

City of Leawood
Planning Commission Agenda
September 24, 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:

McGurren, Hunter, Belzer, Hoyt, Elkins, Coleman, Block, Stevens, Peterson

APPROVAL OF THE AGENDA:

APPROVAL OF MINUTES:

Approval of minutes from the August 13, 2019 Planning Commission work session and the August 27, 2019 Planning Commission meeting.

CONSENT AGENDA:

CASE 79-19 – CARRIAGE CROSSING – REPLAT OF TRACT C AND LOT 2 – Request for approval of a Revised Final Plat, located south of 130th Terrace and west of Roe Avenue.

CASE 94-19 – ENCLAVE AT HIGHLAND VILLAS, SIXTH PLAT – Request for approval of a Revised Final Plat, located south of 143rd Street and east of Nall Avenue.

NEW BUSINESS:

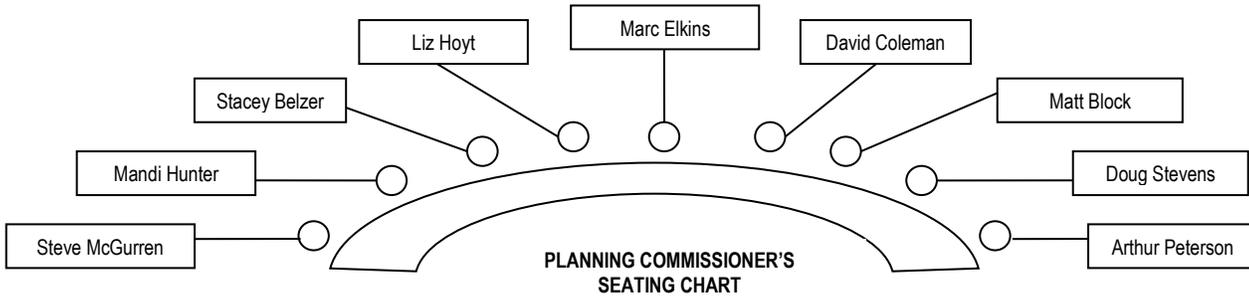
CASE 93-19 – TOWN CENTER PLAZA – TEMPUR-PEDIC – AWNINGS & MODIFICATIONS TO THE SIGN CRITERIA FOR TOWN CENTER PLAZA – Request for approval of a Revised Final Plan for Changes to the Façade of a Tenant Space and Changes to the Sign Criteria for Town Center Plaza, located north of 117th Street and east of Nall Avenue.

CASE 89-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-3, SPECIAL USE PROVISIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Special Use Permits within residential districts. **PUBLIC HEARING**

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 Work Session
August 13, 2019
Building Materials**

Planning Commission Members in Attendance: Belzer, Elkins, Coleman, Block, McGurran, Hunter, Stevens

Staff in Attendance: Mark Klein, Planning; Richard Coleman, Community Development; Ricky Sanchez, Planning; Jessica Schuller, Planning, Brian Scovill, Public Works; Marcy Knight, Legal; Debbie Brenner, Planning.

Mr. Klein: We want to talk about building materials and colors. We want to talk about the reasons we get into the different materials, which is usually done at the time of Final Plan. During Preliminary Plan, we look at layout of the development, traffic, setbacks, and zoning. Final Plan is approved with more specific details such as materials, light fixtures, manufacturers, and dimensions. That is what we want to discuss tonight. The Leawood Development Ordinance (LDO) has a list of prohibited and permitted materials. Prohibited materials include such elements as aluminum siding, which you would therefore not see in a presentation. We'll talk to the applicant and look for alternative materials. Some of the items are more difficult. We've had experience with them in the city, and they aren't listed as a prohibited material. We take these on a case-by-case basis, and some have been allowed into the city, but after a period of time, we found issues with some of the materials. An example of this is the cultured stone, which has been an issue. Around 2005, cultured stone was allowed into Leawood on developments such as Cornerstone, Nall Valley Shops, and a couple other developments. Klover Architects liked to use cultured stone. Originally, the city was excited about it. We thought it would add a variation to brick and cast stone; however, we noticed that it started to fade over time. Also, if it broke off, it didn't look good on the inside because the aggregate was visible. The major issue was the material falling off the building. After noting these issues, we have pushed to not allow it anymore and would like to propose formally adding it to the prohibited materials list. Some claim to be color-through, but stone has a variation and texture, which looks different. Cast stone is another product we have evaluated. We also want to talk about composite panels, which are not listed as prohibited or permitted. We'd like to get your input on those. Lastly, we'd like to talk about the weight of roofing material. There are certain weight requirements for laminated composite shingles, which are asphalt. We'd like to talk about that as a possible change.

The section of the LDO that has permitted building materials is Section 16-2-10.3 – Permitted Materials. It includes stone and brick. Exterior Insulated Finish System (EIFS) has been allowed on detailing rather than fill material.

Mr. Coleman: It's something like acrylic over Styrofoam with a mesh attachment. It's lightweight and is used pretty extensively in some building applications. It is made to look like stucco.

Mr. Klein: We also have finished concrete, copper, plaster stucco (cementitious stucco), clear glass, metal for detailing, awnings for detailing, wood, vinyl soffits, and vinyl windows that meet certain requirements.

Comm. Block: Is this residential and commercial?

Mr. Klein: This is residential. It doesn't really break out the difference between residential and commercial. The roofing section does.

Comm. Block: So, this is both then?

Mr. Klein: This is both. Then we go to prohibited building materials, which is vinyl siding and details including spouts, plastic columns, and for other than residential use, aluminum siding. Concrete and masonry units may be used for structural support, but they have to be faced; they can't be exposed. Corrugated metal, reflective or mirror glass, and steel siding are all prohibited. We talked about alternatives to aluminum siding. Steel siding is also prohibited, so we recommend stainless steel siding. Some of the people we've talked to have switched over to that.

Chairman Elkins: When you see these ads on TV for siding for homes, they show vinyl and aluminum. Are there other materials that are prohibited? It seems that, in my neighborhood, there are two houses that recently had siding put on. I didn't look closely enough to see what they were putting on. Are there materials for siding other than what we see on here?

Mr. Klein: We've seen Hardie Board, which is a name brand for cementitious siding material. They can make it look like lap siding or shingles. It is a little more durable and goes right over the top. It can be painted. Vinyl siding can break up in a storm and is not typically painted. Steel siding is also advertised heavily and is not allowed in Leawood.

Chairman Elkins: Are residents required to pull a construction permit when they have a project like that?

Mr. Coleman: Yes, all construction requires permit unless it is cosmetic projects such as carpet or cabinet installation. Anything that has to do with plumbing, electrical, or structural alterations require a permit. Sometimes, the building code plays a part in these materials. Originally, traditional stucco is close to an inch thick, but it has gotten thinner and thinner as additives have been added to make it more flexible. This is something we might want to talk about because we ran into a couple projects that were approved with stucco. Most of the buildings around here have plywood backup. The code specifies that the backup dictates how many layers of stucco and how thick it needs to be. We've asked for three-part systems for the project across the street and some others that have three or four stories. They have concrete platforms, but the backup is plywood. Those are required to have a three-part system according to the current building code. It does allow for a building official to grant a substitution if he determines it is equal to that. We have had

developers say they want to do a two-part or one-part system. The one-part system is about 3/8" thick, and we've denied that. That gives you some background.

Chairman Elkins: How do you distinguish corrugated metal from steel?

Mr. Klein: The corrugated metal is shown in the pattern of the metal.

Chairman Elkins: Isn't corrugated metal created by the finish on the metal?

Mr. Coleman: No, it is the shape of the metal. We actually have some in the city that City Council agreed to try for a special project. Corrugated metal has a big use in industrial and farm products. Butler does their corn bins with corrugated metal. It's crinkled by the strength.

Chairman Elkins: I thought the coating on to prevent rust made the difference.

Mr. Coleman: It is either galvanized or a core tin steel. Galvanized is a zinc-type of application to steel to prevent corrosion.

Chairman Elkins: But it is on the list of prohibited materials, right?

Mr. Coleman: We don't allow steel siding right now.

Chairman Elkins: I mean corrugated metal.

Mr. Coleman: Corrugated is prohibited. It's actually become quite popular as of late in design.

Chairman Elkins: I know a retail space in Overland Park is using it.

Mr. Coleman: It's pretty popular right now. In some cases, it looks perfectly fine. It's sort of like the skill of the designer that determines how it looks. There was an awning over retail shops that was corrugated metal on a steel framework, and it frankly didn't look good at all.

Comm. McGurren: Where was the example that had been allowed within the city?

Mr. Coleman: Crate & Barrel has corrugated metal, but it has a high-end finish on the metal with a paint application. You really don't see it as corrugated metal.

Comm. Stevens: I'm guessing it was added to the list not so much for the faulty material, but it was more the appearance for a warehouse or rural structures.

Mr. Coleman: Exactly; and on the prohibited side, there are some applications and products in that section that could look perfectly fine with the right application and designer, but they also could be just terrible. I think the city wanted to be on the safe side.

We could get some very unattractive structures. On the reflective or mirrored glass, we probably need to get more detailed about it and actually specify the limits of light transmission and reflectiveness just because almost all glass now has some reflective quality in it for energy conservation. You'll probably see a building coming in with mirrored glass with a request to change it to vision glass, but it will still have some energy-saving properties to it. On some of these, we can't vet them all. There are a lot more building materials now than there were just ten years ago and even more than 20 years ago. Some have shown that they are good materials; some, maybe not so much. It's very difficult for staff to vet every material that comes through because certain materials might have designated manufacturers with varying qualities that are fine, but with another manufacturer, they are not.

Comm. Stevens: With the comments about the reflective glass, was glass in the approved list?

Mr. Klein: Clear glass is allowed, and we see that in storefronts and office buildings.

Mr. Coleman: Some of these, we probably should get more specific. In some cases, applicants don't want to change a storefront framework with glass, but they want to black it out for whatever reason. They're doing something on the inside, and it's more expensive to change it to a wall than just blacking out the glass. It gets tricky.

Mr. Klein: One of the items we sometimes get interest in but is not listed in either list is a composite panel. Rather than a single layer of metal like the steel or aluminum siding, it has the finished layer and a composite in the middle with a backing. It is in an effort to make it lighter and stronger. It can be faced with aluminum, wood, or stone. (shows examples)

Comm. Coleman: What are you doing with those requests currently?

Mr. Klein: We try to review and evaluate what they have. Again, this isn't listed in either section.

Mr. Coleman: Some of them, we've approved; some, we haven't, or we've asked them not to do it. Not having the aluminum at the time was a good thing on Church of the Resurrection because originally, the roof was aluminum panel system. After discussion, we recommended that they go with the zinc panel that had nothing in the LDO to prohibit. Ultimately, they went with that, and I think it was an improvement over the original roofing concept.

Comm. Coleman: That is a system like this, where it's a layered product?

Mr. Coleman: Exactly; the system on there is a composite panel roofing system. I think it looks really good.

Mr. Klein: We'd like to talk about manufactured versus cast stone. They are both manmade, but they have different properties. I would say that a lot of these products have improved. There are some manufacturers that do a good job. The problem is if we approve something, we have no way to keep out the lower-quality manufacturers. We either allow a material, or we don't.

Mr. Klein: I'll pass around a sample of architectural cast stone. You'll see detailing on this. City Hall has this around the windows and along the cap of the brick wall. It looks like limestone. A lot of the variations have a finer grain to them. They seem to hold up very well. They have different properties as far as compression strengths and that kind of thing. Cast stone is a little bit different (shows example). This is supposed to resemble a painted brick, but if you look at the end where it is cut, you can see the aggregate. It's not quite as strong.

Chairman Elkins: This is manufactured stone?

Mr. Klein: They're both manufactured stone.

Mr. Coleman: Architectural cast stone.

Chairman Elkins: What is the difference in the manufacturing process between the two?

Mr. Coleman: Architectural cast stone is manufactured under higher pressure. It's still cast, but the higher pressure gives a much harder product. It has less water absorption, and it's just stronger.

Chairman Elkins: Neither one is a natural stone?

Mr. Coleman: Neither is natural. They both make use of stone in their manufacturing process.

Mr. Klein: Here's another example of the cultured stone. It is made to look like a rough-hewn stone on the outside, but on the inside, you can see all the aggregate. This is what shows when it breaks.

Chairman Elkins: I keep getting myself confused. We have cast stone, manufactured stone, and now cultured stone.

Mr. Klein: Manufactured stone is the overarching category in which cast stone and cultured stone are in. They are both manmade stone, and there are two different process. The cast stone is under a bit more pressure and looks more like a limestone. It is typically used as accents on buildings. The cultured stone is also a manmade stone; however, it is not under as much pressure. It is typically used as a fill material on building, so whole walls will be composed of it. They tend to try to make the outside have the variation of the stone. The stone has the natural color that runs through. The outside of the cultured stone has colors as much like that as possible, but on the inside is the composite.

Chairman Elkins: Part of my confusion is your slide compares manufactured stone to cast stone as if they're two different things. What I hear now is that it is all manufactured stone with cast stone and cultured stone under that umbrella.

Mr. Klein: That is correct.

Comm. Block: In other words, that can be used as a structural component; whereas, the other can be used only as a veneer?

Mr. Klein: Typically, we try to use the cast stone primarily as accents. It may be possible to see it on larger panels.

Mr. Coleman: Cast stone is used more as a brick.

Comm. Block: Or it could be used as a base of a column as a structural piece.

Mr. Coleman: A lot of columns are cast stone with one seam along the edge.

Comm. Block: That could be used for windows, sills, and things like that; whereas, you would want to use a veneer for that.

Mr. Coleman: Yes, but they do manufacture them for that. We're mostly talking about commercial properties. We have kind of exempted single-family residential, so we don't even get into that. We've only gone there for multi-family homes. If you want manufactured stoned on the house, we have allowed it.

Comm. Block: How do you do that if it's a prohibited material?

Mr. Coleman: It's not at this point.

Mr. Klein: You might also see cultured stone used inside buildings.

Mr. Coleman: We've just basically done most of it through persuasion.

Chairman Elkins: The problems we had with Cornerstone were with this, where we started seeing the problems.

Mr. Coleman: CVS has manufactured stone, too. It's faded. CVS has been there for more than ten years.

Mr. Klein: With regard to cultured stone, we typically try to push them toward natural stone. There is thin-set natural stone with a process that the face of the stone is cut off to make it thinner. We met with some of the people that actually sell the different stones and asked about the difference between the two. Natural stone has the same texture and color if it is broken, and it is more durable. With the thin-set stone, it is applied in the same

manner as the cultured stone, but a stone mason is required to put up the natural stone; cultured stone can be installed by unskilled labor. When we mentioned problems with cultured stone, they said that it is probably application by unskilled laborers. For the most part, we've been able to push people toward thin-set natural stone because it's cheaper than having a full natural stone, but it still has many of the aesthetic properties.

Comm. Hunter: You referred to cultured stone. Does that mean that you can have unskilled labor do any type of manufactured stone?

Mr. Klein: From what they indicated to us, yes, and that is probably what caused the problems we have seen.

Mr. Coleman: But not cast stone.

Comm. Hunter: So, the cultured but not the cast, but it's all under the manufactured umbrella.

Mr. Coleman: Right.

Comm. Block: Who polices that? It's not like it can't be bought if it's not installed by a professional.

Mr. Klein: You're right.

Mr. Coleman: The contractor.

Mr. Klein: We have a comparison chart between the cast stone, architectural precast, limestone, and calcium silicate. It shows the PSIs. Absorption is another factor. Cultured stone has more absorption of water than cast stone has.

Chairman Elkins: I'm still struggling with the chart.

Mr. Coleman: This would be about 2,500 PSI, and you can see that cast stone is 6,500 PSI. Water absorption in cast stone is 6%, and this would be in the neighborhood of 20%.

Comm. Block: You said there are higher quality versions available?

Mr. Coleman: Well, some of the manufacturers have gotten better at making manufactured stone. It's been around maybe 30-40 years, and over time, the formulations have gotten better.

Comm. Block: So, we're getting PSIs up to what?

Mr. Coleman: It's going to be in the 2,500 range. The water absorption has some that are lower at about 12-14% versus 6%. In this area of the country, that is important. We have considerable expansion and contraction here because we have such great temperature

swings. It's what makes it hard for us to maintain our roads. It's expanding and contracting on a daily basis; whereas, in Minneapolis, at some point, the place is frozen and just stays frozen. It doesn't expand and contract all the time.

Mr. Klein: We also want to talk about the weight of roofs. Currently, the LDO divides roofing into two parts, including everything except single-family and single-family districts. What we want to talk about tonight is laminated composite shingles, which is also referred to as asphalt shingles. These won't be in projects that come before you because they aren't allowed on commercial buildings. Typically, what you'll see is concrete tiles, synthetic slates, standing seam metal, and those types of materials; however, we want to bring forward an amendment to you with regard to the asphalt shingles on single-family and two-family dwellings. There are two version of composite shingles, which I will refer to as asphalt shingles. They include impact-rated shingles and not impact-rated. The city used to only allow wood roofs, and when the city chose to allow asphalt due to fire hazards, the goal was to keep the aesthetics as much as possible. This led to limitations on asphalt shingles being installed on single-family homes, including weight of the shingle. Shingles that aren't impact-resistant are 300 pounds per square, which is 100 square feet. The idea is that the heavier shingles would have greater depth and would look a bit more like the wood roofs. Additionally, the shingles have to be a minimum of 3/16 at the back end of the shingle, creating a shadow line to add depth. (Shows example) We have a minimum of five color granules within each to give variation and depth. It also has to be installed on solid wood decking. All this together is to try to make them look like wood as much as possible, similar to cedar shake. We typically see variations of grey and brown. There are many manufacturers with many different materials, and the city has a list that indicates whether they are approved or not. We review them on a case-by-case basis, and the applicants must meet the International Code Council (ICC) requirements. As far as requirements for regular and impact-rated asphalt shingles, everything is the same except for the weight requirement. Probably around 2003, we started seeing impact-rated shingles, and the insurance companies would give homeowners a break for them because they had a polymer called SBS, which helped with leaks. Malarkey was the only company that had these, and they were only 275 pounds per square. The city still wanted to allow Leawood residents an alternative so they could get the insurance break, but we also still wanted to make sure that we had the aesthetic quality. We went down to 275 pounds per square for impact-rated shingles. What has happened over time is some of these have gotten a little bit lighter. Malarkey no longer uses just SBS, which is a polymer; they actually use three other polymers. The manufacturing has gotten a little lighter. We want to lower the weight requirement for the impact-related shingles to take this into account.

Mr. Coleman: Many of the manufacturers have been advertising their weight, so it's harder for us to know what a square actually weighs in order to meet our code requirements.

Chairman Elkins: Is the heavier the weight the better?

Mr. Klein: Heavier weight usually means higher quality. They used to have longer warranties.

Mr. Coleman: They had a 50-year warranty, 355-pound residential shake IR; whereas, maybe the highland slate at 140 pound would only be 25-year warranty. That is how they rate them.

Chairman Elkins: Do you still think it's a good idea to drop it from 275 to 270?

Mr. Klein: We're thinking there really is not much difference. Really, it comes down to materials being used to make it impact resistant are maybe a little bit lighter. It would still have the shallow line, the five-color granules, the 3/16 at the end.

Chairman Elkins: Based on your chart here, though, it's only going to add one more to your list.

Mr. Klein: It would add a little bit more. This is not a complete list. We were having trouble getting the weight. About five years ago, they stopped publishing the weight. We used to be able to call and ask; now, we find that some won't even give us the weights on the phone. We will have to address this as well.

Chairman Elkins: If that's the case, why does it make sense to have the weight be a metric at all?

Mr. Coleman: I think it is because of the durability of the shingle.

Chairman Elkins: Yes, but if you can't get the weight from the manufacturer, it makes it hard to use that as a metric.

Comm. Block: Why don't you use years of guarantee?

Mr. Coleman: Warranties are different. Some say it's a 50-year roof, but the warranty is only for ten years. Some might have a lifetime warranty.

Comm. Block: What you want is a roof that lasts a long time, or what are you trying to accomplish?

Mr. Coleman: There's aesthetics.

Comm. Block: The 3/16, you get that.

Mr. Coleman: Then there's durability. The higher the weight, the thicker the shingle is, and it affects the aesthetic issue, too. We don't want to go too low because then we start moving toward flat, three-tab shingle roofs.

Comm. Block: That's why I wondered if you could go with 20-year and up.

Mr. Coleman: That would include those three-tab shingles.

Comm. Block: I don't know what the threshold is.

Mr. Coleman: I don't know. That's part of why we didn't want to just say it's a 30-year minimum because a lot of the much lighter-weight shingles have that.

Chairman Elkins: I like the idea of the weight.

Mr. Coleman: It's not an easy thing to deal with.

Chairman Elkins: It's been in the works, right?

Mr. Coleman: It's been more difficult because the manufacturers aren't as upfront with what they're doing.

Mr. Klein: Whenever a roofer came in, they would think Leawood only allowed a 50-year shingle. Now, we're talking about how warranty doesn't have anything to do with it. At one point, the manufacturers actually started shifting their warranties, so the 40-year became the 50-year. They moved it down a tier. At that time, the city thought they were too fluid. It's just up to the manufacturer to decide the warranty. That is what we're struggling with.

Comm. Block: Isn't architectural laminate a common term that will exclude three-tab shingles?

Mr. Coleman: Architectural is a marketing term they use for one of the grades of shingles by some manufacturers.

Comm. Block: I thought they had the shadow line and were one in the same.

Mr. Coleman: Well, there are more products now that might fall into that. They have solar reflective shingles now, trying to save energy. They have algae-resistant shingles. They all come in different styles. We're just trying to set a benchmark. With the IR shingles, which use a lamination process with fiberglass reinforcement, it creates strength in the impact part of it. The Class 4 has to do with dropping a steel ball on it and the effect. It's not easy to figure out where that line is. With the impact, it would be a lighter weight, so we want to allow room. We could lower it to 265, which would add a couple more. We could look at those and come back to you with a recommendation.

Chairman Elkins: The ones on the list that don't have IR in them are not impact resistant?

Mr. Klein: They are. Malarkey confirmed it.

Mr. Coleman: Why does it have IR for some and not for others?

Mr. Klein: If you look at Malarkey Legacy and Legacy XL, they put the IR on there. I don't know why they decided to do that.

Mr. Coleman: Legacy Vista is an IR?

Mr. Klein: That's what he said. He said it's almost like a three-tab shingle, but it's an IR. Malarkey was the one who caught me up on it. This guy remembered when we allowed the first one in. When I called, he knew exactly what Leawood was. That was completely luck of the draw.

Mr. Coleman: Malarkey used to not be in the Kansas City area, and then they moved into the area. We could have different manufacturers move in here. I think they're from the west coast. Certainteed and GAF have been around here for generations. There's one called Atlas, but I'm not familiar with them. Do you have some other thoughts on this?

Comm. Block: What I was trying to get to was taking the weight out of it and having other aspects with the depth, thickness, shadow lines, and colors. We could have another standard so we're not coming back here in a month needing to change it.

Mr. Coleman: I see what you're saying, but I thin to some extent, weight is important. We're trying to measure the thickness of the shingles.

Comm. Block: We're talking about 3/16 inch and 20 feet.

Mr. Coleman: Right. I don't want to rely just that.

Comm. McGurren: Is there a chance that the weight, while not marketed, has to be reported to some agency?

Mr. Coleman: We can figure it out. When I've called, I've gotten the actual weight by saying, "I'm putting ten squares up on this roof, and I need to know how much a square weighs so I know the roof will support it." Just to let you know, we do this roof thing that almost no other city is doing.

Comm. Hunter: You mean like other cities don't require a certain type of roof?

Mr. Klein: They don't have the same restrictions.

Comm. McGurren: Have they dropped them over time, or did they never have them?

Mr. Klein: They never had them.

Chairman Elkins: We were unusual for a long time because we had the requirement for wood roofs.

Mr. Coleman: One thing I've run into a lot is people wanting black roofs, and we don't allow it.

Comm. Block: I thought slate was an option.

Mr. Coleman: Artificial slate is allowed.

Comm. Block: I mean an asphalt shingle.

Mr. Coleman: They're basically the same color that they call slate.

Comm. Block: I thought the shape was different.

Mr. Coleman: They have a polymer plastic shingle.

Comm. Block: I know about those. I thought there was a slate not just in color but in shape.

Mr. Coleman: They multi-layer the shingles to try to make it look like slate. It looks more like a tile to me and not like a slate.

Comm. Block: Is that approved?

Mr. Coleman: Just color, so black is not a color that we allow.

Comm. Stevens: You could do dark charcoal.

Mr. Coleman: You could do whatever color you want with real slate. We also allow concrete tile roofs. Roofing is interesting. The library roof is the artificial slate, and City Hall is real slate. It will be interesting to see because the cost to put the real slate on City Hall was only \$10,000 more than plastic slate. The real slate will last a lot longer.

Mr. Klein: We'd like to get your input, so we'll take your comments here and continue to research and bring it back to you either at a work session or as an LDO amendment.

Mr. Coleman: If there are any materials you think we should or shouldn't do, shoot us an email.

Comm. Coleman: I know we talked about other cities.

Comm. Hunter: You mean with the stone?

Mr. Klein: There are a lot of other cities I need to get material boards for. Overland Park does, and there are a number that do. There are cities across the country that don't limit

materials much at all. It's usually the cities that tend to care a bit more about how things look that get more detailed to make sure it's quality product.

Mr. Coleman: Aesthetics are very difficult to legislate. To add something like this to the code, we have to spend time on it so that we don't say one thing and get another. Most of the cities don't go there at all.

MEETING ADJOURNED

DRAFT

**City of Leawood
Planning Commission Meeting
August 27, 2019
Dinner Session – 5:30 p.m. – No Discussion of Items
Leawood City Hall – Main Conference Room
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: McGurren, Hunter, Belzer, Hoyt, Elkins, Coleman, Block, Stevens, Peterson. Absent: Elkins

APPROVAL OF THE AGENDA

Chairman Coleman: Chair will entertain a motion to approve the agenda.

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

APPROVAL OF MINUTES: Approval of the minutes from the July 23, 2019 Planning Commission meeting.

Chairman Coleman: Are there any additions or comments?

Chairman Elkins joined the meeting

Chairman Elkins: My apologies for being late. Are there any revisions or amendments to the minutes?

A motion to approve the minutes from the July 23, 2019 Planning Commission meeting was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

CONSENT AGENDA:

CASE 75-19 – STONE LEDGE LOTS 1-3 REPLAT – Request for approval of a Revised Final Plat, located north of 154th Street and east of Nall Avenue.

CASE 84-19 – HALLBROOK EAST VILLAGE – FENCES AND WALLS – Request for approval of a Revised Final Plan, located south of 112th Terrace and west of State Line Road.

CASE 90-19 – EDGEWOOD SUBDIVISION – PRIVATE ART – Request for approval of a Final Plan – located north of Town Center Drive and west of Roe Avenue.

Chairman Elkins: Does anyone wish to pull any of these cases for consideration? Seeing none, is there a motion?

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

NEW BUSINESS:

CASE 74-19 – THE HILLS OF LEAWOOD VILLAS – Request for approval of a Rezoning from R-1 (Planned Single Family Low Density Residential) to RP-2 (Planned Cluster Residential Detached), Preliminary Plan and Preliminary Plat – Located north of 151st Street and east of Mission Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 74-19 – The Hills of Leawood Villas – Request for approval of a Rezoning from R-1 to RP-2, Preliminary Plan, and Preliminary Plat. The property is located north of 151st Street and east of Mission Road. The application before you tonight proposes 25 single-family residential lots and five tracts on 13.5 acres for an average lot size of 13,642 square feet per lot. Fourteen of the lots would be located north of the proposed 150th Street with the remaining eleven single-family units located south of the proposed 150th Street. Along with this development, the applicant is proposing to construct the remainder of 151st Street from the terminus at its west side of the approved Hills of Leawood development over to Mission Road. The applicant is also proposing a 10' tree preservation easement along the northern common property line of the development to help continue the buffer between the development and the park to the north. Staff is recommending denial of the application due to a number of outstanding concerns with the project design. The City of Leawood Comprehensive Plan has shown this area to be Low Density Residential since at least the 1980s when the initial plan for this property was approved. The development being proposed tonight proposes a change in zoning from R-1 to RP-2, skipping over the RP-1 zoning district. R-1 and RP-1 are low Density; RP-2 jumps to Medium Density Residential. The developments surrounding the perimeter of the proposed development are also Low Density Residential with average lot sizes larger than what is being proposed. Since the zoning runs with the land, any future developments would be able to use the minimum requirements of the zoning if they were to redevelop the area, including a minimum of 6,000 square feet for the average size of the lot. The developments surrounding the proposed development have lots larger than what is being proposed. Mission Heights has an average lot size close to 45, 500 square feet, and The Hills of Leawood subdivision has an average lot size of close to 19,500 square feet. This subdivision had to get approval from the Board of Zoning Appeals, where they were approved for an average lot size of 19,000 square feet. This development is below both of those developments with an average of 13,500 square feet

per lot. The applicant is requesting deviations from the Leawood Development Ordinance (LDO) regarding setbacks from the already reduced setbacks within an RP-2 area compared to Low Density Residential. Staff would like to clarify something in your packet. Within the Fire Department memo, it states that the Fire Department has an objection to the plan. It should be revised to say that the Fire Department has no objection. The Final Plat and Final Plan meet the regulations of the LDO if it is granted recommendation to rezone to RP-2 zoning district. If the project is not granted the rezoning, the current plan would not be in conformance with the Leawood Development Ordinance with any Low Density Residential use. Staff recommends denial of Case 74-19 with the stipulations listed in the Staff Report. We're happy to answer any questions.

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

Comm. Hoyt: In the packet, we have a statement from a group identified as the Mission Road Residents. Who are the actual signatories to that? I noticed there were names attached to the other materials submitted, but I couldn't tell how many and who were part of this. Maybe someone will be present to night to make a comment.

Mr. Klein: I think there are a number here to speak to this application. I think it is a number of residents from Mission Heights, but it also could include some other residents as well, including Reserve at Ironhorse.

Comm. Hoyt: I'm curious who sent this to you.

Mr. Sanchez: Many of the letters are sent through email. The actual person who sent it may not have an email that corresponds with the name. Often times, they will have a signature.

Comm. Hoyt: The one I'm looking at says, "Mission Road Residents Objections."

Mr. Klein: Many of those residents are the ones in Mission Heights, the larger lots around the periphery.

Comm. Hoyt: I figured that; I was just curious if there was a name attached. If there isn't, we can go on. I also wonder if you would want to react to a statement that was made during the Interact Meeting in Point No. 4. Resident Robert McClain asked where the amenity package would be and why the property could not be developed as R-1. The developer responded, "Due to unusual shape of land and restrictions, the R-1 land plan was not feasible." I would like to hear your reaction to that argument.

Mr. Klein: This developer also developed The Hills of Leawood to the east and a subdivision in Overland Park to the east of The Hills of Leawood, which is smaller lots. The Hills of Leawood took up that smaller portion that was pretty much up to the easement for the power lines, leaving a small area of land sandwiched between the Mission Heights subdivision along Mission Road and also 151st Street. The developer is making the argument that with R-1, it would not have enough lots to make a profit. The

applicant could probably speak to that more. R-1 and RP-1 have a requirement to meet the minimum lot size of 15,000 square feet per lot in R-1 and 12,000 square feet in RP-1 and also a requirement to meet the average lot size of all the lots within 300 feet up to a maximum of an acre. The Hills of Leawood also had R-1 zoning. They went to the Board of Zoning Appeals and received a variance; however, they wanted to make sure the lots were larger than the 15,000 square feet. They raised it to an average of 19,000 square feet for the lots in The Hills of Leawood. They do have some lots that are 15,000 square feet. They did not have to meet the lot average of the surrounding lots. That development is also adjacent to the subdivision located in Overland Park that has smaller lots.

Comm. Hoyt: I understand this proposal would have 25 dwellings. What is your assessment of how many dwellings would be part of this if it were not rezoned?

Mr. Klein: I think it definitely would end up with fewer lots with larger lot sizes and larger setbacks. I couldn't tell you the exact number.

Chairman Elkins: Thank you. Additional questions for staff?

Comm. Block: I thought one of the renderings we saw with the earlier plans for the development on the east side of this area did show houses with larger lots west of the power lines. I understand that wasn't part of the application, but I thought they were at least overlaid on the maps we saw.

Mr. Klein: I don't recall any within this area. I think they did show them developed in the Mission Heights subdivision along Mission Road.

Comm. Block: What is the map in color with the circles? What do the circles represent around this development?

Mr. Klein: Often times, we'll get plans with the 200' boundary and the 500' boundary. The 200' boundary is the area of required notification under state statute. The 500' boundary is from the City of Leawood to indicate who receives an invitation to an interact meeting.

Comm. Block: You think the 200' boundary is one of these smaller circles, and it goes to Mission maybe, and then the 500' boundary would go to the larger one that goes into The Pavilions.

Mr. Klein: Yes, and they may have included another one that was 1,000 feet. They have them labeled. The inner one is 200, and the next one out is 500 feet. That is who they send the interact notification to.

Comm. Block: The people who would have gotten this notice are in that first circle, and the second circle is the ones who were invited to the interact?

Mr. Klein: Correct.

Comm. Block: What is the third circle?

Mr. Sanchez: Staff usually likes to ask the applicant to send out mailings to HOA representatives up to 1,000 feet. That way, the entire HOAs surrounding the development will know about it, and they can reach out to their neighbors.

Mr. Klein: Staff also sends out to the HOAs as well.

Comm. Block: There is a letter here from The Pavilions. It just seems that the board member spoke on behalf of all the residents of The Pavilions and not having an objection to the project, and maybe only board members and no residents got a letter. Is that possible?

Mr. Klein: I think the letter I saw was from the HOA president. It could be that they had an HOA meeting and got input that way.

Comm. Block: If they're here, I'd like to understand how they spoke to their neighborhood. Thank you.

Chairman Elkins: Thank you. Additional questions for staff? I'd invited the applicant to come forward.

Applicant Presentation:

Greg Musil, Rouse Frets Law Firm, 5250 W. 116th Place, Suite 400, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Musil: Thank you for allowing us to present tonight. If you read the Staff Report, you might think we're putting high rise garden apartments next to some of these single-family homes, and I hope to disabuse you of that notion and demonstrate that these are high quality, single-family homes on relatively large lots that will be a benefit and an asset to the City of Leawood.

(Begins slide show) Those of you who were here when The Hills of Leawood was finally rezoned in 2018 would recall the view here. Dr. Ishwa Reddy has owned this property since the 1990s. Staff said it has been Low Density Residential since the 1980s and thinks we should keep it that way. The point I want to make tonight is that it's been Low Density since the 1980s. Dr. Reddy has owned it since the 1990s. It has been vacant for the history of the City of Leawood. That's part of the reason we're here tonight: to find something that fits and not just with respect to the RP-2 zoning district but with respect to the plan that is in front of you. I'll speak to that later, but it's not just RP-2 zoning; it's a development plan that you have a chance to approve. If the Governing Body approves it, we're bound by it. We can't just go in and reduce everything to the RP-2 minimums without coming back to you and City Council. Mark Simpson and Saul Ellis are the developers of this. They are developing The Hills of Leawood to the east. That subdivision is going well with Phase 1. Tim Tucker is here with civil engineering if you have stormwater or site plan questions beyond the capability of a lawyer. Jason Meyer

did our landscape plans. We want to review the Preliminary Plat and Plan, the stipulations, request your approval, and then answer any questions you have. You know about Mr. Simpson and Mr. Ellis. They have developed a number of successful subdivisions, including The Hills of Leawood to the east. It's important to look at the site and ask how it looks different from other sites that are developed. It is an interior site. It is bounded on the east by a 100' KCP&L high power transmission line. On the west, we have a little bit of jaggedness that makes it a bit more difficult, and 150th Street comes off Mission. The City of Leawood acquired that right-of-way decades ago. It's been there a long time as part of the Mission Heights Plat back in the '70s or '80s. To give you context of The Hills of Leawood, it only had development on the east side of the power lines. This site is different. It's narrower and jagged. The Hills of Leawood site is about 50+ acres on the east side, which gives a chance to design something that is a little easier to do and stay within the R-1 zoning category.

The 1970s plan shows what people thought might develop. There is no high-voltage transmission line shown on this plan. Obviously, that never developed as initially anticipated. The actual development occurred along the section line roads: Mission Road and 151st. We talked about it during The Hills of Leawood. Those don't require any infrastructure. That is why we have these legacy lots that are larger and that you'll hear from later. These folks are concerned about what is going to develop next to them, as they should be and as we want our neighbors to be. This is what happens when the interior of the piece is left to carry all the burden of development, including all of the interior roads, all of the sewer, and all of the electrical. That plays into this particular plan. In 2016, a gentleman said he could develop the entire area in R-1, and he had 51 total lots over the entire area, eight of which were located west of the power line. That plan could never be financed and was never undertaken. The western boundary of The Hills of Leawood honored the right-of-way of the power line. I want to talk about the Preliminary Plat and the development challenges. On the east boundary is 161,000-volt power line. This is not a distribution line like you see in your house; this is a high-power transmission line going cross-country. KCP&L bought these and took the rights to put up a transmission line in there. It wasn't limited to 161 kilovolts or H poles. It can be increased for whatever the needs of the power company are. That's important when looking at what lots could go next to these lines. Seven of the 25 lots will abut the power line with this plan of a total of 25. On the west boundary are the legacy homes that were developed since 1965, some as late as in the 2000s. You've seen the narrow and irregular shape. All of the infrastructure of this subdivision has to be born by these houses. All the roads and storm sewers have to be born by these homes. As you recall, there are two pinch points on this: one north of 150th Street and one south of 150th Street. They are 237 feet wide on the south and 246 feet on the north. We can't put a street in there and put houses on both sides because we don't have lot depth. That's a constraint on this. As I mentioned, it has been vacant and undeveloped for the entire history of the City of Leawood.

On the western side, the first house is from 1965; the most recent is 2000. The Staff Report can be boiled down to three issues. One is the density is too great. The second is that it's not compatible to put RP-2 next to R-1 in this situation, and it requires some deviations. I want to address all of those as quickly as I can. Is this application too dense? R-1 allows 2.9 units per acre; RP-1 allows 3.63; RP-2 allows 7.26. It sounds

pretty dramatic. The plan you have in front of you is 1.85 units per acre. It is only 63% of the minimum of R-1, which is lower than R-1. It is 50% of the density allowed in RP-1. If you think RP-1 ought to go there, you would be allowing more density. It is 25% of the density allowed in RP-2. I submit the proposal is not too dense. It is consistent with or better than R-1 or RP-1 zoning. The Pavilions is across Mission Road to the west, and it is at 2.67 units per acre. Mission Reserve to the southwest across the corner diagonally is also an RP-2 subdivision and is 2.5 per acre. The Reserve at Ironhorse is south across 151st and is 1.26 per acre. The Villas of Ironwood to the east, admittedly an Overland Park subdivision, is 2.4 units per acre. The Hills of Leawood just across the power line is 1.7 units per acre. Are we out of line with those at 1.85 units per acre? I submit that 1.85 units per acre is not too dense generally and certainly on an irregular tract like this that is hard to develop and has to bear all the costs of the infrastructure.

Staff also talked about compatibility. We have R-1 neighbors to our west along Mission Road. I'm going to go through the Comprehensive Plan because we have had and have today RP-2 next to R-1, and we have RP-2 next to RP-1. We're not breaking some new ground to put this subdivision in. There are similarly situated RP-2 developments next to RP-1 and R-1. What is frustrating about the Staff Report is it never really addresses why this site is vacant 50 years as it was designated as Low-Density Residential as well as the restrictions that make this difficult to develop. Staff has said over and over again that this is suitable for its current zoning. No one has come in and made any serious attempt or been able to develop a plan that could be financed or sold to develop this for anything, which is why Dr. Reddy is ready to try to get something built. The buffering and the distances offered to our neighbors to the west exceed R-1 and RP-1. The 2018 Comprehensive Plan shows three subdivisions that are RP-2 next to R-1 and RP-1. The zoning map shows them. The subdivisions are The Villas at Whitehorse, Mission Reserve, and The Villas of Leawood. They all abut either R-1 or RP-1. We're not doing something weird. We're not trying to jam in something that hasn't been used elsewhere. There are other compatibility concerns, including lot size. R-1 is 15,000 feet; RP-1 is 12,000 feet; RP-2 drops all the way down to 6,000 square feet. It sounds dramatic to go to RP-2. Staff talks several times about us skipping a zoning category. That would be important if the plan didn't tell you that 13,500 square feet is our average lot size. Our average lot size is 91% of R-1. It's bigger than RP-1's minimum. It's almost twice as big as RP-2's minimum. Our lot size is consistent with single-family homes in R-1 or RP-1 developments. Our smallest lot is 9,500 square feet, which is almost 60% bigger than the minimum of RP-2. I touched on height restrictions because people don't want somebody to look down from a second story into their back yard. The height restrictions are the same in all three zoning districts at 35 feet. What is interesting is that in this development, these will be villas with a main floor and a lower level. RP-1 and R-1 will result, most likely, in two-story homes. This affects privacy, perception, and maybe reality differently than a one-story next door. Is RP-1 and R-1 a better neighbor than an RP-2 with villas?

Another compatibility issue was the distance between houses. North of 150th street, the closest home is 75 feet from the build line of the new villa to the back of the house just north of 150th Street. The one to the north is 131 feet. South of 150th Street are distances of 141 feet, 139, 153, 212, and 220. What does that mean in terms of our impact on these legacy neighbors? Look at your LDO and what you think is an acceptable

distance between houses. In R-1 and RP-1, houses can be 60 feet apart, and both need a 30' rear setback. In RP-2, it could go down to 40 feet. What does the plan require of us? We looked at some other subdivisions. The Pavilions subdivision has 70-85 feet between houses. Steeplechase has 55-65 feet. Hallbrook has 75-90 feet. The Hills of Leawood Villas are 131-220 feet between houses except for the one that is only 75 feet. This would put us a greater distance than Steeplechase, in the middle of The Pavilions, and at the bottom of Hallbrook. Are those distances so incompatible that you can't have a single-family neighbor back to you if you are in an R-1 subdivision?

Staff has expressed concerns in the report that if you zone it RP-2, it will run with the land. As I'm confident you're aware, in the LDO, you treat Preliminary Development Plans as Rezoning. If we get a development plan approved, we can't come back and go to 6,000 square feet per lot. We can't go back to seven units per acre unless we have a meeting, file an application, have an interact meeting, send notice to everybody within 200 feet as well as the HOAs, post a sign, come before the Planning Commission, go to City Council subject to protest petition options, just like a Rezoning. I listed your LDO requirements for the record so we have those. The Governing Body and Planning Commission shall give the same consideration to a Preliminary Development Plan that you do to a Rezoning. I know there is always a boogeyman out there that thinks if we rezone it to RP-2, someone will come in and want seven units per acre. We can't do seven units per acre here because we have a minimum frontage on our lots, and we still have a minimum lot size and a minimum setback. If you look at the development plan and plat we had earlier, you will see that it simply cannot be done. The fear that somehow going to RP-2 is going to open this site up for something dramatically different is simply not founded in fact or law.

When I saw the deviations, I thought we were screwed. Nobody likes to come in and ask for deviations. There are 25 lots, and five of them require deviations. A total of six deviations are requested out of hundreds when you consider rear, front, side and all the setbacks. These deviations affect about 2,000 square feet of land about the size of this chamber. They're all internal to the project. They're not cutting down distances to our neighbors; they're cutting down side yards and distances within this development. Lot 16 has a slight deviation along the street on the side of the house. Whoever buys those two houses will know where their property line is. On the righthand side, Lot 6 has a slightly smaller front setback. Then, Lots 12 and 13 have similar reductions. We're reducing in Lot 6 from 30 to 22.5 feet, and that's permitted by the LDO. On Lots 12, 13, and 16, we're reducing from 20 to 15 feet on the sides, and that's also permitted by the LDO. On Lots 16 and 17, there is a reduced side yard between the two houses from 10 feet to 8.5 feet. All those are permitted by the LDO, and we have to provide additional compensating open space of .05 acres, and we provided about .72. The percentage doesn't sound very impressive, but we meet what the LDO requires. We tried to find some consensus because our neighbors behind us are going to talk to you about their perceptions of this project. We had an interact meeting, and you have the minutes. The developer had additional meetings with the neighbors. We proposed additional tree planting and a buffer on the west side that I'll show you in a minute. We proposed additional easements for landscaping along 150th Street entrance so that the two houses on the south and north side would have more buffering, far more than a normal city street would have. On the western property line, we proposed a 10' utility easement, storm

drainage utilities on the back property line, then a 10' tree planting easement that would be planted and maintained by the HOA to create a buffer. On the entrance to the subdivision, as a benefit to the developer as well, we propose additional landscape easement on these two homeowners' properties that would be used solely for the plantings shown. The neighbors have not agreed to those, but we were willing to do those in an effort to meet the perception that we're too close or too dense.

You have in your packets support of surrounding neighborhoods. The Pavilions, as I understand it, circulated the plans to its homeowners, and the president of the HOA sent you a letter. The Reserve at Ironhorse immediately south across 151st sent a letter. David Swartz, who owns two lots adjacent to this sent a letter, and The Villas of Ironwoods to the east sent a letter. I also have an email from Carl Lavender in support of the project. He lives at 3400 W. 151st Street.

You know the criteria. What's in your LDO in Section 16-5-1.4 is what everyone refers to as The Golden Criteria because of the Golden vs. City of Overland Park case. I want to address those quickly because in the Staff Report, each of those elements was addressed in terms of density compatibility and that we don't want any deviations. The character of this neighborhood is, at best, mixed in terms of what kind of housing we have. What we do have everywhere is single-family homes. That's what we're going to build. The character of the neighborhood isn't necessarily 2/3-3-acre lots along Mission Road that developed because they could do septic tanks and had no infrastructure costs. The character of the neighborhood is more than just the abutting landowners. The character here is single family homes, which this meets. The second criterion is zoning and uses of property nearby, and we have the same argument. They're all zoned Residential. Within ½ mile, they're either zoned R-1, RP-1, or R-2, ironically – what we're asking for tonight. Regarding suitability of the property for the use restricted, I'll go back to the fact that it sits vacant today and has been vacant forever. It is not feasible to do R-1 with the lot restrictions and sizes and carry all the infrastructure costs that are necessary. Regarding the extent to which there is removal of the restrictions would detrimentally affect the neighbors weighed against the denial to the applicant, nearby doesn't just mean abutting. If you look at abutting properties, we have offered more buffering, more distance, less density than some of the nicest subdivisions in Leawood that might be R-1 or RP-1. If that is going to detrimentally affect the neighbors, then it affects every neighborhood in the City of Leawood. I don't think that's the case. Regarding relative gain to public health and safety, I don't know what the gain to overall general welfare, health, and safety is if this is denied. I do know that what it does to Dr. Reddy is tell him he's going to own this property for a while longer with nobody coming in to develop it. I will concede that the last two factors are recommendation of professional staff – which I've told you why we disagree with that – and compliance with the Master Plan. It doesn't comply with the 2018 Master Plan; however, you have three examples within a mile of RP-2 versus RP-1 and R-1 that do meet your Master Plan and demonstrate that it can work.

I'd like to highlight a couple stipulations. No. 2 is unacceptable because it says that we don't get any deviations. If we take out the six deviations for a total of .05 acres of setback changes, all of which are permitted by the LDO, we will lose lots because we can't meet the 10' setback on the two side yards; we can only meet 8 1/2 because of the narrowness of that portion of the property. No. 17 says that we have to build sidewalks

compatible with the city standards. We just want to make it clear that the city's right-of-way is 50 feet there. When we build a street and sidewalks, they may need to be within the 50' right-of-way unless we can obtain additional land from the neighbors, and we don't have that. No. 27 is acceptable, but we did want to make notice because there is a 10'x10' square on 150th Street off Mission where we were going to have a directional sign for the subdivision. It's a 10'x10' square. We have to have a 5' setback. That would mean a really skinny sign, so we intend to change that at Final Plan to 13'x13' so there is enough room to meet all the setbacks. Other than that, the rest of the stipulations, we accept.

My conclusion is the same points I've made: density is not a problem; compatibility is not a problem; deviations are exceedingly minor and all within the LDO. Thank you. We'd be happy to answer any questions.

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

Comm. Block: For the record, you indicated that the letter from The Pavilions said that the letter had been sent out and they're all supportive, but that's not what his letter says. "Many notices have been sent to our residents. As of yet, we have not heard any concerns." That's not the same as sending a letter and getting 360 homeowners to approve it.

Mr. Musil: I overstated, and I apologize. We know how easy it is to have one out of those object. I was overconfident.

Comm. Block: On the same theme here, The Reserve at Ironhorse had numerous flyers. There was only one notice of this project, right? There were others in the past for different versions.

Mr. Musil: From the applicant, there is just the one notice.

Comm. Block: And Dave Swartz owns which lots?

Mr. Musil: They're at the northeast corner of 151st and Mission. They do abut the southern portion of the property.

Comm. Block: He lives in those homes or rents it?

Mr. Musil: I think they're both vacant.

Comm. Block: Does he intend to sell them to a developer?

Mr. Musil: Yes.

Chairman Elkins: Thank you. Other questions?

Comm. Hoyt: Could you tell us the minimum number of dwellings that would make this financially feasible? You were saying you can't accept Stipulation No. 2 because you'd have to lose lots and then the whole thing would fall apart. What is the magic number of lots needed in the opinions of the professionals who have looked at this?

Mr. Musil: In the opinion of the professionals who put their money into it, it is 25. Different people might have different abilities to finance and different willingness to take a risk, but 25 fits on here with .05 acres of deviation. To take 1-2 lots out, particularly those that would be affected by that, that would be interior, doesn't seem to benefit anybody with respect to public health and safety, and it doesn't affect the neighbors to the west because they would be internal.

Comm. Hoyt: The argument that the staff makes that this goes from R-1 to RP-2 and bypasses RP-1, so how many fewer lots would there be if you went with the RP-1 plan?

Mr. Musil: We haven't drawn that out, but it would probably be about 15. We would have to have a single-loaded road along the power line easement and only have houses on the west. R-1 would be about 15; RP-1 would be about 18. I should make it clear that's what could fit on a plan; that's not necessarily what could be financed or built. That's the example of the 2016 plan that had a beautiful plan drawn that didn't work.

Comm. Holt: To clarify, if you were forced to go with Stipulation No. 2 and proceed with the plan, you feel that would involve the loss of two lots, so then we're to 23 more or less.

Mr. Musil: Right.

Chairman Elkins: Other questions for Mr. Musil?

Mr. Musil: Mr. Simpson would like to make a comment, but I'll take your question first.

Chairman Elkins: I'll let Mr. Simpson go first.

Mark Simpson, 15145 Windsor Circle, appeared before the Planning Commission and made the following comments:

Mr. Simpson: I have to say we've done 4,000 housing lots in Overland Park and Leawood. We've done probably 800 in Leawood. This is the most difficult tract we've ever attempted. At 25 lots, it takes 22 of them to get money back. That's selling the lots for \$160,000 apiece and selling the villas starting at \$800,000. That's the cheapest one here. The bargain basement price is \$800,000 for an empty-nester villa. It's caused by the fact that you have high tension power lines on one side, and one out of three basically has to live with a little buzz next door, which is not highly desirable. There is a road the city never built but has a right-of-way off Mission that cost about \$80,000 to build. That \$80,000 has to be born by 25 houses. That's going to add \$3,000-\$4,000 to every house. We have offered the neighbors \$50,000 worth of landscaping if they'll give us 20 feet

each from their side of the landscaping easement to build berms, landscaping, flowers, trees, and hedges to isolate their homes from that entry. It's not because we're generous but because we know that their privacy is important, and we think the entry into our community starting at \$800,000 would be better coming off Mission Road if it had a pretty boulevard-type entry with berms, landscaping, and trees on both sides. It does end up costing about \$50,000-\$60,000 to create that feeling of arrival. One of the neighbors to the north has a driveway that comes into future 150th Street. We offered that neighbor to build a new driveway for him so he didn't have to have a break in that boulevard appearance. That's \$10,000 for a new driveway. He built a pool 4 feet from the property line. We said, "This is going to be a problem, so we'll give you free 10 feet of land behind the pool that we are paying \$2-something a square foot to buy, and we'll give it to you for a penny so you can put trees on it." There would be a 10' city-required easement for utilities, and then a 10' row of evergreens behind that. All these costs all have to go against these 25 little lots. If we end up with 22-23 lots absorbing all these extraordinary costs, it's a lot. It really takes 25 lots to make it economically feasible. If everything goes right, the last two lots will generate a profit of maybe \$260,000 for an investment of \$4.5 million worth of risk. It doesn't seem that unreasonable to get that kind of return for three years of effort. After doing 4,000 lots over 25 years, we've studied this thing to death. It is just a very difficult piece. If we don't get this, we'll just walk away. We can't do 15 R-1 lots on it because it makes no sense. To come out, the lots would have to be \$400,000 apiece. No one is going to pay \$400,000 to live next to a power line and then build a house. The house would have to be \$3 million. Nobody is going to do that. We just have to understand the market realities here. I don't want to step on Greg's toes here. He's a great zoning lawyer, but I just want everybody here to appreciate that this is a very challenging tract of land. There's a reason that every developer in town has looked at this since 1995. We made offers to buy it in 1999. We offered multiple times since 1999 since we developed Ironhorse Golf Course. Finally, inflation has made it come around. We figured out how to do the east side because it has more flexibility, and things are going well with The Hills of Leawood. We'd like to do this, but we look at ourselves and see that it's a lot of risk to sell 23 lots to break even and hope the last two bring enough. I just wanted to lay out the realities of it. I appreciate the time, and I'm happy to answer any questions.

Chairman Elkins: Questions for Mr. Simpson? You mentioned a series of concessions and offers you've made to various neighbors. Have those offers been accepted?

Mr. Simpson: No; we took them over easements that said they would not lose their property and that it would strictly be a landscape easement. We said we would be happy to make any changes. We offered a drawing and said they could pick out the species of trees, flowers and bushes. We offered the decision of where the driveway would go. We offered to help find someone to transplant trees. I went by 2-3 times, and they wanted to hear at the Planning Commission what else we might give them.

Chairman Elkins: They haven't accepted, but they haven't declined, either.

Mr. Simpson: No, they want to see what else they can get here.

Comm. Peterson: What struck me from your presentation is I really appreciate the comparisons you did, especially with the difference between RP-1 and RP-2. In looking at the layout, I see you're correct. The square footage of each lot is significantly higher than the minimum for RP-2. After hearing Mr. Simpson, from an economic standpoint, the property needs 25 homes to support the development. At first, I had a feeling you were correct. If it isn't developed, it will sit there vacant forever. You're correct; who would spend \$3 million for a home next to a power line? I am curious that there's only going to be 25 homes, and they're going to start at approximately \$800,000 to \$1 million. That's quite a bit. I find it interesting that a lot of the neighboring HOAs – not the entire HOA because we don't know who those letters represent – are in full support of it. I just wanted to mention that.

Mr. Musil: I'm up here sometimes with HOAs saying no to what I want. It seldom matters if the vote was 51% to 49%; if the HOA says no, it means no. To the extent I was overconfident, with an official officer of the HOA saying they support the application, I think it is important. I will tell you the economics don't drive me up here; they drive reality, but it's planning issues that I looked at. My presentation was about planning issues: density, distances, buffering, and deviation. I think that plays into the reality of whether you want this land vacant for another x number of years or something developed on it that is a benefit to the City of Leawood without being a detriment to the neighbors to the west.

Chairman Elkins: You've attempted to make the case that the plan will prime whatever the minimums are in the zoning, correct?

Mr. Musil: Correct.

Chairman Elkins: And you've attempted to make the case that the average lot sizes within the plan are beyond the RP-2 and are relatively close to RP-1. The reconciliation I'm having trouble making in my own mind is, given that, can you go into detail about why RP-1 is not feasible or practical. You've made the case that your case is pretty close to RP-1. I'm trying to figure out where the delta is and why RP-1 isn't feasible.

Mr. Musil: To go into detail, I'd probably call Mr. Tucker up here, but when you look at distances and lot depth, frontages, and layout, you see that you can't simply fit those in there as well in RP-1 as in RP-2. I understand what you're saying. We have bigger lots than RP-1 requires and lower density than RP-1 allows. The layout doesn't work in RP-1 because of the screwiness of the site. There are two pinch points north and south, and other elements that make it hard to get RP-1 lots of those sizes on the lots. I think it's doable, but we can't do it with the same number of units supporting the infrastructure.

Chairman Elkins: The RP-1 is doable?

Mr. Musil: We could design it to have that on there, but we can't fit the same number of lots.

Chairman Elkins: RP-1 would not accommodate 25 lots, and I believe Mr. Simpson said it would accommodate 18 lots.

Mr. Musil: That's what I understand.

Chairman Elkins: What I find interesting is that the difference, even though the average lot size is the same, ends up reducing the number of lots by 1/3, which is obviously pretty dramatic. You also attempted to make the case that the distance between houses is going to be maybe even greater than the minimum required by RP-2, but yet, you're also talking about the deviations that make the side yard setbacks 8.5 feet versus 10 feet. I'm trying to reconcile this concept of the statement that the houses are farther apart than necessary, but yet you need a deviation to make them 8.5 feet. I think that means 17 feet total difference in the distance between the houses.

Mr. Musil: My effort in showing distances was to respect our western neighbors. Within the subdivision, everybody is going to buy a lot that is staked out and defined. Between Lots 16 and 17, instead of a 20' side yard separation of buildings, they will have 17 feet. They're going to know that when they buy their house. The folks on Mission Road knew someday, something would develop to the east of them, but they didn't know what. My distances were to demonstrate from the build line on the western lots to the existing houses. It was to demonstrate that they were not, in my opinion, too small; in fact, they are larger than what we have in some of the most successful modern developments in the City of Leawood. Within the subdivision, we'll have one house that is 5 feet closer to the front of street than it should be. We'll have two houses that are 3 feet closer to each other than they would be without a deviation. Those are buyers' choices. We offered the landscape easement along the western boundary to recognize that whatever goes in new will somehow be detrimental. We're trying to recognize that perception. That's where we are.

Chairman Elkins: I've gotten a little lost in all the HOAs that are around. Clearly, you and your client have made great efforts to converse with the neighboring HOAs, if not individual homeowners. What I'm curious about is we have an unusually large number of supporting letters from HOAs, and as you mentioned, they are often here to argue against the development. Are there HOAs that did not object but opted not to write letters in support? If so, who are they?

Mr. Musil: The ones who would have been noticed are The Pavilions to the west, which is 350+ houses and you have their letter. Mission Reserve on the southwest corner of 151st and Mission would have received notice to their HOA. We haven't heard from them. I believe we heard support from The Hills of Leawood from Mission Reserve, although they didn't voice anything on this. The Reserves at Ironhorse are just to the south across 151st. They bound this entire southern boundary of us. Villas of Ironwoods to the east is the Overland Park subdivision. I don't think there's anyone else in the boundary of this that would have received actual notice. Nobody has come to us and said

they wanted to know more about it. We reached out to everybody within the immediate vicinity on the other side of the section line roads.

Chairman Elkins: Again, setting aside the question of whether the HOA actually represents all or the majority, are you telling us that there's essentially a consensus of approval among the HOAs that surround this property.

Mr. Musil: I'm nervous about how confident I get. I'm not aware of objections from any HOA. They act through their officers, and the officers that have acted have all indicated that the reason they supported The Hills of Leawood is they thought that would help their neighborhood and their home values as well as their connection to the park on the southern side. I think this subdivision does the same thing. It assists in filling out this area, giving more connections, more walking trails to benefit all of them. This interior one is not going to affect anybody west of Mission. I wouldn't expect them to object to it. The fact that they support it indicates that they think it's beneficial to their neighborhood in some fashion. I suspect it's because it brings more people, more activity, more houses, more market.

Chairman Elkins: Thank you.

Mr. Musil: I'd appreciate the opportunity to answer questions after the Public Hearing.

Chairman Elkins: Thank you. As Mr. Musil noted, this case requires a Public Hearing. There are a number of people in the audience. I suspect some of which are interested in speaking. Before we get to that, just a few ground rules. We'll have a maximum of four minutes per comment. You'll see a blinking light when you have about 30 seconds left. We would ask that you respect that. In addition, we would ask that the comments not be cumulative. We're interested in all aspects, but having a large number of people repeating the same comments is not terribly helpful to the deliberations. We would ask that you give your name and residential address, identifying the HOA you represent if you are doing so.

Public Hearing

Luanne Reeves, 15001 S. Quivira Rd, appeared before the Planning Commission and made the following comments:

Ms. Reeves: I own a lot east of Mission Road and north of 151st and just west of 3700 W. 151st Street. I have never stood up at a zoning meeting and been in favor of a development. I've often argued against them, but I really think in this case, this is a beautiful development that I think will increase the property values of the surrounding area. For that reason, I would be in favor of the development.

Michael Lynch, 3305 Ironhorse Court, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Lynch: I'm the HOA President for The Reserve at Ironhorse. Our neighborhood runs along 151st Street. We have 31 homes in our HOA. I have sent newsletters. Most of the people in our HOA got notification for the interact meeting. I can assure you that everyone in my HOA is very supportive of this development and eager to see it go in. That's all I'm going to say about that; I can give you my word, and that's it. The other thing I would like to add is that The Villas of Ironhorse developers had a bit of a problem when they got to connecting the water and electric. They had to come into our berm, and they tore up a lot of dirt in the berm. They've done a magnificent job of fixing it. It's more beautiful than it was before we started.

Chairman Elkins: Thank you. Is there anyone on the left side of the audience who wishes to be heard?

Theresa Entriiken, 15009 Mission, appeared before the Planning Commission and made the following comments:

Ms. Entriiken: My property sits directly west of the proposed development. Our house sits directly downhill from this proposed development, as do the houses at 15019, 15015, 15007, and 15005 with the proposed residences to be built just a few feet behind our property line. In the interact meeting, the developer claimed that rezoning from R-1 to RP-2 increases the number of proposed dwellings by only six. Tonight, I think he says it increases it by seven. My concern relates to some of the stormwater and drainage issues, with us being directly downhill from the proposed development. Every additional impervious surface that we add in the form of a driveway, foundation, roof, sidewalk will replace that luscious, absorptive soil and vegetation behind us. It will adversely impact not only the rainwater drainage but air quality, noise level, and the night sky. We do already experience some adverse stormwater drainage issues, and these will compound with every new surface constructed uphill from our properties. Additional dwellings will also adversely affect our health and the health of our future new neighbors as a result of additional air, noise, and light pollution. Leawood's motto is Growing with Distinction. I think the property is zoned as R-1. There has been a lot of talk about deviations and how the property isn't really appropriate. It's very difficult to develop. There are many constraints. I suggest that the biggest deviation would be for the Planning Commission to change the zoning from R-1. We've lived in this area since 1995. It was zoned as R-1 when we moved in. We knew it probably would be developed at some point. I think the property being zoned as R-1 would probably be developed. It's not distinctive to rezone in order to crowd even more dwellings into a Leawood residential development. The truly distinctive move would be to retain this land as the invaluable green space that it is. I realize a lot of people certainly feel that it's important to develop this property and put additional residences there for many reasons. Again, I feel it would be nice if the city would consider buying the land from Dr. Reddy and Mr. Swartz if at all possible to retain it as green space. Thank you.

Chairman Elkins: Thank you for your comments.

Cory Entriken, 15009 Mission Road, appeared before the Planning Commission and made the following comments:

Mr. Entriken: One thing I wanted to bring up is when we purchased the home in Leawood, we purchased it for the large yards, the spacious area, the green space. While we expected development at some point behind us, I think we expected a house on a property like ours. We live at the southwest end of this proposal, and instead of having one single residential home behind us, we'll have three of them behind our property, which is not what any of us expected when that property was going to be developed. I think we expected like homes, like properties in size at least. That's all.

Chairman Elkins: Thank you.

Bob McClain, 14901 Mission Road, appeared before the Planning Commission and made the following comments:

Mr. McClain: My property is in the northwest quadrant of the proposed plan. In the beginning, I'm very opposed to this plan. It's simply spot zoning to provide this development and the developer what he believes is appropriate. We relied on the Comprehensive Master Plan of this city when I purchased the home. I built my home on that lot, and shortly thereafter, Dr. Reddy bought the remaining property that constituted Mission Heights. He told me he was doing that for his retirement planning. All this time that has passed may not have been because it wasn't developable; it was the plan of Dr. Reddy for his retirement. In a situation of spot zoning, that's an anomaly of planning as I understand it. I rely on your Master Plan. Spot zoning says your Master Plan is incorrect. Throughout this, I began to question why a developer would come forth and try to tell this city that their master plan isn't correct and why we, as residents, were mistaken in our reliance on it. I finally got that answer at the interact meeting. Mr. Simpson calls this project and his plan the highest and best use of this piece of property. In the real estate industry, I know exactly what that means. It means the highest price and the best profit model. It has nothing to do with proper zoning. I heard him tonight say that he would expect to make maybe \$250,000 on this project. If that's the case, he shouldn't be building it. It's not enough profit for this kind of a project. Maybe that's because the price that Mr. Reddy is willing to sell him this ground. If you're going to develop property, I expect you to make a profit, but if you're making a profit that makes me lose faith in your Maser Plan, then it shouldn't go forward. It's absolutely correct in their presentation that every development has to carry the burden of development. It's common sense. If it's five lots, ten lots or 150 lots, they have to carry the burden. If you can't make a profit, you walk away and leave the property the way it is. I want to also talk about density. The residents that live along Mission Road have nine houses on nine acres. It's pretty easy math with an average of an acre per house. The proposal and presentation today says that the density of this project is 1.85 houses per acre. I challenge that. The total footprint of their property is 13 ½ acres, 4 ½ acres of which can't be developed because it's the easement for the power lines that travel through it. That leaves them with nine acres on which they can put a lot. Now, it's 25 lots on nine acres. The power line easement property goes undisturbed. I don't have my map in front of me, but if you would look at

their proposed plan, Lots 21-24 are in a straight stretch that I call Rowhouse Lane. It's four houses, each with a lot size of less than 10,000 feet. That's four houses per acre. I don't accept unless the technical provisions of planning meant that I have to count the acreage that can't be used. I don't accept that it's 1.85; it's actually three. There is an example on Rowhouse Lane of four houses per acre. Again, as a layperson, transitional zoning that should really be called transitional development needs to be relatively transparent. The best way I can explain what I mean is to give an example.

Chairman Elkins: Mr. McClain, your time has expired. If you want to finish this thought, that would be great.

Mr. McClain: When you travel from subdivision from subdivision, you shouldn't recognize the border. If you get on 150th Street when they build this proposed plan, you're smooth sailing until you get to their pothole and you look up and see a massive density of houses. You pass through it and get into The Hills of Leawood, and it's recognizable, single-family dwellings. My final point is what do they bring to us in terms of enhancing our neighborhood? Nothing. They use our spacious lots as their buffer. They offer plantings on our property to create a buffer. Their plan is merely consumption of all the space. That's development by contrast. Thank you.

Chairman Elkins: Thank you.

Connie Kripco, 15005 Mission Road, appeared before the Planning Commission and made the following comments:

Ms. Kripco: My house is west of the development. I'm also one of the houses that will be affected by 150th Street being developed. My biggest concern and what I will put to Mr. Simpson as to why I would not agree to landscape easement right now is I'm very concerned about the value of my property. We bought an estate-sized lot in 1985 and built a house we're still in right now. I've never worried about the value of this in all these years. I've always felt like it's been a good investment. If he develops what he wants to develop, there will be almost 2 ½ houses that we'll be looking onto. I honestly question if anyone would want to buy our property that we're marketing as an estate-sized lot and they see what they would look at. I feel like that is totally devaluing what we have in an estate-sized lot. I also would like to offer a rebuttal to Mr. Musil's comparison on the zoning abutting up. I am familiar because I walk the Mission Reserves subdivision. I know where it does go into the R-1 zoning. I thought Mission Reserves was R-1, too, but maybe it's not. It is nothing like where the back of the houses are up against the villas. It is one villa next to one R-1 house because it all just goes down the street and then goes into another neighborhood. It's really not the same comparison at all in my opinion. The other two, I'm not familiar with and would not be able to speak on those. Those are my concerns. I appreciate you listening.

Chairman Elkins: Thank you.

Shannon Mays, 14913 Mission, appeared before the Planning Commission and made the following comments:

Ms. Mays: I live just north of the street with the pool. I have one concern, which is traffic. I don't think anyone has discussed the traffic pattern that will come down Mission. We have 70 houses going in right now with the other subdivision, and when this street connects to that one with 25 more houses, that's 100 homes with 2-4 cars each that will now go through 150th Street. Not only do you have the four-way stop, which now backs up since it's been fixed, but you also have 300 more cars going down there. I think it's unsafe. We don't allow our kids to ride their bikes because they can't cross the street safely. My son's been almost hit by a car getting off the bus. My daughter has been on a bus hit by a car at the four-way stop. I think a traffic plan needs to be developed or at least looked at before this is approved. I think it's going to be dangerous. The other comment I have is on the landscaping plan. Mark Simpson has stopped by our house probably six times and discussed with my husband verbally some offers with giving us some property behind us, which I don't know if that's even legal to transfer 10 feet of property to somebody. I believe he said 10 feet is what he wanted from us. He did give us the document that stated he would like to use 20 feet of our property for the berms. When he stopped by and asked if we looked at the document, I did say we wanted to see what happened at this meeting. He said if we didn't agree then that he couldn't offer it in the future. We're kind of at a standstill because the document had four blank exhibits, and it didn't talk about anything with the easements and the trees we could plant behind us legally, so we're not going to read a document that's not complete. I feel like that was falsified. Verbally, we have had some offers, and we do have a document about landscaping, but I don't believe that plan is true or that he can even hold to it in a mediocre document. Thank you.

Chairman Elkins: Thank you.

Diane Teal, 15015 Mission Road, appeared before the Planning Commission and made the following comments:

Ms. Teal: I've lived here for almost 30 years, and I've watched the development in South Leawood as far as The Pavilions, Ironhorse, and Steeplechase. I'm glad that Shannon brought up traffic; that was one of our concerns. I live close to the intersection of Mission and 151st Street, and the accidents even with the four-way stop are unbelievable. We do need that. Theresa is my neighbor, and she mentioned drainage. I just wanted to mention I've experienced much development over the years. Your Comprehensive Plan mentions three different types of soil in Leawood. All of them state certain development limitations, including groundwater problems, must be taken into account with this type of soil. That's the Kennebec Chase soil. The limitations of this soil include the bedrock depth of 20-48 inches and shrink-sell potential, which I experienced with just The Pavilions when they went in that year. Sharpsburg Osaka soil has a development limitation with the permeability. Depth problems are also possible with this soil type. Basically, what I'm saying is I object to changing the zoning from R-1 to RP-2 because I think it's really going to have an impact since we're downhill. I have seen what happened

with other subdivisions. You just have to drive up Mission Road after a lot of rain. Water just sits on the side of Mission Road by Steeplechase, and that was never there 30 years ago. That's all I really wanted to say. I didn't want to be redundant, but we do need a wastewater report or something that will do that and the traffic report. Thank you.

Chairman Elkins: Thank you.

Lori Hall, 15007 Mission Road, appeared before the Planning Commission and made the following comments:

Ms. Hall: My husband David and I bought our home in 1986. We've lived there for 33 years, and I'm extremely concerned, as my neighbors have stated. I'm here to concur that I support all their comments, and I'm very concerned about the issues they've brought up tonight. I have been to previous meetings before, and at one time, this development was proposed in three phases, with the third being this piece behind us between the power lines. At that time, the whole project was denied out of the spirit of fairness. Then, Mr. Simpson came back and got approval for the first two phases but left the third phase out. Now, I'm back here today with the Phase 3 being presented again. I ask that you please consider this out of the spirit of fairness, as this was denied previously. Thank you.

Chairman Elkins: Thank you.

Kenneth Murdoch, 15015 Mission Road, appeared before the Planning Commission and made the following comments:

Mr. Murdoch: I wholeheartedly concur with my neighbors and all the issues they brought up. I would admonish you to please not change the zoning from R-1 to RP-2. I think you should keep it as it was stated in the Master Plan. That's all I have to say.

Chairman Elkins: Thank you. Other members who wish to be heard on this application?

A motion to close the Public Hearing was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

Chairman Elkins: Mr. Musil, do you care to respond?

Mr. Musil: Briefly, please. I didn't hear anything new. I think with respect to traffic, your staff knows when a traffic study is needed. This is 25 homes, and the traffic that will be occurring during AM and PM peaks will be negligible. Staff did not require it. We have presented a preliminary stormwater plan. I think it's in your packet. There will be a final plan as well. All of our water is going south along the western boundary. It will be designed so it does not go west. With respect to more impervious surface, RP-1 or R-1 will have the same amount of impervious surface. We have to take care of stormwater; your LDO requires that. The density and distance issues, I covered in my initial presentation. We hear the term "spot zoning" a lot. This is not spot zoning. Kansas

Supreme Court has defined spot zoning as incompatible, different uses on small pieces of property. This is a residential use in a residential area. This is not spot zoning. I'd be happy to discuss that further with Ms. Knight if I needed to. Regarding burden on infrastructure, every development has to carry that burden. I'm not going to criticize those developments that came down Mission and went on 151st, but they didn't bear any infrastructure costs because they didn't need sewers or roads; they just had a driveway onto Mission or 151st. Now, we are facing the issue of developing internally when none of that infrastructure was put in before, and we have that issue. The difficulty in these situations is that we have committed, passionate, interested neighbors, which is what every city wants, but we have a piece here that's a legacy problem. It's been a problem for years, and the development pattern has left it as a problem, and KCP&L didn't do us any favors when they put a diagonal power line across there. What will work and what works from a planning perspective is the plan that's in front of you. We'd ask for your support of that and your consideration of the changes to the stipulations I discussed earlier. I thank you for your time.

Chairman Elkins: Questions for Mr. Musil in his rebuttal? I'd be interested in hearing your thoughts on in greater depth is the request that you are making for us to move away from the Comprehensive Plan that was reviewed and approved just a year ago. Talk to us about your views on the justification for us going away from that. You've commented about the fact that it's been there for years, but the point is that it was reviewed and approved just a year ago.

Mr. Musil: The Master Plan has not focused on this parcel before. I don't remember any study area or other indication that the city considered what to do with this screwy piece of land. It's been carried forward as Low Density Residential since the 1960s. We're now forced to look at it and consider what we can actually do from a planning perspective. We are looking to rezone it to Medium Density Residential, but what is the impact? It's still 1.85 units per acre. Whether that includes the easement or not, we're following the calculations that the LDO requires. Although it will be a different color on the map, it will be developed as a Low Density, 1.85-unit-per-acre development with 13,500 sq. ft lots that is consistent with what is around. Substantively, it will be a Low Density Residential development. Procedurally, it will look like Mission Reserve on the map with the funny green. It will look like the villas to the north and west that are on your map now as RP-2 next to R-1 and RP-1. If your Comprehensive Plan had never contemplated or had any experience with this development, I would suggest that you ought to be concerned with it. I'm not suggesting you shouldn't be concerned about changing the Master Plan now, but you have experience in three places within a mile of this where it has worked. I always feel incumbent to say that the Master Plan conformance is one of the Golden Factors. We give it a lot of weight, and I don't think that's wrong, but it is still only one of the 16 factors. Those are the reasons I would say this is a time to reconsider what is proper under the Master Plan with respect to this Preliminary Plan.

Chairman Elkins: Thank you. Other questions for Mr. Musil? Thank you. I have a couple questions for staff. On the issue of the stormwater and drainage as a result of the additional impervious surfaces that will come as a result of this plan if it should be

approved by Governing Body, could you speak to what the LDO requirements are and your views as to whether this plan, as proposed, satisfies those requirements?

Mr. Scovill: The plan that's proposed does include a swale on the west side of the development within the development on the back of the existing properties along Mission. That will direct the water south of 150th to 151st Street. They are required to provide detention due to the additional impervious area. They also have a dry detention basin proposed at 151st. They have addressed the requirements of the LDO with respect to detention and impervious area. The stormwater study indicated those are required, and they show them in the plan. With respect to north of 150th, they also have a swale along the back of the property, on the west side of the property along the properties that front Mission. That directs water to the north, but with this area, the stormwater drainage area has actually been reduced by approximately 52%, not by area but by the 100-year storm event or the 1% event. They've reduced the amount of water for a 100-year event by 52% by directing the water with the road and the inlets and directing the water to another detention basin on the north end of the property that is actually being built with Phase 2 of Hills of Leawood. If we divide this project into two zones – the southern zone south of 150th and the northern zone north of 150th – both have adequately addressed the stormwater requirements within the LDO. They have provided a stormwater study and an amendment to the study recently to address my concerns with respect to drainage in the existing roadside ditches because some of this water will enter those ditches. Obviously, the roads on 151st and Mission haven't been approved yet, and we want to make sure those can handle the additional drainage.

Chairman Elkins: So, in your judgment, this plan, given its stormwater plan, should not adversely impact the surrounding homeowners. Is that correct?

Mr. Scovill: It does meet the requirements of the LDO as far as we have reviewed. As far as adversely impacting the adjacent property owners, that may be a matter of perspective. From staff's professional perspective, it doesn't adversely impact the properties, considering the requirements of the LDO.

Chairman Elkins: Thank you. Could you enlighten us a little bit on the circumstances under which a traffic study is required and when it is not required.

Mr. Scovill: In this case, we did not require a traffic study at the intersection of 150th and Mission Road. This road has always been planned for the future. The right-of-way is existing there now at Mission. Mission Road is planned to be improved in 2024, so we know improvements are coming down the line. The additional 25 homes will have a negligible impact to the arterial road that is there now in terms of average daily vehicles along that corridor.

Chairman Elkins: Arterial road being Mission or 150th?

Mr. Scovill: Actually both. The intersection does require an analysis of the sight triangles and safe stopping distance because we're introducing that turning movement for

cars leaving and entering Mission Road. That's usually done with the design phase as they present their construction plans. We already know that the sight triangles are adequate, but we still need to evaluate the safe stopping distance. If they don't meet the current standards that the city has adopted, the recourse is essentially to sign for the intersection. That is standard protocol and is in line with the Manual on Uniform Traffic Control, which is an industry standard. Often times, that looks like a reduced speed sign that is often yellow or some other advisory or warning sign. It is not a regulatory sign that is black and white.

Chairman Elkins: Thank you. Are there other questions for staff regarding the application, given what we've heard in the Public Hearing as well as from Mr. Musil and his client?

Comm. Hoyt: I come back to staff's concern that, "All future developments will be able to use the minimum requirements for the underlying zoning, which will run with the land, with a potential for an even denser development." Even though this plan calls for a considerably less-dense development than the typical guidelines for RP-2, what is your concern? Could you elaborate on that?

Mr. Klein: Mr. Musil is absolutely right about it going through rezoning with a plan that goes with it. However, the property may not develop for some reason. Mr. Simpson has an excellent record as far as developing property; we don't argue that at all. Staff has to consider the future and not count on certain things happening. If we had lots either developed or undeveloped and somebody wanted to come back and replat lots into more lots, they could with the proposed zoning. I want to make sure the Planning Commission understands that there is a big difference between R-1, RP-1, and RP-2. RP-1 and R-1 require a lot more as far as bulk regulations. It was called out with the rear yard setback as 30 feet. It is true that a basic R-1 lot has a rear yard setback of 30 feet, but if the lot is longer than 150 feet, it has a formula that comes into play that takes the depth of the lot minus 150, times .7, plus 30. It creates a much larger rear yard. Many of the lots that are adjacent to Mission Road are actually much longer than 150 feet and therefore have a requirement that the back yards are more. I don't know that it was called out as much. The other big consideration that wasn't discussed too much had to do with R-1 and RP-1 having a requirement that new lots must meet the average lot size within 300 feet. The applicant indicated 1.85 dwelling units per acre, which is lower than 2.94 that is allowed in R-1, but the R-1 also has that other component. If an R-1 moved into this and it was much lower than the 2.94, they wouldn't be able to go to the minimum requirements of R-1. They wouldn't be able to do a 2.94-density development next to this one because they have to meet the average lot size within 300 feet. The intent of that whole part of the ordinance was to ensure that anything that goes into an existing neighborhood matches the development within as closely as possible. If an R-1 development was .5 acres per lot and a new development comes in, it will be a lot more like the surrounding area than coming in with 15,000 sq. ft. lots. They could go to the Board of Zoning Appeals and get a variance for that. The applicant did that with Hills of Leawood. That's always a possibility. Even the Board of Zoning Appeals recognized that this shouldn't just go to the minimum and raise the standard. Some of the smaller lots are actually adjacent to the

larger lots along Mission Road, which creates more fence lines splitting the back lots along there. When they say that only six lots are asking for the deviation, we have to keep in mind that there are only 25 lots total. That means 32% of the lots are less than the RP-1 standard, and 68% are less than the R-1 standard. I also know there was discussion with regard to the HOAs. For transparency's sake, Hills of Leawood was mentioned, and I don't believe they have any houses in it at this point, so it is just the developer representing the HOA. I don't think the roads are even finished within that development. The zoning has also been discussed. The Comprehensive Plan gets updated every year, and we look at these things. I don't know that it's completely fair to say that we didn't look at this property. It's true that it hasn't developed for a long time, but actually, we've had more interest in the last five years than we have in the previous time before that. There are other lots that have power lines. Leabrooke has power lines that run through the entire property. They actually put some amenities under the power lines. It is true that the power lines and easement lower the density of that piece of property because they count the gross area of the lot, and then the dwelling units are the numerator divided by the denominator, so it comes out lower. Regarding planning, we look not only at the Comprehensive Plan but also using the density of the lots and the transition intensity of the lots to create transitions.

Chairman Elkins: That's a fairly long-winded answer to a short question. I'm going to have to give Mr. Musil an opportunity to rebut that, but go ahead.

Mr. Klein: (*Refers to Comprehensive Plan*) This shows highest to lowest intensity. I wanted to show it because a lot was discussed about Comprehensive Plan and different uses. Typically, we try to use a more intense use located at an intersection, and then it fades into a lower intensity. At the intersection of 151st Street, the Comprehensive Plan shows the Higher Density and Medium Density that goes into a Low Density to the east. That repeats in a number of areas. Commercial goes into Medium Density Residential, which goes into Low Density Residential. That is what we try to do generally.

Chairman Elkins: Thank you. Mr. Musil?

Mr. Musil: I appreciate the opportunity because we get a Staff Report, which is very long and detailed, and then we get a verbal report, and none of the stuff I just heard was discussed in either one of those. If we are going to require this to be at an intersection - anything other than R-1 or RP-1 - then nothing will develop here because we can't get to the intersection because we have seven houses on the west and houses on the south that developed as legacy homes. Again, we're an infill, screwy site. We can't do on vacant ground what other ones did that might have had a house or two on the intersection. Let's look at where the RP-2 is on the Master Plan: 151st and Nall, where RP-2 is not the intersection; it buffers between Commercial, then RP-2, then R-1. It is a transitional use. At 151st and Mission on the southwest corner, RP-2 is on the corner, but it extends all the way ¼ mile to the west and farther south. At 143rd and Kenneth Road, it is not an intersection at all; it is in the middle of the section line between 143rd and 151st. I don't think you can say there's a pattern that the City of Leawood has shown that RP-2 has to be at an intersection. We don't touch the intersection, but we touch ownership on 151st,

and we will be connected to Mission on existing public right-of-way. The reality is you have legacy homes here that keep us away from Mission Road. In a perfect world, we would take this all the way to Mission and 151st. There's no doubt that if we could plan from the start, the developer would do it. We can't transition this like we would on vacant land that doesn't have the seven houses.

Chairman Elkins: Thank you. We'll now go to discussion of the application. This is an interesting and challenging piece of property and application. I'll open the floor for comments.

Comm. Coleman: First of all, thanks to the public for coming out tonight. Thanks to the developer and his team. We've given a lot of feedback from all parties, and it's good for us to hear all the viewpoints. I appreciate them all. The Comprehensive Plan is a guideline for the city. It's reviewed annually; it has public input; we have public hearings on it. Based on that, I'm very hesitant to change the Comprehensive Plan when so much effort and detail and thought went into it. I agree that the property in question is difficult, but it is a residential area surrounded by R-1. With that, I am very hesitant to change the zoning from R-1 to anything else. I'm very interested to hear what my fellow commissioners have to say as well.

Comm. Hoyt: I feel similarly, I think, it's safe to say. It's a very thorny issue; that's for sure. I think historically, how we have arrived at this point is somewhat relevant. There were choices made of adjoining property to develop before this, so this is just what we're left with. There are good reasons why it wasn't developed previously because of the challenges. I'm very sympathetic to the landowner who wants to monetize his property, but by the same token, I have a hard time leaping from R-1 to RP-2. I could probably more sign on for RP-1. Of course, I'm not guaranteeing that would fly, either, but it does seem like it's more than just a formality that we're leaping over another density, and also, as Mark said, there are other regulations that go along with that, too. It's not even just strictly the lot size and density but other requirements that it conform more similarly to what surrounds it. I have a really hard time leaping to RP-2 with additional deviations. That's where I come down.

Comm. McGurren: I would agree with the commissioners and the statements made. I think it is an incredibly challenging tract of land. As I said before, I appreciate the input from everyone and the concerns that have been addressed. I would agree with both of the statements the commissioners have made.

Comm. Block: It's a difficult situation. I think most of the abutting homeowners have come to the realization that it's not realistic to leave this land unused or for the city to buy. I do think that the distance between the houses to the west is sufficient. I think there are developments that are probably higher value than either the homes to the west or the ones proposed in this development that have probably shorter distances between them. I don't see that as an issue here, especially with the easement and the trees. I think it's probably the best solution for this tract of land because of the quality of the project. Again, it's a difficult situation.

Comm. Peterson: This is definitely difficult. I agree with Commissioner Block. I personally see not many other options for the development of the property unless we change to RP-2. The visibility is negligible from Mission Road or from 151st Street. You'd have to actually enter the subdivision to see that the lots might be smaller and the houses closer together. I was impressed with the comments from various HOAs; though, we don't know how many people those represent. I personally think the project should move forward.

Chairman Elkins: Other comments or thoughts? Seeing none, I would entertain a motion.

A motion to deny CASE 74-19 – THE HILLS OF LEAWOOD VILLAS – Request for approval of a Rezoning from R-1 (Planned Single Family Low Density Residential) to RP-2 (Planned Cluster Residential Detached), Preliminary Plan and Preliminary Plat – Located north of 151st Street and east of Mission Road – was made by Coleman; seconded by Hoyt.

Chairman Elkins: Any further discussion on the pending motion? We'll move to a vote with a show of hands.

Motion did not carry with a vote of 5-4, including a negative vote from Chairman Elkins. For: Stevens, Coleman, Hoyt, and McGurren; Opposed: Peterson, Block, Belzer, Hunter, and Elkins.

Chairman Elkins: Given that, is there another motion?

A motion to recommend approval of Case 74-19 – THE HILLS OF LEAWOOD VILLAS – Request for approval of a Rezoning from R-1 (Planned Single Family Low Density Residential) to RP-2 (Planned Cluster Residential Detached), Preliminary Plan, and Preliminary Plat – Located north of 151st Street and east of Mission Road – with the stipulations included in the Staff Report, removing No. 2 – was made by Block; seconded by Belzer. Motion carried with a vote of 5-4, including an affirmative vote from Chairman Elkins. For: Peterson, Block, Belzer, Hunter, and Elkins. Opposed: Stevens, Coleman, Hoyt, and McGurren.

Chairman Elkins: Thank you to the public, to staff, and to the developer for the great attention that was given to this. For those in the audience, this matter will now go to City Council, and there will be additional opportunities there.

Comm. Coleman: I would request a five-minute recess

Commission recessed for five minutes

Chairman Elkins: We are resuming at 8:18.

CASE 76-19 – RANCH MART SHOPPING CENTER – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 95th Street and east of Mission Road.

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 76-19 – Ranch Mart Shopping Center – Revised Sign Criteria. It is a request for approval of a Revised Final Sign Plan, located north of 95th Street and east of Mission Road. The applicant is requesting approval of a Final Sign Plan to revise their existing Sign Criteria for the Ranch Mart shopping center. The applicant wishes to better match the new aesthetics approved with the overall façade renovations, which were approved in April of this year. The application offers three different wall sign types, halo-lit letters, individual letters, and push-through letters. In lieu of a wall sign, the tenant may instead have a canopy sign or an awning sign. The criteria offer the tenants flexibility to use their corporate logos in colors. In addition to the primary sign, a tenant may also have a blade sign mounted above the storefront walkways as well as a limited amount of window signage. The Sign Criteria also proposes monument signs. These signs will have the Ranch Mart name on them and are proposed to be located at each of the main entrances, so both entrances on Mission Road and at the stoplight entrance along 95th Street. Outparcel tenants are allowed a tenant monument sign. These are proposed at the current McDonald's site and at the southeast corner along 95th Street. In addition, directory signage is proposed at three different locations internal to the development in order to direct patients to the new Mixed-Use building, which is at the northeast corner of the site and is labeled as Building 4. In the future, the shopping center may try to incorporate features such as artwork, benches, fountains, and gardens. The applicant has incorporated small plaque signs to display the names of the art pieces, the artist, or the contributor. Staff has included some stipulations to ensure that the residential areas are not negatively impacted by illuminated signage. Staff is recommending that signage on the north side of the development be non-illuminated and that no signage be located on the north side of the second-story building. Staff also recommends that signs located on the eastern side of the second-story building not be illuminated between the hours of 9:00 p.m. and 10:00 a.m. In order to create a uniform appearance, staff recommends that all of the signage facing 95th Street and facing Mission Road be illuminated, including awning signage with external illumination. The proposed criteria is in compliance with the LDO, and staff recommends approval with the stipulations outlined in the Staff Report. I'd be happy to answer any questions.

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

Comm. Hoyt: Just a point of clarification: your stipulations now include a new No. 10, so it's a total of 12 stipulations.

Ms. Schuller: That is correct. You have a memo on the dais adding a stipulation, making it a total of 12.

Chairman Elkins: What was the reason behind the new stipulation?

Ms. Schuller: It is just noting that this new amended criteria will take effect following completion of the façade renovations for the Ranch Mart North shopping center, which were approved with Case 04-19 and Resolution 5173.

Chairman Elkins: Thank you. Other questions?

Comm. Block: Was there any contemplation of open signs? We see them around town. I think there has been discussion of signs that can't flash, but just signs that don't look great but say, "Open."

Ms. Schuller: The ordinance does not allow neon signage. That is reflected in the LDO as well as the proposed Sign Criteria.

Comm. Block: Even if it's not neon but just a sign that's lit from the back that says, "Open," are those signs allowed?

Ms. Schuller: We would consider anything on the window or 3 feet from the window to be window signage, so it would be limited to no more than 20% of the continuous window area. Even if they had an Open sign plus something else on the window, all of that together cannot be more than 20%, and the source of that illumination cannot be visible as well.

Comm. Block: What about the brightness of any and all of these signs?

Mr. Klein: Actually, we don't have an ordinance reflecting number of foot candles. To tell you the truth, it's never really come up before. I think the main one I have heard of before is the Apple sign in Town Center Crossing. Otherwise, we haven't heard many complaints.

Chairman Elkins: Does the plan address the brightness of the lighting at all?

Mr. Klein: As far as the foot candles, it does not have anything. Typically, anytime signs face toward residential neighborhoods, staff will put restrictions on them. For instance, Mission Farms wanted signage on the east elevation, and it had to be either non-illuminated or restricted on the hours it could be illuminated. That's what we've done with this one as well.

Comm. Block: If you're seeking uniformity, I think there's an opportunity for some to have different interpretations of what looks good or what is bright enough.

Mr. Klein: Sure.

Chairman Elkins: Ms. Schuller, I've got a vague recollection that we experience controversy in our many conversations about blade signs. I thought it was in the context of Park Place, but I'm not sure. Are there any issues around blade signs?

Mr. Klein: Park Place has larger blade signs than we typically see. I think theirs is a maximum of 12 square feet, which were fairly large. Town Center Plaza has 4 square feet. This particular development is proposing 3 square feet.

Chairman Elkins: So, the controversy here is around size.

Mr. Klein: Right.

Chairman Elkins: Thank you. Any other questions for staff? I'd invite the applicant to step forward.

Applicant Presentation:

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

Mr. Hafner: Thank you for having me this evening. Also, thank you for the hard work on Ranch Mart overall and getting to this point with the sign package. I'm happy to answer any questions about the package we've put together. We're in agreement with staff stipulations, save for one. There's always got to be something to talk about. We heard back from staff on non-illuminated signs and time frames. We are completely in agreement. What we would ask for is what we consider the West Mall, the north face of that building where O'Neill's is located. Then we've got some north-facing tenants as well. We would respectfully ask, with the Cure of Ars field and no residences in the area that it be able to remain illuminated in that area, essentially at the line of Price Chopper, and then go forward with the rest of the stipulation being non-illuminated for the rest of that part. We completely understand on the portion with residences directly north. We feel that the West Mall is close enough to Mission that there is still some viability for some signage on that side to be able to have illumination and still have an impact for use of the shopping center. With that, I'm happy to answer any questions or explain our position further.

Chairman Elkins: Mr. Coleman?

Mr. Coleman: I was wondering if they would agree to restricting it being on overnight.

Mr. Hafner: We would agree with that.

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

Comm. Hoyt: If we were to go with your concept on that stipulation, how would you describe that in such a way that we know what section can and cannot be illuminated?

Mr. Hafner: I would revise Stipulation No. 2 to recommend, like the east façade, a time limitation to match Price Chopper's west edge.

Mr. Coleman: West of the demising wall of Price Chopper.

Comm. Hoyt: West of Price Chopper.

Mr. Coleman: I just used the demising wall because it's the lease line for the building.

Comm. Hoyt: And the illumination that is allowed on that would follow the same time limitations as Stipulation No. 4.

Mr. Coleman: No. 2 could just read, ". . . except for the businesses west of the demising line of Price Chopper."

Chairman Elkins: So, do it by exception.

Comm. Hoyt: And then not between 9:00 p.m. and 10:00 a.m. because that's what No. 4 says.

Chairman Elkins: Mr. Hafner, does that work for you?

Mr. Hafner: That's great for me. I appreciate the consideration.

Chairman Elkins: Other questions for Mr. Hafner? Thank you for your presentation. That takes us to a discussion. Any comments? If not, we'll move to a motion.

A motion to recommend approval of CASE 76-19 – RANCH MART SHOPPING CENTER – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 95th Street and east of Mission Road – with 12 Staff Stipulations, modifying No. 2 to read, ". . . except for the businesses west of the demising line of Price Chopper between the times of 9:00 p.m. and 10:00 a.m. " – was made by Stevens; seconded by Hoyt. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

CASE 85-19 - WATER ONE PUMP STATION AND RESERVOIR – PHASE 2 – Request for approval of a Final Plan, located north of 147th Street and east of Nall Avenue.

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 85-19 – Water One Pump Station and Reservoir – Phase 2. It's a request for approval of a Final Plan, located north of 147th Street and east of Nall Avenue. I have one change to the Staff Report. The applicant is currently listed as Sarah

Tuitt with Burns & McDonnell. This name should change to Michelle Werth with Water District No. 1. The project is located north of 147th Street and east of Nall Avenue. A Final Plan for this site was approved in March, 2010 and included the existing pump station and the eastern underground water reservoir. The western reservoir was shown as Phase 2 of the project at that time. The applicant is now requesting approval to construct the western reservoir to be located directly adjacent to the eastern reservoir. Construction will require a temporary gravel road, which is accessed from Nall Avenue and runs parallel with Nall Avenue on the site. A 6' tall temporary construction fence will surround the site. The existing sidewalk on Nall Avenue is to remain open during construction. The applicant proposes that flaggers be located at the entrances to the site for one hour in the morning and one hour in the afternoon, Monday-Friday while school is in session. The applicant proposes to remove some of the trees onsite during construction. These will be replaced at the end of the project. At the completion of the project, the site will look very much the same as it does today. Although a formal public notification process is not required, the neighboring residents will receive a flyer from Water One to notify them of the project and the project timeline. An example of that flyer was included in your packet. The proposed application is in compliance with the LDO, and staff recommends approval with the stipulations in the Staff Report.

Chairman Elkins: Thank you. Are there questions for staff? I would invite the applicant to step forward.

Applicant Presentation:

Michelle Werth, Director of Production, Water One, 10747 Renner Boulevard, Lenexa, appeared before the Planning Commission and made the following comments:

Ms. Werth: I'd like to introduce my team behind me. I have Eric Arner, General Counsel, as well as additional Water One staff Hailey Barker and Robert Beeson. I also have Burns & McDonnell here to answer any technical questions you may have this evening. That is Sarah Tuitt and Bill Nash as well as Mike O'Connell.

I'd like to introduce you to the project and also give information about Water One as well. Water One is a quasi-municipal corporation or an independent public water utility. We serve 272 square miles in 17 cities. Every day, nearly 440,000 customers rely on Water One to provide fresh, clean water on demand. It is a responsibility that we deliver on, and at Water One, we believe in the meaningful work of producing clean water because we're actually making it for you. Our customers are your citizens.

As far as this project goes, we have a Master Plan, similar to your Comprehensive Plan. It is a comprehensive road map for expansion and sustainability. It identified this as a two-phase project. We make continual improvements in infrastructure at the right time so we have plentiful water supply of the delicious water that is available to our customers and to your citizens. This is really to meet growing demands. Over 50% of the storage that will be added is actually for fire flow, which is increasing that storage for emergency response and for the firefighters that are out there.

This is the Nall Avenue Pump Station. It is on 9.7 acres located on the east side of Nall between 143rd and 147th. The storage locations and how we locate these particular facilities are based on the proximity and connectivity to the area that it actually serves. It

is very important that these facilities are in the areas that have the demands each and every day and that we can serve that on-demand to our customers. The new reservoir is 350 feet by 140 feet by 20 feet deep. Originally, as part of the design plans, this was contemplated; this is just a Final Plan review. It is roughly the size of a football field. The total will be 12 million gallons of reservoir storage on the site. To put that in perspective, think of 12 million gallons of milk being stored on this particular site. We are adding six million gallons of additional storage.

The pump station is fenced. Today, the reservoir and construction are not visible. We are creating this additional six million gallons of storage. We have some temporary construction accesses. I can have Burns & McDonnell talk to you about the traffic flow if you have questions or concerns. There will be some temporary construction parking, but after the construction, this will look exactly how it looks today. We are digging the hole, putting in the concrete reservoir, covering it, capping it, and then leaving green space as it is today. We also have the additional 12-million gallon a day pump that is associated and the electrical with it. That is inside the existing building and won't be visible from the outside. It won't cause any additional noise or anything from the pump station itself. The grading will be similar to what we have. The stormwater has been addressed within staff comments, and the landscaping has been addressed, too. We are in agreement with staff comments.

The current project schedule has us bidding this project in October, so it will be constructed from spring of 2020 through spring of 2021 and put into service in summer of 2021. We talked about making sure we're good neighbors. We want people to "excuse our dust," so to speak as we are out there. We will make sure that there is dust control, and we want to make sure they are familiar with the project. What we have found is best when communicating with residents, citizens, and customers, is to give them a website where we post regular updates on the actual construction. We do videos of the construction. If they have questions or concerns, the contacts and information is right there. That would be updated regularly. We put that on a high-end postcard. We've given you a sample of that, and they will have all that contact information as well as the construction schedule in front of them. If they have any questions or concerns, we want to make sure that information is available to them so they can contact us readily and we can answer those questions quickly and make sure we take care of any concerns they may have. With that, I ask what questions you have.

Chairman Elkins: Thank you. Does the water district have any objections to the 23 stipulations included in the report?

Ms. Werth: We do not.

Comm. Coleman: Thank you very much. I had no idea that was an underground reservoir. That was very informative. What is the difference between an open-air reservoir and the underground reservoir besides the obvious?

Ms. Werth: The Environmental Protection Agency has stated that all reservoirs need to be covered. All of our reservoirs are covered storage, so they are typically buried or above-ground towers. The difference between elevated storage and buried storage is the

buried storage has a pumping facility with it. Also, we can create larger storage with the pumping facility such as this, and especially with the growth and development we're seeing, this is appropriate for this particular location.

Comm. Coleman: How many reservoirs do we have within the Water One district?

Ms. Werth: We have over ten different storage facilities that cross the area, and we have over 75 million gallons of storage throughout the district.

Comm. McGurren: I watched the pumping station being built. I was a little surprised when I got this packet because I would have said there was already a reservoir where the new proposed one would be because it is already elevated and flattened. Was dirt put there to compact it?

Ms. Werth: Yes, the dirt was there and will actually move it on top. Some of the cover is going to get moved on top of the existing reservoir for storage during the construction, and then it will just be moved right back on top of where the new reservoir will be. We did go ahead and blast ahead of time, so there's no blasting during this. It's all being dug. We're just ready to dig it out and create a new reservoir.

Comm. McGurren: I also remember when the pumping station was finished and operational, additional above-ground power lines had to be placed along 151st Street and Mission Road to bring additional power to the station. Is anything like that going to be required?

Ms. Werth: No, it all was installed during the first phase. We have a redundant feed into the site, so we have two different substations that can feed into that, so should we have any issues with power or across the area, we do have two feeds into it so we can continue to maintain water for our customers.

Comm McGurren: Will the water pressure in the area be improved?

Ms. Werth: The water pressure will remain the same; this is just additional storage.

Chairman Elkins: Other questions? That takes us to discussion. Comments from the commissioners?

Comm. Belzer: I really appreciate this outreach to the community around and the surrounding areas. I think this is excellent communication, and also with the website, it can keep people up-to-date and allow them to feel a part of it.

Chairman Elkins: Thank you. Other comments? If not, is there a motion?

A motion to recommend approval of CASE 85-19 - WATER ONE PUMP STATION AND RESERVOIR – PHASE 2 – Request for approval of a Final Plan, located north of 147th Street and east of Nall Avenue – with Staff Stipulations – was made

by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

CASE 86-19 – PARKWAY PLAZA – KIDDI KOLLEGE OFFICE/DAYCARE ADDITION – Request for approval of a Final Plan, located south of 134th Street and east of Briar Street.

Comm. Hunter: I’m going to recuse myself from this discussion.

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 86-19 – Parkway Plaza – Kiddi Kollege Office/Daycare Addition – Request for approval of a Final Plan, located south of 134th Street and east of Briar Street. The Planning Commission may remember this project from earlier this year when they came in for a Revised Preliminary Plan and Special Use Permit for the daycare. The project will consist of an additional 5,450 sq. ft. building to be constructed on the same lot as the existing Kiddi Kollege within Parkway Plaza. The building will now house the Kiddi Kollege office space as well as additional room for their daycare. About 1/3 of the building will be dedicated to the additional daycare area and the rest of the office. A sidewalk is still proposed between the new office/daycare and the existing Kiddi Kollege building. The applicant still plans on removing five on-street parking spaces from the east of the proposed daycare/office building to help provide additional open space on the lot. A cross-access parking agreement was established within the development, and the number of parking spaces still meets the requirements of the LDO. No changes are being proposed to the existing parking lot to the south of the proposed building or existing buildings. The applicant has provided elevations and is proposing to closely match the existing Kiddi Kollege with natural stone, cementitious stucco, and the exterior of the building in a precast concrete roof. The applicant has also provided staff with a photometric study that did not quite comply with the LDO. Stipulation 18 speaks to that, stating that, “Prior to Governing Body, the applicant shall provide staff with a photometric study that will meet all regulations of the LDO.” Staff has been working with the applicant on this. They do plan on submitting a new photometric study prior to Governing Body. The Final Plan meets the regulations of the LDO with the agreement that a new photometric study will be provided to staff. Staff recommends approval of Case 86-19 with the stipulations listed in the Staff Report, and I’d be happy to answer any questions.

Chairman Elkins: Questions for Mr. Sanchez?

Comm. Hoyt: On Exhibit B, which is Gene Hunter’s fire memo, it says, “New building is required to have storm shelter room.” Is that included someplace in the plan, or will they be required if we approve the case and it enters into the comments?

Mr. Sanchez: I believe that a lot of that is done during the time of building permit; however, the applicant has noted to planning staff that it has been done with the plans they submitted.

Comm. Hoyt: What is the standard it has to meet?

Mr. Coleman: It's a FEMA standard.

Comm. Belzer: We talked about that before.

Comm. Hoyt: Right. Is this the new FEMA standard or the old FEMA standard? Wasn't there a new set of requirements that were about to kick in?

Mr. Coleman: It's the current FEMA standard that we have in our ordinance. Next year, it will probably be a new standard.

Comm. Coleman: I think I saw in the plans that there is a safe room. I assume that's the same thing.

Mr. Sanchez: That is what the applicant has noted to planning staff, and I believe the applicant would be able to talk further about that.

Comm. Block: Were there any other changes from the Preliminary Plan?

Mr. Sanchez: Not really; a lot of the same things have carried over from Preliminary to Final. They still are planning to provide bicycle parking at the southeast corner of the building. A lot of the façade has stayed the same. This is just moving on to the Final Plan, so there was a lot more detail on the choosing of the materials, the landscaping, and things of that nature.

Chairman Elkins: If there are no other questions for Mr. Sanchez, I would invite the applicant to step forward.

Applicant Presentation:

Jeff Schroeder, Sharhaig Architects, 6247 Brookside Boulevard, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Schroeder: I'll try to keep this short since it's gone later tonight. As Mr. Sanchez said, there are really no changes from the Preliminary Plan to this plan; it's just amplifications and more detail, as required for the Final Plan. We were here a couple months ago. This will become Kiddi Kollege's corporate office in the front of the building. They currently have offices split up between different facilities around town. They've gotten to the point they need to consolidate and get everything together. This will bring a group of new people here for their corporate office. We are in agreement with all staff stipulations, and we ask for your approval. I'd be glad to answer any questions.

Chairman Elkins: Thank you. Are there questions?

Comm. Belzer: Is any part of the sidewalks that will connect the two buildings covered? Will children be back and forth between the two buildings?

Mr. Schroeder: They are not completely covered. There is a porch with an overhang at the northwest corner of this new proposed building for the first few feet, but the entire sidewalk between the two will not be covered.

Comm. Belzer: Will children walk between the buildings?

Mr. Schroeder: Yes, to the playground area from this building.

Chairman Elkins: Other questions? Thank you. That takes us to discussion. Any comments? Is there a motion?

A motion to recommend approval of CASE 86-19 – PARKWAY PLAZA – KIDDI KOLLEGE OFFICE/DAYCARE ADDITION – Request for approval of a Final Plan, located south of 134th Street and east of Briar Street – with 29 Staff Stipulations – was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

Commissioner Hunter rejoined the meeting

CASE 16-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-9, FENCES AND WALLS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to fence location and fences within RP-A5 (Planned Rural Density Single Family Residential District). **PUBLIC HEARING**

Chairman Elkins: Before I ask for staff's presentation, I'd like to be optimistic and think we can get through these in six minutes, but just in case, I will entertain a motion to extend the meeting.

A motion to extend the meeting by 30 minutes was made by Coleman; seconded by Peterson. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 16-19 – Leawood Development Ordinance Amendment to Section 16-4-9, Fences and Walls – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to fence location and fences within RP-A5 (Planned Rural Density Single Family Residential District). This takes care of two issues

that the planning department has been running into on fences. Sometimes, we get platted building lines on plats. Typically, when a subdivision comes in, they'll plat the front build line from the public right-of-way, but they generally won't plat the side or rear build line. There are some that have done that in the past. Usually, it's older subdivisions. We'll get fence permits that come in, and we haven't really allowed those fences to go beyond the platted build line because there was nothing in the LDO that expressly allowed us to do that. For interior lot lines (not adjacent to the public right-of-way or street) for the side and rear, it would allow for those fences to go over to the side and rear property lines like they typically are allowed in every other subdivision where they don't actually show side and rear on the plat unless it specifically states there is a reason why it shouldn't. There could be reasons, such as a landscape easement and they don't want the fence to go on the other side of it. This would solve a lot of issues because sometimes, we have a 30' rear yard build line and we're telling them they have to have the fence 30 feet away from the rear build line, which really doesn't make a lot of sense oftentimes.

The second issue this addresses is within the RP-A zoning district, which include lots as a minimum of 5 acres, we've had a lot of applications go through the Board of Zoning Appeals for fencing within the front yard. You probably notice a number on Mission Road that have a gate at their front yard with fences going around. The Board of Zoning Appeals will typically approve these. Per Planning, if we have a number of applications going to the Board of Zoning Appeals that are getting approved, we consider changing the ordinance as opposed to continuing to require an application to the Board of Zoning Appeals. This would allow those fences to extend within the front line of the building. Currently, the only fence allowed in the front of the building has to be shorter than 3 feet in height and no more than 24 feet in length. This would allow for just RP-A5 to have fences in the front. It would require them to be 2 feet away from the front build line. The reason for that is if they have a dog or something like that so it can't bite through the fence or other safety reasons. It also limits the fencing that is allowed on that front build line to either split rail, wrought iron, or aluminum that looks like wrought iron. Staff is recommending approval, and I'd be happy to answer any questions.

Chairman Elkins: Questions for Mr. Klein? Seeing none, 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 Hoyt; seconded by McGurren. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

Chairman Elkins: Any comments on the proposed amendment? If not, is there a motion?

A motion to recommend approval of CASE 16-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-9, FENCES AND WALLS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to fence location and fences within RP-A5 (Planned Rural Density Single Family Residential District) – was made by Belzer; seconded by Stevens. Motion

carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

CASE 82-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.3, PERMITTED ACCESSORY USES, BUILDINGS AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to solar collectors within non-residential districts. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 82-19 – Leawood Development Ordinance Amendment to Section 16-4-1.3, Permitted Accessory Uses, Buildings and Structure. This is related to solar panels. Currently, there is only one section in the LDO that speaks to solar panels. It is located in the Residential section of the ordinance under Accessory Uses. It basically requires any exposed metal within the solar panel to be earth tone or black, and everything else needs to be concealed so that only the solar panels are visible. This is before you because we have a lot of commercial buildings with flat roofs, and they would like to add solar panels. They are behind parapets, so they are not visible. Rather than having them require the metal to be earth tone and black, this amendment adds solar panels to the Commercial portion, allowing them to not have to conceal it as long as it is completely screened by the parapet. Then we still have the same solar ordinance that would be part of the Residential section that would stay the same. This would only affect the Commercial section. Staff is recommending approval of this application, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions?

Comm. Peterson: I had the pleasure about a year ago when our HOA received a request from a resident to put in solar panels. We had no clue where to find this. I fortunately contacted the city, and I was very surprised to find out about the requirements of color. This makes a lot of sense. I actually appreciate you doing this.

Chairman Elkins: Thank you. Other comments? 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 Peterson; seconded by Hoyt. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

Chairman Elkins: That takes us to discussion and a motion.

A motion to recommend approval of CASE 82-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.3, PERMITTED

ACCESSORY USES, BUILDINGS AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to solar collectors within non-residential districts – was made by Belzer; seconded by Hoyt. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

Chairman Elkins: I would take this opportunity to commend the commission for its very careful consideration of the issues we faced tonight. The first case was indeed a difficult case, and I appreciate the time and effort that went into our discussion.

MEETING ADJOURNED

DRAFT

City of Leawood Planning Commission Staff Report

MEETING DATE: September 24, 2019

REPORT WRITTEN: September 12, 2019

CARRIAGE CROSSING – REPLAT OF TRACT C AND LOT 2 - REQUEST FOR APPROVAL OF A REVISED FINAL PLAT – Located south of 130th Terrace and west of Roe Avenue – Case 79-19
****CONSENT AGENDA****

STAFF RECOMMENDATION:

Staff recommends approval of Case 79-19, Hanson Residence – request for approval of a Revised Final Plat, with the stipulations stated in the staff report.

APPLICANT:

- The applicant and property owner is Erik Hansen.
- The engineer is Paul Maurin with Maurin and Sons.

REQUEST:

- The applicant is requesting approval of a Revised Final Plat to include a portion of the common area Tract A of Carriage Crossing into Lot 2 of Carriage Crossing that has an existing single family home. This is being done so that Lot 2 is in conformance with all required setbacks for an existing sport court and pool deck. The applicant has worked with the Carriage Crossing Homes Association regarding this replat.
- Prior to the submittal of the application for a Revised Final Plat, the land from the common area tract had been deeded over from the Home Owners Association to the applicant.
- No other changes are proposed with this application.

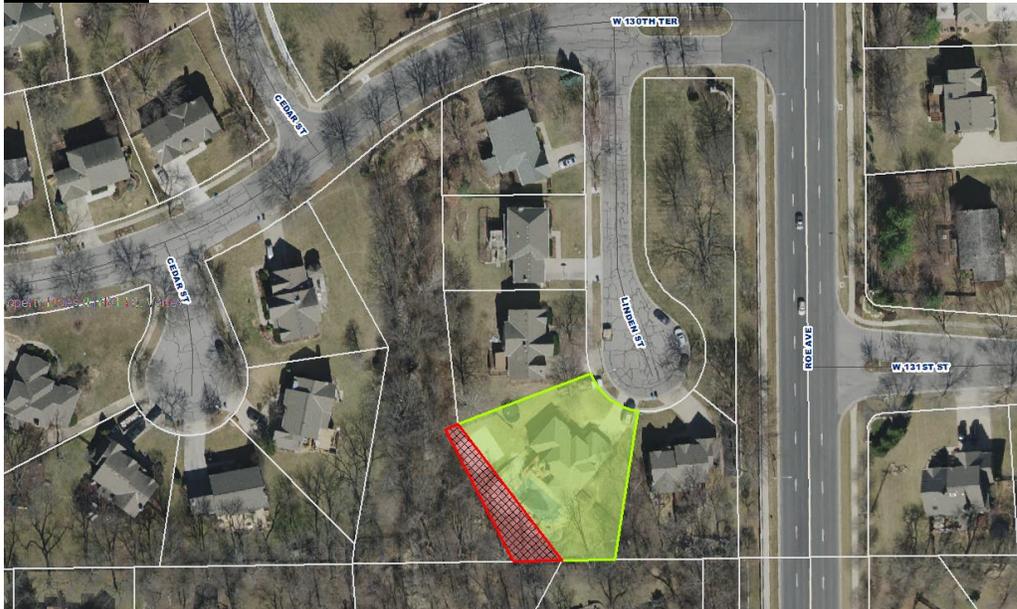
ZONING:

- The property is currently zoned RP-1 (Planned Single Family Residential District).

COMPREHENSIVE PLAN:

- The Comprehensive Plan designates this property as Low Density Residential.

LOCATION:



SURROUNDING ZONING:

- North Directly north of the property are homes also within the Carriage Crossing residential neighborhood zoned RP-1 (Planned Single Family Residential District). Across 130th Terrace, are natural areas within the Carriage Crossing residential development.
- South Directly south of the property are single family homes within the Bridgewood subdivision, zoned RP-1.
- East Directly east of the property is a single family home within Carriage Crossing and Roe Ave. Across Roe Avenue is the single family residential neighborhood of the Woodlands subdivision, zoned R-1 (Planned Single Family Low-Density Residential)
- West Directly West of the property is common area Tract A, within the Carriage Crossing subdivision, and the continuation of the Carriage Crossing residential development developed with single family homes.

FINAL PLAT COMMENTS:

- Lot 2 has an existing pool deck and sport court and fence that were initially constructed outside of the property for which they were serving. The fence and pool deck existed prior to the current property owner of Lot 2. The applicant is replatting the property to allow for the existing structures and fence to be within the property boundary, and meet all required setbacks.
- The original plat was recorded in 1986, containing 51 single family lots and 4 Tracts.
- The applicant is proposing to merge approximately 3,063 sq. ft. portion of Tract C (a common area tract within the Carriage Crossing development) into the existing residential lot (Lot 2).
- Below is a list of easements located on the property:

Easements	Location
7.5' KCPL Easement	Located at the east and south property lines
5' KCPL Easement	Located at the east property line
10' Utility Easement	Located at the north east corner of the property

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve Case 79-19, Carriage Crossing – Replat of Tract C and Lot 2 request for approval of a Revised Final Plat, with the following stipulations:

1. The project is limited to a Revised Final Plat for Lot 2 and Tract C of the Carriage Crossing subdivision for a new lot area of Lot 2 of 17,441 sq. ft.
2. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through two.

F I N A L P L A T

**A Replat of Tract C and Lot 2, Carriage Crossing First Plat
A Subdivision of Land in the City of Leawood, Johnson County, Kansas**

FLOOD STATEMENT:

A portion of the property described below lies within Flood Zone X - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1 % annual chance flood. Shown as shaded X on FIRW maps (500-year floodplain).

Parcel ID: 0460782802011003000; Property Tax ID: HP09500000 0002;

Map No: 89 of 161

App. Expires: August 3, 2009

App. Renewed: August 3, 2017

Map No: 89 of 161

App. Renewed: August 3, 2017

Map No: 89 of 161

App. Renewed: August 3, 2017

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App. Renewed: August 3, 2017

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Map No: 89 of 161

App. Renewed: August 3, 2017

LOT 2 GENERAL PROPERTY INFORMATION:

Parcel ID: 0460782802011003000; Property Tax ID: HP09500000 0002;

Zoning: RP-1 According to Johnson County AIMS Mapping

PARENT PARCEL LEGAL DESCRIPTIONS:

(As Described in Book 201705 Page 003923 in the Johnson County, Kansas Register of Deeds Office filed on May 09, 2017).

Lot 2, CARRIAGE CROSSING, First Plat, a subdivision in the City of Leawood, Johnson County, Kansas.

13016 Linden St., Leawood, Ks 66209

AND ALSO

Tract C, CARRIAGE CROSSING, First Plat, a subdivision in the City of Leawood, Johnson County, Kansas.

NEW PARCEL DESCRIPTIONS:

LOT 2A, CARRIAGE CROSSING, FIRST PLAT A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS

AND ALSO

A PORTION OF TRACT C, CARRIAGE CROSSING FIRST PLAT, A SUBDIVISION OF LAND IN LEAWOOD, JOHNSON COUNTY, KANSAS SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS ARE BASED ON KANSAS STATE PLANE NORTH NAD 83)

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, CARRIAGE CROSSING FIRST PLAT, JOHNSON COUNTY, KANSAS, AND PROCEEDING S87°47'11" WEST ALONG THE SOUTHWEST CORNER BEING MONUMENTED BY A FOUND 3.8" IRON BAR OF UNKNOWN ORIGIN;

THENCE, SOUTH 87°47'11" WEST ALONG THE SOUTH LINE OF LOT 2, A DISTANCE OF 45 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2 AND THE SOUTHEAST CORNER OF TRACT C, CARRIAGE CROSSING FIRST PLAT, (SAID CORNER BEING MONUMENTED BY A FOUND 3.8" IRON BAR OF UNKNOWN ORIGIN 0.16' SOUTH AND 0.07' EAST OF SAID SOUTHWEST CORNER) AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 87°47'11" WEST AND ALONG THE SOUTH LINE OF SAID TRACT C A DISTANCE OF 40.38 FEET TO A SET 1/2" REBAR AND CLS 276 PLASTIC CAP;

THENCE NORTH 28°36'14" WEST, A DISTANCE OF 124.52 FEET TO A SET 1/2" REBAR AND CLS 276 PLASTIC CAP;

THENCE NORTH 66°21'31" EAST, A DISTANCE OF 11.54 FEET TO THE NORTHWEST CORNER OF SAID LOT 2 (SAID CORNER BEING MONUMENTED BY A FOUND 1/2" IRON BAR OF UNKNOWN ORIGIN 0.17' SOUTH AND 0.33' WEST OF SAID NORTHWEST CORNER);

THENCE SOUTH 38°29'46" EAST, A DISTANCE OF 143.61 FEET TO THE POINT OF BEGINNING;

CONTAINING A NET AREA OF 17441 SQUARE FEET OR 0.4 ACRES, MORE OR LESS.

TRACT C1

TRACT C, CARRIAGE CROSSING, FIRST PLAT A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND;

A PORTION OF TRACT C, CARRIAGE CROSSING FIRST PLAT, A SUBDIVISION OF LAND IN LEAWOOD, JOHNSON COUNTY, KANSAS SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS ARE BASED ON KANSAS STATE PLANE NORTH NAD 83)

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, CARRIAGE CROSSING FIRST PLAT, JOHNSON COUNTY, KANSAS, AND PROCEEDING S87°47'11" WEST ALONG THE SOUTHWEST CORNER BEING MONUMENTED BY A FOUND 3.8" IRON BAR OF UNKNOWN ORIGIN;

THENCE, SOUTH 87°47'11" WEST ALONG THE SOUTH LINE OF LOT 2, A DISTANCE OF 45 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2 AND THE SOUTHEAST CORNER OF TRACT C, CARRIAGE CROSSING FIRST PLAT, (SAID CORNER BEING MONUMENTED BY A FOUND 3.8" IRON BAR OF UNKNOWN ORIGIN 0.16' SOUTH AND 0.07' EAST OF SAID SOUTHWEST CORNER) AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 87°47'11" WEST AND ALONG THE SOUTH LINE OF SAID TRACT C A DISTANCE OF 40.38 FEET TO A SET 1/2" REBAR AND CLS 276 PLASTIC CAP;

THENCE NORTH 28°36'14" WEST, A DISTANCE OF 124.52 FEET TO A SET 1/2" REBAR AND CLS 276 PLASTIC CAP;

THENCE NORTH 66°21'31" EAST, A DISTANCE OF 11.54 FEET TO THE NORTHWEST CORNER OF SAID LOT 2 (SAID CORNER BEING MONUMENTED BY A FOUND 1/2" IRON BAR OF UNKNOWN ORIGIN 0.17' SOUTH AND 0.33' WEST OF SAID NORTHWEST CORNER);

THENCE SOUTH 38°29'46" EAST, A DISTANCE OF 143.61 FEET TO THE POINT OF BEGINNING;

CONTAINING A NET AREA OF 17441 SQUARE FEET OR 0.4 ACRES, MORE OR LESS.

TRACT C2

TRACT C, CARRIAGE CROSSING, FIRST PLAT A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND;

A PORTION OF TRACT C, CARRIAGE CROSSING FIRST PLAT, A SUBDIVISION OF LAND IN LEAWOOD, JOHNSON COUNTY, KANSAS SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS ARE BASED ON KANSAS STATE PLANE NORTH NAD 83)

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, CARRIAGE CROSSING FIRST PLAT, JOHNSON COUNTY, KANSAS, AND PROCEEDING S87°47'11" WEST ALONG THE SOUTHWEST CORNER BEING MONUMENTED BY A FOUND 3.8" IRON BAR OF UNKNOWN ORIGIN;

THENCE, SOUTH 87°47'11" WEST ALONG THE SOUTH LINE OF LOT 2, A DISTANCE OF 45 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2 AND THE SOUTHEAST CORNER OF TRACT C, CARRIAGE CROSSING FIRST PLAT, (SAID CORNER BEING MONUMENTED BY A FOUND 3.8" IRON BAR OF UNKNOWN ORIGIN 0.16' SOUTH AND 0.07' EAST OF SAID SOUTHWEST CORNER) AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 87°47'11" WEST AND ALONG THE SOUTH LINE OF SAID TRACT C A DISTANCE OF 40.38 FEET TO A SET 1/2" REBAR AND CLS 276 PLASTIC CAP;

THENCE NORTH 28°36'14" WEST, A DISTANCE OF 124.52 FEET TO A SET 1/2" REBAR AND CLS 276 PLASTIC CAP;

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THENCE SOUTH 38°29'46" EAST, A DISTANCE OF 143.61 FEET TO THE POINT OF BEGINNING;

CONTAINING A NET AREA OF 17441 SQUARE FEET OR 0.4 ACRES, MORE OR LESS.

OWNERS:

Erik M. and Kristine S. Hanson

13016 Linden St.

Leawood, Kansas 66209

TITLE COMMITMENTS:

NONE PROVIDED

GENERAL NOTES:

1. All bearings are based on Kansas State Plane North Zone, NAD 1983.

2. Per agreement with the client, this surveyor has not searched the Johnson County, Kansas Register of Deeds Office, the Johnson County District Court, or any Johnson County records for any easements, encumbrances, condemnations, court decrees, vacations, ordinances, or any other encumbrances which may affect the subject property. Easements or other encumbrances may exist on this property and the client should research the same prior to constructing any improvements.

3. Only platted easements and easements provided by the Client are depicted hereon. Additional easements and other encumbrances may exist on this property.

4. No utilities were located for this survey. Underground utilities may exist on the premises. It is the excavator's responsibility to have the utilities located before digging.

5. The following recorded plat was used to establish the boundaries of the subject lot: Carriage Crossing First Plat.

DEDICATIONS:

The undersigned proprietor and current owner of the lands legally described hereon, proposes that it be divided in the manner shown hereon, which subdivision shall hereafter be known as A Replat of Tract C and Lot 2, Carriage Crossing First Plat, a subdivision of land in the City of Leawood, Johnson County, Kansas.

CONSENT TO LEVEY:

The undersigned proprietor of the above tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Leawood, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated shall be borne and paid from the proceeds of the sale of such land or from any such dedicated public way or thoroughfare.

EXECUTION:

IN TESTIMONY WHEREOF, we, the proprietors of the property described herein, have herunto set our hands this _____ day of August, 2019.

Erik M. Hanson
Owner

Kristine S. Hanson
Owner

STATE OF KANSAS)
COUNTY OF JOHNSON) SS

BE IT REMEMBERED that on this _____ day of July, 2019, before me, a notary public in and for said County and State, came Erik M. Hanson and Kristine S. Hanson, husband and wife, to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have herunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

Print Name

My Appointment Expires: _____ / _____ / _____

APPROVALS:

This Plat of _____ / _____ / 2019 has been submitted to and approved by the City of Leawood, Kansas Planning Commission.

Dated this _____ day of September, 2019.

City of Leawood, Johnson County, Kansas Planning Commission.

Chairman: Marc E. Ellins

Approved by the Governing Body of the City of Leawood, Johnson County, Kansas this _____ day of September, 2019.

Mayor Peggy Dum

Debra Harper, Clerk

CERTIFICATE OF COUNTY ENGINEER:

Recommended for approval by the City of Leawood, Johnson County, Kansas Engineer, this _____ day of September, 2019.

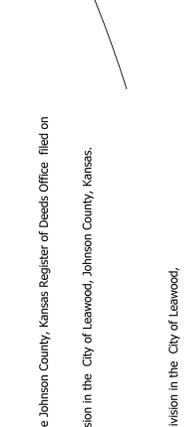
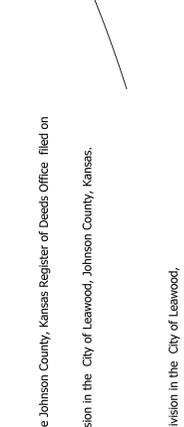
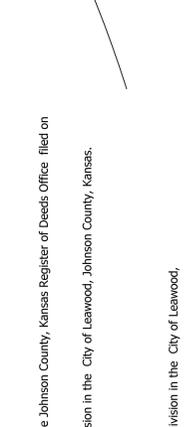
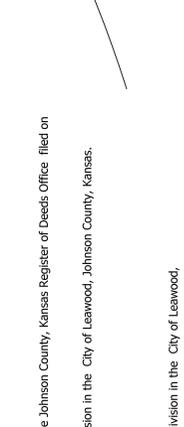
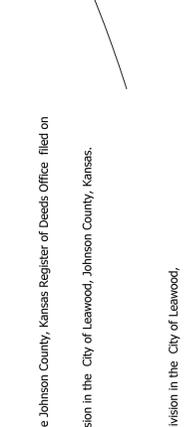
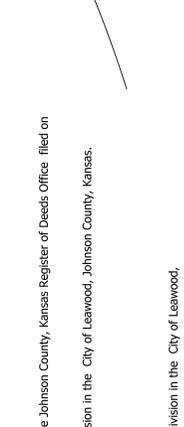
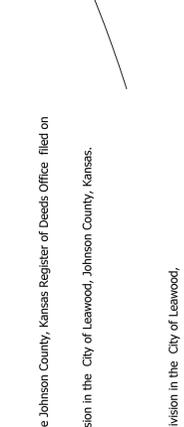
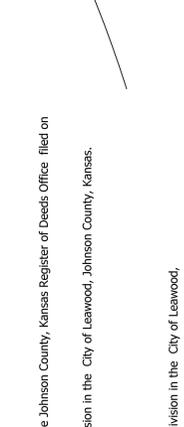
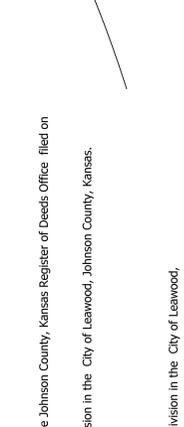
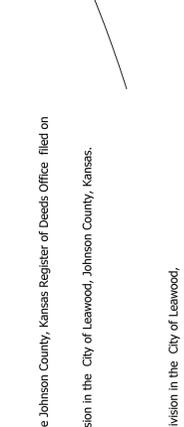
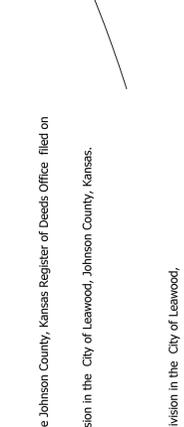
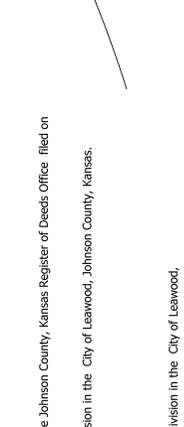
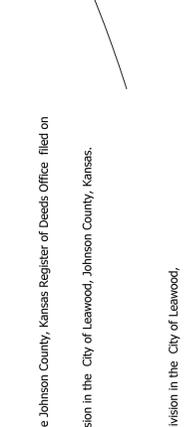
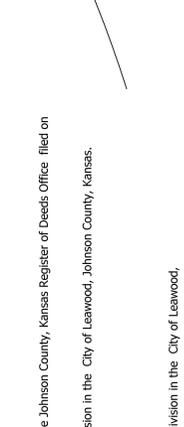
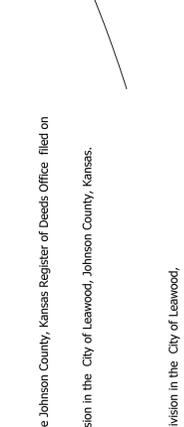
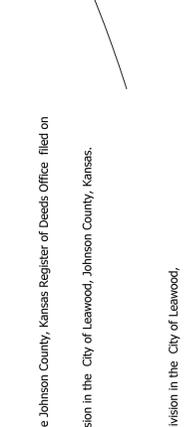
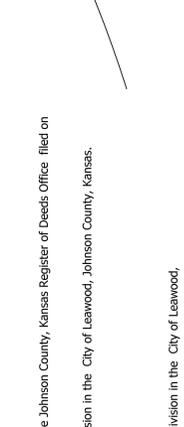
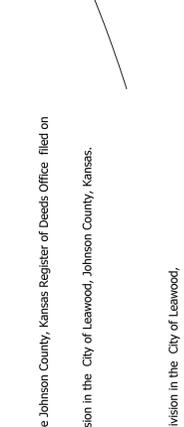
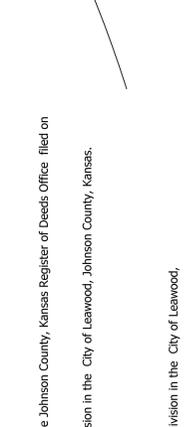
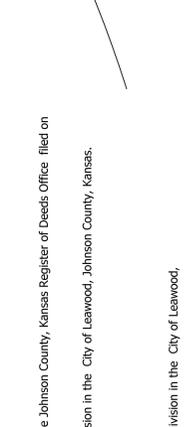
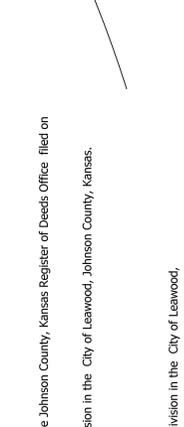
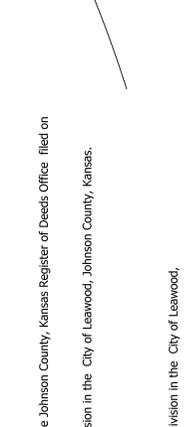
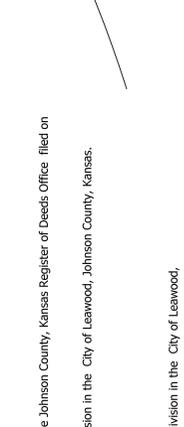
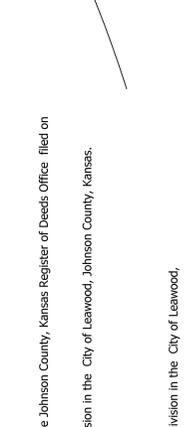
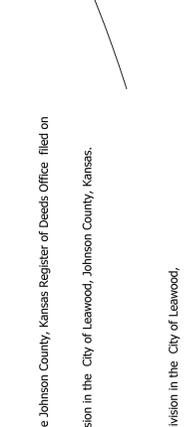
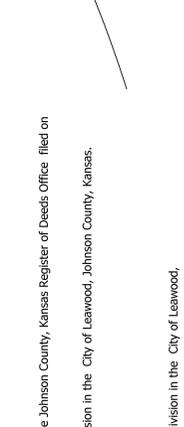
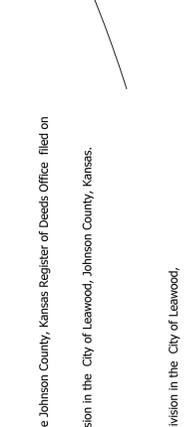
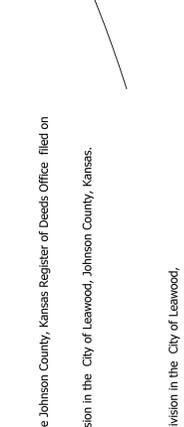
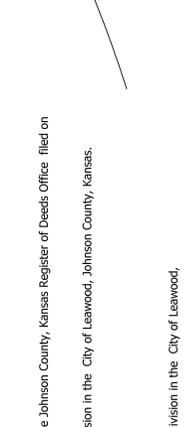
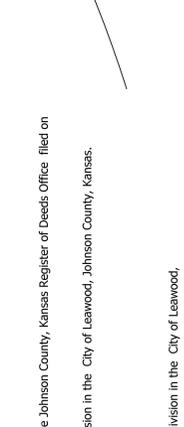
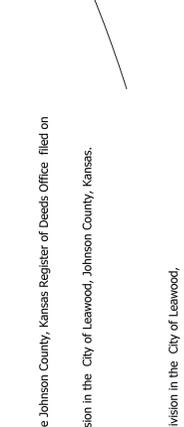
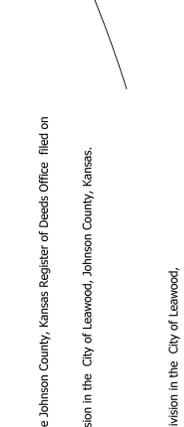
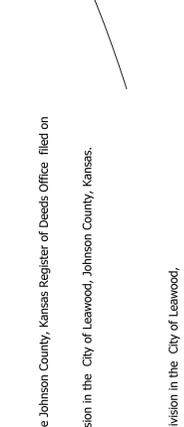
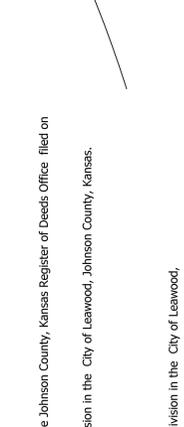
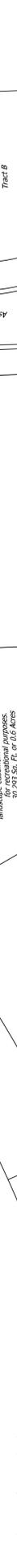
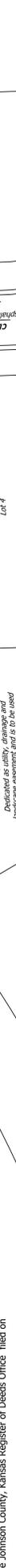
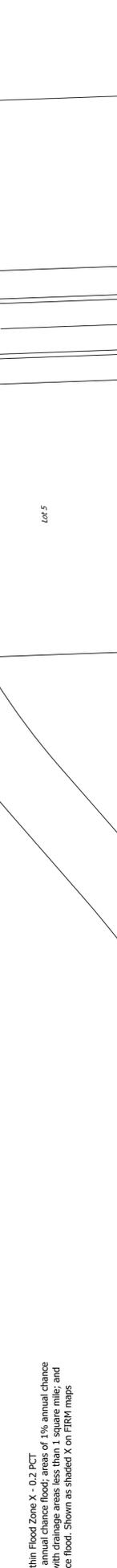
REGISTER OF DEEDS:

STATE OF KANSAS)
COUNTY OF JOHNSON) SS

This is to certify that this instrument was filed for record in the Register of Deeds Office on this _____ day of September, 2019, at _____ o'clock and is duly recorded.

John A. Bartolac, Director

Deputy



City of Leawood Planning Commission Staff Report

MEETING DATE: September 24, 2019

REPORT WRITTEN: September 4, 2019

ENCLAVE AT HIGHLAND VILLAS, SIXTH PLAT - REQUEST FOR APPROVAL OF A REVISED FINAL PLAT - Located south of 143rd Street and east of Nall Avenue - Case 94-19 **Consent Agenda**

STAFF RECOMMENDATION:

Staff recommends approval of Case 94-19, The Enclave At Highland Villas, Sixth Plat – request for approval of a Revised Final Plat, with the stipulations stated in the staff report.

APPLICANT:

- The applicant is Johnny Ray with Phelps Engineering Inc.
- The property is owned by Willis Custom Homes Inc.
- The engineer is Tim Tucker, PE with Phelps Engineering, Inc.

REQUEST:

- The applicant is requesting approval of a Revised Final Plat to plat around each unit of the final two duplexes within the Enclave of Highland Villas development (Units 5 through 8) of the Enclave at Highland Villas, Sixth Plat. .
- Enclave at Highland Villas is approved to contain seven duplexes (12 units). The plats for the other five duplexes have been approved. This plat is for the last two duplexes (4 units) within the development.

ZONING:

- The property is currently zoned RP-3 (Planned Cluster Attached Residential District).

COMPREHENSIVE PLAN:

- The Comprehensive Plan designates this property as Medium Density Residential.

LOCATION:



SURROUNDING ZONING:

- North To the north is Grace Gardens Assisted Living, zoned RP-1 (Planned Single Family Low-Density) with a Special Use Permit for an assisted senior living facility. Across 143rd Street is St. Michael's the Archangel Catholic Church and School, zoned AG (Agricultural) with a Special Use Permit for a place of worship and elementary school.
- South To the south is a water pumping station owned by Water District No. 1 of Johnson County, zoned RP-2 (Planned Cluster Detached Residential) and the single family subdivision of Highlands Creek, zoned RP-1 (Planned Single Family Residential District).
- East To the east is the single family subdivision of Highlands Creek, zoned RP-1 (Planned Single Family Residential District).
- West To the west are existing four-plex units within Highland Villas. West of Highland Villas is Nall Avenue and the single family residential development of Lionsgate by the Green within Overland Park.

BACKGROUND:

- A Revised Preliminary Plan and Final Plan for the Enclave at Highland Villas, was approved by the Governing Body with Case 28-16 on April 18, 2016 (Ordinance No. 2776) for 7 attached twin villas, a total of 14 dwelling units on 3.12 acres for a density of 4.49 dwelling units per acre. The approved Final Plan for the Enclave at Highland Villas is attached. (Exhibit A)
- The Enclave at Highlands Villas was approved with the following setbacks.
 - Front yard setback = 30'
 - Side yard setback = 15'
 - Rear yard setback = 30'
 - Corner lot street side setbacks = 30'These setbacks will be maintained from the exterior lot lines as the twin villas are constructed within the development. However, minimum 15' side yard shall also be required between all structures.
- The applicant is platting around each of the twin villas as the units are constructed to divide the twin villas into two units. This application is for the sixth and seventh twin villas to be constructed within the development.

FINAL PLAT:

- The sixth plat is for two duplex's, which are located in the northeast corner of the Highland Villas development.
- The plat creates rectangular interior lots/condominiums lot around each unit of the twin villa structures, Units 5 through 8, within the common area Tract B of Highland Villas. Listed below is the lot square footage associated with the unit number.

<i>Unit</i>	<i>Square Footage</i>
Unit 5	5,089.19 Sq. Ft.
Unit 6	5,532.34 Sq. Ft.
Unit 7	5,684.46 Sq. Ft.
Unit 8	5,746.78 Sq. Ft.

- The plat also shows the foundation/footprint of the duplex's being constructed, with a dashed line in between the two sides of the structure.

- Per the approved Preliminary Plan and Final Plan for the development, the plat meets the following:
 - Front yard setback of 30' from west property line of the Enclave at Highlands Villas, adjacent to Birch Street.
 - A minimum rear yard setback of 30' from the east property line of the Enclave at Highland Villas.
 - A minimum side yard setback of 15' between structures.
- Proposed open space for the entire Enclave at Highland Villas development is 73.3%.

REQUESTED DEVIATIONS:

- The proposed Final Plat will plat around each of the twin villas as they are constructed, with plat lines dividing the twin villas into two units with interior platted lines. Per Section 16-3-9, Deviations, of the Leawood Development Ordinance, interior property line setbacks may be reduced to zero when the City approves adequate open space for the project and between buildings. The Revised Preliminary Plan and Final Plan for the Enclave at Highland Villas provided open space of 73% (compared to 30% open space required within the Leawood Development Ordinance) within the development.

STAFF COMMENTS:

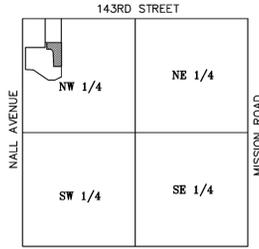
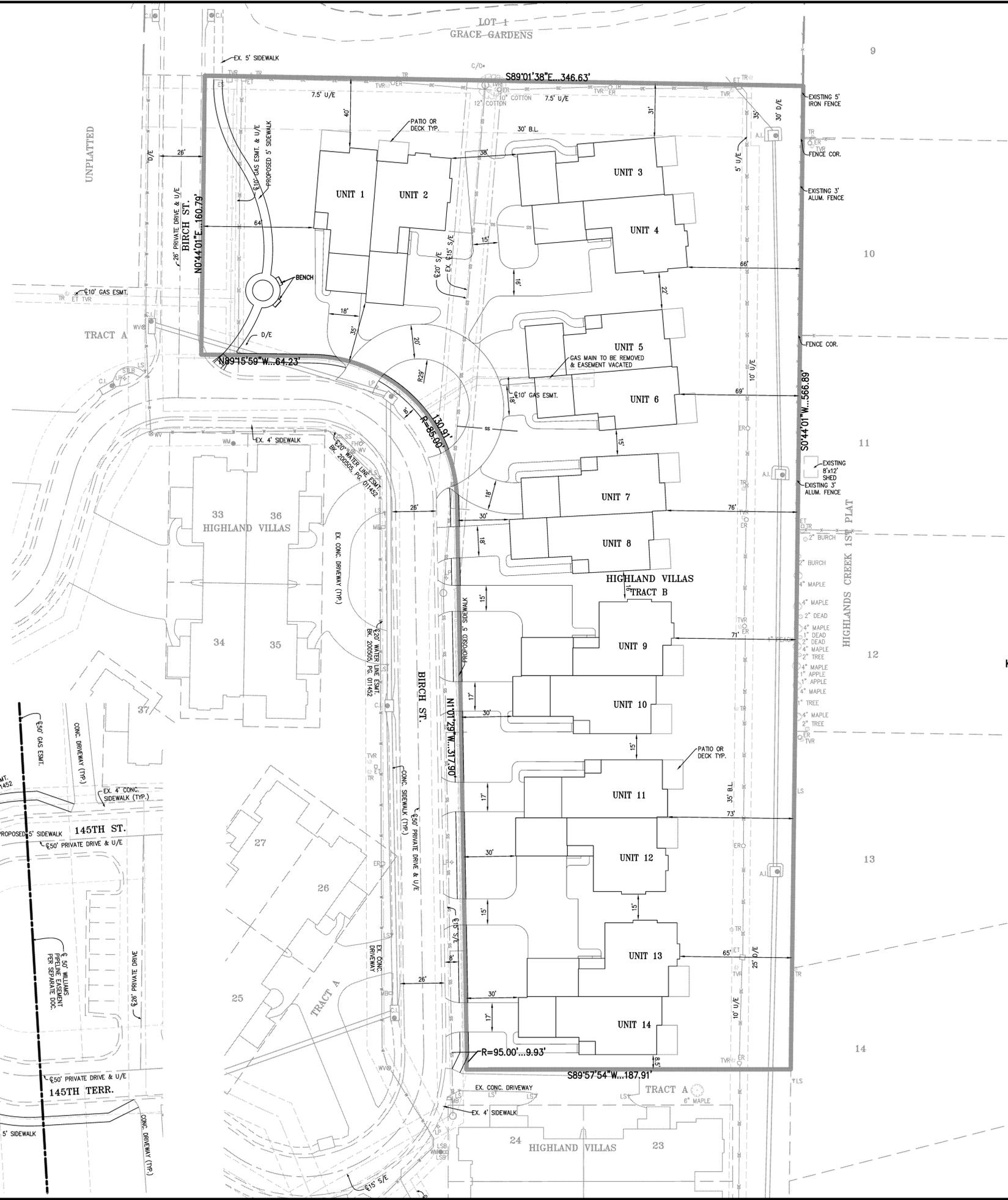
- Staff is supportive of the deviation to allow for 0' interior property line setbacks to allow the duplex units to be divided into two units. **(Stipulation 2)**

STAFF RECOMMENDATION:

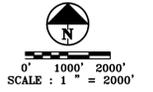
Staff recommends the Planning Commission approve Case 94-19, The Enclave At Highland Villas, Sixth Plat – request for approval of a Revised Final Plat, with the following stipulations:

1. This application is limited to the platting of interior property lines around the individual twin villa (duplex) units, Units 5 through 8 of The Enclave at Highland Villas.
2. This plat is approved with a deviation to allow 0' interior property line setbacks between the units of each twin villa.
3. Per the approved Final Plat and Plan for The Enclave at Highland Villas the following minimum setbacks shall be provided from exterior property lines.
 - a) Front yard setback of 30' from all exterior property lines.
 - b) Rear yard setback of 30' from all exterior property lines.
 - c) Corner lot street-side setback of 30' from all exterior property lines.
 - d) A minimum of a 15' setback between all Twin Villas.
4. Per Section 16-2-7.3(A) grade level window wells shall not extend into a setback more than 3' from the vertical wall of the structure.
5. The conditions and stipulations of the Revised Preliminary Plan and Final Plan approval for The Enclave at Highland Villas (Ord. 2776) shall remain in full force and effect except to the extent expressly modified herein.
6. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of 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 six.

Exhibit A



LOCATION MAP
SECTION 4-14-25

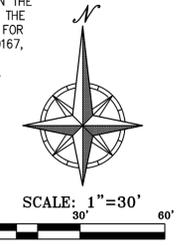


LEGAL DESCRIPTION:

ALL OF TRACT B, HIGHLAND VILLAS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS.

FLOOD NOTE:

THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF LEAWOOD, COMMUNITY NO. 200167, JOHNSON COUNTY, KANSAS, PANEL NO. 20091C0099G, AND DATED AUGUST 3, 2009.



DEVELOPER:
WILLIS CUSTOM HOMES, INC.
ATTN: BOB WILLIS
6855 W. 151ST TER.
OVERLAND PARK, KS 66223
(913) 685-8300
(913) 685-8303 FAX
EMAIL: Bwillis@williscustomhomes.com



Know what's below.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN. UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

BENCHMARK:

ELEV.=970.53 "4" CUT ON SW COR. CURB INLET ON THE WEST SIDE OF BIRCH ST. & THE N. SIDE 145TH TER. INTERSECTION.

JO. CO. BENCHMARK #381-ELEV.=946.55

2" ALUMINUM MONUMENT, LOCATED 0.4 MILES EAST OF 143RD ST. & NALL AVE. TO CONC. BOX UNDER 143RD ST. 2' WEST OF THE SE COR. OF SOUTH HEADWALL OF RCB.

SIDEWALK ADA NOTE:

ALL SIDEWALK PARALLELING PRIVATE STREETS TO BE ADA ACCESSIBLE.

SITE DATA TABLE:

EXISTING ZONING:	RP-3
PROPOSED ZONING:	RP-3
LAND AREA:	3.12 AC
TOTAL DWELLING UNITS:	14
DENSITY:	4.49 UNITS PER ACRE
GROSS BUILDING AREA:	35,194 SQUARE FEET (0.81 AC.)
PERCENTAGE OF SITE COVERED BY BUILDING:	26 PERCENT
SETBACKS:	FRONT-30FT SIDE-10FT CORNER LOT SIDE-20FT REAR-20FT
OPEN SPACE ACRES:	1.85
OPEN SPACE PERCENTAGE:	59%

SITE PLAN
ENCLAVE AT HIGHLAND VILLAS
LEAWOOD, KS

PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166
www.phelpsengineering.com

PLANNING
ENGINEERING
IMPLEMENTATION

PEI

PROJECT NO.	160117	Date	3-4-16
DATE:	2-14-16	REVISED PER CITY COMMENTS	
DRAWN:	MM		
DESIGNED:	TJT		
CHECKED:			
APPROVED:			

SHEET
C2

Z:\P\160117\DWG\PRELIM\PLAT-SITE\SITE PLAN.dwg Layout1: Mar 11, 2016 - 8:58am Marc McGill

FINAL PLAT OF ENCLAVE AT HIGHLAND VILLAS, SIXTH PLAT

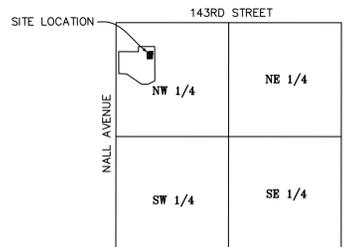
(UNITS 5, 6, 7 & 8)

A RESURVEY AND REPLAT OF PART OF TRACT B, HIGHLAND VILLAS,
A SUBDIVISION OF LAND IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS

LOT AREAS		
PARCEL	AREA (S.F.)	AREA (AC.)
UNIT 5	5089.19	0.1169
UNIT 6	5532.34	0.1270
UNIT 7	5684.46	0.1305
UNIT 8	5746.78	0.1319
PLAT BOUNDARY	22052.77	0.5063

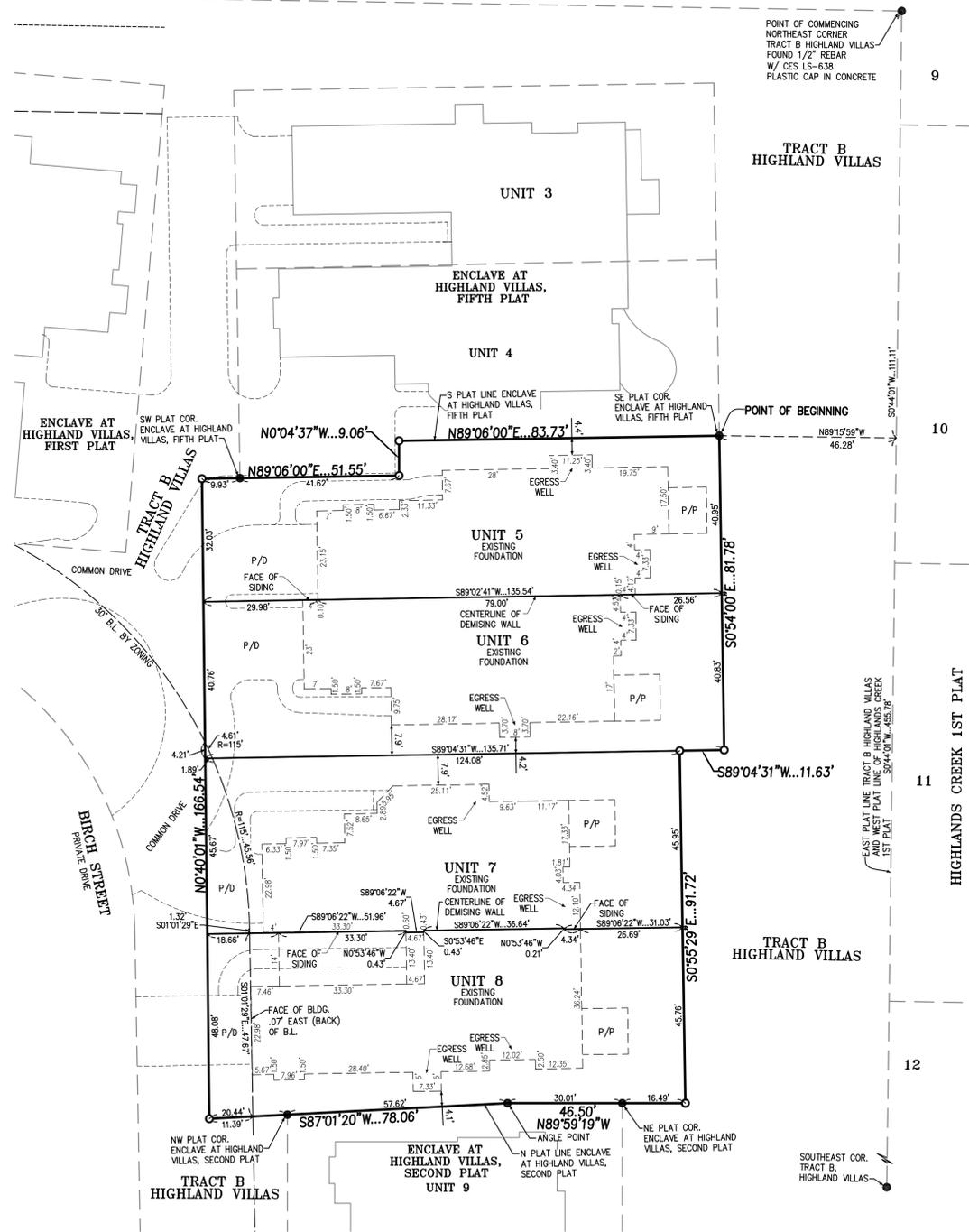


SCALE: 1"=20'
0' 20' 40'
BEARING BASIS: RECORDED PLAT OF "HIGHLAND VILLAS"



LOCATION MAP
SECTION 4-14-25

- LEGEND**
- DENOTES SET 1/2" X 24" REBAR W/PHELPS CORP CLS-82 PLASTIC CAP IN CONCRETE
 - DENOTES FOUND 1/2" REBAR W/PHELPS CORP CLS-82 PLASTIC CAP IN CONCRETE (UNLESS NOTED OTHERWISE)
 - - - - - B.L. DENOTES BUILDING LINE
 - P/D DENOTES PROPOSED DRIVEWAY PER APPROVED SITE PLAN
 - P/P DENOTES PROPOSED PATIO PER HOUSE PLANS



LEGAL DESCRIPTION
A resurvey and replat of part of Tract B, HIGHLAND VILLAS, a subdivision of land in the Northwest Quarter Section 4, Township 14 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Tract B, a distance of 111.11 feet; thence N 89°15'59" W, a distance of 46.28 feet to the point of beginning, said point also being the SE plat corner ENCLAVE AT HIGHLAND VILLAS, FIFTH PLAT, a subdivision in the City of Leawood, Johnson County, Kansas; thence S 0°54'00" E, a distance of 81.78 feet; thence S 89°04'31" W, a distance of 11.63 feet; thence S 0°55'29" E, a distance of 91.72 feet; thence N 89°59'19" W along the North plat line of ENCLAVE AT HIGHLAND VILLAS, SECOND PLAT, a subdivision in the City of Leawood, Johnson County, Kansas and its Easterly extension thereof, a distance of 46.50 feet to an angle point on said North plat line; thence S 87°01'20" W continuing along said North plat line and its Westerly extension thereof, a distance of 78.06 feet; thence N 0°40'01" W, a distance of 166.54 feet; thence N 89°06'00" E along the south plat line of said ENCLAVE AT HIGHLAND VILLAS, FIFTH PLAT and its Westerly extension thereof, a distance of 51.55 feet; thence N 0°04'37" W continuing along said South plat line, a distance of 9.06 feet; thence N 89°06'00" E continuing along said South plat line, a distance of 83.73 feet to the point of beginning, containing 0.5063 acres, more or less, of replatted land.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "ENCLAVE AT HIGHLAND VILLAS, SIXTH PLAT".

DEDICATION

The undersigned proprietors of the property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues, and alleys, not heretofore dedicated.

The undersigned proprietors of said property shown on this plat do hereby certify that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares running to any person, utility, or corporation have been absolved except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

CONSENT TO LEVY

The undersigned proprietors of the above described land hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Leawood, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated shall become and remain a lien on the remainder of this land fronting and abutting on such dedicated public way or thoroughfare.

RESTRICTIONS

All lots, parcels, tracts and properties in this subdivision shall hereafter be subject to the Declaration of Covenants, Restrictions, Assessments and Easements of "Highland Villas", which instrument is recorded in the Office of the Register of Deeds of Johnson County, Kansas, and which shall hereby become a part of the dedication of this plat as though fully set forth herein.

EXECUTION

IN TESTIMONY WHEREOF, the undersigned proprietors has hereunto subscribed his hands this _____ day of _____, 20____.

Willis Custom Homes Inc.,

By: _____
Robert J. Willis, Vice President

ACKNOWLEDGEMENT

STATE OF KANSAS)
)SS
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State aforesaid, came Robert J. Willis, Vice President of Willis Custom Homes, Inc., and who is personally known to me to be the same person who executed the within instrument, and such person duly acknowledges the execution of the same to be the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: _____ My Appointment Expires: _____

Print Name: _____

APPROVALS

Approved by the Planning Commission of the City of Leawood, Johnson County, Kansas, this _____ day of _____, 20____.

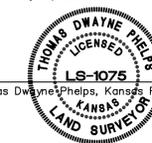
Marc E. Elkins, Chairman

Approved by the Governing Body of the City of Leawood, Kansas, this _____ day of _____, 20____.

Peggy Dunn, Mayor

Attest: _____
Debra Harper, City Clerk

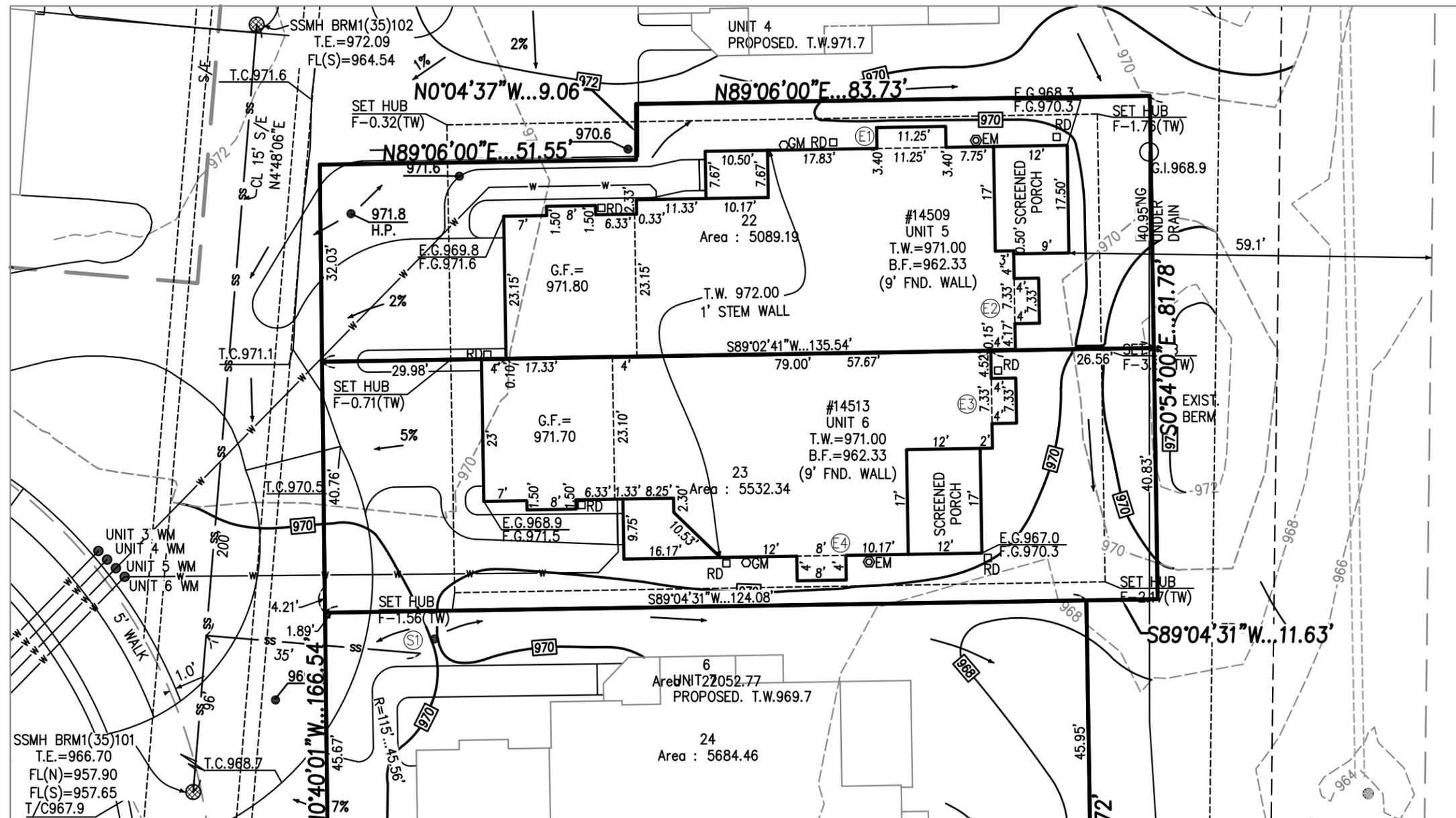
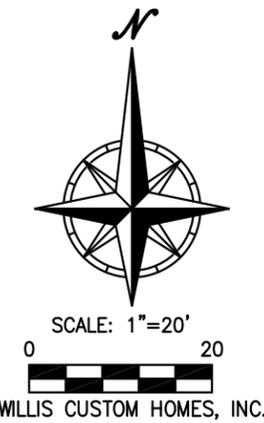
I, Thomas Dwayne Phelps, hereby certify that in AUGUST 2019, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat.



PEI PHELPS ENGINEERING, INC.
PLANNING ENGINEERING IMPLEMENTATION
1270 N. Winchester Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

PLOT PLAN

UNITS 5 & 6 PART OF TRACT B HIGHLAND VILLAS 14509 & 14513 BIRCH STREET



CERTIFICATE OF AUTHORIZATION
 KANSAS
 LAND SURVEYING - LS-82
 ENGINEERING - E-391
 MISSOURI
 CERTIFICATE OF AUTHORIZATION
 LAND SURVEYING-2007001128
 ENGINEERING-2007005058

This plot plan was prepared for foundation construction only. All dimensions to be verified by builder and all grades as shown shall be verified by builder to insure proper drainage and adequate fall to sewer. No title information was furnished on this drawing. Not responsible for unplatted easements.

Note: Builder shall obtain a building permit prior to any construction to ensure that this site plan meets City approval.

PROJECT NO. 180608
 DATE: 7/16/18
 BY: BJB

PHELPS ENGINEERING, INC.
 1270 N. Winchester
 Olathe, Kansas 66061
 (913) 393-1155
 Fax (913) 393-1166

PLANNING
 ENGINEERING
 IMPLEMENTATION



DATE RE-STAKED: 3-7-19
 SURVEY CREW: ES
 HOUSE TIES CHK'D: YES

 DATE STAKED: 1-14-19
 SURVEY CREW: ES
 HOUSE TIES CHK'D: YES

 DATE STAKED: 9-12-18
 SURVEY CREW: ES
 HOUSE TIES CHK'D: YES

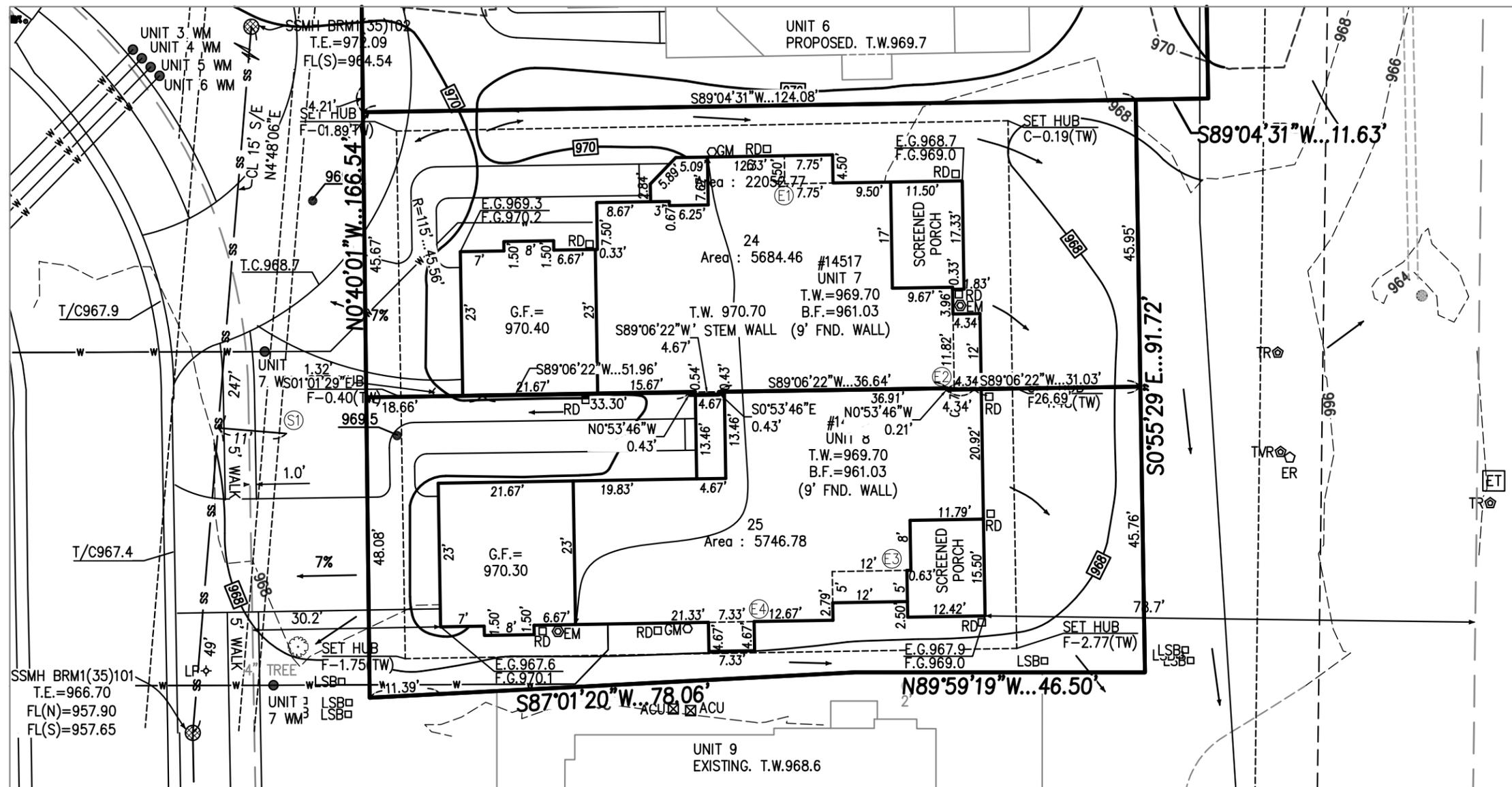
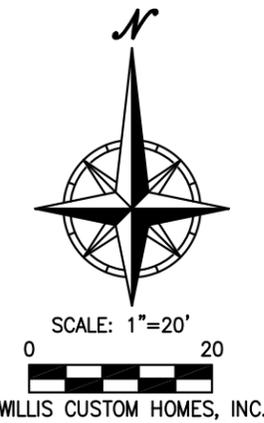
LEGAL DESCRIPTION:
 UNITS 5 & 6, PART OF TRACT B, HIGHLAND VILLAS, A SUBDIVISION OF LAND IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS.

- LEGEND**
- (S1) = MSFE=963.1
INSTALL 6" ON 8" TEE
35 L.F. 6" PVC
96' DDS
FL@EOS=961.1
 - EM ⊙ = ELECTRIC METER
 - GM ○ = GAS METER
 - WM ● = WATER METER
 - G.I. = GRATE INLET
 - RD □ = ROOF DRAIN
 - (E1) TOP EGRESS WELL=971.0
F.G. EGRESS WELL=970.5
TOP EGRESS WALL=965.0
 - (E2) TOP EGRESS WELL=971.0
F.G. EGRESS WELL=970.5
TOP EGRESS WALL=965.0
 - (E3) TOP EGRESS WELL=971.0
F.G. EGRESS WELL=970.5
TOP EGRESS WALL=965.0
 - (E4) TOP EGRESS WELL=971.0
F.G. EGRESS WELL=970.5
TOP EGRESS WALL=965.0

- NOTES:**
1. UNITS 5 & 6 BASEMENT FLOOR WILL NOT SEWER BY GRAVITY MEANS
 2. REVISED STEM WALL ELEVATION
 3. REVISED 9-10-18 ADDED 5' SIDEWALK
 4. ALL HUBS ARE GRADED TO ELEV. 971.00. 9-13-18
 5. REVISED 1-15-19: ADJUSTED FILLS/CUTS AT HUBS AND EXISTING GRADES AT HOUSE CORNERS.
 6. REVISED 3-8-19: ADJUSTED FILLS AT HUBS, EXISTING GRADES AT HOUSE CORNERS AND EGRESS WELL SIZE ON NORTH SIDE OF UNIT 5

PLOT PLAN

UNITS 7 & 8 PART OF TRACT B HIGHLAND VILLAS 14517 & 14521 BIRCH STREET



- LEGEND**
- (S1) = MSFE=962.00
EX. 4" ON 8" TEE
EX. 11 L.F. 4" PVC
49' DDS
FL@EOS=959.92
 - EM ⊙ = ELECTRIC METER
 - GM ○ = GAS METER
 - WM ● = WATER METER
 - G.I. = GRATE INLET
 - RD □ = ROOF DRAIN
 - (E1) TOP EGRESS WELL=969.7
F.G. EGRESS WELL=969.2
TOP EGRESS WALL=963.7
 - (E2) TOP EGRESS WELL=969.7
F.G. EGRESS WELL=969.2
TOP EGRESS WALL=963.7
 - (E3) TOP EGRESS WELL=969.0
F.G. EGRESS WELL=968.5
TOP EGRESS WALL=963.7
 - (E4) TOP EGRESS WELL=969.0
F.G. EGRESS WELL=968.5
TOP EGRESS WALL=963.7

NOTES:

1. UNITS 7 & 8 BASEMENT FLOOR WILL NOT SEWER BY GRAVITY MEANS
2. REVISED 9-10-18 ADDED 5' SIDEWALK

DATE STAKED: 5-28-19
SURVEY CREW: ES
HOUSE TIES CHK'D: YES

LEGAL DESCRIPTION:
UNITS 7 & 8, PART OF TRACT B, HIGHLAND VILLAS, A SUBDIVISION OF LAND IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS.

CERTIFICATE OF AUTHORIZATION
KANSAS
LAND SURVEYING - LS-82
ENGINEERING - E-391

CERTIFICATE OF AUTHORIZATION
MISSOURI
LAND SURVEYING-2007001128
ENGINEERING-2007005058

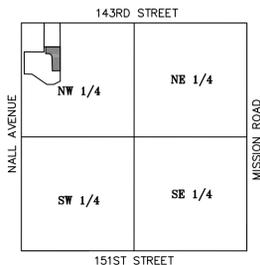
This plot plan was prepared for foundation construction only. All dimensions to be verified by builder and all grades as shown shall be verified by builder to insure proper drainage and adequate fall to sewer. No title information was furnished on this drawing. Not responsible for unprinted easements.

Note: Builder shall obtain a building permit prior to any construction to ensure that this site plan meets City approval.

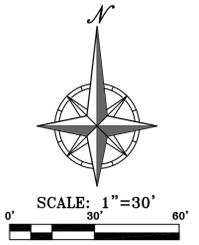
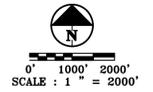
PROJECT NO. 180609
DATE: 7/16/18
BY: BJB

PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

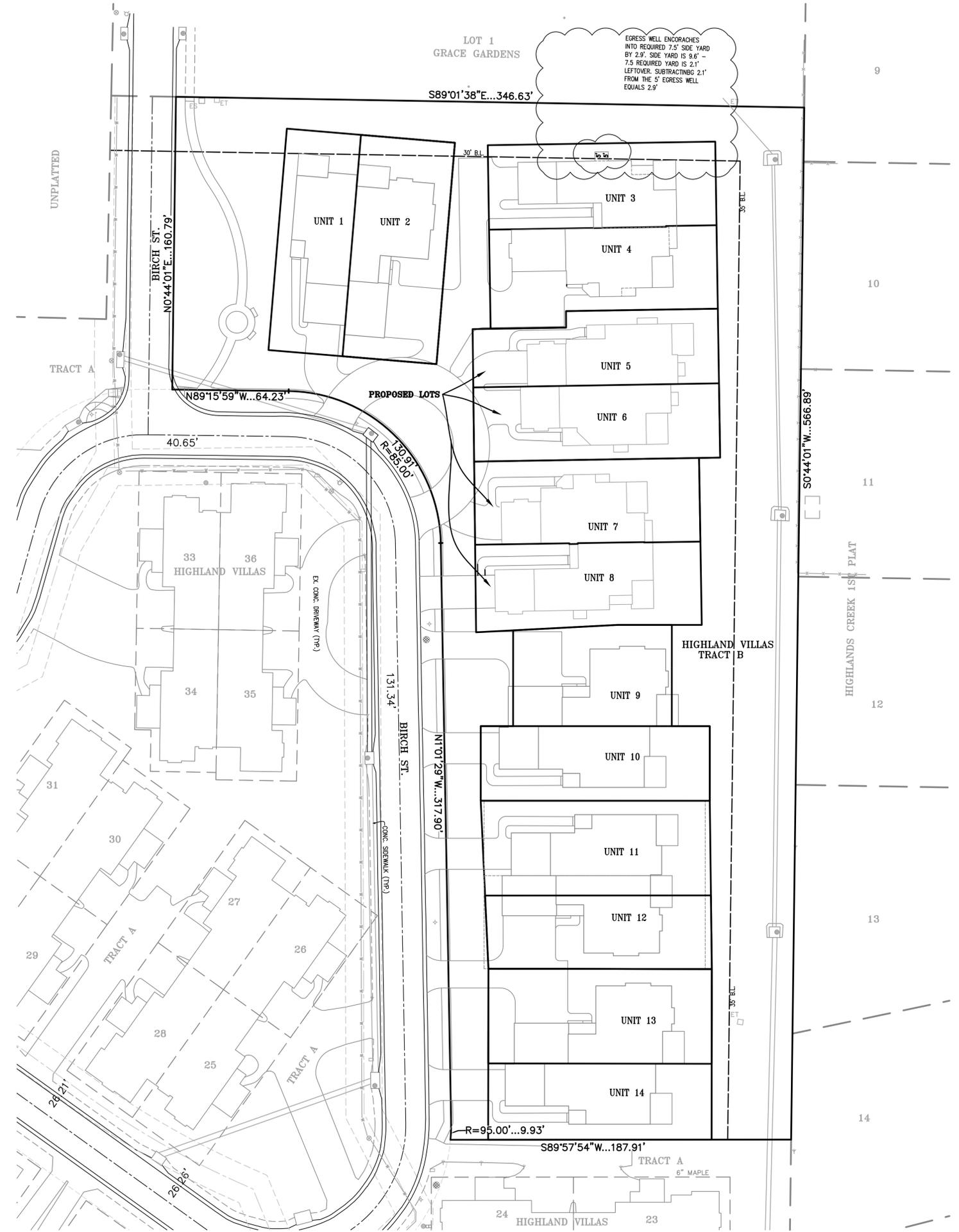
PLANNING
ENGINEERING
IMPLEMENTATION



LOCATION MAP
SECTION 4-14-25



- LEGEND**
- - - - - = PROPERTY LINE
 - - - - - = RIGHT OF WAY LINE
 - - - - - = PLAT LINES
 - - - - - = PROPOSED FUTURE PLAT LINES



LEGAL DESCRIPTION:
TRACT B, HIGHLAND VILLAS, A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS.

SITE DATA:
GROSS AREA = ±3.1246 ACRES / ±136,107 SQ.FT.
TOTAL PROPOSED BUILDING AREA = ±0.8346 ACRES / ±36,355 SQ.FT.
TOTAL PROPOSED OPEN SPACE = ±73.3%

PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66064
(913) 259-1185
Fax: (913) 259-1166
www.phelpsenr.com

PLANNING
ENGINEERING
IMPLEMENTATION



SITE PLAN
TRACT B, HIGHLAND VILLAS
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
#54-04 W. 145TH STREET

PROJECT NO.	DATE	NO.	DATE	REVISIONS:	BY	APP.
150716	8/19/19					
DRAWN:	DEA					
CERTIFICATE OF AUTHORIZATION						
LAND SURVEYING - LS-82						
ENGINEERING - E-301						
CERTIFICATE OF AUTHORIZATION						
PROFESSIONAL ENGINEER						
EXPIRES:	06/30/2028					

City of Leawood Planning Commission Staff Report

MEETING DATE: September 24, 2019

REPORT WRITTEN: September 17, 2019

TOWN CENTER PLAZA – TEMPUR-PEDIC – AWNINGS & MODIFICATIONS TO THE SIGN CRITERIA FOR TOWN CENTER PLAZA – REQUEST FOR APPROVAL OF A REVISED FINAL PLAN FOR CHANGES TO THE FAÇADE OF A TENANT SPACE AND CHANGES TO THE SIGN CRITERIA FOR TOWN CENTER PLAZA – Located north of 117th Street and east of Nall Avenue – Case 93-19

STAFF RECOMMENDATION:

Staff recommends approval of Case 93-19, Town Center Plaza – Tempur-Pedic – request for approval of a Final Plan for changes to the façade of a tenant space, and to the Town Center Plaza sign criteria, with the stipulations outlined in the staff report.

APPLICANT:

- The applicant is Natalie Tucker with Young Sign Co., Inc.
- The property is owned by Washington Prime Group.

REQUEST:

- The applicant is requesting approval of a Revised Final Plan to change the color of the existing awnings on the Tempur-Pedic tenant space, located on the south side of the development in the previous location of Helzberg Diamonds.
- The applicant is also requesting approval of a wall sign, with 3” returns that are blue and green, matching the face of the letters, and which is halo-illuminated with LED lighting. This request is a deviation from the *General Signage Requirements for Town Center Plaza*, which require 5” black returns, and internally illuminated letters with neon tubing. Section 16-4-6.3 (B) of the Leawood Development Ordinance allows for Governing Body approval of deviations to private sign standards; such approvals shall also amend the private sign standards for the development.
- Town Center Plaza provided a letter approving the sign for Tempur-Pedic and the proposed changes to the sign criteria

ZONING:

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

COMPREHENSIVE PLAN:

- The Comprehensive Plan designates this property as Retail.

SURROUNDING ZONING:

- North Directly to the north of Town Center Plaza is West 117th Street and Park Place, a mixed use development (zoned MXD, Mixed Use District).
- South Directly south of the property is 119th Street, Villa St. Joseph (assisted living), and Hawthorne Plaza (a regional shopping center), within the City of Overland Park, Kansas.
- East Directly to the east of the property is Roe Avenue and the Camelot Court Shopping Center, zoned SD-CR, Planned General Retail.

- West West of the property, across Nall Avenue, is the Sprint Campus located within the City of Overland Park, Kansas.

LOCATION:



ELEVATIONS:

- The tenant space was previously occupied by Helzberg Diamonds, which had four burgundy awnings attached to the front colonnade. The scope of work is the replacement of existing burgundy awnings with blue Sunbrella awnings, for a total of four awnings attached to the front colonnade.
- No signage is located on the awnings.
- All other existing façade elements are to remain.



SIGNAGE:

- The applicant is proposing a halo-illuminated wall sign with 3” returns, colored blue and green to match the face of the letter. The sign will state the words “Tempur-Pedic”.
- The *General Signage Requirements for Town Center Plaza* currently require that signs have 5” black returns and requires that letters be illuminated with neon tubing.
- Approval of this application will amend the *General Signage Requirements for Town Center Plaza* to allow halo-illuminated signage with returns between 3”-5” with colors to match the face of the sign. The amendment will also remove the requirement of neon illumination.
- The sign meets all other requirements of the *General Signage Requirements for Town Center Plaza* and the Leawood Development Ordinance, including the size of the sign.

LIGHTING:

- No changes to lighting are proposed with this application. The awnings are not illuminated from underneath.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve Case 93-19, Town Center Plaza – Tempur-Pedic – request for approval of a Final Plan for changes to the façade of a tenant space, and to the approved sign criteria for Town Center Plaza, with the following stipulations:

1. The project is limited to the replacement of existing awnings attached to the front colonnade of the Tempur-Pedic tenant space within the Town Center Plaza development, and the addition of a halo illuminated wall sign with 3” returns with colors to match the face of the sign.
2. The project shall amend the *General Signage Requirements for Town Center Plaza* to as follows:
 - a. Allow letter returns between 3”-5”,
 - b. Allow returns that are either black or match the color of the face of the sign,
 - c. Remove the requirement for neon illumination,
 - d. Allow halo-illuminated letters with solid faces.
3. The awning shall be natural canvas that is not vinyl coated.
4. The underside of the awnings shall not be illuminated.
5. A sign permit from the Planning Department shall be obtained prior to installation of any signs.
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.

WASHINGTON PRIME GROUP

September 19, 2019

Jessica Schuller
City of Leawood

RE: Signage Amendment

Dear Ms. Schuller:

This letter is being written to support the following amendment to the current development sign standards.

- Letter returns between 3" – 5".
- Letter returns can match the face of sign color.
- Signs can be halo illuminated.
- Signs can have LED illumination.

As the owner of the Town Center Plaza property, Washington Prime Group supports this amendment.

Sincerely,



Chad Biniker
Director, Construction

WASHINGTON PRIME GROUP

VIA EMAIL

August 13, 2019

Tempur Retail Stores, LLC
1000 Tempur Way
Lexington, Kentucky 40511

RE: Tempur-Pedic
Town Center Plaza

To whom it may concern:

This letter is notification that the Tenant Sign Drawings dated 7/11/19 for the above referenced location are being returned as **"Approved as Noted"** with the following conditions:

- Coordinate with mall management for sign installation.
- Signs must be wire into Tenant's own electrical service, and controlled by a timer.
- The signage is pending the city's approval

Please review the Tenant Handbook for all Tenant Store Working Drawing requirements; incomplete submissions will not be reviewed.

Sincerely,



Chad Biniker
Director, Construction

Store front sign:

- "Tempur-Pedic" - halo lit fabricated metal letters

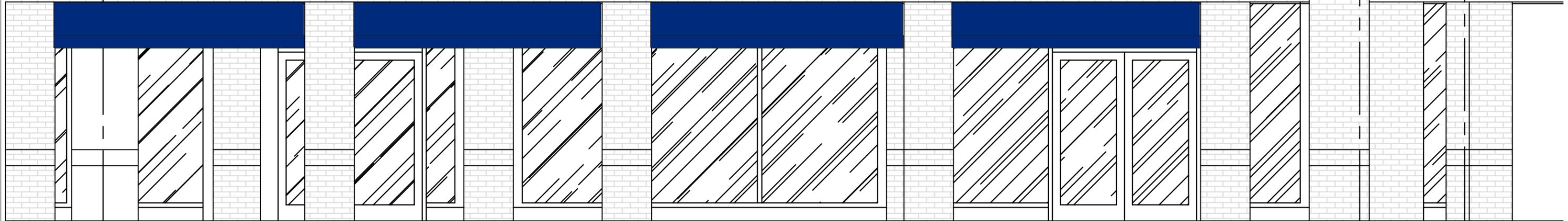
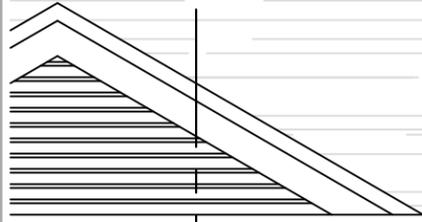
ALLOWED BY CODE:
Overall Length of Sign:
Not to exceed 70% of storefront
52' - 3 1/2" x 70% = 36.6 ft MAX

Letter Height of Sign:
Storefronts between 30' and 60'
Uppercase not to exceed 24"
Lowercase not to exceed 18"



STOREFRONT ELEVATION

TEMPUR-PEDIC®



52'-3 1/2"

4'-4 1/2"

SCALE: 1/4" = 1' - 0"

TEMPUR-PEDIC

LOCATION: Town Center Plaza
5232 W 119th St
Leawood, KS 66209

SCALE: as noted

PG: 2 of 6

DATE: 06/12/19
06/14/19
06/19/19
per survey 07/19/19
remove
writing copy 08/15/19

FILE: Tempur-Pedic_Kansas_City_storefront_REV_half_per_survey_R1

DRAWN BY
nm/ebf

215-827-6500 • 215-827-6501 fax
barryj@formansign.com
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forman signs
10447 Drummond Rd, Philadelphia, PA 19154



TEMPUR-PEDIC

LOCATION: Town Center Plaza
5232 W 119th St
Leawood, KS 66209

SCALE: not to scale

PG: 3 of 6

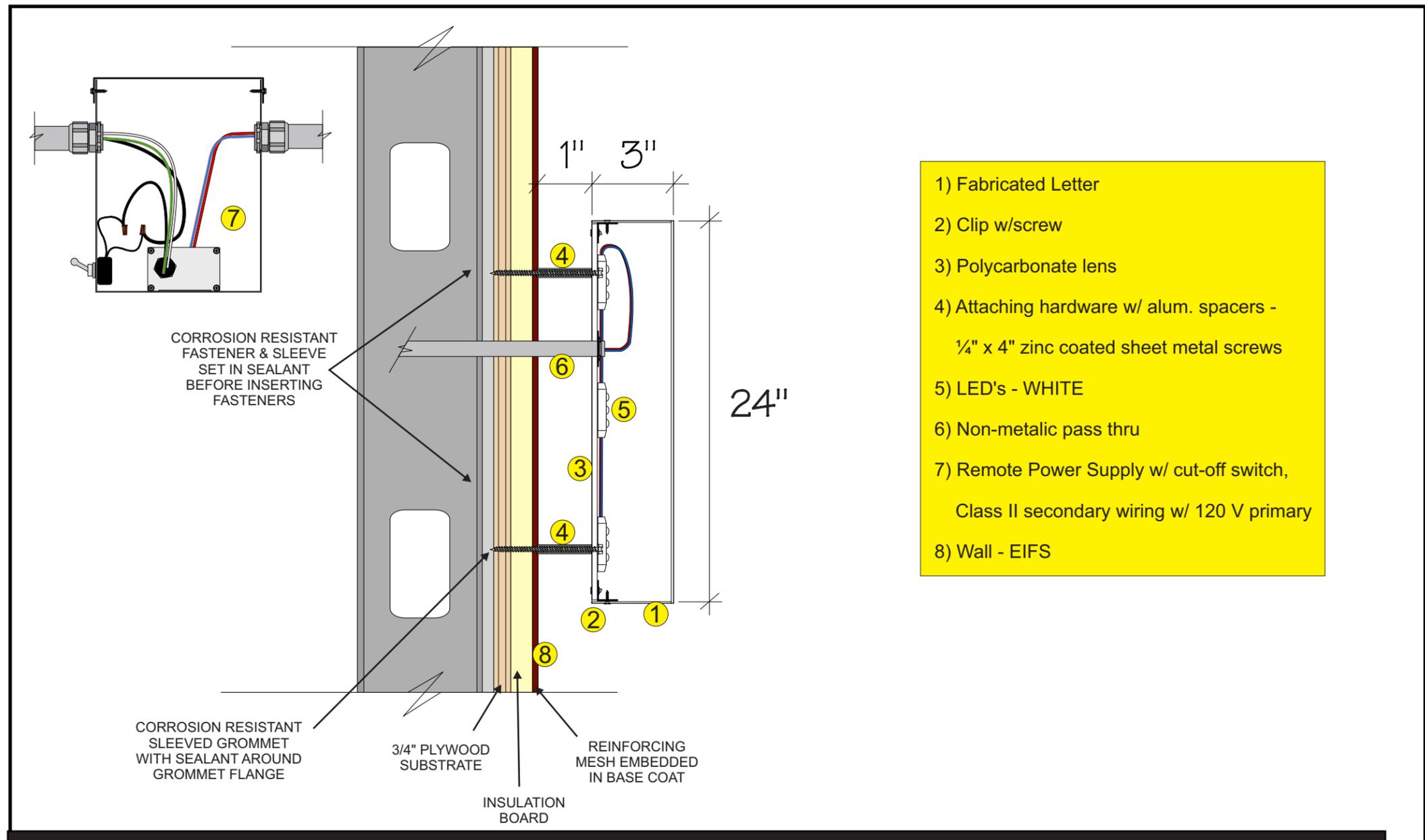
DATE: 06/12/19
06/14/19
06/19/19
per survey 07/19/19
remove
writing copy 08/15/19

FILE: Tempur-Pedic_Kansas City_storefront_REV_help_per_survey_R1

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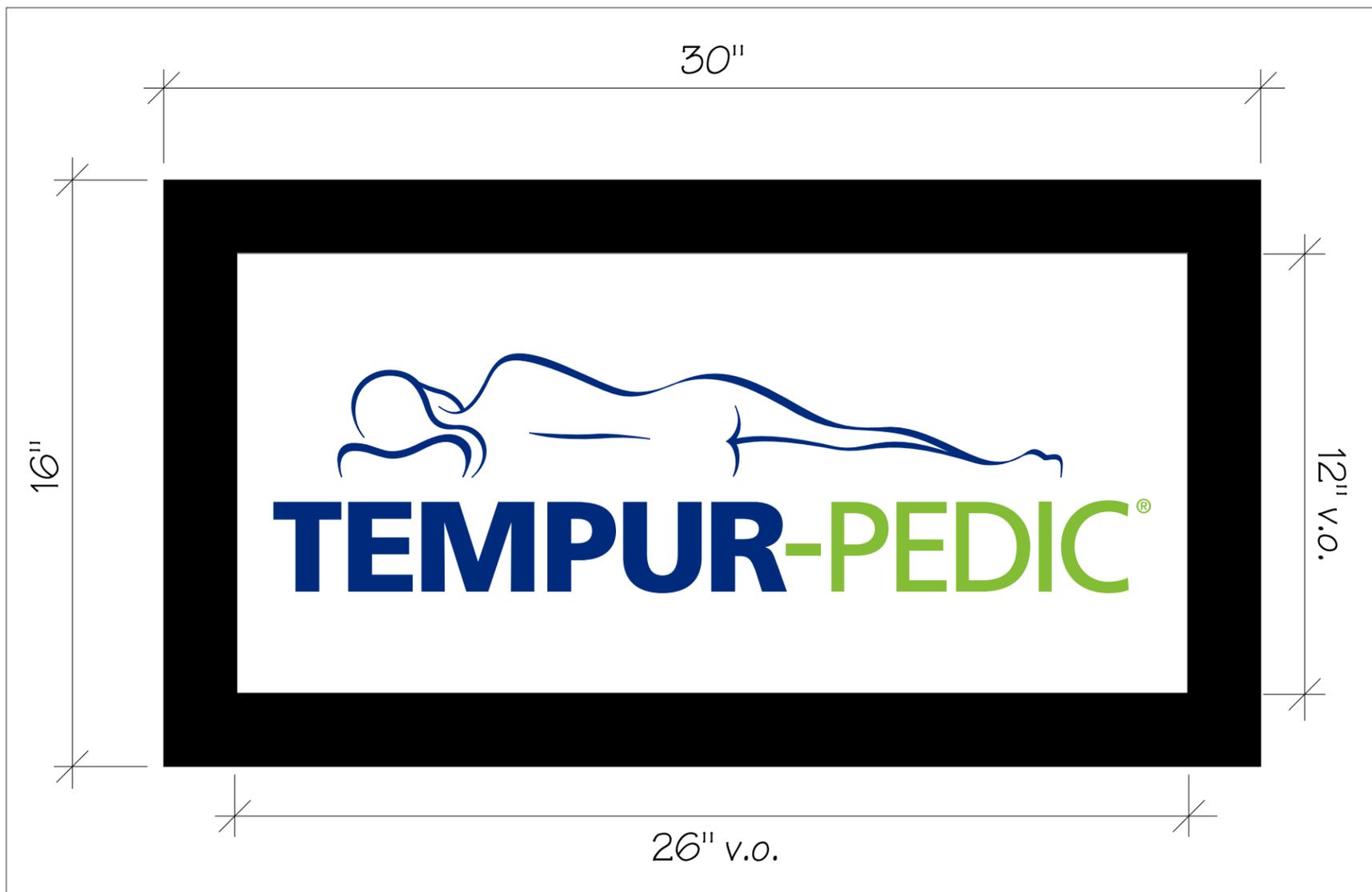
- 1) Fabricated Letter
- 2) Clip w/screw
- 3) Polycarbonate lens
- 4) Attaching hardware w/ alum. spacers -
1/4" x 4" zinc coated sheet metal screws
- 5) LED's - WHITE
- 6) Non-metalic pass thru
- 7) Remote Power Supply w/ cut-off switch,
Class II secondary wiring w/ 120 V primary
- 8) Wall - EIFS

HALO-LIT LED LETTER WITH REMOTE POWER SUPPLY ON EIFS

LOGO COLORS

- PAINT COLOR - PMS # 280C
- PAINT COLOR - PMS # 368C

NON-ILLUMINATED BLADE SIGN



TEMPUR-PEDIC

LOCATION: Town Center Plaza
5232 W 119th St
Leawood, KS 66209

SCALE: as noted

PG: 5 of 6

DATE: 06/12/19
06/14/19
06/19/19
per survey 07/19/19
remove
writing copy 08/15/19

FILE: Tempur-Pedic_Kansas_City_storefront_REV_halo_per_survey_R1

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formansigns

10447 Drummond Rd., Philadelphia, PA 19154

NON-ILLUMINATED AWNINGS - RECOVER (4)

“Sunbrella Ocean Blue #4679”



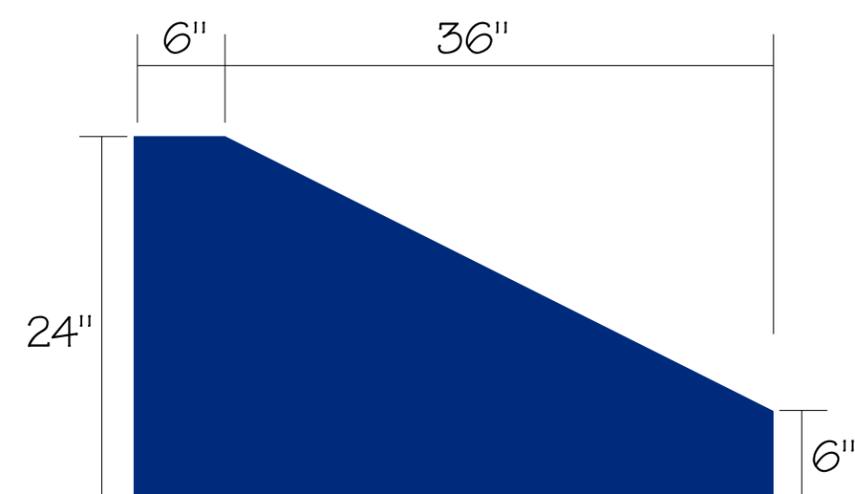
Qty 2



Qty 1



Qty 1



Memo

To: City of Leawood Planning Commission
From: Mark A. Klein, Planning Official
CC: Richard Coleman, Director of Community Development
Date of Meeting: September 24, 2019
Date of Memo: September 19, 2019
Re: Case 89-19, Leawood Development Ordinance Amendment to Section 16-4-3 Special Use Provisions, pertaining to Special Uses within residential districts.
****PUBLIC HEARING****

The attached Leawood Development Ordinance amendment proposes to add criteria for Special Use Permits within residential districts. Currently the Leawood Development Ordinance states that Special Use Permits listed under Section 16-4-3.7, Special Uses Designated, are required to meet the underlying district requirements and all Development Plan requirements. There are many Special Uses not listed in this section such as independent living facilities, assisted living facilities, schools and churches that are allowed with a Special Use Permit within both residential and commercial districts. The underlying requirements for commercial districts address setbacks for parking, parking related criteria, larger building setbacks and buffering to account for the larger scale of buildings that are constructed. However, residential districts do not address such things as parking setbacks or standards associated with parking lots, and buffering. In addition, residential districts have much smaller required building setbacks to allow for residential structures that are compatible with residentially zoned districts. Special Use Permits permitted within residential districts with a Special Use Permit often have much larger buildings than typical residential structures, along with parking lots and other structures such as trash enclosures.

The proposed amendment proposes to add criteria for Special Use Permits within residential districts to address characteristics not generally found in residential districts including: larger building setbacks, parking lot setbacks, trash enclosures, buffering and lighting. In addition, the amendment proposes to require all Special Use Permits within commercial districts to comply with the underlying district requirements, and not just those Special Use Permits designated in Section 16-4-3.7.

16-4-3 SPECIAL USE PROVISIONS

16-4-3.1 Statement of intent

Some uses of land are not appropriate in all locations within a district or under circumstances where the use imposes an inappropriate impact on the public or neighboring properties and are therefore designated as “special uses.” These uses may be approved at a particular location through the receipt of a special use permit where the impact of these uses does not inappropriately affect or impair the use and enjoyment of neighboring property.

16-4-3.2 Special Use Permit Required for Applicant

A special use permit shall be required for any use authorized in the applicable district as a “special use” on the table of uses, 16-2-7 and for any other use otherwise requiring a special use permit by this ordinance. A special use is prohibited and a special use permit may not be granted except as authorized in the table of uses, 16-2-7 or elsewhere in this ordinance. A special use permit shall allow the specified use by the applicant only and shall not run with the land and is not transferable unless otherwise approved by the governing body by stipulation in the special use permit approval.

16-4-3.3 Preliminary Development Plan required

A special use permit in a district requiring plan approval may only be issued where a preliminary development plan for the use has been approved, unless expressly exempted herein. No authority under a special use permit in a district requiring plan approval shall become effective until after final development plan pertaining to said use shall have been approved. The approval of a special use permit may be included in an ordinance approving a Development Plan or by separate ordinance approved simultaneous with approval of a Development Plan.

16-4-3.4 Procedure for Approval

Special uses may be authorized by the Governing Body by issuance of a special use permit as set forth in the approval procedures set forth in Article 5.

16-4-3.5 Standards for Approval

In addition to the requirements for approval of a Development Plan, a special use permit may only be granted by the Governing Body upon a finding that the applicant has satisfied the burden of establishing that the following additional criteria have been met:

- A) The proposed use will not be detrimental to the public health, safety, or general welfare of the City; and
- B) The proposed use will be operated in a manner that will be compatible with the surrounding uses.

16-4-3.6 Conditions

In granting any special use permit, the Governing Body may impose any conditions of the special use it deems appropriate to meet the requirements of approval. Such conditions must serve a legitimate zoning purpose and: (1) be clearly expressed with sufficient clarity to give notice of the limitations on the use of the land; (2) relate directly to the proposed use of the land; and (3) address a legitimate zoning purpose that bears a relationship to the public health, safety, and welfare. Unless otherwise set forth in the express provisions of the special use permit, each special use permit shall have a duration of 20 years, after which such special use shall terminate if no new special use permit is applied for and granted by the City.

All special uses located within non-residential districts shall comply with the underlying district requirements and all Development Plan requirements. All special uses located within a-residential districts shall meet the following:

- A) Maximum height not to exceed height limitation of the underlying district.
- B) For any structures, excluding utilities, minimum building setback of 40' from all property lines, unless a deviation has been approved by the Governing Body per Section 16-3-9 of this ordinance.
- C) Minimum of 30% open space.
- D) Parking lot setback of 25' from all property lines, unless a deviation has been approved by the Governing Body per Section 16-3-9 of this ordinance.
- E) All Performance Standards for non-residential uses listed in Section 16-2-9.2 of this ordinance.
- F) All Architectural/Construction Standards for non-single family residential uses as listed in Section 16-2-10 of this ordinance.
- G) All Off-Street Parking, Storage, Loading Regulations and Parking Lot Design Standards listed in Section 16-4-5 of this ordinance.
- H) All Landscaping and Screening Requirements for non-residential uses listed in Section 16-4-7 of this ordinance.

16-4-3.7 Special Uses Designated

All special uses delineated in this Ordinance shall comply with the underlying district requirements and all Development Plan requirements. The following designated special uses may only be approved subject to the following additional specific conditions:

- A) Automotive service station, gas station or convenience store. An Automotive Service Station or Convenience Store shall require a development plan and shall be subject to the following conditions and restrictions:
 - 1) Fuel tanks. All tanks shall be below the surface of the ground, except propane tanks, which shall be subject to approval by the fire department.

- 2) Fuel pumps. Fuel pumps shall be set back twenty (20) feet from the right-of-way line and two hundred (200) feet from a residential dwelling. The design, location, covering, colors, and screening of the gas pumps shall be compatible with the design of the structures.
 - 3) Vehicle rentals and leasing. Leasing or renting of vehicles or trailers shall not occur unless specifically approved as part of the development plan.
 - 4) Traffic. The development shall be located with at least one direct access to an arterial street, or on a collector street with at least one access drive within 500 feet of an arterial street, a traffic study shall be required for all automotive service stations, gas stations or convenience stores. The person preparing the report must be a certified engineer qualified to do traffic analyses in Kansas. The cost of the study shall be borne by the applicant. The traffic study shall address potential external and internal traffic circulation concerns, and the development plan shall not be approved unless all traffic concerns are adequately addressed to promote safety and reasonable traffic flow.
 - 5) Residential screening. The City may require a buffer if vehicle headlights from any vehicles entering, parking, standing, or exiting would shine onto residentially zoned property. If the site cannot be screened from residentially zoned property such that vehicle headlights will not shine onto residentially zoned property, or if the development would otherwise create a nuisance for neighboring properties, the hours of operation may be restricted to preclude operation between the hours of 10:00 p.m. and 6:00 a.m., or any portion thereof as determined by the City.
 - 6) Use authorization. Applicant shall indicate whether the business will sell alcoholic beverages, maintain video games for use by customers, sell prepared food for consumption on the premises or off the premises, provide car washing services, perform mechanical repairs on motor vehicles, provide an automatic teller machine or sell grocery type items. The development plan shall specify whether or not the business shall be authorized to perform any or all of these functions. In evaluating the development plan application, the impact of any of the foregoing uses on the surrounding area may be considered.
 - 7) Screening. All rooftop or ground-level mechanical equipment, trash and refuse collection areas, loading areas, and outdoor public restrooms shall be screened from public view with materials and with such design as shall be approved by the City.
 - 8) Outside sales. The outside sale of merchandise is prohibited.
 - 9) Additional standards. The development shall also be subject to such other applicable standards and requirements as may be found elsewhere in the development code or other applicable law.
- B) Financial Services and drug store or pharmacy facilities with accessory drive-through lanes:
- 1) A minimum stacking distance of five car lengths must be provided for each drive-through lane,
 - 2) Drive through lanes must be attached and integral to a drug store or full-service banking facility,

- 3) The automobile movements in and out of the drug store or bank facility shall not interfere with the adjacent public street system.
- C) Temporary use of land or building for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which such land is situated shall be temporary, and any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than 2 years but may be renewed after public hearing;
- D) Horse pasturing: Special use permit required for lots of less than 3 acres in residential districts.
- E) Temporary self-contained health care suites located within an attached garage are allowed if intended to provide an "in-home" physical care facility as a temporary alternative to a nursing home environment.
- F) House or structure relocation to a permanent site within the City Limits provided the following conditions can be met:
 - 1) The house or structure shall be found to be compatible with the surrounding houses or structures and neighborhood including, but not limited to, size, design or general architecture, lot location, and lot size;
 - 2) The structure shall be made habitable within 6 months of relocation;
 - 3) The applicant shall conform to all other provisions of this Ordinance and of the Code of the City of Leawood.
- G) New utility boxes with a height of 55 inches or greater, a footprint of 15 square feet in area or greater, or a pad footprint of 15 square feet in area or greater, must have a special use permit prior to construction and must meet the express provisions of 16-1-4 of this Ordinance.

16-4-3.8 Revocation of Special Use Permits

- A) Basis for Revocation

Any special use permit granted under the authority of this chapter is subject to revocation for any or all of the following reasons:

 - 1) Non-compliance with any applicable requirement.
 - 2) Non-compliance with any special conditions imposed at the time of approval of the special use permit.
 - 3) Violation of any provisions of law pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the applicant or agents of the applicant.
 - 4) Violation of any other applicable provisions of any local, state or federal law or regulation by the applicant or agents of the applicant, provided that such violations relate to the conduct or activity authorized by the special use permit or the qualifications of the applicant or its agents to engage in such conduct or activity.
- B) Procedure for Revocation

- 1) Revocation proceedings may be initiated by City staff or the Governing Body.
- 2) Unless the applicant and landowner agree in writing that the permit may be revoked, the Governing Body shall hold a public hearing to consider the revocation of the special use permit.
- 3) The City shall give the applicant and landowner certified mail notice, return receipt requested, of the scheduled revocation hearing at least five days prior to the date scheduled for such hearing. Notice must be published in the official newspaper a minimum of 5 days but not greater than 20 days prior to the hearing.
- 4) No special use permit shall be revoked unless a majority of the Governing Body is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion of the revocation must clearly state the grounds for revocation. Passage of any motion to revoke a special use permit may be made subject to subsequent adoption of written findings of fact and conclusions of law, at the discretion of the Governing Body.

(Ord. 2411, 09-29-2009)