

City of Leawood
Planning Commission Minutes

July 27, 2004
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

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

APPROVAL OF THE MINUTES: Approval of the minutes from the June 8, 2004 and the June 22, 2004 meetings.

A motion to approve the minutes from June 8, 2004 was made by Rohlf and seconded by Perkins. Motion approved unanimously.

A motion to approve the minutes from June 22, 2004 was made by Rohlf and seconded by Perkins. Motion approved unanimously.

CONTINUED TO THE AUGUST 10, 2004 MEETING:

CASE 33-04 PAWNEE PLACE - DEVELOPMENT 1 Request for approval of a rezoning from AG (Agricultural) to SD-CR (Planned General Retail), SD-0 (Planned Office) and RP-4 (Planned Apartment Residential), 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 SD-CR (Planned General Retail) and RP-4 (Planned Apartment Residential), preliminary plat and preliminary site plan. Located south of 135th Street and west of Mission Road. **Public hearing**

CONTINUED TO THE AUGUST 24, 2004 MEETING:

REMAND FROM CITY COUNCIL:

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.

CASE 26-04 TOWN CENTER PLAZA - OUTLOTS Request for approval of a preliminary site plan. Located at 117th and Nall Avenue within the Town Center Plaza development. **Public hearing**

CASE 46-04 BUILDERS PUBLISHING – SIGN Request for approval for final site plan. Located at approximately 112th Street and Roe Avenue.

CASE 51-04 LEABROOKE, 3rd PLAT Request for final site plan and final plat. Located at approximately 148th and Kenneth Road.

CASE 55-04 PARKWAY PLAZA - COUNTRY CLUB BANK Request for approval of a preliminary site plan. Located at 135th Street and Briar. **Public hearing**

CASE 57-04 TOMAHAWK POINT Request for approval of rezoning from AG (Agriculture) to SD-O (Planned Office), preliminary plat and preliminary site plan. Located at College Boulevard and Mission Road.

CONTINUED TO THE SEPTEMBER 14, 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

CONSENT AGENDA:

CASE 23-04j VILLAGE OF CAMDEN WOODS - 66TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 49-04 PHILLIPS 66 Request for approval of a final site plan for signs. Located south of 119th Street and east of Roe Avenue.

CASE 52-04 LEAWOOD FOUNTAIN PLAZA - BUILDINGS 1 AND 3 Request for approval of a final site plan. Located south of College and east of Nall Avenue.

CASE 53-04 TOWN CENTER BUSINESS PARK - COSMETIC DENTISTRY Request for approval of a final plat and final site plan. Located south of 115th Street and east of Granada.

CASE 56-04 MISSION FARMS - MIXED USE Request for approval of a final site plan. Located at the southeast corner of 105th Street and Mission Road.

Rohlf asked if the changes to Mission Farms elevations would be incorporated into the new design guidelines. Binckley stated the applicant has simplified the design. Although the materials are similar, they have removed quite a bit of the wood on the exterior of the building that was originally shown. As the next buildings come in, staff will show the Commission what has been approved with this case tonight. Rohlf asked if there was anything substantial changed. Binckley stated staff feels it is an improvement.

Henderson and Azeltine arrived.

CASE 58-04 TOWN CENTER BUSINESS PARK Request for approval of a final site plan to revise the design guidelines. Located south of 115th Street and east of Roe Avenue.

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

NEW BUSINESS:

CASE 38-04 SUNRISE SENIOR LIVING Request for approval of a special use permit, preliminary plat and preliminary plan. Located south of 115th Street and east of Roe Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is Andy Schlagel. The applicant is requesting approval of a special use permit, preliminary plat and preliminary plan to allow the construction of a 63,350 sq. ft. assisted living facility. This project is located south of 115th Street and east of Roe Avenue within the Town Center Business Park development. This property is currently zoned as planned office and planned neighborhood retail. The proposed building will be constructed primarily of brick. Some of the architectural elements used within the building will match City Hall and some of the buildings in Town Center Business Park. At the time of initial review, staff evaluated this project based on the area of the building as listed on the plans of 21,635 sq. ft. Since then the applicant has indicated that the labeled area is just the footprint and the actual total square footage is 63,350 sq. ft. Staff has revised the staff report based on the new area. There is a memo attached to the revised staff report that identifies the difference between the approved area for this development and the proposed building areas. The approved building area is 19,330 sq. ft. The proposed building area is 63,350 sq. ft. If the Planning Commission

were to approve this project the developer of Town Center Business Park would be required to comply with stipulation number 18 which reads, "The total approved building area for the overall square footage for the development shall not be exceeded." Staff is recommending approval of this case with the stipulations stated in the staff report.

Munson asked how this use is consistent with the zoning for that area. Joseph stated an assisted living facility could be allowed within any zoning with a special use permit.

Conrad asked if the developer would accept stipulation number 18. Binckley stated she spoke with the developer today and provided them with a letter outlining that this does exceed the originally proposed square footage. This would only leave the developer 15,600 sq. ft. for their remaining five lots. The developer understands that if they want additional square footage they would need to come before the Commission and Council to seek approval. Their approved numbers were at an FAR of 0.18. Under office zoning it could be 0.25. Under neighborhood commercial zoning it could be 0.20 so they have some room if the plan that was provided is sufficient. She did make it clear to the developer there is no guarantee that the City would approve any additional square footage and they understand that. Conrad asked how many parking spaces and how many living units are being proposed. Joseph stated there would be 82 units and 40 parking spaces. Binckley stated typically most of the people in an assisted living facility do not drive. They are at a point where they need care and are at the step before a nursing home. It is different than an independent living where those people would have a car. Duffendack stated that it might be more of an issue for the visitors and staff. Binckley stated staff typically looks to the applicant to identify the numbers they have used at other facilities and also look at other instances within the City.

Duffendack asked how this type of condition is tracked. Binckley stated staff charts these sorts of things and goes back to previous applications and evaluates what has been approved to date and looks at what the original amount was. The developer would be in immediately to request whatever amount of square footage that they need. It is part of Sunrise's contract that they could only use so much square footage. If the City does not allow for enough square footage, then the developer still has the ability to require Sunrise to lessen their square footage.

Rohlf asked for a description of the flood plain situation. Ley stated he would like the project engineer to address that question.

Applicant presentation: Andy Schlagel, plan consultant for Sunrise Senior Living, introduced the development team. This is a three-story facility with 82 units. The applicant is very pleased to bring this plan before the Commission. While it does have a pinch more square footage than what was approved, they also have almost double the amount of green space. The amount of green space comes from the nature of the use, which is an assisted living facility. Approximately 40% of that square footage is common open space inside the building. The average age of the residents of this type of facility is an 85-year-old woman who has given up driving a number of years in the past. It is a very low intensity type of use. There are three staff-shifts a day with 24-hour maintenance. The main shift is during the daylight hours and would normally run anywhere from 18-20 staff members at that time. This is a very common size of facility that has been built in other areas. It runs pretty true to form. There are generally a number of extra parking spaces for family members or visitors.

Presentation by Tim Hedges, Senior Vice President of Development with Sunrise Senior Living. Sunrise is one of the nation's most experienced providers of assisted living for seniors. The company has been around for almost 24 years. Assisted living facilities are intended for individuals that are no longer independent, no longer driving or cooking for themselves, but are not in need of full-time medical attention and do not need a nursing home. A typical resident would need some assistance with daily activity, like a reminder to take medication or a ride to a doctor's office. They each have slightly different needs. Staff is available to take care of each individual's needs. The facility is typically focused on a wellness program that is diet, exercise and medication management oriented. The building is very residential in design and feel. Sunrise custom makes buildings for a site within a community to make it blend in and make it look like it's been there a long time. They are trying to create an environment of a mansion or grand

manor home, both inside and out. Forty percent of the interior of the building is common area comprised of a common dining room, a bistro, an ice cream parlor, theater, activity area, library and the like. The residents' private suites act more like a master bedroom suite. These are not full apartments with full kitchens because they serve three meals a day in a common dining room. Sunrise is more of a social model of care that encourages people to participate in community activities within the home and interact with other members of the Sunrise community, versus a medical model of care. The building is broken up into neighborhoods instead of long hallways. The hallways are decorated to add additional common area and make it more home-like. Sunrise builds, designs, owns and operates these facilities. They have won a number of architectural and interior design and land planning awards and are well-known in the industry for setting high quality standards of design and care. As a public company, they are well-capitalized and have historically high occupancy rates, which is a good indication for the public's need for this type of housing. It is a good use for the community. There is no impact on schools or parks, very little traffic, and uses very little community services but at the same time it is property tax ratable. They spend a lot of attention to detail to provide an elegant and gracious environment that is much less intense than an office or retail use because the parking requirement is really low. While the building may be bigger, the parking is far less, which allows them to provide more green space. The applicant feels it is a nice addition to the Town Center area of Leawood and will allow the residents to take part of the Town Center area.

Schlagel described the site plan. The plan is heavily landscaped but will more than likely have additional landscaping added when this is seen at final. There are a couple of retaining walls with landscaping in between them. The applicant provided a comparative analysis of the amount of impervious surface versus green space. They looked at the 1995 approved plan that had 11 lots on it. This application is on lots 6 and 7 of that plan. The average range of green space was 36% percent within the proposed 11 lots. The proposed Sunrise facility has come close to doubling the green space, with 59% allocation. There is significantly more green space on the site plan than would have occurred with the originally approved plan. The reverse of that is also true. The amount of impervious surface ranges from 45% to 67%. Sunrise is only 41%. There is a resulting decrease in the amount of impervious surface. Those two figures compliment each other. They believe the City will benefit from this facility. It is a quality building, a quality owner and a really significant amount of green space being increased over what would have been there. These types of facilities are important and needed. The applicant does not have any issues with any of staff's stipulations.

Munson asked how the road on the east side would be built. Schlagel stated there is a common drive easement that they will share. Part of the contract negotiations with MD Management gives Sunrise the right to build the entire driveway and it would be jointly maintained. There is a figure that MD Management said Sunrise could not exceed. This project is below that figure for building square footage. The owners are fully aware of the numbers and the process that needs to occur and they are okay with that. As part of the contract negotiation, one of the requirements was MD Management's approval before Sunrise could come before the Commission.

Duffendack asked how a visitor would enter the building. Schlagel described the sidewalks and entrances to the building. Duffendack stated concern with the south side entrance because without it there would be quite a long walk. Schlagel stated this type of design has been duplicated at many other sites and has not posed a problem. Duffendack asked what made the applicant choose this design for this location. Schlagel stated he would like Tim Hedges to answer that question.

Presentation by Chuck Heath with BeeryRio Architects. His company has been working with Sunrise since 1988 to provide quality care to seniors. They have done several different designs with Sunrise. In this particular site they have worked with staff to develop a style they felt is appropriate. The primary concerns were how to connect to the office development. As they looked at the site they realized there is a lot of residential around the area. They thought it would be best to clean up the architecture and tone it down so they cleaned it up and made it a little more modest. They are intending to use a brick that is harmonious with the materials used at the office park as well as the bare lines with more of a square type of architecture. The rooflines were picked up. The window detailing was simplified in addition to bringing in a very strong horizontal band to tie in with the longer lines typically seen in the

surrounding office buildings. The breaks have been maintained in the building to help keep the residential feel. The porches help to bring in that low-level scale and also tie in with some of the things happening across the street.

Henderson asked the percentage of the buildings that they own versus the ones they operate. Hedges stated it is probably about 50/50, maybe a little bit more on the ownership side. Henderson asked how many facilities are in the United States versus Europe and Canada. Hedges stated most are in the states. There are approximately seven or eight in Canada and about six or seven in London and some coming in Germany. Henderson asked where the residents would be coming from. Hedges stated Sunrise looks at the people who retire in the sunbelt but also include the southwest belt. They look at the adult children who have parents who move back to a community where their adult children are and there is a support network for them. Henderson asked if they are anticipating the children of these residents eventually moving into the facility. Hedges stated potentially, but it is certainly not their assumption or target. Henderson asked if their rentals have been primarily from private individuals versus government agencies, such as the state. Hedges stated they are private pay. Henderson asked if Sunrise is open to other options if the people from the sunbelt find that it is too cold here in the winter. Hedges stated they look at every type of option for people who want to live at Sunrise. Henderson asked for a description of the lease agreements. Hedges stated they have one-year lease agreements that work as month-to-month agreements. Henderson asked where their closest property is to Leawood. Hedges stated Brighton Gardens, in Prairie Village. Henderson asked how long they have owned or operated that facility. Hedges stated they have operated that facility for probably two or three years. Henderson stated he assumes they are coming to Leawood because of our economic and financial base. His concern is having a building that would be empty or half-filled if people do not want to come from the sunbelt to here, because the applicant made no reference of getting residents from the surrounding areas in their report. Hedges stated they did not mean to give the impression that the sunbelt would be the only area targeted.

Conrad asked if the wastewater district has approved the relocation of the existing sanitary sewer line. Jeff Skidmore of Schlagel and Associates stated yes, in horizontal layout only. Conrad asked how the storm water would be discharged. Skidmore stated it is a 36 to 42-inch pipe that daylights into the existing rock-lined ditch. It will be routed to the east of the building and then down into the existing drainage channel that has been developed with the vertical walls. There will be some means of energy dissipation at that exit point. He believes the existing rock lining is more of just a means of access for the storm water. It probably doesn't help with energy dissipation as much as it was a cost savings at the time so they didn't have to extend the pipe all the way. Conrad stated they should probably understand what type of structure would need to be developed at the end of the pipe. Skidmore stated he believes it will be of similar nature as the rock-lined channel that is there now; there will just not be the length that is currently there.

Conrad stated it seems to be a long way from the kitchen to the trash enclosure. He feels the site a little too small for the footprint and the available parking area. He then asked if it is an issue to have the back door of the kitchen almost 150 ft. away from the trash enclosure. Schlagel stated they received approval for this identical building in a neighboring city, except it was on a smaller site. The layout is typical. Sunrise has looked at it a number of times and this works very well. Conrad asked if it would make sense that this lot should become bigger in order to site the building and the accesses. Schlagel asked the Commission to think about how one defines "larger". The parking that will fully and adequately support this building would support an office building of 10,000 sq. ft. The developers are fully cognizant of what they have done and what Binckley has explained to them. He asked the Commission to compare apples to apples and not apples to oranges. Conrad asked if this private drive was part of the original platting for this development. Binckley stated yes.

Duffendack asked how visitors enter the building, how the trash is picked up, and how deliveries are made. Heath described the parking lot, sidewalks and entries on the site plan. This is built for the residents that are paying to be there, not for the person who is making the deliveries. They could put the loading at the front of the building, but that would compromise the experience of entering into the facility. They are providing a walking loop around the site with garden areas around the site with benches provided every 100 ft. on the center so the residents have access to the site.

Munson asked if there would be a series of steps on the grade change, or if it would just be one long slope. Heath stated there would be a continuous ramp and there will also be some retaining walls to allow the residents a fairly level walkway around the site. The sidewalk from the parking lot is a continuous ramp up to the building. There will be handicapped parking spaces provided at the porte-cochère, which provides handicapped accessible egress to the front door.

Rohlf asked what would be located inside the front entrance. She then asked if the developer is expecting everyone to enter through the front door. Easton stated, yes. When one enters the building there is a two-story area with a grand stair going up and a concierge is usually seated in the lobby. Rohlf asked if that is 24 hours a day. Easton stated the concierge would be there from early in the morning until 8:00 at night. The residents typically do not receive guests after that hour. Rohlf asked if they have ever created a back entrance. Easton stated they do not need one. There is access through a living area in the back so residents can enjoy the back garden area. Access would be controlled at that point.

Perkins asked what type of equipment would be located on the roof. Easton stated rooftop mechanical equipment would include heating and air conditioning units, a number of fans for ventilating the building, a kitchen exhaust fan, a number of turnouts for venting stacks, etc. The sloped roof provides the residential character as well as screens the equipment. Perkins asked if there would be any ground air conditioning units. Easton stated, no. Perkins asked the price of rent for one of the rooms. Easton stated the rent would range from \$3,000. to \$3,500. a month for the rental, care, three meals a day, laundry and activities. Perkins asked the size of a \$3,000 a month room. Easton stated about 400 to 450 sq. ft. The rooms are not as big as a standard apartment. They will not have a kitchen, although they will have a sink, counter and cabinet space. The idea is that it acts as a master bedroom suite. Perkins asked if the rooms would be furnished. Easton stated more often than not the residents bring their own furniture. The facility can provide furniture for a cost. Perkins asked how the building would be accessed after 8:00 PM if there were an emergency. Easton stated there is a keypad to get in. There will be staff in the building 24 hours a day. A person could come to the front or back door, ring the buzzer and there will be an elaborate phone system to contact the employees. In a real emergency he is sure there would probably be a Knox box. Perkins asked if there would be smoking allowed. Easton stated smoking is not allowed in the rooms, but there would be a smoking porch or room.

Duffendack urged the Planning Commission to concentrate their questions on actual planning questions. Operational questions are only appropriate when they affect planning questions.

Henderson asked if the proposed building is longer and wider than the Dermatology building. Schlagel stated the approved plan showed a 10,000 sq. ft. single-story building pushed up against Roe Avenue and then over on the eastern side there was a three-story, smaller building of about 9,000 sq. ft. Joseph stated the Dermatology building is only 9,000 sq. ft.

Conrad asked for an explanation of the vents underneath the windows. Easton stated that in order to provide individual control of the heating and cooling on the suites they are providing a mechanical unit below the windows and that unit has a grill on the outside of the wall which allows the air to come in and be exhausted. These vents are treated within the architecture of the building. It is typically an architectural louver, which is a fine fin that allows air into the building. Conrad asked if that is the only mechanical unit that will serve the residential units for heating and cooling. Easton stated, yes, the rooftop mechanical equipment would serve the rest of the building. Conrad asked if this is the typical mechanical equipment that is used for these types of facilities. Binckley stated it is similar to the independent living at Town Village Leawood. Conrad asked if the drive is private. Binckley stated, yes. Schlagel stated it would be covered by easements on both sides. Conrad asked if that would be a problem to build that over utility easements. Ley stated, no. Conrad then asked if the utility lines needed to be repaired, would that mean there would be no access. Ley stated, that is correct. Conrad stated he is having a hard time visualizing how deep the cuts are adjacent to the building. There is a walking trail shown against the retaining wall that looks like an extremely tall wall. Schlagel stated it is a 6-ft. tall retaining wall. Conrad asked if the walking trail is currently in the flood plain.

Binckley stated the trail has not been constructed. The bike/hike trail will go under Roe Avenue at that area. There are stipulations covering that and it would be reviewed with the developer at final. Conrad asked if it would be 15 ft. deep. Binckley stated she does not believe it is as deep as it appears. Binckley stated the applicant had one large retaining wall and staff requested they step it back with the two. Staff felt it would provide less of a large wall effect there. Conrad stated he is not sure how long that section is and how deep and confining it may be as this tall structure is built. Schlagel stated the setbacks on this plan are more extensive from the creek than was approved for the original plan.

Rohlf asked if the residential units that back up to the parking lot would be at the same level of the parking lot. Binckley stated the first floor would be about 5 ft. above the highest point of the parking lot.

Henderson asked if the creek would be adequate for drainage as this and the other proposed buildings to the east are built. Ley stated the flood plain that is shown was developed five years ago and this channel has been improved since then, so the limits are within the channel. Skidmore stated this creek was part of the Tomahawk Creek flood study. Since that time, the channel improvements with the vertical walls have been constructed to contain the 100-year flows.

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

Duffendack stated he has some concern with the site plan. He feels it is too large of a building for the site. The flow of the traffic is a serious issue; having to park in a lot that forces a person to walk about 400 ft. uphill 15 ft. to get to the front door does not make sense. He has serious reservations about that and some issues with the site plan.

Azeltine stated it seems there would be a traffic situation where the loading dock is in relation to where there they are going to be bringing in the deliveries.

Pilcher stated he shares Duffendack's concern with the site plan. It is clear that this building is not designed for this site, but rather squeezed into this site.

Perkins stated he believes it is a large increase in square footage. Duffendack stated the stipulation requires the site developer to balance out that square footage with subsequent developments so that the overall site, when fully developed, would have no more than the original approved square footage. It is his understanding that staff feels that is an acceptable approach to this plan.

Conrad asked if all of the setbacks are met. Binckley stated, yes. Conrad stated the only increase to the square footage is due to the addition of stories. Conrad asked if the square footage footprint meets the ordinance requirements as far as setbacks and open space if this were a one-story building. Binckley stated, yes. Conrad stated given the topography, it appears to be quite tight to provide a good site plan for this square footage of a building and the number of parking spaces.

Munson stated he would like to see the developer come back with a plan that addresses the comments brought up by the Commission regarding circulation, loading and unloading, changes in elevation, etc.

A motion to continue was made by Perkins and seconded by Azeltine. Duffendack asked if Perkins was suggesting the case be continued until a date that staff would establish to allow staff and the applicant to work out the concerns brought up by the Commission. Perkins stated, that is correct. Binckley stated it would be continued to the August 24th Planning Commission. Duffendack asked the applicant if they would be willing to look at some of the concerns and come back. Schlagel stated that by the Commission wanting to continue then he would assume the Commission is somewhat in approval of the use. Duffendack stated he feels the main concern is that it be sited correctly, not the use. Conrad stated it the mass of the building should be addressed. His biggest concern is how to

document that the developer fully understands the potential consequences of this many square feet on this site. Binckley stated she has written a letter to the developer today outlining what this means and the process they would need to go to in order to potentially gain more square footage. Conrad asked if it would be appropriate to request the developer to attend the August 24th meeting. Binckley stated staff can make that request or ask them to provide something if they cannot attend. **Motion to continue approved unanimously.**

CASE 44-04 CHURCH OF THE RESURRECTION – TEMPORARY OFFICES Request for a special use permit to allow for the continued use of the temporary office building. Located at 13720 Roe Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting renewal of a special use permit to continue operations of a temporary mobile office on their property. These are the existing mobile units that have been on the property. Initially, when the church came before the Planning Commission to ask for a renewal of these units they were expecting Cornerstone to have some office space available for them to move in to. Unfortunately that space has not been constructed so the applicant is back before the Commission to request a renewal. Staff is recommending approval of this case with the stipulations stated in the staff report and is recommending the special use permit be approved not to exceed December 31, 2005.

Applicant presentation: Presentation by Dick Cooper. Cooper stated he does not know why the Cornerstone office space is not available. The church was fully expecting to be out of the mobile units and move into the office space at Cornerstone. He would appreciate an 18-month extension.

Henderson asked how old the mobile units are. Binckley stated she believes they are close to 15 years old. Henderson asked how they are holding up and if Cooper believes they will last another 18 months. Cooper stated they are holding up quite well and does not anticipate any problems.

Conrad asked if these are the buildings that the Commission was never going to extend the special use permit for again. He then stated that he hopes that the church's new office space is built within the 18-month period.

Munson asked for the status of the office space. Cooper stated he does not know.

Rohlf asked if they are locked into going there, or if they could move elsewhere. Cooper stated they could go elsewhere. The location is what made Cornerstone most attractive. Being closer would be a greater benefit.

Perkins asked the square footage the church currently has for office space. Cooper stated the temporary building has approximately 5,000 sq. ft. Perkins then asked how many square feet the church is looking at. Cooper stated they are looking for about 15,000 sq. ft. Munson asked how many sq. ft. are available at Town and Country Bank. Cooper stated about 3,200 sq. ft. on the second floor.

Azeltine asked if the applicant has received any complaints about the temporary building. Cooper stated the only complaint he has received is from staff. The building is nested between two buildings and a berm. They sent out 71 letters to surrounding residents and did not receive any complaints. Duffendack stated it seems the concept of temporary has gone to the side. The City is appreciative of their situation, but there has to be some point of realization by the developers to follow through with their commitments to the church. It would be disastrous to go to an interim space, just to get rid of the temporary offices that are working just fine. He suggested Cooper take the word to the developer of Cornerstone that maybe the equation needs to be carried out and that their needs are met by the commitments by the developers to get rid of these buildings that are clearly not meant to be there as long as they have been.

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

Azelline asked if it would be appropriate for the Commission to contact the developer. Duffendack stated the Commission could request staff to send a letter on the Commission's behalf. Henderson asked what is trying to be done with the letter. Azelline stated he assumes this is a developer that will at some point stand before the Commission and they need to understand that this is an issue. He would not want to set a precedent to make the term "temporary" meaningless. Henderson stated he would be afraid that the letter would make the Commission a broker for the church. Duffendack stated the letter would need to be worded so that it gave the perspective of the Commission's concern of the temporary office buildings. Henderson stated the Commission should be dealing with the church and their request for an extension and not the developer. Duffendack asked legal counsel's advice. Marcano stated it would need to be looked into as to whether it is appropriate or not.

A motion to approve was made by Pilcher, underlining "this shall be the last extension to be granted". Henderson seconded. Approved 6-1. Munson opposed.

CASE 54-04 CORNERSTONE, LOT 5 - TED'S MONTANA GRILL Request for approval of a final site plan. Located at the southeast corner of 135th Street and Nall Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final plan for the construction of one 4,620 sq. ft. restaurant building on 1.30 acres for an FAR of 0.082, located on lot 5 of the Cornerstone development at the southeast corner of 135th Street and Nall Avenue. This is a case that was before the Commission at the last meeting for a preliminary plan. At that time the Commission looked extensively at the site plan and some changes were recommended at that time, particularly moving the trash enclosure entrance, which was located on the south side of the building over to the west side so it could be accessed from the parking lot and the primary east-west internal drive within Cornerstone would not be blocked when deliveries were made or trash was picked up. The applicant has incorporated those suggestions in this revised site plan. At the last meeting there was some concern raised as far as the building tying in with the architecture of Cornerstone. The applicant has revised the elevations and included some of the materials that are more prevalent in the Cornerstone development and incorporated those into the building including some stonework. They have tried to incorporate some of the horizontal elements that are integral to the prairie style architecture. Staff is recommending approval of this case with the stipulations stated in the staff report.

Applicant presentation: Presentation by Jim Powell with GHA Architecture and Development representing Ted's Montana Grill. The applicant has read the stipulations and agrees to all of them. Powell showed pictures of existing Ted's buildings then described the elevations and materials. The applicant has tried to simulate and tie-in the elements of the columns. They will be using the brick, stone, stucco, and cast stone colors, the same as the shopping center. The upper windows are not spandrel glass. They are fully framed-in windows. There is a second floor that serves as access for mechanical equipment and will not be occupied. The windows can be seen through to give it some dimensional elements. They are illuminated. Powell showed a night picture of one of the Ted's buildings. The applicant has matched the patterning of the upper windows of the building with that of the shopping center. There was a question of the parapet screening the rooftop units and the applicant has done line-of-sight studies from the street as well as the sides to make sure all of the rooftop equipment will be screened. Powell showed and described the landscaping plan. It is his understanding that staff would like the applicant to add additional landscaping and the applicant can do that. The developer will provide the rest of the landscaping and some of that has already begun. The applicant had originally proposed a wall to screen the transformer, but has now agreed to screen the transformer with vegetative screening because of KCP&L's need to access the transformer. The gas meter will be on the building and painted the same color as the building but will be behind the screen wall and the vegetative screening. Ted's received a conditional approval letter from RED development, however, they did not mention the US flag pole. Ted's only flies the American Flag, no logo or anything else. They typically ask for a 50-ft. high pole. Powell stated he wanted to let the Commission know about it so they would not be surprised later.

Henderson asked for a description of how patrons get into the building from the parking lots. Powell stated the main entrance is around the front of the building, facing 135th Street. There is a side entry that would be mainly used for take-out orders but also provides access to the outdoor patio.

Rohlf asked for a description of how the proposed signage has changed in order to comply with the stipulations. Powell stated the applicant now understands that exposed neon is not allowed within the development. The signs will be the same shape, but with internally illuminated letters. The take-away sign can be internally illuminated, also. The applicant calculated the sign on the rear of the building differently than staff. The applicant is willing to reduce that to 5% of the façade. There are two pole-mounted take-away signs that are similar to handicapped parking signs. There was some misunderstanding on the size of the decals on the windows. The decals may be drastically reduced or even eliminated in order to comply with the 5% of the individual glass area, versus 5% of total façade. They are under their allowable square footage for the two wall signs, which are actually projected signs. They opted to use the larger take-away sign on the side of the building as their second sign, as opposed to the maximum allowed, in order to get a larger square footage.

Azeltine asked the City's opinion of flagpoles. Binckley stated as long as they are only flying the American flag the City has no ordinance regulating it. Munson asked if there are any height restrictions on flagpoles. Binckley stated she does not believe they are regulated. Conrad asked what size of flag would go on a 50-ft. pole. Powell stated the flag would be about 20 ft. long. Munson asked if they are proposing one the same size as the Perkin's restaurants. Powell stated he did not know the size of the Perkin's flags.

Munson asked for a summary of the number of signs that would be approved with this application. Klein stated there would be one on the north side, one on the west side, two to-go parking signs, and a decal on the north and the west window area that would need to be reduced to 5% of the window area. Munson asked the approximate size of the allowable decal. Klein stated it would need to be about half of what the applicant is proposing. Powell stated it would be about 30 in. by 30 in. Duffendack asked the size of the window. Powell stated it is approximately 6 ft. by 8 ft. Klein stated by those calculations the decal would be about 2.4 sq. ft.

Henderson asked what the pole would be made of and how it would be mounted to the ground. Powell stated it would be silver colored and embedded in concrete. It is typically surrounded by landscaping. Henderson asked how it would be maintained. Powell stated all of their locations are evaluated every six months for maintenance. Henderson asked if it would be lighted. Powell stated it would be illuminated when flying at night. Henderson asked where there are other flags like this in Leawood. Binckley stated a few that she recalls are at City Hall, Longhorn Steakhouse, and Heartland Bank. Azeltine asked the size of the flag they are proposing. Powell stated it would be about 20 ft. long. Henderson stated he would not want this flag to be the size of the large ones he sees at the metroplex. Powell stated it would not be that large. Henderson asked if the other pad sites along this street would request flags. Binckley stated she does not feel comfortable regulating the American flag. The only thing that the City might have the right to look at would be the size of the pole. Conrad stated the pole and flag should be proportional to the building. Azeltine asked if there was a limitation to the height of the poles on the other flagpoles in Leawood. Binckley stated it was only discussed during the site plan that there would be a flag, nothing about the size of it. Powell stated Ted's has been limited to a pole of no higher than 50 ft. at the Legend's location in Kansas City.

Rohlf asked the timing of the water feature and all of the other landscaping. Binckley stated the landscaping adjacent to the corner feature would be installed at the same time the corner feature is installed. The landscaping along Ted's will be going in now and through the end of the year because it should be going in at the same time as the road. Staff is requesting landscaping at the northwest corner which is relating to the corner feature, but staff is also hoping for additional shrubs in that area to take care of the view of the parking lot. Staff is also recommending the parking lot islands to be bermed as opposed to just sod under the trees.

Powell stated there was an issue about the upper story windows at the last meeting. The applicant has brought other elevations to show what the building would look like if those were removed. Duffendack stated he would not want to presume to speak for Commissioner Williams, but he does not believe Williams would be too comforted with the change from spandrel glass to clear vision glass because his concern was that those windows were not doing anything. Duffendack then stated it seems it would be very easy to do something with the windows to create a clear space to allow that light to come down into the lobby of the restaurant. Powell stated Ted's needs that space for mechanical equipment. It would also really affect the interior to make that space open. Ted's would rather do without the windows rather than compromise what they have worked for on the interior. Duffendack asked if they are going to be putting any mechanical equipment in that 4 ft. wide space. Powell stated, no, it would be ductwork.

Conrad asked if that is space that could be occupied. Powell stated no, it is just to allow access to change the light bulbs.

Rohlf asked to see the picture of the night lighting. Powell showed the picture and pointed out the second story windows.

Pilcher stated he likes what is being proposed. Rohlf agreed.

Klein stated there is a memo from Commissioner Williams on the dais with his comments on this project. He also clarified that as far as signs, there is also one on the south elevation that would need to meet the City's requirement of 5% of the façade.

Duffendack asked how the line of sight is defined in the ordinance. Binckley stated it is defined as from property lines and from right-of-way, so from Ted's property line and from the right-of-way line along 135th Street.

Rohlf stated she appreciates all of the effort gone into the revisions. They have probably changed some of their own standards.

Motion to approve made by Rohlf and seconded by Munson. Motion approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chair