

**City of Leawood
Planning Commission Meeting
March 9, 2021
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, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson, Elkins. Absent: None.

APPROVAL TO SUSPEND CERTAIN RULES OF PLANNING COMMISSION DUE TO PANDEMIC:

A motion to suspend certain rules of the Planning Commission due to the pandemic was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, Peterson.

MEETING STATEMENT:

Chairman Elkins: To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Planning Commission is being conducted using the Zoom media format, with some of the commissioners appearing remotely. The meeting is being livestreamed on YouTube and the public can access the livestream by going to www.leawood.org for the live link. The public is strongly encouraged to access this meeting electronically; however, if you wish to comment on a public hearing item, please contact the Community Development Department to make arrangements.

Public comments will only be accepted during the public hearing portion of each agenda item where a public hearing is required. The City encourages the public to submit comments in writing prior to the public hearing by emailing comments to planning@leawood.org. Written public comments received at least 24 hours prior to the meeting will be distributed to members of the Planning Commission. Those wishing to appear remotely using the Zoom format media, should register at planning@leawood.org on or before Friday, March 5th, at 5:00 pm. Individuals who contacted the Planning Department in advance to provide public comments will be called upon by name

Electronic copies of tonight's agenda are available on the City's website at www.Leawood.org under Government / Planning Commission / Agendas & Minutes. Because this meeting is being live-streamed, all parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those listening only. This applies to all commissioners, staff, applicants and members of the public who may speak. All motions must be stated clearly. After each motion is made and

seconded, a roll call vote will be taken. The Chair or staff will announce whether the motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking. Thank you.

I wanted to note for the record that, at the end of the last meeting of the Planning Commission on February 23rd, when all members were still present, Mr. Klein explained that the Governing Body has remanded Case 07-21 regarding car washes and that it will be on our agenda for consideration in April with more information provided at the time. I will also note that the commission did not in any way consider or comment on Case 07-21 in the February 23rd meeting.

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any additions?

Mr. Sanchez: We do not.

A motion to approve the agenda was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, Peterson.

CONTINUED TO THE MARCH 23, 2021 PLANNING COMMISSION MEETING:

CASE 69-20 – HILLS OF LEAWOOD VILLAS – Request for approval of a Final Plat and Final Plan, located north of 151st Street and east of Mission Road.

CASE 09-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-14, CONSIDERATION OF FINAL DEVELOPMENT PLANS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the expiration of final development plans. **PUBLIC HEARING**

CONTINUED TO THE MAY 25, 2021 PLANNING COMMISSION MEETING:

CASE 89-20 STATE LINE MXD – Request for approval of a Rezoning From SD-O (Planned Office) and R-1 (Planned Single Family Low Density (15,000 Sq. Ft. Per Dwelling)) to MXD (Mixed Use Development District), and Preliminary Plat, Preliminary Plan, located south of W. 86th Terrace and west of State Line Road. **PUBLIC HEARING**

NEW BUSINESS:

CASE 05-21 – CITY OF LEAWOOD – FIRE STATION NO.1 – Request for approval of a Preliminary Plan and Final Plan, located south of 96th Street and east of Lee Boulevard. **PUBLIC HEARING**

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 05-21 – Fire Station No. 1 – Request for approval of a Preliminary Plan and Final Plan. Staff would like to note that an email was sent to the commission this afternoon with an additional public comment that was sent to staff after the packets were delivered. Copies of that comment are on the dais. This project will consist of a new 9,753-sq.-ft. Fire Station on a 3.7-acre property owned by the city. The Planning Commission may remember the plat that was approved that merged all five of the properties together into one large lot. With this application, the existing Fire Station and old City Hall will remain in place. If changes are proposed to be made to those buildings in the future, the project would then have to come through the same planning process. The new Fire Station will be 27 feet, 10 inches tall with the entry of the building facing westward. Two drives are located on the site to access the new Fire Station. One is located south of the new Fire Station to access the rear parking lot, and the other is located west of the proposed bays to be used as an egress drive for the fire trucks. Retaining walls are proposed along the eastern portion of the project and swoop around the south, following the drive. This allows for the Fire Station to sit approximately 10 feet below grade at the eastern property line. A 5’ berm will also be located just south of the southern drive, and it will be accented with shade trees. The building itself will be constructed of Nichiha fiber cement board, natural limestone, and brick. The applicant has also proposed a monument sign and 30’ flagpole to be located closest to Lee Boulevard in front of the building. The monument sign will be constructed of similar materials to the Fire Station with pin-mounted metal letters. The applicant is also requesting approval of a deviation to the rear setback to allow for the eastern wing to encroach by 5 feet into the rear setback. Per the Leawood Development Ordinance (LDO), the deviation may be granted if compensating open space is provided at a 1:1 ratio, which the applicant has fulfilled. The proposed application meets the requirements of the LDO. Staff recommends approval of Case 05-21 with the stipulations listed in the Staff Report. I’d be happy to answer any questions.

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

Comm. Block: I know there were a series of comments. It was hard to follow because of the email chain. It sounded like there trees and potentially the relocation of a drive. I know we’ll probably hear about it in the public comments, but just so I can orient myself, can you help me understand where those trees of concern are and the issues with the drive?

Mr. Sanchez: There are larger trees that are currently on the site (*demonstrates on plan*). There is a 60”-caliper tree that is proposed to be removed. There is a 50”-caliper tree, and a 48”-caliper tree. One being saved along Lee Boulevard is a 48”-caliper tree, along with a 32”- caliper right in front of the old City Hall.

Comm. Block: Will the drive go through the larger trees at the top of the screen?

Mr. Sanchez: Yes, the drive moved from one side to the other to protect the tree.

Comm. Block: Then there is another one to the east where the drive is?

Mr. Sanchez: Yes, there are larger trees and a large berm to guard the southern property from the lights coming in. The large berm will be accented with the shade trees.

Comm. Block: There was talk about a gate so the lot to the north could be utilized for circular traffic. I didn't understand where that was.

Mr. Sanchez: There is no gate proposed.

Comm. Block: From the residents, but I can wait until they speak. What is the use of the two northern buildings?

Mr. Sanchez: At this time, they want to keep it open for further concepts. They want to get the Fire Station in now because it is needed. Then, they will work on a plan for the other two buildings later.

Comm. Block: But the thought would be that they would stay for the long term?

Mr. Sanchez: That is one of the ideas. I think it's still up in the air what will happen with those.

Comm. Hoyt: To follow up on Commissioner Block's question, it is helpful to describe it because I, too, had a hard time deciphering all the ins and outs of the email chains. Could you describe the process of staff and the person who originated the email chain, Ms. Geller, to sit down and talk? She raised various points, and I wonder if you could address those.

David Ley, Public Works Director, appeared before the Planning Commission and made the following comments:

Mr. Ley: We have discussed many times with Ms. Geller the location of the driveway. To give a brief history, in early October of last year, we came up with two different options for the Fire Station location and the driveway. We took that to a November City Council work session for review to get a recommendation on which way to go on the driveways and building location. We provided a letter to the residents the first or second week of October and asked them to email comments on the driveway locations. We did not receive any email correspondence from the adjoining property owners. Ms. Geller contacted me on the phone and was upset about the location of the southern drive on the plan that was approved. When we went to Governing Body, we took Option 2 (*displays on monitor*). This was the plan Governing Body wanted to proceed with. One of the comments they mentioned was they liked how the driveway lined up with the property lines on the west side of Lee Boulevard, so as people are exiting the site, headlights are not shining on the homes. The other plan had the southern driveway located a little farther north; however, it aims right at the house across the street, which has a bunch of windows. That is one of the reasons City Council selected Option 2. We've been in contact with Ms. Geller, and we have made changes from the original plan. It was

originally a 26'-wide driveway. The Fire Department has agreed to go down to 21 feet in width, which is the minimum that will allow for two-way traffic. They are proposing a berm on the south side of the driveway with quite a bit of landscaping.

Chairman Elkins: If I recall correctly, the design of the station was also reduced from two stories to one story, in part in response to community input. Is that correct?

Mr. Ley: That is correct.

Comm. Coleman: How many Fire Stations are in Leawood?

Mr. Sanchez: Three.

Comm. Coleman: Are the sizes similar to the new building that is going to be built in terms of square footage?

Mr. Sanchez: I'm not quite sure.

Mr. Klein: I'm not sure. They were built at different times. Fire Station No. 2 is more centrally located around 127th Street and Mission. The newest is located adjacent to Ironwoods Park. It's lower in scale and looks to be a little bit larger. Of course, this would be the newest one.

Comm. Coleman: How many bays are in the current one?

Mr. Sanchez: There are four bays. The original building had two, and then two additional bays were attached to the building.

Comm. Coleman: The same number will be going in this building?

Mr. Sanchez: Yes.

Comm. Coleman: In terms of square footage, it's an additional 4,500 square feet or an 87% increase in the square footage of the building, going from the old building to the new building. What do you account for the rest of the square footage increase?

Mr. Sanchez: I know the architect is here, and he may be able to talk more about the interior of the building.

Comm. Coleman: I know this is a unique application since you are the applicant. I'll circle back with him on that. Regarding the deviation, is there just not enough room between the property line and the building?

Mr. Sanchez: The way the LDO works is the rear setback is calculated using a formula, and in addition to that formula, the applicant is able to add in the additional setback that was given on the front yard because it reduces that setback. The 5 feet is a hanging

distance that the building goes into the setback, so the deviation would allow for the building to now be conforming.

Comm. McGurren: Was there consideration of the Fire Station being moved 5 feet toward Lee Boulevard so that there would be enough space in the back to where the deviation wouldn't be necessary?

Mr. Sanchez: It may have been. That may be a better question for the architect.

Comm. McGurren: Is the 3.7 acres the totality of what the city owns in what was previously five lots?

Mr. Sanchez: That's correct.

Comm. McGurren: How much is being devoted to the Fire Station, and how much is being left for other uses?

Mr. Klein: I know the city bought an extra lot to the south. I don't know as far as the difference in square footage. I know this was a site that was selected because of the existing City Hall and Fire Station located where they are.

Comm. McGurren: By buying the additional lot to the south, it enabled the Fire Station to be placed on what had previously been two southern lots. It would enable the existing City Hall not to be moved, as compared to the early plan that had it being moved because the Fire Station would take a portion of its place.

Mr. Klein: I don't think there has been a final decision with regard to the other buildings located on the site. As Ricky indicated, the city wants to get the Fire Station approved at this point and then look at the rest of the site at a later date.

Comm. McGurren: Is there somebody that's going to be on tonight that will know the acreage?

Mr. Klein: Yes, and I can look for you as well.

Chairman Elkins: Thank you. Other questions for staff? We'll hear from the architect to represent the applicant.

Applicant Presentation:

Jeff DeGasperi, DeGasperi Architects, 6240 W. 135th St., Overland Park, appeared before the Planning Commission via Zoom and made the following comments:

Mr. DeGasperi: To start, I can do a brief history of the process. It's been going on over four years with some twists and turns along the way. In October, 2016, City Council had a work session where they decided the scope of this project and directed us to get underway. In late 2016, we started meeting with the Fire Station staff, Planning staff, and

City Administrator to define some of the goals, features, program of the building, and the site. They had just gotten the Police Station removed from the site, so we had to clean the site. In 2017, we presented to Planning, and we had some designs to show. We had two different styles with several different site plans. We discussed merits, pros, and cons. We moved toward a hold pattern because of some of the site issues. We decided we needed to study what happens to City Hall and how much it takes to move it. There's a cell tower on the site, and the lease didn't expire for quite a while, so we went on hold for a couple years. In February, 2019, we were ready to present at a City Council work session. They recommended a consensus on the style, which was a little more residential than institutional. We added a bay to the design project and took off the second floor to reduce height and soften it a bit more. They tried to purchase the south property to give the building a little more buffer on the south side. In October, 2020, which was only about 4-5 months ago, we had another City Council work session. We received some guidance on the south driveway configurations and some other stipulations they wanted us to work through. We have been working on these for the last four months, refining the design you see here today, including input from staff and the neighborhood meetings.

As mentioned, we have a south driveway, a weaving path along the south, a large berm and plantings. I know there is concern about where it is situated, but we've tried to situate it with the best balance for everyone and also make it functional for the Fire Station, as Chief Fitzgerald is obviously concerned that we meet all the turning radiuses for trucks. We aligned the exit ramp out of the building between the two houses across the street. The building was lowered from the east properties with significant stepped walls and landscaping on the back side. The setback on the front only needs to be 35 feet per the report. We provided more. We are aligning with the other houses along Lee Boulevard. In an earlier planning session, we decided the main thing to hold was all the houses in the neighborhood. That's how the front was established. Because it's a fairly long building toward the back with the living spaces on the front and a dorm on the back, it makes for a long, slender piece on the south side that hooks into our garage bays. We are only about 5 feet over. As mentioned, we have that large green area on the south that more than makes up for it as far as the rules for allowing an encroachment on the back. The building has been established to be a long-term facility, so it will not be staffed more than half full. We have an opportunity for nine staff, and the four bays allow for expansion as well. Chief Fitzgerald could address it, but I think there are only 2-3 trucks starting out. This is a future planned facility. The basement includes a training room, which they really don't have next door now, a larger exercise area. They're really only using two bays of the building next door. There's also a storm shelter downstairs and larger living areas that will be better for a larger staff ultimately. That's how we ended up with the 9,700 square feet. I'll make a clarification that 9,753 square feet is the footprint of the building on the first floor. The basement is an additional 4,540, which brings the actual total square footage of the building to 14,293.

The building was stylized off a flat-roofed dorm and living area to keep it fairly low. There is a tower vestibule feature on the front, which is to be a welcoming and inviting front door to the neighborhood and community. The apparatus bays with the four garage doors have a low sloped roof over it to soften that mass, to hold it down a little lower and to relate to the residential styles in the neighborhood. The materials are derived from the existing buildings on the site. We are saving the old City Hall building next

door. It has a limestone base, and the Fire Station has a limestone base with limestone feature walls. We're also coming with the brick off the old Fire Station and the old City Hall. It will be an exact match off that red brick color. We're using a darker trim and a darker roof to secede a little bit and play off some of the residential type of trim. We also have a horizontal wood plank look on the upper portions of the building to bring in some warmth and some of that residential character. The windows and bay doors are anodized aluminum. That is to play off the colors of the existing Fire Station.

We also have civil engineers available for questions: Dustin Burton and Chase Kohler. Andy Gabbert with RIC Engineers is our landscape architect. At this point, I'd stand for questions.

Comm. Coleman: You actually answered a lot of my questions. I have another question about parking. There were 47 spaces, and you're adding 23 spaces for a total of 70. This is approximately a 50% increase in parking. Why the need for the increase?

Mr. DeGasperi: Our charge was to create a freestanding facility. We were not looking at those parking spaces as available to this station. It needed to stand on its own in case other plans were made for the other two buildings and should there be a reconfiguration or removal of the parking lot. The 23 spaces allow for shift changes and overflow for meetings.

Comm. Coleman: Regarding the setback deviation, you're compensating with common open space, and that's not an issue. Is the deviation going to adversely affect the neighboring properties in the back?

Mr. DeGasperi: I would say not at all. The landscaping buffer and the lower grade of the building prevent it from being a discernable issue. It's a very narrow portion of the building at only 20 feet wide. It's really the back of the dorm and has no windows. It's going to have landscaping in front of it. I see no detrimental issues.

Chairman Elkins: Thank you. Commissioner McGurren, did you need to follow up on your question about acreage?

Mr. Klein: I looked it up, and it's almost split in half. The Fire Station is sitting on 1.9 acres just a bit north of the parking lot. The rest is about 1.87. The south Fire Station is 15,566 square feet. Unfortunately, I wasn't able to get information on the central one.

Mr. DeGasperi: The parcels that came together to make one large lot makes us close to halfway with them all. No part of this building is on the south parcel that we recently purchased. Legal wanted us to keep the building off that part due to deed restrictions. The only thing on that parcel is the driveway and landscaping.

Comm. McGurren: There is a beautiful picture that shows the entire new Fire Station with the old City Hall and the nice flag. The signage on the building says, "Leawood Fire Station One." I'm curious about the placement. It appears that, if one were driving down

Lee Boulevard from north to south, the sign wouldn't be visible because the limestone wall that juts out from the front façade would hide it.

Mr. Klein: The wall does stick out and probably does obscure it from the north side; however, there is also a monument sign in the front yard.

Comm. McGurren: I saw that, and what caught my eye is that "Leawood" is not on that. I was just curious whether the significantly larger area directly to the left of that wall might be a better placement for the sign.

Mr. DeGasperi: I can address some of the thought process. We can add "Leawood" to the monument sign. This is more of a rendition, and we need to get approval for the actual final version of the sign. We talked about whether we even needed a sign, but we just felt we needed something to identify the front door. It doesn't need to be big letters; it is just more of an identity issue. We can evaluate a different place; I just don't think it should be very big because it's really not a commercial building.

Chairman Elkins: I would note that there is a little ambiguity there because the next page shows "Leawood" on it. I think that's a detail that could be addressed.

Mr. Sanchez: There is a stipulation that final materials need to be presented to staff prior to Governing Body consideration. The signage can be finalized between now and then.

Comm. Coleman: I agree that it is a bad place for the sign. In my mind, this is a source of pride for the City of Leawood. It should blend into the community, but it should also show pride of the city. I would advise to move the signage over to the area to the left.

Mr. DeGasperi: Could I suggest moving it to the right on that wood wall, the screen wall to the right of the front door?

Comm. McGurren: It looks like it would have plenty of space and would be visible, but with a lot of signage in any kind of development, people end up planting landscaping in front of it that completely hides it because it gets so big. If you're convinced that wouldn't be the case, I don't think that would be a bad option at all.

Mr DeGasperi: I can't control years down the road.

Comm. McGurren: Then I would vote "no" on putting it low.

Chairman Elkins: I would note for the record that this is all very good input, but we ceded our authority over signs to staff as an administrative matter a year or so ago.

Comm. Coleman: I'm sure Governing Body is going to have their own opinions about where to put that sign.

Chairman Elkins: Other questions? There has certainly been a lot of discussion on the trees and some of the significant trees that we will lose as a result of the driveway. Can you comment from a design standpoint what options you had or considered in the placement of the driveway?

Mr. DeGasperi: I would like to defer to our engineers and landscape architect. They've had a lot more dealings with Public Works and with Brian Anderson, the City's Arborist, about going out to the site and looking at this several times.

Dustin Bergman, RIC, 1815 McGee Street, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Bergman: We've had multiple ongoing conversations with not only the Parks Department but also David Ley on various trees. It's always a hard decision when we're faced with a puzzle like this with multiple entities and functionality of the Fire Station. We looked at a few options early on. Really, one of the factors to saving some of the trees would be preservation of the old City Hall. That's what's driving the full footprint farther south. It's taking some of the more prominent trees that were on the southern parcel.

Andy Gabbert, RIC, 8653 Penrose Lane, Lenexa, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Gabbert: Another take we had on the trees is that we were trying to save some of the larger trees on the street as well. The location of those drives were really positioned to maximize the existing street trees out there that bring a lot of character to that street and that neighborhood. As far as some of the existing trees in the back, we did try to save as many of them as we could while we were pushing the drive and angling it through the site to make sure we could save what we could where we could.

Chairman Elkins: Thank you. It's notable that what appears to be the largest tree on the lot is one that will have to be removed for the driveway. It's not of great note at the moment, but can you tell us what kind of tree that is?

Mr. Gabbert: It's a pin oak.

Chairman Elkins: Other questions for the design team? If not, this case requires a Public Hearing. We'll invite you to respond to comments if appropriate. We will allow five minutes for each person from the public to speak to the issue.

Public Hearing

Katie Geller, appeared before the Planning Commission and made the following comments:

Ms. Geller: I live directly next to the lot that was purchased. My comments really are to the Planning Commission and City Council in a broader perspective because if I were on the Planning Commission, I would want to know all the facts ahead of time before

making a decision. If I were on City Council, I would feel the same way. If I got one choice and no facts or if I was a member of the public who didn't get the facts or facts that were skewed, I would want to go back and research that and make sure that I had all the information to make a really good decision. In this particular instance, we received, last July, a request to join the plats, ostensibly, because they wanted to decide what to do with the old City Hall, which we know they never did decide. That was the reason. In reality, most of the people around here believed it was to evade any questions on deeds and restrictions on the lot that was purchased. In fact, that's possible since someone just mentioned they were trying to make sure the Fire Station didn't go over to that lot for that reason. I do think, with response to that comment, it is possible that the two-story foyer goes over the border from what I was looking at, but I could be wrong on that. It's of no consequence. After that, on October 8th, we received a letter saying we would have the ability to comment on what would be given to the City Council work session. We could only do it in writing and could not go to the work session through Zoom. We could not talk with anybody about that. The problem in this instance was that we weren't given anything to comment on that was different from one plan to the other except the road. In fact, even my address wasn't on there in the right spot (*displays plans*). My address is marked as a different address. All it is, is an outline of beige-on-beige Google Maps with nothing marked at all. We then received Concept One, which was extremely vague. We were not given any information to comment on. Then, in the work session, the comment was made that nobody cared to comment. This, of course, wasn't exactly accurate because one of our leaders who was working with them had sent a request for multiple pieces of information. One of the things they did not show at that time or at any other time were the trees that were going to be taken. One of the things we requested at that time was a site survey and a map that showed us where those were so we could then mark those trees or see what trees were going to be gone. Before the work session, I asked David Ley to bring up the traffic issues and the tree issues. As I understood it, when I heard that, the only thing he commented on was that I didn't like the road so close to my house. This was definitely the only thing we could see. If you are able to see it, you'll also be able to see that the road came all the way to my driveway. It's changed a little bit since then. I'm pretty sure they have copies of these. What I also discovered in the work session is they did not get the same thing we got. We never got plans for the Fire Station, so we really couldn't comment on what the style was. We had gone in 2019 and asked that it be traditional to go with our neighborhood. We were assured that it would absolutely be considered. What I have learned since then is that only two plans went to City Hall. They were the same Fire Station. It was contemporary, and no person in the public's comments were taken into consideration. In fact, we had never even seen the plan. Only City Hall saw the plan. What is concerning is in the October 8th letter that we received for the work session and also in the work session of City Hall, it was represented that this Concept 2 plan that was 30 feet farther away and that the trees were being saved in this plan and not in the Concept 1 plan. It said that, and it made another comment that was a bit disingenuous. In fact, the Concept 1 didn't bother any of the trees on the road that I can see. I'm not going for Concept 1. What I'm bothered by is the lack of information given to the City Council. It's a totally different issue. I want to make sure the Planning Council has the correct information and the full information. What we were given showed where the old driveway was. The other comment on this was that Concept

2 was better because the road would be between the two houses across the street. There was very little difference on that. I want to go back to the trees quickly. In front of the yard next to me, there are three trees on Lee Boulevard. Concept 1, which was in the letter sent to us and City Council, did not bother any of those trees. It did not bother any other trees in the yard, either. Right now, it looks like ten trees are going, and 4-5 are mature. Actually, on the plans that you got, not all of them are drawn yet, especially the beautiful evergreens toward the front. What I'm saying is a lack of information does not allow a good decision. In this instance, there was only one architect plan that was given to City Council. It was not traditional versus contemporary, and the public never did see it, so certainly, they could never comment on it. The comment in that work meeting from the presenters that the public didn't care really wasn't correct because we had asked for more information and not received it. In fact, that meeting occurred on November 8th. On November 24th, a letter was written with the site survey showing the stakes on the plot. Just to preview, Concept 1 did not harm the trees; Concept 2 did. Concept 2 made the reference that the representation was made that it was pushed over to my house to save the neighbor across the street on the west from the lights. I want to explain that the lights of the fire engines go up and down Lee Boulevard whenever they go up and down Lee Boulevard, and every house on both sides knows that. The new house across the street apparently was not clued into that, but they were clued into whoever was making up these plans before we knew anything about them. What I did see was that the comment was made, both in the meeting and the letter, that this was to save the neighbors on the west side from the lights when, in fact, the only lights that shine with returning fire trucks that are so very bright would be to my house. It would be because those are the trucks that are going east. They will never shine their lights west across the street. When I saw that comment and heard that in the meeting and saw the comment about the trees and saw the reality, I was concerned when I saw there were no substitute streets planned; therefore, I heard there could be no alternatives given because there were only two presented to City Council. They were the same Fire Station, and the road was different. Either road could have been put on either plan 30 feet in or 30 feet out. Again, I'm glad they're saving the Courthouse. One of the concepts and alternatives that was never discussed was if they could put the old Courthouse on the lot next to my house, which all of us and many of us had said, "Why don't you do that as an alternative?" That really was never presented at all. Had they done that, it would have had a lot more land for their drives. More than that, right now, the current land that you are voting on is within 13 feet of the old Courthouse steps, which means you can barely get by. It's not centered and not planned, and that site plan, which was ostensibly to make sure this was planned out and spaced properly, was not used for the purpose for which it was intended. I saw no alternatives suggested with putting the old Courthouse on this lot. I saw no alternatives suggested with a traditional style of Fire Station. I've got to say the guys worked hard, and they do beautiful work. The architects' work is beautiful. The landscapers' work is beautiful. I am not trying to complain. What I am trying to say is that good, solid decisions aren't made without consideration of the facts and all of the facts. As it is, I did mark the trees that were impacted by this road, and I tried to show not that my idea should be taken, but that the directive, if given, the work order, if allowed – and I'm hearing that there is no allowing of the work order – would be to bypass the trees and make it work, showing an alternative. That's what I set out to do, using the existing driveway, which is already

there. It was interesting because I used the very curved road that was in the design, and I simply pulled it toward the existing drive, which I could see on the staked plan. That's all I did. It wasn't that hard. I also pulled it in at the top so that the distance of the road from the building was the same as on the other side. I knew it was an okay distance. I'm not an architect; I'm just saying there are ways to save those trees that were not considered. They could have presented more than one Fire Station plan, but they didn't. They could have considered the site plan, but they didn't. What I hear and see is that once Public Works puts the plan in place, and even though we weren't given anything to comment on, it goes to the city as if we could make real comments. Even our questions are given after the work session meeting. By then, everything is in play. It has to be a changeable work order, basically, for an architect to do anything. What I'm saying is that we aren't saving those trees for a reason. I marked where they were. I think they knew where they were, but they didn't tell the public. They didn't tell City Council. Honestly, I'm not sure they would have told you if we hadn't brought it up every which way in every email I could to everyone to say, "Hey, look at this issue." I'm not just saying we should go with one or the other; I'm saying the issues should be addressed. There should be authorization to look at alternatives. What I see in this process is that Public Works presented clearly one alternative because only one alternative saved the Courthouse without moving it; although, it was only 13 feet away, and the whole problem with that was just if they could do it. It was the same with the corners around it. They talked in the City Council work meeting about making sure they didn't have 90-degree angles. What they didn't discuss was that the road was 25 feet wide at that point, more than a double road, more than Lee Boulevard, and of course, you can turn onto a double road from a double road, especially when there is not ongoing traffic. I have learned that the firemen change their shifts at 7:30 in the morning. It is very unlikely that a returning fire truck with the firemen is going to be confronted by their own crew of 3-4 people exiting. There is no conflict in the firemen returning with trucks with cars that are exiting. That's really a non-issue. I like the curbs, too. Honestly, I do. I even think that the Fire Station is pretty. I don't like the front doors because I think they're way too contemporary, and I think they could be softened up. They look a little like a prison door to me, but okay, you guys might like them. I don't think they go with the style of our neighborhood, and I think the Fishers are really best equipped to deal with that. They have two beautiful letters in there, but Jessica's comment to me was that she didn't think it was going to get anywhere. She is an architect, and when she asked the architect about it in the last meeting, his comment was that this is what he was commissioned to do. "This is a plan. This is what we like. We think it goes with the neighborhood." And it does go with South Leawood. It doesn't go with this place. It's pretty. I don't know what to say. I'm not commenting on that except that I do think that the stone around here could be valued and honored. I think the trees could be valued and honored. I think the people could be valued and honored.

Chairman Elkins: Ms. Geller, we appreciate your comments very much. Thank you. We'll certainly take them into consideration.

Ms. Geller: Can I give one suggestion? I would suggest that you look at these issues before you make a decision.

Chairman Elkins: We appreciate that. Thank you. Ms. Fisher, do you wish to be heard?

Tim Fisher, 9641 Lee Boulevard, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Fisher: I'm going to speak on my wife's behalf. I just have a real quick follow-up to what Katie was just discussing regarding the trees. I didn't catch the gentleman's name. I believe he was the landscape architect who was talking about the driving force behind the location of the south drive being the location of the existing City Hall. My question is why is the existing City Hall, which is going to be relocated, a driving factor as to where this south drive is going to go in and take out all these trees that have been there for quite a long time? Wouldn't it make more sense to move the City Hall first and then put the Fire Station where it would best fit on the three lots with the drive while trying to preserve as many of the trees as possible? Then my second comment is during our last meeting with the architect, he made a comment that the building fit in with the surrounding architecture of the homes. I wanted to go on record to say that maybe with the house across the street and three doors down, but by and large, the vast majority of houses in this area are not modern looking with the modern-style architecture. I just thought I'd throw that out there. I'm more concerned about trying to preserve the trees and why, if City Hall is being moved, it isn't getting moved first. Thank you.

Chairman Elkins: Thank you. We appreciate your comments. Are there any other comments from the public with regard to the pending Fire Station?

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 roll-call vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, Peterson.

Chairman Elkins: Under our procedure, we turn back to the applicant. I think I would call on the design team and ask if you have any comments in response to the observations or questions asked by Ms. Geller and Mr. Fisher with respect to the issue of the trees and Option 1 and Option 2.

Mr. DeGasperi: I would defer to either Andy or David Ley, as they've been more involved with the site-planning process, and David has a lot more history with all the process. I'll defer to him.

Mr. Gabbert: I am the landscape architect, and I believe one of the questions Mr. Fisher was talking about was the need for the drive to be repositioned so that the building could miss the City Hall to the north. My statement didn't state that. What my statement said was that the drive to the south was winding to avoid some of the existing trees along Lee Boulevard. That allows us to maneuver around one of the existing nice pin oaks that are along Lee Boulevard, where the straight option would have taken it all the way out. I just want to clarify that my statement was not that we were shifting the drive to the south to realign it so that we would avoid City Hall to the north; it was to avoid as many of the existing trees as possible.

Chairman Elkins: Thank you. Mr. Ley, I'm sure you heard about Option 1 and Option 2 and the relative impacts they had on the trees. Can you comment?

Mr. Ley: I talked with Katherine Geller for about an hour in October when she received the plans. We were discussing the different trees that were going to have to be removed. Governing Body decided between the two building locations. To answer Mr. Fisher's question about moving City Hall, it was discussed that if we were to put the Fire Station to the north as Plan 1 showed at the work session, we would have to temporarily store the City Hall building on a trailer for multiple years. That was something City Council didn't want to have to do. We're in need of the Fire Station. The architect started back in 2016. We've had issues with that existing building. City Council has tried to get staff to move forward with building the Fire Station, so that's what we're focused on. They did decide that they liked having the Fire Station to the south to maintain the existing City Hall until the area to the north is developed. They talked about trees that need to be removed more toward the street. It was mostly right-of-way; Ms. Geller is correct about that. She did submit a plan that showed a different driveway that swooped to the north as opposed to swooping to the south as our plan does. All the trees on the back half of the lot would still have to be removed because of the grade cut for the parking lot.

Chairman Elkins: So, Option 1 versus Option 2 was not just an issue of the driveway; it was actually where the buildings would be located on the land.

Mr. Ley: That is correct. We had the building about 20 feet further north on Site Plan 1. She was saying they didn't have anything to comment on. They could have provided us comments saying that the plans were too vague if they didn't understand them. I gave my phone number for them to contact me if they had questions. The only call I received was from Ms. Geller.

Chairman Elkins: I appreciate that, and I don't know that it's productive to talk about who said what to whom and when. The key issue here is about the siting of the building and the driveway. Just to confirm, what I think you said earlier in the evening, was that City Council has not made a decision on what will happen with old City Hall. Is that correct?

Mr. Ley: That is correct.

Chairman Elkins: There's a possibility it may stay there permanently.

Mr. Ley: Yes.

Chairman Elkins: To have moved the Fire Station farther north, it would have required that something happen with the old City Hall.

Mr. Ley: That's correct. The architect said it's as far north as it can go to keep City Hall where it is.

Chairman Elkins: Thank you. Other questions for Mr. Ley or for the design team? Thank you. I believe that takes us to a discussion of the proposed Fire Station and the comments that were made.

Comm. Coleman: To let everyone know, I did visit the site this afternoon. I walked the land, walking over to the empty lot. I made special note of the trees that are on there. I will say that there are a number of large trees. It is very problematic to just pick and choose which trees that will be saved, given the scope of the project. It's not like the trees are all in a line; they are scattered on the site. I can see the difficulty in trying to maintain all the trees. Some of the trees are going to have to go. The scope of the project is just too big to keep all of them. I appreciate the architect trying to keep the trees closest to Lee Boulevard. I think those are the more important ones when trying to revitalize an interior city lot like we're doing. Personally, I think the building is beautiful. I think it blends in well. It is a little bit modern, but the coloring goes well with the stone work accents. Just going up and down Lee Boulevard, you see it's changing. There are teardowns and rebuilds. The continuity of the architecture that was there when it was first built is changing, and it's going to continue to change as more developers come in and buy the land to put new buildings up. I think the building itself for the Fire Station is going to be a great addition to the city. I definitely support the project.

Comm. Block: Along similar lines, I appreciate what the city and the architects have done to accommodate a lot of the concerns we heard the first time we heard this case. It's gone from two stories to one story. There was talk of a park, which I know upset neighbors at the time. There is no building being built on that southernmost property. I can't remember exactly, but I thought this encroached on that area more so in the last version. As Commissioner Coleman said, this saves as many trees as possible. Again, there will be some lost, but I do appreciate the architect's desire to try to math the existing buildings with the city building with materials. That was a good solution there. I understand the concerns regarding the drive, but I appreciate that the thought was put into it to put it in, in a way that wouldn't negatively impact those across from it. I don't know if there's a perfect way to put it. It seems that the impact is the least in its current configuration. The sight line from the south to the north with the large berm and landscaping will provide a nice backdrop to the side yard that doesn't exist today.

Comm. Hunter: I agree with what Commissioners Coleman and Block said. It's a little disappointing to me that we aren't looking at the totality of the site and having a plan that will support the entire area, but given the fact that it's given to us in a piecemeal fashion in the plan presented to us, I'll vote to approve it.

Chairman Elkins: Thank you. Any other comments? Is there a motion?

A motion to recommend approval of CASE 05-21 – CITY OF LEAWOOD – FIRE STATION NO.1 – Request for approval of a Preliminary Plan and Final Plan, located south of 96th Street and east of Lee Boulevard was made by Coleman; seconded by Block.

Mr. Klein: We were talking with the architect and we confirmed numbers. What we understand is the basement would not be included in the 9,753 square feet. The total would be 14,293, including the basement.

Chairman Elkins: Does that impact us at all here?

Mr. Klein: Stipulation No. 1 indicates what is being approved. I just want to make sure that we have the correct number.

Mr. Sanchez: It would also affect No. 2 with the Impact Fees.

Chairman Elkins: The 9,753 would be amended to 14,253?

Mr. Sanchez: 14,293.

Chairman Elkins: Has anybody done the math on the Impact Fee?

Mr. Sanchez: The Impact Fee would then change to \$2,143.

Chairman Elkins: Does the Public Art Impact Fee change?

Mr. Sanchez: Because it is also 15 cents, it is the same as the Park Impact Fee at \$2,143.

Chairman Elkins: Thank you. Commissioner Coleman, would you care to amend your motion?

Motion amended to include a change to Stipulation No. 1 to change 9,753 square feet to 14,293. In Stipulation No. 2A, changing \$1462.95 to \$2,143.00 and the square footage from 9,753 to 14,293. In Stipulation 2B, changing \$1462.95 to \$2,143.00 and the square footage from 9,753 to 14,293 – by Coleman; seconded by Block. Motion to approve Case 05-21 with 33 stipulations as amended carried with a unanimous roll-call vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, Peterson.

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

Comm. Coleman: I just wanted to point out Commissioners Hoyt, Stevens, and myself were reappointed for three-year terms, effective March 1st.

Chairman Elkins: Congratulations. What we did today was official. I'm glad you pointed it out. Any other business?

Comm. McGurren: I'm just curious. A number of months ago, there was an update that there would likely be some conversation about the 135th Street Corridor and the

challenges we've all had for the last year or two. I'm curious whether that is coming shortly or whether it has been scheduled.

Mr. Klein: We have a couple cases in the pipeline, including Cameron's Court along 135th Street. While those are in, they want to look and gauge what happens with them and what is proposed rather than changing it midstream. It is my understanding that we probably will have a discussion, but it would be more after seeing what happens with these.

Chairman Elkins: Thank you.

MEETING ADJOURNED