

**City of Leawood
Planning Commission Minutes**

**August 24, 2004
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive**

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

APPROVAL OF THE AGENDA: Binckley stated Case 26-04, Town Center Plaza outlots, has been withdrawn; therefore it needs to be removed from the agenda.

Munson asked if the McDonald's case has been seen by the Commission before. Binckley stated it has not.

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 July 27, 2004 meeting. **A motion to approve the minutes from the July 27, 2004 meeting was made by Pilcher and seconded by Munson. Motion approved unanimously.**

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**

CONTINUED TO SEPTEMBER 28, 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**

CASE 46-04 BUILDERS PUBLISHING - SIGNAGE Request for approval of a final site plan for signage. Located at 11221 Roe Avenue.

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

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. **Public hearing**

CASE 63-04 MCDONALD'S Request for approval of a final site plan. Located at 4600 W. 119th Street.

CONSENT AGENDA:

CASE 65-04 MISSION RESERVE - SIGNAGE Request for approval of a final site plan for revised signage. Located south of 151st Street and west of Mission Road.

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

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.

Staff presentation: Presentation by Diane Binckley. This item was remanded from Council for further consideration of vinyl soffits. The Commission had originally seen this case as a proposal to allow vinyl soffits and vinyl siding and the Commission recommended denial, but there was a door left open for consideration of vinyl soffits. When it went to City Council they agreed with the Commission that they do not want to allow vinyl siding as a permitted material but they did ask the Commission to look at vinyl soffits as an option. Staff was charged with going back and finding criteria for this type of product. The Building Official researched the available products and specifications, and the best thing he could find to ensure quality is ICC approval. The revised ordinance has been provided with that requirement.

Munson asked how the City would enforce this. Binckley stated an individual would need to seek a permit for the vinyl soffits. For new construction, it would be reviewed during the building permit process. Munson asked what would happen if the vinyl soffit is already in place. Binckley stated if a homeowner put it on without a permit and were caught, then they would need to provide material information showing what was installed and the building department would review it. Munson asked what would happen if that product did not meet the City's requirements. Binckley stated they would be required to remove the material.

Perkins asked how this case came about. Binckley stated a resident had this product installed on his home and went to the BZA for a variance. At that time, the BZA continued them and did not feel comfortable supporting them. They then requested the Planning Commission and Council look at approving vinyl soffits. Perkins asked if that material would fall under the ICC guideline. Binckley stated, yes.

Conrad asked if the request is for vinyl siding and vinyl soffits, or just the soffits. Binckley stated this request is just for the vinyl soffits. Conrad asked what the ICC rating approves for vinyl soffits. Binckley stated it is her understanding most of the rating is at a technical level. It did appear there were some quality levels as far as thickness, but she is not the professional that reviews that. She is basing her recommendation from the information provided by the Building Official.

Williams asked if there are vinyl soffits that meet the building code certification requirement. Binckley stated, yes.

Pilcher stated he does not see anything on aluminum soffits. He then asked if they are prohibited. Binckley stated the interpretation of the ordinance would include the details. The City has not had any problems with that, but it could be added. Pilcher suggested adding "aluminum siding and soffits" under prohibited materials. Williams suggested that there are probably aluminum soffits that would meet the same requirements as vinyl soffits. He then asked if that could be added to the amendment tonight. Binckley stated that is something that could be brought back before the Commission if they so choose. Pilcher asked for clarification on the process. Binckley stated staff could provide the ICC information and an evaluation and if the Commission would want to make another amendment, they could so at that time. The City would just need to do a notification to the public of a proposed ordinance change.

Perkins stated there should be some specification for aluminum soffits. Williams stated he assumes they would probably use the same rating as the vinyl soffits.

Rohlf asked for clarification on the definition of an approved evaluation report and who prepares the approved evaluation report. Binckley stated it references the approval report from the ICC and the building official reviews that.

Conrad stated his concern is that there are a lot of products that have ICC approval that are probably in the excluded list. He is not comfortable without having a minimum requirement, such as thickness. He believes there could be a very thin product out there that has the ICC approval, but it would not be the level of quality the City should require. He is supportive of pursuing the issue of vinyl soffits. He would like to research some of these materials using the material in question as the base line. Rohlf asked if he is referring to the set of standards vinyl windows have. Conrad stated, yes, such as thickness. He also remembers discussions in the past where UV resistance was discussed.

Azeltine stated it seems to him that these technical issues should be left to staff and the question before the Commission is to decide, in principle, if they feel vinyl soffits should be allowed. He does not know about the technical specifications of vinyl soffits or siding, but it seems to him that it is the Commission's standpoint to discuss whether they would like to allow them in principle. Staff should be recommending the specifications for this product. Munson stated staff finds it rewarding when the Commission suggests certain things. Rohlf asked staff if this amendment needs to be as defined as the vinyl windows section of the ordinance. Binckley stated if the Commission is not comfortable with the current language and wants something more specific, then it needs to be included in the ordinance. If the Commission wants a certain minimum standard for the Building Official to use, then it needs to be included in this amendment.

Williams asked what the ICC certification addresses about this type of product. Binckley stated she would feel more comfortable having the Building Official make a statement or write a memo outlining what the ICC certification does.

Rohlf asked if Williams would feel more comfortable with a further definition. Williams stated he would, because he does not feel the ICC certification defines what this is supposed to address for certification.

Rohlf suggested this case be continued. Binckley asked the Commission to continue this case to the September 14th meeting to allow the individual who already has the vinyl soffit on his home to get his certificate of occupancy sooner.

A motion to continue this case to the September 14th meeting was made by Williams and seconded by Perkins. Motion to continue approved unanimously.

OLD 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 plan and preliminary plat to allow the construction of a three-story, 63,350 sq. ft. assisted living facility. This property is located at the southwest corner of Granada and Roe Avenue. This project was continued from the July 27th meeting due to some outstanding issues. The following issues were raised during the meeting: the flow of traffic within the site, sidewalks and pathways being too steep for pedestrians and delivery personnel, and the building not being proportional to the site. The applicant has submitted a revised plan addressing these issues by relocating 38 of the parking spaces to the building in the garage. Staff is recommending approval of this case with the stipulations stated in the staff report.

Conrad asked for an explanation of stipulation number 12. Joseph stated, per the Leawood Development Ordinance, only 40% of the frontage of the street could be developed as parking or paved areas. Conrad asked if the stipulation is included because the drive parallels the street. Joseph stated there are two parking spaces that lie within that area. Conrad asked if there would be any parallel parking on Granada.

Pilcher asked if the drive is split over two plats. Joseph stated there is a stipulation that talks about giving the City an easement for that property. Pilcher asked if it is the same property owner. Joseph stated the developer owns the other piece. Pilcher asked if there are any issues with that. Joseph stated, no. Pilcher asked if the garage under the building is just for deliveries. Joseph stated it is for visitors too.

Perkins asked if the applicant has done anything about the steep grade of the sidewalks and pathways. Joseph stated it is still steep, but it is not like every visitor would need to go there. Pilcher stated he believes staff is saying that the visitors would mainly use the parking garage and then come up to the building using the elevator. Rohlf suggested letting the applicant answer that question.

Williams asked what has changed since the Commission last saw this project. Joseph stated the parking layout has changed. There is no parking outside now. Williams asked if the building layout is the same. Joseph stated, yes.

Rohlf asked if a special use permit is required for this use in an SD-O. Joseph stated, yes.

Applicant presentation: Presentation by Andy Schlagel, appearing on behalf of Sunrise Senior Living. Schlagel introduced the development team and described the new site plan. It is an 82-unit, three-story assisted living facility. Sunrise is one of the leading suppliers of this type of use in the country. This new site plan is comparable to the plan proposed last time. The building location has generally remained the same. It has been slightly modified as they have removed the parking that was at the southeast corner of the site. Those spaces have been placed underground. With the elimination of those original spaces, the concern of the steep grade on the pathway has been removed. The exterior walking system has been adjusted. The grades are different than they were before. The previous plan had 59% dedicated to open space and the current plan now has 68% dedicated to open space. This has worked to help solve some of the grade problems and makes it a much more comparable situation. There is one driveway off of the private drive going to the underground parking garage. The retaining wall has been modified, lessening it, making the site more open. Modifying the retaining wall allowed them to adjust the setbacks on the north and the west, which in turn allowed them to provide green space from those two frontages. It is a significant adjustment to what

was there before. The flow of the traffic is much improved. The steepness has been solved. The building appears to be much more in proportion with the site because the green space has been expanded. The building sits at the same height as it was previously. Where there was a series of retaining walls before, the site has been graded to now use the basement wall to provide the support of a retaining wall. The deviation has already been covered. The only way to not request the deviation would be to add another drive, and that would probably be worse than just asking for the deviation. There will not be any parallel parking on that drive. There are two surface parking stalls at the end of the turnaround that comply with setback requirements. The applicant is glad the Commission pushed them in this direction, even though it is a significant cost. It will be better for the neighborhood, better for the site, a better plan for the visitors, employees and everyone who comes to the site. Regarding deliveries, the kitchen is at the northeast corner of the building. There is a slip-off lane off of the private drive for loading and unloading of kitchen supplies. Half of the private drive is off of their site. They are buying the ground from the developer who owns the other side. Part of their agreement is that they will dedicate an easement with them when they move in. It will appear on their final plat as a common driveway easement. The stipulations proposed do not pose any difficulty for the applicant. They appreciate staff helping them get where they are now.

Rohlf asked if the applicant is in agreement with all of the stipulations, including the ones that reference the final plan. Schlagel stated, yes. They have not concentrated at length on the signage, but they are in agreement, conceptually.

Munson asked if they have a three-dimensional perspective of the building. Schlagel showed a view looking southeast from the Roe/Granada corner.

Williams asked if the garage would serve the visitors and employees. Schlagel stated, yes. Williams asked how a visitor would access the garage door. Chuck Heath, of BeeryRio Architecture, stated the intent is that the garage would be open during the daytime. In the evening, there would be an intercom system with a keypad or button to talk to the front desk person who would open the gate.

Conrad asked if the lowest level is out of the flood plain. Schlagel stated, yes, and the engineer agreed. Conrad stated he has concerns on the detailing of the discharge of the relocated storm sewer. He then asked how the applicant plans on addressing that issue. Jeff Skidmore, Schlagel & Associates, stated they are collecting the water throughout the site and bringing it around the building. At that lower end, they are going to have a flatter section of pipe to slow the water's velocity before they discharge into the creek. The drainage ditch that is through there is fairly well defined with the built up embankments. In the final design stages, they can design a plan that brings pipes at a flat enough slope to slow the water's velocity. Conrad requested to see some detail of that at final plan. Schlagel stated the actual pipe size might not be as large as it seems. The applicant has no problem meeting that suggestion. Conrad suggested someone look at the turning radiuses and the in and outs of basement parking. There might need to be some columns. Schlagel stated he believes he understands the intent of his comment.

Rohlf asked if the Commission had asked for a letter or confirmation from the developer about the square footage of this building. Binckley stated she sent a letter to the developer outlining how many square feet were remaining for the rest of the development. He received that letter and has had no comments for staff. Schlagel stated the applicant has had several discussions with the developer since the last meeting and they have stated their understanding of that requirement and have no difficulty at this point in time.

Perkins asked if the applicant should get something in writing from the developer approving the proposed square footage. Schlagel stated the applicant has been given approval from the developer. While there is an increase in square footage, there is a significant drop in traffic intensity, noise, etc. than would occur with the standard retail or office development. He does not think they are afraid of that condition at all. They are certainly aware of it.

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

Pilcher stated he feels the applicant should be commended for listening to what the Commission suggested. He feels this will be a quality facility.

A motion to approve was made by Munson and seconded by Perkins. Motion approved unanimously.

NEW BUSINESS:

CASE 59-04 PARKWAY PLAZA Request for approval of a final site plan to approve the design guidelines, final landscape plans and corner features for the Parkway Plaza development. Located at the northwest corner of 135th Street and Roe Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of the design guidelines, corner features and the final landscape plan. This property is located at the northwest corner of 135th Street and Roe Avenue. At the time of final approval for the Parkway Plaza development, the developer agreed to revise the design guidelines, provide details for all of the corner features and plaza areas and revise the landscape plan. After reviewing the design guidelines, staff has some concern regarding the architecture of the buildings. One of the stipulations approved as part of the site plan for Parkway Plaza states, "Standing seam metal roofing shall only be used as an accent material." Staff is concerned with the massiveness of the roof as shown on some of the elevations. Staff is concerned with the use of stucco as the primary material for the buildings. Staff is concerned with the roof signs that are proposed. Per the Leawood Development Ordinance, roof signs are not allowed. Staff would like the Commission to comment on these items and give further direction. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if those items are incorporated into the stipulations. Joseph stated only the roof signs are stipulated, the other items are not.

Conrad asked staff to go through each of the concerns within the design guidelines. Joseph stated page eight has the diagrams for the building elevations. The standing seam metal roof is the primary material and staff would prefer slate. Williams stated he recalls that the roof was originally proposed to be more of a concrete tile type product. Joseph stated that was in the stipulations and was approved at that time. Williams stated it appears that the diagrams are not called out to be standing seam roofs. One might make some assumptions based on the delineation, but it could be a number of materials. Joseph stated he believes that is the intent of the developer. Rohlf asked if that is also true of the massiveness. Joseph stated that would be on page nine, the second diagram. Some of the roofing seems to be massive compared to other elements of the buildings. Binckley stated part of the problem is that the massiveness of the roof does not allow for enough façade to allow for signage and therefore the applicant is proposing signs on the roof. Those two issues tie in together. Conrad asked if the signage on the roof would be like what is shown on page 11 of the design guidelines. Joseph stated it would be like what is shown on page eight, the first building. Azeltine asked if by approving this the Commission would be approving an exception to the ordinance. Joseph stated, yes. Williams asked about page 16, where it talks about roofing systems, it states, "Approximately 60% of the development roof area will have concrete roof tiles." Joseph stated at the time of approval it was "60% of the building will be tile and 40% will be standing seam metal". Williams stated these lots would be potentially sold off to other building owners and developers and that each parcel could be viewed as a development, so each building on each parcel would need to comply with the 60%. Binckley stated the problem staff had was that if it were viewed as an overall development, then 60% would be in the residential and the commercial would have primarily standing seam. Staff is trying to make sure that the development does not end up with all of the concrete tile on the residential portion.

Applicant presentation: Presentation by David Suttle with Suttle Mindlin Architects. Regarding the roof materials, it is hard to legislate the numbers and percentages and not stifle the exception of the creative process. On the other hand, the City needs to have a good feeling of what it is looking for. There is an overall vision of a degree of varying colors and materials. They are trying to avoid the same monotonous cookie cutter approach. They are trying to have enough leeway so that, as each building comes back before the Commission, they would have one more chance on each of the buildings. Some of the retail buildings would have a predominant cast concrete shingle with very little or no metal trim, but next to it and on down the line it would be nice to have a building that might look best with a primarily standing seam roof and then the next would be a combination. They would come out with an end result of a various mix of materials of the pallet of roof and wall materials. They will work with what the Commission decides, but like the idea of not being so rigid with each individual building and look at the entire development as a whole. The signage issue has been talked about from the beginning. The plan calls for heavily landscaped edges, real streets, clear patterns, sidewalks and street trees, and other things that help give the village concept. Naturally, the front doors are on the complete loop. When looking at the 135th Street concept there was much discussion as to not seeing the back of the buildings along 135th Street. Suttle showed a proposed elevation with the variations of the buildings. In each case there are a lot of architectural elements, a lot of exit doors that do not look like exit doors because they are integrated into the architecture. Part of that has always been the signage. The signs are essential to give them the quality appearance of a retail development. The applicant was surprised to hear that there seems to be a problem with that. The applicant believes the roof sign is more decorative, more expensive and more unique. It gives it a more residential or resort scale. The applicant understands that there is a blanket ordinance that states roof signs are not allowed. It would give them the flexibility as much as a sign band does because you have to be able to change the sign. The roof signs tend to be a more expensive element. They have front faces and return into the roof. If the Commission feels this is too risky then the applicant can develop a scheme on the fascia of some

type of sign band, but it would change the scale and makes it thicker and heavier and more like the typical retail development. The applicant is looking for the garden, pedestrian, softer quality and that is the reason they hoped to have a different architectural dormer for each sign.

Munson asked if there is an architect in charge of the overall design. Suttle stated, yes, his firm.

Azeltine asked to see any details on the roof signs and how they sit on the roofs. Suttle stated they are described under the signage guidelines in the design guidelines. Munson asked if the sign would be sitting on a shelf. Suttle stated they would be vertical, but the sides would return like triangles into the roof. Munson asked Suttle to draw a sketch to explain. Suttle drew a sketch and showed it on the overhead. Munson stated he believes the applicant could do better.

Williams asked where the proposed roof signage would be located within the development. Suttle stated the applicant is proposing the roof signs to be located only on the buildings along the perimeter of the development, facing the internal parking area. If a retailer has a sign on the tower element, they would not have signage on their roofs. They are unique to the pedestrian scale along the sidewalk portion. Williams asked if there would be additional signage in the pedestrian way. Suttle stated there would be blade signs, which are typical for this type of development. Williams asked for clarification of what Suttle said about the retailer not having roof signs if their sign was on the tower element. Suttle stated if there are three different retailers in one building, then there would be three signs. If there were only one, then their sign would be on the tower element. Williams asked if the Commission approved the roof signs tonight, then what would preclude roof signs from going anywhere else on any other buildings. Suttle stated the applicant would feel comfortable limiting the roof signs to a specific area. The applicant has never intended them to be anywhere other than what has been proposed tonight.

Conrad asked the distance between the pilasters. Suttle stated about 15 feet. Conrad stated concern with being able to see the sign with the size and the trees. Suttle stated the trees are a very important feature. Conrad stated he wonders how effective the signs would be and if they are not effective, then why do them. Suttle stated they must have a sign.

Munson asked the distance from the wall to the outside of the overhang. Suttle stated he believes it is about 8 or 9 ft. Munson then asked if it would be possible to do that a little differently and increase the fascia part of the overhang and then put the sign on the fascia. Suttle stated that is the standard retail development. But the applicant would prefer to have it as a fascia that terminates the porch. All of the roof heights have been reduced since the original design in order to create a little less massive roof. The towers have been kept tall for the effect. They want to have the low, non-retail type roof. They could do individual dormer type signs or develop a sign band as part of the architectural termination of the porch.

Williams stated he understands the transition between the roof and the porch cover, but if it were a transition, then it would put it back away from the street. Suttle stated the porches have separate roof structures so that the ridge is only about 4 ft. back from the face of the eave. Conrad stated the face could have been vertical and then the sign would be on the wall. His concerns are how many there will be, how long they will be and if there would be a height limitation. Suttle stated it is listed in the design guidelines. Williams asked where the roof signs are discussed in the design guidelines. Suttle stated that particular type of sign is not listed in the guidelines. Pilcher stated it is listed on page 24 that no signs are allowed on roofs.

Azeltine asked if these drawings were made before or after staff's comments on the massiveness of the roofs. Suttle stated he is showing drawings that were done with the original submittal. Azeltine asked what the applicant envisions happening with their design if the Commission decides not to allow the roof signs. Suttle stated the applicant would look to integrate a wider sign band of a standard retail design. They want to keep this a thinner, more residential scale and that is why they would look for developing it as a top trim piece that would end with the panel and the detailing at the top. Their second preference would be to widen the fascia. Conrad stated his preference is something that is on the roof, as opposed to a sign band. He would like it to be representative of the tenants. He would not want something that is permanently built into the roof so that they would then pin-fix or adhere letters to. If there is not a sign, then there should just be the roof slope. Suttle stated he agrees that it needs to be part of the architectural element, and not just a sign on the roof. Conrad asked if that would require approval of a deviation to allow the roof signs. Binckley stated the Commission would need to call it out as a deviation and would also need to specify out what they would want to allow and also identify the letter height. Williams stated that rather than take up the time tonight as to what those designs should be; maybe the applicant could come back with more detail to consider. He would also like to see more definition as to which buildings in the development that these roof signs might occur. If they are going to be using them on porch roofs, then it should become part of the overall village development in this particular case. Rohlf asked Binckley if the Commission could amend the design guidelines to amend it when these signs come in. Binckley stated they could do an amendment to the design guidelines. Suttle stated the applicant did not include them in the design guidelines because they knew there would be some changes. Williams stated the requirements in the design guidelines for blade signs provide the

continuity that he would like to see in the roof signs. Rohlf asked if stipulation number nine would need to be removed if the Commission wanted to revise the design guidelines and approve this case tonight. Pilcher stated he is not in approval of the roof signs. Azeltine stated he would like to see more details before voting for approval.

Williams stated he has questions with the massing elements and also some of the roofs are shown as very massive elements, so he is not sure what the applicant is referring to as large mass elements. Suttle stated these guidelines are consistent with the original prototypical buildings as seen in the drawings tonight. They do not reflect the lowering of the roof pitches. Williams asked if the roofs that he sees as large would be reduced in size. Suttle stated they would be reduced in height. They are not planning simple, big, long roofs without any architectural interest. They are trying for elements that break up a plain, long roof on a building. Williams stated he feels that is the presentation that the applicant has given the Commission. He is concerned about the wording because people tend to have different ideas of what represents a certain style of architecture. Williams stated about the large roofs all in standing seam makes a very strong architectural statement and not one that the City or the applicant wants to see in this development. He appreciates the applicant wanting flexibility on the design but is also concerned on how to provide assurance for the Commission, while still giving the developer the flexibility, on what these roofs will be. Suttle stated they do not want all of the retail buildings looking the same, so they must have a generous mix of materials. He wants to be sure the Commission knows what is being built and approved so as to not make that mistake.

Williams stated if Sailors sells the property and Suttle is no longer the architect and if someone else comes in and goes by the guidelines that have been approved, they could look at this and come back with buildings that meet the guidelines, but the understanding between the Commission and the current applicant might go away. Suttle stated perhaps a backup might be requested, as a security.

Rohlf asked if the Commission would look at each of the retail sites as they come in. Binckley stated, yes. Rohlf asked why these seem more detailed than other design guidelines. Binckley stated part of it has to do with the size of the development and the number of uses within this development, versus some of the other developments the Commission has seen recently. Rohlf asked if the Commission has approved design guidelines for Park Place yet. Binckley stated, no.

Conrad asked Williams if the elevation on sheet nine answers his question as far as the massing. Williams stated changing the roof material does not necessarily change the massing. The style and color could change the appearance. Conrad suggested consideration on those elevations as guidelines that they not show standing seam metal roofing on those two large elements. Suttle stated at the bottom of page ten, it is a combination where the tower and dormer are a different material than the roof. Williams asked if the main roof on page ten is standing seam roof. Suttle stated it is shown on that illustration, but the drawing is trying to illustrate the vocabulary, not necessarily the combination. They would not actually be designing that particular building. Rohlf asked if the developer would allow two tenants, side by side, to have standing seam roofing. Suttle stated, no.

Conrad asked how the developer would determine whom the monument signs along 135th Street would advertise. Joseph stated those were approved with the final plan for Parkway Plaza. Conrad stated he would like to have the Public Works department work with the applicant on incorporating the design of the light poles that would be in the corner features. Suttle stated that could be done. Conrad asked if the fences have gotten any longer. Suttle stated, no. Conrad then asked if they are controlled access on the gates. Suttle stated, no. Binckley stated the residential application would be seen at the next meeting. To clarify, the individual monument signs for tenants have not been approved. The only monuments that have been approved are the corner monuments. Staff is not supportive of individual monument signs for individual tenants. Conrad asked if those would be removed. Suttle stated, yes.

Williams asked if the design guidelines would be applied to the residential portion. Binckley stated the design guidelines only refer to the materials used in the residential portion. Joseph stated page 13 of the design guidelines talks about the residential portion.

Rohlf asked for advice from Binckley on what to do with this case. Binckley stated it could be approved as provided, the Commission could make amendments to the recommendation to include a specific portion they would like to change, if they do not want to approve that portion and ask them to come back later, the Commission could do that as well.

Williams asked if all of the exterior lighting would be the same style of lighting, or if the applicant is proposing different styles of lighting that achieve the same lighting purposes. Suttle stated the applicant is looking at the retail area being very similar to the standard street lighting for the City of Leawood. They are thinking that the residential would have a slightly more traditional light; clean, open, clear glass, black edge and small roof. Not colonial, prairie style or modern, just traditional. Munson asked what the spacing would be on the residential light poles. Suttle stated it varies. There are no big parking lots, so there is no standard.

Munson asked about the public streets and right-of-way. Binckley stated the only portion that is public is at 133rd Street and Briar, but everything else is private.

Williams asked if all of the light fixtures that will overlap visually would be the same from one end of the parking lot to the other. Suttle stated, yes, in the parking lot. Binckley stated it is detailed out when each building comes in for final application. Williams stated he would like to see continuity on the light fixtures.

Suttle asked for the Commission to discuss the two signs per tenant on each of the buildings along 135th Street. The applicant has always said that they would also have a second sign along those small buildings that gives them the architectural quality to give the character of retail on both sides. The applicant would like to give the retailer the opportunity to have two storefronts. Rohlf asked if he is referring to stipulation number five. Joseph stated, yes. Williams asked if they would be wall signs. Suttle stated, yes. Conrad asked if there are guidelines for those signs in the design guidelines. Suttle stated they would have the same guidelines as the entire property. Munson stated stipulation number five states one sign per tenant. He then asked if it could become busy looking. Suttle stated the signs would have to meet the design guidelines. Munson asked if they would all be the same letter size and color. Suttle stated the signs would be very elegant, very attractive and not something that is crass or commercial. The applicant will bring forward those signs that are appropriate and monitor them on each individual basis. Binckley stated the problem with that is the Commission would not see each individual sign. She understands the applicant needing two signs, but maybe the Commission should look at a smaller sign since the buildings are only going to be 40 ft. from the road. Munson asked what would be an appropriate size. Binckley suggested maybe 12-inch letters. Williams asked if that is referenced in the design guidelines. Binckley stated, no. Suttle stated he would be happy to amend the design guidelines to include that.

Pilcher stated he agrees with staff's concern about the use of standing seam metal roofing as a main roof material. He is concerned with the massiveness of some of the roofs. He is concerned about stucco being a primary building material; he would like to see more stone. He is also in agreement with item number four, to not allow roof signs.

Azeltine agrees with Pilcher. He believes the roofs are disproportionate with their size. He is not sure they should have an exception to the code for the roof signs.

Williams stated he would not see a standing seam roof, as presented, as being offensive or as a problem, especially in this color. He would have a problem with the roofs that come across as massive being standing seam roofs. Maybe there needs to be some additional qualifications that make reference to the massiveness of the roof not being standing seam, but incorporating other roof materials, to give some design leeway in that regard. On the roof signage, he would not want to see approval of roof signs that would allow them to go anywhere. He is intrigued with the roof sign idea in which it is a blade sign but sitting on the roof. That, properly detailed, could look rather interesting and add to the character to the roof. He would entertain a roof sign consideration that was very specific as to which type of roof it goes onto. In this case, he would identify porch or loge roof locations, low, not high on the buildings. The size of the signs should be taken into consideration. He would also like to see a definition as to which buildings within the development where these signs would occur.

Munson stated he is primarily concerned with the signs along 135th Street. He is concerned there could be a forest of signs that could be perhaps tawdry in their execution and appearance.

Perkins stated he is in agreement with the Commissioners about the massiveness of the roofs. He thinks the roofs would need to be lowered before he would approve this case. He is not as opposed to the signage, as long as it is well done. He also feels the Commission should see each sign before each building is approved.

Rohlf stated it appears an amendment would need to be made to staff's stipulations before an approval is made.

Williams stated he does not see anything in staff's comments that address the issues of roof masses and stucco. Rohlf stated the motion maker would need to add those as an amendment.

Pilcher stated he would like to move to continue this case if staff feels they have enough direction from the Commission to work through these issues with the development. Binckley stated if this were continued it would be heard at the September 28th meeting. Perkins agreed with Pilcher.

Binckley stated it is her understanding staff would need to work with the applicant on the roof signs, the number of signs on the retail buildings along 135th Street, more clarification on the design of the roof signs and potential sections of the buildings, the

materials issue and the massiveness of the building, or wording to allow the architect to design appropriately but allow the City to have some type of assurance that standing seam would not be a majority. Conrad stated he would like the street light issue spoken about. Ley stated the lights have already been purchased. The main signal for the vehicles will be installed on the island on Briar Street.

Azelline moved for a continuance of this case to the September 28, 2004 meeting. Motion seconded by Williams. Motion to continue approved unanimously.

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

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a preliminary plan to allow the construction of a two-story, 10,200 sq. ft. bank building. The applicant is Terry Berkbuegler of Bryan Clark and Associates. This project is located within the Parkway Plaza development located at the northwest corner of 135th Street and Roe Avenue. The approved overall plan for Parkway Plaza showed two, one-story buildings in this location. This project has replaced one building with 15 parking spaces. The proposed building is two-storied. Staff is in approval of the additional 15 parking spaces provided that the development meets the requirement for overall parking spaces. Per the Leawood Development Ordinance, only 40% of any site boundary length along a public street may be developed as parking or paved areas. This project proposed more than 40% along Briar Street. Staff is recommending the applicant remove one of the drive lanes in order to satisfy this requirement. Staff is concerned over the use of standing seam metal and stucco being used as the primary material. The architecture will be reviewed in final detail at final plan. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked where the architecture is addressed in the stipulations. Joseph stated the architecture would be reviewed in detail at final plan. Williams asked if there should be more wording to reference bringing it more in line with the approved design for the overall development so the Commission would know what they are reviewing. Binckley stated any additional information from the Commission tonight would be helpful for the applicant.

Pilcher asked if the architect for the development has approved this design. Binckley stated, yes.

Munson stated he believes that there are two Commissioners that were not here when this was looked at originally. He feels this should not be approved before all of the details have been worked out for the overall development. Azelline asked for the normal protocol for this type of situation. Binckley stated staff was hoping to move forward with the design guidelines before this case, but most preliminary plans are approved without final design guidelines. Rohlf stated concern that the change in the design guidelines could change things significantly. Binckley stated the applicant would not change anything as far as the site plan; it would just be the design and architectural elements. Rohlf suggested to the Commission that they only look at preliminary plan details at this time.

Munson asked if staff would have input before the final application for the design of the building so that it is cohesive with the overall development. Binckley stated, yes, and the applicant has worked with staff and Suttle Mindlin and staff is still not supportive of the design.

Pilcher asked if staff is in approval of the two-story building, instead of the original one-story. Joseph stated, yes.

Applicant presentation: Presentation by Terry Berkbuegler. Country Club Bank identified this site because of its prominence. The bank's desire to create a prominent front onto 135th Street, while at the same time, responding to the main street concept that is approved as part of Parkway Plaza, which would turn their main entrance off to the east side of the buildings, internal to the site. They want to make safe and efficient drive lanes. They also have a need to provide employee parking within the bounds of the property. Those were the reasons that the two-story concept came about. The applicant worked throughout the process with David Suttle for the site plan as well as architecture to get what is being proposed now.

Presentation by Matt Massalonis. The bank has a signature tower logo, which they want to continue to reinforce in this location. Their philosophy is, "built on relationships, and investing in you". In terms of the design parameter, this corner was always planned as a bank, however the corner created issues in terms of pedestrian traffic and automobile traffic. This plan is in response to that. The bank would like to have a second story office to make sure they do not outgrow their office space. They want four drive lines with one pass-through lane. They would like separation of the drive lane traffic for safety and operational concerns. This is critical to the building and will also make it much more active, which is what they want in terms of their

customer base. The overall goal is to respect the development guidelines, which are: the primary automobile circular route, the primary parking arrangement as a core in the center, the primary corner feature, as well as making sure the primary entrance is off the core of the parking. They are also trying to abide by the material and design standards. They will work within the approved guidelines, whatever they will be. They want to create a strong identity from 135th Street entry. They want good design and good architecture and want to be community oriented. The applicant agrees with everything staff has written in their report, but would like to discuss stipulation number ten and the opportunity to meet with staff on that to make sure they are in compliance with whatever the standard may be. The applicant making an effort to ensure the bank can move forward tonight.

Munson asked about the property line that cuts through the corner feature and the relief drive that goes along the south side of the bank. He then asked if there is a cross agreement with the neighbors across the way. Massalonis stated there is a cross agreement with Richard Sailors. The bank ends up buying more land than needed, but they have come to an agreement on terms of how that land will be maintained. Munson asked if Sailors would be doing the corner feature. Massalonis stated, yes.

Pilcher asked what percentage is paved by the way the plan is drawn. Massalonis stated 40% of the street line along Briar needs to be soft space or green space. Joseph stated staff has calculated 47% of paved areas along that stretch. Pilcher asked if the corner feature is included in that area. Joseph stated, yes. Pilcher then asked if that area is considered as paved. Joseph stated they look from curb return to curb return. Pilcher then asked what staff's recommendation would be to fix that. Massalonis stated staff is suggesting removing the outside lane and the pass-through lane. Binckley stated staff believes the drive through lane becomes part of the architecture as that lane comes out, so the design they are providing on the west side is essentially a full façade so that amount was included. Pilcher asked if the applicant and staff are in agreement on how to fix that. Binckley stated the applicant would like the opportunity to review the numbers with staff. Massalonis stated it is a critical design element that the bank has that outside lane. They cannot extend the canopy out any further than it is now. They are also limited on the east dimension, if they go any farther on the east they will be encroaching on the drive lane that is the required loop. Conrad asked the functional need for that lane. Massalonis stated it is an ATM lane. Rohlf asked how many lanes are being proposed. Massalonis stated there would be five total lanes: three regular lanes, one ATM lane and one pass-through lane. Conrad asked if the outside lane would ever be developed as an ATM lane. Massalonis stated, no, it is meant to be a lane to allow people to get through without having to back up.

Perkins asked if there would be a dead end at Briar if the rest of the development were not built yet. Massalonis stated the public improvements have to be complete prior to any of the buildings going in. Binckley stated there has to be a certain amount of the main drives provided by Mr. Sailors as well as a portion of the main building be under construction prior to issuance of a building permit for this site.

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

A motion to approve was made by Pilcher, with the understanding that the design issues would be addressed at a later point. Motion seconded by Azeltine. Motion approved unanimously.

CASE 60-04 NEXTEL ANTENNA SITE - 5200 W. 135TH ST. Request for approval of a special use permit. Located at 5200 W. 135th Street.

Staff presentation: Presentation by Jeff Joseph. The applicant is Joseph Dubinski with Bryan Cave representing Nextel. The applicant is requesting a two-year extension of a special use permit for an existing wireless antenna located near 105th Street and Nall Avenue. There are no changes proposed for this project. Staff is in approval of this case with the stipulations stated in the staff report.

Munson asked if Nextel is comfortable with the two-year renewal. Joseph stated the special use permit for the tower would be expiring in 2006. Pilcher asked for clarification of the two-year limit. Binckley stated staff has limited the special use permit to two years in order to put them on the same timeline with the other companies that use this tower.

Applicant presentation: Presentation by Steve Mauer on behalf of Joe Dubinski. Nextel is fine with the two-year time period for the special use permit. That will put them in sync with the other companies that use this tower.

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

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

CASE 61-04 DOCTOR'S SPECIALTY HOSPITAL EXPANSION Request for approval of a special use permit, preliminary plat and preliminary site plan. Located at 5001 College Boulevard.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a special use permit, preliminary plat and preliminary site plan for the construction of a 49,968 sq. ft. addition to the existing 19,000 sq. ft. Doctor's Specialty Hospital located at 5001 College Boulevard. The resulting building will be 68,968 sq. ft. on 6.29 acres, for an FAR of 0.25. The applicant will be tearing down two existing buildings totaling 44,941 sq. ft. and building an addition in their place. As required by section 16-2-7 of the Leawood Development Ordinance, a special use permit is required for the operation of a hospital in the SD-O zoning. An amendment to the Public Works stipulations was provided to the Commission on the dais. In the staff report it was indicated that the City would need an additional 5 ft. of right-of-way along College Boulevard. The applicant has worked with staff and is in agreement to provide 5 ft. of extra right-of-way between the two western drives and then the right-of-way would stay the same for the remainder of the site. Part of their drive would end up encroaching on the right-of-way, due to the extra 5 ft., and they have pulled that back so that it no longer encroaches. As part of this change, the deviations listed in the staff report are no longer necessary. Stipulation number seven would need to be amended so that the 35 ft. building setback from College and the 25 ft. setback for parking from College would no longer be needed. Staff is recommending approval of this case with the stipulations stated in the staff report.

Munson asked for a clarification on the amendment of stipulation number seven. Klein stated that stipulation outlines the setbacks allowed for the SD district. The first one is a minimum 35 ft. building setback from the north property line, adjacent to College Boulevard. Since the City is no longer asking for an additional 5 ft. of right-of-way along that building frontage, for that portion of the site, that would no longer be needed. In addition, the third bullet point on that stipulation states, "a minimum 20 ft. parking setback from the north property adjacent to College Boulevard." The standard is 25 ft. Since the applicant has pulled that back an extra 5 ft. to accommodate the right-of-way, then that portion of the stipulation would not be needed.

Conrad asked if the existing medical building is zoned SD-O. Klein stated, yes, they would all be the same zoning. Binckley stated the current building already has a special use permit.

Applicant presentation: Presentation by Chuck Peters of Peters and Associates. The applicant is requesting approval of an addition to the existing Doctor's Specialty Hospital. The proposed expansion meets all of the requirements as far as setbacks. The applicant has worked with staff on the easements on the westerly part of the property. The applicant had an interact meeting with the neighbors and they were very enthusiastic about the building and the removal of the two existing buildings. The expansion to the west will be just going into the second building, so that area of College will open up and have a little more open light. The parking on the western side is currently occupied by two-thirds of 5001 College Boulevard. Peters described the colored renderings.

Perkins asked if the pass-through from the current building to the new one would be heated or open-air. Peters stated it would join in the clean area for the surgery center, so it would be an occupied space and would be heated and air-conditioned. That area would have boards room, offices, and a staff lounge. Perkins asked if the west end has an emergency drop off. Peters stated it is not necessarily for emergency, but for drop off and pick up by ambulances.

Conrad asked if it is a 24-hour facility. Peters stated it would be the same operation that is going on at the current Specialty Hospital, which all of the surgeries take place from around 6:00 in the morning until around 3:00 in the afternoon. The rooms would be 24-hour. Conrad asked where the emergency generator would be located. Peters stated there is one currently on site. During the interact meeting the neighbors were concerned about when the emergency generator would be tested and also about the vegetation along the south property line. The applicant reassured them the debris would be cleaned up and the landscaping would be supplemented. Conrad asked where the generator would be located. Binckley showed the generator on the site plan. Conrad asked if that would serve both the existing hospital and the expansion. Peters stated, yes. There will be a sidewalk between the transformer and the screening for the electrical and they will add some additional landscaping between the curb and that area.

Williams asked where the deliveries and trash pick-up would occur. Peters stated most deliveries would take place on the south entrance, just east of the generator. Williams asked if that is also the primary entrance to the facility. Peters stated there are two

main entrances. He believes most of the traffic would come in through the east side entry, and then a secondary entrance is at the south entry.

Rohlf asked if the applicant is in approval with all of staff's stipulations, including the recent changes. Peters stated, yes.

Conrad asked about the ambulatory entrance. Peters stated there are no emergencies, just people arriving from ambulatory care. Conrad asked if it should be a right-in, right-out at that location. Peters stated it is not to that level of care to require a right-in, right-out.

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

Perkins stated it is aesthetically nice looking for that area. The addition is definitely better than what is currently there.

Williams asked if staff has received any comments from the public. Klein stated, no.

A motion to approve was made by Perkins with an amendment to stipulation number seven to remove the first and third bullet points. Motion seconded by Azeltine. Motion approved unanimously.

Meeting adjourned.

Lisa Rohlf, Vice-Chairman