

City of Leawood Planning Commission Minutes

November 23, 2004
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AGENDA: Binckley requested to move case 83-04, Capital Improvements Program, in front of the Old Business case. A motion to approve the amended agenda was made by Munson and seconded by Perkins. Motion approved unanimously.

APPROVAL OF THE MINUTES: Approval of the minutes from the October 12, 2004, October 26, 2004 and November 9, 2004 meetings.

A motion to approve the minutes from the October 12, 2004 meeting was made by Williams and seconded by Azeltine. Motion approved unanimously.

A motion to approve the minutes from the October 26, 2004 meeting was made by Perkins and seconded by Azeltine. Motion approved unanimously.

A motion to approve the minutes from the November 9, 2004 meeting was made by Azeltine and seconded by Williams. Motion approved unanimously.

CONSENT AGENDA:

CASE 23-04q VILLAGE OF CAMDEN WOODS - 73RD PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 80-04 20/20 BUILDING (FORMERLY KNIGHT RIDDER) Request for approval of a final site plan. Located at 89th Street and State Line Road.

CASE 85-04 CHURCH OF THE RESURRECTION - DIRECTIONAL SIGNS Request for approval of a final site plan for directional signs. Located at 13720 Roe Avenue.

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

CASE 83-04 CAPITAL IMPROVEMENTS PLAN Request for approval of the 2006-2010 Capital Improvements Plan.

Staff presentation: Presentation by Diane Binckley. The projects identified for this program include Nall Avenue, the section from 135th Street to 143rd Street in 2005, the remainder of Nall Avenue in 2007, construction of the police facility and Nall Avenue from 151st Street to 159th Street in 2008, and 151st Street improvements from Nall Avenue to east City limits lines in 2008. Joe Johnson, the Director of Public Works and Kathy Rogers, the Finance Director are available for any questions.

Duffendack stated it is important to identify the Commission's role in this action. He read from a memo the Commission received dated September 18, 2001 regarding the Capital Improvements Plan. "No public improvement, public facility or public utility of any type embraced within the recommendations of the comprehensive plan portion thereof shall be

constructed without first being submitted to and being approved by the Planning Commission as being in conformity with the plan." He feels the Commission's mission is to check this document with conformity to the plan. He asked Binckley if that is correct. Binckley stated, yes.

Munson asked if he could approach the City Engineer if he has any questions about specific projects. Binckley stated he could.

Perkins asked Johnson to define "street construction" versus "mill and overlay". Johnson stated "street construction" is complete removal and reconstruction of the streets. "Mill and overlay" is a 2-inch mill and overlay with the City's slurry seal program. Perkins asked how they know which streets need to be reconstructed. Johnson stated mainly the ones north of I-435 because of the time period when they were built. Most of them are on a 5 or 6-inch rock base with 3 inches of asphalt, so it doesn't allow for a mill and overlay. The machinery is too heavy, and if the asphalt were milled, it would destroy the street. They try to get to the worst ones first and are going to try to accomplish this in the next 7 or 8 years. Perkins asked if most of them are north of 95th Street. Johnson stated, no, there are sections between 103rd Street and 95th Street and then some north of 95th Street. They are scattered about.

Munson asked if there is a map that shows these street-widening projects. Johnson stated they are identified in the back of the CIP as future projects, but there is no map.

Perkins asked if they are requesting an additional fire engine in the future. Johnson stated they put a life on each piece of equipment, so a fire truck has a life of 20 years. Depending on what type of fire engine they replace, they range in price from \$500,000 to \$900,000. On the last purchase, the City saved some money to offset some of the cost and then paid out the rest over a five-year term. It is more economical for the City to stretch out the payments than for the City to come up with that amount of money at once.

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

A motion to approve the Capital Improvements Plan 2006-2010 as it relates to the Comprehensive Plan was made by Williams and seconded by Perkins. Motion approved unanimously.

OLD BUSINESS:

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

Staff presentation: Presentation by Diane Binckley. The application is a request to split the current drive-thru on the south side of the building into two lanes that will merge back into one lane along the east side of the building. The requested modification will require the removal of 11 existing parking spaces along the south property line. This case was continued from the October 26th Planning Commission meeting to allow the applicant to provide plans that made the request clearer and to provide additional information regarding parking. The applicant has submitted revised plans and a revised parking study. There have been no significant changes to the request since the last meeting, other than the applicant has clarified the location of the menu board and other signs on the site.

Duffendack asked if staff worked with the applicant on the concerns raised by the Commission at the last meeting. Binckley stated staff met with the applicant shortly after the last meeting and discussed the concerns with the amount of parking that will be available once the eleven spaces are removed. The applicant performed another site parking study. Staff also discussed the concerns with the canopies. The applicant indicated at that time that they might be willing to negotiate on those, but the plans still show the canopies. Staff discussed the locations of the signs. The applicant has tried to clarify what their request is, but did not make any amendments. Duffendack asked if there were any changes to staff's comments since the first presentation. Binckley stated the only addition is from the Public Works department. They requested the applicant perform a traffic study as it relates to the traffic turning in from Roe Avenue into the main drive of Camelot Court

and how it relates into the parking lot. The applicant chose not to produce one and based on that the Public Works department has requested a right-bound north turn lane on Roe Avenue to allow the traffic to get off the main straight-through lanes. Duffendack asked if that was included in the staff report. Binckley stated it is listed as a comment under the traffic portion of the staff report and then under the Public Works comments as a stipulation. If the Commission were to approve this case, a stipulation would need to be added to include the Public Works comments.

Perkins asked if this proposal would relieve some of the pressure off of Roe Avenue. Binckley stated that is what the applicant indicated in their meeting with staff. Staff's concern is whether or not there is one person taking the orders or two people taking orders. Staff visited the site at 135th and State Line and there was only one order-taker between the two lanes. The applicant has stated they would have two order-takers. If they have two order-takers, it should move more traffic through and it should handle some of the traffic better. They indicated they were not anticipating an increase in customers, but this would relieve what is currently there. Perkins asked how they would stipulate that they have two order-takers. Binckley stated that it couldn't be done.

Applicant presentation: Presentation by Andy Schlagel, planning consultant on behalf of McDonald's. Schlagel introduced the development team. At the last meeting, there was general agreement of a continuance to accomplish several things. One of the items was to be more clear and specific on the signage. There was a desire to figure out if there is a parking problem or not with the existing parking lot. In combination with this plan, there has been an interior remodeling reduction of 43 seats inside, simply because they are not needed. The proposed plan has a loss of 11 parking spaces on the south end. Their original evaluation indicated that there is no shortage of parking at any time on the site. The applicant has provided a study taken at 19 separate times. There was a low of 13 spaces being used and a high of 37. The average is probably in the upper 20s. There is capacity on site. They looked at peak hour times. He thinks that staff has acknowledged the data is good; they had no other data to refute it. The facts represent that there is not a shortage of parking spaces. Removing the 11 spaces should not present any problem whatsoever. They do not drop below the City's parking requirement, nor do they drop below the practical parking requirement that is over there now. The applicant is proposing this change because the continuing growth of the drive-thru industry; more people want to stay in their vehicles. They have noticed that the facility does not operate at capacity and it could be because there is a long queue with one drive-thru lane. There are two ordering booths at the 135th and State Line location. They are physically separated by 50 ft., so one might not be able to see the second person, but there are two order-takers. This restaurant will work the same. There will always be two people there. They cannot take care of both lanes from only one site. They are trying to reduce the time to get through the facility. Having two order-takers will reduce that. They are proposing two bollard directional signs that say, "any lane, any time". There are two menu boards with the customer order display in front of each. Those order displays will not be seen by anybody driving along Roe Avenue or 119th Street. The canopy element will be placed adjacent to the customer order display. They are there to keep the customers from getting wet when ordering in the rain. The applicant will leave it to the Commission to decide if the people of Leawood deserve to keep the inclement weather off of them. That is the only function of the canopies. In regard to staff's stipulations, the applicant agrees with stipulations 2, 3, 5 and 6. Stipulation number 4 has to do with the menu board. Staff is concerned about moving the second menu board farther to the west to improve the visibility of the cars pulling out of the second lane and merging back into one. Doing that produces a tremendous operational hazard because it introduces more space between the cars. Those cars are not released until the order taker has told them to. There is not a visibility problem. The applicant is willing to modify stipulation number 1. The traffic study was not completed. Camelot Court has nine driveways. This is not the main driveway. The McDonald's facility is probably around 2% of the square footage of the facility. Of the nine driveways, several of which are taking much more traffic than this driveway ever takes, not a single turning or deceleration lane occurs today. The applicant does not feel it is fair to make them pay for the entire amount of the deceleration lane when their building is such a small portion of the development. Town Center Plaza does not have a turning lane on any of their drive lanes. McDonald's wants to proceed with this, but they could not pay for the construction of a turn lane. If that were a stipulation, then they would not be able to proceed. The City would benefit from this change by getting a facility that will operate much more efficiently, will help move some of the traffic through there, will take some of the internal traffic off of the shopping center driveways faster, and they will be adding landscaping. Schlagel showed the landscaping plan. There will be 40 new trees and 81 new shrubs. The environmental value that adds to the corner of the City will be enhanced. The applicant has agreed with the changes staff has requested regarding the landscaping. The applicant is requesting approval of this case with the removal of stipulations number 1 and 4.

Williams asked if the shrubs versus the trees would be a visual block to block the view of the cars in the drive-thru. Binckley stated the shrubs would be farther west and would not block the view and at that point it would not matter if they were trees or shrubs. Schlagel stated the landscaping under question is to the west of the drive-thru lanes and would not block any vision of any cars in the drive-thru lanes. Williams then asked if a landscaping screen is being developed to block this area of the property from the street. Schlagel stated, yes, along 119th Street. Schlagel showed a photo of the landscaping that is currently on the south side. Williams asked if there are any photographs that show the line of view from the street, looking back to the building. Schlagel showed a photo taken from Roe Avenue looking east at McDonald's. The additional screening is significant. McDonald's wants to make sure that it is a very beautiful site. Williams stated he was looking for more screening from 119th Street, where a person who is sitting in traffic would be screened from the new canopy and new signage. He was looking for more of a type of landscaping like shrubs that will actually be a screen 12 months of the year. Schlagel stated the applicant would be glad to amend the landscape plan to accomplish that. He does not believe anyone can see the menu board from 119th Street as it is right now. That one will stay in a similar alignment, and then another one will be added.

Munson asked the size of the proposed menu boards. Binckley stated they would be 8 ft. by 5 ft., 3 inches. Munson asked if the canopies are high enough to clear a sport utility vehicle or truck. Schlagel stated he believes it has a 9 ft., one inch clearance.

Perkins asked what the applicant would do if the Commission were to include the stipulation for the turn lane. Schlagel stated he believes that McDonald's would not proceed with the project. McDonald's wants to upgrade the store. They have already committed to spending over a quarter of a million dollars inside the restaurant. The addition of the drive-thru lane would cost half of that. The numbers don't work. It is not right to saddle McDonald's with full responsibility of the construction of the deceleration lane. They are about 2% of the center. It is only one of 9 driveways. If there were a proposal at a later time for the entire center to join together to pay for a deceleration lane at a later time, then McDonald's would not have a problem with that. Perkins asked if the applicant is prepared to pay for the turn lane. Schlagel stated, no.

Azeltine stated he requested a third party analysis. Schlagel stated when the applicant met with staff and provided the study done by Kaw Valley, it was not questioned as to whether it was accurate or not, so the applicant accepted that as fine. Azeltine stated the applicant's depiction of the parking situation and City staff's depiction is dramatically different. He wants to err on the side of caution and not vote to approve this on the side of safety. Schlagel stated there is no staff counting or tabular factual information that was collected or given. Schlagel has questioned Mr. Klein very closely on that and the impression he got was that City Hall is very close to the McDonald's and a lot of people drive by that location and see the congestion. There was no on site monitoring. Azeltine stated the Commission had concerns at the last meeting that were supposed to be addressed at this meeting. He does not see anything substantially different in this meeting than what was presented at the last meeting. Schlagel stated he was under the impression, with additional conversations with staff, that there was no question in staff's mind that the study done was not inaccurate. Azeltine stated the traffic study is just one issue. He then stated there is no change that he can see. Schlagel stated there is additional factual information showing that there is not a parking shortage. The signage information is more clearly depicted. Schlagel had given the Commission indication that the canopy can be dealt with how the Commission wants to deal with it. The menu boards need to be there. The computer-operated display units have to be there. The landscape plan has not changed. There has been some clarification on the applicant's part. The plan is very similar to what was presented before.

Munson asked if there is any recent traffic count. Ley stated that signal is maintained by Overland Park.

Duffendack asked why Ley stipulated the turn lane to be constructed. Ley stated there is currently a problem during the noon hour that staff has noticed with vehicles backing up to Roe Avenue. Although McDonald's is claiming they are only 2% of the development, they are also the only establishment that is backing traffic up onto a main arterial roadway. By providing the two drive-thru lanes, they are going to reduce their queue by five vehicles, but Roe Avenue is going to continue to increase in traffic and the amount of cars going to McDonald's would also increase. Duffendack asked if that additional turn would be allowed south of the existing curb cut, or if the cars would continue to stack up in the drive lane. Ley stated cars

would be backed up in the deceleration lane, versus backing up the two main through lanes on Roe Avenue. It is similar to the deceleration lane required for Columbian Bank at College and Roe, southbound.

Munson asked the length of the deceleration lane. Ley stated deceleration lanes are about 150 ft. long. Munson asked if the deceleration lane would start at the intersection of 119th Street and Roe. Ley stated if one were heading north, it would begin shortly after 119th Street. So, instead of cars waiting in the through lane, they would be waiting in the turn lane. Munson asked if one were heading westbound on 119th Street making a right turn, could they possibly be in conflict with the cars waiting in the deceleration lane. Ley stated those people would not turn into the turn lane, they would turn into the lane that is currently there. Perkins asked for clarification on the length of the deceleration lane. Ley stated deceleration lanes are typically 150 ft. and then the taper would begin, so there would be about another 100 ft.

Pilcher asked if staff has concerns with the numbers the applicant has provided for empty parking spaces. Binckley stated staff's concern is that staff's observations at different times of the day have been that the parking lot is well used in that area, therefore is concerned about losing 11 parking spaces. Pilcher stated he feels McDonald's would not reduce the parking spaces if they thought it impact their business. He is supportive of the plan. There is a lot that Leawood gets from this, not only with the landscaping, but also with the remodel. McDonald's has been a corporate citizen of Leawood for many years.

Munson stated he recalls that the City had to work very hard to get McDonald's to do what has been done with the building. He feels that corner is still a very important place for Leawood as far as how it looks and the way people see us. He does not go to the restaurant at noon because it is scary. He feels it is successful now, but he is afraid that if this change is approved, it would be successful for McDonald's but not for Leawood because of the traffic, the appearance and some other issues. He is opposed to the proposal for this project at this time.

Schlagel stated he does not believe there were too many issues regarding the landscaping.

A motion to approve was made by Williams, amending stipulation number 3 to add, "along south side of driveway to begin to screen the menu board", at the end of the first sentence, and deleting stipulation number 4. Motion seconded by Pilcher. Duffendack asked what Williams wanted to do about the engineer's report. Williams stated it is deliberately left out. Motion approved as amended 3-2. (Perkins, Pilcher and Williams for. Munson and Azeltine opposed.)

NEW BUSINESS:

CASE 84-04 COMPREHENSIVE PLAN Request for approval of the 2005 Leawood Comprehensive Plan.

Staff presentation: Presentation by Jeff Joseph. The comprehensive plan document has been updated to reflect the revised demographic and statistical information according to the data provided by the Census Bureau, the County Economic Research Institute and the 2003 Subdivision Summary. The goals and policies section of the plan have not been changed and also the 135th Street Corridor guidelines are still maintained and included in the document as an appendix. One of the changes that have been made includes page 20, the Natural Resources Map. The flood plain has been added to it. On page 24, the population and demographic information is shown. The overall population of the City is 31,522. The City of Leawood is one of the fastest growing cities in the state of Kansas. From the year 2000 to 2003 the population grew by 14 percent. On page 25, a comparison is shown between the City of Leawood and Johnson County. 6.5 percent of the Johnson County population resides in Leawood. This proportion has increased from 5.5 percent in 1990 to 6.5 percent in 2000. In the land use section, public space has been added as part of the land use category. Once this document has been approved by City Council, a clearer copy of this document will be provided to the Commission.

Binckley showed the changes to the Comprehensive Plan Map. Most of the changes have been made based on zoning changes that have happened in the last year. In the area north of I-435 is the Estates of old Leawood development at 89th Street and Sagamore. The middle area is shown as medium density residential and the area surrounding it is zoned as open space private. Staff was asked by Council to look at the State Line corridor from the north boundary to 103rd Street. Staff reviewed the locations at 83rd Street and State Line Road and 85th Street and State Line Road. They are both vacant property right now and are shown as low-density residential. Staff feels confident that they should stay residential due to the

land uses surrounding those areas and what is across State Line Road. Staff will continue to evaluate those areas each year. At approximately 88th Street and State Line, there is an area known as the Ward Parkway parking lot, which is currently zoned as office. Staff has talked with the current property owner and they are interested in keeping it zoned office but are open to discussion for some other uses. Staff is interested in it being shown as Mixed Use to allow more flexibility. They are working with the property owner to the south by trying to identify some potential green space in the future. There are some terrain changes that would potentially make it hard to build on. In the south, the next area is 133rd Street and Mission, Wilshire Place, which is a low-density residential zoning. The northeast corner of 135th Street and Roe Avenue development was shown as retail primarily on the southern 2/3rds, so they brought the office down to match the zoning. That property on the west was changed to Mixed Use, so it was changed on the comprehensive plan map. Staff changed the map to match the approved zoning of the other developments that changed zoning.

Munson asked who owns the Ward Parkway parking lot. Binckley stated it is the same owner as the Ward Parkway shopping center. Munson asked if there has been any other discussion as to a different use other than the parking lot. Binckley stated the owners have spoken with staff and they are aware that staff is making this amendment to the comprehensive plan.

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.

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

CASE 70-04 TOWN CENTER PLAZA - OUTLOTS Request for approval of a preliminary plan. Located at 119th Street and Nall Avenue within the Town Center Plaza development.

Staff presentation: Presentation by Diane Binckley. The applicant is requesting approval of a preliminary site plan to allow one additional pad site within the Town Center Plaza development. The original application was for three outlots but has since been reduced to only one additional outlet. The proposed location is directly south of the Jones Store, running along 119th Street between On the Border and Houlihan's. The building is located 40 ft. off of the south property line. This location is based on our current ordinance. Most of the other outlots are lined up setting back with parking between the building and 119th Street. Based on current ordinance, staff requested the applicant move the building up to the property line to allow for more green space. The front of the building will face towards the main center, having an entrance on the north and the west. The applicant has requested a 4-ft. setback and staff is supportive of this based on the design of the rest of the center. Staff has identified they would like to continue to work with the applicant regarding the amount of EIFS on the north and west elevations as they move forward through the final site plan application in the future. Staff is recommending approval of this case with the stipulations stated in the staff report.

Perkins asked for clarification of the 4-ft. setback. Binckley stated it is a setback from the property line to the parking lot. It is really just a matter of how the owner divided the property line to sell to the future property owner.

Duffendack asked staff's opinion of reversing the front of the building from all of the others along this street. Binckley stated staff feels comfortable with it due to the type of use of this building.

Munson stated he feels it is turning its back to 119th Street and the south elevation seems fairly bland. He would feel more comfortable if there was some more fenestration to make it less of a massive appearance. It sits closer to the road than the other buildings. Binckley stated this one sits about 20 ft. closer to the road. The other buildings have parking surrounding the buildings.

Applicant presentation: Presentation by John Peterson of Polsinelli Shalton Welte and Suelthaus. Peterson introduced the development team. The initial effort when DDR purchased this property was an attempt to look at the property and see how they could make it better. The movement, in terms of shopping centers, is to get away from a sea of asphalt and try to create centers with pedestrian movement. The newer designs have the pad sites up against the street with the shopping experience internalized in the center. The applicant has met with staff many times to see how they can create new shopping

experiences. Cities now want less parking instead of more parking. They started out evaluating three new potential outlots. They worked through most of the design issues with staff. Even though the parking ratios are still within the guidelines, they still needed to look at what will actually work with the buildings that are currently there. They made the decision to withdraw the pad site next to the Bristol and the other one near Hereford House in order to evaluate it at another time. The parking at the Jones Store and AMC could lessen in time. The currently proposed lot is the one that everyone agrees on and supports. They have the support of the May Company and Houlihan's. There is a west door on the building so that there will be an entrance visualization as one drives down 119th Street. The focus is to bring the customers out of the parking lot to experience the in-line shopping. The user for this building is Pottery Barn Kids. The focus of the design of the building is to replicate the Pottery Barn that is in the center. As they move to final site plan approval they will continue to work with staff on the southern elevation to make sure that it does not look plain. The applicant has concerns with a few of the stipulations. Stipulation number 5 reads, "The amount of masonry material on the north and west elevations shall be increased so that EIFS is used as an accent material only." Peterson stated the building is only stucco and stone. They are not proposing any EIFS. Stipulation 13 is the traditional stipulation referring to the Public Works' memo. The memo is a bit dated from the standpoint that there are some earlier comments that refer to having all three pad sites being under consideration. The applicant agrees to sit down with Ley between this action and final site plan application to confirm there is adequate parking. There are numerous flyover pictures of the parking lots at various times of the day and different days of the week. They will finalize that before they come back for final application. The second to last bullet point under stipulation number 6 references a sidewalk connection between the third phase and Panera Bread at the northwest corner of the main center. The third phase and Panera Bread is not related at all to the proposed pad site. This was just brought to the applicant's attention over the last couple of days. They would be happy to bring some hard surface, but they do not want to have to remove the existing trees. They think they can put a hard surface in there with only having to remove a few braches, so that the pedestrians are provided to opportunity to stay out of the trafficway.

Duffendack asked how much lower the street is compared to this pad site in its final configuration. Peterson stated it is fairly level. Binckley agreed. The engineer indicated it is about a foot and a half. They could bring back the specific answer at final plan. Duffendack stated they could either dress up the south side or try to hide it. It would be easier to hide it if there was a grade change. Peterson stated the rest of the site is already set in terms of pavement. They are comfortable they can work with staff on the south elevation. Duffendack stated there are service entrances and mechanical equipment proposed for the south side. He shares Commissioner Munson's concern, now that the designers are starting to see the advantage of allowing pedestrian connections between buildings. There are a lot of buildings along that street that do not do that. He is concerned that it might look strange to have a building that is 180 degrees from that initial concept. Peterson stated there is a point of entry on the west side. He understands what the Commission wants and if they know they have the ability to create this site then they can get into final design with staff and bring back something to satisfy Duffendack's concern.

Munson asked if stipulation number 5 should be removed. Peterson stated the Commission could do that, or just state for the record that there will not be EIFS on the building. Munson asked what staff would prefer. Binckley stated the stipulation could be removed.

Williams asked the applicant to walk them through the proposed materials. Mr. Hicks, with Klover Architects, stated they are trying to follow the existing style of the center with the pitched roof, tower elements, brick and cast stone ledges and the same type of shingles and brick. The center area is specific to Pottery Barn, which is special brown stucco, and is part of their corporate identity. The awnings are an element that is common to the center. They are proposing signage painted on the glass, which is a typical design used throughout the center. Williams asked what material would be above the windows. Hicks stated it would be stucco. Williams asked if the south side would be predominantly brick. Hicks stated, yes. Williams asked if there would be any stucco on that façade. Hicks stated just on one portion.

Pilcher stated he would like to see some type of perspective to show this building in relation to the surrounding buildings at final plan application. Peterson stated that could be done. Pilcher asked where deliveries would take place. Peterson stated on the west side.

Duffendack asked where the mechanical equipment would be located. Hicks stated any roof top units would be screened.

Hicks stated the deliveries would be coming in on the north side, instead of the west side as earlier stated.

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

Perkins stated he does not like the south side of the building. It would need to be very well done at final. Duffendack stated what is done on this building could set the tone for what is done with future outlots. They need to be careful as to what they are approving.

Williams stated the backside should be treated like the other three sides. It should be improved and be equal to the primary sides that are open to the parking lot. He would like to address the issue about this building being oriented towards the center. He is not as concerned as some of the other Commissioners. He feels having the undulation up and down 119th Street actually creates some visual interest, particularly with a building of this size.

A motion to approve, with the amendment to stipulation number 5 to change out the word "EIFS" with "stucco", was made by Munson and seconded by Perkins. Motion approved unanimously.

Commissioner Duffendack recused himself from case 71-04. Commissioner Munson presided.

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

Staff presentation: Presentation by Diane Binckley. The total project will consist of 102,991 sq. ft. of retail construction zoned SD-CR. The applicant is proposing to construct 23,234 sq. ft. of retail space within the first phase. Directly to the west of this request is residential property that is zoned RP-2. This application does not include that residential portion. The project has two access points, one at the northeast corner of the site at the intersection of State Line Road and Blue Ridge and one off of 133rd Street. A retention pond is included at the very southwest corner of the property. There is an easement that connects the retail portion to the detention pond, and the detention pond will be owned and maintained by the commercial development. A landscaped berm is proposed on the west side of the main center. This berm will be constructed with the first phase, including the landscaping, which will help to protect the future residences but also protect the current residences further to the west. The applicant has provided a revised plat that combines the two original plans that allows for the easement. Staff is requesting stipulation number 10 to be removed, as it was a previous stipulation referring to an earlier design that had an access through the retail to the development, so it is no longer relevant. Staff is also requesting stipulation number 15 be removed because the applicant has provided a revised plat.

Applicant presentation: Presentation by Bryan Dyche of Klover Architects on behalf of Block and Company. He showed a site plan of the preliminary plan that was approved earlier this year. Part of the stipulations on this site plan was that either building R-1 or R-3 be constructed prior to any construction of the outbuildings. They are proposing buildings R-1 and OP-5 for the first phase of construction. They will be constructing the detention pond and the landscaping with this phase. Dyche showed the original approved elevations. The elevations have not changed very much at all. The applicant believes they have addressed the concerns raised by staff. They are in agreement with staff on the design elements. They removed a wood trellis overhang and replaced it with a balcony overhang with brick columns and decorative metal railings. The OP-5 building takes a lot of the design elements from the main buildings. The only issues were the screen walls at the rear of the buildings and they worked with staff to increase the detail and length of those.

Williams asked for a description of the material being used. Dyche described the materials. Williams asked if the red on the colored elevations would be brick. Dyche stated, yes. The stucco would be the beige color. Williams asked if they are proposing awnings. Staff showed the proposed materials and awning colors. Williams asked if they are proposing to use all of the colors shown for the awnings. Dyche stated, yes.

Perkins asked what material would be used for the north elevation of building R-1. Dyche stated staff has asked for some detail to be added to that wall to help with the transition. Perkins asked the material. Dyche stated it would be stucco. Perkins asked the color of the stucco. Dyche stated, beige, the same as the other stucco.

Perkins asked if all of the parking next to the berm and the trees would be constructed with the first phase. Dyche stated, yes. Perkins asked how water would get to the retention area. Dyche stated it would go underground through an easement. Roger Cassity of Phelps Engineering stated the grade falls from east to west and the storm water will be collected and piped to the detention basin. Perkins asked the size of the pipeline and then asked if it would go in with this phase. Cassity stated it is about 24 or 36-inch pipes. Perkins asked what is under the retention pond. Cassity stated they could line it with fat clays or a pond liner. They will determine that from the report to see if fat clay is available on site. Perkins asked if staff is in approval of that. Ley stated, yes, that is typically how projects are done.

Munson asked if there could be a mosquito problem with the detention pond. Ley stated the developer would be required to aerate it, per City code. Binckley stated staff felt it was important to keep water in there all of the time because there will be residence's villas backing up to that feature so it would be aerated with a fountain, more than likely. Munson asked if it would be screened or protected so that children won't fall in. Binckley stated, no.

Williams asked about the height of berm being built between the retail strip and the residential development to the west. Dyche stated it varies in height from 4 to 8 ft.

A motion to approve, removing stipulation numbers 10 and 15, was made by Perkins and seconded by Williams. Motion approved unanimously.

Commissioner Duffendack returned to the meeting.

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

Staff presentation: Presentation by Jeff Joseph. The applicant is Andy Schlagel. The applicant is requesting approval of a preliminary and final plan to include 183,308 sq. ft. of building area within the Town Center Business Park development. This property is located south of 115th Street and east of Roe Avenue. The Sunrise Senior Living facility was approved previously for a 3-story, 63,350 sq. ft. building. With that approval, the applicant exceeded the previously approved area for buildings within the development. At the time of the previous approval, the floor area ratio (FAR) for the overall development was calculated as 0.17. Per the Leawood Development Ordinance, the maximum FAR allowed within the SD-O district is 0.25 and within the SD-NCR district is 0.20. The applicant is requesting to keep the approved building area for the remaining five lots based on the maximum FAR allowed. The original approved building area is 139,500 sq.ft. and the proposed building area is 183,308 sq.ft. Based on this application, staff reevaluated the overall development. Staff is supportive of this plan based on the fact that the FARs for the lots are lower than the maximum allowable per the Leawood Development Ordinance. There are no changes proposed on the building areas for the remaining five lots. It is staff's opinion that the overall impact of an assisted living facility is minimal compared to an office development on that location. Staff is recommending approval of this case with the stipulations stated in the staff report.

Pilcher asked if they are making the building larger to accommodate more rooms. Joseph stated they are not doing anything to the assisted living facility. They are asking for the remaining area for the remaining five lots. They want to keep the original building area that was approved previously.

Munson asked if the assisted living facility took up some of the square footage and the applicant is asking for the Commission to give back what was taken away. Joseph stated, that is correct.

Applicant presentation: Presentation by Andy Schlagel. Schlagel introduced the development team. This application is almost an administrative procedure to make sure there is a correct and up-to-date approved plan that is on file and representative of what everybody is anticipating. The five remaining lots are what the Commission is looking at tonight. The

applicant is asking that the Commission reaffirm that they can be constructed as they were originally approved. This allows them to take an old plan that has had some minor changes and replace the old plan and have a record of how they got from point A to point B. The square footage on the remaining lots has not changed. The applicant agrees to all of staff's stipulations. Each of the remaining lots' FAR is below what is allowed. The FAR tool does not really apply for an assisted living facility. It appears to throw calculations off, but it really doesn't.

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 he feels that this case has been discussed enough and it should be approved.

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

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.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a final plan and plat to allow the construction of a two-story, 10,200 sq. ft. bank building. The applicant is Terry Berkbuegler with Brian Clark and Associates. This project is located within the Parkway Plaza development located at the northwest corner of 135th Street and Roe Avenue. The proposed building is located on the southeastern side of the lot, with the front of the building facing southeast. The applicant is proposing a drive-thru with four bays along the west side of the building. Parking is located on the north and east sides. Staff has concerns over the number of signs proposed with this development. The applicant is proposing five signs and four logos. Per the Leawood Development Ordinance and the design guidelines approved for this project, only two signs are allowed for this building. If the five signs are approved, it sets a precedent to all of the developments within this project. Staff is recommending approval of this case with the stipulations stated in the staff report.

Duffendack asked for clarification on the light poles standard. Joseph stated the maximum allowed is 18 ft. Duffendack asked if the applicant is proposing something different than what is allowed. Joseph stated, yes. The stipulation is there to make sure they agree to the height stated in the stipulation.

Applicant presentation: Presentation by Terry Berkbuegler with Brian Clark and Associates. Berkbuegler introduced the development team. The site is located at the northeast corner of 135th Street and Briar, within the Parkway Plaza development. The site is accessed off of a drive on the north side of the property as well as from the east side of the property on an internal drive. The building has two front doors. The south side, which faces 135th Street, is a front as well as the east side that faces the bulk of the parking for the development. It takes on the four-sided architectural treatment. There have been no changes to the site plan, other than they requested a 10 ft. deviation on the setback along their west property line, which City Council approved. That was in order for them to accommodate the 40% maximum amount allowable parking and drive frontage along that frontage. That allowed them to bring the screen wall past the drive-thru lane to increase the amount of building that actually fronted the street. Aside from that, there were just minor changes made to the site and the landscape plan in response to stipulations approved with the preliminary plan approval and based on other staff recommendations. The applicant is in agreement with all of staff's stipulations.

Presentation by Matt Masilionis of Rees Masilionis Turley. Masilionis showed an elevation that was approved with the design guidelines. They agree with all of staff's comments. They increased the level of stone at the base, the detail of the lentils over the windows and the amount of tile on the roofs. The only metal will be on the tower element. The bank wants to be a great example of the enforcement of the amount of detail. The building is four-sided.

Williams asked if a portion of the roof would be vertical then go back at an angle. Masilionis stated it should be similar to a mansard-type roof with the mechanical equipment hidden behind. Williams asked what, if any, amount of overhang the building has over the wall. Masilionis stated, none. Williams asked if there would be gutters at that point. Masilionis stated they would be internal. Williams asked if there are stone lentils on the second floor, as well as the first floor. Masilionis

stated there would be some on the tower element, but not on the body of the building. Williams asked where the windows sit relative to the face of the building. Masilionis stated they would be set in about one inch. Williams stated the second floor has a plain stucco wall with no ornamentations. Masilionis stated, yes, with the exception of the awnings that Suttle required them to put in.

Perkins asked if all of the windows are usable. Masilionis stated all of the windows are real. There are no fake windows.

Duffendack asked for an explanation as to why the applicant is requesting more signs than allowed by ordinance. Berkbuegler stated the bank would like to have as many signs as possible. Their initial concept to this is that they were looking at two retail sites. With the original proposal for this site, there could potentially be 8 to 9 tenants, which would mean a sign for each of those on the front and the back. As they went to the two-story concept to accommodate the bank, the owners were willing to back off on that. They were also looking at the tower elements. Those tower elements were sitting on the corner were requiring something more to be there, rather than just the roof. The applicant is proposing the logos and the names at the tower elements, but they would also like to make sure it is defined along Briar, at the entrance or over the canopy and at the front entrance. The bank originally wanted a sign on each side of the building, but removed the proposed sign from the north side of the building. The bank will work with what the City wants. He believes that the applicant wants to make sure that if they have another tenant in the building at a later time, that applicant be allowed to have a sign. Duffendack stated the ordinances are very clear about signs. There are restrictions on what is allowable.

Williams asked to see a color pallet. Staff brought out the material samples. Munson asked if staff considers the logo as a sign. Binckley stated staff is supportive of three logos and two signs. Staff is comfortable with the logos on the tower element. Staff felt the logo on the drive-thru piece is okay, because it became part of the design element. Binckley has spoken with the developer on his position on this and he has stated he is in approval of what staff has recommended. Duffendack asked if staff is supportive of the size of the signs as proposed. Joseph stated the size of the signs, as presented, is in compliance with the ordinance.

Joseph stated the lighting plan refers to a 25 ft. light pole and the applicant has agreed to change them to the maximum allowed, which is 18 ft. Duffendack asked if that would mean that more lights would need to be added. Berkbuegler stated there would need to be some recalculation. It could require adding another pole or two, but it would not be a major change. The applicant does not have a problem with the 18 ft. height. Azeltine suggested stipulating a certain number of poles. Duffendack stated he feels comfortable with staff working with the applicant on the lights. He suggested the engineer take a look at the lighting levels. There is the possibility of getting the same foot-candles with a different lamp, and that would be okay.

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

Williams stated he is concerned the building design has a lower floor with nice detail, and then the second floor is plain. There is no fenestration, except for awnings. Looking back at the developer's architects proposal, it was not specified in detail, but their drawings show more detail. When this development was originally entertained, Mr. Suttle made numerous statements about detail. Duffendack stated Williams could make an amendment to the motion or recommend a continuance. Munson stated he shares Williams' view. They should not expect less than what Mr. Suttle had originally proposed. Williams stated there were many efforts made by the Commission for a certain drug store and the design guidelines. They took the charge to make them comply quite a bit more. The building looks a lot better than what their corporate standards set. This would be a highly visible area. He is just making a suggestion and does not really want to hold them to make a change. He does not see anything they can do to amend the motion.

Masilionis stated the bank wants to do the right thing. The bank is willing to add more detail. They are going way beyond what the buildings standards are for the development. Williams stated the fascia shown on the design guidelines has depth and detail that sticks out at the end of the building. What is proposed does not do that. It does not begin to add character to that portion of the building. Williams stated there are expansion joints on the façade. Masilionis stated the bank is willing to do whatever is requested. He feels the developer would be afraid that this building would create something that the rest of the development would be held up to. Masilionis then stated continuing this case is potentially a death penalty for this site.

Binckley stated the Commission could approve this case with the understanding that the applicant would work with staff to improve the detail on the second story. Masilionis stated the applicant would prefer for this to be approved tonight. Masilionis asked Williams' opinion of the canopies on the windows. Williams stated he thinks the canopies detract from the style that he believes Suttle was anticipating. He understood it to be more of a retail building. Having the lower level with the overhang or canopy could potentially work fine. He does not think that is necessary since it is not a retail building.

Williams proposed an amendment for the applicant to work with staff to further refine and develop the second level of their building in order to equal the level of detail on the first floor and tower element. Amendment seconded by Pilcher. Amendment approved unanimously.

Motion to approve, as amended, approved unanimously.

Commissioner Munson left the meeting.

A motion to extend the meeting until 9:30 p.m. to finish the following case was made by Pilcher and seconded by Perkins. Motion approved unanimously.

CASE 79-04 SECURITY SAVINGS BANK - SIGNS Request for approval of a final site plan. Located south of 151st Street and east of Nall Avenue.

Staff presentation: Presentation by Diane Binckley. The applicant is requesting approval of a revised final site plan to allow three wall signs on the building and to add signage on the ATM. The design guidelines for Ironhorse Centre allow for two wall signs on this type of building, which is a single-tenant user. Although they will have a second tenant, it is related to the primary tenant. Staff is recommending they have two wall signs; one on the north elevation and one over the entrance to the south and that they be allowed only one sign on the ATM structure. Stipulation number two has an error. It states the metal letters should be painted Hartford Green. That is an error based on the previously approved wall signs. The logo and colors for Security Savings Bank are blue, black and white. Staff would like to allow them to maintain their colors. Staff would like to change that stipulation to remove the words, "painted Hartford Green".

Applicant presentation: Presentation by Michael Snider of Hoefer Wysocki Architects. The applicant is okay with items two through five. The applicant is okay with two wall signs. They want to place them on the north and west ends, and eliminate the south sign over the entry. In the original design, there was only one tower element for the building, since they have worked with staff there is now this element on the north end of the building. It made sense, given that the element is on the north end of the building, because it is along 151st Street and it will get exposure there.

Duffendack asked if they want to drop the east elevation sign. Snider stated, yes, since they will have the signage on the ATM for that side of the building.

Pilcher asked if staff has any concerns with what the applicant is now proposing. Binckley stated staff is okay with what they are now proposing.

A motion to approve was made by Williams with a revision to stipulation number one to be reworded to read "and on west elevation" and delete all reference to an entrance and with a revision to stipulation number two to delete the reference to "painted Hartford Green". Motion seconded by Pilcher. Motion approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chairman