

City of Leawood
Planning Commission Meeting
June 23, 2015
Dinner Session – 5:30 p.m. - No Discussion of Items
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: Hoyt, Walden, Levitan, Pateidl, Williams, Strauss, Ramsey and Coleman.
Absent: Elkins

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Ramsey; seconded by Pateidl. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

APPROVAL OF MINUTES: Approval of the minutes from the May 26, 2015 Planning Commission meeting and the June 9, 2015 Planning Commission work session.

Comm. Coleman: On Page 8, the word “realtors” should be “retailers.”

A motion to approve the minutes from the May 26, 2015 Planning Commission meeting and the June 9, 2015 Planning Commission work session as amended was made by Ramsey; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

CONTINUED TO JULY 28, 2015:

CASE 138-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6, SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to window signs. **PUBLIC HEARING**

CASE 61-15 – THE GLYN OF LEAWOOD - Request for approval of a Rezoning, Preliminary Plan, and Preliminary Plat, located north of 151st Street and east of Mission Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 42-15 – U.S. TOY COMPANY – PAINTING OF FAÇADE – Request for approval of a Revised Final Plan, located at 2008 W. 103rd Terrace.

CASE 63-15 – CURÉ OF ARS – FENCE – Request for approval of a Final Plan, located north of 95th Street and east of Mission Road.

A motion to approve the Consent Agenda was made by Ramsey; seconded by Pateidl. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

NEW BUSINESS:

CASE 59-15 - PARKWAY PLAZA – CHABAD – THE SHUL OF LEAWOOD – Request for approval of a Special Use Permit for a place of worship, located north of 135th Street and west of Briar Drive. **PUBLIC HEARING**

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 59-15 – Parkway Plaza – the Shul Chabad of Leawood, located north of 135th Street and west of Briar Drive. The applicant is requesting a Special Use Permit to locate a place of worship within the Parkway Plaza development. This use is permitted within an MX-D [Mixed Use] district with the issuance of a Special Use Permit. The Shul is located in the westernmost building of the development in a 2,000 sq. ft. space. It will have 100 seats. No exterior changes are proposed with the application. Staff is recommending approval with the stipulations stated in the Staff Report. I'd be happy to answer any questions.

Chairman Williams: Any questions of staff? We'll hear from the applicant.

Applicant Presentation:

Rabbi Wineberg made the following comments:

Rabbi Wineberg: We have no real comments. The Shul is just one part of it. We are a Jewish educational institute. We have services on the Sabbath. Generally speaking, we have 30-35 people with a maximum of 100 people 1-2 times a year.

Chairman Williams: Are you in agreement with the stipulations?

Rabbi Wineberg: Yes.

Chairman Williams: Are there any questions of the applicant? Thank you. 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 Pateidl; seconded by Ramsey. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

A motion to recommend approval of CASE 59-15 - PARKWAY PLAZA – CHABAD – THE SHUL OF LEAWOOD – Request for approval of a Special Use Permit for a place of worship, located north of 135th Street and west of Briar Drive – with staff stipulations – was made by Ramsey; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

CASE 62-15 – TOWN CENTER CROSSING – LL BEAN - Request for approval of a Final Plan for a Tenant Finish and Revised Design Guidelines, located east of Roe Avenue and south of 119th Street.

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 62-15 – Town Center Crossing – LL Bean, located east of Roe Avenue and south of 119th Street. The applicant is requesting approval of a Final Plan for a Tenant Finish within the Town

Center Crossing development as well as updated Design Guidelines, allowing cedar wood painted to tenant specifications. The LL Bean tenant space is located toward the east end of the main center within the Town Center Crossing development, taking the place of Charming Charlie. The bottom half of the tenant space is covered with porcelain tile, which will remain, as well as a wood porcelain plank tile on the top half. Surrounding the main entrance will be treated cedar painted to a forest green. It will extend 25 feet in height. Above the painted cedar of the main entrance will be a series of 7 frosted glass windows. A prefinished metal canopy will extend the width of the storefront in a dark bronze to match the existing storefront system. The canopy will extend 4 feet from the façade. Paddle-shaped wood handles will be used for the doors at the main entrance. Staff is recommending approval of Case 62-15, and I would be happy to answer any questions.

Chairman Williams: Any questions for staff? We'll hear from the applicant then.

Applicant Presentation:

William Tomala, Cuhachi and Peterson Architects and Engineers, 1925 Prospect Avenue, Orlando, Florida, appeared before the Planning Commission and made the following comments:

Mr. Tomala: I want to say that we worked with staff, and we enjoyed the process. Thank you. We agree with the stipulations.

Chairman Williams: Thank you. Any questions for the applicant? Comments or discussion?

A motion to recommend approval of CASE 62-15 – TOWN CENTER CROSSING – LL BEAN - Request for approval of a Final Plan for a Tenant Finish and Revised Design Guidelines, located east of Roe Avenue and south of 119th Street – with staff stipulations – was made by Ramsey; seconded by Levitan. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

CASE 74-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-12, WIRELESS COMMUNICATION TOWERS AND ANTENNAE – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 74-15 – Leawood Development Ordinance Amendment to Section 16-4-12 – Wireless Communication Towers and Antennae. This is in response to a new federal law that was passed that defines some applications for wireless communication to be not a substantial change to the base structure on which it is located. Part of that regulation requires that cities approve the application within 60 days. Currently, all wireless applications in Leawood have to go through a Special Use Permit process that is lengthier than 60 days. The proposed amendment intends to allow the case to bypass the Planning Commission and go directly to the Governing Body in order to meet the federal law. A second part of the amendment is to make an exemption for wireless facilities associated with public safety. Staff is recommending approval of the amendment, and I'll be happy to answer any questions.

Chairman Williams: This applies to existing installation?

Mr. Klein: That is correct. It has to be an existing base structure, and it will be either co-location or removal of equipment. If it is co-location, it cannot be more than a substantial change.

Chairman Williams: Even though there is a lot of additional information going into the LDO from the Planning Commission perspective, the items that are highlighted are the ones that affect what would have been the Planning Commission's approval process.

Mr. Klein: That is correct.

Comm. Walden: Does this also include a denial of the application?

Mr. Klein: Staff would have to review the application as it normally would. Federal law states that cities have 60 days to approve, but it can be reviewed in that time frame. If it falls within the standards, the city will have to approve the application.

Chairman Williams: If it falls within the guidelines established by federal law, it can't be denied.

Mr. Klein: Correct.

Chairman Williams: If there is something additional on their application that would open the door for review by staff or City Council, it could potentially be denied.

Mr. Klein: That is correct. The application must state that it is being filed under this section. Staff will determine whether or not it falls within the section of the ordinance. If it is deemed to not fall within it, the case would go through the Special Use Permit process.

Chairman Williams: In a situation of change of ownership, is it still a 60-day process, or will it come through the SUP change?

Mr. Klein: It is not a Special Use Permit. The Special Use Permits are tied to ownership. Since it will not have the Special Use Permit associated with it, it would not come back before this body because it would not be a substantial change.

Comm. Walden: Under "Application and Review," Point B4 states that 30 days within filing the application, the city makes a determination. Is that time frame set by federal law?

Mr. Klein: It is.

Comm. Pateidl: You mentioned that Governing Body has 60 days, so essentially, we are bypassing the Planning Commission and putting the burden of evaluation and approval on the Governing Body in order to facilitate and expedite the process.

Mr. Klein: Correct.

Comm. Pateidl: To be very clear, it is strictly for public safety, but the question of ownership came up. Is there a definition of public safety? Is this strictly something where the City of Leawood or responding medical or fire authorities would have the ownership of the wireless system, or are others leasing it? I wonder how broad this is as it relates to the burden this will put on the Governing Body long term.

Mr. Klein: For the portion that is related to public safety that exempts those wireless communication facilities associated with public safety, those are only on public property owned by the city. We would have control over those. 911 service would be the primary use.

Comm. Pateidl: I didn't see a schedule of what was considered to be the scope of changes in our papers, so there is a lot of judgment, and that bothers me to some extent. I would like a clear definition of when this really applies to applications. It will put a burden on the planning department, and I think it should be clear.

Chairman Williams: Any other questions or 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 Pateidl; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

A motion to recommend approval of CASE 74-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-12, WIRELESS COMMUNICATION TOWERS AND ANTENNAE – Request for approval of an amendment to the Leawood Development Ordinance – was made by Ramsey; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

CASE 51-15 - 2015 ANNUAL UPDATE TO THE CITY OF LEAWOOD COMPREHENSIVE PLAN – Request for approval of the 2015 Comprehensive Plan. **PUBLIC HEARING**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 51-15- Annual Update to the City of Leawood Comprehensive Plan. This update is proposed to incorporate the following:

- Inclusion of Self-Propelled Leawood, a bicycle and pedestrian master plan which was approved by the Governing Body in October, 2014
- Employment by Occupation information to be updated to reflect the most current information provided by the US Census Bureau
- Updates to the land area within Central and South Leawood to reflect recent rezoning cases
- Updates to the names of Governing Body and Planning Commission members
- Adjustments to the Land Use Map to be reflect current uses, including the Leawood Dog Park to change from Mixed Use to Public Open Space and a portion of Mission Heights at the northeast corner of 151st and Mission Road to change from Medium Density Residential to Low Density Residential

Staff is recommending approval of the Annual Update to the Comprehensive Plan, and I'm happy to answer any questions you might have.

Chairman Williams: Any questions for staff?

Comm. Walden: On Page 5 under "Appendix" item B should be Page 83.

Ms. Kriks: Since we've updated one of the figures with the Employment by Occupation, it throws it out of alignment. When we correct it, the pages will be back in the correct order and it will be on Page 81.

Chairman Williams: Any other questions? 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 Pateidl; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

A motion to recommend approval of CASE 51-15 - 2015 ANNUAL UPDATE TO THE CITY OF LEAWOOD COMPREHENSIVE PLAN – Request for approval of the 2015 Comprehensive Plan – was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hoyt, Walden, Levitan, Pateidl, Strauss, Ramsey and Coleman.

MEETING ADJOURNED