

# City of Leawood Planning Commission Minutes

May 27, 2003  
Meeting - 6:00 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive

**CALL TO ORDER/ROLL CALL:** Henderson, Rohlf, Carper (tardy), Conrad, Duffendack, Brain, Williams, Munson, Pilcher

**APPROVAL OF THE AGENDA:** Case 28-03 Plaza Pointe, Lot 6 – Roofing was removed by request of the applicant. Case 32-03 Mission Reserve, 3<sup>rd</sup> Plat was moved to the consent agenda by request of staff.

**A motion to approve the revised agenda was made by Brain and seconded by Henderson. Motion approved unanimously.**

**APPROVAL OF THE MINUTES:** Approval of the minutes from the April 8, 2003 and April 22, 2003 meetings. **A motion was made by Henderson to approve the minutes from the April 8, 2003 meeting with the grammatical corrections pointed out by Henderson, seconded by Conrad. Motion approved unanimously.**

Pilcher pointed out a correction on page four of the April 22, 2003 minutes. It should read, "he does not feel it has been proved to be an unsuitable use". **A motion was made by Pilcher to approve the minutes from the April 22, 2003 meeting with the correction pointed out by Pilcher, seconded by Brain. Motion approved unanimously.**

## **CONSENT AGENDA:**

**CASE 32-03 MISSION RESERVE, 3<sup>RD</sup> PLAT** Request for approval of a final plat and final site plan. Located at the southwest corner of 151<sup>st</sup> Street and Mission Road.

**CASE 33-03 TUSCANY RESERVE** Request for approval of a final plat. Located at the southwest corner of 137<sup>th</sup> Street and Chadwick.

**CASE 39-03 COLD STONE CREAMERY – OUTDOOR SEATING** Request for approval of a final site plan to allow outdoor seating. Located at 5234 W. 119<sup>th</sup> Street.

**CASE 36-03 DISCOVER VISION CENTERS** Request for approval of a final site plan. Located at 11705 Roe Avenue.

**A motion to approve the revised consent agenda was made by Henderson and seconded by Brain. Motion approved unanimously.**

## **OLD BUSINESS:**

**CASE 23-03 PLAZA POINTE, LOT 2** Request for approval of a preliminary site plan. Located at 135<sup>th</sup> Street and Roe Avenue within the Plaza Pointe development.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is David Rayl. The applicant is requesting approval of a preliminary site plan for an 11,018 sq. ft. office building. This lot is located at the southwest quadrant of the Plaza Pointe development. This case was continued from the April meeting due to some unresolved issues. One issue was the north drive access for this project not lining up with the Zipz drive access. The developer has provided a letter indicating approval from Zipz to relocate their drive access so it will line up with this project. Staff was concerned with the amount of open space for the overall project. The developer has submitted an application showing the revised open space

calculations and the case will be brought before the Commission during the June meeting. Staff is recommending approval of this case with the attached stipulations.

Henderson asked if wooden trellises have been recommended in the past. Joseph responded staff has found metal trellises to be more maintainable than wooden trellises.

Conrad asked if there is a preliminary analysis of the new open space calculations the developer submitted. Binckley stated the developer has indicated the proposed amount of open space will be provided. Conrad asked why one of the detention basins for the project was changed into parking. Ley responded the area was part of the emergency spillway and did not have much value. The developer has extended the overflow of the detention basin on the south side of the private road. Conrad asked if that space would be included in the open space calculations. Binckley responded, no, it is not counted as open space. She also reminded the Commission the open space requirement is not looked at for this application. It will be looked at during the June meeting with a new case.

**Applicant presentation:** Presentation by Scott Slaggie of Jantsch Slaggie Architects. The developer has consented to align the curb cut for lot two directly with the lots to the north. The dumpster will now be located adjacent to the building at the southwest corner. It will have the same trellis, which picks out the same architectural detail as the trellis on the west and the east. The pedestrian connections have not changed. A serpentine pathway along the easterly edge of the detention basin that would eventually connect to lot one will be proposed. The brick being used will be the same used for the rest of the development. There are two types of brick, one as a field and one as an accent. The two entry towers and the bump-out on the north will have standing-seam metal, consistent with the other standing-seam roofing used throughout the development. The mansard roofing that wraps around the building will be synthetic slate. There is a stucco band located above the brick, which is consistent with the rest of the buildings in the development. The applicant would like to use the same stone as the detention basin around the base of the building along the detention basin side. The applicant would like the opportunity to have a sign at each of the entry towers to give the tenants some exposure.

Williams asked if the trash enclosure would be attached or detached. Slaggie stated it would be attached to the building. Duffendack asked if the trash enclosure would be shared. Slaggie state it would not be shared. Brain asked if the roofing materials are consistent with the other buildings. Slaggie stated, yes.

Henderson asked if it the water would be likely to rise above its location and move into the building. Slaggie stated the pond is 2 or 3 ft. above the 100-year flood plain. Henderson asked if there would be filtration in the detention pond. Slaggie stated the applicant would put a fountain in the pond, which should help with aeration. Conrad asked if the basin is part of the development's common area. Slaggie stated the developer and/or owner's association would be responsible for the maintenance.

Munson asked staff if stipulation number 12 has been satisfied. Binckley stated the only part of the stipulation the applicant has not abided by is the stone. It is a unique piece due to the location of the building.

**A motion to approve was made by Brain and seconded by Pilcher. Motion approved unanimously.**

*Carper arrived.*

**NEW BUSINESS:**

**CASE 11-03 CAMDEN WOODS CENTER** Request for approval of a preliminary plan. Located at the southwest corner of 143rd Street and Kenneth Road.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is Paul Robben. The applicant is requesting approval of a preliminary plan for a two-story, 21,091 sq. ft. office building. This property is located at the southwest corner of 143<sup>rd</sup> Street and Kenneth Road. The applicant is requesting a deviation to allow for a 64.31 ft. building setback from the south property line. The LDO requires any building within the SD-NCR district to be located 75 ft. from land that is zoned or

master-planned residential. Staff is not supportive of this case due to some concerns with the architectural quality of this building. The LDO requires the architectural quality to be similar on all sides of the building. Staff has expressed this concern to the applicant, and the applicant feels the existing trees on the south side of the building will act as a buffer to screen this building. Staff is not supportive of this argument since the quality and quantity of the trees are not sufficient to block the view from the neighboring residential development. Staff also feels it is not appropriate to use landscaping to screen a building due to the fact that it could change over time. Staff is recommending denial of this case based on the concerns previously stated.

Brain asked to see pictures of the trees that are behind this development. Joseph showed the Commission some recent pictures of the area.

**Applicant presentation:** Presentation by Mike Jantsch, with Jantsch Slaggie Architects. This project is part of a larger development. Camden Woods is a larger, residential development. This site was planned as part of the master plan for the entire project. It is a small site, and difficult to access. There was an original plan approved for this site in 1998 for a 13,000 sq. ft. building. The applicant has designed this development to create a more interesting possibility with higher density and more of a mixed use of office and retail to be able to compliment the rest of the Camden Woods development. It is a very triangular piece. The site is very limited as to where the building could be accessed and placed. There is also a creek that runs behind it which creates a flood plain. The building sits below the development on the hillside. Jantsch described the site plan and showed some current photos of the site as well as a colored elevation rendering. The office portion will be two-story. Many of the neighbors from Camden Woods came to the interact meeting and were in favor of this project.

Rohlf asked how many homes will back up along the creek. Binckley stated the aerial shows some of the lots. Jantsch stated about five homes will back up to the creek area.

Brain asked which area brings the building setback to 64 ft. Jantsch showed the area on the site plan. Duffendack stated it appears the project could be in compliance with the setback if the applicant reduced the size of the westernmost space. Brain asked for clarification of the setbacks. Joseph stated the applicant is requesting a deviation on the building setback, not the parking setback. Duffendack asked if the applicant has considered increasing the setback by changing the size of the building at the westernmost part. Jantsch stated the possibility has not been raised.

Carper asked what the line of sight would be for the south elevation versus the west elevation. Jantsch stated the south side of the building would not be seen from the road to the east. Carper asked if the applicant were dealing with a different topography, would they be presenting the same type of architecture on all sides of the building. Jantsch stated the applicant agrees all four sides should be equal, except in this situation where this elevation is up against a heavily wooded area with an elevation change from the residences of about 50 ft.

Henderson asked if the trees along the creek would lose their leaves in the winter. Jantsch stated some of the trees would lose their leaves in the winter. The applicant has spoken with the neighbors and they are mainly happy there are no trash enclosures or parking on the backside of the buildings.

Pilcher asked if there is a service drive across the back of the building. Jantsh stated, no, there is only a sidewalk to get to the required fire exits.

Conrad asked if the wastewater district has approved the re-routing of the sanitary sewer. Ley stated it has not been approved, that usually happens after the applicant receives final approval, but it should not be a problem. Conrad asked why there is a conflict with the proposed future drive entrance. Ley stated the drive entrance to 143<sup>rd</sup> is too close and would conflict with northbound, left turns from Kenneth Road at 143<sup>rd</sup> Street. Staff is requiring the developer to construct an island on Kenneth Parkway to make it a right-in, right-out access. Conrad is concerned if there is a 100-year flood, there would be no access to this building. Ley stated the 100-year flood plain assumes no detention upstream and all of

the land being 100% developed, so it assumes the absolute worst case scenario. The drive entrance would be less than 7 inches under water in the case of a 100-year flood.

Conrad asked if the building would be landscaped along the back and if there would be a retaining wall. Jantsch stated the idea was to leave the creek area as wooded. He has not seen a retaining wall on the plans, but the applicant would build one if required by code. Conrad asked if a storm water study would be completed. Ley stated it has already been completed and the applicant raised the bridge up two feet from what is currently there.

Henderson asked how far south the knoll and entryway are from the Kenneth Road entrance to the Camden Woods subdivision. Henderson stated when this area was originally approved, it was decided the knoll would be sheared off and the entryway to those homes would be dropped. He then asked if this would make a material difference in the water flow to this entryway. Ley stated the flood plain the applicant is using is assuming no detention. Every development in this drainage basin will have detention and the limits will be considerably less. Jantsch stated the knoll is dropped during the study. Ley stated it still sits quite a bit higher than the lowest point. Henderson asked if the water would be affected by dropping the knoll. Ley stated, no.

Carper asked if staff is in approval of the architecture proposed on the north and east elevations. Binckley stated staff had no issues with those sides. Carper asked what staff would like to see on the west and south sides. Binckley stated the earlier rendering had stairwells on the backsides of the buildings and the same types of materials were not taken all the way around. The applicant has since removed the stairwells because they were required to put in an elevator and the stucco has been brought around the building. The roofing material does not surround the entire building; the rear side is open for the residents to see the roof. Staff is concerned the masonry products were not brought around the back of the building, with no detailing along the backs. The sides have some doors with a sidewalk and some condenser units, with landscaping as the only thing to screen them. 90% of the existing trees are deciduous, so there would be no protection in the winter. In the past, staff has looked back at other cases where trees were allowed for screening and we are ultimately disappointed with the result. Pilcher stated the 100-year flood plain shows many homes at the same elevation of this building.

Duffendack asked what type of rooftop equipment there would be and how it would be shielded. Jantsch stated there would be some vents for plumbing. The applicant is planning a type of unit to potentially keep clutter off of the top of the building as much as possible. If there are items that need to be screened, they will be screened.

Henderson asked if there will be an acceleration lane, or an expansion of the road near the entry off of Kenneth Road. Ley stated staff has recommended a median down the center of Kenneth Road so there would not be people exiting and going north. There would also be a deceleration lane for southbound. Henderson asked if it would need to be constructed at the same time as the building. Ley stated it could be done at a later time. Ley stated there would be no northbound, left-hand turns into this development. Conrad asked if the entrance off of 143<sup>rd</sup> Street is far enough away to have a west, outbound lane as it is developed. Ley stated the church access would be approximately 150 ft. to the west. The way the church is located, they could both be full accesses. Conrad asked if the two entries are too close to each other. Ley stated, no.

**Public hearing: With no one present to speak at the public hearing, a motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.**

Munson stated the development is attractive from two sides, but would agree with staff that the architecture should be consistent and brought around on both the west and south sides. He feels all sides will be more visible than even staff is currently anticipating. He would like to see the architect and the developer work a little harder with staff to see if they can come up with a better solution. Pilcher agreed with Munson. Brain stated the architect indicated the developer agrees with four-sided architecture, he feels the developer should meet with staff again and work out a better solution. Carper is in favor of the developer requesting a continuance, rather than voting on it at this meeting. Duffendack asked the applicant if they would be in favor of requesting a continuance. Jantsch agreed to a continuance.

**A motion to continue, by request of the applicant, was made by Brain and seconded by Rohlf.**

Conrad would like to have more information on how the grading will be handled near the creek, if there will be a retaining wall. He would like to try to maintain the setback if at all possible. He would also like to be certain about the flood situation, so that in severe but normal rain the drive would not be covered. Duffendack stated the city should be looking at five-sided architecture, with the roof being the fifth side. He is not sure a mansard roof would be adequate for the screening of the rooftop equipment.

**Motion to continue approved unanimously.**

**CASE 16-03 PARKWAY PLAZA – EAST** Request for approval of rezoning from AG (Agriculture) to MXD (Mixed Use District), preliminary plat and preliminary plan. Located at the northwest corner of 135th Street and Roe Avenue.

**CASE 27-03 PARKWAY PLAZA – WEST** Request for approval of rezoning from SD-CR and SD-O to MXD (Mixed Use District), preliminary plat and preliminary plan. Located at the northwest corner of 135th Street and Briar.

Joseph requested combining case 16-03 and case 27-03 into one presentation. Duffendack approved.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is Richard Sailors. This project is located at the northwest corner of 135<sup>th</sup> Street and Roe Avenue. For the west portion of the project, the applicant is requesting approval of rezoning from AG to MXD, preliminary plat and preliminary plan to allow the construction of 17,000 sq. ft. of office/retail space, 40,700 sq. ft. of retail space, and 180,000 sq. ft. of residential space. The total FAR for this section is .27. For the east portion of the project, the applicant is requesting approval of rezoning from SD-CR and SD-O to MXD, preliminary plat and preliminary plan to allow the construction of 15,600 sq. ft. of office/retail space, 28,000 sq. ft. of retail space and 363,000 sq. ft. of residential space including 3,000 sq. ft. for a clubhouse. The total FAR for this section is .3. The main center is located on the east side of Briar Street with office and retail buildings surrounding it. There are ten pad sites proposed on the east side and four pad sites proposed on the west side. The parking for this project is located in the interior of the site surrounded by buildings and garden areas. Some of the potential tenants include two banking institutions and two drive-thru restaurants. The residential buildings are proposed on the north side of the property, adjacent to 133<sup>rd</sup> Street. This project proposes a parking ratio of 4.4 spaces per 1,000 sq. ft. of lease area. The maximum allowable parking ratio within a MXD district is 3.5 spaces per 1,000 sq. ft., per the Leawood Development Ordinance. The LDO permits a maximum FAR of .25. The west project has an FAR of .27 and the east project has an FAR of .30. The applicant is requesting a deviation for these higher FARs. Staff has reviewed the bonus criteria and has found justification for the increase in FAR due to the additional open space and the provision of underground parking for the residential. The building and parking setbacks will be revised to reflect the requirements of the LDO and the request for additional right-of-ways. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked if the clubhouse would be used by both the east and west portions. Joseph stated the applicant would be able to answer that question.

**Applicant presentation:** Presentation by David Suttle, of Suttle Mindlin Architects. David Renny from Slagle and Associates was also present. Suttle showed a site plan of what was previously approved for this site, which included commercial, retail and aboveground garage facilities. This developer has looked for a way to blend in and be a part of this area. The market place and specialty stores and fast food restaurants are part of the culture that we live in. The developer has tried to find a way to include those elements, but in an overall context that would be very upscale in character. There would be no big boxes and virtually no medium sized boxes. Those buildings have been taken care of in the Cornerstone property. The developer has tried to complement those that are in place now and in line to be developed. There are many people who want to have an attractive ownership in office space. There will be two types of office buildings, which will blend without being repetitive, but will also complement the Plaza Pointe development. This is the area and the market to have a luxury residential development. This is the land to have the uses of commercial office,

luxury residential, and retail commercial. It is not the place to pursue the higher density, urban town center. The edges of the development would be retail and the interlacing would be office. The intent is to have a garden-beautiful edge to 135<sup>th</sup> Street. There will be no parking or service lots, screened or not. It is a scheme that has individual parcels, where the buildings go as close to the street as permitted, then a complete garden setting. The concept is to make the edge full of amenities and then tie it together with a series of streets and patterns. Suttle described the site plan. The only automobile traffic access to the residential areas will be from 133<sup>rd</sup> Street. All of the residential parking will be underground, except for visitors. There is currently a nursery of trees on the site and the developer has committed to moving those trees along both sides of 133<sup>rd</sup> Street in order to screen the Overland Park residential neighborhood to the north. The developer is trying to create a community that is formally linked together. There are some individual office buildings and also some smaller one-story and a half, bungalow style offices. There are direct sidewalks connecting the entire project. Suttle showed where the two fast food, drive-thru restaurants and the two banks would be located. The southeast corner feature slightly cascades down about 3-½ ft. to complement the Plaza Pointe development. Suttle stated he is comfortable with helping to resolve any issues with staff. The traffic study is not complete yet. Two areas of the stipulations that could be addressed at final application are the deceleration lane issues and the width of right-of-ways. The developer would like to have the chance to study that from the City's standpoint. It would make sense to remove those at this application and come back to them during the final application.

Pilcher asked Suttle to describe the height and materials of the privacy fence along 134<sup>th</sup> Street. Suttle stated the materials have not been finally designed, but they are planning on it being iron, 6 ft., open with some decorative landscaping and some solid stone posts, very scenic and to help preserve the quality of life for the residential development.

Munson asked what the right-of-way would be for the project. Suttle stated it is the same as what is on either side. Binckley stated there would be two lanes and 35 ft. of right-of-way. Ley stated the road will be 40 ft. wide, back-to-back, which allows for three lanes. Munson stated that is what is being required on 137<sup>th</sup> Street also. Munson asked about the entryway at Roe Avenue. Ley stated it would be discussed at the final application. Munson asked if they anticipate any problems with traffic because of the two right-in, right-out areas. Ley stated that is the reason for the deceleration lanes.

Brain asked Suttle what the developer's ongoing relationship would be with each of the buildings. Suttle stated the office and the residential are condominium, the retail and commercial would be sold or leased.

Suttle described the elevations and materials of the buildings.

Carper asked why the developer is asking for the extra parking spaces for the retail portion of the development. Suttle stated the developer believes the extra spaces are needed. The developer is proposing to build the allowed numbers, but would like to land bank the additional spaces. Carper asked if that is included in the stipulations. Joseph stated land banking is not included in the stipulations. Suttle stated all upscale developments have 5 cars per 1,000 sq. ft. The developer is trying to work in a way that would be ideal for the development, as well as staying within the limitations of the ordinance. Carper asked what parking ratio Town Center Plaza has. Binckley stated 5 per 1,000, but they are never full, and it was approved with old regulations. Suttle stated the developer has agreed to land bank the additional requested spaces.

Conrad asked if a storm water study has been performed for this site. Ley stated a storm water study has been submitted and the developer will be detaining in accordance with the City's requirements.

Conrad asked for a description of the phasing of the project. Suttle stated the phasing plan would start at the east side of the property and flow to the west. Conrad asked if the residential and the office and retail would all start at once. Suttle stated that is the approach that all of the team members have agreed upon.

David Breen with Slagle and Associates described the storm water drainage.

Henderson asked if the traffic would be one-way around the circle in the west portion of the residential. Suttle stated they have been planning on it being two-way. Henderson asked the width of the sidewalks. Suttle stated they are Leawood standard, which would be 5 or 6 ft. wide. Binckley stated everything within the right-of-way would be 6 ft. wide, except for the hike/bike, which would be 10 ft. asphalt. Henderson asked if there would be an owner's association for the residential and office, separate from the retail and commercial. Suttle stated it has not been decided yet, but it will maintain a strict guideline for the maintenance, the commitment is there for the long-term. Henderson asked who would be in charge of the private street. Binckley stated staff has talked to the developer to make sure all of the landscaping is taken care of as one development. There would need to be one ownership contact for maintenance issues. The developer is working on a mechanism to make sure the maintenance is kept up.

Williams asked if the residential portion would be a gated community. Suttle stated there would be a gateway at the entrance, but it has not been decided whether or not it would be a gated community. Williams asked what type of sidewalk and amenities would attract the pedestrian to use the pedestrian link between the residential and retail portions. Suttle stated simple scoring patterns of the sidewalks, benches and flowers are the kinds of touches that make this a beautiful place. The developer is thinking about erecting a trellis or canopy that would screen the parking at the backs of the retail section and between the office buildings to give it an edge. Williams asked where the pedestrian crossings would be located in the parking lots. Suttle described the pedestrian crossings on the plan. There would be sidewalk and amenities so that people would not need to walk through the parking lot.

Munson asked if the restaurants would be fast food with a drive-thru window or a sit-down restaurant with just a pick-up window. Suttle stated the developer does not know right now, but would like to have the most attractive type. There will be architectural design guidelines for the development the restaurants will be required to meet.

Brain stated he does not like the linear effect along 135<sup>th</sup> Street. He likes Plaza Pointe because of the way the buildings do not seem lined up. This development seems like a lot of linear pad sites along a strip center. The way it is currently proposed, all the emphasis is going to be placed on the parking lot side, which means the most visible three sides will be less desirable. Brain is concerned about the canopies and overhangs being on the parking lot side. He is concerned about it looking like the backside of the buildings facing the street. He would like staff to present the Commission with a streetscape of what this would look like in relation to the other developments along 135<sup>th</sup> Street. Suttle stated the developer is trying to bring the front doors to face the corners on the corner buildings. The developer is working on criteria and ideas that will bring variety and architecture to ensure there will be no backside. Brain stated he likes mixed-use developments and is encouraging them, but this feels like three different developments, not necessarily mixed-use. He is concerned with having different owners and where they would want their entrances and such.

Conrad stated the plan along 135<sup>th</sup> Street would require stronger developer input and design guidelines than Plaza Pointe. Suttle agreed. The developer is only proposing one-story buildings for the retail along 135<sup>th</sup> Street. Conrad stated he agrees with Brain that this does not feel like what the City is expecting in a mixed-use development. Suttle stated the developer has decided this is not the best site for the mixed-use that Brain has spoken about.

Munson stated he has not found any good reasons to make him want to visit this development.

Brain stated he likes the concept of the condominiums, although he feels the rest of the site needs some work to bring the development together. The sketch may have 25% more parking than the City is willing to approve. He would like to see staff and the design team look at it from a linear perspective.

*Brain left the meeting.*

**Public hearing for case 16-03:**

Paul Khoury, 4965 W. 132<sup>nd</sup> Terrace in the Bridgewood Subdivision. He is representing a few families that could not be at this meeting because of other commitments. Right now, the residents are opposed to the Parkway Plaza project as planned. When they purchased their homes, they talked to the developer and were told this land was zoned for office. On

the weekends and nights, it would be quiet. Khoury would prefer 133<sup>rd</sup> Street to have a lot of curves, instead of a straightaway, through street. He is concerned with the amount of traffic on 133<sup>rd</sup> Street. He is concerned with the tree line, the grassed-in areas at the end of the streets. He would rather have trees than grass areas. He is disappointed that the project eliminates the tree line where Briar is planned and would like to see Briar moved to one side of the tree line. He is concerned with the location of the clubhouse and feels it is too close because of noise. He is concerned with the underground parking and would not want any blasting. He would like to know what assurances there would be that the homes would be luxury condos if the zoning were changed from office to mixed-use.

Dave Clark, 4945 W. 132<sup>nd</sup> Terrace. Clark talked to the planning staff when he purchased his home and was given the impression the tree line behind his house would stay and there would be some buffer between the tree line and the street. Most of the plans he has seen show only about 50 ft. between the property line and where the street starts. His biggest concern is what has been done on the east side of Roe between Mission and Roe. It looks like the entire tree line was maintained, a berm put in and more landscaping put in, a hike/bike trail, then the street. He has not seen that on any of the drawings. His main concern is the buffering between his subdivision and the proposed development.

George Young, 4949 W. 132<sup>nd</sup> Terrace. The original plans had about a 75 ft. greenway before the street, it has now been reduced to 55 ft. His main concern is the very low berm looking at Roe to Mission. It does not protect the homes and therefore should be a higher berm. The lights on the perpendicular street that comes down will reflect directly into the homes. The straightaway road should also be addressed.

Dean Ketchum, currently resides at 5604 W. 125<sup>th</sup> Street, but will soon be residing at 13204 Briar Street. He is concerned some of the condo properties will be three-story, but the area was originally planned for two-story buildings. The elevation for 132<sup>nd</sup> to 135<sup>th</sup> will go up in elevation and as a third story is added, it becomes the height of a four-story building from the viewpoint of 132<sup>nd</sup> Street looking south. He is concerned with more parking on the streets if there are not enough underground parking spaces. The drive-thru restaurants are a concern from a traffic standpoint. He is also concerned with the late hours of the drive- thru restaurants.

Gary Roecker, 4941 W. 132<sup>nd</sup> Terrace. He is concerned with the tree line. When he bought his home he came to the planning department and they showed him a plan where there were 75 ft. of the trees that are there now, then a road, then another 75 ft. of trees before getting into the commercial parking lots. The tree line needs to be there for both properties as well as the wildlife.

**A motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.**

Binckley stated the property west of Briar is zoned AG and has not been rezoned. The Leawood Place development was approved in 1993 with approximately the north third being zoned as office. The buildings that were identified were five and a half and six-story office buildings with two one-story parking decks and then other surface parking included. 133<sup>rd</sup> Street did start with a 75 ft. buffer and then it would taper to the north to meet with 133<sup>rd</sup> Street as it went in and continued over to Overland Park. At the time, Overland Park had 133<sup>rd</sup> Street coming right up to those resident's back yards. Fortunately, when the Amli project came in Overland Park pushed 133<sup>rd</sup> Street 25 ft. to the south. With that, this proposal goes from the 75 ft. and tapers out and meets at the 25 ft. The Leawood Place project measures out about 8 ft. worth of buffer at the Bridgewood corner. These plans show a substantial amount of trees being taken out. Staff has been very specific in the comments that require the trees to be maintained. Based on the design of 135<sup>th</sup> Street, the developer will need to put in some retaining walls on the north side in order to save those trees. Further to the west, just south of Bridgewood, the developer has put in some evergreen trees. Staff intends to work with the developer to increase that tree line and provide the buffer for the people to the east. Regarding the hours of the drive-thru, the Commission can put limitations on the hours of operation.

Pilcher asked if approving this plan at the preliminary stage would approve the use of the drive-thrus. Binckley stated the developer would need to come back before the Commission for approval of a special use permit in order to allow drive-thrus.

Binckley pointed out some e-mails which were placed on the dais for the Commission from a couple of the residents.

Henderson asked who would be looking over the entire project through the phasing, to help keep the concept and the expression of the concept. Duffendack stated he is concerned with what the streetscape would look like. He is not prepared to approve this project tonight. He is not sure the spacing and connectivity would work, even though they sound good in theory.

Conrad is concerned with not having a staff analysis of the traffic study. He feels the 6-ft. high fence that encircles the condos is unique. If that area becomes less public and more private due to the fence, he is not sure that underground parking in the private development should apply towards an increase in the FAR on the rest of the development. He would not want to approve this tonight.

Pilcher stated he agrees with Brain that it would be hard to ensure quality in this type of project. He would not want a strip mall and a bunch of pad sites. He is not sure which way he would vote at this point.

Williams stated he is concerned with too much signage and would like a better sense of how signage would apply to the architectural standards and all sides of the buildings.

Rohlf would like to have more information in regard to traffic.

Duffendack stated the Commission is uncertain and asked the applicant if they are willing to take some of these comments, continue the case until the next meeting and come back with some answers and allow staff to review the traffic study. Suttle stated the applicant is willing to ask for a continuance in order to get these issues clarified.

**Public hearing for 27-03:**

Paul Khoury, 4965 W. 132<sup>nd</sup> Street. He would like to emphasize the same comments spoken for case 16-03. If the zoning is changed, there should be some kind of stipulations to ensure there would not be apartments built there.

**A motion to close the public hearing was made by Carper and seconded by Pilcher. Motion to close approved unanimously.**

**A motion to continue cases 16-03 and 27-03 to the June 24<sup>th</sup> meeting was made by Henderson and seconded by Pilcher.**

Carper stated it would be helpful to review the 135<sup>th</sup> Street corridor in terms of what developments have been approved. He would also like to have some sense for the evolution of the master plan so everyone clearly understands how that has evolved. He would like one map that identifies what is happening along 135<sup>th</sup> Street to show whether the retail is set back or right up against 135<sup>th</sup> Street. Binckley asked for a clarification of what Carper is asking to see. Carper stated a map showing what the look is going to be along 135<sup>th</sup> Street and the issue of whether or not the retail is set away or against the street line in order to get some sense of the flow.

**Motion to continue approved unanimously.**

**A motion to extend the meeting for 30 minutes was made by Munson and seconded by Carper. Motion approved unanimously.**

**CASE 29-03 LDO AMENDMENT** Request approval of an amendment to the Leawood Development Ordinance on sections 16-2-4.5 Modification of Required Front Setbacks - Residential Districts, 16-2-9.2 Non-Residential Uses, 16-4-1.2 Location and Height of Accessory Uses, Buildings and Structures, 16-4-1.3 Permitted Accessory Uses, Buildings and Structures, 16-4-5.4 Required Parking Ratios 16-4-6.9 Prohibited Signs, 16-4-6.14 Permitted Signs by Type, 16-4-7.2 Landscaping Requirements - Single Family Residential, 16-4-7.3 Landscaping Requirements - Other Districts 16-4-7.6 General Regulations, 16-4-9.2 Required Permits and Inspections, 16-4-9.3 General Requirements, 16-4-9.4 Height and Location Requirements, and 16-9-139 Height, Building.

**Applicant presentation:** Presentation by Diane Binckley. The first amendment is to section 16-2-4.5. There was a request by the City Administrator to amend some of the language under the single-street frontage. It would now measure from 2 points from the front of the structure. Staff's hope was to take away the ambiguity as to how this calculation would be determined. Section 16-2-9.2, B8, added, "wall pack light fixtures shall not be used". Section 16-4-1.2 changed the wording so it reads more clearly. Section 16-4-1.3 added RP-2. RP-2 is now the detached structures and it had been left out in this section, it needed to be added so that accessory uses are allowed. Section 16-4-5.4, RP-A is no longer a zoning classification. It was accidentally left in with the new Development Ordinance and needs to be removed. Section 16-4-6.9, Prohibited Uses, added, "permanent signs which identify phone numbers, product, or any other specific information about the tenant beyond the name of the tenant". Section 16-4-6.14, multi-tenants signs and v-shaped temporary signs are no longer allowed. Section 16-4-7.2 clarified the requirement of street trees in residential districts. Section 16-4-7.3 changed one word to read "minimum" instead of "maximum". Section 16-4-7.6 changed from 3 inch to 4 inch, there was a discrepancy within the ordinance. Section 16-4-9.2 changed the wording so it reads more clearly. Section 16-4-9.3 now specifies which materials are allowed within the ordinance. The City has not done that in the past. Section 16-4-9.4 was previously written so that it seems that if there is a hot tub, there must be a fence within 3 ft. of the hot tub. This is not how it was meant to read. This change is to clarify either 4 or 6 ft. and states where it should be located. It also states when it is allowed to have temporary fencing.

Williams asked what is meant by, "vinyl will have the appearance of wood". Binckley stated the City is trying to say the style would have to be the same as wood fencing. Williams stated the shine of the material does not fade over time, vinyl is very static and draws dirt like a magnet and it's hard to clean. Binckley stated a couple of examples of the vinyl fencing were pointed out in the staff report. Carper asked if the vinyl fence is meant to have the same mass as the wood fencing. Binckley stated it is meant to have the same style as wood fencing.

Duffendack asked how the setbacks would be applied on corner lots. Binckley stated some diagrams might be added at a later date to the ordinance. The ordinance is written to try to explain how, if there is a home that faces the intersection at an angle and they wanted to add to the home, where it would most affect the streetscape. Duffendack stated diagrams would help to describe what the City is wanting.

**Public hearing: With no one present to speak at the public hearing, a motion to close was made by Henderson and seconded by Williams. Motion to close approved unanimously.**

**A motion to approve was made by Carper and seconded by Pilcher. Motion approved unanimously.**

**CASE 31-03 DERMATOLOGY & SKIN CANCER CENTER – SIGNAGE** Request for approval of a final site plan to approve signage. Located south of 115th Street and east of Roe Avenue.

**Staff presentation:** Presentation by Mark Klein. The applicant is requesting approval for the placement of three wall signs. Signs are proposed to be located on the south, east and west sides of building. This building is located to the south of the Reece Nichols building in the Town Center business park. Staff is supportive of the application, with the exception of the sign on the south elevation. The LDO currently allows two signs per building. The applicant is proposing three signs. The Reece Nichols building has three signs, but it was approved under the old ordinance. The signs for the plastic surgery building to the east were approved under the new LDO and they were approved for two signs, one on the south

and one on the west. Staff chose to remove the south elevation because it has a larger letter size and it's on a single line. The façade of the building is larger, but it fills the entire brick area of that façade.

Henderson asked if this could be grandfathered because the final site plan was approved under the old LDO. Klein stated the applicant proposed signage with the final site plan and was directed by the Commission to work with staff to amend the signage. This is a new application, therefore should be governed by the current LDO.

Conrad asked what the City's position has been on logos. Klein stated the City has not had many logos; staff is supportive of this because it is more of an outline, versus a solid feature.

**Applicant presentation:** Presentation by Pat Murray of KC Sign Express, representing the Dermatology and Skin Cancer Center. Murray's company was asked to take a look at this project and determine what would work best for the customer, staying within the City's regulations and staying within the perimeters of the area and what they perceive would fit in. They looked at the size of the building, the square footage, the main traffic flows and readability of the situation. They also took into consideration the other buildings surrounding this building. The east elevation is important because it is essentially the main entry area into the building and because it has very good readability for the westbound traffic on both 115<sup>th</sup> Street and 117<sup>th</sup> Street. The west elevation was important for any traffic moving south on Roe Avenue. The south elevation is the most exposed portion of the building for readability in terms of distance and potential customers. The south elevation is much more important than the east. The lighting is proposed to be much the same manner as Reece Nichols, which is internally illuminated plexiglass letters. Murray conducted a study of the readability of the signs and also took into consideration the square footage. 5% is the usual rule used in this type of building, but he did not feel a need to come close to the 5%. He took the originally proposed signs and scaled them down from the original designs and came up with the proposed signs. The applicant is proposing only one color per building, whereas the Reece Nichols has three colors. The applicant would prefer to have three signs, but if they were only allowed two signs, would prefer to get rid of the east elevation sign rather than the south elevation.

Munson asked if this facility would gain customers through referrals from other doctors, or if there would be walk-in customers. Murray stated he did not know. The owner of the building would be better able to answer that question.

Murray stated the owner would like to keep the sign illuminated for longer than the hours stipulated by staff.

Klein stated the stipulations regarding the illumination time limit and the complaints from neighbors were required of the Reece Nichols buildings. The original sign that was proposed was halo-lit and the neighbors were not opposed to that, however it is now internally illuminated which is more typical and what the Reece Nichols building has. Staff has concerns with not having a sign on the east elevation. This building is addressed off of Granada; it would be hard to locate this building without a sign on that elevation.

**A motion to extend the meeting for 15 more minutes was made by Carper and seconded by Conrad. Motion approved unanimously.**

Carper asked what is planned for the property to the south of this building. Binckley stated there would be a two-story building. Carper asked where else this logo-type presentation has been allowed in Leawood. Binckley stated at the Merrill-Lynch building, but it's on the monument sign, not on the building. Carper is concerned with setting a precedent.

Williams asked why the sign would need to be visible from Town Center. Murray stated it is the most visible side of the building, with the most traffic.

Presentation by Megan Dudeck, the architect for this project. The design on the sign is not a direct interpretation of the doctor's logo, it's a half-interpretation of the logo. The facility will provide cosmetic surgery and a spa, so it is a place where visitors could come on their own, without referral from a physician.

Munson asked staff's opinion about having the signs on just the south and the west side. Klein stated the proportion of the sign on the south would need to be reduced. Murray stated the sign on the south façade needs to be that size in order for it to be readable from the distance it is intended. Henderson asked if the south façade sign exceeds the 5% allowed. Klein stated all three signs are well below the 5% allowed.

Pilcher has a problem with three signs, but does not have a problem with the south façade sign. He would like to give the applicant the option as to which sign to remove.

**Conrad made a motion to approve with the stipulations made by staff with an additional stipulation to remove the half face design from the signage. Carper seconded.**

**An amendment was offered from Henderson to change stipulation number one to read, "The building will be limited to two signs located on the south and west sides of the building." Conrad approved the amendment. Carper seconded the amendment. Amendment passed unanimously.**

**Motion to approve passed unanimously.**

**Meeting adjourned.**

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J. Paul Duffendack, Chair