Chairman Elkins: How is that different than the street light pole? Why is there a need for us to have a third category?

Mr. Klein: Currently, the carriers seem to prefer to go on the city light poles, so they trade out the poles because they have to be structurally sound enough to carry the equipment. However, if there are situations where that is not available, per the FCC, the carriers have the right to put in their own poles. We had to address that in the LDO. The difference with the one I showed you is they would not have a mast arm. The hope would be that they also look much more uniform. Hopefully, everything would be internalized.

Chairman Elkins: That covers instances when there are no street lights attached to it?

Mr. Klein: Correct.

Chairman Elkins: If they were to use a smart pole like Verizon had there and it had a light attached to it, it would fall under the street light pole category?

Mr. Klein: Yes; at this point, we would provide the light poles, and we have the spacing.

Chairman Elkins: Verizon's advertising in that brochure was a smart pole with a light mast. If Verizon proposed that, would it fit in the light pole category or this non-street light pole?

Mr. Klein: Actually, it would be non-street light pole because we would not allow the street light on it. We've had conversations with the carriers that have come in.

Chairman Elkins: In that case, it will just be a pole.

Mr. Klein: Yes, and it will be much slimmer, so we won't have two different types of light poles.

Chairman Elkins: I take it this is like other things we have received from the FCC in that we really don't have much of a choice here.

Mr. Klein: Correct.

Comm. Coleman: Do we have any single light poles in the city yet?

Mr. Klein: We haven't seen one with the 5G added on. There are a number of them with the 4G and the top-mounted enclosure. We haven't seen any of the carriers put in their own yet.

Chairman Elkins: In both the cases of light poles and utility poles, did I hear you say there is a 50' max on those?

Mr. Klein: There is a 50' maximum on the utility pole and a maximum for the ones provided by the individual carriers to be no taller than the light poles within 300 feet. If the light pole has an enclosure on top, they can be no taller than that.

Chairman Elkins: Is there a different height limitation for light poles as opposed to utility poles?

Mr. Klein: Utility poles also have that 300' limitation; however, I think utility poles also include a maximum of 50 feet. I don't believe that is on the other one.

Chairman Elkins: What was the 300' limitation?

Mr. Klein: If they put in a utility pole, it can't be taller than the other utility poles within 300 feet as if it already had an enclosure mounted on top.

Chairman Elkins: What we're talking about, then, is the equipment that can be a maximum of 80 inches taller than what the light pole or utility pole are, up to a total of 50 feet.

Mr. Klein: Correct.

Chairman Elkins: You mentioned a limit of 17 cubic feet. Is that per installation? Is it 17 cubic feet for each of the 5G boxes that are hung off the electric pole, or is it an aggregate number?

Mr. Klein: It would be per pole. We limit it to one enclosure on top of the pole, and then the 5G would be below. It is my understanding that it has to be below because it has to have separation between the 4G. We don't anticipate multiple 5G attachments on a single pole.

Chairman Elkins: But you will have 4G and 5G on the same pole.

Mr. Klein: Correct, and all of the equipment together that is below that top-mounted enclosure would have to meet the 17 cubic feet for the light poles and 14 cubic feet for the poles provided by the carriers.

Chairman Elkins: Other questions for Mr. Klein? Again, this is an amendment to the LDO, so it requires a Public Hearing.

## **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

Chairman Elkins: That takes us to comments. Mr. Klein, I was looking at the memo as opposed to the actual wording in the amendment. In the memo, you distinguish between street light poles, utility poles, and non-street light poles. In actuality, it is really a distinction between street light poles, utility poles, and non-street light and non-utility poles.

Mr. Klein: That is true.

Chairman Elkins: Whether that makes a difference in any of the verbiage of the amendment, I don't know. Does anything need to be changed to accommodate that distinction?

Mr. Klein: It's something that could be added to No. 3.

Chairman Elkins: Any other comments around the proposed change? Do I hear a motion?

**A motion to recommend approval of CASE 113-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-12.4, DISTRIBUTED ANTENNAE SYSTEM (DAS) AND SMALL CELL FACILITIES (SCF) – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Distributed Antenna Systems (DAS) and Small Cell Facilities – was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

CASE 111-19 – 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 landscaping of parking lot islands, and required maintenance of natural areas. **PUBLIC HEARING**

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 111-19 – Leawood Development Ordinance Amendment to Section 16-4-7, Landscaping and Screening Requirements. This addresses natural or tree preservation areas. You've had plans come before you, and we might have a tree preservation area. The last one was Hills of Leawood, which was adjacent to Ironwoods Park. We want to keep those areas natural. We had another one located on 135<sup>th</sup> Street and Kenneth, and we tried to keep that natural buffer between the subdivision to the south and the development. This amendment is trying to clarify that those areas are to be in their natural state. The reason this has become important is occasionally, a neighbor may not like the way that natural area looks and may want it mowed. This makes that explicit. It also addresses Best Management Practices (BMP) like the rain gardens in applications. It states they have to be maintained per the American Public Works Association.

The second part of the amendment deals with shade trees in parking lot islands. If the parking lot island is as long as two parking spaces, it needs two trees. The reason we are bringing this before you is usually applicants are willing to follow this recommendation, but sometimes, we get pushback. This also clarifies that we're looking for a shade tree as opposed to an ornamental tree. Staff is recommending approval, and I'd be happy to answer any questions.

Chairman Elkins: Questions for Mr. Klein? Mark, is there no limitation on preservation of natural state? Let me put that in context. It's truly an extreme example, but similar to the West Coast and other places, if we let things go to an extreme in a natural state, aren't we creating a possible risk of a fire hazard? While we don't have the big areas like they do in California, we still could have a fire in one of these areas, and that has the potential to create a public safety hazard.

Mr. Klein: I definitely see your point, and yes, there are natural areas. In this case, I see it as different as the problem California is having because these are approved on plans. They typically are not very wide unless we get lucky enough to have a natural area, much like what we did with 135<sup>th</sup> Street and Kenneth. For the most part, we're talking about 30-50 feet for a buffer and, in some cases, even less than that. We do have a requirement that noxious vegetation is removed. I see your point. What we're looking at is limiting these areas to specific sites.

Chairman Elkins: Other questions? Again, this is an amendment to the LDO, so a Public Hearing is in order.

### **Public Hearing**

Kevin Jeffries, Leawood Chamber of Commerce, 13451 Briar Drive, appeared before the Planning Commission and made the following comments:

Mr. Jeffries: I'm supportive of the natural area. The part I'm concerned about is the parking lot areas. I'm the Leawood parking lot cop because I walk around and look at all these developments, and I have some serious concern about the survivability opportunities for trees that are out in these islands. Scott Lambers and I have had conversations, and we prefer to see these green areas clustered instead of random little things in the parking lot where the trees usually die. My particular development is a prime example. I have been there for almost ten years, and the trees die every other year. I think we need to take a more comprehensive look with people that are truly in the business of making trees live as opposed to approving the aesthetics and seeing if we can ordinances in place that actually allow for the survivability of the plants versus something that is going to have to be replaced every two years. It's an extreme cost to the developers and to the tenants who stay there later because it ends up in their common area fees. There's hardly a development in town where those trees survive long term, especially when they're scattered in the parking lot. I totally agree about the heat islands and all that, but we have to consider survivability and what is functional versus something that looks good on paper.

Chairman Elkins: Before you step back, even though it's not typical to ask question of members of the public, you're in a different category. If I recall, what staff has proposed is for this natural growth business to apply only in instances where, on the plan, that particular area is designated as a natural growth area. Wouldn't it be possible for us to address your concern with this particular issue? I realize you're asking about a broader review about tree preservation.

Mr. Jeffries: I'm actually asking about parking lot trees.

Chairman Elkins: For purposes of this, don't we address that by being judicious in what we designate as an area for natural growth?

Mr. Jeffries: In parking lots? I see these as two different issues.

Chairman Elkins: I guess my point is it would seem to be unlikely that a parking lot tree would fall under the designation of a natural growth area.

Mr. Jeffries: I think there are two unrelated issues in this ordinance change. One is natural areas, and one is parking lot trees. I'm speaking to the parking lot tree issue only.

Chairman Elkins: Refresh me on what we're doing with parking lot trees. I was focused on the natural growth.

Mr. Coleman: We're stating that at the end of the parking aisle is a landscape area that is 8 feet wide and 36 feet long. We're asking for two trees to be planted there, one at each end of the island, rather than just one in the middle because the one provides no shade at all for the parking usually. To Mr. Jeffries' point, maybe we could add to the requirements to help make the trees more survivable. We leave that to the landscape companies right now, but we could add in to amend the soils to certain depth and add soil conditioning because that has a lot to do with those trees surviving. A lot of times, the developers just have graded the entire parking lot with gravel and compacted it. Then they pour the curbs over that, and they don't remove a lot of that gravel where these islands are. They just fill it in with soil, plant a tree, and expect the tree to live. Then, they don't.

Chairman Elkins: Do we know enough tonight to be able to address that tonight?

Mr. Coleman: I'd recommend you approve this, and we bring back something with soil amendments. I don't think removing the trees from the parking lots is the solution.

Chairman Elkins: Mr. Jeffries, my apologies; I was focused on the natural growth area. Thank you for your comment.

**As no one else was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

Chairman Elkins: That takes us to comments on Case 111-19.

Comm. Block: I wasn't looking closely at how big these islands are. If they're 36 feet long, it's two parking spaces end-to-end. The canopy of a shade tree is 30 feet or so, so the tree would have to be planted all the way to the edge of the curb to make room so

they're not interfering with each other. Then, what about the trunk? A shade tree is going to be bigger. Is that going to conflict with the curb 20-30 years down the road?

Mr. Coleman: No, the tree would be planted in the center of the island, so it would be 4 feet from any curb. That is pretty normal. My parking lawn area on my street between the curb and sidewalk is 7 feet, and we have pretty massive trees. In these parking islands at Camelot Court, they planted Gingkoes, and those are almost impossible to kill. I don't think it would be a problem. Then, if they're 4 feet from the end, the trees would be over 20 feet apart. It would be 28 feet between the two trees.

Comm. Block: But the trees will have a canopy or what?

Mr. Coleman: Probably 15-20 feet on each side, so it will cover 2-3 parking spaces on each aisle.

Comm. Block: They're going to grow into each other within the island.

Mr. Coleman: The canopies would touch within the island when they mature, but that would probably be 20 years.

Comm. Block: Would it make more sense to use an ornamental tree to not have that issue?

Mr. Coleman: That's not an issue; that's a good thing.

Comm. Block: That the trees grow together?

Mr. Coleman: Yes.

Chairman Elkins: Other comments with respect to Case 111-19? I would ask staff to look at what other amendments we could add that would enhance the survivability of trees, per Mr. Jeffries' concerns and the comments that Mr. Coleman made around soil conditioning or other factors. Survivability of these trees is an issue in the commercial areas in Leawood. Is there a motion?

Mr. Klein: We'd like to add a couple words in the amendment. In Section 16-4-7.4(b) in that last area, where it says, "without maintenance," we'd like to remove those two words.

Chairman Elkins: Mr. Coleman?

**A motion to recommend approval of CASE 111-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-7.4, LANDSCAPING AND SCREENING REQUIREMENTS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to landscaping of parking lot islands, and required maintenance of natural areas – with the removal of the words**

**“without maintenance” from Section 16-4-7.4(b) – was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 5-0. For: McGurren, Elkins, Coleman, Stevens, and Peterson.**

Chairman Elkins: This is the time of year we offer thanks to staff and my fellow commissioners for the service provided to the City of Leawood. The questions are always on point. Thank you for all you’re doing for the city and the support you give me.

*MEETING ADJOURNED*