

City of Leawood Planning Commission Minutes

November 26, 2002
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AGENDA: Case 84-02 Plaza Pointe, Lot 3 – Sign has been continued to the January 28th Planning Commission meeting. **A motion to approve the revised agenda was made by Carper and seconded by Brain. Motion approved unanimously.**

APPROVAL OF THE MINUTES: A motion to approve the minutes from the October 22, 2002 meeting was made by Carper and seconded by Brain. Motion approved unanimously. A motion to approve the minutes from the October 29, 2002 meeting was made by Brain and seconded by Carper. Motion approved unanimously.

OLD BUSINESS:

CASE 84-02 TOWN CENTER PLAZA – LOT 10 REDEVELOPMENT Request for approval of a final site plan. Located at 117th and Nall Avenue within the Town Center Plaza development.

Staff Presentation: Presentation by Jeff Joseph. The applicant is Jeff Dozier. The applicant is requesting approval of a final site plan, which will allow them to change the building elevations and signage within lot 10 of the Town Center Plaza development. This property is located at the southeast corner of 117th Street and Nall Avenue. The applicant is proposing to remodel the existing Jacobson's building. The first floor will be retail space and the second floor will be office space. This case was heard at the October 29th Planning Commission meeting and at that time the Commission asked the applicant to make changes to the west elevation. The applicant has submitted revised plan, accordingly. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Pilcher and Breneman arrived.

Applicant Presentation: Presentation by Henry Klover of Klover Architects. The exit stairs have been relocated from the corners of the buildings. The service areas will be in the interior. The intent is to leave the west entry in order to allow a potential office entry for the second floor office use. Klover described the elevations. The applicant has now taken the element from the south elevation and brought it around to the west elevation.

Klover stated a new stipulation has been added from Staff stating this case must go to the Governing Body for approval after the Planning Commission approves. Klover then asked if the City's legal counsel would comment if that should be a requirement, since this case was applied for and seen before the new ordinance goes into effect.

Wetzler responded all final applications must be seen by the Governing Body.

Duffendack stated he likes the changes made to the west elevation since it was last shown to the Planning Commission. He then asked if the applicant is planning any changes to the HVAC system. Klover stated the intent is to use the existing system. The applicant might have to add some condensers on the roof. Duffendack asked the height of the parapet wall. Klover responded the wall is low around the parameter. All of the HVAC units are in the middle, behind the towers. Any additions would be within that area.

Carper asked if the reason the stipulation in question wasn't included in the original stipulations is because it was an oversight. Binckley stated there is a new requirement for all final site plans to go before the Governing Body. The City

Administrator requested that we include this stipulation for this case in order for it to go before the Governing Body on the following Monday. Carper stated he likes the changes to the west elevation.

A motion to approve was made by Carper and seconded by Rohlf. Motion approved 5-2, Brain and Munson opposed.

NEW BUSINESS:

CASE 78-02 MISSION FARMS Request for approval of a preliminary site plan and preliminary plat. Located at approximately 105th Street and Mission Road.

Staff Presentation: Presentation by Mark Klein. This property is located at approximately 105th Street and Mission Road. The applicant appeared before the Planning Commission at the November 12th work session. This is the third modification to the preliminary plan. The others were approved, and this is a modification to that plan. The plan consists of 108,200 sq. ft. of retail, 100,000 sq. ft. of office, 52,800 sq. ft. of residential town homes and 110,000 sq. ft. of residential above retail. The applicant has added some residential town homes near the mixed-use building. The applicant is also adding more residential units over the retail on the north side. Buildings A, B and the north half of C with contain residential units above retail. An additional 10 ft. of right-of-way is needed along Mission Road. Because of this, the applicant could probably shift the buildings about 6 ft. to the east, which would be closer to the Leawood Estates subdivision. Another issue is a tract of land along the clubhouse that is zoned RP-A; some of the setbacks can't be met by the current plan. The applicant would come back with another plan for that piece. This plan also doesn't meet the 40 ft. setback requirement from the clubhouse. The four town homes to the east and the three town homes to the south are in a split zoning, so they would need to come back for a rezoning for that property. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Breneman asked what was originally proposed for the area where the town homes are now proposed. Klein stated mostly parking.

Duffendack asked what Staff stipulation refers to the rezoning issue. Klein responded number 1 reduces the sq. ft. allowed for the development and it is also referred to in the Staff comments. Everything that the Commission would approve at this meeting would comply with current regulations; the applicant has agreed to come back for the one piece that does not comply.

Munson asked which tract of land is in question. Klein described it on the site plan. Munson asked if there would be an easier way to get this approved. Klein stated there is not an easier way in order to take the application forward at this time.

Rohlf asked for Staff to explain the deeded 6.3 acres of land to the south. Klein stated the applicant donated 6.3 acres of land to the City, which then allowed a transfer of density to that piece of property.

Munson asked what the parking requirement is for this area. Klein stated the parking towards the north with serve the commercial. The applicant is proposing subterranean parking underneath buildings A, D and the north half of C. There would be 126 spaces. Munson asked if something could be done to the parking to north in order to allow a more substantial landscaping on the strip of land to the south of the access road. Klein stated the project is a little below the 5 per 1000 required. They are showing a future structured parking area for about 200 spaces, if needed. Munson asked if the new ordinance is considering a new requirement of less than the 5 per 1000. Klein stated, yes.

Conrad asked if there are 5 or 6 buildings in the mix-use area. Klein stated there are 5. Conrad asked if there is a pool in the clubhouse. Klein stated, yes, but the pool and the clubhouse have already been constructed.

Applicant Presentation: David Rezac with CDFM2 architects, joined with Doug Weltner, representing the owner, Saddle Properties Inc. CDFM2 was brought into this project a few months ago to look at the parking scenarios and the density in relation to the buildings. The original residential scheme has apartment buildings. CDFM2 saw the sightline could be enhanced, took the master plan and created a stronger design. The town homes to the north added another residential component to the master plan. Have met with the Planning Commission during a work session and have met with Staff on several occasions and believe the requested accommodations have been made. Rezac described

the elevations. The style of the buildings is European equestrian. The intent with the 5 building scheme is to have each building broken up to a series of buildings within each structure.

Munson asked about the rooflines. Rezac stated each of the roofs would have a mansard condition that would act as a screen to the roof-top equipment.

Duffendack asked what materials would be used. Rezac stated field stones, masonry, brick, lap siding, alternating a lot of those materials. The roof would be shingles or slate. Duffendack asked if it would be horizontal wood siding. Rezac responded, yes.

Conrad asked the pool elevation. Binckley responded about 850. Conrad was concerned about the depth of the water standing and then asked what kind of treatment would be used around the perimeter of the residential portion. Rezac stated it would be more of a natural sloping grade. Conrad asked how the gated town homes fit into the idea of new urbanism and pedestrian connectivity. Rezac stated there is a gate at the private drive on the north and the south, but there is not a fence or gate that goes all the way around. The gate at the drive is more of a deterrent to the commercial customer. Klein stated that was one of the concerns that were brought up at the work session; the Commission didn't like the idea of the gates because it made it feel like a separate development.

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

Munson stated he likes the architecture of the development.

A motion to approve was made by Brain, with the correction of "5 buildings" in stipulation number 1, and seconded by Carper.

Conrad asked the motion maker to add a stipulation to state the gate shall not be included in the project. Brain stated he is anticipating the applicant would change the gates before they come back for final application. Carper asked if that could be decided at final application. Binckley stated if the only issue is to have the gate or not, then it can be decided at final application. Binckley added if the issue is the setback requirement or the design of the drive that would need to be decided now. Conrad stated his issue with the public street portion would be the right-of-way, which would change the relationship of the roads to the properties. He would entertain deviations for that as opposed to changing the design completely. It comes down to the public access and the gating, which is Conrad's opposition. Binckley responded the Commission does not have the ability to grant the deviations. The rest of the drives are private, but the public uses them. Duffendack agreed with Conrad that the commercial development should be more of a community-based project south of the single family. Any sort of barrier to the streets goes against that policy. Conrad withdrew his request for an amendment to the stipulations.

Motion approved 6-1. Conrad in opposition.

CASE 88-02 8700 BUILDING – MONUMENT SIGN Request for approval of a final site plan. Located at 8700 State Line Road.

Staff Presentation: Presentation by Jeff Joseph. The applicant is Michael Lanning. The applicant is requesting approval of a final site plan to replace an existing monument sign. The existing sign is located at 8700 State Line Road. The applicant is proposing a 46.4 sq. ft. monument sign that reads, "Leawood Office Building 8700 State Line". Staff is recommending approval of this case with the stipulations stated in the Staff report.

Applicant Presentation: Applicant was not present to speak.

Breneman asked why Staff stated they are "primarily" in favor of the sign. Joseph responded the materials and the size meet the requirements of the ordinance. Carper asked if it is a box sign. Joseph responded it is rectangular and the letters are mounted onto the wall.

A motion to continue case 88-02 until the end of the agenda was made by Brain and seconded by Carper. Motion approved unanimously.

CASE 89-02 ST. MICHAEL THE ARCHANGEL EDUCATIONAL CENTER Request for approval of a final site plan. Located at 14201 Nall Avenue.

Conrad recused himself.

Staff Presentation: Presentation by Mark Klein. The applicant is requesting approval of a revised final site plan to allow for the addition of a rooftop screening wall to the southwest corner of the St. Michael Education Center. There is a memo provided at the dais regarding a temporary drive the applicant would like to add to connect the north and south parking lots. At this time, phase 1, has received final approval and is currently under construction, and the applicant would like to connect those two drives with a temporary drive until the worship center is completed. At that time, the permanent drive will be installed. The applicant has indicated that would be a period of about 2-3 years. Staff is recommending approval of this case with the additional stipulations stated in the memo provided at this meeting. Staff has concerns with the color of the material. The applicant is requesting a painted, tan-colored metal. Staff is concerned it might not look the same. Staff is recommending a stucco finish on the screen wall.

Duffendack asked how they would be able to provide a stucco finish on a metal wall. Klein responded it is a product that is being currently produced with metal on the backside and stucco look on the front.

Breneman asked if there are problems with wear on an application like this. Klein showed the Commission an example of the material suggested by Staff. Duffendack stated it is a material that has been commonly used for years; he just misunderstood what Klein was describing.

Applicant Presentation: Presentation by Dave Livingood with GLPM Architects. The screen walls are on the east side of the main building. From the south side of 143rd St. the mechanical equipment may be visible, and then there becomes a natural filter with the landscaping. Another factor is the screen wall is 300 ft. away from 143rd Street. Since the screen is so far away from the public way, the angle of reflection will not be in the public way. The embossed metal, rather than a smooth panel, has a finish on the material as a high performance coating with a 15-year life warranty, but the manufacturer has stated we can expect a 30-year life from the product. Livingood showed a photograph of the painted metal, smooth, not the embossed, facing south on the upper level. There are pre-manufactured panels, but he has not seen the material proposed by Staff in pre-manufactured panels.

Breneman asked if the embossed metal would be the same finish of what is shown. Livingood responded the embossed finish is more crinkled and reduces the glare. Breneman asked if Staff is in approval of the embossed metal. Klein stated the embossed metal still seems too smooth.

Livingood described the temporary drive. There is a parking lot to the north and one to the south. The educational center is in the center, on the west side. The future church will be directly east of the educational center. The applicant would like to add a drive to the east for more internal site circulation.

Duffendack asked if the Commission has approved this type of temporary road in the past. Binckley stated it has been approved with the Church of the Resurrection. Duffendack asked if it would be gravel. Livingood responded it would be a gravel base-coat with asphalt. Duffendack asked if it would withstand a fire truck. Livingood stated, yes, he believes that is one of the requirements.

Pilcher asked if this type of drive would cause any drainage issues. David Ley responded Public Works Staff required a swale to be constructed on the west side. The site slopes from west to east, so the swale will catch all of the water and funnel it to a detention area.

Carper asked what is contiguous to this property where the temporary road will be. Binckley stated this road would be about 2/3rds of the way to the east of their entire property. They own the property east of this location. Going farther to the east there are single-family 10-acre lots. Carper asked the approximate distance from this road to the nearest subdivision. Binckley responded around three to four hundred feet.

Duffendack asked the distance from when the screen first becomes visible to the screen wall. Livingood stated from the south, about 150 feet. Duffendack stated the material would not be detectable from that distance. Duffendack then asked why this is being brought up now. Livingood responded the screen walls were overlooked in the final submittal. Duffendack asked the applicant to ensure the wall doesn't look like it's added on; it should look like it was always intended to be there.

A motion to approve, without the added stipulations from Staff's memo, was made by Carper and seconded by Rohlf.

Motion approved unanimously.

CASE 90-02 ASSOCIATED PLASTIC SURGEONS Request for approval of a preliminary site plan. Located at 115th Street and Granada.

Staff Presentation: Presentation by Mark Klein. The applicant is requesting approval of a preliminary site plan and final plat for the construction of a two-story, 10,000 sq. ft. medical office building. The FAR of the project is .21. The building is proposed to be situated towards the north end of the lot, with the drive coming in on the south end. The applicant is proposing a medical office building that has a series of a pitched pavilion-type features in the middle, created primarily of brick, cast stone, and insulated glass. The applicant is proposing to have the parking located on the south side of the building with a sidewalk that connects the perimeter sidewalks. The canopy will be somewhat translucent, similar to the one in Leawood Commons. There are a number of deviations requested with this application. The building was originally shown to the south. This actually pushed the parking up to the north. In addition, the lot is kind of boxy, then flairs out on the west side, and doesn't follow the bend of the street. Staff agrees with the applicant in that the building to the north provides a better presence to the public point of view, the building in the north-south direction provides less of a profile. Most of the north building isn't directly in front of one of the condominiums. The applicant is requesting a 34 ft. build line along the east property line. The LDO allows this building setback to be reduced to 85% and the 34 ft. meets that. The applicant is requesting a 26.5 building setback on the east side. The LDO allows you to reduce by 25%, there is a 35 ft. build line that was platted with the property. The applicant is also requesting a 19 ft. parking setback along the west side of the property. The normal is 25 ft. and the LDO allows you to reduce by 25%. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Applicant Presentation: Presentation by Chuck Peters of Peters and Associates. There is quite a bit of a fall-off from the intersection of 115th and Grandad to the south. The applicant felt this would be a better way to place the building. There will be an illuminated canopy that projects out and would be lit at night. The applicant agrees with all of the stipulations in the Staff report.

Rohlf asked how tall the stone retaining wall is. Peters stated it varies anywhere from 1ft. to 5 ft.

Conrad asked if there are any plans for the property south of that. Klein stated there are no applications on file. Conrad stated west of Granada, there seems to be a stair stepping of buildings and parking lots, the elevation of this lot has been raised and he is concerned how that would affect the lot to the south. Peters stated they would be looking for a 10 ft. grading easement. Conrad asked if the use of the building requires the 5 per 1000 parking spaces. Peters responded he has recommended to his client 4-5 per 1000, it is appropriate for this use.

Duffendack asked if the buildings to the west, across Granada, have similar setback requirements. Peters responded he did not know. Binckley stated the Reece & Nichols building has a 40 ft. setback on the north and west sides.

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

Brain stated he believes it is a high quality, small building.

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

CASE 91-02 UPTOWN DINER REMODEL Request for approval of a final site plan. Located at 4800 W. 119th Street.

Staff Presentation: Presentation by Jeff Joseph. The applicant is Ed Nelson with Leawood Hopps. The applicant is requesting a final site plan to remodel the existing Uptown Diner building. This building is located on the south side of Town Center Plaza. The applicant is proposing to remove the existing clock tower and signage. The color of the building will be changed to colonial tan. A patio will be constructed on the south side of the building. A 3 ft. tall wrought iron fence is proposed for around the patio. A new screen wall with a metal gate is proposed to screen the existing trash enclosure. The applicant has not decided on a name for the building yet. The signage will change accordingly, but the style and size will remain the same as shown on the drawings.

Applicant Presentation: Presentation by John Kyger, of Foss Seligson & Lafferty. The Uptown Diner will be significantly changed to bring it into the look of the surrounding buildings. The entry will be modified to take away the 50's diner look. There is an exterior patio proposed that will have a black wrought iron fence around it. The major changes will be the color and toning down of the building. The applicant is opposed to stipulation #5, "all landscaped areas shall be irrigated", and would like to have that stipulation waived.

Duffendack stated it looks like the applicant is only changing two sides, instead of all four. Kyger responded the entire building would be colored the same; the two most visible sides will be changed. Everything that is seen there today will be significantly changed. Duffendack feels that all four sides should be treated. Kyger stated he believes the north sides are treated the same as the rest, the mechanical screening will be painted to match the rest of the building. It should not be out of character with the building.

Carper stated it is not the Commission's decision to look at the applicant's financial situation. The Commission has addressed this same type of issue with Lot 10 of Town Center Plaza. He agrees with Duffendack that all four sides need to be addressed.

Duffendack stated the style of the building is not necessarily consistent throughout. Brain stated he has a hard time visualizing what this will look like. Klein provided the Commission with a drawing of the colored elevations.

Breneman reiterated the concerns of the Commission. She would like to see a more detailed rendition of what it will look like and feels the building is not completed on all four sides. Kyger stated any changes to this building would be in Leawood's best interest. If this design is not approved, the applicant will make changes to the interior, and keep the exterior the way it is currently.

Ed Nelson, CEO of Hopps, Inc., stated the applicant has addressed Staff's comments and concerns. The business is closed because the applicant was expecting to get approved at this meeting in order to work on a time table to open again as soon as possible. Nelson asked what the time frame would be if this case gets continued to a work session. Duffendack stated the Commission does not have a meeting in December, so it would delay it until January. Brain stated he agrees with Carper, the financial situation is not relevant to the Commission. Brain suggested the applicant going forward with the interior remodel, with the hopes of getting approved for the external changes in January. Duffendack asked what the theme inside would be. Nelson responded there would be new furniture, paint, new half walls, repairs of existing things, but no structural changes.

Brain suggested a continuance to have the applicant come back to the work session in January. Would like the applicant and Staff to meet before then in order to help the applicant open their business sooner.

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

CASE 93-02 LEAWOOD PINES Request for approval of a preliminary plat. Located at 103rd Street and Lee Boulevard.

Staff Presentation: Presentation by Jeff Joseph. The applicant is Reed Hickock. The applicant is requesting approval of a preliminary plat. The proposed subdivision consists of 4 lots on 3.49 acres. This property is located north of 103rd Street and west of Lee Blvd. This property is currently zoned as R-1. There is an existing house on lot

4, so only the other three will be developed. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Applicant Presentation: Rick Lincoln with UHL Engineering stated the Staff report and application are presented well.

Conrad asked where the accesses are located. Lincoln stated lots two and three would share an access on the common line. Access for lot one will be as far north on Lee Blvd. as possible. There is no access to 103rd Street. Conrad asked if Public Works had any comments. Joseph said it is addressed in stipulation number 7.

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

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

A motion to continue case 88-02 was made by Brain and seconded by Breneman. Motion to continue approved unanimously.

MEETING ADJOURNED

J. Paul Duffendack

Chairman