

**City of Leawood
Planning Commission Agenda
July 22, 2014
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: Levitan, Pateidl, Roberson, Williams, Elkins, Strauss, and Walden. Absent: Jackson and Ramsey

APPROVAL OF THE AGENDA: CASE 86-14 has been removed from the agenda

A motion to approve the amended agenda was made by Elkins; seconded by Roberson. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

APPROVAL OF MINUTES:

Approval of the minutes from the June 24, 2014 Planning Commission meeting

A motion to approve the minutes from the June 24, 2014 Planning Commission meeting was made by Roberson; seconded by Strauss. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

CONTINUED TO AUGUST 12, 2014

CASE 73-14 – LEAWOOD SOUTH MONOPINE ANTENNAE – Request for approval of a Special Use Permit, located north of Sagamore and west of Pembroke Circle. **PUBLIC HEARING**

CASE 87-14 – TAYLOR RESIDENCE – Request for a rezoning from AG (Agricultural) to RP-1 (Planned Single Family Residential), Preliminary Plan, Preliminary Plat, Final Plan and Final Plat, located north of 141st Street and west of Kenneth Road. **PUBLIC HEARING**

CONTINUED TO AUGUST 26, 2014:

CASE 135-13 – IRONHORSE GOLF COURSE CLUBHOUSE EXPANSION – Request for approval of a Revised Preliminary Plan and Revised Final Plan, located approximately at 146th Street and Mission Road. **PUBLIC HEARING**

CASE 21-14 – CROWN CASTLE CELLULAR TOWER – Request for approval of a one year extension for a Special Use Permit for the continued use of a wireless communication tower and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 22-14 – AT&T MOBILITY CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 23-14 – CRICKET CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 24-14 – CLEARWIRE CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 25-14 – T-MOBILE CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 26-14 – VERIZON WIRELESS CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment , located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 27-14 – SPRINT-NEXTEL CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 76-14 – PARK PLACE – UMB BANK AND WORK/LIVE UNITS – Request for approval of a Final Plat and Final Plan, located north of 117th Street and east of Nall Avenue.

CONSENT AGENDA:

CASE 92-14 – TOWN CENTER CROSSING – PAPER SOURCE – Request for approval of a Final Plan for a Tenant Finish, located south of 119th Street and east of Roe Avenue.

CASE 95-14 – TOWN CENTER PLAZA – SEPHORA – Request for approval of a Final Plan for a Tenant Finish, located north of 119th Street and east of Nall Avenue.

CASE 101-14 – PARK PLACE – RETAIL G-30 – Request for approval of Revised Final Plan for a Tenant Finish, located north of 117th Street and east of Nall Avenue.

A motion to approve the Consent Agenda was made by Elkins; seconded by Roberson. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

NEW BUSINESS:

CASE 98-14 TOWN CENTER PLAZA – MACY’S – SPRINT ANTENNA – Request for approval of a Special Use Permit, located north of 119th Street and east of Nall Avenue. **PUBLIC HEARING**

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 98-14 – Macy’s Wireless Antenna. The applicant is requesting a Special Use Permit for three new wireless antennas on the Macy’s building. The antennas will be installed on existing mounts on the roof of the Macy’s building that currently holds three existing antennas. The new antennas will be 5 feet, 3 inches, while the existing antennas are 6 feet in height. The parapet wall in front of the antennas is 2 ½ feet. To screen the new and existing antennas, the applicant is proposing screening walls that will be 6 feet, 10 inches in height and 10 feet, 9 inches in length. They will also wrap around 4 feet on each side. The screen walls will match the Macy’s façade in texture and color. The purpose of the antennas is to increase the capacity of the Sprint network. Staff is recommending approval of Case 98-14, and I’d be happy to answer any questions.

Chairman Williams: The façade of Macy’s is a masonry construction, so is the screen going to be masonry, or will it just match color?

Mr. Klein: It will match color. I believe the parapet is beige, and it should match.

Applicant Presentation:

Justin Anderson, 9900 W. 119th Street, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Anderson: As staff has mentioned, this is a project for Sprint 2.5. It is a data project, so the new antennas are not necessarily for voice coverage but for all the new technologies that are on everyone's phones. The screen material is a stealth material that allows the RF frequencies to penetrate through it; whereas, they don't penetrate normal masonry. It is a foam core and has a high grade plastic on the inner and outer skins. It is similar to the product used on the Aloft project by Verizon. It can be matched to any color, texture, etc. Currently, there is a beige parapet wall and some brick on the front. Staff and I have agreed that we can work through what the final design needs to look like as far as color and so forth.

Chairman Williams: Thank you very much. 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 Roberson; seconded by Elkins. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

A motion to recommend approval of CASE 98-14 TOWN CENTER PLAZA – MACY'S – SPRINT ANTENNA – Request for approval of a Special Use Permit, located north of 119th Street and east of Nall Avenue – was made by Elkins; seconded by Roberson. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

CASE 99-14 TOMAHAWK POINTE – EURONET PARKING LOT – Request for approval of a Revised Final Plan, located north of College Boulevard and east of Mission Road.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Before I get started, I would like to call attention to the memo placed on the dais regarding this case. It is a revision of stipulations with the removal of a repeat stipulation and a modification to the stipulation regarding construction with a new total of 12 stipulations. May I present Case 99-14 – Request for approval of a Revised Final Plan for Euronet Parking Lot, located within Tomahawk Point at the northwest corner of College Boulevard and Mission Road. Tomahawk Pointe is comprised of two lots, and Euronet is within Lot 2. The zoning classification for Tomahawk Pointe is Planned Office, and the parking ratio for lots located within a Planned Office district is 3.0-4.0 parking spaces for every 1,000 square feet of building or lease space. For Tomahawk Pointe, there is 55,000 square feet of building; therefore, the parking count is calculated to be between 165 and 220 parking spaces for the development, giving it a parking ratio of 3.8 for 209 parking spaces currently existing. The applicant is proposing a net increase of 10 parking spaces, all of which are to be located within Lot 2 of Tomahawk Pointe. This addition will bring the overall parking count to 219 spaces, which is under the maximum parking of 220, therefore reaching a new parking ratio of 3.98. The addition of the 10 parking spaces will also increase pervious surface by 4.7% and reduce open space by 1.1%. Staff recommends approval of Case 99-14 with the stipulations outlined, and I'm happy to answer any questions.

Chairman Williams: Are there any questions for staff? Then we'll hear from the applicant.

Applicant Presentation:

Phil Gibbs, Jr., Continental Consulting Engineers, 9000 State Line Road, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Gibbs: Kathy Waldman is with me today representing the ownership group Paradise Valley. Sean Schembri is here representing Euronet Worldwide, which is an international company headquartered here in Leawood, having a very successful go at business. They have 4,100 people worldwide, and they simply need some more space. They are currently parking on the end caps of islands. We've worked with staff, and we appreciate their help on the stipulations. We stand for questions.

Chairman Williams: Are you good with the 13 staff stipulations?

Mr. Gibbs: Yes, and it is actually 12 stipulations.

Comm. Elkins: How many employees are located at this facility?

Sean Schembri, Euronet, 3500 College Boulevard, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Schembri: We have about 110-115 employees. We have auditors in throughout the year as well as various contractors, so that could increase to 120 at any one time.

Comm. Levitan: Mark, how was this building approved at 3.8? Wasn't code 4.0?

Mr. Klein: Actually, it is a range from 3.0 to 4.0, and they fell within that range.

Comm. Strauss: I drive by this 3-4 times a week, and I see the cars parked at the end caps. I have always thought there was a need for additional parking.

A motion to recommend approval of CASE 99-14 TOMAHAWK POINTE – EURONET PARKING LOT – Request for approval of a Revised Final Plan, located north of College Boulevard and east of Mission Road – with 12 staff stipulations – was made by Elkins; seconded by Roberson. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

CASE 109-14 LEAWOOD DEVELOPMENT ORDINANCE TO SECTION 16-4-12, WIRELESS COMMUNICATION TOWERS AND ANTENNAE – Request for approval of an amendment to the Leawood Development Ordinance pertaining to WIFI.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 109-14, and it is also related to case 110-14 as well. Currently, the Leawood Development Ordinance doesn't specifically address WiFi, and it has become very popular in a number of areas, including public and private. The ordinance is an attempt to address WiFi and is broken into two components. One is if it meets certain criteria, it could be approved administratively. Those criteria would be that it would have to be attached to the wall, have the same color of the wall, have no exposed wiring, have a limitation of 1 cubic feet, no more than 1.5 square feet and no more than 1 foot from the façade. If it did not meet those requirements, it would come before the Planning Commission as a Final Site Plan. Some of these have a pole mounted off the top of a building. I have talked with one of the providers to see if what we are proposing is feasible, and they thought they could do the design that would be approved

administratively. The other application is with regard to a definition for WiFi, which will read, "A local wireless network based on Institute of Electrical and Electronic Engineering 802.11 Network Standards to transmit and receive data over distances of a few hundred feet for connecting computers and other electronic devices to each other and to the Internet." Staff is recommending approval of both of these applications, and I'll be happy to answer any questions.

Comm. Elkins: Are there circumstances in a commercial context when somebody would provide WiFi but do it from a WiFi antenna internal to the building? As I read this, it doesn't seem to contemplate this. Does this proposed amendment to our LDO address the question of a WiFi antenna mounted exterior to the building?

Mr. Klein: We state that this will only apply to those exterior to the buildings because it is very common to have WiFi inside the building, and we did not want to get into regulating that. It is addressed in the beginning of the new Section 16-4-12.5 – WiFi Antenna Systems. It states, "WiFi antenna systems outside of a building shall only be installed as follows . . ."

Comm. Elkins: Thank you very much.

Chairman Williams: Even if the WiFi unit is generally concealed from public view, does this still apply?

Mr. Klein: We wrote it this way to encourage the WiFi providers to have it blend with the architecture of the building as much as possible, and since there are so many design variations that would not meet these requirements, the opportunity to get before the Planning Commission and City Council would still be an option.

Mr. Levitan: How did you come up with these dimensions?

Mr. Coleman: They are based on a popular infrastructure for WiFi.

Mr. Klein: We left a little flexibility in there, and then I also talked to one of the WiFi installers, who indicated no issue with it.

Chairman Williams: Are there other questions? This case does require a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Elkins. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

A motion to recommend approval of CASE 109-14 LEAWOOD DEVELOPMENT ORDINANCE TO SECTION 16-4-12, WIRELESS COMMUNICATION TOWERS AND ANTENNAE – Request for approval of an amendment to the Leawood Development Ordinance pertaining to WIFI – was made by Elkins; seconded by Strauss. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

CASE 110 -14 LEAWOOD DEVELOPMENT ORDINANCE TO ARTICLE 9, DEFINITIONS, - Request for approval of an amendment to the Leawood Development Ordinance pertaining to WIFI.

Chairman Williams: We've had the Staff Report. This case also requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Elkins. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

A motion to recommend approval of CASE 110 -14 LEAWOOD DEVELOPMENT ORDINANCE TO ARTICLE 9, DEFINITIONS, - Request for approval of an amendment to the Leawood Development Ordinance pertaining to WIFI – was made by Elkins; seconded by Roberson. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss and Walden.

MEETING ADJOURNED