OVERLAND PARK PLANNING COMMISSION MEETING

August 12, 2013

The Overland Park Planning Commission meeting was called to order at 1:30 p.m. by Mrs. Janie Thacker, Chair. The following members were present, constituting a quorum:

Mr. Mike Flanagan, Vice Chair; Mr. Tom Lance; Mr. Edward “Ned” Reitzes; Mr. George Lund; Mr. John Brake; Mr. Bob Gadd; Mr. Steve Troester; Mr. David M. Hill; Mr. Thomas A. Robinett and Mrs. Kim Sorensen.

Also present were: Mr. Jack Messer, Director of Planning and Development Services; Mrs. Leslie Karr, Current Planning Manager; Mr. Keith Gooch, Senior Planner; Ms. Danielle Zeigler, Senior Planner; Mr. Aaron Dubois, Assistant Planner; Mr. Steve Horner, Senior Assistant City Attorney; Mr. Ernie Longoria, Senior Civil Engineer; Mr. Brian Shields, City Traffic Engineer; Mr. Cylus Scarbrough, Planner; Ms. Alysen Abel, Civil Engineer II; Ms. Rachel Wooldridge, Planning Intern; and Ms. Pamela Blaszyk, Recording Secretary. Approximately 35 people were in the audience.

APPROVAL OF MINUTES - June 10, 2013.

(Approved)

Mr. Mike Flanagan moved to approve the minutes for the June 10, 2013, Planning Commission meeting. The motion was seconded by Mr. Bob Gadd and carried with a vote of 11 to 0, including the vote of Chair Janie Thacker, who voted on all of the agenda items.

CONSENT AGENDA

(Approved Consent Agenda Items A, C, D, E, F, G, I, K, and L; continued item H; and withdrew items B and J)

A. FINAL DEVELOPMENT PLAN APPROVAL - Overland Park Regional Medical Center - 10500 Quivira. Application made by Perkins and Will.

B. FINAL DEVELOPMENT PLAN APPROVAL - The Fountains Shopping Center - Whole Food Market - 6621 West 119th Street. Application made by CSHQA.

C. FINAL DEVELOPMENT PLAN APPROVAL - The Fountains Shopping Center - 6321 West 119th Street. Application made by AMAI Architecture.

D. FINAL DEVELOPMENT PLAN APPROVAL - Tallgrass Creek Residential Building 1.3 - Vicinity of the northwest corner of 139th Street and Metcalf. Application made by Redwood-ERC Kansas, L.L.C.

E. FINAL DEVELOPMENT PLAN APPROVAL - Douglas L. Smith Middle Basin Building Nos. 1 and 6 Improvements - 10001 College Boulevard. Application made by Johnson County Wastewater.
F. **FINAL DEVELOPMENT PLAN APPROVAL** - Starbucks - 10201 West 75th Street. Application made by Davidson Architecture and Engineering.

G. **FINAL PLAT NO. 2013-35** - 135 Place - Vicinity of the southwest corner of 135th Street and Riley. Application made by Polsinelli Shughart, PC.

H. **FINAL PLAT NO. 2013-34** - Polo Fields, 9th Plat - Vicinity of 165th Street and Rosehill. Application made by Polo Fields OP, L.L.C.

I. **FINAL DEVELOPMENT PLAN APPROVAL** - Prairiefire West - Vicinity of 135th Street and Lamar. Application made by Merrill Company, L.L.C.

J. **FINAL DEVELOPMENT PLAN APPROVAL** - J. Gilbert's Patio - 8901 Metcalf. Application made by Houlihan's Restaurants, Inc.

K. **FINAL DEVELOPMENT PLAN APPROVAL** - Corporate Woods Building 14 Phase 2 - 8717 West 110th Street. Application made by The Weitz Company.

L. **FINAL DEVELOPMENT PLAN APPROVAL** - Corbin Park Building F3 - Vicinity of the southeast corner of 135th Street and Metcalf. Application made by DeGasperi and Associates.

Current Planning Manager Leslie Karr indicated that items B and J had been withdrawn, and item H was being continued to the September 9, 2013, Planning Commission meeting. Staff was asking that item L, the Final Development Plan for Corbin Park Building F3, be removed from the Consent Agenda to discuss a stipulation.

Mrs. Kim Sorensen indicated that she would not participate in the vote on the Consent Agenda since her firm was involved with the Prairiefire museum, and item I regards Prairiefire West.

Chair Thacker added that she would like item I, Final Development Plan for Prairiefire West, to be removed from the Consent Agenda for further discussion.

Mr. Flanagan moved to approve Consent Agenda items A, C, D, E, F, G, and K. The motion was seconded by Mr. Edward "Ned" Reitzes and carried with a vote of 10 to 0 to 1 with Mrs. Sorensen abstaining.

With regard to item I, Mr. Dave Hill, member of the Site Plan Review Committee, indicated that the issue was about the graphics package and signage for Prairiefire West, 135th Street and Lamar. The Site Plan Review Committee discussed the application of the graphics, how they would be shown on the building, and the content of the graphics. The first time they saw the graphics for the project, they were thinking in the context of the graphics encased in windows like the Target near Oak Park Mall. The developer asked them to reconsider, and they looked at some different options. One option was to apply a permanent graphic onto some tiles and then set the tiles into the building. A second option was to use display windows for the graphics. A third option was to put a stretched vinyl on a frame, and they focused on this option. They carefully considered the product in terms of the manufacturing techniques, the thickness, how the graphics are applied to the product and the durability of the product. They also created some guidelines to make sure that there
was not any messaging or branding on the graphics that would overtly display a product. In Staff Comments, page Nos. 17B through 17H, there are a number of generic examples of graphics such as apples, wheat, mountains and people doing physical activities. The examples are meant to be applied to both the REI building and The Fresh Market building. The Site Plan Review Committee thought that the graphics were appropriate for the context in which they were being used, and the applicant was sensitive in not putting any specific product endorsements, advertising or logos on the graphics. The Site Plan Review Committee concluded that the generic photos were well done and beautiful. The applicant was applying the graphics to the building in a way that would be long lasting, and it seemed that the applicant would be a good caretaker of the product as well.

In agreement with Mr. Hill, Mr. Steve Troester, member of Site Plan Review Committee, added that the graphics are not promoting brands. The applicant is interested in creating a beautiful place, and the graphics are attractive and well constructed. It is evident that the developer realizes that the graphics need to be maintained for the success of the center. After careful consideration and a number of meetings with the applicant, Mr. Troester thought that they came to a good decision. Their recommendation was for the Planning Commission to consider approval of this item.

Mr. George Lund, member of the Site Plan Review Committee, indicated that the applicant listened carefully to what they said. It seems that the applicant wants to cooperate with the Commission.

Mr. Hill moved to approve Consent Agenda item I, Final Development Plan for Prairiefire West, with stipulations a through c. The motion was seconded by Mr. Troester and carried with a vote of 10 to 0 to 1 with Mrs. Sorensen abstaining.

Regarding Consent Agenda item L, Final Development Plan for Corbin Park Building F3, vicinity of the southeast corner of 135th Street and Metcalf, Senior Planner Keith Gooch stated that staff was recommending the removal of stipulation c. Stipulation c regarded the sidewalk around the entire site. They have a sidewalk along the west side and the south side and they have agreed to a sidewalk to connect these two sidewalk portions. The sidewalk referred to in stipulation c was around the rest of the property to the north and the northeast. Based upon the grades, those portions of the sidewalk are not possible without a lot of retaining walls being installed, so staff has agreed to remove stipulation c. When the other pad sites are built in Corbin Park, the sidewalk will be extended on the outside of the loop road. Staff was recommending approval of item L with stipulation c removed and with re-lettered stipulations a through h.

Mr. Hill asked if staff has determined that it is going to be less problematic to install the sidewalk on the outside of the loop. Mr. Gooch replied that there is more room to construct the sidewalk on the outside of the loop than the interior side of the loop. There might be a couple of places where they need to bring the sidewalk to the interior side of the loop of Corbin Park as it is developed. They will have to consider the pad sites on a case-by-case basis.

Mr. Flanagan moved to approve Consent Agenda item L, the Final Development Plan for Corbin Park Building F3 with the removal of stipulation c and with re-lettered stipulations a through h. The motion was seconded by Mr. Troester and carried with a vote of 11 to 0.

(Denied)

Mr. Gooch stated that the applicant was requesting approval of a rezoning to RP-1, Planned Single-Family Residential District, to allow a single-family development on a 46.77-acre tract in the vicinity of the southeast corner of 151st Street and Switzer. At its July 15th meeting, the City Council remanded this request back to the Planning Commission. The applicant stated they were going to reduce the number of lots and discuss a revised plan with the neighboring property owners. A revised site plan has been submitted, which has reduced the number of lots from 96 to 71. The site is surrounded with large lots to the south, with Town and Country Manor; large lots to the east with W.E. Acres; and suburban lots to the west, with Colton Lakes. Across 151st Street to the north, homes are also located on more suburban style lots.

With the 2007 approved plan, access is provided from 151st Street at a full access point with Carter Street, which extends to Town and Country Manor to the south. Access is also provided to 152nd Terrace in the existing Colton Lakes subdivision to the west. The 46.48 acres were originally zoned RP-OE with the property to the west, Colton Lakes. A total of 79 lots on 79 acres were approved with the 2007 rezoning. However, only the western 30 acres were developed with 30 lots. A stub to 152nd Terrace was provided. Another connection was provided to Carter Street in Town and Country Manor. Carter Street was required to have turns prior to the street connecting to 151st Street in an effort to slow the traffic.

The plan that they are considering today shows the entire piece of property. A total of 71 lots are provided on 46.77 acres for a density of 1.52 dwelling units per acre. The access is the same as the 2007 plan with Carter Street connecting to Town and Country Manor and 152nd Terrace connecting to the existing Colton Lakes. Carter Street extends to the north and connects with 151st Street. The area on the eastern half of the site has changed. A 75-foot buffer is provided to the south between the southern lots and Town and Country Manor, and there are trees on the property line. A 30-foot buffer is located between lots 32 and 101 and the existing Colton Lakes subdivision. A 40-foot buffer is being provided to the east where the lots are adjacent to W.E. Acres and homes along England Street. The buffer has been slightly reduced from the previous plan submitted by the applicant. The entire Colton Lakes subdivision is 101 lots on 76.77 acres for a density of 1.32 dwelling units per acre.

A lot of open space tracts are shown throughout the development. There were some mistakes on the plan submitted by the applicant. The site plan submitted by the applicant showed 29 percent of the land remaining as open space. One plan indicated 24.7 percent of open space, and the other plan showed 28 percent of open space. The applicant contacted staff this morning and clarified that 29 percent of the plan is open space. Trails are provided on the site. Staff looked through the trail system to make sure that the block lengths were divided up at a minimum distance. A trail provides access from some of the neighbors from the east to the west to access the existing sidewalk along 152nd Terrace and to the pool at the southwest corner of the existing Colton Lakes along Switzer.
A stipulation was added by staff that requests a trail that goes along the southern end that will connect back up to 152nd Terrace, adjacent to lot 101. That is a stipulation in the staff report. No trail was requested around the eastern property line adjacent to W.E. Acres, since a good sidewalk system has already been provided in that area.

Staff studied the traffic impacts from this project. There are a total of 50 lots with the previously approved development. There are now a total of 71 lots, which is an increase of 21 lots. There are typically ten trips generated per single-family home. That is an additional 210 trips over the previously approved plan. The street layout is constructed to carry the additional load of 210 trips per day.

The Comprehensive Plan has identified this area as being appropriate for very-low density residential, which is typically up to one dwelling unit per acre. Staff had previously determined that this project did not meet Policy 2.1; however, with the revised layout, staff was of the opinion that the plan now meets the policy and recommends approval of this item.

Mr. Gooch noted that some of the adjoining property owners had presented comments expressing their concern with this application. Staff has printed and distributed the comments that were received during the month of August.

Staff was in support of the plan with the number of lots being decreased from 96 to 71, with a density of 1.52 dwelling units per acre. Staff also believed that sufficient buffers were provided from the adjacent developed lots in Town and Country, Colton Lakes and W.E. Acres. Staff was recommending approval of Rezoning No. 2013-2 with stipulations a through s. Stipulation e regards a trail being provided across Tract E from Carter Street to the west and connecting to 152nd Terrace, adjacent to Lot 101.

Mr. Flanagan clarified that the applicant was requesting 96 lots with the application that was presented one month ago for this site. The current application includes 71 lots, which is a reduction of 25 lots. Colton Lakes east, the subject site, has a density of 1.52 dwelling units per acre. The entire Colton Lakes area has a density of 1.32 dwelling units per acre. Mr. Gooch explained that the densities are separate for Colton Lakes east and Colton Lakes west. The Colton Lakes eastern portion with the 46 acres is 71 lots with a density of 1.52 dwelling units per acre. If they include the existing Colton Lakes, since the entire area was planned together six years ago, there is a total of 101 lots on 76.77 acres for a density of 1.32 dwelling units per acre.

Mr. Pete Heaven, attorney for the applicant, Lathrop and Gage, 10851 Mastin, Overland Park, indicated that during last month’s meeting, concerns were expressed about the density of this subdivision, the size of lots and other issues. The Council remanded the project back to the Planning Commission so they could make some modifications to the plan.

He understood that their method of blending the existing plan with the new plan was met with some criticism. They believed at the time that this methodology had been employed in some other area subdivisions. Since they were criticized for taking that approach, they are now looking only at this property and not at any of the adjoining property that belongs to the developer. They now have a density of 1.52 dwelling units per acre on the subject site. There are 25 fewer lots. The lots have increased in size on the average by about 6,000 square feet. The vegetation that is shown on the graphic is to provide an idea of the type of vegetation that is currently around the
perimeter of the property. They have created a 30-foot buffer between the existing Colton Lakes subdivision and their subdivision.

The neighbors asked them to provide some buffering, and they will, in effect, be creating 110-foot lots by doing this. They have an 80-foot lot on the south, an 85-foot lot on the north, and added to the 30-foot buffer, that is effectively 110 feet. However, there is an added benefit. No one can build in the buffer zone, so the effective side yard setback will now be 30 feet plus about 10 to 15 feet, which will further separate the existing development from the new development. There are substantial trees in the area. They have agreed to use architecture on two of the new homes that is similar to the architecture of the existing subdivision, as requested by an adjacent neighbor, Mr. Daly. All of the lots along 152nd Terrace are now deeper and larger. They have cut into their open space to some extent to accommodate the request for larger lots. They now have 29 percent of open space, which is an increase of almost 5 percent from the last plan for the site.

They previously had a cul-de-sac that came down and stopped. Staff asked them to minimize the cul-de-sacs and to create a completed road system, which they are presenting with this plan. As a result, they have a row of lots along the eastern boundary that are 174 feet deep, which are large lots. There is a connection now from the cul-de-sac to Carter. The homes on the east side of the boundary line with W.E. Acres typically sit about 300 feet from the boundary line. If they add to that the 40-foot buffer and a minimum 35-foot rear yard setback, most of the houses in W.E. Acres will be about 375 feet away from the homes in this subdivision. They feel that reducing the buffer a little to create larger lots had a net positive effect. They have also taken to heart the request made by the neighbors that the lots that most closely adjoin the existing Colton Lakes subdivision be made larger. They have increased those lots to an average 20,000 square feet. They are substantially larger than the 14,000 foot lots that they presented the last time. They have added additional green space above lot 30 to further buffer the old area from the new. As a result of the change in the configuration of the roads, they have also added more open space in the northeast corner and in the southeast corner.

The trail that is to be in Tract F is along the south line of the property. They have agreed with the residents and Mr. Daly that the trail is unnecessary. However, staff would like to see it there. They have not put it on their plan. They have amicably agreed to disagree. He would like to state, for the record, that they will go along with whatever the Planning Commission decides to do with that issue, but they would prefer not to have that trail.

Additional issues were brought up at the last meeting regarding the pool, the lakes and things that are off site. They have addressed those issues, and they are considering different alternatives. If they are the developer of the property, they will address those items, but they are not a part of the rezoning of the site. They have a good plan that meets the density and target requirements for the adjoining properties. Mr. Heaven was asking for approval of the plan. Mr. Heaven indicated his agreement with stipulations a through f, with the exception of the trail that is being left to the discretion of the Planning Commission.

Chair Thacker opened the public hearing on this application.
Mr. Stephen Hollonbeck, 9947 W. 152nd Terrace, said that he occupies the lot immediately adjacent to the west end of the proposed development. He commended the developer, the Rodrock group, for making some modifications to the proposed plan. However, he was still asking that this rezoning request be rejected. There are two sides in this situation. The developer wants to increase the number of lots in an area that is currently zoned for fewer homes. That continues as an ongoing issue. The adjacent home owners are asking that the current zoning be retained. They also have maintained that they want development. However, the development should be done as the property is currently zoned. Mr. Hollonbeck relied on the current zoning when he purchased his property. That is still important to them from an economic and personal standpoint. The buffer on the west side of the subject site is immediately adjacent to Mr. Hollenbeck’s property. He thought that an appropriate buffer would be 75 feet as opposed to 30 feet. He asked that this rezoning request be rejected and that the current density be retained.

Mr. Tom Lance asked Mr. Hollonbeck what number of lots he wanted on the subject site. Mr. Hollonbeck replied that he would prefer that the subject site have 50 lots. In the spirit of working with the developer, he would find something between 71 lots and 50 lots to be more acceptable.

Mr. Niels Hansen, 15150 England, said he lives in W.E. Acres to the east of the proposed development. At the first Planning Commission meeting when this application was considered, the Rodrock group requested an R-1 rezoning for this development, and a site plan was submitted showing 96 lots on 46.77 acres. Mr. Hansen understood that the current RP-OE zoning allows 44 lots on 44 acres. In the past, they have seen developers request a rezoning for a non-conforming development with a high-density site plan, which met with strong opposition from the adjoining property owners. When the expected opposition developed, the developers came back with a slightly revised site plan and a continued request for a rezoning. If the developers could persuade the Planning and Development Services Department to recommend approval, and the Planning Commission would hold another public hearing, they would once again have to consider the project. Mr. Hansen noted that staff was recommending approval of the R-1 rezoning with a slightly less dense site plan. Mr. Hansen wanted to ensure that his backyard was not being considered as a part of the buffer zone on the east side to justify this high-density site plan. In light of the other objections being submitted by the neighborhood to this rezoning, the adjoining properties should not be considered as a part of the buffer zone. An adequate buffer zone should be a part of the subject property. Mr. Hansen stated that developers have repeatedly presented a request for an outrageous rezoning and/or non-conforming use. Then they submit a revised request and get what they wanted in the first place. Today the Planning Commission has an opportunity to show that the Comprehensive Plan has meaning. Mr. Hansen asked the Commission to deny the Rodrock proposal.

Mr. Todd Boerner, 15300 Mastin, said he lives in Colton Lakes. He pointed out that the existing Colton Lakes has 29 houses on 30 acres. Going to 71 houses on 46.77 acres is a departure from what exists currently. When he purchased his property, the plan for the subject site was for 50 homes. He thought that was a lot of houses on that property, but he decided that he could live with that number. That is the benchmark he is using to measure against the proposed project. There is a lot of open space, wildlife and some ponds in wilderness areas. He was concerned with the adherence to the guidelines in terms of workmanship, building and the size of lots. He
purchased a home in a neighborhood and now half of the neighborhood is to be something else. It doesn't seem to be fair, and he asked the Commission to retain the current zoning. He was of the opinion that 71 lots was an outrageous density for the subject site.

Mr. Paul Daly, 9951 W. 152nd Terrace, stated that he has already sent the Commission a lot of information that pertained to his views. The Morse Study regarding this area was done two years ago. There is a call for the development in this area to reflect a consideration of existing development, which is Policy 1.1. Mr. Daly felt that this plan does not consider the current residents or their developments. Policy 1.3 requires the use of appropriate transitional methods where new higher-density residential land uses abut existing low-density residential neighborhoods. Transitions between different types of intensities should be made gradually. Mr. Daly felt that the transitions for the proposed development are not gradual and the buffering was inadequate. The proposed project has 11,000 square-foot lots directly next to 18,000 square-foot lots or 48,000 square-foot lots at Town and Country. In the case of W.E. Acres, there are 250,000 square-foot lots. He was of the opinion that the proposed development is not providing a gradual transition. Policy 1.4 encourages the use of open space zonings. Mr. Daly suggested that this plan attempts to do away with the RP-OE zoning. Policy 1.5 encourages an adequate transition along common property lines between existing and new development with land uses that have a different density through the use of meaningful natural open space in the size of the buffer provided. Mr. Daly indicated that this proposal shuts off meaningful open space and reduces it from 40 percent to less. The buffer area is down to 30 feet between zoning areas of RP-OE and the proposed RP-1. After the Morse Study, their area zoning remained very-low density. It has never approached the 1.2 units per acre that is allowed at 159th Street and Quivira. He asked why they are contemplating 1.5 units per acre for the subject site, and why staff is willing to deviate from the Morse Study. He asked why they are giving this plan credit for RP-OE zoning density when the proposal is about an RP-1 zoning. Mr. Daly stated that per the Morse Study, the averaging of density should only apply where RP-OE and RP-OS zoning is the final intended zoning. Mr. Daly asked why staff was not listening to adjacent residents who will be in the area long after they have moved on. He added that if the applicant cannot operate within the policies and goals of the Morse Study, perhaps the applicant should move on.

Mr. Chad Speierman, 15300 England, indicated that he lives in W.E. Acres. Mr. Speierman stated that when the annexation occurred, he was on a blue ribbon committee planning what the long term zoning would be to the south of 151st Street and to the west of Antioch. He understood that the planning that was agreed to by the City and the area landowners was to have large lots. Most of the residents in Colton Lakes, W.E. Acres and Town and Country have built their homes on large lots. Now a developer wants to develop a project with smaller lots in the middle of their large-lot community. He did not find this to be acceptable. The people who live in this area have millions of dollars invested in real estate, and they have done that with the understanding that they would be protected by the City. That was the understanding when the annexation occurred. The original number of lots that was planned for the overall site was 100 lots, and 50 lots have been developed. There is room for 50 more lots. The zoning that is in place provided an 80-foot buffer between the back of his yard and the adjacent lot. Now the buffer has been reduced to 40 feet. The trees that are on his property are his trees, and he will not allow the developer to include his yard or his trees as a part of the buffer. He is a long-term resident that has a lot
invested in the City. The developer’s plan for placing small lots in the middle of their large-lot neighborhood was not acceptable to Mr. Speierman.

Ms. Elaine Daly, 9951 W. 152nd Terrace, asked why the zoning should be changed. This is not a blighted area that needs to be improved. It is the last piece of undeveloped land in their very-low density zoning area. Ms. Daly presented a slide with an aerial view of Johnson County. She noted that the developer has indicated that the proposed project would have a density of 1.52 dwelling units per acre. If they took out the eastbound lanes of 151st Street from their gross area, the buildable land on the subject site would have a density of 1.61 dwelling units per acre. To the east, W.E. Acres has a density of .21 dwelling units per acre, and those houses are on five-acre parcels. To the south, Town and Country has a density of .86, and those houses are on one- to two-acre parcels. To the south of that is Pleasant Valley Farms with a density of .22 dwelling units per acre. Those homes are on three- to five-acre parcels. To the west is the Colton Lake developments including Colton Woods, Colton Lake Estates, and Colton South, with a zoning density of RP-OE and less than one dwelling unit per acre. To the west of that area is Oxford Estates and Oxford Court with large lot development. To the northwest is Switzer Lake Estates where the homes are on one- to three-acre lots. To the north is Hilltop Acres that has a density of .49 dwelling units per acre. The only exception is the project immediately to the north of the subject site, which is Windsor Hills with an RP-1 zoning.

She asked why they are changing the zoning in the area for this site. She also questioned why the City would divide their neighborhood by allowing two different zoning districts. Policy 2.1 indicates that "Land use should reflect consideration of the existing development." She did not see how this zoning change is in compliance with that policy. The zoning change would affect their existing neighborhood. The change would allow different building materials from what is currently allowed. The open space would be reduced. The pool would be more crowded with additional homes, and the traffic would increase with 21 more homes. The changes would not improve the area and they do not respect the integrity of the established neighborhood. The trail that is requested by the staff on the south part of the property is a trail to nowhere. She questioned the purpose for the trail on the south side of the property, since there are sidewalks throughout the neighborhood. She asked the Commission to deny this request.

Mr. Flanagan asked what is the density of the subdivision to the north of 151st Street. Ms. Daly replied that Windsor Hills is zoned with an R-1 zoning, and it was not considered in the Morse Study. That subdivision has 15,000 to 17,000 square-foot lots.

Mr. Mike Charlton, 9950 W. 152nd Terrace, said his lot is adjacent to the proposed development on the western side. His decision to move to this community was based on the Morse Study. He wanted open space and he wanted to raise his family there. They invested a significant amount of money to purchase their property in the subdivision. He asked what is the rationale or justification for considering this development, since it does not conform to the Morse Study. Mr. Charlton thought that the proposed plan was absurd and unjust. He asked the Commissioners to consider the residents who have invested significant amounts of money in this neighborhood and to deny this project.
Mr. Adam Flavin, 15301 Mastin, asked the Commissioners to listen to the residents who have voiced their opposition to the proposed development. They have had a tremendous turnout for this public hearing and for a previous public hearing, which illustrates the passion that they feel about this project. Mr. Flavin planned to live in Colton Lakes for a long period of time, and he asked the Commission to stand by their policies and the Morse Study and to deny this application.

Mr. Gooch added that some residents had to leave early and asked him to read their statement. The statement was from Steve and Janell Farabi, 15328 Stearns, Overland Park. They indicated that "We are in agreement to the extent that the original number of lots, about 50, is increased to about 66 lots. If the new development carries a different name and is very well buffered, that would be a fair compromise. Any further expansion of density would be a breach of trust between the City and the residents."

Since no one else wished to speak, Chair Thacker closed the public hearing.

In response to the public hearing comments, Mr. Heaven explained that when the density is calculated, it is a normal practice to include the distance to the centerline of the street. This is how density is calculated by both staff and the developers. He assumed that if the existing Colton Lakes were to take out Switzer and 151st Street, their density would be greater than 1 dwelling unit per acre. That practice is consistently applied, and their density is 1.52 dwelling units per acre.

In considering the buffer areas, Chair Thacker asked if they are including the property that is surrounding the subject site. Mr. Heaven replied that, for example, the buffer is 40 feet on the east side. His point was that the homes that are adjacent to the subject site are on five-acre lots, and those houses are placed closer to the road as opposed to being closer to their property line. As a result, there is a space of about 300 feet from those homes to their property line, and then the subject site has 170-foot lots on the other side and the 40-foot buffer. He was not trying to include other people's property in their buffer requirements.

Mr. Gadd asked why they want to change the density. Mr. Heaven replied that they have to look at several factors. This property was first preliminarily platted in 2007. The subdivision failed, things have changed, and the cost of development has increased. To make this project economically viable, it is necessary to have more than 50 lots on the site.

Mr. Hill asked what is the density for the Bluestem subdivision and Wilshire by the Lake. Mr. Gooch recalled that Wilshire by the Lake has a density of 1.345 dwelling units per acre. The RP-OE portion for Bluestem is 119 units on 119 acres. The rezoning added another 40 lots, which was next to the commercial area.

Mr. Reitzes noted that one of the speakers made reference to transitional uses. The Planning Commission often reviews transitional uses. The Staff Comments includes a reference to Policy 2.1 which regards low-density properties and indicates "The relationship of land uses should reflect consideration of existing development, environmental conditions and service and access needs." The question is whether the policy is being followed. He asked if there are any other transitional use issues. For example, there are transitional use issues when there is multifamily along a major thoroughfare between single-family and commercial, but this is not that type of a situation. It is a different type of transition, and there are different kinds of single-
family densities that could be appropriate for making a transition to low density. Mr. Gooch replied that staff looked at the transition between the large lots to the east and the large lots to the south. They looked at the buffers that are being provided including the 40- and the 75-foot buffers. They concluded that there was a sufficient buffer and limited issues with the adjoining properties. W.E. Acres has large backyards next to the adjacent subdivision. The approved 2007 plan had numerous lots along the east side as well, and that buffer was between 45 and 60 feet on the east. Another common issue that is raised is the amount of traffic to be generated that would go through adjacent properties. There are 21 more lots than the number of lots in the 2007 plan, which creates 210 more trips that would be divided throughout the day. Most of the trips would be to the north through Carter Street. Staff does not see a reason for traffic to go south through Town and Country Manor to access Switzer. Some additional traffic might go to the west, but staff did not feel that it would be a significant number.

Regarding Mr. Hill's previous question about Bluestem, staff found the answers. There were 119 lots on Bluestem on 119 acres in a planned district. In the R-1 area, they had 40 lots on 18.81 acres for a density of 2.13 dwelling units per acre, which was adjacent to the commercial zoning that was approved.

Noting that the Morse Study was mentioned a number of times, Chair Thacker asked for staff to comment on those recommendations. It is a two-year-old document at this point. Mr. Gooch displayed a map of the Morse Study Area. He clarified that the task force did not review the Colton Lakes area as a part of that study.

Mr. Flanagan stated that when this project was before them one month ago with 96 lots, he voted against the item. He remembered telling the developer at the time that if they came back with something that resembled some of the existing housing developments in the general area, he would be in favor of the project. They have previously heard residents refer to the "cookie cutter" developments. Wilshire has a density of 1.4 dwelling units per acre. Summerwood has a density of 1.32 dwelling units per acre. Mills Farm has a density of 1.69 dwelling units per acre. Wyngate has a density of 2.17 dwelling units per acre. They are some examples of projects in the general area. The proposed project has a density of 1.52 dwelling units per acre. He found that to be an acceptable density. He would support the staff's recommendation in favor of this rezoning. As a resident of a "cookie cutter" development, he did not consider their subdivision to be a subpar type of development. He presumed that the developments in the area would have homes associations with similar deed restrictions. The deed restrictions in his subdivision are strictly followed. He assumed that any new development would also have deed restrictions that would curtail undesirable details in the project. The project has good access to 151st Street. He did not think that there would be problems with the development, and he would support this application.

Mr. John Brake heard some valid concerns expressed by the neighbors. He wanted the land to be developed and economically feasible. However, he would prefer that the density be somewhat less for the proposed project.

Chair Thacker asked for a zoning map of the area to be displayed. She observed that there is a predominance of very-low density residential in the area with the exception of Wilshire.
Mr. Troester clarified that the area is master planned for very-low density, and they often consider the issue of transitions. He was not convinced that the proposed plan was acceptable. However, he was also not convinced that the number of lots has to be decreased to 50. They went from 96 lots to 71 lots. He did not know at what point the project would not be economically feasible, but he would prefer to have the number of lots further decreased. Perhaps a compromise could be found. The developments on the south, west and east are very-large lots while 151st Street to the north seems to be a strong demarcation line for higher density. He would disagree with staff and vote against the motion.

Mr. Gadd said he had been undecided on this item. He heard several of the neighbors refer to the Morse Study plan, and then they found out that this area was not in the Morse Study. However, when Ms. Daly showed her slide, that convinced him that it did not make sense to put low density in a very-low density area. He was against the application.

Mr. Lance referred to the first public hearing speaker, Mr. Steven Hollenbeck. He had asked Mr. Hollenbeck what number of lots he would find to be acceptable. Mr. Hollenbeck replied that the number of lots should be around 60 lots. Mr. Lance noted that 151st Street seems to be a demarcation point between the subject site and the projects to the north of 151st Street. He was not going to vote in favor of a 71-lot application. If there could be a continuation, perhaps the density could be reduced to around 60 lots.

Mr. Flanagan asked if the 1.52 density is considered to be high density. Mr. Gooch replied that it is considered to be low density. Below 1 dwelling unit per acre is very-low density. Mr. Flanagan clarified that a high density development is not being proposed. They are talking about the difference between a low density and a very-low density development.

Mr. Hill was also torn over this application. He was of the opinion that 71 lots were too many for this project. The neighbors made some persuasive arguments today. At the same time, they offered some compromise. He heard some of the Commissioners suggest 60 lots as a compromise. He could support that number of lots.

Mr. Thomas Robinett was conflicted over this item. He understood that the economic environment and costs can change, particularly in the last six years since a plan was previously approved. However, people who move to an area should be able to rely on the Comprehensive Plan. Although he was not sure that they would have to decrease the lots to 50, he also felt that 71 lots were too many for the project.

Mr. Troester moved to recommend to the Council denial of Rezoning No. 2013-2, vicinity of the southeast corner of 151st Street and Switzer. The motion was seconded by Mr. Lund.

Mr. Hill asked if the applicant would prefer to accept the denial or to have a continuance. Mr. Heaven replied that they have looked at having 60 lots, and it is not economically feasible. Therefore, they would accept the vote.

Mrs. Sorensen stated that she would vote against the motion and support the staff recommendation. She agreed that 71 lots may be too many; however, if it is not
economically viable to have less lots, she would rather have 71 lots than to have the project remain undeveloped.

Mr. Reitzes stated that density issues are never easy to resolve. He thought that this project, which is well planned, would work here as proposed. The buffering is important here, because neighbors are concerned about looking at an adjacent property when they feel it is not appropriate for their neighborhood, and the buffering would alleviate those kinds of problems. He was in favor of the project as proposed and he would vote against the motion.

Chair Thacker indicated that she would vote for the motion to deny Rezoning No. 2013-2. Although they are getting close, Mrs. Daly’s presentation showing the surrounding densities was compelling in leading her to believe that this might not yet be the best proposal.

The motion to deny carried with a vote of 8 to 3 with Commissioners Flanagan, Sorensen and Reitzes opposed.

Mrs. Karr explained that several items were being continued to the September 9, 2013, Planning Commission meeting due to a notification error by staff.

Chair Thacker indicated that the rules needed to be suspended to approve all of the continuances with one motion.

Mr. Flanagan moved to suspend the rules, so they could approve the items to be continued with one motion. The motion was seconded by Mr. Reitzes and carried with a vote of 11 to 0.

REZONING NO. 2013-5 - Vicinity of the southwest corner of 135th Street and Riley. Rezoning requested from CP-2, Planned General Business District and RP-5, Apartment District, to CP-2, Planned General Business District, to allow a rezoning to allow a commercial development. Application made by Polsinelli Shughart PC.

(Continued)

According to Staff Comments, this item was to be continued to the September 9, 2013, Planning Commission meeting.

REVISED PRELIMINARY PLAN APPROVAL - The Manor Homes at Prairie Trace - Vicinity of the southwest corner of 137th Street and Riley. Application made by Polsinelli Shughart PC.

(Continued)

As indicated in Staff Comments, this item was being continued to the September 9, 2013, Planning Commission meeting.
SPECIAL USE PERMIT NO. 2013-9 - Vicinity of the southeast corner of 159th Street and Metcalf. Special use permit requested for an indefinite period of time to allow a lift station. This property is currently zoned CP-2, Planned General Business District. Application made by Johnson County Waste Water.

(Continued)

As noted in Staff Comments, this item was being continued to the September 9, 2013, Planning Commission meeting.

SPECIAL USE PERMIT NO. 2013-24 - Vicinity of the southwest corner of 133rd Street and Long. Special use permit requested for indefinite period of time to allow a new senior living facility. This property is currently zoned CP-O, Planned Office Building District. Application made by BL Development, L.L.C.

(Continued)

According to Staff Comments, this item was being continued to the September 9, 2013, Planning Commission meeting.

PRELIMINARY PLAN APPROVAL - Crystal Springs - Vicinity of the northeast corner of 135th Street and Rosehill. Application made by BL Development, L.L.C.

(Continued)

Chair Thacker clarified that the continuance of the Preliminary Plan for Crystal Springs to the September did not require a motion.

SPECIAL USE PERMIT NO. 2013-25 - 6537 West 119th Street. Special use permit requested for a three-year period of time to allow a drinking establishment. This property is currently zoned CP-1, Planned Restricted Business District. Application made by Frida’s Tacos, L.L.C.

(Continued)

As noted in Staff Comments, this item was to be continued to the September 9, 2013, Planning Commission meeting.

SPECIAL USE PERMIT NO. 2013-26 - 12300 Metcalf. Special use permit requested for an indefinite period of time to allow an imaging trailer. This property is currently zoned CP-O, Planned Office Building District, and SUP, Special Use Permit District. Application made by ACI Boland, Inc.

(Continued)

As indicated in Staff Comments, this item was being continued to the September 9, 2013, Planning Commission meeting.
SPECIAL USE PERMIT NO. 2013-27 - 12000 Quivira. Special use permit requested for a ten-year period of time to allow the renewal of a communications tower. This property is currently zoned CP-O, Planned Office Building District. Application made by American Tower Corporation.

(Continued)

According to Staff Comments, this item was being continued to the September 9, 2013, Planning Commission meeting.

SPECIAL USE PERMIT NO. 2013-28 - 4409 West 159th Street. Special use permit requested for a ten-year period of time to allow the renewal of a communications tower. This property is currently zoned RP-3, Planned Garden Apartment District. Application made by American Tower Corporation.

(Continued)

As noted in Staff Comments, this item was to be continued to the September 9, 2013, Planning Commission meeting.

SPECIAL USE PERMIT NO. 2013-29 - 8905 Lenexa Drive. Special use permit requested for a three-year period of time to allow renewal of a billboard. This property is currently zoned M-1, Industrial Park District. Application made by Waitt Outdoor.

(Continued)

As noted in Staff Comments, this item was to be continued to the September 9, 2013, Planning Commission meeting.


REVISED PRELIMINARY PLAN APPROVAL - Hawthorne Plaza Remodel - Vicinity of the southwest corner of 119th Street and Roe. Application made by Polsinelli Shughart PC.

(Approved)

Assistant Planner Aaron Dubois stated that the applicant was requesting revised preliminary plan approval to allow modifications to Hawthorne Plaza. The property is currently zoned CP-2, Planned General Business District. To the north and east of the subject site is Leawood. Overland Park is to the south and west. The shopping center has one large multi-tenant building in an L shape with three pad sites that are developed with a bank, a retail establishment and a restaurant. The applicant is requesting a revised preliminary plan to allow changes to the shopping center. The new proposal calls for new parking lot aisles and drives, architectural changes to the existing buildings, new landscaping and a new building located at the northeast corner of the center. A public hearing is required for this revised preliminary plan due to an increase in approved square footage and the reduction of peripheral setbacks. In
2004, a revised preliminary plan was approved for this center allowing a total of 119,524 square feet of building. The new proposal shows a total of 136,009 square feet of building, and the added square footage is in the new building.

The applicant is proposing to remove the Yia Yia’s restaurant at the northeast corner of the shopping center and replace it with a 24,698 square-foot Container Store. Staff worked with the applicant on the location of the Container Store to move it as close as possible to the corner of 119th Street and Roe. The applicant has moved the building as far as possible as the grades will allow. A pedestrian plaza is to be located at the corner of 119th Street and Roe. A pocket park is to be located to the north of the existing Tivol building. The drive system and landscaping will be changed throughout the existing site. Currently there are parallel access drives throughout the site. The proposed plan shows one access drive, new parking aisles and drives, speed tables, and pedestrian plazas located throughout the site. There is to be new parking lot landscaping, new street trees and screening from the adjacent streets. A total of 632 parking spaces are required for this center. The applicant is proposing to provide 635 parking spaces. With the final plan, staff will review landscaping, signage and any proposed site improvements.

The architectural changes include a major rehabilitation to the existing main building, which has a green metal roof with gray concrete block. The applicant is proposing to remove all of the green metal roofs on the main multi-tenant building and on the bank building in the northern end of the property. Some of the pitched roof will remain on the Tivol building, but it will be painted white. The proposed changes include removing an arcade that is throughout the center. This will allow better signage and a taller building to generate interest in the center. They are proposing to clad the building with a combination of brick, stone, metal and three colors of stucco. New awnings, glazing, and towers with clear stories will be located throughout the center. The changes to the back of the main building and the screening of trash enclosures will be considered with the final plan.

The U.S. Bank building will have similar materials to the other buildings in the center. The existing metal roof on the Tivol building is to be painted white. The proposed Container Store is to be constructed of stone, stucco, metal and will contain glazing and windows on all four sides of the building. A truck dock is located on the southern end of the building and there will be walls and a gate to screen that area. Staff has asked for a glass and metal tower on the northeast corner to help frame the corner. The Container Store appears to meet the guidelines of the Architectural Design Standards, and that will be reviewed with the final plan. Staff is supportive of the overall architectural style of the center.

Staff was recommending approval of the Revised Preliminary Plan for the Hawthorne Plaza with stipulations a through p.

Mr. Curt Petersen, attorney for the applicant, Polsinelli Shughart, PC, indicated that he was representing Hawthorne Plaza, L.L.C. Mr. Petersen noted that Hawthorne Plaza has a great reputation in the City. It is at a gateway location on the east side of the City. The owners are committed and excited about the project. They had a productive meeting last week with the residents to the south. Although a meeting with the neighbors was not required for a revised plan, staff suggested that they talk to the adjacent residents. They discussed the screening and landscaping of the project.
They will be working with staff and the residents on those elements. The applicant agreed with stipulations a through p.

Mr. Gadd clarified that the circular drawings on the site plan represent placeholders throughout the site for traffic calming devices.

Mr. Lance noted that a speed table was mentioned. He asked where that will be located. Mr. Petersen replied that is a reference to the traffic calming devices. Mr. Lance asked what color glazing will be on the Container Store. Mr. Petersen replied that the Spandrel glass, or the opaque glass, will be used in two places including the east elevation near the loading dock and the northwest corner of the building above the bump out. Backlit glass will be on the roof tower feature on the east and west elevations. There will also be backlit glass on the upper portion of the northeast corner of the building. The rest of the glass will be clear and can be used to show products. Mr. Lance noted that Mr. Petersen indicated that the tower would be clear glass and lit on two elevations. He asked about the other two elevations. Mr. Petersen replied that the backlit glass turns the corner. The west and east sides will be visible from the ground, but the north and south sides will not be visible. Mr. Lance asked what are the horizontal bump outs. Mr. Petersen explained that was a canopy. Mr. Lance asked what color is the Spandrel glass. Mr. Petersen replied that they will work on that final plan issue with staff.

Mr. Reitzes noted that the Staff Comments and the drawings reference a pocket park to the north of the Container Store. He asked what is the difference between the pocket park and a landscaped area. Mr. Petersen replied that they intend to provide seating in the area, a sculpture, hardscape or landscape with some height that to draw attention to that entrance.

Mr. Lund asked if the restaurant would be relocated. Mr. Petersen replied that the owner of the center hoped that the restaurant would be relocated on the east side of the center.

Mr. Hill clarified that the blue on the Container Store under the awning is an applied color and will not be lit.

Chair Thacker opened the public hearing regarding this item. There was no response, and the hearing was closed.

Mrs. Sorensen stated that she liked the revised plan for this site. She hoped to see some fountains in the center and a lot of pedestrian areas.

Mrs. Sorensen moved to recommend to the Council approval of the Revised Preliminary Plan for the Hawthorne Plaza Remodel with stipulations a through p. The motion was seconded by Mr. Reitzes.

The motion carried with a vote of 11 to 0.

Mr. Troester left the meeting at 3:20 p.m.

(Approved)

Mr. Gooch indicated that the applicant was requesting revised preliminary plan approval to allow changes to the existing Corbin Park plan on property zoned CP-2, Planned General Business District. The NYLO Hotel, which was to be located on the southern main drive in the previously approved plan, has been removed from the proposed plan. In addition, the most recently approved plan showed a parking deck around Building D1. This deck is no longer proposed to be constructed, and building D1 is shown as a future phase. No other changes are proposed for the development except for the parking area located to the south and west of building D1. A total of 1,106,265 square feet are proposed with this plan. It also includes 4,874 parking spaces, which is equal to 4.41 spaces per 1,000 square feet.

Staff is concerned about the appearance of the southern drive. Previously, it was to have the appearance of a main street with buildings on both sides and tenant spaces and features. Now parking is located along the southern drive. Staff worked with the applicant, and there are some areas where they could provide some walls and other features. However, staff has asked the applicant to provide some additional features such as a walkway, seating areas, landscaping areas, park areas, trellises, fencing or other elements. Staff will review those features with the final plan. They will finalize the parking area first and then the area along the southern drive. The applicant is providing sidewalk connections between the parking areas associated with building D1.

Staff asked the applicant to consider adding two new buildings along the south drive. The applicant told them previously that there was too much square footage on the site for the amount of demand they have for retail, which is why they were removing some of the square footage. Also the removal of square footage would allow visibility for the A buildings. Staff asked the applicant to submit a plan that could be used if there is a demand for more retail. They are showing two new buildings and a parking deck if the demand for retail increases. With this plan there would be a total of 1,126,765 square feet and 4,959 parking spaces. However, the currently proposed plan is what is to be built initially.

The elevations for building D1 would be finalized with the final development plan. Building D1 is to have a total of 22,000 square feet.

Staff was recommending approval of the Revised Preliminary Plan for Corbin Park Revised Plan with stipulations a through k. Mr. Gooch stated that there was a notification error with this plan. The applicant is working to resolve that issue. If it is resolved, the item will be forwarded to the City Council. If it is not resolved, then the item will be reviewed once again at the September 9, 2013, Planning Commission meeting and notification will have to be provided once again.

Mr. Jeff DeGasperi, applicant, DeGasperi and Associates Architecture, 6240 W. 135th Street, said he was representing Carson Development. The NYLO Hotel has been removed from the site plan. That land is now to be used for parking for some of the A buildings in the middle of the site and the Scheels building. They have been working with staff on the revised preliminary plan in terms of features along the main
street for pedestrians and routes for the site. They will continue to work with staff through the final development plan to create some hardscape features, pocket parks, screening of the parking and making an attractive streetscape. The applicant agreed with stipulations a through k.

Chair Thacker opened the public hearing regarding this item. There was no response, and the hearing was closed.

Mr. Flanagan moved to recommend to the Council approval of the Revised Preliminary Plan for the Corbin Park Revised Plan with stipulations a through k. The motion was seconded by Mr. Robinett and carried with a vote of 10 to 0.

**FINAL DEVELOPMENT PLAN APPROVAL** - Corbin Park Site D Parking - 13501 Metcalf. Application made by DeGasperi and Associates.

(Continued)

According to Staff Comments, this item was to be continued to the September 9, 2013, Planning Commission meeting. No motion was required.

**REVISED PRELIMINARY PLAN APPROVAL** - Silvercrest Assisted Living Facility Building Addition - 13060 Metcalf. Application made by Silvercrest at Deer Creek.

(Approved)

Mr. Gooch indicated that the applicant was requesting revised preliminary plan approval to allow an addition to an existing retirement apartment building. The subject site is zoned CP-O, Planned Office Building District, and is approved for a special use permit to allow a retirement apartment building. The original special use permit was approved in 1992 for an indefinite period of time.

The applicant is proposing to construct a single-story addition at the northwest corner of the building. Some additional parking is provided along the southwest corner of the building. The one-story addition will allow for nine more beds to be placed in the center for a total of 124 beds in the facility. The parking area will be changed to a loop drive in this area to allow for this addition. A new sidewalk is to be constructed towards Metcalf with this expansion. A total of 82 parking spaces will be provided, which exceeds ordinance requirements for 55 spaces.

The single-story addition will be constructed of brick and lap siding to match the existing building. This addition will have a large pitched roof. Staff is comfortable with the design fitting in with the overall center.

Staff was recommending approval of the Revised Preliminary Plan for Silvercrest Assisted Living Facility with stipulations a through l.

**Mr. Frank Sotolar**, applicant, HMN Architects, 7400 W. 110th Street, Overland Park, noted that it is a tight site with a lot of trees, floodplain, and other things. After many meetings with staff, they found the only area on the site that is left to be developed. There is no other spot where the expansion will fit. The applicant agreed with stipulations a through l.
Chair Thacker opened the public hearing regarding this item. There was no response, and the hearing was closed.

Mr. Reitzes moved to recommend to the Council approval of the Revised Preliminary Plan for the Silvercrest Assisted Living Facility Building Addition, with stipulations a through l. Mr. Lund seconded the motion, which carried with a vote of 10 to 0.

FINAL DEVELOPMENT PLAN APPROVAL - Ascension Church Dumpster Enclosure - 9510 West 127th Street. Application made by Dave McKenzie.

(Approved)

Planning Intern Rachel Wooldridge stated that the applicant, Dave McKenzie, is requesting approval of a final development plan to allow a wood trash enclosure with a deviation request for the enclosure to have no gates. The trash enclosure would be constructed at the Ascension Church site, 9510 West 127th Street. The subject site is zoned R-1, Single-Family Residential District. The applicant is requesting final development plan approval to construct a 6-foot high wood dumpster enclosure for the Church of the Ascension in fulfillment of his son’s Eagle Scout project. The enclosure would be solid wood with dog eared picket tops, and it would be painted to match the church trim. The dumpster is currently sitting on a concrete structure. A site plan has been submitted which meets ordinance requirements. A stipulation has been added requiring the church to add gates to the trash enclosure if the deviation request is denied by the Planning Commission.

The applicant submitted a request for a deviation, which is included on page No. 56G of Staff Comments. The first criteria for a deviation is that the request arises from a condition that is unique to the property. Staff found that the request for no gates to be built was not necessarily unique, because the City requires all dumpster enclosures to have gates. The second criteria is that the granting of the deviation will not adversely affect the rights of adjacent landowners or residents. Staff found that because the dumpster faces residential houses, the granting of the deviation may have an adverse affect on the residents. Another criteria is that this request will not adversely affect the public health, safety and general welfare. Staff does not believe that the granting of the deviation would have an adverse impact on the general welfare of the community. Another criteria is that the granting of the request will not be opposed to the general spirit and intent of the Unified Development Ordinance. The City requires that the trash dumpsters be enclosed on all four sides for all non-residential properties like churches and schools in the City. Staff did not support the request for a deviation to allow the structure to be built with no gates.

The Planning Commission should discuss the wood and the effects of weathering on the material.

When staff went to examine the site, they noticed recycling bins that were within 150 feet of the residentially zoned properties, so the bins would have to be moved to be in compliance with the ordinance.

Staff was neutral in terms of a recommendation for this request. Should the Planning Commission find the wood material and the deviation request acceptable, staff would recommend the inclusion of stipulations a and b. Should the Planning Commission find the wood to be acceptable but not the deviation, staff would recommend
stipulations a through c. There are four options. The Planning Commission could approve the deviation and the wood, approve the wood but not the deviation, approve the deviation and not the wood, or deny the wood and the deviation.

Mr. Brake commented that he preferred for staff to make a definite recommendation and to justify their position.

Mr. Dave McKenzie, 14700 Grandview, Overland Park, stated that he was representing his son, Luke McKenzie, who is a boy scout that is working with the Church of the Ascension to do his Eagle Scout project by building the dumpster enclosure. He was present with the business manager for the Church of the Ascension. Mr. McKenzie added that he agreed with stipulation a, which was to obtain a building permit. He was not able to address stipulation b, which required the church to screen the recycling bins adjacent to the trash dumpsters or to relocate them where they would be allowed by the City ordinance.

Ms. Sharon Weens, business manager, Church of the Ascension, stated that in discussions with the pastor and in looking at their options and the cost, they would probably stop recycling altogether and just have additional trash pickup days.

Mr. McKenzie added that stipulation c was to require the church to apply gates to the trash enclosure. He did not agree to stipulation c due to the pastor’s bad past experience with trash enclosure gates. School children and church volunteers would be taking trash to the enclosure, and it is his request that no gates be present for added convenience.

Mr. Reitzes asked if they decide not to approve a wood enclosure, would Mr. McKenzie’s son still get credit for his project. Mr. McKenzie replied in the negative. However, they have been working with staff to get a building permit. His son is working with another group, the Deanna Rose Children’s Farmstead, to build benches. He is going to deliver the benches tomorrow. They are going through this process to try and make it acceptable for another scout to build the trash enclosure. His son has a deadline to complete the project by his 18th birthday, which is September 13, 2013.

Mr. Gadd asked what age of school children would be taking out the trash. Ms. Weens replied that they do not have custodial staff on the weekends, so for any events on the weekends, the volunteers take out the trash. During the week, the children take out the recycling as a part of their duties. If they take away the recycling, the children will still take out the trash.

Mr. Flanagan said that he did not object to the enclosure being made of wood as long as the material was treated with a sealer to protect it. However, he did believe that the enclosure needed to have a gate since it is required by ordinance and it is facing residential homes.

Mr. Lund noted that he drives by the site on 127th Street, and it would be hard to see the trash enclosure from 127th Street. He believed that the trash enclosure could be made of wood, but it should have a gate.

Mr. Brake agreed that the trash enclosure should be enclosed with a gate.
Mr. Flanagan moved to deny the Final Development Plan Approval for the Ascension Church Dumpster Enclosure.

Mrs. Karr noted that staff would like for the Commission to approve the Final Development Plan with stipulations a through c. The trash dumpster is required to be screened. Whether or not this boy scout does the work, the church will need to screen the trash dumpster and remove or screen their recycling bins to be code compliant.

Mr. Flanagan changed his motion to move for the approval of the Final Development Plan for the Ascension Church Dumpster Enclosure with stipulations a through c. The motion was seconded by Mr. Lund.

Mr. Reitzes noted that they have various types of wood picket tops. He assumed that the posts would have a plain top and the pickets would have the dog eared tops. Ms. Wooldridge replied that was correct.

Chair Thacker observed that they would not normally recommend wood for a trash enclosure. If the enclosure becomes deteriorated at some point in time, would they then have the option to require the applicant to build a more permanent structure. Mrs. Karr replied that as long as the enclosure is maintained in good condition, they could continue with the wood structure. If they took down the enclosure and came in for a new permit to build another enclosure, they could have the discussion at that point.

The motion carried with a vote of 10 to 0.

At 3:55 p.m., the Chair Thacker declared the meeting adjourned. Minutes transcribed by Pamela Blaszyk.

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Janie Thacker, Chair