

**City of Leawood
Planning Commission Minutes**

**May 25, 2004
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive**

CALL TO ORDER/ROLL CALL: Henderson, Perkins, Rohlf, Conrad (tardy), Duffendack, Munson, Williams, Azeltine, Pilcher

Duffendack welcomed James Azeltine and Cy Perkins to the Planning Commission.

APPROVAL OF THE AGENDA: A motion to approve the agenda was made by Henderson and seconded by Rohlf. Motion approved unanimously.

APPROVAL OF THE MINUTES: Approval of the minutes from the April 27, 2004 and May 11, 2004 meetings.

Henderson pointed out a grammatical correction on the last page of the April 27th minutes.

A motion to approve the minutes from the April 27, 2004 meeting was made by Rohlf and seconded by Williams. Motion approved unanimously.

A motion to approve the minutes from the May 11, 2004 meeting was made by Henderson and seconded by Williams. Motion approved unanimously.

CONTINUED TO THE JUNE 8, 2004 MEETING:

CASE 39-04 ESTATES OF OLD LEAWOOD Request for approval of a rezoning from REC (Planned Recreation) to RP-2 (Planned Cluster Detached Residential), preliminary plat and preliminary plan. Located at 8901 Sagamore. **Public hearing**

CONTINUED TO THE JUNE 22, 2004 MEETING:

CASE 26-04 TOWN CENTER PLAZA Request for approval of a preliminary site plan. Located north of 119th Street, between Nall Avenue and Roe Avenue. **Public hearing**

CASE 33-04 PAWNEE PLACE - DEVELOPMENT 1 Request for approval of a rezoning from AG (Agricultural) to MXD (Mixed Use District), preliminary plat and preliminary site plan. Located south of 135th Street and east of Roe Avenue. **Public hearing**

CASE 34-04 PAWNEE PLACE - DEVELOPMENT 2 Request for approval of a rezoning from AG (Agricultural) to MXD (Mixed Use District), preliminary plat and preliminary site plan. Located south of 135th Street and west of Mission Road. **Public hearing**

CASE 35-04 VILLAGE OF SEVILLE Request for approval for a rezoning of a portion of the property from SD-CR (Planned General Retail) to RP-4 (Planned Apartment Residential), preliminary plat and preliminary plan. Located at the northwest corner of 133rd Street and State Line Road. **Public hearing**

CASE 38-04 SUNRISE SENIOR LIVING Request for approval of a special use permit, preliminary plat and preliminary plan. Located south of Granada and east of Roe Avenue. **Public hearing**

CASE 41-04 CORNERSTONE OF LEAWOOD - BUILDING 10 Request for approval of a final site plan. Located at the southeast corner of 135th Street and Nall Avenue.

REMAND FROM CITY COUNCIL (TO BE HEARD AT THE JUNE 22, 2004 MEETING):

CASE 29-04 LDO AMENDMENT, SECTION 16-2-10.3B, MATERIALS AND COLORS Request for approval of an amendment to the Leawood Development Ordinance to allow vinyl soffits and vinyl siding.

CONSENT AGENDA:

CASE 14-04 VILLAS OF WHITEHORSE, 3RD PLAT Request for approval of a final plat and final site plan. Located north of 151st Street and east of Nall Avenue.

CASE 23-04g VILLAGE OF CAMDEN WOODS, 63RD PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 23-04h VILLAGE OF CAMDEN WOODS, 64TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 23-04i VILLAGE OF CAMDEN WOODS, 65TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 37-04 LEABROOKE, 2ND PLAT Request for approval of a final plat and final site plan. Located at approximately 145th Street and Kenneth Road.

CASE 42-04 LEAWOOD COUNTRY MANOR - BLOCK 5, LOT 15 Request for approval of a final plat. Located at 11206 Rosewood.

CASE 43-04 CORNERSTONE OF LEAWOOD, 2ND PLAT Request for approval of a final plat. Located at the southeast corner of 135th Street and Nall Avenue.

Rohlf asked for clarification on what the Commission would be approving for the LeaBrooke and Cornerstone cases. Binckley stated the LeaBrooke Second Plat application is for an additional set of lots that are in substantial compliance with the preliminary plat and plan the Commission previously approved. Cornerstone's current plat had all of the outlots separately platted with the main center as one tract. The applicant is now requesting each of those buildings to be separated out as separate lots. The reason behind the change is partially to allow them to sell those buildings to separate ownerships and be able to obtain money for construction. Everything stays the same as their original plan, they are just separating the property.

Conrad arrived.

A motion to approve the consent agenda was made by Henderson and seconded by Pilcher. Motion approved unanimously.

OLD BUSINESS:

CASE 32-04 CORNERSTONE, LOT 5 - TED'S MONTANA GRILL Request for approval of a preliminary site plan. Located at the southeast corner of 135th Street and Nall Avenue, on lot 5 of the Cornerstone development.

Staff presentation: Presentation by Mark Klein. This case was heard at the April 27th Planning Commission meeting. At that time, there were some concerns expressed by the Commission regarding the architecture, the prairie style and some of the circulation regarding trash pick up and delivery of supplies. The applicant was asked to work with staff to come up with some changes to help it fit in more closely with the architecture of the center as well as address some of the circulation issues. The applicant has done that and is back before the Commission requesting approval of the preliminary site plan. Staff is supportive of the application with the stipulations stated in the staff report.

Duffendack asked Klein to describe what changes have been made since the Commission last saw the case. Klein stated the applicant had a building with an old Montana style. The applicant has changed the elevation of the building by adding some EIFS to match the rest of the center and they have also tried to focus more on the horizontal elements of the building by extending the cornices at the top of the building outward a little bit. They have also added on a planter on the east side of the elevation. The vertical columns have been extended to add a little more definition on the east side. The applicant is also planning on planting more landscaping to help break up that elevation of the building.

Williams asked what changes were made to the circulation. Klein stated there were questions at the previous Planning Commission meeting regarding the pick up of trash and also delivery trucks. He believes the discussion was whether the refuse truck would block the east-west drive when trash was picked up. The applicant has reviewed a few alternatives. The applicant had not submitted those proposals by the time this report was written. The applicant has now submitted those and is prepared to discuss them tonight. He believes they have come up with five different alternatives.

Rohlf asked if this pad site is part of phase one. Klein stated he believes that phase one occurred with building 10. There was a stipulation with the overall plan that the main center would begin construction prior to or at the same time as the pad sites. This is probably the third building to come in. Rohlf asked if the first two buildings are in the process of being built. Klein stated, that is correct. The utility lines have been dropped and a lot of the infrastructure is in. It is his understanding that Cornerstone is undergoing some adjustments as far as financing in order to come up with the money to continue some of the construction on some of the buildings that have already been approved. Rohlf asked when the water feature will be built. Binckley stated staff has had discussions with Cornerstone and the water feature should be built at the beginning of next year, if not this year. Rohlf asked if the Commission could see the renderings of what was originally approved for the development. Klein showed the originally approved plan for Cornerstone and then described the design.

Applicant presentation: Presentation by Jim Powell with JHA Architecture and Development, representing Ted's Montana Grill. Ted's is a gathering place for family and friends offering comfort food for the 21st Century. It is an authentic craftsman style Montana bar and grill that offers time-honored favorites, handmade with fresh ingredients. In June 2003 Ted's Montana Grill was named the Nation's Restaurant's News as one of six hot emerging concepts. The atmosphere and decor blends the warmth and charm of an authentic bar and grill. The original design is faithful to the arts and crafts architectural style of the early 20th century. Powell showed pictures of current Ted's Montana Grill buildings. Some architectural highlights of the décor include mahogany paneling, hickory flooring, pressed-in ceilings, pendant lighting, ceiling fans, metal crown moldings and unfinished brass. Ted's Montana Grill tries to be environmentally friendly by using recyclable products. It is also entirely non-smoking. The hours of operation are Sunday through Thursday 11:00 a.m. to 10:00 p.m. and Friday and Saturday 11:00 a.m. to 11:00 p.m. Menu items range from \$6 to \$20.

Typically, on a freestanding Ted's site, the applicant looks for 80 to 90 or even 100 parking spaces when there is no additional parking available. Right now, the site has 60 spaces, the adjacent site has 66 spaces and the site that appears to be a drive-through has 39 spaces. There are approximately 220 spaces in the parking field, therefore the applicant feels the 60 spaces are adequate. Deliveries are typically scheduled between 6 and 10 a.m. daily. The trucks are no longer than 25 ft. in length. The average length of time that the truck is parked is 15 minutes. They anticipate all deliveries to be made from the west side of the building. There would be bi-weekly deliveries of refrigerated food and the average length of time the truck would be parked is 30 minutes. The dumpsters are emptied 6 days a week, Monday through Saturday. Typical pick-up hours range between 5 and 7 a.m., if not earlier. Front-end loading refuse trucks are typically used and they are 36.5-ft. long. The average time required to empty a dumpster is 7 minutes. Powell showed and described the materials board, the landscaping plan and the elevations. Ted's allowed the developer to change the elevations to better fit with the development. The intention is to use the approved colors and materials for the Cornerstone development. The east elevation was somewhat plain, so the applicant pulled out a 7-ft. deep planter, added some EIFS panels and deepened the columns to about 3 ft. to give it some terracing effect. The cornice was extended out and they reduced the number of decorative brackets to emphasize the horizontality of that. The rear elevation will be matching the gates to the shopping center. Some

EIFS panels were added as well as cast stone banding around the entire building. The restaurant typically has pipe columns at the patio area, but the applicant has added more substance to them by changing them to brick columns. The applicant has added some detailing similar to the Eckerd's and the Cornerstone development. There were concerns about dumpster pick-up and delivery at the previous meeting. The developer had a study conducted and presented those results to staff. There are five different options for the delivery area. The first option is the same as originally shown with the one change of widening the drive just a little bit just in case there is traffic that early in the morning that would need to get by. The second option would be to keep the dumpster in the same location, only adding a radius area to the island to allow the truck to oversteer to get into the dumpster area in one time, instead of backing up. The third option looked at the possibility of realigning the drive as the trucks are coming through the parking field so that instead of the drive entrance to the parking area being where it was previously shown, it would be moved over. This resulted in no lost parking and would allow the truck to have a straight shot into the dumpster area. This also shows the aligned drives the City Engineer is looking at. It shows there is no problem on the applicant's part to align the drive. The fourth option angles the dumpsters so the truck would come in off of the main access drive and be almost fully out of the way of the drive. That does increase the size of the dumpster area a little bit but allows the deliveries to go either through the building, or through the service yard. The fifth option was turning the dumpster perpendicular so that the truck is completely off the street and within the internal part of the site plan and could pull completely into this drive to pick up the trash. This could also be used for deliveries. Unfortunately with this option the site ends up losing three parking spaces with this option whereas it only lost one to two parking spaces on the other options.

Williams asked if the enclosure's height would change. Powell stated the height would not change. Munson asked if this last option would allow more opportunity for landscaping around the dumpster area. Powell stated it does present a better location for the transformer. They are working with KCP&L, and while they have a preferred location, KCP&L will be selecting the location. The applicant is intending to screen that with a low wall as well. Munson asked if the applicant is asking the Commission to make a choice for them. Powell stated the applicant was asked to explore the options. The applicant would prefer options 3, 4 or 5.

Henderson asked if the design includes a sidewalk on the south side of the building as it moves to the parking lot, and if so, how do these designs affect the continuity of the sidewalk. He then asked how far away from Ted's the second parking lot is and how the patrons would get to Ted's from that parking lot. He also asked if the sidewalk would remain constant no matter what option they choose. Powell stated the driveway would be crossed with a 5-ft. sidewalk, similar to the other lots. Henderson asked how long of a sidewalk it is. Powell stated around 150 ft. Henderson asked how the patrons would get safely back to their cars after leaving Ted's. Powell stated there would be a crosswalk across the main drive to each of the parking areas.

Conrad asked if there has been any consideration of rotating this building from north to south. He realizes it is a debate on whether 135th Street is the front of the building, or if the center is. He would not want to have a utilitarian, unkempt maintenance area facing 135th Street, but he is assuming that would be heavily landscaped. Powell stated the developer looked at moving the building more to the west but it divided the parking and did not help with what could be a crowded situation on peak nights. They also looked at turning the building 90 degrees and it would considerably cut their parking spaces. Conrad stated he hates to hear parking spaces driving the site planning. He would not want to see the truck backing up on main drive aisle, in any sense. The last option is the best to him, especially with the main entry to the center and people making an immediate right turn. Powell stated the trucks would typically be there very early in the morning. Conrad asked if the building were moved to the west, would there be spaces lost or would the parking just be reconfigured. Powell stated they would lose 20 parking spaces if the building were reconfigured.

Perkins asked if all of the parking lot shown on page C5 would be paved. Powell stated that RED development has agreed to put in those spaces adjacent to Ted's parking lot by the time the building is open for business. Perkins asked if there would be more than 60 spaces. Powell stated, yes. Perkins then asked how many people the restaurant would hold. Powell stated there would be 160 seats in the building. Perkins asked if the parking across the street would be paved before the restaurant opens. Powell stated it is his understanding that the developer

should have that paved. Perkins suggested the applicant should make sure those spaces are put in prior to the restaurant opening.

Henderson asked if Leawood code requires any extra depth to a sidewalk as it does to a driveway. Klein asked if he is asking about the thickness of the concrete. Henderson stated, yes, not only the depth of the concrete, but also what would be underneath it. Powell stated the driveway and whatever is done to the crosswalk, is 6 to 8 inches thick to accommodate the weight of the trucks. Binckley stated the LDO requires concrete instead of asphalt and there is a standard for the thickness of the concrete. Henderson stated he has gone by some establishments where those areas used for loading are beginning to sink after only a few years. Binckley stated those establishments might be using areas that were not intended for loading areas, but if you look at those places identified on the original plan, there is concrete at those places.

Perkins asked to see the fifth option on the trash enclosure. He then asked if delivery trucks and trash trucks could fit with that option. Powell stated, yes. Perkins then asked how many feet it would be from back to front. Powell stated from where the gates are closed to the edge is probably 40 to 42 feet.

Williams asked if the windows on the second floor would be actual or faux. Powell stated there is only one level to the building. Williams asked where the HVAC equipment would be located. Powell stated there would be 5-ft. raised parapet wall and all of the HVAC units would be behind that. It is continuous around the lower wing. Williams asked if the HVAC equipment would be taller than 5 ft. Powell stated all of the equipment would be lower than the 5-ft. wall. Williams asked if the gate is closed-face. Powell stated it would be a closed-face gate. Williams asked if the top of the walls would be stone or EIFS. Powell stated the applicant has no problems with any of the lower elements or caps being cast stone.

Rohlf asked to see the landscaping plan with the patio and then asked if these restaurants typically have patios. Powell stated, yes. Rohlf asked if there is a sidewalk along the patio area. Powell stated, yes, everything gray on the landscape plan is a sidewalk. The restaurant has been pulled back a little to allow for more landscaping around the patio. Rohlf asked if there would be a canopy over the patio. Powell stated, yes, there is typically a canopy on the front elevation as well as the patio. It will be a covered, unenclosed area.

Williams asked if they are proposing an external ladder for access to the rooftop equipment. Powell stated, no, it would be internal with a roof hatch.

Duffendack stated the Commission should move their focus more towards the site plan and the trash enclosure and the difficulties it causes on the site. He agrees with Conrad that the front door of the building is in the wrong place. It is as far away from the source of patrons as it can be. The applicant has made some significant improvements with the building but he believes there are better ways to site this project.

Ed Basor, Director of Construction for Ted's Montana Grill, stated the applicant has spent a lot of money, time and effort on the design of the buildings. They have found that this type of building is very attractive to people to go around to the front. They have found in other buildings that face the parking lot that it takes away from the style of the building. They want people to take a little more effort to get to it. It is part of the ambiance. They have gone through great pains to make this building an early 1900's environment. If the building were reversed with the entrance at the bottom, it would be very difficult to get the trash dumpster located there. He doesn't think there would be room to get a truck back there if it was turned that way. The applicant feels it is very attractive with a wide sidewalk coming to the front. It best fits their style. They hope that they have demonstrated they are willing to do whatever it takes to get this project approved. As far as the orientation, the applicant feels it is the best way to go.

Pilcher stated he is concerned about the field of parking. He then asked if the slope of the land is a slight slope up as one heads to the east. Powell stated, yes. Pilcher asked if there is still going to be a corner water feature. Binckley stated the water feature is still planned. As one is driving eastbound on 135th Street they should see the waterfall fountain feature on the corner first and then landscaping with a berm, and then the restaurant. The developer will be installing the landscaping prior to Ted's opening. Powell stated the typical freestanding site has parking shaped in a

"U" so that people end up walking around the building anyway. If the building were moved to the west and angled, it would put the majority of the parking around the back of the building. This is the best scenario for this site. The entry facing 135th Street leads into the pedestrian pathways by the water feature.

Henderson stated the newly proposed design is much better than what was proposed earlier. He then asked how much of the building would be seen as one drives down 135th Street, taking into account the landscaping, berm and water feature. Powell stated it would be heavily landscaped along there by the developer. He does not know what types of trees would be there, but he would assume if they are deciduous trees when they are fully mature in the summer one would have trouble seeing much of the building at all. The wintertime would be different. Henderson stated he is concerned about the bands and removing some of the EIFS and replacing with stone. He then asked the applicant to explain the changes. Powell stated the elevations shown are preliminary and the applicant is open to comment. The typical building would be mostly, if not all, brick with EIFS as accents. This was an attempt by the designer to emphasize the horizontal lines of the building and the different depths and vertical elements. The applicant could remove the EIFS, if that is what the Commission wants. Henderson asked what would be the general layout of the north and south elevation in terms of the kinds of materials. Powell stated pretty much everything is brick, except for the white banding, which the applicant is agreeing to do as a cast stone to match the EIFS color, similar to what is being done with the Eckerd's building. The EIFS colors are from the approved listing of the Cornerstone development. Powell then asked Henderson if he does or does not like the EIFS. Henderson stated the Commission typically does not like EIFS. That does not mean that EIFS does not show up, but it is the percentage of values with other external elements. Munson asked if Henderson is suggesting that the applicant should keep the accents, but change the material to something other than EIFS. Henderson stated, yes. Duffendack stated staff is recommending that it be stucco instead of EIFS. Basor stated the applicant prefers the stucco, they were just proposing the EIFS because they thought that is what the Commission prefers.

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

Duffendack asked if staff is comfortable with the proposed site plan. Binckley stated staff feels the orientation that is being proposed is the best. Staff found some of the same problems that the applicant did with the other proposed site plans. Duffendack asked which of the options staff prefers for the trash enclosure. Binckley stated it is her understanding that the Commission is in preference of the fifth option, and staff is okay with that. The applicant can provide the design of that at final application if that is the one the Commission approves.

Pilcher asked if the LDO has a regulation of no more than two consecutive lines of parking without an island. Binckley stated that was a regulation in the old ordinance, but it was removed to allow more usable green space. Pilcher stated he would assume that the landscaping on the corner would screen most of the parking lot. Binckley stated the landscaping would be fairly substantial.

Azeltine asked for details of the waterfall feature. Binckley stated there would be a significant waterfall feature going into a pond area. Azeltine asked if the backside of the waterfall would face the restaurant. Binckley stated it sits closer to the next pad site along Nall Avenue than it does Ted's. Azeltine asked if the water feature would be open or face a direction. Binckley stated it would be facing the intersection of Nall Avenue and 135th Street.

Henderson asked Duffendack's opinion of what an authentic Montana restaurant would look like. Duffendack stated he feels it is more of one person's interpretation. It is normal for a franchise to interpret a particular style that would relate to a particular theme.

Henderson asked where the other Ted's are located. Basor stated they have locations in Georgia, Colorado, and Kentucky.

Azeltine asked if it is appropriate to ask questions about the restaurant, or if the Commission should just be dealing with the placement of the building. Duffendack stated if the questions are relevant in relation to design or site planning, then it is appropriate, but the Commission would like to stay away from questions that are not relevant.

Azeltine asked what the price point would be for the restaurant. Duffendack stated that the applicant has stated the prices would range from \$6 to \$20.

Henderson stated he would like to remind the Commission about a building that was approved in Town Center Plaza that has a different style of architecture and the Commission has had to deal with it again and he would like to make sure that when they talk about a Montana style architecture they don't have the same type of problems in the future.

A motion to approve was made by Munson with a modification of changing EIFS to stucco with the same color the material board now shows. Williams seconded. Conrad asked if there should be some direction on the trash enclosure and the direction of the vehicle. **Munson added a new stipulation to read, "The trash enclosure shall be designed and laid out as in option number five as shown in tonight's meeting."** Williams asked if the Commission would be generally accepting the style of the building as proposed tonight. Munson stated, yes. Williams stated he does not like the fake windows. The Commission required Eckerd's to remove their fake windows; there are not a lot of these in the City. He appreciates the efforts the architects have done to improve the submittal, and likes a lot of the aspects of the building, but still has some problems with it fitting in with the center. The other buildings have more of a horizontal character, even though the mass of the building is horizontal, the elevations do not read as horizontal. It still has the "old time" appearance, but that does not make it prairie style compatible with the center as it was presented and approved. The design guidelines for the center make specific reference to elevations having large overhangs, horizontal and massing elements, with some vertical elements. He wants to make sure that if the applicant wants something that is of the period, it needs to be somewhat compatible. The building with its shotgun style architecture would be okay with other buildings on either side of it in an old town in Montana. Binckley stated the windows could be dealt with in more detail at final plan application. Stipulations 6 and 13 somewhat cover those issues. Pilcher asked if the Commission is just setting expectations on the building materials at this meeting and not final approving the materials, since this is preliminary application. **Motion approved unanimously.**

NEW BUSINESS:

CASE 40-04 NALL VALLEY Request for approval of a final plat and final plan. Located at the northeast corner of 151st Street and Nall Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is Otto Westerfield with Nall Valley, LLC. This project is located at the northeast corner of 151st Street and Nall Avenue. The applicant is requesting approval of a final plat and final plan. This development will be made up of 76,316 sq. ft. of construction on 9.27 acres for an FAR of 0.19. There are three pad sites shown along 151st Street, one pad site along Nall Avenue, and three buildings along the north side of the development. The buildings along 151st Street are shown as potential sites for a bank, a restaurant and a drug store with a drive-through facility. One of the issues that came up during preliminary site plan application was the proposal of a wooden fence along the north and east sides of the development. The applicant has revised the plan to show a combination of stucco and metal for the fence, instead of the wooden fence. The applicant has worked with staff on most of staff's concerns except the request for three signs per tenant building. Per the LDO, a maximum of two signs are allowed. Staff is recommending a maximum of two signs per tenant building. Staff has placed a memo on the dais changing stipulations number 5 and 13. Staff is recommending approval of this case with the stipulations stated in the staff report and the changes listed on the memo.

Rohlf asked when phase two would begin. Joseph stated it is indicated as the future phase.

Applicant presentation: Presentation by Hank Swears, representing Klover Architects. Since the last presentation of this project, the applicant has increased the brick façade areas on all elevations, has added a screen wall along the residential sides, has added walkways on the property in addition to what was originally indicated, and has picked some decorative light fixtures for mounting on the buildings. They are also reviewing the light fixtures for the parking lots to be a more decorative unit, but due to the constraints of the lighting, have ended up with a shoe box-type light fixture. The applicant now has a little more information on the retention. The project will not be over stressing any of the existing systems with the retention. There will be about a two-foot elevation difference between the top of the

rear elevation of the retention basin/water feature and the rest of the retention will be handled underground in structures. The applicant would like to have three signs on each of the out parcels. They feel they have created a nice courtyard interior in the project and would like to be able to have a sign for those out parcel tenants facing that area if possible. There was also a comment about brick pavers in lieu of stamped concrete. The applicant is requesting to use a brick paver trim with conventional concrete, possibly colored concrete, as the majority of the surfacing instead of using brick pavers for the entire area. The applicant would like to have the ability to use the type of tree that has a much lighter foliage canopy rather than being required to match the exact species that was used across the street. Their concern is the potential blockage of the retail signage for those three sites. If this were an office development they would not be as concerned, but since these are going to be retail, they would like to keep that area light and airy and would not want the trees to block any of the signage.

Williams asked if the exit from the drive-through bank on the southwest corner would also be using the adjacent parking lot. Swears stated that is correct.

Rohlf asked if lowering the development was discussed during the preliminary application for this plan. Ed Schlagel stated the grading plan has been revised to lower the buildings about 2 to 3 ft. to create less intrusion to the residential properties to the north. Henderson asked if that would affect the internal traffic pattern. Schlagel stated, no, it just decreased the slope in the common parking lot between the bank facility and the other buildings to the north.

Perkins asked which parking would be built with the first phase. Binckley described the parking and drives that would be constructed with the first phase. Perkins asked if there would be an asphalt curb with breaks at the end of the parking lots. Schlagel stated there would be asphalt curbs where the parking lot would be extended in the future. Where it is permanent, there would be concrete curb and gutter. Perkins stated it is his experience that asphalt curbs are not very sturdy. Schlagel stated the second phase would be constructed shortly after the first phase is completed. Henderson asked for an estimate of time between the two phases. Schlagel stated he would expect within five years. Perkins stated it is his experience that after the first winter the asphalt curbs would not be there after the plows have come through. Schlagel stated they could put concrete curbs if that is what the Commission wants.

Schlagel stated the applicant is providing detention on this site to accommodate the existing storm water system so that it is not overloaded. There will be no surface drainage crossing 151st Street or Nall Avenue.

Henderson asked if the site being 2 ft. lower would affect storm water as it flows north and south. Schlagel stated the normal water surface elevation in the amenity pool area would be 2 ft. lower than the brim of the basin itself. That 2 ft. will be storage of water during a heavy storm occurrence. The additional storage of water volume will occur in a piping system underground. They do not want the amenity feature to be a major detention basin where one would have to look down into it to see a puddle of water. Henderson stated he would not want that and that is what he is trying to guard against. He then asked how they plan on making sure that does not happen. Schlagel stated the applicant's intent is to make sure that the maximum it reaches during a 100-year storm occurrence is the 2 ft. to the top. Henderson stated that while that is a nice statistical model, he would like to know how they would guarantee that it doesn't happen. Schlagel stated they have to use statistical data to calculate water volumes and that information is used in their modeling to determine those elevations. Henderson asked for Ley's opinion. Ley stated the City standard is designed by the 100-year storm. Duffendack asked if the design intent is for it to quickly drain out; that it would not be a standing pool. Schlagel stated there would be a permanent pool of water, two feet below the top. Duffendack asked how the water would then go down after a heavy rain. Schlagel stated there would be a release pipe for it to drain out at a slower volume.

Henderson asked if all of the boxes and culverts were taken into account on the study. Ley stated the study took into account what has been built. The detention on site will take into account what is downstream.

Perkins asked if the trash enclosure is on the west side of the building on retail "B". Swears stated it is on the east side. Perkins asked for a description of how the trash truck would maneuver. Swears described the path on the site plan. He stated the area between the two buildings would only be walkways and no vehicular traffic.

Rohlf asked where the fence would be located. Swears described the fence location on the site plan. Rohlf asked if there is an elevation showing the newly proposed fence. Binckley stated it is on page A1.03. The applicant is showing 12 ft. of wrought iron then 8 ft. of stucco and stone. The applicant is going to work with staff to try to locate those solid areas where the resident's decks or patios are. They will also look at the trash enclosures and the resident's decks. Rohlf asked if the residents were originally requesting wrought iron. Binckley stated the developer of that project stated he would like a solid wall but staff felt wasn't appropriate and that there should be more air movement. Since then, staff has spoken with the developer of the residential and Nall Valley has agreed to put in those panels. There are trails that connect so that the people through Whitehorse can walk to the development.

Henderson asked the distance from the east fence area to the nearest residence. Binckley stated she is not sure, but it is quite a distance.

Duffendack asked if Klover has been commissioned to be the coordinating architect for this project. He then asked what the role of coordinating architect would be in terms of supervisory control over the designs for the outlying buildings and how the design guidelines would be interpreted before the designs come to the Planning Commission. Otto Westerfield stated the out parcels would follow the design guidelines as set forth by the developer and the architect. Duffendack asked if there has been an architect commissioned for the project. Westerfield stated, not at this time.

Henderson asked if this coordinating architect's name would be given to staff. Binckley stated a final set of design guidelines would be submitted prior to building permit that would identify the coordinating architect.

Conrad asked if it is important to have those design guidelines before the Commission approves the final plan submittal. He agrees with staff's stipulations, but some of the stipulations seem to be significant and when the applicant gave their presentation Conrad was not sure if there was exception to some of those. Given some of the discussion on the previous case about design guidelines, he feels it should be ironed out before final approval. Binckley stated staff took a position on a number of issues as outlined, and feels that the stipulations cover staff's issues. The applicant did not agree, so that is why they are requesting the Commission to amend what staff's stipulations outline. If the Commission would like to see the design guidelines prior to approval, it could be made a requirement. Conrad stated he feels the design guidelines should be in place prior to final approval. Duffendack asked if Conrad is suggesting that as a policy change, or for this specific submittal. Conrad stated it was his understanding that it was already a policy for the design guidelines to be part of the submittal. Westerfield suggested making it a condition before the building permit can be issued. Binckley stated the design guidelines are in the packet given to the Commission. Staff had some things they were not in agreement with in the guidelines and those are outlined in the staff report for the Commission to decide. One of the things they do not have are sample elevations, but staff feels what has been provided for the main center can be used for their elevations. Duffendack stated he believes the confusion is that staff comments require revised guidelines prior to going to the Council. Binckley stated staff is requesting the Commission to give their opinion on the items staff has outlined in order for the applicant to complete the final guidelines to submit to Council. Those changes could be made and then brought back to the Commission, if that is what the Commission is requesting.

Henderson stated he feels the Commission has been consistently concerned about design guidelines. It is his understanding that the applicant is in disagreement with stipulations 16, 20, 21 and 23, two or three of which deal with design guidelines.

Williams stated there is a package of guidelines consisting of mainly signage in the packet. Only two pages deal with design criteria. It is not the design criteria that would give guidance to another architect trying to design something that compliments what is already there. There is reference to the architectural quality of the development, but words like "innovative" are very subjective. He feels they are lacking a presentation by the applicant of what the exterior of

these buildings would be. There needs to be something that is a little more definitive than ¾ of a page on what type of building materials would be used, but no reference to how or where to use them. Swears stated one of the stipulations is to provide elevations that would be consistent to the other buildings that have been presented. Swears described the proposed elevations. The applicant would be looking for the same architectural qualities for the pad sites.

Rohlf stated sometimes the tenants of the pad sites have their own signature style and then they try to take that style and blend it with the design guidelines and it seems they try to put them into a design that does not fit. She then asked how the applicant could prevent that from happening. Swears stated the applicant will not deviate very much at all from the design guidelines since they will have to be coming before the Commission again for each approval.

Duffendack stated a coordinating architect should have the ability to take care of the application of design guidelines before it comes to the Commission. The Commission has seen many developments that do not have the design guidelines carried through on the well-known, brand name stores. The Commission would like to see a coordinating architect with some ability to influence that. Westerfield stated he is willing to stipulate that Klover will be the coordinating architect. Munson stated that Klover is also the architect for Cornerstone and they portrayed that as prairie style architecture and he came in with an Eckerd's drug store that was not even close to prairie style. If Klover is going to be the coordinating architect, Munson believes the stipulations need to be finalized before approval.

Duffendack stated one suggestion from the Commission is that the applicant develops more substantial design guidelines.

Rohlf asked which stipulations the applicant was in disagreement. Henderson stated stipulations 16, 20, 21 and somewhat 23.

Henderson asked how complicated it would be to get a coordinating architect identified or into this discussion. Duffendack stated the question is whether to stipulate a motion or to continue the case.

Conrad stated he is not sure that identifying an architect is really the necessity. To him, the necessity is the document that gives direction that anyone could pick up and have an understanding of what the guidelines are supposed to be. It would be good to have a person responsible for the implementation of the design guidelines. What he would look for from an applicant on any final application is the guideline document. There should be items in the document that would stipulate roof configurations and percentage of materials; more definition than what is in this document. He feels it is very important when the Commission sees these submittals that the document be well thought out and pretty straightforward.

Conrad stated he feels the design guidelines are extremely important and then asked if the applicant would consider a continuance to prepare that document for the Commission to look at. There are many issues in the document about signage that need to be ironed out. It is easier for whoever develops the pad site, and it is easier for staff and the Commission to evaluate the project. Westerfield stated he would like to have a stipulation requiring design guidelines before building permit. It is the developer's intent to finalize that document as part of the lease agreement. The applicant has some time constraints regarding a couple of tenants. A setback in time would cause the applicant some grief. Duffendack stated contingencies are normally something smaller than design guidelines.

Conrad asked if pad sites typically have a preliminary submittal. Binckley stated an example today was the Ted's Montana Grill and that was a preliminary application. Usually the only time the Commission would not need to see a pad site at preliminary is if the site was the exact same layout, square footage, and same parking layout, but she believes 90% of the time they are preliminary. For this project, the drug store would have to be a preliminary because they would need a special use permit and she believes the bank would need to be a preliminary application also.

Pilcher asked when the Council would see this case. Binckley stated June 21st. She then suggested this case could be continued to the June 8th Planning Commission meeting to allow the Planning Commission to see the final design guidelines prior to that meeting.

A motion to continue the case to the June 8th meeting was made by Pilcher and seconded by Conrad. Motion to continue approved unanimously.

ELECTION OF OFFICERS:

A motion to nominate Duffendack as chair was made by Munson. Motion seconded by Rohlf. Motion approved unanimously.

A motion to nominate Rohlf as vice-chair was made by Munson. Motion seconded by Henderson. Motion approved unanimously

Meeting adjourned.

J. Paul Duffendack, Chair