

City of Leawood Planning Commission Minutes

October 26, 2004
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

With Duffendack not in attendance, Commissioner Rohlf presided the meeting.

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

APPROVAL OF THE MINUTES: Approval of the minutes from the September 28, 2004 meeting. Henderson noticed in the minutes that Mr. Munson left the meeting and returned to the meeting, and maybe it should say that he recused himself from the meeting. Munson stated he has made the correction to the planning secretary and she will change accordingly. **A motion to approve the minutes from the September 28, 2004 meeting was made by Conrad and seconded by Henderson. Motion approved unanimously.**

CONTINUED TO THE NOVEMBER 23, 2004 MEETING:

CASE 71-04 VILLAGE OF SEVILLE Request for approval of a final site plan. Located at the northwest corner of 133rd Street and State Line Road.

CONSENT AGENDA:

CASE 23-04k VILLAGE OF CAMDEN WOODS - 70TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 23-04l VILLAGE OF CAMDEN WOODS - 71ST PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 23-04m VILLAGE OF CAMDEN WOODS - 72ND PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 77-04 TOWN CENTER PLAZA - JANIE AND JACK Request for approval of a final site plan for signage. Located north of 119th Street and west of Roe Avenue within the Town Center Plaza development.

CASE 78-04 DOCTOR'S SPECIALTY HOSPITAL EXPANSION Request for approval of a final plat and final site plan. Located at 5001 College Blvd.

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

OLD BUSINESS:

CASE 59-04 PARKWAY PLAZA - PHASE ONE Request for approval of a final site plan to approve the first phase 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 Richard Sailors with RH Sailors and Company. This project is located at the northwest corner of 135th Street and Roe Avenue. The applicant is requesting the approval of a final plat and

final plan to allow construction of two retail buildings within the Parkway Plaza development. Retail 1, which is the main center, consists of 45,000 sq. ft. and Retail 9 consists of 6,237 sq. ft. of construction. The developer is proposing to construct half of Retail 1 and all of Retail 9 as part of the first phase. The first phase also includes the corner features and other pedestrian amenities in addition to the access drives from 135th Street and from the east-west private drive. The parking for this project is located within the interior of the development, between the buildings and the garden areas. This project proposes a parking ratio of 3.5 spaces per 1,000 sq. ft. Staff has concerns with the architecture being unfinished along the north side of the main center. Staff has met with the applicant and the applicant has agreed to provide additional architectural features along that elevation. Staff would like to add one stipulation as stated in the memo that is placed on the dais. Staff is recommending approval of this case with the stipulations stated in the staff report and the additional stipulation listed in the memo.

Henderson asked for clarification of the stipulation added by staff. Binckley stated the memo is an additional stipulation. It would become number 10, and then the other stipulations would be moved up a number.

Rohlf asked if stipulation numbers 9 and 29 are the same stipulation, only worded differently. Joseph stated one of those stipulations is for the pedestrian crossings and the other is for the plaza areas.

Perkins asked if the construction of 133rd Street and Briar was approved in the original plan. Joseph stated, yes, but the stipulation is carried over from that approval. Perkins asked why it is included in this set of stipulations. Joseph stated staff wanted to make sure everything is included, since this is the first phase.

Williams asked if the applicant is proposing to build all of Retail 1. Joseph stated the applicant is proposing to build half of Retail 1 and all of Retail 9. Rohlf asked if staff knows how Retail 1 would be split up. Joseph stated it is up to the applicant.

Applicant presentation: Presentation by David Suttle. Suttle showed and described the design elevations for Retail 9. This building represents the prototype design they have been looking for. He showed the landscaping plan for Retail 9. He showed and described the design elevations and landscaping plan for Retail 1.

Rohlf asked what portion of Retail 1 would be built in the first phase. Suttle stated there is a great desire to get the pre-leasing without any limit of how much could be built early. The idea is to build as quickly as the market allows. In addition to the condominiums, the clubhouse and the center; building Retail 9, finalizing the design of one of the southern buildings, and building the two-story bank allows some edges to be built. It is a little less structured than the wording the Commission has heard because it makes sense from a good development standpoint not to build larger or more buildings until the leasing is in place.

Munson asked which building would be completed first. Suttle described the buildings on the site plan. Munson asked Suttle to explain how those buildings would be accessed by vehicular traffic. Suttle pointed out the proposed accesses to the buildings. Munson asked when the east-west road would be constructed. Suttle stated it is under construction now.

Perkins asked how many square feet are planned to be built on Retail 1 with the first phase. Suttle stated 22,500 sq. ft. Perkins asked which parking would be put in at the time of the first phase. Suttle stated they would develop all of the parking that is allocated for that parcel. Perkins asked why they wouldn't put in all of the parking at the same time. Suttle stated, generally, parking is carried out to a certain point. He does not have a plan to show him. Perkins asked how many parking spaces there would be for Retail 9. Suttle stated there would be 3.5 per 1,000 sq. ft., so about 20 parking spaces. Perkins asked where the handicapped entrance would be located. Suttle showed on the plan. Perkins asked if there is an entrance off of Roe Avenue. Suttle stated, no.

Williams asked for the size and a description of the garden and paving materials around the area in front of the shops for pedestrian spaces. He then asked to see the materials boards. Joseph displayed the materials board for the Commission. Suttle stated, in relation to Retail 1, the paving and sidewalk area in front are tan pavings with a more decorative offset color of the charcoal with scoring and a decorative paver feature at the center. There is a slight embankment along the west side. It is manicured and more developed with the garden concept to make it a full, rich garden frontage. Williams asked the width of the porch. Suttle stated 9 ft. Williams asked if it would be fully covered. Suttle stated, yes. Suttle then stated, in relation to Retail

9, the corner areas are deeply planted botanical gardens with a variety of seasonal color. They are extending that into the interior to break up the amount of surface paving with benches and planting beds. The Leawood decorative paver would connect between those gardens to unify those planting beds. There is scored, colored concrete, to go with the beds around it. Williams asked if the gardens are at the same level as the pavers. Suttle stated there are no raised planting beds. Williams asked how wide the covered area and sidewalks are. Suttle stated the covered walkways are 9 ft. or greater.

Williams asked what has changed with the backs of the buildings. Joseph stated he believes that is still in the works. The applicant has agreed to change the architecture. They will present a plan to the Commission or staff.

Williams asked the applicant to explain the arched and dormer windows and what other options they have explored to break down the scale. Suttle stated the windows are a very important feature. In the center portion of Retail 1, the plan is for large, divided windows, where the whole storefront feels like glass and a single door. The glass is very much a part of the character of the building. Simple, clean-line glass is out on the surface and under the awnings, to create a character of the shops. The back of the stores will have a decorative wall feature, accented in the center with a repeat of a sort of divided window to create separation between those two architectural elements. Williams stated his question is not about the glass at store level, but the glass on the dormers and roof elements. Suttle stated their goal is to work in very limited areas, to integrate that feature into the interior of the store. Williams asked for clarification. Suttle stated the first part of the store would have a higher ceiling, allowing the windows to be expressed on the inside, both on the lower and the upper. Williams asked if the arch windows that are over the porch area and the dormers on the larger roof areas would go into the stores allowing light into those pedestrian areas. Suttle stated he does not believe that would be feasible. They can integrate it with a reverse slope over the interior over the walkways. Williams asked the approximate size of the dormers. Suttle stated the dormers are approximately 9 ft. tall and 4 ft. wide. Williams asked if the applicant is anticipating them to be clear glass from behind. Suttle stated, yes, with soft lighting.

Conrad asked if this entire site be rough-graded in this package. Suttle stated it already is. Binckley stated the roads are already going in. 133rd Street is almost finished. Briar is almost finished. The additional lane on 135th Street is in the process of being installed. The developer wanted the private east-west drive to be completed at the same time, but the contractor fell a little behind, but it is staked and graded and ready to go. Conrad asked about if the landscaping along 135th Street would be per individual pad sites. Binckley stated all of the street trees would go in by the developer, as well as along Briar and 133rd Street, but the individual landscaping for each site will be evaluated for each building. Conrad asked about staff's comment in the staff report about street trees. Binckley stated that is because it is tied in with the benefit district.

Binckley stated, looking at the phasing, the Commission has already approved two of the residential buildings. There will be two residential and three of the retail buildings, depending on which way the Commission wants to go on the main center.

Henderson asked if the applicant anticipates architectural connections between these buildings and the residential buildings to the north and if so, to describe. Suttle stated he is not sure how to answer that. Binckley stated the access off of 135th Street is important, the access coming off of Briar is important, just north of the Country Club Bank is important, and there would be a connecting drive within the retail area that would happen across the entire site. Staff did not require the developer to connect to the east-west drive.

Henderson stated the Fire Marshal suggests a preference for metal framing because it will last better for a longer period of time. Suttle stated it is currently detailed as wood, which has always been acceptable. If they need to have that clarified with the Fire Marshal, they could have discussions at a later time.

Perkins asked if it would be appropriate to only approve part of a building. He is concerned about the other part of the building not being built. Binckley stated staff would want to maintain the architecture. Staff is asking the Commission to approve the design of the entire building, so that the architecture will match, no matter who finishes the building. Azeltine asked if it would look like an unfinished building. Binckley stated this would be similar to what was done at Town Center Plaza, except it would not be the backside; it would just be the end of the wall. Staff typically requires a dryvit or stucco covering over the concrete wall until the future phase happens. Williams asked if the material would be stucco instead of dryvit, since it was a temporary installation. Binckley stated it would be stucco, as identified in the staff report. Perkins asked for a description of which part of the building would be built and how the metal roof would work. Suttle stated the construction would stop at a logical place for

the roof. It would be slightly over half. Binckley stated the applicant is asking to build the first three buildings prior to pulling a building permit for main building. Typically, the City requires a development to have a building permit for the main center before any of the outlots are built. Munson stated the Commission would have the chance to review every building. He is not sure about the phasing and how long it will take and what it will look like.

Rohlf pointed out that staff would like the Commission to comment on the small band of cast stone along the base of Retail 1. Munson asked how much staff would like to have it increased. Joseph stated it is 7 inches now and staff is recommending it to be 24 inches. Azeltine asked why it is not included in the stipulations. Joseph stated the Commission could add it into the stipulations if they agree with staff's recommendation.

Suttle stated the applicant finds it is not consistent with opening up underneath the walkways. They want a lower, near the ground, practical aspect of the bottom seven or eight inches in cast stone, letting the glass come down. It is clearly more attractive. A small trim of stone at the bottom is easy to deal with to make it look good for the long-term. Williams asked if staff is concerned with just the solid walls. Joseph stated the concern is around the entire building. Binckley stated most of the approved developments in Leawood require a stone or brick base for a more permanent material along the window areas. Staff brought it up for the Commission's review. The Commission could make the change if that is what is wanted. Williams stated he concurs with staff on the other elevations where there are some fairly large elevations that are predominately stucco, but he has less concern with the narrow band at the window wall. He suggested raising that band 24 or 30 inches would create a completely different look on those other elevations. In those cases, it would be best to raise the windows, but he would side with the applicant in trying to get larger display windows. Suttle stated something else to think about is that it normally gets hidden behind landscaping.

Conrad stated he thought it would be fully developed with a minimal amount of phasing to give it a village look. He was expecting this development to be built at one time to end up with a uniformly mature environment. Now they are developing pad sites. He asked if any of the office space is being proposed to be built with the first phase. Binckley stated, not at this time. Conrad asked if a certain portion of this should be office. Binckley stated the only percentages the LDO speaks about is residential to commercial. Conrad stated he feels they have diverted from where they were for the preliminary stage. He would like to see it built more in accordance with the phasing. He is trying to look at it from a planning standpoint. At the minimum, he would like to see all of Retail 1 constructed and it needs to follow the precedent of being under construction prior to the pad sites. Binckley stated, yes, in the past we have allowed portions of the pad sites. Conrad stated he would like to stay with that policy. Rohlf asked if there were some percentages approved for construction of the main center. Binckley stated the Commission approved 60% of the main center for the Village of Seville and then Council made an amendment for 1/3 of the main center.

Azeltine asked for a description of the phasing of Town Center Plaza. Binckley stated it was at least 75% built with the first phase.

Azeltine asked what is the specific concern from a maintenance standpoint for the height of the cast stone. Joseph stated when the stone is too low to the ground it gets dirty and causes maintenance problems.

Henderson asked if Williams had more comments about variety on the large blank wall. Williams stated the elevation that is probably more affected by lack of detail in this case would be the north elevation of Retail 9. There are different forms that help break up the elevations of the others. He likes the banding as it ties in with the windows. He understands staff's concerns about the maintenance and the stone, but putting it at 24 inches starts to break up the lines. They would need to revise more of it to make it work nicer. He is disappointed in the design of the main center and the windows and the dormers. When this project was presented in the past and the design standards were battled over he was expecting something more unique. Looking at the shapes and forms of Retail 1, it seems very typical. While it would get dressed up with the materials, it still brings in the need to break up the massive roofs, which he does not recall being reflected in the design guidelines. It is a factor of how the overall strip building is designed. He was expecting more from the overall design. He is not sure if that is enough of a reason for not passing this case.

Rohlf stated the Commission has spent a lot of time on the design guidelines and plan. She thinks the phasing is critical, but she is not sure how to get around that. The Commission has to go with what has been presented this evening. Maybe the motionmaker could include some comments on the phasing.

Suttle stated one of the things that makes this different from the traditional main building and outparcels is that they have completely changed the mix of a normal project. The outparcels are called perimeter garden buildings. They collectively have more square footage than the main center building. They have parceled out the importance of this development in a different way. It is not a manor house and cottages. They have taken some of the emphasis off of a center main building.

A motion to approve was made by Azeltine, including the additional stipulation stated by staff in the memo. Motion seconded by Henderson. Motion approved 4-2. (Henderson, Perkins, Williams and Azeltine for. Conrad and Munson against.)

CASE 75-04 MISSION FARMS - FENCING Request for approval of a final site plan. Located at 105th Street and Mission Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting a revised final site plan to recognize the portion of the lots that back up to Mission Road as backyards. This will allow the individual lots that back up to Mission Road to construct fences up to and along their common property line with Mission Road. Section 16-4-9.3 of the Leawood Development Ordinance states that cases of through lots, which are lots that have a street frontage on two sides that are parallel, shall not extend beyond the applicable zoning district's setback for street frontage. This case was before the Commission at their last meeting and at that time the Commission wanted to see an example of what the fencing would look like. The applicant is proposing a black PVC coated chain link fence that would be attached to the backside of the existing split rail fence. Their reasoning for the request is because they would like to keep the split rail fence for the Mission Farms development, but it does not really serve as an adequate barrier to keep pets or children in. The black PVC-coated fencing would need to be placed on the interior side of the split rail fence along Mission Road for its entire length to create continuity along that street frontage. Staff is recommending approval of this case with the stipulations stated in the staff report.

Applicant presentation: Presentation by David Preston, a member of Saddle Properties, LLC, the developer of the Mission Farms development. The developer and the property owner are satisfied with everything staff has said except they would be inclined not to run the PVC-coated chain link fence the entire length of Mission Road. They feel it would be appropriate to do it on an "as needed" basis. Not all properties need the chain link fence.

Rohlf asked if the developers have discussed this with the current homeowners. Preston stated, yes, and the consensus is to have it on an "as needed" basis. Rohlf asked how many homes on the Leawood Estates side have the chain link fencing. Preston stated he is not sure, but probably about half of the homes.

Munson asked who would be responsible for cleaning the leaves that would get stuck in the chain link fence. Preston stated the homes association. Munson asked if the finish on the PVC would be shiny or matte. Preston stated it would be a matte finish. Munson asked if there would be plantings along the fence. Preston stated there would be forsythia and juniper. Munson stated he is having a bit of difficulty envisioning the chain link against the split-rail fence. Preston stated it has worked very well on the Leawood Estates side. It blends in. Munson stated it does not seem in keeping with the type of housing that is in the development.

Henderson asked who has the authority to replace the fence if it falls into disrepair. Preston stated it would be up to the homeowner, but the homes association would have the authority to enforce it.

Henderson stated it should be attractive as well as functional for the resident. He asked Preston if he sees this to be congruent. Preston stated he believes this is congruent and it is the best way to accomplish the various goals they have.

Azeltine stated he does not like the idea of the chain link fastened to the split rail fence, but when the Planning Commission drove by to see the example of it, no one saw it. They had to back the bus up to see it. He will be voting in favor of it because it is not very noticeable. Williams stated it would not be his first desire, but if the neighbors of the development do not have a problem with it, then he does not have a problem with it. Keeping the split rail fence keeps the character. The barbed wire across the street is much more noticeable.

Henderson stated this fence seems to promote openness. It lets sight and air through without very much impediment. It meets the earlier discussion of promoting openness.

A motion to approve was made by Conrad and seconded by Perkins.

Rohlf asked Conrad if he would like to change the stipulation regarding placing the fence along Mission Farms entirely. Conrad stated he is approving staff's stipulations as written.

Preston asked to be allowed to only put the fence up on an "as needed" basis. His development team objects to the stipulation requiring all of Mission Road to put up the chain link fencing.

Azeltine asked staff for the rationale of stipulation number 3. Klein stated it was to have a more consistent look along Mission Road. The Leawood Estates side is not viewed by people other than the property owners. Another concern is that if it is put up at different times, they could lose the consistency of the condition of the fence. Azeltine asked if Conrad would be agreeable to an amendment to this motion to alter stipulation number three. Conrad stated he feels very strongly about what staff has recommended. Perkins stated he would not remove his second to Conrad's motion. **Azeltine made a motion to amend the motion to approve to alter stipulation number three so that the PVC chain link fence would be attached at the property owner's option. Williams seconded the amendment. Henderson suggested changing stipulation number three to remove all of the text after the first sentence of stipulation number three. Azeltine stated he would accept Henderson's change to the amendment if Williams was in approval of it. Williams stated he would be in approval of the change to the amendment if legal counsel in approval of it. Binckley stated she discussed it with counsel and they believe it is fine.**

Motion to approve the amendment passed 4-3. (Henderson, Williams, Azeltine and Rohlf for the amendment. Perkins, Conrad and Munson against the amendment.)

Motion to approve the case as amended approved 4-3. (Henderson, Williams, Azeltine and Rohlf for. Perkins, Conrad and Munson against.)

NEW BUSINESS:

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.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval for a rezoning from Agriculture to Planned Office, preliminary plan and preliminary plat for the construction of four buildings totaling 60,000 sq. ft. for an FAR of 0.24. The applicant is Chase Simmons. The property is located at the northwest corner of Mission Road and College Boulevard. The proposed buildings will be accessed off of Mission Road and College Boulevard. The two buildings closer to the west property line are one-story and the two buildings located towards the east side are two-story. Staff is not supportive of the rezoning from agriculture to office due to the fact that the Leawood Comprehensive Plan designates this area as public open space. It is staff's opinion that an office north of College will have a negative effect on the adjacent residential development. Staff is recommending denial of this case. If the Commission were to approve this case, staff is recommending the 19 stipulations stated in the staff report.

Rohlf asked if there has been a previous plan approved for this property. Joseph stated, no. Rohlf stated there were some comments in the interact meeting about some previous plans. Joseph stated this is the same case. There had been a previous design prior to this applicant.

Henderson stated in the letter from Mr. Anand there was reference to a previous plan for a bank. Joseph stated that is not a previous plan, but a previous design.

Applicant presentation: Presentation by Chase Simmons of Polsinelli Shalton Welte and Suelthaus. Simmons introduced the development team. The focus tonight will be on the plan that Chuck Peters will describe. However, he has been asked to submit a letter for the record. It is from Stephen Adams, the Long's family attorney. The Long's own the subject property. Mr. Adams was not able to be here this evening and he has asked that Simmons relay his letter at this meeting. The Long's purchased the Longwood Estates property prior to its development in 1932. The Long family purchased the subject property in 1946. The family home was originally on this property. In 1977 the development of Longwood Forest Estates occurred. At the same time, there were 20 acres donated by the Long Family to the City of Leawood. That allowed for the land uses in this area to change a little bit. Originally, Mission Road was planned to abut the most easterly lots in Longwood Forest. As part of the donation, the City was allowed to move Mission Road to its present location, several hundred feet away from the neighborhood. That was done primarily for the benefit of Longwood Forest. It has provided a generous buffer for all of these years. The Longs specifically retained this property for future development. It is about six acres. They sold part of it for the development of Longwood Forest and donated a portion of it to the City and retained this portion. Over the years, they have received many development proposals. He does not believe any of them have made it to this point. There have been some people who have requested information on this property with his firm. The Longs have been entertaining those offers for many years. He believes the letter makes it clear that they have now moved to the point where they are ready to sale and develop this property. When they sale the property, it will take a zoning change. There are a number of factors and influences that go into that. Longwood Forest, Mission Road, the thoroughfare, College Boulevard, that intersection, the office buildings across the street and the sewer treatment plant are all a part of that. He does not think it is enough to say, as staff comments, it is planned for open space and that is all that it can ever be used for; there cannot be any productive use of the property. We need to find a use and plan for this property that works and respects all of the adjacent uses. The applicant feels they have found a plan that does that. In response to one question regarding a previous plan on the property, they filed this application several months ago and there have been previous site layouts and architecture that were filed with the City and shown to the neighbors. The applicant has changed those. There was not a good reaction to some of them. The applicant feels it has been improved. The plan shown tonight is the only plan that has been shown to the Commission.

Rohlf asked if Simmons has presented the letter to the City. Simmons stated, no, not until tonight. Binckley stated staff has received a copy tonight and it will be put into the record for the case.

Presentation by Chuck Peters, with Peters and Associates. He owns the Merrill Lynch property, just directly south of this property. He also developed the Headache and Pain Center and Kline Wood Insurance agency. There was an interact meeting on the original plan that was discussed earlier this evening. He looked at those plans and did not feel it met what was originally planned for Tomahawk Creek. Pat Beckner and Chase Simmons asked him to get involved in this project. He is here tonight to protect his investment and to enhance Tomahawk Creek. He read the interact meeting minutes and understands the residents' concerns with density. This plan is not requesting any variances. There is 50% open space. The FAR exceeds what is required. They have also met all of the requirements for setbacks. They looked at the height of the buildings along Longwood Forest. In the model, they have three residential properties, with the actual rooflines of those homes, showing the density of the trees. This area is very heavily dense with trees. They placed single-story buildings, 75 ft., with the proper setbacks away from the residential property. They have provided an undisturbed area. They placed dry set stones 50 ft. off of the property line, in a curvature manner to keep them from disturbing any natural vegetation 50 ft. from the residential property to the retaining wall. All of the trees stay the same as they are today. They also minimized the amount of parking abutting that property. It is setback 25 ft. It is a circular parking configuration. The two-story buildings are located along Mission Road and College Boulevard. Peters described the site plan. He showed a transfer section of the development next to one of the residential homes to the west. He described the natural vegetation and the setbacks. He showed a plan designating the undisturbed land between this project and the Longwood Forest homes. He showed elevations of the proposed buildings. He believes this project will create a nice gateway into the City. He feels that with the 75 ft., plus leaving the 50 ft. undisturbed area, and placing a single-story

building, they have done everything they can to give the neighborhood of Longwood Forest the benefit of good planning and good design.

Conrad asked if there should be a flood plain study submitted to FEMA to adjust for the amount of fill that is being proposed. Peters stated there would need to be a submittal to FEMA, but it would not require a permit from the Corps of Engineers.

Perkins asked how many acres the Merrill Lynch building sits on and about the parking. Peters stated, just under four acres and the proposed property is 5.7 acres.

Williams stated it would appear to him that a lot of what plants are there today would not serve as much of a screening between the proposed buildings and the residents to the west. He then asked if the applicant has any plans to plant additional trees. Peters stated they would be planting additional trees on the property. The applicant felt it was a good idea to keep that area undisturbed. He disagrees with Williams as far as the density of trees. There are a lot of 30 and 40-ft. mature trees. The 25-ft. rear yard of the office building would have additional landscaping. Williams asked about the row of trees and the berm along Mission Road. Peters stated that would remain. Williams asked how much fill they would be putting in the property. Peters stated there is 4 ft. of fill on the westerly side. There are places where there is 7 or 8 ft. of fill. Williams asked if they are doing that to bring it up to street level. Peters stated they increased it so that there is about 3% increase from College Boulevard to the building.

Azeltine asked if driving east on College, one would be able to turn left into the property. Peters stated, yes.

Henderson asked how far away from the corner that entrance is located. Peters stated on the north side of College Boulevard, coming from Mission Road westerly, that is already set back. The drive itself is about 350 ft. from the corner. It was very important to align Merrill Lynch's drive with this one.

Williams stated the undisturbed land would be lower because they are raising the rest of the land. He then asked where that water would go when it floods. Peters stated it is listed in the storm drainage study that they pipe it and take it down to the easterly side of Mission Road. Henderson asked if that would go into Indian Creek. Peters stated, yes.

Perkins asked what portion of the Merrill Lynch property was dedicated to the City. Peters stated nothing was dedicated. The property was already part of the City and part of the right-of-way area. He then described the portion that is the City property. Perkins asked for the specific area that is the City's property. Peters stated it was there before he purchased the property.

Public hearing:

Dorothy O'Reilly, 11013 Alhambra. She lives in the home shown on the example earlier. She is also a member of the board of directors of the Longwood Forest Home Owners Association and has been asked to speak not only as a resident, but also as a representative of that association. . She has a letter from the association stating that the homes association is opposed to the rezoning, along with some informal petitions with about 90 of the residents' signatures. The area behind her house, which is the area Peters is describing as the undisturbed area, was a field that was mowed regularly every summer until about 8 or 10 years ago. There are trees along the fencerow, next to the street, but it is not a field of trees. There is just brush growing up in most of that area. In regard to the resident's concerns, this area has never been shown on the City's comprehensive plan for this type of use. It is currently planned as public use space, but in past plans it was shown as residential. The homeowners purchased their homes based on that representation. Even though there is commercial across the street, the majority of the property around that area is not compatible with this. The residential property is the only property that actually abuts this land; therefore they suffer the greatest impact from whatever happens on this parcel. They are also concerned with the size of the project. It is 5-plus acres with four office buildings, plus the parking for those buildings. They are also concerned with the environmental impact. They will be eliminating a lot of mature trees along Mission Road, which will detour from the boulevard effect along Tomahawk Creek and Mission Road. In addition, all of the resident's homes drain to that area. They are concerned about the storm drainage, since the developer is increasing the impervious surfaces, elevating a large portion of the lot and leaving a low area immediately behind the residential area. The residents have raised concern with the traffic. Longwood Forest only has two entrances. Both of those entrances are on College Boulevard. With the three entrances to the commercial existing on the south side and the addition of The Woods immediately adjacent to their property, it is becoming

increasingly difficult to make a left turn out of the subdivision. They have concerns with the traffic situation. She asked the Commission to recommend denial.

Leonard Slaughter, 4105 W. 110th Street. Has lived there for 22 years. Six months of the year there are no leaves on the trees. He thinks Leawood has done a wonderful job with the landscaping on Mission Road. It attenuates the post-modern sewage treatment plant to the northeast. He is opposed to this project. The Longwood Forest area is a hard-sale real estate market. This is going to drive it down further. He has seen homes in that area that have taken a long time to sell. He does not think there is anything positive about loading four buildings on less than 6 acres.

Joe Borich, 4108 W. 110th Street. Longwood Forest was the first subdivision in this area. When planning and zoning approved that area back in 1977, they approved it as residential. In hindsight, maybe it should not have been used for Longwood Forest or that area, but in fact it was put there first. Everything else has come subsequently. One of the most refreshing things that happened to Longwood Forest was the approval of In the Woods, where no one from Longwood Forest came to speak against it before the City. In the Woods created a safety valve, or a life preserver in the sense that they are connected to another residential area on the other side of College Boulevard. If this project is approved, a lifeline or safety valve will be cut off. There will be commercial development boxing them in. A developer is entitled to some use of their property, but they also need to play by the rules that are in place for the big picture. They need to see if it fits the neighborhood. One of the critical points is what was there first and what was the highest and best use of the property when it was mapped out for the master plan. His assertion is that subsequent development cannot pick and choose what they feel is appropriate. The residents are not opposed to residential. Traffic is a mess north and south on Mission and east and west on College. Thank goodness for the stoplights for pedestrians.

Pat Turner, 11013 Buena Vista. She has lived there for 13 years. Regarding the safety issue, in the morning when the traffic is heavy and she tries to make an eastward, left turn, there is only a small window between the traffic lights at Mission and Roe, off of College. The only way one is able to make the left turn now is because the right turn on red slows the traffic down somewhat. They are sometimes backed up three-deep in the morning. There will be uncontrolled egress from this new corporate entity. She fears it will be dangerous. Many other real estate areas have a back door exit that one can take for a safer option. Her neighborhood doesn't have that. They have two entrances at Buena Vista and Del Mar. Del Mar is at a crest of a hill at College Boulevard and is a blind intersection. She asked the Commission to take this into consideration when making their decision.

Margaret Armstrong, 4316 W. 110th Street. She has lived there for 25 years. She lives on the western edge. She exits at the crest of the hill. There is no light there and you really take your life in their hands because you can't see traffic as it comes up that hill. This development would have to add to that traffic. There will need to be a stoplight put up there or they will need to deny this proposal.

Tom Lubringer, 11001 Alhambra. He is speaking on behalf of himself and his wife and also his neighbor, Steve Kadie, who is out of town. Kadie has written a letter and sent it to the Commission. He also asked Lubringer to read it at this meeting. It's rather long, so Lubringer will hit the highlights. "My wife and I were married 8 1/2 years ago. Since we lived in different states, we had to purchase a new home. We looked at several locations within the metropolitan area. We settled in Leawood for several reasons. One is because the City places a high priority on the integrity and value of residential home owning. Leawood has clearly projected the image of a place where one may live in beautiful and peaceful neighborhoods and in which the homeowners can expect the value of their properties to appreciate. We are strongly opposed to this proposed rezoning for several reasons. As you know, you must consider eight factors when deciding on a rezoning application. The first is the character of the neighborhood. The area that is subject to rezoning is surrounded by a recreational area, our subdivision and an office park. It would be totally inappropriate to jam this ill-conceived project in this tiny area that exists at the corner of College Boulevard and Mission Road. This office park will reduce the character of our fine neighborhood. The second factor is the zoning and use of the properties nearby. Our subdivision is zoned residential. The property directly to the east is zoned as planned recreation and the property to the south is zoned as planned office and planned neighborhood retail. Leawood has already overdeveloped its commercial office space. Some of the offices around this area that are new are somewhat vacant now. There is substantial vacant office space in the office complex bordered by Roe on the west and College Boulevard on the south. There are already empty offices in the brand new buildings built along Tomahawk Creek Parkway, south of College

Boulevard. It will further denigrate the value of our property to have an office complex erected, which in a short period of time will likely be substantially empty as well. The next factor is the suitability of the subject property for users to which it has been restricted. This property is clearly suited for the public use open space to which it has been designated. There is no reason to change it. The next factor is the extent to which removal of the restrictions will detrimentally effect nearby properties. As indicated above, if we rezone this property, it will severely affect our neighborhood, it will affect the other commercial properties around that are already substantially vacant and we feel it will provide advantages to no one. The next factor is the relative gain to the public health, safety and welfare as a result of denial of the application. It is clear that the health, safety and welfare of the residents of Longwood Forest would be at risk because of this application. When you balance that against the current homeowner, the Long's currently own this property. It has remained in its current status for quite some time and we do not think the Long's will suffer any great hardship if this were to remain in the same state it has been in for a long time. The next factor you must consider is the length amount of time the subject property has remained vacant. It has always been vacant and we would like to keep it that way. The next factor is the recommendation of staff. City staff has recommended denial for this application and we feel that recommendation should be followed. The last factor is conformance of the requested change with the comprehensive plan. The requested change is diametrically opposed to the comprehensive plan. This is one of the many reasons staff has recommended denial of it and we ask you to do the same." Lubringer stated he lives very close to Ms. O'Reily and she pointed out on the trees. This plan is a little misleading on the density of the trees. There are certainly a lot of trees at the very tip of the property, but the parts around Ms. O'Reily's back yard and the subject properties there are very few trees. Afraid those homeowners will be staring at a parking lot from their back yard.

Alan Anton, 11001 Del Mar. He agrees with the statements made by the other residents. He asked the Commission to ask themselves if this is what they would want for their backyard for this tiny little 5-acre piece of land.

Bill Guest, 4101 W. 110th Street. Agrees with what the other residents have stated. Has lived in Leawood since 1976 and at that time Leawood was in a need situation for commercial developments. The first one that was developed south of I-435 was the HyVee store. At that time, it happened to be just about in his back yard. He was not in favor of it. At the time, looked at the situation before they moved out there and knew there would be some development and took that risk. As time has gone on, have seen quite a few commercial developments go in for the City of Leawood who have generated a lot of revenue and tax base as a result of these and cannot say that in many cases the residents that were near by have done very well. He feels that the City owes the residents a commitment to help them in their property values by not developing in areas where it's not really warranted.

Tom Flowers, 4313 W. 110th Street. Have worked for Bank of America and he is the Midwest Region Executive in the Commercial Real Estate Banking Group. He finds it hard to come and speak against this project because he has made his living for the last 30 years financing projects similar to the subject and to Longwood Forest as a neighborhood. Not having been a novice to this subject, he and his wife investigated the area around Longwood Forest before they bought there a little over a year ago. They relied very heavily on the current zoning and uses of long standing of the surrounding properties when they made their decision to settle in that area. His objections to the proposed development are in two areas. He walks around this property several times a week. He does not believe they can successfully fix the amount of water runoff that will come off of this property by raising it to the extent that is going to have to be done to develop these four buildings. He has seen the creek when it is full and almost overflowing. He has seen plans that were engineered to the 100-year flood, and then there was a 500-year rain the next year. The effects of allowing this low area, which now acts as a natural detention area for that entire intersection, will be ruinous to those of use to have to contend with the effects of it. Believes there will be harm to those who try to use that intersection from flood situations that cannot be adequately forecast at this moment. The other aspect is the traffic flow. In the location of the two entrances to the proposed development, with the curvature of the roads, the elevation of the hill going up College and the location of the two entrances, he believes it is going to create a very dangerous for people attempting to make left-hand turns. He does not think it can be adequately policed and enforced to the effect that they can protect the health and safety of the people who live in that area and use that intersection every day.

Jennifer Meyer Otto, 4105 W. 110th Terrace. She and her husband bought their home about two and a half years ago. When they were looking to buy their home, Leawood was their first choice because of its reputation for high property values. They relied on the fact that this property would not be zoned as commercial. In the last two and a half years she has noticed an increase in traffic on College Boulevard. Her home backs up to College. In addition, leaving in the morning and coming home

at night, it is difficult to get in and out of her neighborhood. She and her husband believe it is too small of an amount of property. Its aesthetic value is important for anyone who uses the trails or drives down Mission or College. There are many empty office buildings down College and she does not believe the City needs any more office buildings in this area.

Ann Nigh, 11005 Alhambra. She lives there with her husband, Rufus. They are one of the homes that back up to the proposed development. They moved there four years ago and after they made a decision to buy the house they came to talk to the City staff about the surrounding zoning. They were told what the long-range plan was at that time. They would be extremely disappointed if the board approves this plan.

Binckley stated there is a memo on the dais from a resident, Stewart Stein. He had asked Binckley to distribute it and make it part of the record. He is a resident of Longwood Forest. Duffendack asked Binckley to read Stein's letter out loud. Binckley did.

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

Conrad stated he is not sure he is ready to support this application because he feels there should be more of a transition between residential and commercial developments.

Henderson asked if it is likely the City would ever move the sanitary sewer treatment plant. Ley stated that is Johnson County Wastewater, so the City cannot comment on that. Henderson the current wooded status of the current lot mutes the presence of the treatment plant. He believes that if the current vegetation were removed and buildings were built on the proposed property that the treatment plant would become into more prominence for that section of Longwood Forest. He is not favorably disposed for the proposal before the Commission.

Williams stated he took the opportunity to walk the proposed property and he agrees with Dotty O'Reily that a lot of the land is scrub. There are some trees. Along that west side he did not see the level of screening that he believes the Commission often looks for between a commercial and residential development. There are some nice trees, but they do not form a solid screen. They are deciduous trees so in a month from now that screen will be gone. There is a heavy brush area at the end of the private property. It helps to provide a barrier, but not the strong visual barrier that he believes the neighborhood would like to see. Give the architect for the development a little bit of credit. He has tried to pull these buildings back, put them in a scale that is compatible, address some of the concerns often looked for. But for this property and where it sits, he thinks it is hard on the neighborhood. Traffic along College Boulevard is heavy several times during the day. With College Boulevard now running from State Line Road to the western portion of Johnson County, he does not know if this development will really impact the traffic, as much as create additional access problems out of this spot onto College Boulevard.

Azeltine stated he is also not favorably disposed. There are four buildings on less than six acres. He sees a lot of traffic concerns and a lot of potential concerns for water as they raise the elevation. It is not consistent with the master plan and he is sympathetic to the homeowners who purchased their homes considering the master plan and the zoning. He would not be in favor of this proposal.

Duffendack asked if there has been any thought about entrance and egress takes place on this property for its current zoning. Binckley stated it is currently zoned agriculture. Staff has not evaluated the entrance and egress for this property as public open space. She thinks the proposed locations have been accepted by the traffic engineer for access. Ley stated the applicant is proposing to widen out College Boulevard to provide an eastbound left turn lane.

A motion to deny was made by Azeltine for the reasons of the density of the project, potential traffic concerns, flooding concerns, and it is not consistent with the Master Plan and the other points that staff made in their report. Seconded by Munson. Motion to deny approved unanimously.

Duffendack stated he does not believe the Commission will have time to get to any of the cases listed on the agenda after case 69-04.

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

Staff presentation: Presentation by Mark Klein. The applicant is requesting a final site plan to split the drive-thru on the south side of the building into two lanes that will merge back into a single lane on the east side of the building. The requested modification will require the removal of 11 existing parking spaces along the south property line. In addition, the applicant is proposing a number of additional signage and other elements to aide in the circulation of the drive-thru. Staff is recommending denial of this case for the reasons stipulated in the staff report.

Williams asked if the regulation against box signs is meant for typical store identification, versus the menu board. Klein stated the ordinance does not distinguish between major signage and directional and informational signage. Staff felt they should make the Commission aware of what the ordinance states.

Henderson asked staff to comment further on the connection of the site and the use of now-existing parking spaces for a split lane and the substitution of trees. He then asked if this was discussed for this particular drive-thru three years ago. It seems they wanted to put in a playland and the Commission said that traffic was already queued up at that time and people could not get around it to get to other places during lunchtime.

Rohlf asked what type of sign is currently on the site. Klein stated there is currently a large menu board on the southwest corner. They are currently proposing two additional menu boards. The menu boards are approximately 8 ft. in width and close to 6 ft. in height. They are proposing to have a box with a reader board at each lane. They are also proposing a canopy at each lane so that the person ordering will be protected from inclement weather in addition to more lighting. The directional signage would be adjacent to that. Rohlf asked if it be a bit more, visually. Klein stated, yes, it is quite a bit more. Rohlf then asked if they were to do the proposed changes only to the one lane, would that still be a bit more, visually. Klein stated the size of the boards are about 49 sq. ft. the ordinance limits monument signs for buildings to 50 sq. ft. so it is not very much smaller than a monument sign for an individual building.

Williams asked if Klein has seen any of the proposed products installed. Klein stated he has seen the reader boards and the menu boards, but has not seen the canopies. Williams stated there are some of the canopies installed at the McDonald's at 79th Street and State Line Road.

Applicant presentation: Presentation by Andy Schlagel. He introduced the development team. There is some area for flexibility on the signage. They are not requesting two additional menu boards, just one additional and to relocate the existing sign. This location McDonald's has been very successful. About 500,000 people are served at this location in a year. Showed the current site plan. What is happening today is that people are increasingly using the drive-thru. The average is about 70% of its business. Passed out some information on parking to the Commission and staff. Looked at three different time periods and days. Occupied stalls versus unoccupied stalls. The heaviest usage happened during a weekday at lunchtime. It also happened to be a very bright, sunny day outside. In each of the studies there were a minimum of 13 unoccupied stalls. If this information is not good enough for the Commission, then they would suggest having someone else collecting the same type of data. There is a wait in the queuing line to get through the drive-thru. They are at the peak operational capability at that drive-thru. The applicant is not trying to increase their business. They are trying to allow for a faster, more efficient operation. It will not impact the parking. Having the second drive-thru lane to split the time in half. The current five juniper trees will be removed. Going to add 35 new trees on site with this proposal. Showed an aerial photograph of the McDonald's, Longhorn Steakhouse and Valley View Bank sites. Some might wonder how it works to have people in two lanes, and then merge back down to one. In the bank just north of this, they have five drive-thru lanes that are entered through one lane and exited through one lane. McDonald's has nearly 3,000 locations across the country. They do not feel there will be any operational or safety problems. Presently, the seating capacity is 133 seats. They will be doing some interior work on this location and will be removing 43 seats. That will obviously affect the exterior parking ratio they would need to support that. He feels the applicant has done a poor job in explaining the changes to staff. Maybe the interior change would have made them feel differently. The restaurant

has been using a person outside taking people's orders on a hand-held computer and transmitting it inside and it has worked helped to improve the efficiency. They feel with the proposed change will improve the efficiency on site without detrimentally impacting the parking situation. They will be increasing the already superior landscaping on the site. In regard to the signs, they will be having two lanes which will need one menu board each. They will need a microphone system for this. There is a series of standard plans for signage that are submitted as part of this package. They are more than willing to discuss with the Commission on how to bring that more into conformance. The canopy is customer convenience. There are sites that don't have canopies. It makes sense to have one for a customer who is ordering in the rain. He wants the Commission to understand that the signage can be worked on and addressed. If the Commission feels the applicant is on the right track to continue the fine operation they have attempted to deliver at this site, a double drive through is an efficiency thing that is a winner for the site. It begins to solve some of the backup. They don't want to chase the customers away who are paying retail sales tax. Would like some dialogue from the Commission. They are trying to address an issue of having longer queues than they would like to have and they feel this plan will solve that problem.

Williams made a motion to extend the meeting until no longer than 9:45. Seconded by Munson. Motion to extend the meeting approved unanimously.

Azeltine asked if the 70% figure for the drive-thru is a national figure, or just for this store. Schlagel stated at this particular facility, 65% of breakfast occurs through drive-thru. Lunch is 68% and dinnertime 79%.

Perkins asked if they cut down the seating inside, would the restaurant be anticipating more people using the drive-thru. Schlagel stated if there are two drive-thru lanes that work more efficiently, then, in general, a person would choose to go through the drive-thru versus getting out of their car and going into the restaurant. They might see some incremental growth, but no more than national trends are leaving us to. Fast food is a convenience item and McDonald's does a very good job recognizing that.

Duffendack stated it would seem to him that if McDonald's wants to make this a more efficient food service facility, they would improve the efficiency of the place where they take your money and give you your food. Schlagel stated he would like AI to address that. The time that takes the longest amount of time is when people are placing their orders. AI Raffet, Operations Manager for this McDonald's location, stated their studies show that the slowest point of the drive-thru experience is the ordering process. That is not the case in every car, so by having two lanes it allows the car with one person to be able to choose the faster lane if there is a car with four people in front of them holding up the line. This increases their efficiency level by almost half because they break the order process in half.

Duffendack understands what he is saying, but that has not been his experience. Raffet stated his area already has a couple of stores that have the double lanes. One is in Martin City at 133rd Street and State Line Road and they have found the double lanes are making things much more efficient.

Henderson stated the idea of double lanes sounds like a crock of burger to him. If this is not the panacea of all things wrong with fast food restaurants, then why hasn't it started sooner. He thinks there are more tacks in the roads for tires than we've heard. Schlagel stated they are trying to make it more convenient for their customers that pick up their kids from daycare and decide to bring McDonald's home for dinner. Most of the drive-thru people are bringing the food home, rather than eating in their car. Henderson then asked if they are promoting indigestion, eating in moving vehicles, and assuaging our burgers with carbon monoxide. Schlagel stated they are trying to recognize that there are some trends that are there. They are filling a need that is there, whether McDonald's is there or not. He has seen other restaurants out there with double lanes. It is the customer's choice on whether they use the facility.

Conrad asked where the signs would be located. Schlagel stated the existing order board would be removed and a menu board with a customer order display would be placed at each lane near the southeast corner of the building. Conrad asked where the drive-thru/welcome bollard sign. Schlagel stated it a warning thing that occurs right in front of the customer order display. Conrad asked if the sign changes what it says. Raffet stated, no, they provided the Commission with an example of a sign just to give the dimensions. The sign they are proposing would state, "any lane, any time" to let the customer know they can split into two lanes. It is a directional sign for their customers. They have found the sign helpful to let customers know that both

lanes are functional at all times, not just during peak hours. Conrad asked where each of the signs are located. Marty Aven from Kaw Valley Engineering pointed out on the site plan where each of the signs would be located.

Conrad stated he would like some clarification on where the welcome bollard sign would be located. Schlagel stated it has a directional benefit if it is placed at the right location. Conrad asked how the sign helps. Schlagel stated the purpose is to explain to the customer that there are two lanes. Binckley stated it is just one sign. It will not change what it reads.

Duffendack stated the Commission is getting into what is not the pertinent issue. They need to focus on the concept that is presented in terms of traffic flow and the loss of parking. Maybe if the concept is right, they could make the signage work.

Azeltine asked staff if the congestion is caused by a lack of parking. The staff report says that there is already a shortage of parking caused by too much traffic in the drive-thru lanes during peak hours. Klein stated it is a combination of all of those factors. It is a very successful restaurant. There is a lot of queuing of cars. There are also a lot of cars pulling out. There is pedestrian traffic trying to get through the drive-thru traffic. He has also seen the cars backing up because some are waiting for an open parking space. He has seen it queue all the way out to Roe. It is a combination of many factors. Sometimes there are trucks that pull up along the south side of the building. Staff is concerned that if the proposed parking spaces are removed and the lanes are doubled, then if something occurs in the south area, then they have cut off the only way to get around the site. In addition to that, staff is concerned about merging the cars back into a single lane. While they are getting their orders taken quickly, they will still have only one window to pay and one window to pick up their food. The signs they are proposing are pretty large so the car in the second drive-thru won't be able to see around the corner.

Schlagel stated the applicant believes that if there is a concern in staff's mind about congestion, then probably about 75% of that is related to the queue line. The ability and openness of this site is immediately recaptured and they have solved problems. That is what they are searching for. This has been implemented in other places. Drivers here are no different than others. The placement of the sign can be so that it does not hinder the vision.

Duffendack stated he has had two accidents in his life and one of them was in a drive-thru of a bank where a truck turned into him.

Schlagel stated the City Engineer recommended construction of a deceleration lane along Roe Avenue. The applicant would prefer to have a study done to confirm that is what is needed. If there is a need, they don't feel that it is entirely McDonald's responsibility.

Duffendack stated he feels the Commission is not ready to take action on this tonight. Then asked the applicant if they are requesting a continuance. Schlagel stated they feel this is a worthwhile solution to pursue. It may take some fine-tuning, they would be glad to work with staff to work out the sign locations and come back with something that is much more in conformance with what the ordinance allowed.

Azeltine asked who performed the parking stall analysis. Schlagel stated the top 3/4 of the page was performed by Kaw Valley engineering. He performed the bottom 1/4 of the page yesterday. Azeltine stated it would be helpful to have some type of third party analysis. Schlagel stated he doesn't feel the applicant has a problem with that.

Rohlf asked where the employees park. Schlagel stated they have cross-access rights with the shopping center. They do not park on the lot. They park in the lot northeast of the site, inside the development.

Perkins stated he would like a better drawing of where everything is going to go. Schlagel stated he agrees that it needs to be a larger scale and clearer.

Duffendack stated he does not want to give the applicant the impression that the Commission is talking about fine-tuning. It may be a conceptual difficulty. Schlagel stated he believes this body will eventually come to a good decision. They are trying to make this situation the best for McDonald's and the best for the City. Raffat stated a continuance would be fine. They want to

make this a long-term solution. Duffendack asked if staff feels this would be a benefit to the project. Binckley stated she believes that would be fine, to allow the Commission to get answers to their questions.

A motion to continue this case to the November 23rd meeting was made by Williams and seconded by Munson. Motion to continue approved unanimously.

A motion to extend the meeting until 10:00 p.m. in order to hear case 69-04 was made by Williams and seconded by Azeltine. Motion approved unanimously.

CASE 69-04 TOWN CENTER PLAZA - DICK'S SPORTING GOODS SIGNS Request for approval of a final site plan. Located at 11801 Nall Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan to replace the existing Galyan's signage. There are currently three signs on the building: two on the east side and one on the south side. The applicant has purchased the Galyan's store and is changing the name to Dick's Sporting Goods. The signs they are proposing are a little bit taller than the existing signs, but not quite as long. The Galyan's signage was approved with a final site plan by the Planning Commission. It does not conform to the current signage ordinance. The size is larger than what is allowed. The current Galyan's signage has a tag line that is a box sign. As stated in a previous case, the LDO does not allow box signs. The Dick's Sporting Goods sign has two box signs. One is a kind of apostrophe with a series of three sports balls. The other is a box sign that was initially proposed as saying "sporting goods". The applicant has now stated that will be individual channel internally illuminated letters. That is no longer an issue. Staff is recommending approval of this case with the stipulations stated in the staff report. The stipulations differ from the request because staff is recommending approval of three signs, which is in agreement with the sign criteria that was developed for Town Center Plaza. Staff is also recommending the sign be no larger than 5 ft. in height, which is also in conformance with the sign criteria for Town Center Plaza.

Conrad asked how tall the sign is that proposed in the staff report. Klein stated the total height is about 9 ft. - 1 in. The word, "Dick's" is about 5 ft., and then the apostrophe actually extends a little over 2 ft. from that and then there is the tagline below with a separation of about 10 1/2 inches. Williams asked if Klein is recommending the entire sign be a total of 5 ft. Klein stated, yes.

Henderson asked if the proposed sign would be larger than the current sign. Klein stated it would be a little taller, but the square footage will be less. Henderson asked if the signs would be in the same location as the current signs. Klein stated it is his understanding they want them in the same location. When Galyan's requested the signs, they said it was their company's trademark to have the two signs on either side of the entrance. Dick's is requesting the same thing, but staff is recommending only one on the east façade. Staff looked at the other Dick's Sporting Goods stores in the area and it does not appear to be a corporate identity issue as it was with Galyan's.

Applicant presentation: Presentation by Jim Mikula, representing Dick's Sporting Goods. They will meet all of Staff's recommendations. The square footage is close to half of what Galyan's had. The letters will be the same size in height. There will not be a box sign under the word, "Dick's". Unfortunately, they have to put a sign on each side of the front entryway over the exact location where the current signs are because it would be very difficult to take the primary power feeding it to a different location. They are also concerned about the damage and wall restoration. They will be power washing and wire brushing the wall to make it look nice so there is not any shadowing of the existing signage. They would like to do everything up to code, unfortunately there is the apostrophe. He showed a rendering of the sign.

Duffendack asked for clarification from the applicant on whether or not they agree with staff's stipulations. Mikula stated he agrees with staff's stipulations, in lieu of the stipulation about putting only one sign on the east elevation. Duffendack asked if the applicant would agree to have only three signs if there were two on the east and one on the south. Mikula stated that is correct. Binckley asked if the applicant would be willing to take their sign to 7 ft. - 8 inches total, as opposed to the 9 ft. signs proposed to staff. Mikula stated they would like to keep the signs at the height they are proposing.

Williams stated he does not believe the proposed location of the apostrophe is all that damaging to the sign ordinance. Duffendack agreed with Williams, and then stated he is more concerned with what the applicant was saying about the wall behind the Galyan's sign and what it is going to look like. Mikula stated the right place for the third sign would be on the west side, for the most visibility from Nall Avenue. The big part of why they are proposing to put signs in the same place that the signs currently are is because of the wall restoration. Duffendack asked if it is brick. Mikula stated, yes. Duffendack asked if they have had a mason come out to look at the condition of the wall behind the existing signs. Mikula stated it is a little difficult to see until the signs are removed. Out of experience, in situations similar to this, they feel they do a pretty good wall preparation. They can sand blast, power wash, or a chemical wash.

Azeltine asked if they are asking for any signage on the west side. Mikula stated they originally were. They are accelerated on their grand opening. There are currently temporary signs up and they would like to get the permanent signs up as soon as possible.

Rohlf asked if the applicant is in agreement with the two on the east side and the one on the south. Mikula stated, yes. Rohlf asked if that would mean they would need to restore the wall on the north side. Binckley stated there is nothing on the north. The applicant is requesting to replace the existing signs. It sounds like the only question that remains is whether or not the Commission wants to allow the apostrophe.

Henderson asked if there are two signs on the east and one on the south. Duffendack stated, yes. Henderson then asked if stipulations numbers 1, 3 & 4 & 5 remain the same. Conrad asked if stipulation number one would change to the dimensions shown on the submittal as 9 ft. Klein stated the total height of the sign would be 9 ft. - 1 inch. Duffendack asked if the apostrophe is considered a box sign. Klein stated, yes. Mikula asked why the apostrophe is considered a box sign. Klein stated it has more than one symbol under a plexiglass front, illuminated from within. Duffendack stated he is not sure how this could be done without it being a box sign. It is a drawing. Klein stated staff feels it is similar to the Fritz's submittal where there was an illustration. This is also an illustration. Duffendack asked how that would be done otherwise. Klein stated he is not sure, unless they just used a normal apostrophe.

A motion to approve was made by Rohlf, modifying stipulation number one from 5 ft. to 9 ft. 1 inch and modifying stipulation number two from two signs on the east and one on the south. Binckley recommended adding, "per the exhibit attached", to stipulation number one. Rohlf changed her motion to modify number one to read, "with the proposed drawing". Williams asked the motionmaker if she wants to leave stipulation number three, so that the apostrophe would not be allowed. Rohlf stated she is not sure how to do that. Klein stated if the Commission left stipulation number three in, then the applicant would be required to come back with an apostrophe that was basically a white-faced apostrophe. If the Commission removed number three, then the apostrophe with the sporting balls would be allowed. Rohlf stated she would approve of removing stipulation number three. Williams stated the presentation does not include the individual letters for the "sporting goods". They have said they are willing to change them to individual letters, but that is not what is presented. Klein stated they are showing the individual letters on the simulations, but the presentation does still show the box sign for those words. That should probably be made clear that it is only for the apostrophe. Williams asked for a suggestion on how to change that stipulation. Binckley suggested, "All characters must be individual channel letters except for the apostrophe." **Rohlf modified her motion to change stipulation number three to read, "All characters must be individual channel letters except for the apostrophe."** **Motion to approve with amendments seconded by Williams.**

Motion approved unanimously.

Binckley stated the remaining three cases would be continued to the November 23rd meeting.

CASE 70-04 TOWN CENTER PLAZA - OUTLOTS Request for approval of a preliminary site plan. Located at 117th and Nall Ave. within the Town Center Plaza development.

CASE 73-04 TOWN CENTER BUSINESS PARK Request for approval of a preliminary site plan and final site plan. Located north of 117th Street and east of Roe Avenue.

CASE 76-04 PARKWAY PLAZA - COUNTRY CLUB BANK Request for approval of a final plat and final site plan. Located at the northeast corner of 135th Street and Briar Street.

Meeting adjourned.

J. Paul Duffendack, Chairman