

**City of Leawood
Planning Commission Agenda
January 29, 2019
Dinner Session – 5:30 p.m. – No Discussion of Items
Leawood City Hall – Main Conference Room
Meeting - 6:00 p.m.
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL:

Hunter, Belzer, Hoyt, Pateidl, Elkins, Strauss, Coleman, Block, Stevens

APPROVAL OF THE AGENDA:

APPROVAL OF MINUTES:

Approval of minutes from the November 27, 2018 Planning Commission meeting.

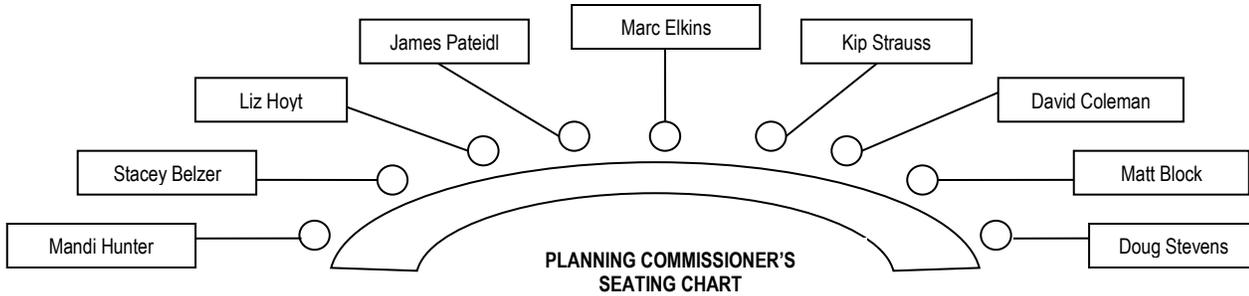
CONSENT AGENDA:

CASE 88-18 – MARKET SQUARE – REVISED LANDSCAPE PLAN – Request for approval of a Revised Landscape Plan, located south of 133rd Street and east of Mission Road.

ADJOURN REGULAR MEETING:

Meetings will end at 9:00 p.m. unless the Commission votes to extend the meeting for a period of thirty (30) minutes. An additional thirty (30) minute extension, for a maximum of two (2) extensions, may be voted by the Commission members.

LEAWOOD PLANNING COMMISSION



The Leawood Planning Commission is a nine member non-partisan body whose members are appointed by the Mayor and confirmed by the Governing Body.

The Planning Commission prepares the Comprehensive Plan that is used as a general guide for the development of the community. The Comprehensive Plan is reviewed and updated annually as part of the commission's ongoing process of evaluating trends and patterns. The Commission also reviews all zoning, special use permit, and site plan and plat applications prior to making recommendations to the governing body for final action.

The regular scheduled public meetings of the Planning Commission are held at 6:00 PM on the fourth Tuesday of each month in the City Council chambers, 4800 Town Center Drive. The Commission may also conduct a study session followed by a meeting on the second Tuesday of each month.

Anyone wishing to appear on the Planning Commission agenda or study session agenda should contact Planning Services at (913) 339-6700.

REZONING AND SPECIAL USE PERMIT PROCEDURES FOR LEAWOOD, KANSAS

Newspaper publications: The city will be responsible for publishing the notice of public hearing in the official City newspaper not less than 20 days prior to the end of the public hearing.

Posting of the sign: Upon submission of the application, the City will supply the applicant with a sign to be posted on the property. The sign must be posted not less than 20 days prior to the public hearing.

Letters of notification: The applicant will be responsible for mailing notices by certified mail, return receipt requested, of the proposed zoning change to all land owners located within 200 feet of the area proposed to be altered. These notices must be sent a minimum of 20 days prior to the Planning Commission hearing.

Public hearing: The Planning Commission hears all zoning requests, hearing from the applicant and anyone in the audience wishing to speak for or against the proposal. The Commission will then make a recommendation for approval or denial to the City Council or continue the application to another Planning Commission agenda. The following is an outline of the public hearing process.

1. Staff summarization of comments and recommendations.
2. Applicant presentation and response to staff comments and recommendations.
3. Public Hearing
 - a. Anyone wishing to speak, either in favor or in opposition has an opportunity to speak.
 - b. It is appreciated if the speakers keep repetition to a minimum.
4. The applicant will have an opportunity to respond to points raised during the hearing.
5. Planning Commission discussion.
6. Motion and second by the Planning Commission.
7. Planning Commission discussion of motion.
8. Planning Commission vote on the motion.

Protest period: Certain property owners may file a petition protesting the application within 14 days after the close of the Planning Commission public hearing. The petition must be signed by the owners of record of 20% or more of any real property proposed to be rezoned, or by the owners of record of 20% or more of the total real property within the area required to be notified in Article 16-5-4.1 of the proposed zoning of specific property, excluding streets and public ways and property excluded pursuant to 16-5-4.3.

City Council Action: After the protest period has concluded, the application will be placed on an agenda for a City Council meeting. The Council may then take action on the proposal. The Council may approve the Planning Commission's recommendation, or it may amend and approve or remand the proposal to the Planning Commission for further consideration.

**City of Leawood
Planning Commission Meeting
November 27, 2018
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: Hunter, Hoyt, Pateidl, Elkins, Coleman, Block, and Stevens. Absent: Belzer and Strauss.

APPROVAL OF THE AGENDA

Chairman Elkins: It appears that there are no changes or amendments to the agenda. If there are no other changes, I'll entertain a motion.

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

APPROVAL OF MINUTES: Approval of the minutes from the October 23, 2018 Planning Commission meeting.

Comm. Coleman: On Page 8, about ¾ of the way down, it should be Duck Donuts instead of Dunkin Donuts.

A motion to approve the amended minutes from the October 23, 2018 Planning Commission meeting was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 6-0. For: Hunter, Hoyt, Pateidl, Coleman, Block, and Stevens.

CONSENT AGENDA:

CASE 117-18 – BI-STATE CENTENNIAL PARK – CENTRAL STATES BEVERAGE – FENCE – Request for approval of a Revised Final Plan, located east of Kenneth Road and north of 143rd Street.

CASE 129-18 – TUSCANY RESERVE VILLAGE, 6TH PLAT – Request for approval of a Revised Final Plat, located north of 137th Street and west of Chadwick Street.

Chairman Elkins: Does any commissioner wish to pull either item to discuss? If not, is there a motion?

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

NEW BUSINESS:

CASE 128-18 – LEAWOOD PRESBYTERIAN – RED DOOR RENOVATION – Request for approval of Revised Final Plan, located south of 83rd Street and east of Cherokee Lane.

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 128-18 – Leawood Presbyterian – Red Door Renovation – Request for approval of a Revised Final Plan. The property is located south of 83rd Street and east of Cherokee Lane. The applicant would like to construct a new patio area to be accessed by an Americans with Disabilities Act (ADA) ramp and a set of stairs as well as an overhead door. These projects will be located along the southwest corner of the Red Door building, which is located southwest of the main church on the site. The patio steps and ADA ramp are to be constructed with concrete and stainless-steel cable railing system surrounding the patio area. The new entry door and overhead door are both constructed of aluminum with glass and clear anodized aluminum finish. The applicant will relocate four shrubs and one tree from their current locations and will place them along the perimeter of the Red Door building. The project meets all regulations per the Leawood Development Ordinance (LDO), and staff recommends approval of Case 128-18 with the stipulations outlined in the Staff Report. I would be happy to answer any questions.

Chairman Elkins: Mr. Sanchez, I understand that the Staff Report has been modified, and the report that staff wishes for us to act upon was placed on the dais before tonight's meeting.

Mr. Sanchez: That is correct.

Chairman Elkins: Could you give us a brief overview of the changes that you recommended?

Mr. Sanchez: Throughout the report, the reference was southeast when it should have been southwest of the Red Door building. Also, under Site Plan Comments, one of the sentences got moved to a new bullet, so it showed three points when it was actually two points. Under the Site Plan comments, it goes into what the garage door is proposed to be constructed of. Under Staff Comments, the applicant changed the space between the ramp and parking spaces from mulch. The Staff Report was updated to show that along with Stipulation No. 8 instead of No. 6 that was shown.

Chairman Elkins: Do any of the commissioners have questions for Mr. Sanchez at this point? Seeing none, I would invite the applicant to step forward.

Applicant Presentation

John Wind, Piper Wind Architects, 2121 Central, Suite 143, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Wind: I'm pleased to have the opportunities to present the improvements to the Leawood Presbyterian Church. I'll start with a photograph of the front of the building (*displays on the monitor*). It is my understanding that this was the first church in Leawood. That building has not been used as a church for some time. It is now being used for youth organizations to gather. The church decided they would like to make some relatively simple improvements to the interior. As part of those improvements, they wanted to bring the building up to ADA standards. On the back side of the building, where most of the parking is located, they are introducing a ramp. The existing door will be replaced with a storefront-type door with glass and aluminum frame. The windows will be replaced with an overhead door. The landscaped area will be replaced with a patio and a new ADA ramp to provide access from the parking up to the landing and into the building. We maintain a couple steps from the building. Are there any questions so far?

Chairman Elkins: No, sir.

Mr. Wind: The idea is that, on nice days, they can lift up the door and expand the use of that interior space on the patio. It's a relatively simple project. I'd be happy to answer any questions.

Chairman Elkins: Thank you. Does anyone have questions? Mr. Wind, staff has recommended a total of thirteen stipulations. Does your client have any objections to any of those?

Mr. Wind: No objections.

Chairman Elkins: Thank you. That takes us to a discussion by the commission of the proposed plan for the Leawood Presbyterian Church. Are there comments or questions? I would entertain a motion.

A motion to recommend approval of CASE 128-18 – LEAWOOD PRESBYTERIAN – RED DOOR RENOVATION – Request for approval of Revised Final Plan, located south of 83rd Street and east of Cherokee Lane – with thirteen staff stipulations - was made by Coleman; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Hunter, Hoyt, Pateidl, Coleman, Block, and Stevens.

CASE 130-18 – STATE LINE NORTH OFFICE BUILDING – Request for approval of a Preliminary Plan, Final Plan, Preliminary Plat, and Final Plat, located south of 127th Street and west of State Line Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 130-18 – State Line North Office Building – Request for approval of a Preliminary Plan, Final Plan, Preliminary Plat, and Final Plat. The proposed office is located west of State Line Road and south of 127th Street. It will be located directly north of an existing office building and will match closely in style, layout, and size of the office building to the south. The proposed structure will be 9,702 square feet and is a single-story building. The façade consists of a tan-colored natural stone that skirts the base of the building and brown cementitious siding located above the stone. Medium brown brick accents the facades on all sides. The roof is a pitched roof and is proposed to be a shake shingle in an aged cedar color. The entrance to the building is located on the southern elevation. A 5’ sidewalk spans the southern and western sides of the building. Parking areas are also located on the south and west sides of the building. The applicant proposes 39 parking spaces, and that meets the requirements of the LDO at a ratio of four spaces per 1,000 square feet, as required for office use. Bike racks are proposed on the southeast corner of the building. The applicant has landscaping in conformance with the LDO, including street trees, parking lot screening, and screening from adjacent residential to the west of the building. One deviation is requested in this application, and that is to reduce the 40’ setback on the north property line to 34’. This is a deviation allowed by the LDO when compensating additional open space on a 1:1 ratio, and the applicant has met this requirement. Staff has a concern regarding the ability of a fire truck to turn around on the site without having to back onto State Line Road. The Leawood City Code requires a turnaround provision for access roads greater than 150’ in length, and the parking lot on this site exceeds that length. Fire Marshal Gene Hunter is here tonight to answer any questions about the fire apparatus. Overall, the application is in conformance with the LDO, and staff recommends approval of Case 130-18 with the stipulations outlined in the staff report.

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

Comm. Block: With regard to the fire apparatus, the parking lot to the south has a building with a similar shape. Were the requirements different when that was approved?

Ms. Schuller: It wasn’t a requirement from staff at that time.

Gene Hunter, Fire Marshal, 14801 Mission Road, appeared before the Planning Commission and made the following comments:

Chief Hunter: I was around at the time that was done, and I think the issue here is the length of the distance from State Line Road to the western part of the building. The fire apparatus road ordinance requires a road that extends within 200’ of all parts of the building. This building is about 217’ from State Line Road. It meets the requirement for a fire apparatus access road. Were that not the case, you could consider State Line Road the apparatus access road. Because it is farther, their driveway parking lot area becomes part of the apparatus access road. The second part of that requirement is if it exceeds 150’, it has to have a turnaround provision. That provision must have a number of attributes, but it has to accommodate a fire truck that is 47’ long and 10’ wide. Currently, they have no

provisions that would accommodate that vehicle. That's where that comes from. It needs to have a fire apparatus access road that extends to within 200' of all parts of the building. There is no access from State Line Road. That is the legal aspect. It doesn't meet the letter of the ordinance. As a practical matter, the way it is set up now, if we have to pull in, we would have to back out onto State Line Road. That is troublesome with 40 MPH traffic. It can be done; I don't mean to be overly dramatic about it. We do that at the Bell Knott property, but it's not an ideal situation. What we've identified as the most elegant solution would be to wrap that drive around and connect from Bell Knott to this property and then have a circle drive. The builder may have a different perspective on that, but that is our perspective.

Comm. Block: Do both properties have the same owner?

Ms. Schuller: No.

Comm. Block: Lastly, when we've seen proposals like this in the past, I thought there was a stipulation that the applicant would not oppose a Transportation Development District (TDD) or Capital Improvement District (CID). Is it different because they're on State Line Road?

Mr. Klein: The TDD is typically brought in with overhead power lines, and they are on the other side.

Chairman Elkins: To clarify what Marshal Hunter said, the need for adequate turnaround for fire apparatus is a matter of the LDO or another ordinance within the Leawood Code of Ordinances?

Ms. Schuller: It is a matter of the Leawood City Code.

Chief Hunter: It's an amendment to the Fire Code, which is adopted.

Chairman Elkins: Thank you. To clarify, the distinction between this property and the adjoining property is that the adjoining property's driveway does not qualify as the fire access road?

Chief Hunter: I'm trying to remember the debate at the time, but I believe if we measured it out, we would find that the western edge of the Bell Knott property is within 200 feet of State Line Road. They were able to use State Line Road as their access road; whereas, the proposed building would not fall in those same dimensions. The building is a little bit longer.

Chairman Elkins: Thank you. Additional questions?

Comm. Coleman: On Page 5 under Staff Comments, we talked about the point with the Fire Code. There are other bullet points that correspond to Nos. 13, 14, and 15.

Ms. Schuller: My understanding is that the applicant agrees with making those changes, so I didn't specifically call them out; however, they can address those further if they do not agree.

Chairman Elkins: If there are no further questions, I would invite the applicant to step forward.

Applicant Presentation

Scott Coryell, Bell/Knott & Associates, 12730 State Line Road, appeared before the Planning Commission and made the following comments:

Mr. Coryell: That was a very thorough Staff Report. I'll keep my comments brief so we can spend our time in discussion tonight. I want to do a brief overview of the project. It is, of course, on the west side of State Line Road, directly north of 12730 State Line Road. It is surrounded by residential on both the Kansas and Missouri sides. There is an office building directly to the south as well as condominiums and single-family homes on both the south and west with two assisted living facilities directly north. On the east on the Missouri side is all single-family homes as well. The site is very similar to our building to the south with the parking focused mainly on the south and west sides and the building on the north and east corner. We have developed a schematic floor plan for the initial tenant. They will consume roughly 2/3 of the building with a future tenant on the west side as well. Due to the nature of the building, we require the 60' width in order to fit everything in. We have stone with cementitious siding above it. The cementitious siding is a nice product which is being used on a lot of homes these days due to its low maintenance. This one in particular is nice because it has a faux wood finish that comes with a 20-year warranty. It will be a long-term product that should be maintenance-free for quite a while. When it does need maintenance, it can simply be painted. That is above the stone, and we have a cast-stone sill above that. Several areas of the elevation contain a nice medium brown brick to accent that as well. The roof is a synthetic shake shingle that is approved material in Leawood. It should look nice as well. We have natural aluminum windows with a light grey tinted glazing.

We are working with a small site that has some difficulties compared to a larger commercial site. Because of that, we are requesting the deviation to the north setback. I had mentioned before about needing roughly 60' in width for the building due to the number of treatment rooms we need to fit in there. With the restrictive site and the setbacks, it was difficult and very unlikely that we could fit that in there with the parking requirement. It should also be noted that we have reduced our parking count to 38 from 39 because we ended up raising the building pad 9". Our windows on the west side were up over 4' tall, and to drop them to 3' required removing the space on the east side. We are still within the requirements of the code.

We are generally okay with most of the stipulations; however, we do have some specific comments and concerns I want to address tonight. Regarding No. 2 and the burial of utility services, we believe that the comment could be read that existing utility poles would be relocated underground. We believe that would be up to the utilities served on the west side that have nothing to do with our project. Regarding No. 13 and Staff Comment No. 2, this has been agreed to, and all references to the panel glass will be

removed from the plans. We'll pursue window treatments instead. Regarding No. 14, Staff Comment No. 3, the transformer was overlooked. It has since been screened on revised landscaping plans. We plan on screening all the equipment; however, we are concerned about the note of painting the equipment. We did not plan on painting any manufactured equipment, as it is typically not allowed. Utilities don't like their transformers painted. Typically, the warranty is voided if they are painted. Regarding No. 17, we submitted cut sheets to all the light fixtures we propose to use, and we believe they meet all the requirements. If there are any concerns, we would just like to hear about those tonight. Regarding No. 15, Staff Comment No. 4, we had originally been told that the turnaround extension could encroach over the setback; however, we have since revised that. Rather than encroaching 6', it only now encroaches 2'. We are absolutely fine with making the adjustment and moving that out of there; however, I want to point out that the sidewalk extension on the plan would be lost if we did that because we would need to shift the parking down. It is our belief that the sidewalk provides a greater benefit than a 2' encroachment. We would be happy to see however the commission sees fit. I would look for your direction on that. Regarding Nos. 5 and 26 refer to the fire truck turnaround. We are addressing this late in the game. I apologize our plans haven't been updated. The exhibit in front of you shows our proposal for producing a fire truck turnaround on the site. The fire truck would pull in and turn around on the west side. The fire truck could back down. We would propose a very low curb and grass pavers to maintain the green space but allow the fire truck to pull on the grass and go straight back out onto State Line. We have listened to the comment about connecting the sites; however, we feel this site should be developed on its own merits. The property owners to the south are not interested in connecting for a variety of reasons, and we feel that this would provide a good solution. It could be paved as well. We know that it goes into the setback and would require another deviation. We think we can do that with grass pavers so we maintain the green space.

Finally, we held two interact meetings with the adjacent residents. The main concern they raised was increased stormwater runoff from the project. We reassured them that we meet all current standards, which are different than they were a dozen years ago. Water is no longer allowed to just run off into the system and increase flooding. We do have three catch basins and best management practice (BMP) that should reduce that. That concludes my presentation, and I'm happy to answer any questions you may have.

Chairman Elkins: Thank you. Are there questions? Staff, can you clarify No. 2 with respect to the applicant's comments?

Mr. Klein: Burying utilities is a standard requirement. Commissioner Block indicated that sometimes, when it is along the right-of-way, we will agree to have a TDD or another agreement. What the applicant is talking is utility poles on the west property line. That stipulation does require that everything on the site will be buried, including any of those power poles. Governing Body is who would have to approve an exception to the burial of the utilities.

Chairman Elkins: To clarify, would this result in overhead lines for a while and then buried lines for this applicant's property and then overhead again for existing power poles?

Mr. Klein: I haven't talked to KCP&L, but it could be similar to Village of Leawood that was located where the old country club used to be. In that instance, the applicant paid to bury the lines, and then there were lateral lines that ran to each of the houses they served. I would have to look at this one a little bit more closely to see what they would have to do.

Mr. Coryell: Our building feeds off a transformer on that existing pole, runs down the pole, and immediately goes underground and feeds the transformer. From the property line where that pole is to our building is completely underground. I would expect that to be the same.

Chairman Elkins: Is there actually a pole on your property that would have to be relocated?

Mr. Coryell: I would have to check where the poles are. They are right on the line, and I'm not sure if they're on my property or on the adjacent property. Those poles serve all the houses on the west side as well.

Mr. Klein: If the poles are not on their property, they would not be responsible for burying the lines; if they are on the property, they would.

Chairman Elkins: The applicant expressed concern about our standard stipulation about screening the power boxes and painting them. Our stipulation doesn't require painting, does it?

Mr. Klein: We typically require screening on the ground-mounted boxes. They have a green cover typically. Where the painting comes in is with wall-mounted utilities. We've had a couple cases with an aluminum look that doesn't blend with the building. In the past, we haven't had problems having those painted to blend in with the building.

Chairman Elkins: Thank you. The applicant also expressed concern about No. 17. What I heard was that he was looking for clarification.

Mr. Klein: Stipulation No. 17 is also a standard stipulation. The LDO does not allow a source of light to be visible. The light could be concealed within the hood so it doesn't stick below. If it does stick below, they could use a frosted bulb or frosted cover.

Mr. Coryell: Our concern is that our parking lot lights are LED, so there is no bulb; it's a panel that is only recessed an inch or so. One could argue that it could be seen in the parking light.

Mr. Klein: We have that situation all over the place with parking lot light fixtures. We are more concerned with no more than .5-foot candles at the property line, uniformity ratio of 4:1 average over minimum, and enough illumination along the pedestrian ways.

Chairman Elkins: So, you don't see that as an issue?

Mr. Klein: I don't see that as an issue.

Chairman Elkins: That takes us to the hard question. What is staff's position with respect to the proposed fire apparatus turnaround?

Mr. Klein: We also talked with Marshal Hunter about their proposal. This has come up before with other developments proposing grasscrete to support the weight of the vehicle but allows the grass to grow through it. The problem the Fire Department has indicated is that over time, people forget that it's there. There is no marking unless poles or signage are put in. They also don't like the fire truck backing up over a curb. The applicant indicated they would use a rollback curb. The Fire Department would be fine with that if that area were paved as opposed to grasscrete. The problem is the LDO doesn't have a deviation to allow that extra concrete to go that close to the property line. That is the reason for the little extension on the parking lot to the north where they are pulling it back. We don't have a deviation that would allow them to encroach in that area.

Chairman Elkins: Other than somehow persuading the neighbors that it is okay to have a drive-through, what is staff proposing as a way for the applicant to address this requirement?

Mr. Klein: We tried to address this early on. It is a tight site. We are looking for some sort of design to get a hammerhead going through. That is what the applicant tried to do with the grasscrete; there just simply isn't enough room on the site. I really don't have a solution. It seems like the best solution is if they could work with the neighbor on the south to connect it. I understand that the property to the south is not part of this application and it is a different property owner. I don't know of a design at this point that I can see a ladder truck turning around. We aren't the engineers and the architects, so we are looking to them for a solution.

Chairman Elkins: It is a twofold problem. First is concern about whether the grasscrete approach would support the fire apparatus, and the second is if they were to pave with the grasscrete piece, it would put them in violation of the parking setback.

Mr. Klein: That is correct. As far as the grasscrete, it is designed to support the weight of the fire truck. The problem is that, over time, people don't remember. The fire truck is a large apparatus that is very expensive. If they miss that grasscrete and the truck doesn't have that structural stability, it could lead to problems.

Chief Hunter: As a practical matter, they don't work for us. We've tried them before in a couple other locations. Between Mission and Fontana on 140th Drive has a long grass

paver. What happens is grass grows through it, and no one notices it when it comes time to turn around. They don't know they can turn around there. They also can't tell if it is deteriorated the way they can with regular pavement. If it has deteriorated, the truck could get stuck. We just wouldn't use it. It is of no value to us. At that point, if that was a turnaround provision, they would just back out.

Chairman Elkins: I understand most of what you say. I guess the concern is that you've got somewhat the same issue if you have deteriorating pavement, and you don't really have the choice whether to use or not use a deteriorated pavement.

Chief Hunter: It's hard to recognize that's what it is.

Chairman Elkins: What are you going to do? Are you not going to pull the truck in or not going to back the truck out?

Chief Hunter: We might look at it; it depends on what truck we have. If we have the ladder truck, on a hot day, they'll sometimes leave a rut in the parking lot. In that case, they may just back it out. Then there is a guy walking behind the truck, waving traffic down. I'm not saying it can't be done because we've been doing it, but it's an increased risk. We don't want to get someone run over some day.

Chairman Elkins: You're describing the same issues for potentially deteriorated pavement as you are for the grasscrete.

Chief Hunter: We can recognize the pavement; whereas with the grass, if it's been a few years, it would be hard to recognize that's what it is.

Mr. Coryell: Might I offer that a solution might be to do some lettering along that curb line with some special striping?

Chairman Elkins: Additional questions for the applicant? Did we at least address the questions you raised in part?

Mr. Coryell: Yes, except for the turnaround on the north and the removal of the sidewalk, but I think there is no way that can be approved anyway, so we'll have to remove that sidewalk.

Chairman Elkins: Thank you, Mr. Coryell. This case requires a Public Hearing.

Public Hearing

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

Chairman Elkins: That takes us to a discussion of the application. Do any commissioners care to comment?

Comm. Hoyt: I'm stuck on the fire truck turnaround. I'm trying to sort out what the possibilities are for a different approach. It seems like we're at an impasse here because we can't force another property owner to participate in creating this circle drive, and I don't hear anybody saying anything about an alternate approach at this point.

Chairman Elkins: I think the way the application is structured right now, it's a difficult situation. If we were to recommend to the Governing Body that the site has to be redesigned for the turnaround, it gives the applicant the opportunity to move forward and try to find some reconfiguration of the property that will meet the requirement. As the city said, it places it back on the applicant and their staff to see if there is an engineering solution. I agree that it seems like an intractable problem.

Comm. Pateidl: Mark, if I understood the applicant correctly, they would not be opposed to using concrete for this turnaround versus the grass blocks. I understand your comment that this is in conflict with our parking lot setback requirements. Given that this application of concrete has nothing to do with parking, is there not a provision regarding safety standards that would allow consideration for that deviation?

Mr. Klein: I believe the way the deviation is worded, it refers to paved areas. It does not differentiate between parking or drives. Usually, we see these as part of one development with an interior lot line and much more flexibility. The more challenging aspect of this is two separate properties.

Chairman Elkins: Let me ask it this way: if it wasn't contiguous through the parking lot and they wanted to put a concrete pad out there to hold a piece of art. Would that still violate the setback requirement?

Mr. Klein: Technically, it probably wouldn't violate the setback. If it is interior, it is not an issue, but with it being its own development, we have exterior property lines that go around it. Usually, we see these in larger developments with pads and an interior property line with deviations allowed. This allows a deviation from the public right-of-way, but unfortunately, we aren't in that situation.

Chairman Elkins: Rather than looking at a deviation, what about the setback requirement? Can you share that with us?

Mr. Klein: This is zoned Office, so it's basically 25' for the parking setback.

Chairman Elkins: But that is for parking.

Mr. Klein: It is actually surface parking, loading, and service areas.

Chairman Elkins: It does not actually refer to pavement?

Mr. Klein: You are correct that it does not mention pavement in that part of the ordinance. The pavement reference was in the deviations section.

Chairman Elkins: It's a tough call. It strikes me that there is a potential argument there that, if it's not being used for a parking lot, it is not violating the setback requirement for parking. I don't know if this would change our stipulation at all. The argument would be that the design they're proposing meets the requirements. It is not my call to make that judgment.

Comm. Hoyt: What you've pointed out is we can approve it with that stipulation, and it doesn't indicate a specific solution; it has to remedy the problem that is pointed out. Unless I'm missing something, or somebody is not coming forward with all the options, I just hate to recommend that somebody has to do something when there isn't an inkling of what the direction would be.

Chairman Elkins: The challenge is we don't have the authority in this particular context to approve or recommend a deviation because there is no deviation available. That's the challenge.

Comm. Coleman: I know we've passed cases in the past with open-ended issues in order to work toward a solution. Assuming we pass this, I'm hoping that the Fire Marshal, developer, and staff can get together and come up with some kind of solution so when it gets to Governing Body, they have something they can improve on or some solution.

Chairman Elkins: As it's constructed right now with the stipulation, the Staff Report and application meet all the ordinance requirements.

Comm. Stevens: You bring up a good point. If you continue the drive pavement at the same level, it would be a continuation of the parking, but the fact that they're using a rollback curb could allow it to be treated as a sidewalk or reinforced area that is not part of the parking. It feels like that kind of solution could be a good one in this case, even with the offer to mark the area or create landscaping that might leave that opening there for a turnaround.

Chairman Elkins: We're probably stepping a bit more into the developer's realm here as opposed to our own. I appreciate the creativity, but at least there is some thought to be given to how the applicant might be able to comply. It sounds like it's a 2' encroachment.

Comm. Stevens: I also had a comment for staff. According to the drainage maps and in reference to the summary, there are .26 acres of stormwater that are being bypassed off the site to State Line. The storm drainage is not handled 100% within the site. It may be that we haven't gotten the full summary of the drainage report and how it is handled, but is staff comfortable with the amount of offsite drainage in comparison to the existing site conditions?

Brian Scovill, City Engineer, appeared before the Planning Commission and made the following comments:

Mr. Scovill: We have reviewed the drainage report. From the analysis, we have determined that everything appears to drain adequately from the site and to the existing system.

Comm. Stevens: There is a whole section of the eastern drainage that is draining directly off the site to State Line Road, not being picked up on the site.

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

Mr. Claussen: I'm helping on the project as a civil engineer. My firm prepared the civil engineering drawings and the drainage report. I'll give a brief summary of how the drainage is working. (*Refers to plan*) There are inlets and underground stormwater chambers. On the northern side of the property, we collect the water and let it back up into that grey area, which is also an underground chamber. As part of the drainage design, there are specific calculations. There is an area that is allowed to bypass where we are not able to collect. There is overcompensation for that bypass area. The chambers capture that water and hold back even more than they would have to.

Mr. Scovill: Those facilities are detaining the water and releasing it at a slower rate, allowing the water that was bypassed to minimize the impact to the existing system along State Line Road.

Mr. Claussen: Table 3 in the drainage report talks about the different infiltration trenches and how much impervious and total acres go to each. There is an area that bypasses. As part of it, when we run our analysis, that bypass goes forward, and the infiltration trenches overcompensate for it so that our total proposed runoff results in Table 5, which is the end answer. It shows 2-year, 10-year, and 100-year storms, which is what we are required to consider. It also shows the allowable release and the final discharge out of the site. There is a considerable decrease in stormwater in the 2-year and 10-year storms, which are the more common storm events. The 100-year storm is what we size those underground chambers for. That is just under the allowable release rate under the code.

Comm. Stevens: Thank you.

Chairman Elkins: Thank you. Other comments or discussion by the commission? Is there a motion?

Comm. Coleman: Before I make a motion, I have a clarification on the stipulations. It sounded like we don't need to take anything out.

Mr. Klein: I don't think so. I thought we might have a possible solution, but it didn't seem like it quite got on there. We will just have to find some sort of solution.

A motion to recommend approval of CASE 130-18 – STATE LINE NORTH OFFICE BUILDING – Request for approval of a Preliminary Plan, Final Plan, Preliminary Plat, and Final Plat, located south of 127th Street and west of State Line Road – with 32 stipulations – was made by Coleman; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Hunter, Hoyt, Pateidl, Coleman, Block, and Stevens.

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

Comm. Coleman: We've had two meetings with the particular piece of property on 135th Street. It was noted by the applicant that our plan is unworkable. I don't know if that was for show or just to get his project together. I'm curious, since everyone was here at those meetings, if that is something we want to discuss in a future meeting? Do we want to discuss if the plan is viable and if the market has changed so much that we're promoting something that cannot be implemented?

Chairman Elkins: That is certainly something we can request staff to bring forward in a work session. We will make that request to review the 135th Street Corridor Plan.

Comm. Hoyt: In a conversation with Richard Coleman, I suggested the same thing, and he said it was a good idea.

Chairman Elkins: Thank you. Is there any additional business? If not, we will stand adjourned.

MEETING ADJOURNED

City of Leawood Planning Commission Staff Report

MEETING DATE: January 29, 2019

REPORT WRITTEN: January 8, 2019

MARKET SQUARE – REVISED LANDSCAPE PLAN - Located south of 133rd Street and east of Mission Road – Case 88-18 **Consent Agenda**

STAFF RECOMMENDATION:

Staff recommends approval of Case 88-18, Market Square – Revised Landscape Plan – Request for approval of a Revised Landscape Plan, with the stipulations stated in the staff report.

APPLICANT:

- The applicant is Calvin McDonnell with Copaken Brooks
- The property owner is BP Market Square, LLC
- The Landscape Architect is Brett Spangler with Vireo

REQUEST:

- The applicant is requesting approval of a Revised Landscape Plan for the Market Square Development to update landscaping at the corner of 133rd Street and Mission Road, and the western entrance off of 133rd Street. No other changes are proposed with this application.
- The Revised Landscape Plan will increase the amount of plant material currently existing at these locations, while maintaining the same number of trees.

ZONING:

- The property is currently zoned SD-CR (Planned General Retail).

COMPREHENSIVE PLAN:

- The Comprehensive Plan designates this property as Mixed Use

LOCATION:



SURROUNDING ZONING:

- North To the north of the property, across 133rd Street, is Gezer Park, zoned REC (Planned Recreation).
- South Directly south of the property is additional retail located within the Market Square development, zoned SD-CR (Planned General Retail). South of 135th Street is vacant property zoned MXD (Mixed Use District).
- East East of the property is undeveloped land, zoned AG (Agricultural).
- West To the west of Market Square is an undeveloped property, zoned SD-O (Planned Office District).

SITE PLAN COMMENTS:

- The applicant is proposing to update the existing landscaping at the corners of 133rd Street and Mission Road (South-East Corner), and the westernmost entrance (on the East side) to the development from 133rd Street.
- The applicant is proposing to remove all existing plantings from both locations and will be replacing them with proposed trees, shrubs and other seasonal plantings.
- An existing seating area is located at the corner of 133rd Street and Mission Road and is proposed to remain.

SIGNAGE:

- No additional signage is proposed with this application.

LANDSCAPING:

- The applicant is proposing to remove all existing landscaping at the two corner locations, and replant the landscape areas with a tree, shrubs, perennials and annuals. The revised landscape plan will increase the amount of plant material currently existing at these locations, while maintaining the same number of trees.
- Within the planting area located on the eastern corner of 133rd Street and the western access road, the applicant is proposing to remove an ornamental tree, and replace with another ornamental tree to the east of the existing location to provide improve the visibility of the existing monument sign.
- On the south-east corner of 133rd Street and Mission Road, the applicant is proposing 34 shrubs, 24 ornamental grasses and 54 perennials. Seasonal annuals will be planted to provide color.
- On the eastern corner of 133rd Street and the western access road, the applicant is proposing 3 evergreen trees, 1 ornamental tree, 16 shrubs, 9 ornamental grasses and 54 perennials. Seasonal annuals will be planted to provide color.

LIGHTING:

- No additional lighting is proposed with this application.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve Case 88-18, Market Square – Revised Landscape Plan – request for approval of a Revised Landscape Plan, with the following stipulations:

1. This application is limited to revised landscaping at the south-east corner of 133rd Street and Mission, and the southeast corner of the intersection of the most western entrance off of 133rd Street.
2. The proposed landscaping shall not be located within the public right of way.
3. All landscaped areas shall be irrigated.
4. All landscaping shall meet the requirements of the Leawood Development Ordinance.

5. A letter, signed and sealed by a Kansas registered Landscape Architect, shall be submitted prior to final occupancy that states that all landscaping has been installed per the approved landscape plan and all plant material used is to the highest standards of the nursery industry.
6. Development rights under this approval shall vest in accordance with K.S.A. 12-764.
7. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through seven.

MARKET SQUARE CENTER

133rd Street and Mission Road
Leawood, KS



LAC# MO-2002023826 KS-59

929 Walnut Street, Suite 700 1111 N. 13th Street, Suite 116
Kansas City, Missouri 64106 Omaha, Nebraska 68102
P 816-756-5690 P 402-553-5482

www.BeVireo.com

LANDSCAPE INVENTORY SUMMARY

- MISSION ROAD FRONTAGE:
 - (16) SHADE TREES
 - (14) ORNAMENTAL TREES
 - (2) EVERGREEN TREES

- 135TH STREET FRONTAGE:
 - (52) SHADE TREES
 - (44) ORNAMENTAL TREES
 - (15) EVERGREEN TREES
 - An additional (8) EVERGREEN TREES provide screening of site utilities.
 - Continuous planting bed along Sunrise Advisor building perimeter.

- 133RD STREET FRONTAGE:
 - (20) SHADE TREES
 - (24) ORNAMENTAL TREES
 - (8) EVERGREEN TREES

- PAWNEE LANE FRONTAGE:
 - (17) SHADE TREES
 - (14) ORNAMENTAL TREES
 - (11) EVERGREEN TREES
 - An additional (19) EVERGREEN TREES provide screening of site utilities.
 - (16) DECIDUOUS SHRUBS & (12) EVERGREEN SHRUBS at Retail A parking lot perimeter.
 - Continuous shrub plantings along Retail B building perimeter.

- PRICE CHOPPER PARKING LOT:
 - (25) SHADE TREES
 - (5) ORNAMENTAL TREES
 - (4) EVERGREEN TREES
 - Planting bed with (33) SHRUBS along north parking perimeter
 - Ten (10) parking islands planted with SHRUBS
 - Five (5) paved parking islands with seasonal planters

- BANK PARKING LOT:
 - (19) SHADE TREES
 - (27) ORNAMENTAL TREES
 - Parking islands planted with SHRUBS.
 - Continuous SHRUB PLANTINGS along west and south perimeter of parking lot.

- FINANCIAL ADVISOR PARKING LOT:
 - (6) SHADE TREES
 - Parking islands planted with SHRUBS

- RETAIL PARKING LOT A:
 - (11) SHADE TREES
 - Parking islands planted with TURF GRASS

- RETAIL PARKING LOT B:
 - (8) SHADE TREES
 - Parking islands planted with SHRUBS

- OPEN SPACE PRICE CHOPPER:
 - (19) SHADE TREES
 - (9) ORNAMENTAL TREES
 - (14) EVERGREEN TREES
 - (33) SHRUBS

- OPEN SPACE ADVISOR:
 - (6) SHADE TREES
 - (3) ORNAMENTAL TREES
 - (15) EVERGREEN TREES
 - An additional (13) EVERGREEN TREES provide screening of site utilities.

- BANK PERIMETER LANDSCAPE:
 - (16) SHADE TREES in planting beds.

- RETAIL A PERIMETER LANDSCAPE:
 - (15) ORNAMENTAL TREES
 - Mixed SHRUB, PERENNIAL and ORNAMENTAL GRASS plantings along building perimeter.

- RETAIL B PERIMETER LANDSCAPE:
 - (2) SHADE TREES
 - (4) ORNAMENTAL TREES
 - Mixed SHRUB, PERENNIAL and ORNAMENTAL GRASS plantings along building perimeter.



LANDSCAPE REQUIREMENTS SUMMARY (LEAWOOD, KANSAS)

ONE (1) STREET TREE PER
35 LINEAL FEET OF STREET FRONTAGE

ONE (1) ORNAMENTAL PER
12 LINEAL FEET OF STREET FRONTAGE

ONE (1) SHRUB PER
5 LINEAL FEET OF STREET FRONTAGE

MISSION ROAD FRONTAGE (748 L.F.)

- 748 / 35 = 21 SHADE TREES
- 748 / 12 = 62 ORNAMENTAL TREES
- 748 / 5 = 150 SHRUBS

133RD STREET FRONTAGE (1,098 L.F.)

- 1,098 / 35 = 31 SHADE TREES
- 1,098 / 12 = 92 ORNAMENTAL TREES
- 1,098 / 5 = 220 SHRUBS

PAWNEE LANE FRONTAGE (867 L.F.)

- 867 / 35 = 25 SHADE TREES
- 867 / 12 = 72 ORNAMENTAL TREES
- 867 / 5 = 173 SHRUBS

135TH STREET FRONTAGE (1,158 L.F.)

- 1,158 / 35 = 33 SHADE TREES
- 1,158 / 12 = 97 ORNAMENTAL TREES
- 1,158 / 5 = 232 SHRUBS

ONE (1) TREE
PER EVERY
TEN (10) PARKING SPACES

PRICE CHOPPER PARKING (361 SPACES)

- 361 / 10 = 36 TREES

BANK OF BLUE VALLEY PARKING (111 SPACES)

- 111 / 10 = 11 TREES

SUNRISE ADVISORS PARKING (41 SPACES)

- 41 / 10 = 4 TREES

RETAIL A PARKING (127 SPACES)

- 127 / 10 = 13 TREES

RETAIL B PARKING (83 SPACES)

- 83 / 10 = 8 SHADE TREES

TREES REQUIRED
AT RATIO OF ONE (1) TREE
FOR EVERY 3,000 SQ. FT.
OF LANDSCAPED OPEN SPACE

PRICE CHOPPER OPEN SPACE (68,063 SQ. FT.)

- 68,063 / 3,000 = 23 TREES

SUNRISE ADVISORS OPEN SPACE (14,570 SQ. FT.)

- 14,570 / 3,000 = 5 TREES

RETAIL B OPEN SPACE (4,725 SQ. FT.)

- 4,725 / 3,000 = 2 TREES

Revision Number	Description	Date

01-07-2019 18179
Date Project Number

CP BS
Drawn By Checked By

L00 Landscape Inventory
File Name

EXISTING LANDSCAPE INVENTORY

MARKET SQUARE CENTER

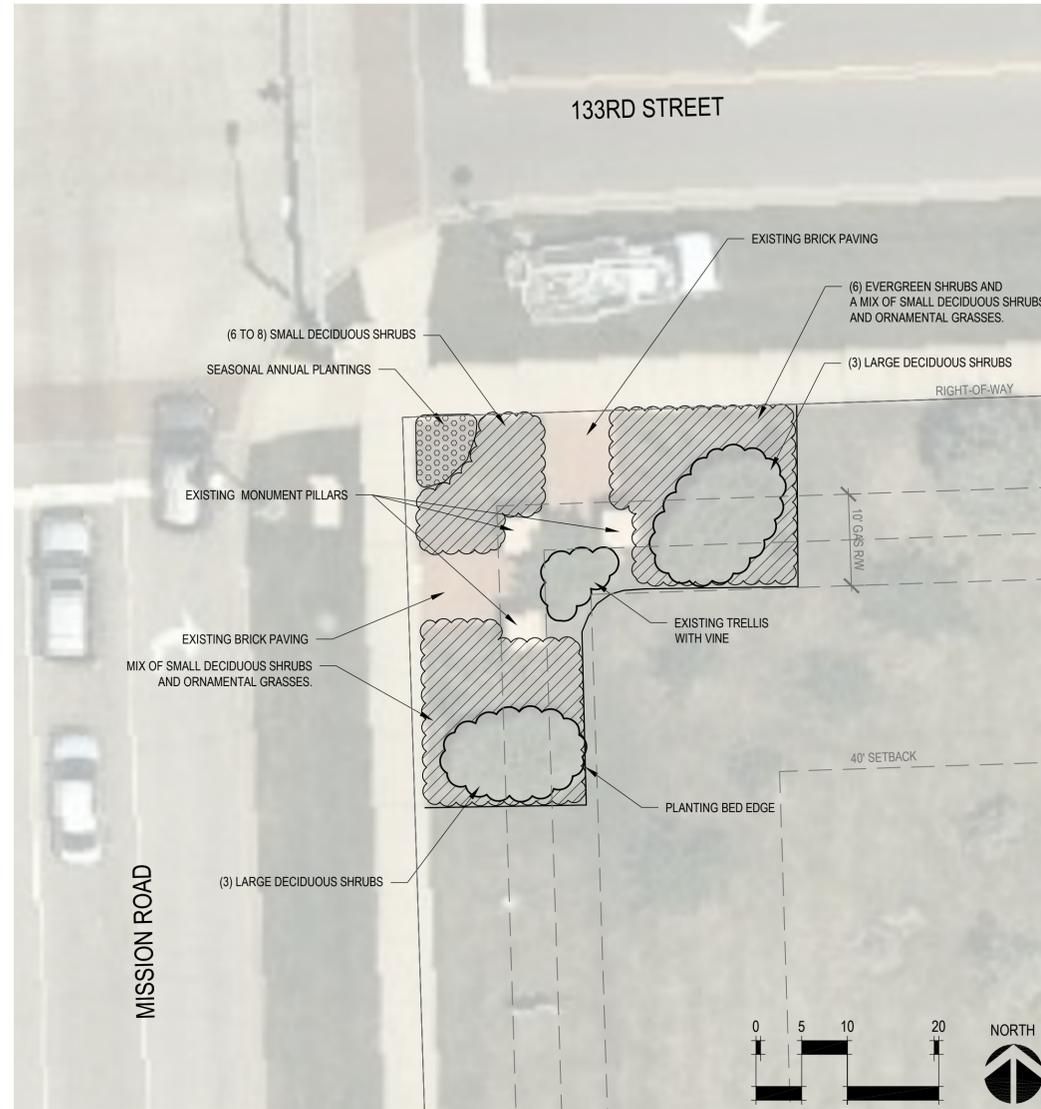
133rd Street and Mission Road
Leawood, KS



LAC# MO-202023826 KS-59

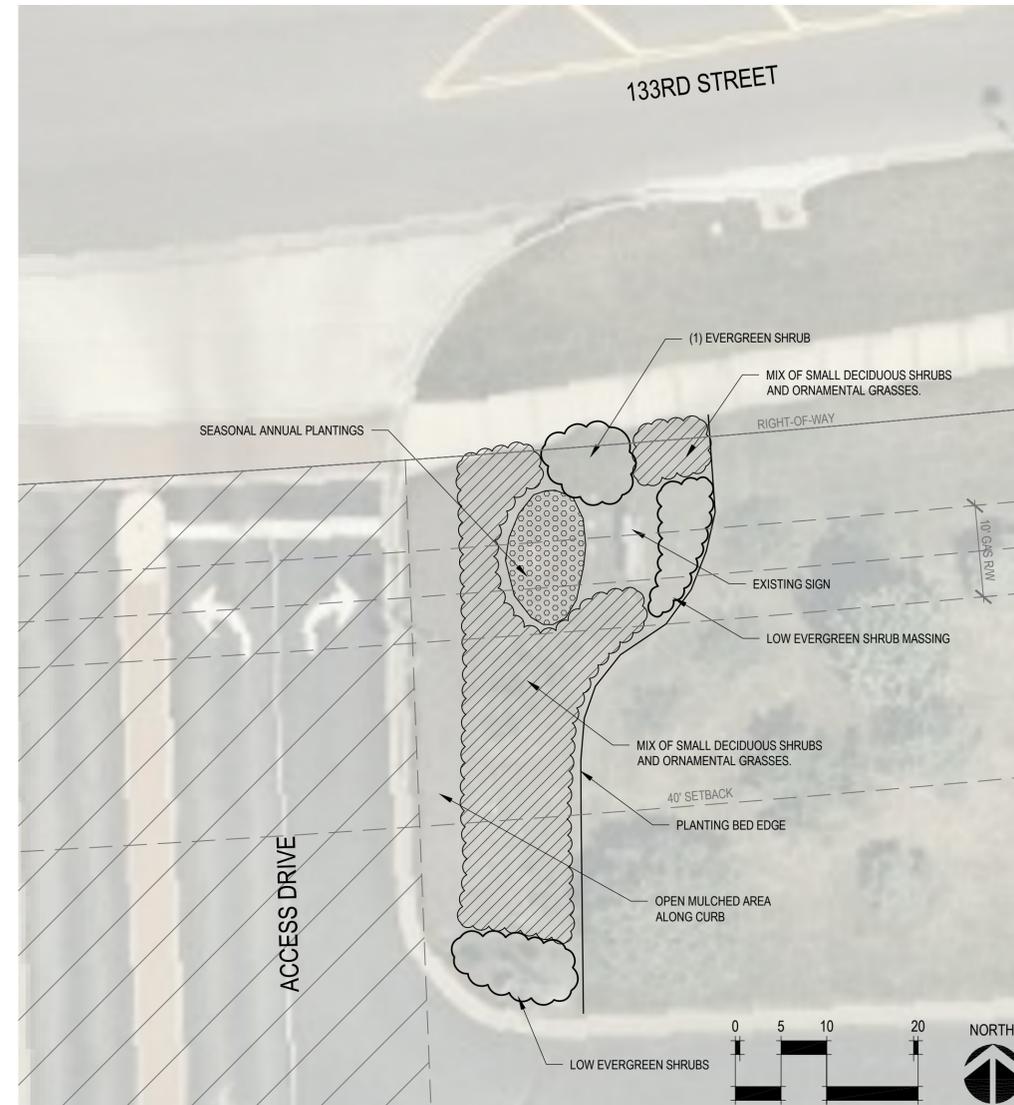
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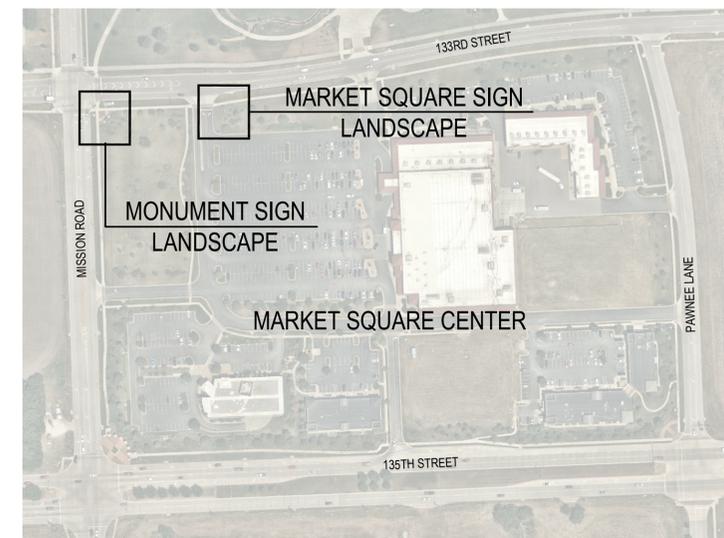
MONUMENT SIGN - EXISTING LANDSCAPE PLAN

SCALE: 1" = 10'-0"



MARKET SQUARE SIGN - EXISTING LANDSCAPE PLAN

SCALE: 1" = 10'-0"



LOCATION MAP

Revision Number	Description	Date

01-07-2019 18179
Date Project Number

BS CP
Drawn By Checked By

L01 Existing Landscape Plan
File Name

EXISTING LANDSCAPE PLAN



LANDSCAPE NOTES

1. ALL TREES SHALL BE CALLIPERED AND UNDERSIZED TREES SHALL BE REJECTED.
2. ALL PARKING LOT ISLANDS SHALL BE BERMED TO DISCOURAGE FOOT TRAFFIC.
3. ALL HEDGES SHALL BE TRIMMED TO MAINTAIN A SOLID HEDGE APPEARANCE.
4. ALL PLANT IDENTIFICATION TAGS SHALL REMAIN UNTIL ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY.
5. ANY DEVIATION TO THE APPROVED FINAL LANDSCAPE PLAN SHALL REQUIRE WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT AND THE CITY OF LEAWOOD, PRIOR TO INSTALLATION.
6. ALL LANDSCAPED OPEN SPACE SHALL CONSIST OF A MINIMUM OF 60% LIVING MATERIALS.

MARKET SQUARE CENTER

133rd Street and Mission Road
Leawood, KS



LAC# MO-2002023826 KS-69

929 Walnut Street, Suite 700 1111 N. 13th Street, Suite 116
Kansas City, Missouri 64106 Omaha, Nebraska 68102
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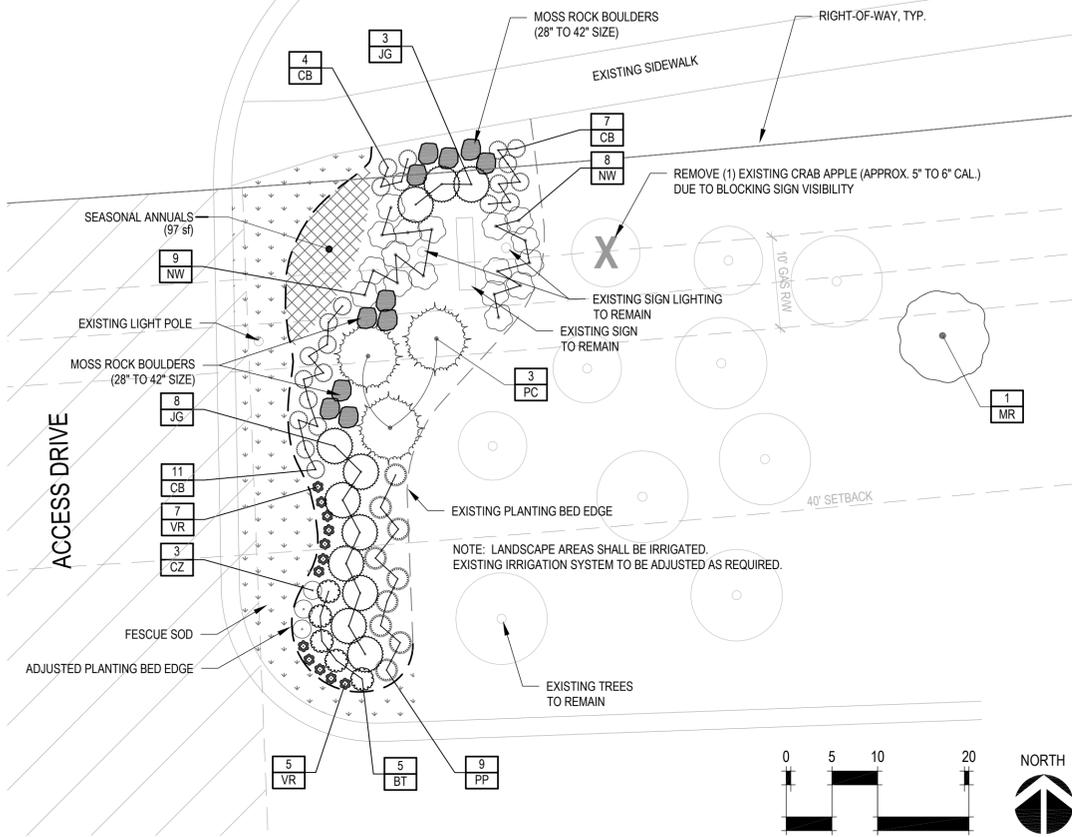
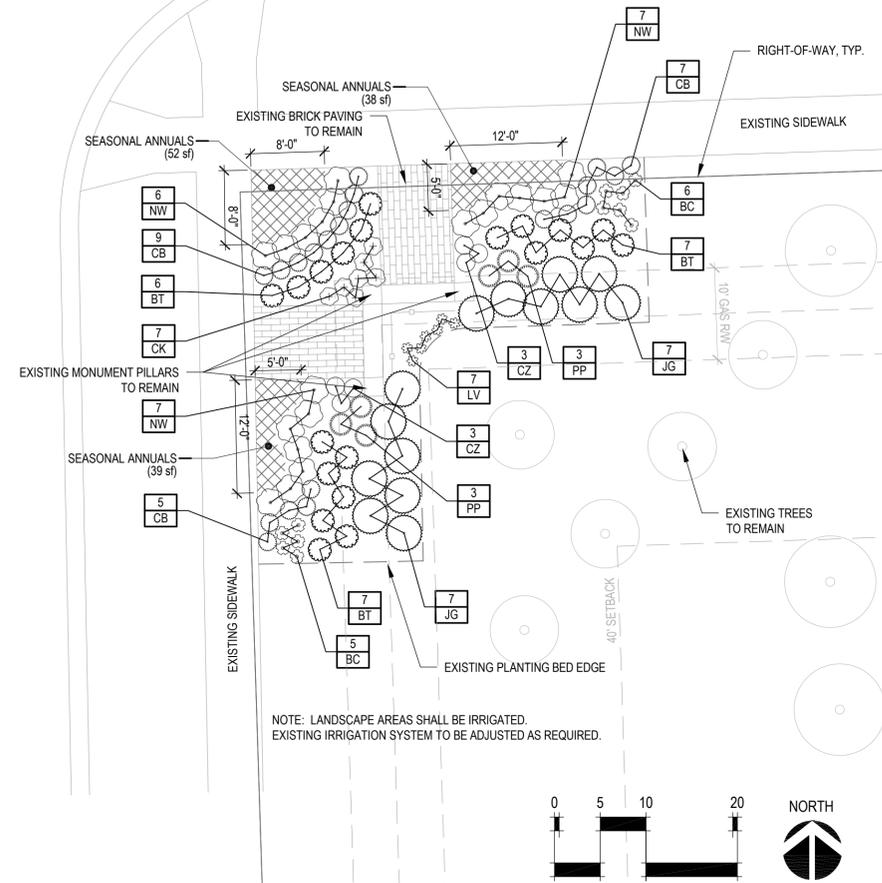
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133RD STREET

133RD STREET

MISSION ROAD

ACCESS DRIVE



MONUMENT SIGN LANDSCAPE PLAN

SCALE: 1" = 10'-0"

MARKET SQUARE SIGN LANDSCAPE PLAN

SCALE: 1" = 10'-0"

PLANT SCHEDULE MONUMENT SIGN

SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
BT	20	Buddleja davidii 'Tutti Frutti'	Butterfly Bush	#5 Cont. (Min. 24" ht.)	42" o.c.
JG	14	Juniperus x pfitzeriana 'Gold Coast'	Gold Coast Juniper	#5 Cont. (Min. 24" ht.)	48" o.c.
ORNAMENTAL GRASSES	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
BC	11	Bouteloua curtipendula	Side Oats Grama	#1 Cont.	18" o.c.
CK	7	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	#1 Cont.	24" o.c.
PP	6	Panicum virgatum 'Praire Fire'	Red Switch Grass	#1 Cont.	36" o.c.
PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
CB	21	Chrysanthemum x superbum 'Becky'	Shasta Daisy	#1 Cont.	24" o.c.
CZ	6	Coreopsis verticillata 'Zagreb'	Zagreb Thread Leaf Coreopsis	#1 Cont.	24" o.c.
LV	7	Liriope muscari 'Variegata'	Variegated Lily Turf	#1 Cont.	18" o.c.
NW	20	Nepeta x faassenii 'Walkers Low'	Walkers Low Catmint	#1 Cont.	30" o.c.

PLANT SCHEDULE MONUMENT SIGN

SEASONAL ANNUALS TO BE DETERMINED BY PROPERTY OWNER 129 sf

PLANT SCHEDULE MARKET SQUARE SIGN

EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL
PC	3	Picea abies 'Cupressina'	Columnar Norway Spruce	B & B	6'-7" Ht.
ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL
MR	1	Malus x 'Royal Raindrops'	Royal Raindrops Crabapple	B & B	1.5" Cal.
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
BT	5	Buddleja davidii 'Tutti Frutti'	Butterfly Bush	#5 Cont. (Min. 24" ht.)	42" o.c.
JG	11	Juniperus x pfitzeriana 'Gold Coast'	Gold Coast Juniper	#5 Cont. (Min. 24" ht.)	48" o.c.
ORNAMENTAL GRASSES	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
PP	9	Panicum virgatum 'Praire Fire'	Red Switch Grass	#1 Cont.	36" o.c.
PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
CB	22	Chrysanthemum x superbum 'Becky'	Shasta Daisy	#1 Cont.	24" o.c.
CZ	3	Coreopsis verticillata 'Zagreb'	Zagreb Thread Leaf Coreopsis	#1 Cont.	24" o.c.
NW	17	Nepeta x faassenii 'Walkers Low'	Walkers Low Catmint	#1 Cont.	30" o.c.
VR	12	Veronica spicata 'Royal Candles'	Spike Speedwell	#1 Cont.	18" o.c.

PLANT SCHEDULE MARKET SQUARE SIGN

SEASONAL ANNUALS TO BE DETERMINED BY PROPERTY OWNER 97 sf

FESCUE SOD 440 sf



LOCATION MAP

Revision Number	Description	Date

01-07-2019 18179
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L01 Landscape Plan
File Name

LANDSCAPE PLAN