**PLANNING COMMISSION MINUTES**

January 5, 2016

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, January 5, 2016 in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 pm with the following members present: James Breneman, Melissa Brown, Patrick Lenahan, Jonathan Birkel, Gregory Wolf and Jeffrey Valentino.

The following persons were present in their advisory capacity to the Planning Commission: Chris Brewster, City Planning Consultant; PJ Novick, Meadowbrook Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, Building Official and Joyce Hagen Mundy, Commission Secretary.

###### **APPROVAL OF MINUTES**

Gregory Wolf moved for the approval of the minutes of the Planning Commission for December 1, 2015 as submitted. The motion was seconded by James Breneman and passed unanimously.

Chairman Nancy Wallerstein announced a change in the agenda to consider an application related to the earlier Board of Zoning Appeals meeting.

**NON PUBLIC HEARINGS**

**PC2016-103** **Request for Building Elevation Modification**

**7044 Cedar**

Chris Brewster stated that the applicant is proposing to increase the first floor elevation of the new home to be 12” higher than the existing home. Section 19.44.030 of the zoning ordinance requires that all new homes be built at the same or lower elevation, or increase the side setback by 5’ for each additional 6” of elevation. This provision is an attempt to regulate out of scale homes and to prevent grading up of sites to allow larger out-of-scale homes.

He noted the proposed building has more than doubled the required side setback on the south elevation, so it would be fully compliant with Section 19.440030 and the exceptions built into these provisions. However, the south elevation is between 5’ and 7’6” from the side setbacks as approved in the variance request. While it is more than the required 4’ side setback with R-1B it does require an additional exception since the additional setback area is not more than 5’ for each 6” of elevation.

Mr. Brewster noted the proposed building is smaller than would be allowed by zoning (approximately 28’ at its highest point). Additionally, it is reduced in scale closer to the sides where it will relate to adjacent buildings as the building has been reversed. The

front façade of the building includes many single and 1.5 story elements that reduce the scale of this building in relation to the streetscape and surrounding areas.

Therefore, the proposed design more than meets the intent of the building elevation standards in 19.44.030 since it (a) proposes a height significantly below what is allowed by zoning; (b) has additional setbacks on the south side; and (c) uses design elements that break up the massing and reduce the scale of the building.

Depending on where you are on the site, the proposed elevation is 1.5 to 2.5 feet above grade and one foot above the first floor elevation of the current home.

Mrs. Wallerstein confirmed that the current home is on a slab and the proposed home would have a full basement.

Mr. Breneman stated the elevations were not clear on the plan and asked for clarification. Mr. Marten stated the existing elevation is 951.5, the proposed foundation elevation is 962, and the first floor elevation is 963. Mr. Breneman expressed concern with the grade from the garage to the street noting it was more than a 7% slope and questioned if he wanted to raise the house elevation this much. Mr. Marten replied that the first floor elevation for the house is higher than the garage elevation. Mr. Birkel agreed that lowering the requested elevation would result in less of a steep slope for the driveway.

Nancy Wallerstein asked Mr. Brewster if the proposed change was clear, noting the discrepancies stated in the drawings. Mr. Brewster replied that the action being requested from the Commission is the proposed increase from the existing first floor elevation to the proposed first floor elevation. He noted that if the grading figures are not accurate more information may be needed. Mr. Marten replied the figures are correct, but noted the designations in the legend are incorrect. The figures are referencing the first floor elevation and not the foundation elevation. The increase is from 961.5 to 963. Mr. Birkel noted this is 18 inches, not 12 inches as referenced in the staff report.

Chris Brewster clarified that the ordinance allows increases in 6 inch increments up to three feet to be granted by the Planning Commission.

Jeffrey Valentino noted the spirit of the ordinance is the impact on the total height of the new structure and asked if it met the intent of the code. Mr. Brewster replied the application a) proposes a height significantly below what is allowed by zoning; (b) has additional setbacks on the south side; and (c) uses design elements that break up the massing and reduce the scale of the building fully meeting the intent of the regulations.

Jonathan Birkel noted the northeast corner of the property appears to dropoff approximately 30” and with the increased elevation expressed concern with the creation of potential drainage problems for the adjacent property owner. Mr. Martens replied there is no change in grade on the north side and noted that water will be channeled to an underground drain.

Mr. Brewster noted the approval could be conditioned on a drainage study. Mr. Birkel stated there is a 45 degree slope and he would like to see the house dropped a foot and a reduction in the grade for the driveway. Mr. Breneman noted that if the floor elevation was lowered a foot the elevation would still be six inches higher than the existing elevation.

Patrick Lenahan stated he did not feel this could be resolved this evening and that new drawings need to be submitted with clear elevations, clear grades and correct legends in order to determine precisely what is being approved. A clear understanding of the proposed foundation elevation is needed.

Nancy Wallerstein asked if the Commission wanted to request a storm drainage study. Mr. Birkel stated the drainage study is secondary to the grade. Mr. Dringman stated that public works would be reviewing the plans for drainage prior to any permit being issued.

Mr. Birkel moved he would like to see the application continued with the following information resubmitted 1) the proposed elevations in relation to the elevation of the house, the grade from the house on the north and how the grade fits into the driveway.

Chairman Nancy Wallerstein restated the motion to continue this application to the February 2nd meeting of the Planning Commission with the applicant resubmitting a drainage study, revised clear elevations in relation to the elevation of the house with accurate legends and depicting the grade against the house on the north. The motion was seconded by Gregory Wolf and passed 7 to 0.

**PUBLIC HEARINGS**

**PC2016-01 Request for Renewal of Special Use Permit for DayCare**

**5311 West 75th Street**

Chris Brewster advised the Commission that a Special Use Permit is required for day cares operating in residential districts. Little Owly’s Nest for Knowledge currently has a Special Use Permit and operates at 7501 Belinder. As they need to expand, they submitted an application for their new location 5311 West 75th Street. Since this property is commercially zoned and not residential, a Special Use Permit is not required and no action is needed by the Planning Commission.

**PC2016-02 Request for Rezoning from CP-2 (Planned General Business District) to MXD (Mixed Use District)**

**5200 West 94th Terrace**

**PC2016-102 Request for Preliminary Redevelopment Plan Approval**

**5200 West 94th Terrace**

**PC2016-103 Request for Preliminary & Final Plat Approval**

**5200 West 94th Terrace**

Chairman Nancy Wallerstein stated that due to the relatedness of these applications they would be dealt with by the Commission together.

Melissa Brown recused herself due to a professional conflict of interest as she is employed by the applicants’ architectural firm and left the meeting.

Gregory Wolf noted that his law firm represents VanTrust and due to the relatedness of this application to the VanTrust development to the north, he felt it was best to recuse himself as well due to a professional conflict of interest and left the meeting.

PJ Novick noted this property is an approximately 0.71-acre site located at the northeast corner of W. 94th Terrace and Rosewood Drive, east of the intersection of the new street that is proposed to connect to Meadowbrook Park.

The applicant is proposing to reconfigure the parking lot for the existing office building at 5200 West 94th Terrace in response to the planned platting and construction of a public street through his property that will connect Meadowbrook Park to 94th Terrace~~.~~ He is further proposing to construct a 3-story tall, 6-unit residential condominium building, with under-building parking, on the subject 0.71-acre site that will be on the east side of this new roadway. The existing office building at 5200 West 94th Terrace is proposed to be platted as Lot 1 (1.29 acres) and the new condo building on the subject site is proposed to be plated as Lot 2 (0.71 acres). The new street lot is approximately 0.21 acres.

In order to obtain the necessary approvals for this project, the applicant is requesting Lot 2 be rezoned from CP-2 (Planned General Business) to MXD (Mixed Use District) and is further requesting approval of a Preliminary Development Plan for Lot 2 to be added as an addendum to the recently approved Preliminary Development Plan for the adjoining Meadowbrook Park Development. Mr. Novick noted MXD zoning is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts. It further encourages building configurations that create a distinctive and memorable sense of place. This district allows the flexibility to determine the specific zoning regulations and design standards (such as building setbacks, building design, landscaping requirements, and parking standards) as part of the planning and design of the development. A detailed Preliminary Development Plan (site plan) followed by a Final Development Plan is required as part of the MXD zoning with the intent being the zoning regulations for the property are established and defined as part of the review and approval of the Preliminary and Final Development Plans.

The applicant is further requesting approval of a Preliminary Plat and a Final Plat to create these two lots, as well as the lot necessary for the new public street right-of-way. Not included as part of this request, the applicant is seeking administrative approval of a minor modification to the site plan for the existing office building on proposed Lot 1 for the parking lot reconfiguration.

Mr. Mark Ledom, 5200 West 94th Terrace, #105, stated he and his partner purchased this property in 1978 at which time it was the Meadowbrook Racket Club, adding that in 1990 the property was converted to an office building.

Van Trust approached them with the need for a south egress from the park to 95th street through their existing parking lot. They agreed to work with them by seeking to replat their property with the lot on the east side being zoned residential to allow them to construct six high-end condominiums. With the intent to maintain consistency and flow with the Meadowbrook development this submittal is being brought in as an addendum to the Van Trust development.

The building has been designed in a prairie style revival architectural design which will allow it to fit compatibly within the context of the surrounding box-like flat roof office buildings. The building location allows it to serve as both a transitional structure from its commercial neighbors and act as a unique landmark gateway structure that adds to the entry sequence for those approaching Meadowbrook Park from the south.

Mr. Ledom reviewed the proposed parking noting that parking for the proposed condominium will be primarily contained in 15 underground basement parking spaces and 14 surface parking lot spaces.

In order to help accommodate the parking required for the existing office building on proposed Lot 1, they will establish a cross parking easement allowing the office building to use all 14 of the surface parking spaces on Lot 2 should they be needed. This proposed condominium meets the City’s parking requirement and can accommodate guest parking on the surface lot as residential guest parking typically occurs off-peak (evenings and weekends) from the typical weekday peak office parking demand.

In addition to the 14 spaces from Lot 2, the existing office building on Lot 1 is proposed to have 44 parking spaces plus 34 spaces via a cross parking easement from the Van Trust property to the north for a total of 92 spaces. City code required 1 parking space per 300 sq. ft. of gross floor area.

Mr. Ledom noted that their office building is 100% occupied so they did a traffic count themselves to verify the number of parking spaces currently being used. The highest number of cars parked in the lot was 74 with an average daily rate of 60 cars.

Mr. Ledom stated the three story building will have two condominium units on each floor. Exterior building materials for the condominium building identified in the vision book addendum are: brick, stone, stucco, wood siding, wood shakes, and fiber-cement siding or shakes. A brick or stone base is required for every structure. Synthetic stucco, EIFS, thin brick and cultured stone are prohibited. The general exterior layout and basic combinations of exterior materials is further defined for the condominium building as clear stained cedar siding, earth tone stucco, stone panels, granite panels, patina copper-like material, and board formed concrete.

The building design is Frank Lloyd Wright inspired and will serve as a transition between the pitched roofs of the proposed Meadowbrook Park development and the flat roof architecture that currently surrounds the building. The ‘diamond form’ proposed on the south façade of the building represents a yet to be designed building logo. The building name will be CAPELLA, the brightest star in the northeastern sky. The proposed building faces northeast and a representative logo will be mounted on the building (south façade) in the approximate location as shown on the elevations. Each of the units includes an expansive terrace offering outdoor living space and providing a visual connection to the pond just north of the building. Terraces are allowed to extend no closer than three feet to the lot line. The North Elevation showed vestibule towers with the one on the right being 17’ high and 24 feet deep and the one on the left 17 feet high and 26 feet deep. The maximum building height is 45 feet with architectural elements such as chimneys, spires, cupolas, belfries, towers, rooftop decks, elevator housing and roof access stairwell allowed to exceed maximum height by ten feet.

The landscape plan reflects elements of the landscape theme from Meadowbrook Park as well as the more formal courtyards and gardens that will be found in the proposed neighborhoods to the north. A foundation planting wrapping the front and rear of the building will help define a garden-like edge along the base of the structure. On the north side of the building facing the ponds of Meadowbrook Park, the landscape treatment along the foundation is intended to reflect at the ground plane the horizontal lines of the prairie style architecture on the façade. Mr. Ledom noted that this project will provide more green-space than currently exists. The landscape plan along the entrance is designed both to provide screening and noise reduction from the traffic on Rosewood .

Utility Easement and Plat

Doug Ubben, Phelps Engineering, 1270 N. Winchester, Olathe Ks, 66061 presented the Preliminary and Final Plats noted the two separate lots. There is a utility easement for KCP&L in the northeast corner that will be vacated. The Final Plat identifies an existing 10 ft. wide utility easement (U/E) generally along the north line of the proposed Lot 2 and the condominium building as proposed appears to cross this easement. This will also be vacated.

Mr. Novick noted that the Preliminary Plat should identify all existing and proposed easements, including those to be vacated, as well as the proposed building setbacks. The Preliminary Plat should clearly show the boundaries of the proposed lots, including the street lot, and label them. The Final Plat needs to define the boundaries of the proposed lots, including the street lot, and show and label the proposed building setback lines.

PJ Novick noted that in compliance with the Planning Commission’s Citizens’ Participation policy, the applicant held a neighborhood meeting on December 28, 2015. There were no attendees.

Mr. Novick presented the following review of the application in relation to the “golden” factors:

1. The character of the neighborhood.

The existing neighborhood is characterized by the proposed mixed-use Meadowbrook Park development as well as single-family development farther to the east and north and office, retail, and residential uses to the south and west. This proposal can be considered an extension of the Meadowbrook Park development and is intended to be an addendum to the recently approved Preliminary Development Plan.

1. The zoning and uses of property nearby.

The application area is zoned CP-2 and is part of the parking lot for an existing office building. The property to the north and east is zoned MXD and is the recently approved Meadowbrook Park development that includes a mix of residential uses, a hotel, and a county park. The area to the south and west is zoned CP-2 and is developed with office and retail uses.

1. The suitability of the property for the uses to which it has been restricted under its existing zoning.

The property is currently part of an office building’s parking lot that is planned to be reconfigured to accommodate a new public street. The new street will divide and separate this property from the office building.

1. The extent that a change will detrimentally affect neighboring property.

With six (6) dwelling units, the project will generate little additional traffic. The proposed building can serve as a transition from the existing office and retail development to the south and west to the newly approved Meadowbrook Park development, as this development is mostly a mix of residential uses and county park land.

1. The length of time of any vacancy of the property.

The property is currently part of a parking lot for an existing office building.

1. The relative gain to the public health, safety and welfare by destruction of value of the applicant’s property, as compared to the hardship on other individual landowners.

The property has relatively little value as merely a parking lot. The proposed condominium building will serve a very special housing market by providing higher-end multi-family residential units in a very convenient location. The City is built-out and there is very little opportunity to bring new housing to the market place. This project will not remove any existing homes or office/retail square footage from the inventory. The hardship on neighboring landowners should be minimal, considering the small scale of this project.

1. City Staff Recommendations.

Staff has reviewed the requested rezoning, the Preliminary Development Plan, the Preliminary Plat, and the Final Plat. Although there are some minor issues that still need to be addressed, it is Staff’s opinion that the rezoning, Preliminary Development Plan, Preliminary Plat, and Final Plat meet the intent of the development as recommended in the Village Vision, have little impact to the surrounding properties, and will be a positive asset to the community.

1. Conformance with the Comprehensive Plan.

The Village Vision Strategic Investment Plan, adopted by the City of Prairie Village, Kansas, in 2007 as the City’s Comprehensive Plan, specifically identifies the adjoining Meadowbrook Country Club (now known as Meadowbrook Park) as a potential site for redevelopment. The Plan recommends development of a planned neighborhood with open space and higher density. Recently, the City approved the rezoning of the Meadowbrook site and a Preliminary Development Plan that includes a mix of residential uses, a hotel, and a county park. This project is intended as an addendum or addition to this plan.

Mr. Novick recommended that if the Planning Commission finds favorably on the findings of fact, it is recommended that it be subject to the following conditions:

1. The applicant updating the architectural detail in the Vision Book Addendum to address staff’s comments.
2. The applicant providing with the Final Development Plan, detailed plans for all trash enclosures and HVAC/building mechanical equipment screening to ensure that all trash dumpsters, recycling bins, HVAC and building mechanical equipment, etc., is fully screened from view. All screening shall be designed and constructed of materials that are durable and consistent and compatible with the building architecture.
3. The applicant having the 10 ft. wide existing utility easement on the north end of Lot 2 vacated prior to obtaining any permit for construction.
4. The applicant providing an updated Preliminary and Final Plat that clearly defines the boundaries of the proposed lots including the street lot, label all existing and proposed easements including the utility easement to be vacated, and label the proposed building setback lines.
5. Prior to obtaining any permit for construction, the applicant shall submit a Final Development Plan for review and approval by the Planning Commission.

6. Approval is contingent upon approval of the Final Development Plan. If the Final Development Plan is not approved by the City, the approval of this Rezoning, Preliminary Development Plan and Preliminary and Final Plat will be null and void.

7. Execution of the cross parking agreements be presented with the final development plan.

Mr. Novick noted that he is uncomfortable with the proposed location of the trash dumpster near the roadway and asked the Commission to review this item in particular. He would like to see them moved back to the existing location at the east end of the parking lot. Two parking spaces can then be placed where the plan currently shows the dumpster thereby not effecting the parking count.

Jeffrey Valentino asked for clarification on the need to change the zoning to a MXD district. Mr. Novick responded the existing zoning requires established setbacks that would restrict the development of this project. The MXD would allow for the necessary reduced setback and the proposed architectural style and the higher elevation of the building. Staff feels it makes sense to go with the MXD zoning for this final puzzle piece of the overall Meadowbrook project allowing for the unique development of this site.

Nancy Wallerstein confirmed that basically the application is extending the adjacent MXD zoning into lot 2 only and that the other lot remains CP-2. This area abuts the park on the north and east and the commercial area on the south and west.

Mrs. Wallerstein noted the first item for consideration by the Commission will be the requested rezoning from CP-2 to MXD, then the Commission will consider the preliminary development plan for the area being rezoned and then the Preliminary Plat and Final Plat. Each action will require a separate motion. The staff recommended conditions of approval would apply to the action on the preliminary development plan.

Chairman Nancy Wallerstein opened the public hearing on PC2016-02 requested rezoning of 5200 West 94th Terrace from CP-2 (Planned General Business District) to MXD (Mixed Use District). With no one present to address the Commission, the public hearing was closed at 8:20 p.m.

James Breneman asked for clarification on the staff report reference to a minor modification needed for the site plan. Mr. Novick responded the minor modification referenced is a change to the parking lot for the existing office structure. The parking area is being handled by an administrative staff review. Mr. Breneman asked how the number of needed parking spaces is available for use by the office building. The applicant stated that their parking counts reflected the need for 74 office parking spaces and the plan only has 44. He acknowledged the construction of a parking area to the north, but asked when that would be constructed and if the parking spaces on the east would be available during construction.

Justin Duff with Van Trust, 4900 Main Street, Suite 400, Kansas City, MO, 64112 replied that those details are yet to be worked out with 20/20 LLC. The timing of construction has not been determined. Mr. Breneman responded that the parking lot needs to be constructed right away to accommodate the needed parking.

Mark Ledom responded that as owner of the office building he understands the need for the parking area to be constructed and does not have a problem with a condition that a building permit for the condominiums not be issued until the roadway and north parking lot has been constructed. This would leave the existing parking spaces where the condominiums are to be constructed available for parking. He added that in the past they have rented up to 80 of their parking spaces for use by the shopping center to the south and will have an agreement with them to provide overflow parking spaces if needed.

Mr. Breneman requested that this be added as a condition. Mrs. Wallerstein stated Condition #9 would be Overflow parking of 34 spaces be available before the issuance of a building permit for construction of the condominiums.

Jonathan Birkel asked in the cross easement agreement who would be responsible for the maintenance of the parking area, the office building or the condos? Mark Ledom responded that there will actually be two cross easement agreements. The first between 20/20 LLC and Van Trust for the parking lot to the north and a second between 20/20 LLC (owners of the office building) and currently 20/20 LLC but eventually becoming the Homeowners Association for the condominiums stating that the owners of Lot 1 will be responsible for the maintenance and upkeep of the parking area and 14 spaces. This will be reflected in a deed restriction filed with the county. Van Trust will be responsible for the maintenance and upkeep of the 34 spaces in the parking area to the north. Mr. Ledom added the six condominium units will have 15 underground parking spaces available so the 14 onsite parking spaces will be overflow spaces for the office building and the Homes Association will become the owner of Lot 2.

Mr. Ledom stated they would prefer to have the trash dumpster on Lot 1. Staff is not comfortable with the proposed location because of the location being near the entrance to the park and the Meadowbrook development. He noted that 6 condos do not need an individual dumpster. There will be a trash collection area in the basement and the trash would be placed out for pick-up.

They would like to move the dumpster to the other side of the parking spaces adjacent to the US Bank dumpster and surrounded by three walls and evergreens.. This would be closer and easier for owners of Lot 2 and not obtrusive to condo owners as they enter their property.

Mr. Breneman expressed concern with the accessibility of the proposed location for the trash trucks requiring a 180 degree turn. Other possible locations were discussed.

Jonathan Birkel asked why the dumpster was moved from the office building to the proposed site. Mr. Lenahan noted the proposed location will require individuals to cross Rosewood to take their trash to the dumpster. It doesn’t make sense.

Mr. Novick noted the previous location was closer to Rosewood and visible to individuals coming into the development. Mr. Lenahan stated it can be screened as required. Mr. Birkel suggested another location. Jeffrey Valentino suggested another possible location. Commission members discussed several possible locations and their impact and agreed that the dumpster location makes more sense in Lot 1 and should not be located in Lot 2.

Mr. Ledom noted the office building trash accumulation is usually two to three bags per day which is taken by the custodial service in their trucks to the dumpster after 9 p.m. in the evening. There is not a problem with taking the trash across the street to Lot 2.

Mr. Novick noted that since Lot 1 is not in the rezoned area, the condition could be added that the trash dumpster is located in Lot 1 and the applicant could work with staff to find an acceptable location. Mr. Novick noted that this would be in a commercial zoning district having different regulations while located on Lot 2 in the MXD zoning the commission could require additional conditions relative to the location and screening of the dumpster.

Patrick Lenahan asked Mr. Ledom if it was not necessary to provide for the office building trash, what would they do on Lot 2. Mr. Ledom replied there would be no trash dumpster collection on Lot 2. He stated that they would place the dumpster on either lot wherever the Commission desired and landscape it appropriately. He does not want it where Mr. Novick has suggested but does not want this issue to delay the process for approval of this application.

Patrick Lenahan noted that from a good planning perspective he feels that Lot 1 should handle its own trash and Lot 2 handles its own trash. Mr. Ledom agreed. Mr. Novick felt that there would be setback issues for the location of the trash dumpster on Lot 1. Mr. Breneman state he does not have a problem with the dumpster located on Lot 2.

Mr. Novick noted this corner will have an entrance sign for the development and due to this the incorporation of the dumpster appears problematic but perhaps with additional landscaping this could be addressed on the final development plan. Commissioners discussed options including incorporating the sign into the dumpster screening wall. Mr. Duff with Van Trust reviewed the location and noted that it is already heavily landscaped. It was noted this sign is not a private sign, but the Johnson County Park & Recreation sign.

Nancy Wallerstein asked if there was a consensus noting several different conditions having been recommended. Discussion continued. Mrs. Wallerstein stated that this a major project and significant time has been spent on the location of a trash dumpster. It appears clear that this is not going to be resolved this evening, but it is time for the Commission to move on.

Patrick Lenahan noted the applicant stated initially that they wanted to put the dumpster on Lot 1, but the Planning Staff has driven them to this other bizarre solution, but if the applicant ultimately wants to move this along and is willing to go with the staff solution it is fine with him although he felt it was an operationally ridiculous solution, but if they accept it that is what is voted on this evening. Mrs. Wallerstein does not want to see a trash dumpster set this project back. PJ Novick stated that the proposed location with additional landscaping this is set back much further from Rosewood than any possible location on Lot 1 where it will be much more of an eyesore.

Jeffrey Valentino stated he felt the far greater issue was why this was being made more complicated by rezoning the property to MXD. He is still unclear as to why this is necessary. He does not feel the architectural style coordinates well with the MXD and does not see a reason for this to be rezoned.

Justin Duff of Van Trust replied the MXD speaks to the height of this building which is not allowed in RP4 and the setbacks that are required by the constraints of this lot size. These are the two large issues for doing the MXD in addition to the other variances that would be required under standard zoning. Mr. Valentino asked how much of a variance would be required for these two items, what is the additional height needed and what would be the setback encroachment. The height limitation under RP-4 is 35 feet for this 45foot tall building.

Wes Jordan added the consistency of this project to the adjacent redevelopment of the Meadowbrook property was one of the primary issues for the recommendation of the MXD zoning which both the Commission and Council are familiar with from the recent Meadowbrook application. Mr. Novick stated that he did not feel it would be appropriate for a project with the magnitude of variances required to be handled through the Board of Zoning Appeals process. He is not confident that the project could meet the criteria required for the granting of a variance. This is a good infill transitionary project for this location.

Jeff Valentino asked if the proposed architecture does coordinate with the MXD zoning. Mr. Breneman stated he does not have any problem with the MXD zoning and feels it is the appropriate way to proceed. However, he does have issues with the design of the buildings with flat roofs. Jonathan Birkel replied that the MXD zoning allows for architectural options that vary from the typical architecture and supports the proposed project. Mr. Lenahan feels that the building design is fine; however, he noted a complete lack of sidewalks connecting anywhere on the plan. Justin Duff and the applicant reviewed the existing sidewalks on Lot 1 noting their connection to the north. They agreed there should be connectivity to the trail and park. Mr. Lenahan questioned the lack of any connectivity from the proposed residences. Mr. Breneman noted an existing sidewalk that connects to 95th Street and suggested how this be connected.

Mr. Novick noted a condition could be added requiring sidewalks on Lot 2 to connect with the surrounding park and development.

Nancy Wallerstein expressed concern with all the proposed cedar wood on the project and how this would be maintained. Mr. Ledom replied this tongue and grove cedar siding will come from the mill pretreated and stained on all six sides providing for much longer longevity. They have stained cedar siding on the office building for the past 10 years which requires spraying with a stain every five years. He stated that cedar will last far longer than 90% of other products on the market. Mr. Birkel suggested the cedar be lap-sided (horizontal) rather than vertical as water can get behind vertical cedar. He stated that he is comfortable with the cedar but is concerned with the copper and rain water turning the siding black. Mr. Ledom replied that it is not true copper and will not have the issue of staining the siding.

Mr. Birkel questioned the ADA accessibility of the building. Mr. Ledom stated that there is accessibility parking and access through the garage. The building is secured and will need to call in for access.

Nancy Wallerstein questioned the sufficiency of only one handicapped parking space. Matt Schlicht with Engineering Solutions, 50 S.E. 30th Street, Lee’s Summit, Missouri 64082 responded that only one space is required by code. Mr. Schlicht also reviewed the multiple numbers of variances that would be required under standard residential zoning.

Jonathan Birkel confirmed that the only handicapped access available was through the underground garage with the elevator. Mr. Novick noted that additional handicapped spaces could be added as a condition. Mitch Dringman confirmed that the plan meets the ICBO regulations with the underground entrance. Mr. Birkel was concerned that this new building is not handicap accessible as there is no ramp access to this building. Mr. Ledom noted that a guest needing access could be allowed in through security from the garage. He added that the building was being built with handicapped accessibility.

James Breneman noted the final plat shows an easement on the north being vacated and noted there are also easements on the south and east and asked if those would be vacated. Matt Schlicht stated the easement on the south side will not be vacated but the others will be vacated on the final plat. Mr. Novick noted that a condition could be added that vacation of easement be reflected on the final plat. Mr. Breneman noted that several items were not reflected on the preliminary plat. Mr. Novick noted that these items would be shown on the final development plan that there is sufficient information on the preliminary plat for approval. He noted the final plat is a legal document showing ownership and easements and will not show many of the items questioned by Mr. Breneman but are shown on the preliminary development plan.

Chairman Nancy Wallerstein confirmed the following conditions of approval added by the Commission:

7. Execution of the cross parking agreements be presented with the final development plan.

8. The future parking to the north of Lot 1 shall be completed and ready for use prior to any construction on Lot 2.

Several options were discussed for the condition regarding the location of the trash dumpster, including that it be approved at the location as shown on the revised plan; however, if it is determined not to be necessary it is not required. Mr. Novick felt the suggested condition would work.

Mrs. Wallerstein asked Mr. Novick to go back to the recommendation for the trash enclosure. Mr. Novick suggested that the Commission separate the sidewalk condition and the trash dumpster condition and require that further details shall be provided on the final development plan for the project entry sign and sidewalk connection to the park and development.

Mrs. Wallerstein asked for a specific recommendation on the trash enclosure, at one point it was recommended that Lot 1 and Lot 2 handle their own trash, or whether they come back after further review with staff to show the actual location. Mr. Lenahan restated his recommendation was that the Commission accept the revised location of the trash enclosure but that if it is determined that a dumpster is not needed it is not required because trash can be handled on Lot 1. Mr. Novick feels that further investigation of placement on Lot 1 needs to take place. Once the final location is determined the Final Development Plan can reflect these changes.

Mrs. Wallerstein restated the suggested condition as follows: The applicant can construct the trash enclosure where it is proposed on the revised plan, but that after further review and investigation with staff they explain why that is the best location. She noted that a location on Lot 1 is not part of the MXD and would not be reviewed by the Commission.

Wes Jordan suggested that the recommendation simply be that the applicant work with staff to determine the best placement of the trash enclosure. That will give the best flexibility noting that staff understands what the Commission desires. Commission members questioned if this included the approval of the revised location. Mr. Jordan confirmed that his recommendation was only to work with staff to determine the best location with that being reflected on the final development plan.

9. The applicant work with staff on the determination of the best location for the trash enclosure with that to be reflected on the final development plan.

Mrs. Wallerstein noted the condition of a sidewalk to connect to trail remains. Mr. Ledom expressed concern with stating that the sidewalk connect to the trail (in the park) as they will not be building the trail and do not have control over when it will be built.

PJ Novick proposed the following language: A pedestrian connection shall be provided to both Rosewood and park development. Mr. Ledom asked if they were discussing a sidewalk similar to what is on the west side of Rosewood also on the east side of Rosewood Several sidewalk connections were discussed and reviewed by the Commission and the applicant. Chairman Nancy Wallerstein recommended a general statement of condition that there be connection from the development to the rest of the neighborhood that will be shown on the final development plan

10. A pedestrian connection shall be provided to Rosewood and the Park Development.

**PC2016-02 Request for Rezoning from CP-2 (Planned General Business District) to MXD (Mixed Use District)**

**5200 West 94th Terrace**

James Breneman moved the Planning Commission recommend the Governing Body approve the rezoning from CP-2 (Planned General Business District) to MXD (Mixed Use District) for 5200 West 94th Terrace. The motion was seconded by Jeffrey Valentino and passed by a vote of 5 to 0 (Commissioners Brown & Wolf recusing themselves due to a professional conflict of interest.)

**PC2016-102 Request for Preliminary Redevelopment Plan Approval**

**5200 West 94th Terrace**

Patrick Lenahan moved the Planning Commission approve PC2016-102 the preliminary development plan for 5200 West 94th Terrace subject to the following conditions:

1. The applicant updating the architectural detail in the Vision Book Addendum to address staff’s comments.
2. The applicant providing with the Final Development Plan, detailed plans for all trash enclosures and HVAC/building mechanical equipment screening to ensure that all trash dumpsters, recycling bins, HVAC and building mechanical equipment, etc., is fully screened from view. All screening shall be designed and constructed of materials that are durable and consistent and compatible with the building architecture.
3. The applicant having the 10 ft. wide existing utility easement on the north end of Lot 2 vacated prior to obtaining any permit for construction.
4. The applicant providing an updated Preliminary and Final Plat that clearly defines the boundaries of the proposed lots including the street lot, label all existing and proposed easements including the utility easement to be vacated, and label the proposed building setback lines.
5. Prior to obtaining any permit for construction, the applicant shall submit a Final Development Plan for review and approval by the Planning Commission.

6. Approval is contingent upon approval of the Final Development Plan. If the Final Development Plan is not approved by the City, the approval of this Rezoning, Preliminary Development Plan and Preliminary and Final Plat will be null and void.

7 Execution of the cross parking agreements be presented with the final development plan.

8. The future parking to the north of Lot 1 shall be completed and ready for use prior to any construction on Lot 2.

9. The applicant work with staff on the determination of the best location for the trash enclosure with that to be reflected on the final development plan.

10. A pedestrian connection shall be provided to Rosewood and the Park Development.

The motion was seconded by Jonathan Birkeland passed by a vote of 5 to 0 (Commissioners Brown & Wolf recusing themselves due to a professional conflict of interest.)

**PC2016-103 Request for Preliminary & Final Plat Approval**

**5200 West 94th Terrace**

Jeffrey Valentino moved the Planning Commission approve the preliminary and final plat of Meadowbrook 2020 forwarding the final plat to the Governing Body for the acceptance of easements and rights-of-way. The motion was seconded by James Breneman and passed by a vote of 5 to 0 (Commissioners Brown & Wolf recusing themselves due to a professional conflict of interest.)

**OTHER BUSINESS**

Building Official Mitch Dringman advised that there has been an appeal to the Countryside East Overlay District. The appeals process established by the code includes a review board consisting of two homes association board members and a planning commission member. Jonathan Birkel volunteered to serve as the planning commission member to hear the appeal. Mr. Dringman will notify him of the established date and time for the hearing,

**NEXT MEETING**

The planning commission secretary noted the February agenda currently includes the continued Building Height Elevation and the Final Plat for Mission Chateau. Wes Jordan advised the Commission that 7501 Mission Road will be on the March agenda and provided a brief update on the status of the overlay district revisions.

**ADJOURNMENT**

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 10:05 p.m.

Nancy Wallerstein

Chairman