

City of Leawood Planning Commission Minutes

September 24, 2002
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AGENDA: Binckley requested the removal of Case 62-02 Block and Company Retail Building from the consent agenda and asked it to be continued to the October 22, 2002 meeting. **A motion to approve the revised agenda was made by Brain and seconded by Breneman. Motion approved unanimously.**

A motion to approve the revised consent agenda was made by Brain and seconded by Munson. Motion approved unanimously.

APPROVAL OF THE MINUTES: Approval of the minutes from the August 13, 2002 and August 27, 2002 meetings. **A motion to approve the minutes from the August 13, 2002 meeting was made by Henderson and seconded by Brain. Motion approved unanimously. A motion to approve the minutes from the August 27, 2002 meeting was made by Henderson and seconded by Brain. Motion approved unanimously.**

CONSENT AGENDA:

CASE 59-02b VILLAGE OF CAMDEN WOODS – PLATS 37 THROUGH 43 Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 62-02 BLOCK & COMPANY RETAIL BUILDING Request for approval of a final site plan. Located at 85th Street and State Line Road. *(continued to Oct. 22nd)*

CASE 81-02 CHRIST COMMUNITY EVANGELICAL FREE CHURCH Request for approval of a final site plan. Located approximately north of 143rd Street and west of Kenneth Road.

OLD BUSINESS:

CASE 65-02 UPTOWN DINER & PYRAMID PIZZA Request for approval of a final site plan. Located at 4800 W. 119th Street.

Staff presentation: Presentation by Jeff Joseph. The applicant has submitted revised drawings. If the Planning Commission were to approve this case, Staff has recommended three stipulations stated in the staff report.

Applicant presentation: Present to speak were Mark McKee of Pyramid Pizza and Chuck Harley of Uptown Diner. McKee stated he has tried to incorporate the sign into the front of the building. The letters are about 12 inches tall.

Conrad asked if there was a carryout sign on this building at one time. McKee stated, no.

Henderson asked if the Pyramid Pizza sign would be about half the size of the Uptown Diner size. Joseph responded the Pyramid Pizza sign is one foot tall sign. McKee stated he believes the Uptown Diner letters are about 2 ½ to 3 feet tall.

Munson asked if this restaurant is transitioning into a pizza parlor. McKee stated it would be a co-branded type restaurant. Munson asked if they will be serving Pyramid Pizza in addition to the normal menu. McKee stated in order to serve Pyramid Pizza in the restaurant, they would need a sign. Munson stated the sign looks a little like a "coming attractions" sign on a theatre marquis. McKee stated Staff has stipulated there would be no other signage after this.

Duffendack updated the Commissioners that were not present at the previous hearing by stating there were two signs on the building, one on the southeastern corner and another sign on the opposite. The direction that the Commission gave to the applicant was that it needed to be more in keeping with the sign that is already there. This is a result of that effort. The Commission did not tell them that they couldn't have a sign.

Brain was concerned about letting a business have a sign for each new product item. Duffendack stated it is his understanding that it will be two restaurants under one roof. Breneman stated she understands why Pyramid Pizza would be a draw for the two organizations.

Conrad asked if the red returns are part of Pyramid Pizza's signage. McKee responded the Pyramid Pizza logo is red, yellow and white, but the applicant chose the colors to match the Uptown Diner sign.

Conrad asked if this sign is in conformance with the City ordinances. Joseph responded they are allowed three signs, and this would be the third sign. Brain asked if having the sign on the corner would conform to the percentage standards of the façade. Joseph responded it is not considered part of the façade because it is on the corner.

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

Pilcher arrived.

NEW BUSINESS:

CASE 71-01 CORNERSTONE VILLAGE Request for approval of rezoning from AG to SD (C-R), preliminary plat and preliminary site plan. Located at the southeast corner of 135th Street and Nall Avenue.

Conrad recused himself from this case.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of rezoning from AG to SD (C-R), preliminary plat and preliminary plan to allow construction of a mixed used development of office and retail to contain 356,827 sq. ft. The retail portion will consist of 268,298 sq. ft. and the office portion will consist of 88,529 sq. ft. This development is located at the corner of Nall Ave. and 135th St. The design of the center is called a lifestyle center. The buildings are arranged in the main portion of the center in such a way that most of the stores are accessed through an interior courtyard. In addition to the main center, which consists of about eight buildings, there are also six pad sites located primarily around 135th St. and a couple around Nall Ave. The plans the Commission received show the alignment of Briar as aligning with the east property line, going straight up. Staff has been working with the applicant to address the issue of the alignment. The applicant has swung Briar to the west and it is actually within 40 ft. of that section line now. Staff has also been talking to the owners of the property on the north side of 135th St., which would be affected by this. Staff is supportive of this case, as long as the applicant is working with the property owners to the north regarding the alignment of Briar as shown tonight. Staff is supportive of this case with the stipulations stated in the staff report. Another change is that the plans show no connection between the Plaza Pointe development, which is to the east, and this development. Staff has worked with the applicant and they have now provided a connection from Plaza Pointe, the east-west internal drive will connect to Briar. Pad site 1 is being proposed as a drive through drug store, pad site 6 is proposed to be a fast food restaurant with a drive through, and one of the stores in the main center is proposed to contain a liquor store. Each of these uses would require a special use permit. The applicant is requesting a statement from the Commission and Governing Body that those uses will be allowed at this time. The City usually asks for a special use permit for each of these uses as they come in. Stipulation #13 should be eliminated, since it is addressed in stipulation #26.

Duffendack asked if the Commission has the authority to overrule requirements that are in ordinance. Binckley responded it is only conceptual, the applicant would still need to come back before the Commission for each of the special use permits. The applicant is just asking whether or not the Commission would be supportive of these potential uses. Klein stated it is the same as when Plaza Pointe was approved.

Carper stated he does not think the current Commission is in the position to bind the future Commission to the approval of a special use permit. Breneman asked what the reasoning is behind the Commission giving their opinion, if it doesn't bind the Commission to approving the special use permits at a later time. Binckley stated the applicant is asking if the Commission would be in favor of a fast food restaurant, that type of a use, in this development. The applicant wants to know up front, because if the Commission would at no point want a fast food restaurant, they would like to know that now. Munson asked what it does to the project if the Commission states they would not be in approval of the uses. Binckley stated she did not know.

Carper was concerned about changing the uses of this type of zoning. The Commission would like to know from legal counsel if the way this stipulation is written, whether or not the Commission is bound to have a fast food facility on one of these lots. Binckley stated the Commission would still be reviewing the special use permit for each application. Breneman asked if the future Commission decides that under no circumstances do they believe there should be a fast food restaurant here, are they then at liberty to make that decision based on that, or does there need to be a cause? Binckley stated the Commission would be able to deny it at a future time, the same as any case, if there is reason to deny. Brain asked if this has been done in another case. Binckley stated this is similar to Plaza Pointe, but

Staff did not use this as a stipulation. Brain asked if this is just an indication of what could be approved, if this does not bind the Commission to approving anything.

Henderson asked if there are six potential restaurants, two potential fast food restaurants, and one potential drug store. Klein responded there is just one potential restaurant with a drive-through, one bank, and one drug store and six sit-down restaurants.

Applicant presentation: Presentation by Henry Klover of Klover Architects. Klover passed out a packet earlier to the Commission to show the two plans, then described the difference between the two plans. The applicant has been working with the property owners to get the alignment of Briar resolved. There is no difference in the footprints of the buildings. The right of way remained the same, but shifted slightly. The corner section is so close to the existing property line that it renders the property useless with all of the setbacks. There is more green on the left side of Briar, as opposed to the right, because the applicant has shifted the road around and has worked with Staff, to try to make that property usable. The problem with running the road straight up was that it came in conflict with the right-in, right-out from the Plaza Pointe property, which is too close to the edge of this property. The owners have changed development groups and it is now RED development. Present tonight are: Mike Hans with RED development, Estel Hip and Bob Evans with COR, Doug Peterson, the attorney for the project, Brian Czerw with Klover Architects, Roger Cassidy with Phelps Engineering, and the traffic engineer, Steve Garbee. Klover provided the Commission with some photographs of some of RED's previous developments. They are all high quality, interior landscaped projects. RED has figured out how to do this and work with their clients, who are the tenants. They create high quality environments that are very exciting for the customers, as well as the tenants themselves. RED also creates design guidelines that they attach and record with the project so there is a continuation of the quality throughout the project. The applicant wants to create a sense of place, a unique environment that is not normally seen in the Midwest. The applicant would also like to see their development as an entry feature into the City of Leawood. That was the emphasis for the corner water feature. It would be about three quarters of an acre, just a water feature with water cascading down, not a detention area. The site plan that was originally shown was more of a glorified strip center. It is now designed to be pedestrian friendly. This project is on the southeast corner of 135th St. & Nall Ave. It has road improvements to all four sides of the development. 135th Street is being widened. Nall is going to have some temporary improvements and eventually will be widened and improved. 137th Street is being extended over to Nall, and Briar is a brand new road. 16% of the property is being lost to right-of-way. There are four pads along 135th Street and two pads along Nall. The first pad is anticipated to be a drive-through drug store. The drive-through would be on the east side, which would be hidden from Briar Street. The second pad would be a restaurant. The third pad would be a bank with a drive-through. The applicant would not be asking for a special use permit for that facility, because it is their understanding that drive-throughs on banks are permitted within the City. The fourth pad would be retail. The fifth pad is intended to be a restaurant. That is intended to be their flagship restaurant, because it would be on the corner, at the top, near the water feature. The sixth pad would be the fast food restaurant. It has been laid out so that the drive through part of the restaurant would be facing the interior of the center. The main center is a courtyard type center. It is anticipated that the tenants will be accessed through the center. There are three major tenants which would occupy buildings 5, 6 & 9. They are 30,000, 36,000 and 31,500 sq. ft., respectively. The east anchor is the collection of proposed restaurants. The two buildings on the south side are intended to be retail that would be accessed from the interior; the right side would have two stories of office above that. The applicant is proposing a clock tower that would be in the courtyard of the three restaurants.

Presentation by Doug Patterson. This application was originally submitted under CP-2. The City now has a new zoning ordinance which, if approved by the Council next week, will make SD the district of choice. SD is not a user-friendly tool. The applicant originally came in with CP-2, although they had a limited scope of tenants anticipated. CP-2 allows for a plethora of uses, but SD does not. That wasn't a problem with the applicant. This project would be no less than it is shown today if it was considered CP-2. Staff, City Council and the Commission has said that they are trying to phase-out the CP-2 district and therefore use SD. SD is not user friendly because SD provides that there is a specific focus on certain types of uses. This is considered a lifestyle center, part of that involves a pharmacy. Today's pharmacies require a drive-thru facility, the same as a fast food restaurant. The fast food restaurant has been placed so that it is on the most extreme side of Leawood, it faces Overland Park, designed exactly the way the applicant would anticipate a fast food restaurant to look in Leawood. Before the applicant can go to tenants, they have to tell the potential tenant if they will have their zoning approved. The applicant is asking the Commission if they might or might not be in approval of the potential uses for each of the pad sites that will require a special use permit. The applicant is asking for conceptual commitment that the Commission would be okay with the proposed potential uses.

Klover stated in the Staff report it indicates this is being proposed to be built in one stage. The applicant would need to come back with different parts of the plan, because they have to get some of it going to meet some time commitments for some of the tenants. The applicant is not sure if all of the plans could be brought in at the same time.

Munson asked who would control the architecture on these buildings. Klover responded it is traditionally the responsibility of RED development and Klover, as their architect, to control the architecture.

Klover stated he spoke with David Ley in regard to dual-left coming off of 135th, west bound which is not required and Ley is aware of that. There is also a requirement that the applicant would like to get adjusted. There is a stipulation that states the applicant would install traffic signals at 137th Street and Nall Avenue prior to issuance of certificate of occupancy. The issue with this is that there will need to be temporary improvements and a traffic study completed on those temporary improvements. It would also involve Overland Park. The applicant would like to adjust the language and work with David Ley to make it more realistic. The plat will not be released for recording until the permits from Public Works are obtained. The applicant has spoken with David Ley and he has agreed to change the language to allow expediting this project as quickly as possible. Ley stated it could be addressed at final application approval.

Mike Hans stated RED development will record design criteria for the entire development.

Stipulation #24 states, "Cornerstone development shall connect east-west with an internal drive between Plaza Pointe and this development". Patterson stated the applicant will bring the drive to the east side of their property line as it would adjoin a similar drive shown on the Plaza Pointe plan. The issue is that Plaza Pointe has graded its property up 5 ft. above the Cornerstone grade. The applicant will be working with the Plaza Pointe development to make that connection. The only additional comment on the stipulations is the conceptual idea/commitment on special use permits. City ordinances allow for latitude in terms of the term of a special use permit. The term is indefinite. With the type of investment that is made, the value of the property goes down every day because the time of the special use permit is running out. The applicant would like to clarify the word "indefinite" and replace it with the word "perpetual".

Binckley stated the City's legal staff is okay with the term "perpetual". In regard to the internal drive, once stipulations have been stated and the requirement is to make that drive, it is up to the developer to make the drive. Binckley has spoken with the adjoining property owner to the east and he has agreed to make that drive. Binckley sees no reason to change the wording of the stipulation.

Henderson asked how far lot 1 is from the new addition to the Church of the Resurrection. Binckley responded she didn't know, but the City does not have a requirement as to the distance of a liquor store from churches or schools. Henderson asked what the last bullet on number 26 means, "the City understands that this property is the subject of an annexation agreement". Binckley stated it is identifying that the City is in an annexation agreement with the applicant. Bennett stated there is an annexation agreement on file with the City Council and Cornerstone development that preserves the Commission's right to work on this project as they would any other. Carper asked Bennett if, by approving this, the Commission would be binding any future Commission to the uses proposed. He is also concerned with setting a precedent that they would have to approve the liquor store. Bennett responded the use would just be conceptually approved, it would not necessarily be approved. It would still need to go through the special use permit process.

Breneman asked if the Commission would be approving the use, because the wording in stipulation #26 states, "approves of this use". Bennett stated the use would be approved, but they would still need to go through the special use permit process.

Pilcher does not like the architectural limitations of the drive-through. He is against the fast food restaurant and pharmacy drive-throughs.

Brain was concerned about approving the special uses without ever having seen the applicant and what they are proposing. He feels they would be binding a future Commission to approval of the special uses. Brain also does not like the lifestyle center. He does not think it fits with the K-150 corridor guidelines, there are a lot of heavy auto intensive uses. Brain stated the applicant needs to try to improve the pedestrian connectivity within this center.

Public Hearing: Presentation by David Suttle with Suttle Mindlin Architects, representing the developer of the 60 acres on the north side of 135th Street. Any change in Briar would diminish the frontage and make it difficult to work with the site. All of Suttle Mindlin's plans have looked at continuing Briar through as it is shown now. Any configuration that carves out space on the 20 acre site particularly, along with the 40 acre on the other side, diminishes the opportunity to develop that 20 acre site, and any additional space created on the 40 acre site is virtually unusable, at least in regard to commercial value.

Elaine Gangel, 4644 W. 137th, in the Leawood Meadows subdivision. Would like the special use to be given some consideration so the people would be allowed to consider this as well, before the Commission is asked to make that decision.

A motion to close the public hearing was made by Brain and seconded by Carper. Motion to close approved unanimously.

Klein stated there may be a phasing of the development, having pad sites developed before the main center. If there is a motion to approve, Staff would recommend an additional stipulation in which either the buildings associated with tenants 5, 3, 2, 1 & 11 be constructed prior to or concurrently with any of the pad sites, as opposed to the right hand side of the development tenants of pad sites 6, 7 & 8 be constructed prior to or concurrently to any pad site.

Brain suggested a work session to discuss this with the applicant. Breneman agreed.

Duffendack stated it is not unusual for a residential project to come before the Commission without the potential buildings known, but at the same time, he was in agreement with Brain that the Commission would want to see as much of the plan as possible. It is difficult to approve buildings without knowing their uses.

Patterson stated 310,000 sq. ft. of this project is internally focused. It is a lifestyle center and is pedestrian friendly, but if the applicant has not been able to describe what this center is, they would be happy to work on this at the Oct. 8th work session. The applicant will consent to a continuance.

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

CASE 68-02 IRONHORSE CENTRE Request for approval of a final plat and final site plan. Located at the southeast corner of 151st Street and Nall Avenue.

Duffendack recused himself from this case.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final plat and final site plan that will allow the construction of 108,851 sq. ft. of mixed-use office/retail development on 13.09 acres with an FAR of .19. This application was seen two meetings ago for preliminary approval and received approval at that time. The development consists of 10 buildings that have a mixture of office and retail. The retail buildings are smaller buildings located along 151st Street, Nall Ave. and also along the southern property line that is shared with the golf course. The office buildings are primarily located along the eastern portion of the property. Ironhorse golf course borders this property along the south and the east. The applicant has tried to create a pedestrian friendly environment by designing a project in which there are a great many pedestrian accesses throughout the development. The development has also included a number of plaza areas located at strategic points to create some view corridors. If a person were looking from 151st St. going south down the main entrance of the development, they would have a view corridor of the golf course. Also, if a person were headed east on the primary east/west internal drive, they would have a view corridor of the golf course. The applicant has submitted some design guidelines. Staff has some recommendations in regard to the sign criteria. Staff would like to change the maximum to 18 in. rather than the 24 in. proposed. Staff is also not supportive of the statement that specific suites with building elevations facing multiple exposures may incorporate one additional primary identification sign per exposure. Staff wants to make sure that if a building has three sides that are fairly visible, there would not be a sign on each of those façades. Given the size of the development, Staff is not supportive of any monument sign. The applicant indicated one wall sign for the office building. Staff also recommends the definition of a cabinet sign to be included so as not to allow the plexiglass type of cabinet. Staff is also recommending that the applicant provide the proposed sign to the City for approval, and the applicant has agreed. The developer would look at the center as each tenant came in, and they would sign off on the sign for design guidelines. The style is prairie style architecture, with brick, stone and stucco. Staff is in approval of this application with the stipulations stated in the Staff report.

Henderson asked why there is not a sunset clause in this case. Klein responded it is written in the preliminary approval. Henderson then asked if stipulation #16 is an indication that they are going to save some of the trees, but not an indication of how many trees. Klein stated the applicant has to speak with City Staff before removing any trees so the City can save as many trees as possible.

Conrad asked Klein to describe what the funding mechanism is that is referred to in stipulation #20. Klein stated the applicant could probably answer that better than he could. It would be like a homes/development association that would be responsible for it. One of Staff's concerns is to make sure there is some kind of funding mechanism that would maintain it, because it's in such close proximity to the golf course. Conrad asked if the directional signage would still be a part of the development. Klein stated the individual tenants might have directional signs, but those would be looked at during that approval process.

Applicant presentation: Presentation by Kevin Berman of Hoefer Wysocki Architects. Also present were: John Shewbert, LMV Associates, Mark Charlten, project architect, and our civil engineer, Wendell Uben. The plan proposed tonight is fundamentally the same as proposed during preliminary. The applicant does not have any objections to the stipulations. Would like some clarification on the intent of stipulation #17. The project is proposed to have a substantial amount of earth moved as the buildings along the south property line are developed, which would require retaining walls and some wrought iron fencing. It appears that the fence will be torn out when that development occurs.

Klein stated it's a standard stipulation in regard to any development around the golf course. There is a wrought iron fence that goes around the golf course. Staff wants to make sure that the entire fence goes in with the first phase, as opposed to it being constructed in segments.

Berman asked to reconsider how that would be placed. The development is hundreds of feet away from the golf course, and the applicant is not anticipating much foot traffic along the undeveloped site.

Brain asked if that is something the Commission could consider, or the golf course committee. Klein stated it is up to the golf course committee. Without the fence there, people would easily be able to gain access to the golf course. The Commission would probably have the ability to change it, but the golf course committee would suggest that it all be put in at once.

Berman stated the changes to the signage requirements are acceptable to the applicant. He then asked for permission to have a monument sign in lieu of two of the wall signs.

Conrad asked the applicant about the funding mechanism for the repair and maintenance. Shewbert responded the applicant is interested in the maintenance of the area and wants it to be a showpiece for this area of Leawood. Paragraph 20 and 21 will be used as guidelines when writing the stipulations for the owners' association.

Binkley stated there would be a master association that would be responsible for the maintenance. Munson asked how the City enforces this. Binkley stated if the developer doesn't take care of it, the City has the ability to go in and take care of it, and put the cost back on them.

Henderson then asked how the City would get their money. Carper stated they would file a lien against the property. Munson asked how would this work if he were someone looking at placing a business in this particular development. Shewbert stated once the association is put together, they are buying into that agreement. Conrad asked if these types of plats have been typically platted toward the centerline of the streets. Klein responded he has seen them both ways. Conrad asked if most have been platted as tracts recently, with an entity that maintains those areas, as opposed to being platted towards the centerline. Klein responded most of them have been tracts. Binkley stated Plaza Pointe had a tract and Market Square might have been the center of the drive.

Henderson asked Staff's opinion of the two requests brought forward by the applicant. Klein stated Staff is standing by the recommendations as stated in the Staff report.

A motion to approve was made by Carper (with the unmodified Staff stipulations) and seconded by Munson. Motion approved unanimously.

CASE 72-02 BI-STATE WAREHOUSE Request for approval of a preliminary plat and a preliminary site plan. Located approximately at 143rd Street and Overbrook Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Andrew Schlagel. The applicant is requesting approval of a preliminary plat and a preliminary site plan for the construction of 433,000 sq. ft. building, of which 128,000 sq. ft. is within the City of Leawood. This project is within the Bi-State business park located at 142nd St. and Kenneth Road. The proposed building is one story. The main entrance to the building is located within the Kansas City, MO side. Four out of the 10 building units proposed are in the City of Leawood. Staff is recommending the applicant work with the Villas of Leawood to provide additional landscaping along the north side. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked if Kansas City has approved this case. Joseph stated the applicant would be able to answer that question.

Pilcher asked if the developer or the president of the homes association wrote the letter that was placed on the dais. Joseph responded the developer of Highlands Ranch wrote the letter.

Applicant presentation: Presentation by Andy Schlagel, planning consultant on behalf of the Bi-State development corporation. Also present were: Tony Privitera, the property owner of the entire park, Dale Meyers, the architect for Bi-State, David Lotz from Continental Engineering Company, and Tracy Tanking who is one of the building contractor suppliers on the project. The plan shown has a brand new perspective. The site that is being seen now is an undeveloped, already zoned BP, part of the City. It has been under development for the last 25 years. Kenneth Road exists along the western boundary. There are 10 different modules, each module approximately 42,000 sq. ft. The total square footage is 433,000 sq. ft. The part that is within the City of Leawood is approximately 168,000 to 170,000 sq. ft. Applications are proceeding simultaneously within both cities. This building is being proposed to be used by NARA, which is a facility used to store records. It is a large building, very lightly occupied, very lightly used. The main occupancy is anticipated to be 60-plus individuals. The City code requires three spaces per thousand for parking, but there is only a need for about 60-plus spaces, so 250 of those spaces would be land banked. There will be an emergency access route around the building. The handwritten note addressed from the Chairman of the Board from the Villas of Leawood, states "on behalf of the board, we have examined the plans for the proposed warehouse and strongly support them. We plan to continue to work with the developer", signed Rosemary Weber, president of the Villas

of Leawood. There is a lot of green space, the required setbacks are exceeded, the percentage of open space required is exceeded, and the amount of landscaping is exceeded. There has been special consideration to the north side. There are no docks or activity there, and it is strongly endorsed by the neighbors to the north. In regard to stipulation #5 "all new utilities to be placed underground", the applicant is in agreement with all new utilities being buried, aside from the peripheral transmission lines that are currently there. The goal on this project is to coordinate with Leawood and Kansas City, MO. The first phase of this building is scheduled to be delivered by early spring of next year.

Carper asked, in the unlikely event they couldn't get the government contract, what the alternative use would be. Schlager responded the Leawood side would be low-intensity warehouse. Carper then asked if the Commission would see any materials at this meeting. Schlager responded it would be primarily EIFS. Conrad asked how this building would function with multiple tenants. Schlager stated the applicant is focusing on the proposal that is before us. There could be another dock proposed on the Leawood side of the building. Carper was concerned about the use changing. Schlager stated there is no intention of changing the operation, if it's not NARA, it would be something with that same type of use. If would still need to go back to the homes association, then obviously to the Commission.

Brain asked what the term of the lease would be. Schlager stated it would be a 20-year lease, with renewal options. Schlager showed the materials. Schlager stated the materials have been shown to NARA. Conrad asked if there would be any fences. Schlager responded, no. Conrad asked if the government could change their uses. Schlager stated it would not be changed drastically, if any.

Henderson asked what archives means. Schlager stated it is his understanding it would be boxes of paper. Henderson suggested the applicant is asking for approval of a warehouse that would initially be used to store paper, but there's no guarantee that it will always be used as storage. Schlager stated it is not their intention to ever change the use. Henderson then stated the colors with this building, along with the Public Works facility would lend to a colorless, unstructured-like development to that area. Is there anything better that the applicant could do? Schlager stated the applicant has tried to design this so it fits into the character of the neighborhood. This is in the same pallet of colors as the building that is closest to this project.

Pilcher asked where the retaining wall is. Schlager responded it would be along Kenneth Road, but only if the land banked parking is to be built.

Pilcher asked if the use of the building were to change, would the applicant need to go before the Commission for approval. Binckley stated if it is an allowed use within the zoning, they would not need to come before the Commission again. If they made alterations to the exterior of the building, they would need to come back before the Commission. Because the Commission is not being given specific information on the retaining wall, at that point, it would need to come before the Commission so they could evaluate the materials and conditions. If the applicant chose to change the use by having three times the number of people in the building, the City would evaluate a traffic study, if need be. The developer would be required to build the retaining wall, if those parking spaces are put in.

Brain feels the applicant does not really know what will be stored in the building. He is concerned about the fire safety of the building. Would like the Fire Marshal to review this. Binckley responded the Fire Marshal has reviewed and commented and has required it to be 100% sprinkled. Brain would also like some kind of joint agreement with the City of Kansas City, MO. Schlager responded the applicant has two different water lines coming into the building. The applicant will comply with the building and fire department requirements.

Duffendack stated the City Code is specific in regard to what can and can't be stored in this type of building.

Carper asked if the applicant has read the letter provided by the Highlands Ranch homes association. Schlager stated he would not have a problem with meeting that objective. Duffendack stated the problem is screening with the top of the building.

Conrad was concerned with the longevity of the materials. Tracy Tanking, of Contour Products, stated his company has covered buildings that are over 30 years old. Maintenance requires power washing to clean the buildings. Foot traffic is one of the only detriments to Dryvet. This would not be an issue for 60 employees.

Conrad asked if there is any way that this application can be tied to this tenant. The residents see it as a low traffic facility, but if the tenant doesn't come through, very concerned about the potential use of this facility and its layout. Binckley responded the Commission could ask the applicant if they would agree to add a stipulation that states the applicant would need to come before the Commission if the use changes. Conrad stated he would like to hear the other Commissioner's and Staff's comments on whether they feel there is a lot of special use with the site and building, and associated with the tenant. Binckley stated the City is looking at this application with the specific use of a storage facility, as far as the materials; those are looked at during the final application.

Carper asked if the applicant would respond to the question of the change in use. Schlager stated if the perspective tenant would conform to the same type of design and use, then the developer would assume it would still be allowed for the same use. Carper stated

he does not see a need for an added stipulation. Binckley stated if the substantial compliance were not there, the applicant would need to reapply. Henderson asked if the Commission is approving a warehouse building. Duffendack stated the Commission should keep in mind that the project hinges on the tenant that the applicant is going after. The Commission could add a stipulation that states they are required to resubmit if the prospective tenant changes. There would be great difficulty with this site functioning as a normal warehouse site with a lot of semi-truck traffic. This is not the place for that to occur. Also, the Commission is only approving the four westernmost bays. The Commission needs to concentrate on the part that's in Leawood. Conrad asked if there would need to be a continuation of the fire loop if Kansas City, MO doesn't approve their part of their building. David Lotz stated the fire loop would connect from the north to the south, depending on which bays get built first. Henderson asked if there is a separation between the state line. Schlagel stated they are next to each other. It would be like walking from one room into another. Conrad asked the types of trucks that would be delivering the shipments and their frequency. Schlagel stated the trucks would come in to the south side and he would anticipate two or three a day. They would be city trucks (straight) – low volume operation. Henderson asked if there would be storing of the trailers. Schlagel stated he doesn't believe so. Duffendack stated there are no docks proposed on the Leawood side of the building. Schlagel stated there could be a dock proposed at a later time in the Leawood side. Brain stated if the applicant proposes another dock at another time, that would substantially change it, and it would need another preliminary and final plan.

Brain stated he would like to have the applicant raise the aesthetic bar on this project before final application.

Lotz stated it is quite likely there will be a dock proposed for the Kansas side of the building at a later time.

Schlagel reminded the Commission the transmission lines are not underground and cannot be underground. Anything new would be buried. Duffendack asked what the lines on the northern boundary serve. Lotz stated they are electrical double feeder lines, and there are 12,470 volts on that line. It would be very cost prohibitive to bury the lines. It would cost \$350-\$400 per linear foot to lower those lines. That would be a \$750,000 to 800,000 cost against this project and the applicant doesn't feel it is appropriate to ask them to bury it. Schlagel stated the site has a lot of power line easements. Joseph stated it is a requirement within the Leawood Development Ordinance. Lotz pointed out the transmission line was not buried for the projects around this area. Schlagel stated the Public Works facility to the south was not required to bury the lines.

Public Hearing: Erin and Walt Palper, 13920 Kenneth Rd, asked if Kenneth Road would be widened if the facility changed and had more traffic coming in than planned.

Duffendack stated the proposal is as presented and the traffic study has been done as presented. If the proposal changes, the Commission would need to re-visit the traffic study.

A motion to close the public hearing was made by Brain and seconded by Henderson. Motion to close approved unanimously.

A motion to approve was made by Brain, with a change to "all new utility lines would be placed underground". Staff and the applicant would decide the disposition of the existing lines and bring it back at final application. Seconded by Munson.

Pilcher suggested adding the words "retaining wall" on stipulation #3. **The motion-maker was in approval with that.**

Carper was concerned the applicant would propose a dock on the Leawood side when they come back at final application, but that would not be in substantial compliance with what is currently being proposed. Brain stated he feels the addition of a dock would be a substantial change. Binckley suggested the Commission add a stipulation to cover that. What the ordinance defines as substantial compliance is a percentage increase in the building size. **Brain added to his motion a stipulation that should state, "any substantial change, including the addition of a dock, is considered a substantial change".** Schlagel stated the square footage is minor, if that were to happen it would be because of the desire of the tenant to have a second dock, not to retrofit it for a second user. It would not create additional traffic. If that were to happen, the applicant would wish that the Commission would have the freedom to consider that issue during final. Carper stated the issue is that if the tenant or use changes, it would need to be seen again.

Motion approved 6-1. Henderson against.

CASE 75-02 MCDONALD'S – NEON SIGN Request for approval of a final site plan. Located at 4600 W. 119th Street.

Staff presentation: Presentation by Jeff Joseph. The applicant is Andrea Brey with the McDonald's corporation. The applicant is requesting approval of a final plan to allow the continued use of an existing sign that was installed without a permit. The McDonald's restaurant is located in the Camelot Court shopping center. The neon sign that was installed is 15 in. tall and 35 in. long and is located on the west side of the building. Staff is not supportive of this application because it is prohibited due to the Leawood Development

Ordinance. This sign was installed without a permit. Staff is in recommendation of denial. If the Commission were to approve this tonight, Staff has recommended the stipulations stated in the staff report.

Applicant presentation: There was no one present to represent the applicant.

A motion to deny was made by Brain and seconded by Henderson. Motion to deny approved 5-1. Carper abstained.

Munson added there are other signs of this type around Leawood and they should be looked for.

CASE 76-02 FIRE STATION #2 ADDITION Request for approval of a preliminary site plan and final site plan. Located at 12701 Mission Road.

Staff presentation: Presentation by Mark Klein. The request is for approval of a preliminary and final site plan. The development would be made up of 1,870 sq. ft. addition on 1.26 acres. The plan also proposes to upgrade the building and constructing a trash enclosure that will be at the southeast corner. The applicant has tried to upgrade the building with more of a residential flavor. The addition will add an additional 11 sleeping quarters as well as a training room. The roof will replace wood shake singles with a stone coated metal. The City will also be constructing a north-south drive. There is an access to the bay doors on the west side of the station. Although the front door faces Mission Road, there is no actual front door there. This causes confusion and some people will park in the front and block the emergency vehicles. This will remedy this situation by providing not only a front door that can be located, but also add some parking spaces on the west side of the building. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Applicant presentation: Presentation by Chief Ben Florance. The City broke ground in 1977 and completed Fire Station #2 in 1978. The City has since outgrown the station and technology has changed. The roof needs some work and there are a lot of internal changes.

Henderson would like to commend the Staff and Chief Florance on the professional presentation of the proposed changes.

Brain asked if this construction project would in any way diminish the function of the fire station. Chief Florance stated the station would continue to be occupied during the entire construction.

Jeff Degaspri, the architect on this project, stated the applicant is trying to maintain the pallet that is already there. They want to keep it very comfortable for the neighbors.

Pilcher asked if there was a flagpole on the building. Chief Florance responded there was one before, but it fell through the building because the supports rotted away.

Duffendack asked if the proposed roofing material has been used before, and if the City has approved it. Klein responded it has been used with the City before. It is Gerard stone-coated steel roof. DeGaspri stated there is a new entry porch element to match the mansards in a taupe color. Binckley stated Staff recommended that material because it is a very attractive material when it is installed.

Public Hearing: A motion to close the public hearing was made by Brain and Pilcher. Motion to close approved unanimously.

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

ADJOURN

Paul Duffendack Chairman