

City of Leawood Planning Commission Minutes

January 25, 2005
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

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

APPROVAL OF THE MINUTES: Approval of the minutes from the November 23, 2004 meeting. Williams noted a couple of minor corrections on the minutes. A motion to approve the November 23, 2004 minutes was made by Azeltine and seconded by Henderson. Motion approved unanimously.

CONTINUED TO THE FEBRUARY 22, 2005 MEETING:

CASE 81-04 CAMELOT COURT - HEN HOUSE - STARBUCKS SIGN Request for approval of a final plan.

NEW BUSINESS:

CASE 82-04 CHADWICK PLACE Request for approval of a final site plan and final plat. Located at the southeast corner of 135th Street and Chadwick.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan and final plat for the construction of 62,000 sq. ft. of buildings on 7.78 acres for an FAR of 0.18. The development will consist of 10 lots and 10 buildings. The two northernmost lots are zoned SD-NCR (Planned Neighborhood Retail) and the southern eight lots are zoned SD-O (Planned Office). The construction will be divided between 11,000 sq. ft. within the SD-NCR district and 51,000 sq. ft. within the SD-O district. This piece of property is located at the southeast corner of Chadwick and 135th Street. It is a long, narrow property that is approximately 332 ft. east-west and 1,327 ft. north-south. It was granted the deviation to the minimum size of lot required for development, which is 10 acres. They have 7.78 acres. The reason for that is that so much of the land was taken for right-of-way for Chadwick, 133rd Street and also 135th Street. A memo has been placed on the dais regarding some modifications to the stipulations. The first sheet is a modification to stipulation number 5, which has to do with the cost of road improvement. This was done by the recommendation of the Public Works' department. There is also a modification to the Fire Marshal's stipulations included. In addition, staff is also requesting that the Commission make a clarification to a deviation that was granted at the time of preliminary approval for this application. The deviation in the resolution stated that there be a building setback deviation from 40 ft. to 34 ft. along the east property line. The applicant has indicated that they were under the impression, and it was always shown on their plans, that they would have a 34-ft. building setback not only from the east property line, but also from the north and south and basically all of the interior property lines. Staff was supportive of the 34-ft. deviation along the east property line and that is the only thing we intended to have granted as a deviation. The reason for staff's support of that deviation is that staff was hoping that the property to the east of this property would work together to produce a more cohesive development. However, that did not work so that they could come in at the same time, therefore staff is supportive of the deviation to allow a 34-ft. building setback deviation and a 10-ft. parking setback from the east property line so as to allow these two properties to coordinate a little more closely when the other one to the east does come in. Staff is asking the Commission to clarify what they intended when the deviation was granted at the time of preliminary plan approval. Staff is in approval of this case with the stipulations stated in the staff report.

Duffendack asked the difference between the first stipulation number 5 and the revised one in the memo. Klein stated stipulation number 5 originally spelled out some costs for road improvements. The Public Works department has modified those calculations. Ley stated the costs stayed the same for the roadway improvements. What was modified with the Public Works' stipulations is the way the developer pays for those improvements. They can submit a 2-year letter of credit, instead of paying cash for it upfront for those improvements.

Williams asked if stipulation number 6 is replacing stipulation number 6 of the staff recommendations. Klein stated it would be stipulation number 5 in planning staff's recommendations and number 6 in Public Work's stipulations. Williams asked for a suggestion on how to word the stipulation changes in the approval. Duffendack asked legal counsel to help re-word the stipulations and state that before the motion is made.

Conrad asked if the drives would be mandatory for the adjacent property to the east. Klein stated when the property to the east comes in staff will have them tie in with those drives.

Munson asked if the property owner to the east has given any indication of when he might begin development. Klein stated staff has tried to make communications to ensure they are aware of this project.

Henderson asked if the applicant has suggested they might be disposed to drag their feet a year or two so that the eastern planning might occur. Henderson asked if they will identify private drives tonight. Ley stated, no, the planning staff does that after the final plat has been approved.

Williams asked about the ATM they want to delete from the east elevation. Klein stated it is on lot 1, which is at the northwest corner of the development. There is a drive-thru on the east side of the bank and a drive-thru lane that wraps around, goes through the drive-thru on the east side, then continues and curves around the north and comes back around on the west side. It is his understanding they are proposing one ATM on each of the west and east sides. On the elevations, the small white square is intended to be the ATM. Williams asked if the drive-thru lane would come right up against the building to access the ATM. Klein stated, yes, and it is a single lane as drawn. The applicant has indicated they may be willing to provide a bump-out so a car could pull off.

Commission Pilcher joined the meeting.

Applicant presentation: Presentation by Larry Winn on behalf of the applicant. The conversation with the property owner to the east is ongoing. There is a situation that indicates maybe nothing will happen in the short term. The first building that will go up on this property is the bank building. The rest of it will be market-driven. He feels it will be months, at least, between the second, third and fourth phases. He does not believe the opportunity is lost to continue that dialogue.

Presentation by Greg Hasselwander of Kevin Cowen Architects. There are 10 buildings: two retail buildings and eight office buildings. The six one-story office buildings are approximately 5,000 sq. ft. The two two-story office buildings are 10,000 sq. ft. office buildings. The bank site is 3,000 sq. ft. The retail site is approximately 6 to 7,000 sq. ft. 135th Street borders the north property line, 137th Street borders the south property line and Chadwick borders the west property line. This application is for phase one. There will be a single, private drive that runs through the middle of the property that starts and exits onto Chadwick. They tried to put the parking fields between the buildings so that each building will have at least three sides of landscaping to look onto. The wet detention ponds are landscaped and are very nice features. Hasselwander described the pedestrian access points. There are a couple areas for benches and seasonal plantings. There will be monument signs located on the north and south ends of the site. Hasselwander described the materials for the project and also described the proposed monument signs. The monument signs will be identifying Chadwick Place, not any individual tenants. The applicant is asking to be allowed to have one wall sign as well as a monument sign outside the building.

Duffendack asked if it is stucco or synthetic stucco. Hasselwander stated he would like to have the option of any one, but it would most likely be synthetic. Duffendack stated the City favors real stucco. Hasselwander stated there

is a new drainable system that is nice, but real stucco would be acceptable as well, if that is something the Commission requires. Klein stated the ordinance allows EIFS to be used only for accents.

Conrad asked for a description of the phasing of the stormwater detention construction. Hasselwander stated the temporary detention is located at the same place the final detention would stand at. There will be a temporary cul-de-sac to allow vehicles to turn around. Conrad stated it appears that the temporary basin extends pretty far to the north. The two detention basins with the edge treatment are nice amenities. He then asked if there is any way that can be constructed with the first phase and also if there are any construction issues for the temporary basin that appears to go up into the building pad site for lot six. Hasselwander stated they tried to keep the basin out of the anticipated spot where a building would take place. There is a home currently on the site and they are trying to locate the temporary detention basin to the east of that house. Conrad asked if that home would remain occupied. Hasselwander stated, yes, until the start of phase two. The applicant is asking for approval of the first four lots. The house is located southwest of the detention pond. Conrad asked if the temporary basin needs to be in a platted piece of property. Klein stated this plat would plat the four northern lots. The detention basin will be platted; it will just be platted as a single tract. Conrad asked how the existing house would fit in. Klein stated it would be part of the single tract. Conrad asked if it would be appropriate to build the detention basin in its final configuration now. Klein stated staff is comfortable with the applicant building the temporary basin until they know more about the placement of the building on that site. Conrad asked how the basin discharges. Terry Uhl, of Uhl Engineering, stated there is a releasing pipe going as far out as needed to catch the grade. Conrad asked if it is a dry basin. Uhl stated, yes. Conrad asked if all of the water would discharge from the one pipe. Uhl stated, yes. Conrad stated he feels there should be more detailing in order to keep it from erosion.

Henderson asked the difference of elevation between the temporary basin and the lots to the north. Hasselwander stated the difference is 17 ft. Henderson asked if it is flowing from the northwest to the southeast. Uhl stated the water is being collected and flowing more northeasterly to southwesterly. This is a temporary configuration. Ultimately, the pipes will flow from south to north, per the street pattern in the phase two configuration. Henderson asked if all of the water would be caught in the temporary basin. Uhl stated they are required, per the design criteria, to collect the water from the sites and route it through this detention basin and release it according to the allowable release rates. There may be some water from off the site and that would be routed through this basin also.

Commissioner Pilcher left the meeting.

Perkins asked where the existing house sits on the property. Hasselwander showed where the house currently sits on the property. Perkins asked how far down they will be going with the asphalt driveway with the first phase. Hasselwander stated the cul-de-sac would be the end of the temporary condition for the asphalt. The permanent condition for the asphalt would be at the property line. Perkins asked if the first building next to the bank would be retail. Hasselwander stated, yes. Perkins asked why there is a difference on the height of the roof tower on the bank building versus the retail building. Hasselwander stated those could be changed if that is what the Commission wishes. They are trying to set design standards for the development and they wanted to show the retail design on the elevations as well as the offices and the bank. Perkins asked if these things would be clarified as each lot gets a tenant for a final site plan. Hasselwander stated, yes, they are setting the intent of the development and as each property comes online, they would come back to the Commission for each individual lot. Klein stated this is an application for the entire development, not just the first phase. Staff has asked the applicant to provide design guidelines and sign criteria for the entire development, which is being looked at tonight. Hasselwander had described an architectural pallet and style as well as design guidelines and criteria. As each of these buildings come in, staff will look at the individual building and how it fits with the design guidelines and sign criteria that are being approved tonight. Duffendack stated the Commission has viewed these types of situations in terms of compatibility and harmony and not in terms of trying to dictate sameness across the board. He feels the Commission needs to look at each of these on a case-by-case basis to make sure they relate architecturally. The Commission has never dictated things such as the height of the towers across the development.

Conrad asked if there is a problem with the south end not being platted. Klein stated this has been done with other developments. In areas where we know that they will be splitting out additional lots, but they may not know exactly where those lot lines might be, they are platted as a single tract, but they can fine-tune that final plat to fit the building at that time. Conrad asked if the existing house is occupied. Hasselwander stated he believes that it is. Conrad asked if the house could stay on this land. Klein stated there was a similar situation with the LeaBrooke development. Conrad asked if it is applicable to have a certain amount of buildings built at the first phase. Klein stated it is not the same situation in this case because there is not a main center building. Rohlf asked if there is any stipulation to tie the office with the retail as far as when they are built. Klein stated there is no stipulation regarding the timing of the buildings. It is his understanding that they would come back as early as the next meeting to apply for the final plan for the bank. It is their intention to build all 10 of these buildings.

Williams stated he likes the materials shown for the pedestrian amenities. He then asked who would be using the pedestrian amenities. Hasselwander stated part of the 135th Street Corridor plan is to introduce methods and ways for pedestrians to go through the site. Williams asked if the windows on the towers are proposed to be open to the space below. Hasselwander stated, yes, but it will be explained in more detail at the final plan application for that site. It is a vaulted space that allows for higher ceilings over the teller lanes and also give the bank a little bit of an identity along 135th Street. Williams stated there are quite a number of different brick options. He then asked for any thoughts on how those would potentially be used. Hasselwander stated the intent is to keep it in a maroon hue. They tried to get different manufacturers that had close and similar color ranges. Williams asked where the blade signs would be located on the retail building. Hasselwander stated they would be below the covered walkway on the retail building.

Henderson asked if cultured stone stands up well in time. Hasselwander stated he believes it stands up quite nicely to a brick. Henderson asked if it is holding up well after 10 years. Hasselwander stated, yes. Henderson asked about the new type of lights proposed for this project. Klein stated they have a street-light type fixture that is very similar to what is along the 135th Street Corridor, however there are proposing a bronze fixture with a flared head. The buildings and monument signs will have a lantern style light fixture. Those would be approved tonight with this application because they are part of the design guidelines.

Winn stated when this was preliminarily approved a year and a half ago there was some discussion of the setback issue on the east side. They expected this application to drive what would happen on the parcel to the east. Therefore, it was thought that the 34-ft. setback versus 40-ft. setback actually made sense in light of these projects eventually lining up to each other. The applicant assumed that if the 34-ft. setback was appropriate on the east with another property, that it would make sense to match those setbacks internally with their own buildings. Staff has now said that they thought they were only dealing with the east property setback. It was an honest difference of opinion. This is a 10-acre site that was shrunk by 2.5 acres. They donated all of the right-of-way for 137th Street. They have Chadwick and 135th Street. It would help them in terms of flexibility of design internally if they could have those setback requirements be interpreted to be project-wide, as opposed to just the east property line. He is very concerned that this project could look very institutional if they cannot get overhangs and the like. It could become very long and linear. They have all of the open space needed. They comply with the City ordinance. It would give them some flexibility in building design if the minor deviation were to be construed to be throughout the site. One of the City's criteria is that it should not be detrimental to surrounding properties owners. There are no surrounding property owners. They are just talking about their buildings interfacing with their own buildings. The applicant is seeking the Commission's interpretation of what was approved, as opposed to a deviation.

Duffendack asked how the applicant could interpret the deviation for the setback on the east property line to be a deviation for all property lines. Klein stated the stipulation in the signed ordinance from the Governing Body stated, "This application shall be granted a deviation to allow a 34-ft. building setback along the east property line. Any request for an exterior building setback of less than 34 ft. shall require a variance by the City of Leawood Board of Zoning Appeals prior to a final site plan application." Staff tried to express it as fully as they could. Henderson asked if the meeting's minutes are typically sent to the applicant. Munson asked if the setbacks are shown as 40-ft. on the plans. Hasselwander stated the public right-of-ways have 40-ft. setbacks. Duffendack asked what the plans show

for the internal setbacks. Hasselwander stated they have always assumed 34-ft. setbacks on all interior setbacks. Munson asked what the 6-ft. difference would give the applicant. Hasselwander stated it allows for more flexibility in the buildings. They are not trying to increase the size of the development. Munson asked if all the buildings are two-story. Hasselwander stated lots 9 and 10 are the only two-story office buildings on the property. Munson stated the interior setbacks would not be affecting the property to the west since it has already been developed.

Winn stated it could be dealt with tonight as an interpretation issue or the preliminary development plan could be revised and the applicant could ask for the deviation a second time. The setback does not affect the bank building.

Klein stated deviations could be granted at the time of preliminary approval. The Commission does not have the ability to grant a deviation at this time. Since there is some question on the interpretation, the Commission could look at what the intent was at that time.

Duffendack read from the November 2003 meeting staff report. "The applicant is requesting a deviation to allow a 34-ft. setback from property lines other than public right-of-way." He stated he could see how that could be interpreted to mean internal property lines. It says further down in the report, "Staff is supportive of this deviation." He can see where the applicant may have interpreted it the way they did.

Azeltine asked if the Commission has the ability to change the internal setbacks. Klein stated if it is the Commission's understanding that they were only approved for the east property line setback, then the applicant would need to come back for a preliminary plan requesting those deviations. If the Commission decides that the internal setback deviations were approved at the preliminary plan approval, then that would need to be clarified at this meeting.

Conrad stated he feels the building on lot 4 appears to be 15 ft. from the road. Klein stated part of that has to do with the way the property is being platted. It is not being platted as a separate tract for the private drive as it goes through. Ironhorse Centre did the same thing. Rather than putting the internal drive in a separate tract, the property line bisects the internal drive and therefore, that is where it is measured. Conrad stated the property line is never seen. It is more of the relation of the building from the road. It is his understanding that the resulting stipulation in those minutes addressed the east property line only. He does not recall discussion of the internal setbacks. Henderson stated he would like to see a copy of the minutes from that meeting.

Conrad asked if there has been a storm water study submitted for this plan. Ley stated there was one submitted when the preliminary plan for this was approved.

Henderson asked for an explanation of both the City Engineers' statement and the response by Olsson and Associates regarding the traffic signal. Ley stated the engineer submitted a traffic study that showed that the traffic signals would not be warranted until the development comes in on the north side or the second phase of Chadwick Place comes in. The City has agreed to collect 25% of the funds for the traffic signals up front and if the future development comes in on the north side, then they would pay the remaining balance of those signals. If that development does not come in, and Chadwick Place proceeds with phase two, then traffic signals are warranted and the Chadwick Place development would pay the remaining balance to install the signals. Henderson asked if the property owner to the east would pay part of the signals. Henderson asked what would happen to the money if some amount of time occurs before the second phase of Chadwick Place is developed. Ley stated he believes that the limit is 10 years that it stays in escrow and if it does not get built by that time, then the money is refunded back to the developer. Henderson asked why the light is considered a special design. Klein stated the special design is referring to the lights along both 135th Street and Chadwick, which is part of the 135th Street Corridor. This same light fixture is intended to be used throughout the entire 135th Street corridor.

Duffendack read the minutes from the staff presentation by Mark Klein. "Along the east property line and the internal property line within the planned office portion there is a minimum 40-ft. building setback required by the Leawood Development Ordinance. The LDO also allows a deviation, which would allow up to 85% of the standard, which

would be 34 ft. The applicant is only asking for that on the internal property lines and along the east side. They are respecting the 40-ft. building setback along the exterior northwest and south property lines. In addition, the applicant is asking to treat the parking setbacks along the east property lines only as interior setbacks, which would allow them to be at 10 ft. as opposed to 25 ft. Staff is supportive of both of these deviations because staff realizes development will occur to the east and we want to try as much as possible to allow this development to integrate with that development when it occurs."

Rohlf asked if the Commission is approving the landscape plans for the overall development tonight, or just for the first phase. Klein stated staff is primarily looking along the public right-of-ways as far as 135th Street, Chadwick and 137th Street. One of the stipulations requires the applicant to provide the City with a revised landscape plan that meets all of the requirements of the ordinance. The landscape plan they have provided basically meets the ordinance with the exception that some of the berms do not completely cover all of the parking adjacent to Chadwick. The applicant has agreed to go back and do that.

Azeltine asked if staff is asking the applicant to save some of the trees. Klein stated it is always staff's intention to save as many existing quality trees on the site. There are some trees that are on the property and staff would like the opportunity to see if any of those could be saved. Azeltine asked if there are procedures in place to ensure this. Klein stated as the applicant comes in for final approval on each of the buildings staff will ask for a tree inventory that show the existing trees and the caliper of those trees.

Williams asked if restricting the applicant to shrubs that are 5 gallons and 3 feet in height strictly limits them on the style. Klein stated that is a requirement from the Leawood Development Ordinance. It is meant for screening. There have been a number of landscape plans that have come through and it seems they have been able to choose a variety of shrubs.

Henderson stated that he has seen stipulation number 24 before in different forms. He is impressed with the amount of detail in this stipulation. Klein stated that stipulation has been modified to include the detention basin. Henderson stated he would like all owners associations in Leawood to see this statement. It is one of the best statements he has ever read.

Duffendack stated the minutes given to him read that the case was continued until the next meeting. He asked to see a copy of the next meeting's minutes. Klein provided Duffendack with the minutes for the November 11, 2003 meeting. Duffendack stated it appears from the minutes that the Commission discussed the proposed meeting to coordinate the design.

Duffendack asked for some clarification on changing stipulations 6 and 7. Marcano stated stipulation 5 has been modified, so the current number 5 needs to be replaced with the new number 5 from Mark's memo. Stipulation number 6 from Mark's memo will become a new number 6 and the other stipulations will move down one number. On the Public Works memo, replace number 1(a) with number 1(a) on Dave's memo, which is the second sheet of paper placed on the dais this evening. Number 6 of the Public Works comments needs to be replaced with number 6 from Dave's memo. Number 7 on the Public Works comments needs to be replaced with number 7 from Dave's memo. On the memo from the Fire Marshal, she believes it would be best to replace the entire memo dated January 25, 2005.

Williams asked the status of the 34-ft. internal setbacks. Duffendack stated he feels they should interpret that as part of the motion. It is his opinion that the Commission should allow the 34 ft. for the internal property lines also. Williams agreed. Henderson stated he feels there should be an amendment to stipulation number 9.

A motion to approve was made by Williams with the 27 stipulations as they have been amended to reflect the Public Works comments and the Fire Marshal's comments dated January 25, 2005 with a change to stipulation number 9 to add the language, "the internal property lines". Motion seconded by Munson.

Henderson stated he would support the motion. He then suggested removing the word "amended" from the motion and changing it to "updated". Williams accepted Henderson's suggestion.

Motion approved unanimously.

CASE 02-05 VILLAGE OF SEVILLE, 2ND PHASE Request for approval of a final site plan. Located at the northwest corner of 133rd Street and State Line Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan. The project will consist of a 10,734 sq. ft. building that is proposed to have a restaurant on the north side and a multi-tenant retail on the south side. The final plan that was approved for the overall development showed two buildings at this location: OP2A and OP2B. Those two buildings had a drive-thru that went between them. At the time the final site plan was approved for that development a stipulation was put in place to require the architecture of those two buildings to have the look of a single building. The applicant has addressed this stipulation by providing a single building at this location. This piece of property is located adjacent to State Line Road. It is the center pad site along State Line Road. This is the second phase of the development. The first phase was R1, which is a portion of the main center, located within the development and OP5, which is a pad site out by 133rd Street. The applicant is requesting approval of this particular pad site. The location of the building has remained basically in the same place that the two original buildings were on. Parking is located on both the north and south side of the building. There is a trash enclosure that is attached to the west side of the building. It is attached with a winged screen wall that extends to the west. Staff is recommending approval of this case with the stipulations stated in the staff report. Staff would like to call to the attention of the Commission that in the staff report and the plans it was indicated that there was 30% open space within the development with this application. Originally it was 34% open space approved with the final site plan for the overall development. That was a miscalculation. There is still 34% open space. A stipulation was added to require it to remain at 34%. In the area that talks about signs, it indicates there shall be a maximum of one wall sign per tenant. What was really approved with the design guidelines is that there would be a maximum of one wall sign per tenant, per façade, with a maximum of two wall signs total.

Duffendack asked if a stipulation needs to be modified for the signs. Klein stated there was not a stipulation for the signs; it was just in the body of the staff report.

Munson asked if there is access to this property off of State Line Road. Klein stated there is an access at the very northern corner of the property. It provides access not only to the pad sites, but also to the main center. This drive will also provide access to a future phase. Munson asked how the site would be accessed. Klein stated there are two accesses onto the property. One is at the northeast corner of the property, off of State Line Road. The other is off of 133rd Street between buildings OP5 and OP4.

Rohlf asked what was approved with the first phase. Klein stated buildings R1 and OP5. Rohlf asked if they were supposed to be doing detention. Klein stated a detention pond was approved at the southwest corner that was associated with the commercial development. There is a stipulation that requires them to begin construction on the main center prior to construction of the pad sites.

Williams asked if any of the other sites were approved for drive-thru lanes. Klein stated OP4 shows a potential drive-thru at the southeast corner. Williams asked for the potential use. Klein stated it is his understanding it could be a drug store. Williams asked if by allowing the newly proposed change the Commission would be opening it up for the applicant to come in at a later time and request a drive-thru for another undeveloped site. Klein stated the applicant has not proposed another drive-thru. That would be a change from the plan that was approved.

Applicant presentation: Bryan Dyche of Klover Architects. They consolidated the originally proposed two buildings into one and removed the drive-thru. There were some minor changes to the parking; it has increased a little bit. The applicant worked with staff to come up with this plan and staff is supportive of this plan. They used the same

architectural elements to create the design of this building. They are the same materials proposed for the previously approved buildings.

Munson asked which location would be a Chipotle Grill. Dyche stated he is not sure who is going into the spaces at this time, but if things go as planned it would be the corner location on the north elevation.

Henderson asked how many parking spaces on the north and south parking lots would be taken up by employee parking. Dyche stated he does not know. Henderson asked if Dyche would estimate approximately 20% of the parking spaces. Dyche stated, yes.

Munson asked if there is a cross-access parking agreement. Klein stated, yes.

Henderson asked for a description of the plans to handle the water flow. Ley stated the detention pond is supposed to be built with the first phase that has already been approved. It is a natural flow for the water to get to the southwest corner as the site currently exists. Munson asked about the water at the northeast corner. Ley stated the northeast corner is underground detention underneath their drive entrance. Duffendack asked where the area inlets go into. Ley stated the inlets drain underneath the driveways.

Rohlf asked if this would be the final approval for this building. Klein stated, yes.

Munson asked if Klein meant to say, "easternmost" in stipulation number 8 instead of "westernmost". Klein stated he meant westernmost. It is the southwest corner of the building. Klein then pointed it out on the site plan.

Conrad asked if the phase one buildings need to be built prior to an occupancy permit for this building. Klein stated the stipulation is that the first phase buildings need to be under construction before the second phase begins. Conrad asked if there is a definition of "starting construction". Klein stated it would mean obtaining a building permit and beginning construction.

Henderson stated concern about having too many porticos in the back for service and would like there to be some sense of unity. He is concerned because of this buildings' location to 133rd Street. He would like there to be symmetry with the driveways and aisles. He then asked Klein if he anticipates any problems with stipulation number 5 being carried out. Klein stated that stipulation refers to the internal drive aisles. Part of the stipulations of the preliminary plan was that those drive aisles align. The drive access off of 133rd Street is intended to line up if there is a drive aisle across.

A motion to approve was made by Rohlf with an amendment to correct stipulation number 8 to read "southwest corner". Motion seconded by Perkins. Motion approved unanimously.

CASE 03-05 CHEESEBURGER IN PARADISE AND BONEFISH GRILL Request for approval of a preliminary site plan. Located at the southeast corner of 135th Street and Nall Avenue, within the Cornerstone development.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a preliminary site plan for the construction of a 12,492 sq. ft. building to contain two restaurants within the main center portion of the Cornerstone development. The Cheeseburger in Paradise restaurant is proposed to be 6,931 sq. ft. and Bonefish Grill is proposed to be 5,561 sq. ft. The applicant is proposing a 5,490 sq. ft. multi-tenant building that will wrap around the southern portion of this building in a future phase. There is an error in the staff report. Butler Real Estate Inc. is not one of the owners of the property. This property is located at the eastern end of the main center. Included in the staff report is a site plan of what was originally approved for the overall development. This location is in the location of buildings 2 and 3. Some of the configuration has changed. Some of the square footage of building 3 went into Seville Home, which has received final approval and is located along the north side of the main center. The entrances of the buildings are focused towards the north. The future building on the south side will provide a face to

the internal pedestrian corridor. There is a service corridor that will be located on the south side of Bonefish Grill and Cheeseburger in Paradise. That corridor will eventually be enclosed with the construction of the building to the south. There will be a trash enclosure attached to the east side of Bonefish Grill. Staff is recommending approval of this case with the stipulations stated in the staff report. Some of those stipulations require the applicant to continue to work with Klover Architects, which is the architect for the entire Cornerstone Development, to continue to refine the architecture of the building to work with the prairie style architecture that was approved with the Cornerstone development. Staff is always encouraging the developer to look at the internal corridor to ensure that it maintains the pedestrian amenities and plaza areas, as was approved with the original final site plan for Cornerstone development.

Henderson asked for clarification on the location of the proposed buildings. Klein stated these buildings are located just east of building 2 on the approved overall site plan.

Perkins asked if Briar Drive has been built through the development. Klein stated, yes. Perkins asked how many parking lots there would be. Klein stated he believes most of the parking lots have been built. Perkins asked which building is currently in the development with just the steel up. Klein stated he believes that is building 10.

Duffendack asked if the current proposal includes the two restaurants, the service corridor, the wall that encloses that, the service area, the gates and the driveway into the parking lot. Klein stated the service corridor would initially remain open. There is a stipulation included in the staff report that if construction has not started on the south building within 18 months, then a screen wall would need to be constructed. Duffendack stated there appears to be an enclosure with a door on the west elevation. Klein stated it would not be enclosed until the time that the future building is constructed. Duffendack asked about the trash area. Klein stated it is his understanding that the trash enclosure would be built with this phase of the development. Duffendack stated he would like to get the applicant's comments on that because it is confusing to him about what the sequencing will be and what is going to be there at the outset.

Williams stated he would hope the stipulation requiring the applicant to work with Klover and staff on the design guidelines would take care of the water tower/grain silo feature. Klein stated the water tower feature is a signature of the Cheeseburger in Paradise restaurant. It is shown with metal panels, trying to use some of the materials that are within the development. That would be worked on in the future.

Henderson stated there seems to be a lot of references to EIFS in the proposal. He asked what percentage or how much EIFS is proposed for these buildings. Klein stated they have tried to minimize a lot of the EIFS that was initially proposed. The EIFS is primarily located on the backside of the restaurants, which will be covered by the future building along the south. The EIFS is also located on the portico over Bonefish Grill and along the top of the Cheeseburger in Paradise. Henderson asked if the fish skeleton on the Bonefish Grill sign would be considered a logo. Klein stated the City has the ability to regulate the aesthetics and construction of the sign, but not so much the content of the sign, due to freedom of speech law.

Applicant presentation: Presentation by Denise Valenta of WD Partners. Both restaurant concepts are nationally known and recognized restaurant concepts that fall under the corporate umbrella of Outback Steakhouse Inc. Cheeseburger in Paradise is a partnership with Outback and the Margaritaville concept founded in 2002. The concept is a casual dining restaurant focusing on a Key West interior. It will have two exterior patios: a waiting patio on the west side and a dining patio on the north side. The signature element of brand identity for this concept is the water tower feature at the main entry. The Bonefish Grill concept is a polished, casual seafood-dining restaurant founded in January of 2000. Valenta has met several times with planning staff and Klover Architects on both of these restaurants. They have come a long way on both buildings. Both buildings have incorporated the materials based on the development guidelines of Cornerstone. There are identity elements to each of the two concepts.

Henderson asked where there is a Cheeseburger in Paradise or Bonefish Grill near the area. Valenta stated there is a Cheeseburger in Paradise restaurant in Village West, near the speedway. That building was modified based on the development guidelines for that center. Some Bonefish Grill restaurants are located in Algonquin III, Evansville, IN,

Indianapolis, IN and numerous locations across the country. There are 10 Cheeseburger in Paradise restaurants open across the country with development ongoing for at least 50 more right now. Henderson asked if the restaurants are franchises that could be modified at different locations. Valenta stated they added a wainscoat of brick based on the design guidelines. Henderson asked what other kinds of modifications have been made. Valenta stated the buildings are normally all EIFS. For Bonefish Grill, they added stone as well as brick. They have enhanced the columns at the entryway to give a more supportive feeling to the portico entry. They have modified the colors with the exception of the signature colors. For Cheeseburger in Paradise, they added the requirements for stone and brick, minimized the EIFS and changed the colors with the exception of a few minor accent colors and the signature element. They did modify the tower element. As a prototype, it is a fish scale stainless panel and it has been modified to more of a stainless panel. She believes there are other stainless accents within the development. Henderson asked if they kept the same architectural design as far as the size and layout of the building. Valenta stated the interior layout is the same. They have modified the exterior architecture significantly. Henderson stated he was wondering if the patio seating would be different in Kansas than it would be in Alabama, in terms of weather. Valenta stated there are modifications made for colder climates, such as area heaters, but there are patios on all Cheeseburger in Paradise restaurants.

Azeltine asked if the roof of the water tower element would be stainless steel. Valenta stated it would be a standing seam metal roof. It is a signature element of the water tower feature. The color has been modified from the prototype color to coordinate more with the development in Leawood. Originally, it is more of a patina green, which is a brighter green, and it has been muted down to a hemlock green color, which works with the slated green tile. Azeltine asked to see colored renderings. Valenta passed out preliminary sketches.

Duffendack stated there is a fairly significant change in the configuration of these buildings based on previous submittals and the submittal before the Commission tonight. He then asked if the applicant is suggesting modifying buildings 1 and 11 to take into account that the three buildings are going to protrude a little further south into the public way. Henry Klover stated they would be bringing in Winstead's and Plaza 3 at the next submittal. They took 75,000 sq. ft. out of that area to open it up more. They are looking at extending building J. There are windows, doors and patios on the Plaza 3 building that will be addressing this area. They are decreasing from the square footage that was on building 11. Duffendack asked if Klover is confident that they will maintain the same internal feel that was on the original plan. Klover stated that is the intent.

Williams asked the significance of the water tower to the Cheeseburger in Paradise, which has a Key West interior. Valenta stated Cheeseburger in Paradise is part of the Margaritaville concept, owned by Outback and Jimmy Buffett. Jimmy Buffett reportedly wrote the Cheeseburger in Paradise song as he sat under or looked at a water tower. It is a signature brand identity element for this concept and on every concept that has been built or is in progress of being built. Williams asked what other significant amount of stainless steel the water tower feature would relate to. Klover stated the arched element across the top with a bowed canopy is a metallic color. Williams asked the size of the arched element. Klover stated it is fairly large. Williams asked if it would be fairly light in appearance. Klover stated it is fairly thin, but fairly large. Williams asked the approximate height of the water tower element. Valenta stated it would be approximately 14 ft. higher than the roof, but about 27 ft. total. It is about 8 to 9 ft. in diameter.

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

Henderson asked if there is a particular architect used for the entire Cornerstone development. Klover stated his firm is the design architect for the development. Henderson asked how Klover sees the water tower element fitting in with the other projects proposed for this development because it seems incongruent to him. Klover stated it all depends on the philosophy of how one looks at retail shopping centers. Village West, which is not quite as literally prairie style, has a Cheeseburger in Paradise. There might be elements that could be considered a little bit incongruent with the overall design concept, but that is part of the retail nature. As it progresses in time, there will be elements that would be incompatible if we took a literal approach. There are a lot of elements that come and go. In a literal sense, a water tower element does not fit in with prairie style design but it is not inconceivable that there would be something

like this in an overall eclectic design of developing shopping centers. Developers are actually encouraging people to do things that are kitschier, such as the fish skeleton in the Bonefish Grill. Retail architecture has changed quite a bit. Certain tenants have certain desires and requirements as to whether they are going to be there or not. Henderson stated he feels that a more sedated style of architecture is needed in Leawood.

Munson asked Klover if this is prairie style. Klover stated, no, not yet. Munson asked what kind of style Klover anticipates this development to be in the future. Klover stated if a person were to drive by and see the first building that has been built, they would believe it is one of the best buildings in the Kansas City community. He feels it is a very strong prairie style element. The office buildings that have been developed are all very strong and very consistent with the prairie style architecture. He does not want to constrict them so much that a person will not be able to tell the difference between each of the buildings. That is not the intent. He thinks it is going to be a very strong center but if they do not allow restaurants to have character, then he feels they are going to start losing the overall character of a shopping center.

Williams stated he feels that it becomes a question of what are the character elements and how they relate to the theme of the overall center and how it relates to the community. It might be fine at the speedway, but having it sitting in Leawood at a major thoroughfare sends the wrong message of the type of character elements and development we want to see in Leawood. He agrees that CVS turned out to be a nice building. Had it not been for the Commission taking objection to the original building that was proposed, we would have an eclectic look in the development instead of prairie style. The water tower element does not hit the mark for the development, and certainly not for Leawood.

Azeltine asked the average price point for Cheeseburger in Paradise. Valenta stated about \$12. to \$15. per person. Azeltine asked if any of the restaurants have been built without the tower element. Valenta stated, no.

Duffendack asked for a decision from the Commission. This has been presented in the light that the applicant would continue the discussion with staff to incorporate the recommendations they made in addition to the comments made by the Commission tonight.

Azeltine asked for consideration from the applicant to separate the approval process for each of the restaurants. Duffendack stated he believes the Commission needs to act on the plan as presented. Azeltine stated he is in agreement with Williams in regard to the water tower element. He does not believe it fits into the character of the City at all.

A motion to approve was made by Conrad with a revision to stipulation number 6 to include that the applicant also work with staff to maintain the internal pedestrian focus of the development and a revision to stipulation number 9 to change the time period to 12 months, instead of 18 months. Motion seconded by Rohlf.

Williams suggested adding an amendment to stipulation number 6 to read, "with respect to design character, efforts be made to eliminate the appearance of a water tower, or grain silo, and have a physical form more in keeping with the prairie style design of the center." Munson seconded the amendment. Henderson stated the water tower does not fit in with prairie style architecture. Williams stated if they wanted to change the signature feature, they could do so, but having it look like it does is out of keeping. Conrad asked if the Commission would be allowed to focus on the water tower at final application if the Commission did not specifically eliminate its possibility right now. Klein stated this is a preliminary application, so the Commission should be looking at the site plan, the use, orientation of the buildings and pedestrian amenities. The Commission would start focusing in on the details of the building at the final application. He believes the applicant has requested the Commission to give them a good idea as far as what they need to look at so that they do not bring back some of the Commission's concerns at final application. They have given the Commission an idea as far as what they are thinking and it would be helpful to make it clear to the applicant what they are expecting. Duffendack stated he feels the amendment does that. Duffendack restated the amendment. **Amendment to the motion approved 6-1. (Conrad opposed)**

Motion approved 6-1. (Azeltine not voting)

Duffendack stated case 06-05, Columbian Bank, would not be heard this evening due to the time.

CASE 05-05 STATE LINE OFFICE BUILDING Request for approval of a rezoning from AG (Agriculture) to SD-O (Planned Office), preliminary site plan and preliminary plat. Located south of 127th Street and west of State Line Road.

Staff presentation: Presentation by Diane Binckley. The request is for a 14,184 sq. ft., two-story office building located on 1.3 acres for an FAR of 0.25. The applicant is requesting office zoning. This area is designated on the comprehensive plan as office and was done so in approximately 1993. The zoning to the north is office. That property is the piece that was approved a couple of years ago for Madden McFarland Interiors office building, which was also two-story. To the east is State Line Road and across the street are single-family homes in Kansas City, Missouri. To the south and west is the Leawood South subdivision, which is zoned as the old RP-4 zoning category. It has attached houses, so with today's standard it would be zoned RP-3. This request has one access coming off of State Line Road on the southern portion of the property. It accesses to the parking lot, which is behind the proposed building. The parking being located on the west side meets the 40/60 rule; allowing for the majority of the frontage to have either open space or building construction. The applicant is requesting deviations to the north setback. The standard is a 25-ft. setback for parking. The applicant is requesting a 15-ft. parking setback. The standard is a 40-ft. building setback. The applicant is requesting a 34-ft. building setback. Staff is supportive of this because it allows the building to move farther north, away from the residents, and this also allows for more green space on the south side of the building. The deviation to the parking setback allows the parking to move slightly to the north and allows for parking islands in the parking lot, which allows for some buffering and green space. They meet the criteria set by the ordinance to allow for those deviations because they are providing 40% open space and the minimum is 30% open space. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked for clarification on the green space and the requested setback deviations. Binckley stated they are gaining green space in the parking lot by allowing the medians to expand to allow for trees in the medians. By granting the building setback deviation, the site is gaining green space on the south side of the building, between the building and the parking lot. Williams asked if there is a berm on the west side or just the landscaping. Binckley stated the applicant is providing a berm along the parking lot area.

Henderson asked if there is currently a fence along that area installed by Leawood South. Binckley stated the applicant could better answer that question.

Perkins asked if there would be a berm on the south and the west, next to the parking lot. Binckley stated, yes, that is her understanding.

Duffendack asked if the approved building for the adjacent property is being revised. Binckley stated there have been some discussions with that property owner that they may be amending the site plan. If that were the case, then they would be required to move the building up to meet the 40/60 rule so the building would need to move closer to the street. There is no application at this time. Duffendack suggested the Commission keep that possibility in mind when they look at the street frontage.

Rohlf asked if the 2-year limit on preliminary plan approval is new. Binckley stated the preliminary plan limit is 2 years and the final plan limit is 5 years, by ordinance. It was changed in 2000.

Applicant presentation: Presentation by Kerry Knott, with Bell Knott and Associates. The applicant is asking for a rezoning from the current agriculture zoning to a planned office district and also for preliminary plan and plat approval. This is a 14,000 sq. ft. professional office building. Knott will be 50% owner of the building. His partner, a

high-end residential interior design finish and furnishing provider, will occupy the lower level. Knott's corporate office will use 7,000 sq. ft. of the upper floor of the building. He would call this a modern office building. He is trying to utilize high-end residential materials in the construction, mainly to be compatible with the other buildings along State Line Road. Knott showed renderings of the proposed buildings and described the proposed materials. It will have similar materials as the assisted living facility nearby on State Line Road. The applicant is proposing a berm along the entire south and west sides of the property. Leawood's landscaping requirements are very significant and they plan on meeting or exceeding those requirements.

Henderson asked the height of the berm. Knott stated the requirement is 3 ft. with 3 ft. of landscaping upon that. He mentioned 3 to 4 ft. during the Interact meeting, but he would like to keep the current trees on the site. He would like to have a balance of the existing trees and some berming. Henderson asked if the homes to the west are town homes, like the homes to the south. Knott stated, yes, but the garages of the homes on the west side face his property. The homes to the south are not necessarily like that.

Perkins asked if the dark part of the landscape plan represents the berm. Knott stated, yes. Perkins stated it seems that there is one area in the center where there is a lack of berm. Knott stated the intention is to have the berm go along the entire south side of the property. He would like to keep the existing trees. He is proposing to berm where he can and then use additional screening around the existing trees. Henderson asked if those trees are deciduous or coniferous. Knott stated they are deciduous. Henderson stated that would mean there would be 4 or 5 months of the year where they would not be of very much value for screening. Knott stated he is proposing additional screening in those areas. He would like to maintain the life of those trees.

Williams asked if the properties to the south and the west are fenced. Knott stated there are no fences on the property to the west. Some of the patio homes to the south have fencing, but he is not sure if all of them do.

Munson stated he does not have a problem with the use, but he does have a problem with the design of the building. He would feel more comfortable with a building that is more residential in nature. Perkins asked if the design of the building would be addressed during final site plan application. Duffendack stated, yes. Knott stated the reason it looks like an office building is because it is an office building. He is an architect and this will be his corporate office. When his clients are looking for office buildings, this is the design they are looking for - with large expanses of glass along the perimeter and larger, open floor plates. He has added the high-end residential materials to try to bring the focus down and he has also kept the perimeter of the building as low as he could and have the peak of the roof off-set and inside the building to represent a gabled roof to try to pick up the residential style. The perimeter of the building does not feel like it is 41 ft. in height, it feels like it is 32 ft. of height. One would see the gabled roof and more of the impact of the residential look from State Line Road.

A motion was made by Williams to extend the meeting to 9:30 p.m. Motion seconded by Munson. Motion to extend the meeting approved unanimously.

Public hearing:

H. James Maxwell, 1000 Tam O'Shanter, Kansas City, MO. He is the president of the Clatmeyer Homes Association, which consists of 123 homes. Although he has not had an opportunity to poll all of his members, everyone he has spoken with is opposed to the change in the zoning. They looked upon that property as being a residence when they bought their homes and would like it to remain residential.

JoAnn Farris, 12894 Cambridge Court. She is the secretary of the Cambridge Town Homes Association, which is on the south side of 128th Street. She has lived in her home for 17 years. The property that is there now is a home that has been there for many years and sets on a large piece of land. She feels State Line Road is becoming a business street and thinks what the applicant has proposed is a very beautiful building. It is a place where he can bring clients in and say, "This is the type of building I have built. I am proud of it." She is in favor of the proposal.

Bill Vaught, 12805 State Line Road. His home is directly across from the proposed building. He was told by the property owners as late as December that the present house would be remodeled for an interior design business and he was not against that. He learned on approximately January 12th that for the past four months a two-story, 14,000 sq. ft. office building was planned. That was not what he was told. They need architecture that is similar to the surrounding residences in his neighborhood. He does not believe the proposed building has any kind of residential feel to it. He would not be opposed to a residential type structure that is used for a low-traffic type commercial use that fits in with the neighborhood. He is opposed to a two-story, brick, aluminum glass building, 40 ft. from the road that will rise some 40 ft. high, like a wall in front of his house. From the plans it looks like a nice building for an industrial park in a commercial setting, but not for residential. It will change the appearance of the neighborhood and radically lower the value of his property. It has 56 parking spaces and could be later sold for a doctor's office or some other high-traffic use. It is the only two-story building on State Line Road. There is ample commercial property for sale down the street. He does not see why this needs to be in a residential neighborhood. The plan shows a small hedge with some small pinto-type trees in front with no berm in front to hide anything. It will really stand out. He feels that is what the architect wants. Some neighbors are concerned about the water runoff problems.

Olie Ommitt, 11812 E. 48th Street, Kansas City, MO. He is a realtor and has sold real estate for about 30 years. Some property owners asked him to speak on how they might be affected. It is his opinion that once this commercial zoning gets started it is not going to have a favorable effect on the surrounding property values, especially the single-family homes. If one were thinking about going into commercial real estate, it could take years to sell; versus single-family that could take a few months at best. In his opinion, 90% of the commercial development has been on the west side of State Line Road. At present, there are no two-story buildings south of I-435 along State Line Road. This building does not fit in with the rest of the neighborhood. The residence on the other side of State Line Road sits about 8 to 10 ft. below street elevation. If that homeowner looks out his front door, his daylight will disappear around 2 o'clock in the afternoon.

Tom Kelly, 1056 Tam O'Shanter, Kansas City, MO. He does not believe this project looks like residential property. Apria, just north of that, does have a residential look. He is concerned about the property just north of this property. He would like to know what they are planning on doing with that property.

Joey Dolicio, 1009 Tam O'Shanter Drive, Kansas City, MO. He is on the board of the Clatmeyer Estates. The development in Johnson County is growing rapidly. Everyone would like to keep their property values as high as they can be. He thinks Mr. Knott has a good building design. He thinks there should be some improvements made. There are almost always commercial buildings near residential areas. He understands how the homeowners across the street might not want it, but there is going to be development. There is a residential type environment where there is currently runoff. He would like to know what type of runoff Johnson County currently takes care of and where the water goes. The present water situation is such that it runs south to a viaduct under State Line Road and then on to Blue River. He would like to know if that water is disposed of by Kansas City, Missouri or by Johnson County. If it is disposed of by Kansas City then he would like to know if there is any allotment given by Johnson County for development of the current proposed building. He lives behind Mr. Vaught and Mr. Kelly and the water retention comes into the back of their properties. He would like to know what is proposed to handle the water runoff.

Craig Swanson, 12759 Overbrook Road. His property backs up to the west of the proposed development. It is time the property was developed. He likes the design. He urges approval of this case or at least something similar. It is his opinion that as long as the property stays vacant there are a lot worse things that could go in rather than a two-story office building.

Cricket Barlow, 12724 Cambridge Lane. Her home is on the south side of the proposed building. Her biggest concern with Mr. Knott's proposed two-story building is personal privacy. The proposed building will be 36 yards from her windows. Less than that is her patio and less than that is her back yard. When she wakes up in the morning and opens her bedroom blinds, she does not want Mr. Knott or one of his associates waving "good morning" to her. When she sunbathes or entertains on her patio she does not want Mr. Knott or his associates to be an uninvited guest. When she works in her backyard she does not want to feel like Mr. Knott and his associates are with

her, watching her. When she comes home from work she does not want to have to close all of her blinds in her living room and especially her bedroom before she can change her clothes for the evening, or restrict her movement in her home knowing that someone is sitting at the window on the second floor. The backside of her house faces the south side of Mr. Knott's office and his south-side windows. The backside of her living room, her master bedroom and her outside patio, which she uses every day in nice weather, would be compromised. With his proposed two-story building she and her neighbors to the east and west of her lose their personal privacy.

David Wolfe, 12710 Cambridge Lane. His residence is immediately to the south of the proposed commercial construction. He is in support of an approval of a zoning decision that would enhance the residential character of his neighborhood. By making any significant changes there is a big departure from your current position in regard to a two-story building. There are no two-story buildings on either side of State Line Road between 119th Street and 135th Street. There are wonderful examples of commercial buildings that have been incorporated into his neighborhood. The most recent commercial development at 126th Street and State Line Road include the extended care facilities of The Homestead. This commercial endeavor has a facility that merges an oversized home appearance into the neighborhood. By having this kind of commercial appearance, it fits right into the feel of his community. His homes association is pleased with the appearance of that facility. It was probably with the Commission's guidance that the buildings became what they are today. They are very complimentary to a community that has single level dwellings. He would hope the Commission would observe the kind of control over this community as they have with the development of those two entities.

Chuck Barlow, 12724 Cambridge Lane. The door to his great room is 20 yards from the edge of the south end of the proposed parking lot. That presents two very serious problems for him. One is that the property is higher than his property, so when they level that off and put in a berm the parking lot will be up a foot or two feet. A 3-ft. berm will not block the headlights on an SUV. Those cars' headlights will be shining into his bedroom and great room. The second problem is security. His home has always been very well protected because no one could get to the back of his home. He will now have people who could access his home 20 yards away. A 3 or 4-ft. berm with a few small plants on top will not protect him. Having a building like this puts him in jeopardy.

Robert Kazmierski, 12705 Cambridge Lane. His street is directly south of this building. It is horseshoe shaped. There are 19 members in the homeowners association. They have been very fortunate that they have had no break-ins. There are a lot of older, single people in the neighborhood. Nobody parks on Cambridge Lane and nobody comes in from the back. When State Line Road was widened, Leawood put a wall along State Line Road that goes to the north end of his subdivision. He would like to have the wall extended on the south side. He feels that if a wall were put in, then there would be no need for a berm and it would save the existing trees. It would give more land for the parking spaces to come closer to the wall. If it were that high, then no lights would shine into the residences on the south side of it. There would be no water runoff problem. The neighborhood would take care of all of the plantings on their side of the wall. He would like a one-story building. If the wall were high enough, then the homes along the south side would not see the building.

Pat Kazmierski, 12705 Cambridge Lane. A two-story building on the proposed site will reduce the value of the surrounding property. It could lead to increased crime, noise, security and stability of the area. If there could be a wall, or if that were a one-story building, the value of her property would not be nearly as impacted. She spoke with an appraiser today and it could be as much as a 10% devaluation of the surrounding property. If there were a one-story building or a wall, then it would be about half of that for devaluation.

Larry Atzenweiler, 12720 Cambridge Lane. He would like to know how they plan on getting rid of their trash. He would not like to have a dumpster truck coming in at 2:00 and 3:00 in the morning shining their lights and picking up the trash. There is a drainage problem right now with water coming from the north. The people across the street on State Line Road are concerned with water runoff. He has not seen anything that leads him to believe that he will be protected. He also believes that it should be a one-story building instead of a two-story building.

Karen Bayne, 12728 Cambridge Lane. Her backyard faces the proposed parking lot. She is concerned that adequate notice was not given to the property owners. She did receive the 200-ft. and 500-ft. letters. She did not see any publication in any newspaper. She only noticed the sign on the property for the first time this evening. She is one of the newest residences. She has been there about seven months. She does not have a fence in her backyard. She has a deck along the length of her back yard that is all open, so this building will be her view. She was told that the chances that it would be rezoned was very unlikely and if there were a change that it would be kept up to Leawood's high standards. She strongly objects to the rezoning and site plan as proposed.

Dwight Ordway, 915 Tam O'Shanter, Kansas City, MO. He is concerned about precedent. He has lived in the neighborhood for over 30 years. He has seen how Leawood handled the development of the Leawood area and the State Line corridor. Leawood has handled the development well. The Missouri side is in the process of fighting some zoning changes dealing with zoning and parking lots they are trying to build to the south. He would encourage the Commission to consider the precedent they are setting. Once the precedent has been established, on either side of State Line Road, the other side will pick it up.

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

A motion to extend the meeting until 9:45 p.m. was made by Perkins and seconded by Munson. Motion to extend the meeting approved unanimously.

Azeltine suggested that if there are issues before the Commission that staff knows will generate public comment that those cases be moved up on the agenda so as not to make the public sit through the entire meeting before being heard. Binckley stated that could be discussed during a work session. She could then explain to the Commission how the agendas are set and why they are set that way.

Azeltine asked how long this property has been zoned Agricultural. Binckley stated as long as it has been in Leawood.

Henderson asked when the zoning was changed for Homestead, Alterra and the Madden property. Binckley stated the two assisted living facilities were changed in approximately the mid-90's. Madden McFarland's property was rezoned to office in 2001.

Conrad asked if the residence is currently occupied. Binckley stated, to her knowledge, yes.

Perkins stated he is in support of the rezoning to Planned Office, but he would hope the applicant would listen to what some of the residents want and should work towards that when he comes back for final plan approval.

Henderson stated the concerns by the residents tonight are the same as what the Commission has heard from other developments in similar situations in regard to efforts to create or protect safety, light pollution, and a mixed-use environment. The wall approach is a good one. It addresses the light and the safety situation. Deciduous trees cannot provide that kind of protection year-round. Water flow has been raised and he feels they should find out some information to answer some of those questions. In regard to safety, there are no safe places anymore. The Commission cannot control that. This is a good proposal. There are ways to address some of the issues the residents have rightly raised.

Munson stated he does not have a problem with the use, but does have a problem with the architecture. It is out of character with the neighborhood and is intrusive. He cannot support it with that kind of architecture.

Williams stated whenever there is a zoning change, the Commission always hears the concern of property values lowering, and those are a legitimate concern. He would ask the residents that spoke tonight whether or not it takes longer to sell the property that surrounds the commercial development to the south. That would be less desirable

than an office building that typically does not operate 7 days a week or 16 hours in the day. He shares the concern with the resident that spoke about loss of privacy. That is a concern, particularly with a two-story building. He thinks the proposed plan is a relatively good one. He likes the idea of a more solid fence. It could better address the security and headlight issues. In regard to the concerns raised about the drainage, stormwater is being collected at the driveway, so it should not flow to the neighbors across State Line Road.

Ley stated the developer has submitted a storm water study in accordance with APWA standards, which Leawood and Kansas City, MO have adopted. By following the standards, it shows that detention is not required. The water will be collected at the driveway, and then funneled into the storm sewers along State Line Road. The water coming off this site will actually be less because that parking lot will intercept the water and direct it to the curb inlets.

Henderson stated there is a place at the intersection where CVS Pharmacy is that looks like it will be detention. He then asked which way the water would be flowing. Ley stated that is different than the watershed that would happen from this property. There are no detention ponds for this watershed. With the exception of this property, it is 100% developed.

Williams asked if the Madden McFarland building has been approved for a one or two-story building. Binckley stated it has been approved for a two-story building.

Duffendack suggested the applicant should provide something, such as sight lines, to define what source of screening needs to be done along this site. He would assume as this goes on to final that the screening and light pollution factors will be addressed. Binckley stated that is correct.

Henderson asked what kind of architecture was approved for the Madden McFarland building. Binckley stated it is currently approved for a fairly residential look, but the applicant could come back with something different. Henderson asked Munson what he would suggest for the architecture. Munson stated something more residential in character. It does not have to be one-story, but this proposal strongly reads as an office building. He is not opposed to the zoning, but has problems with the architecture.

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

Williams asked Rohlf if she is satisfied by the use of berms for screening. Rohlf stated she would like to see what the applicant brings back at final application. The Commission has made the suggestions. She does not feel the need to amend the stipulations. Conrad asked if it would be more appropriate for a continuance to allow the applicant to bring back something to help visualize the sight lines. Knott stated he would like to work with the issues with staff on the comments. He would not like a continuance. He believes he can improve his plans based on the comments raised tonight and come back with a final plan that addresses those items.

Henderson made an amendment to the motion to ask the applicant and staff to give additional attention to the screening process on the south and west sides of the property so that lighting and security might be more manageable and that further considerations about the architectural relationship to the neighborhood be considered. Munson seconded the amendment. A motion to approve the amendment passed 6-1 (Azeltine against).

The amended motion was approved 6-1 (Azeltine opposed).

Meeting adjourned.

J. Paul Duffendack, Chairman