

City of Leawood Planning Commission Minutes

February 22, 2005
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

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

APPROVAL OF THE MINUTES: Approval of the minutes from the January 11, 2005 and January 25, 2005 meetings.

A motion to approve the minutes from the January 11, 2005 meeting was made by Munson and seconded by Williams. Motion approved unanimously.

Williams stated he would like to make a change to the last sentence of the third paragraph on page 11 of the January 25th minutes. He would like to change the word, "this" to read, "The water tower element". **A motion to approve the amended minutes from the January 25, 2005 meeting was made by Perkins and seconded by Rohlf. Motion approved unanimously.**

CONTINUED TO THE MARCH 22, 2004 MEETING:

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

CONSENT AGENDA:

CASE 07-05 LEGACY INVESTMENT PARTNERS - SIGN Request for approval of a final plan. Located at 11350 Tomahawk Creek Parkway.

CASE 08-05a VILLAGE OF CAMDEN WOODS - 74TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 08-05b VILLAGE OF CAMDEN WOODS - 75TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 08-05c VILLAGE OF CAMDEN WOODS - 76TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 08-05d VILLAGE OF CAMDEN WOODS - 77TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

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

OLD BUSINESS:

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.

Commissioner Rohlf recused herself from this case.

Staff presentation: Presentation by Jeff Joseph. The applicant is Dick Cooper with the United Methodist Church of the Resurrection. The applicant is requesting approval of a final plan to allow the installation of directional signs within the campus. This case was continued from the January Planning Commission meeting due to some outstanding issues. The applicant has modified the plans and submitted revised plans accordingly. The name of the church has been removed from all of the signs. The number of type "A" signs has been reduced to one sign instead of two signs at each entrance. The applicant is also proposing three type "A" signs instead of the previous six signs that were requested. They are proposing six type "B" signs and four type "C" signs instead the previous six that were requested. In total, five signs have been removed from the previous request. The size of the signs is still above the maximum allowed by the Leawood Development Ordinance, which is 6 sq. ft. The applicant is requesting a deviation from the ordinance. Staff is recommending approval of this case with the stipulations stated in the staff report.

Munson asked if the name of the church has been removed from the signs. Joseph stated, yes. The applicant included what was previously proposed compared to what is now proposed in their submittal. Munson asked if the size of the sign is still larger than what is allowed. Joseph stated, yes, the applicant is requesting a deviation.

Perkins asked if the color of the signs has changed. Joseph stated the applicant had proposed red and black previously, but they are now proposing gray.

Perkins asked Cooper if this new proposal would accomplish what the church wants to get done. Cooper stated, yes. Their philosophy with the signage was to give people enough information to get them to where they are going and the church feels this proposal will do that.

Conrad stated 6 sq. ft. seems fairly small. He thinks the church has done a lot with the Commission's request to reduce the size. Looking at other campus signage, it might be a little difficult to get all of that information on such a small space. He suggested discussing it at a work session to discuss the square footage issue for campus directional signs.

Munson asked if staff feels the sign meets Council's reasons for remand. Binckley stated the direction from Council was that the Commission clarify the reason for supporting the deviation. She feels the discussion that has happened covers Council's request.

A motion to approve was made by Azeltine and seconded by Munson. Motion approved unanimously. (5-0)

NEW BUSINESS:

CASE 06-05 COLUMBIAN BANK Request for approval of a special use permit and revised final site plan. Located at 4701 College Blvd.

Staff presentation: Presentation by Mark Klein. The applicant is requesting a modification to the terms of the special use permit for the hours of operation of an ATM on the east side of the Columbian Bank located at 4701 College Boulevard. Currently, the special use permit that was approved by the Governing Body on October 2, 2000 restricts the hours of the ATM from 7:00 am to 10:00 pm, seven days a week. The applicant is requesting that the ATM be open 24 hours a day, seven days a week. In addition, the applicant is requesting approval of a final site plan to add a second ATM on the outside drive-thru lane on the east side of the building. The existing ATM on the east façade of the building is to remain. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked why there is an hour limit on usage for the ATM. Klein stated when the applicant first came in to add the ATM there was some concern that there would be a lot of traffic through the ATM drive-thru. There was also some concern from the residents of Leawood Country Manor about lights and traffic. The applicant has stated the current ATM does not receive much use at all. That is the reason for the request to add an ATM farther out on the outside of the drive-thru lane. Williams asked if the City has received any complaints from neighbors about the usage of the current ATM. Klein stated, no.

Applicant presentation: Presentation by John Peterson of Polsinelli Shalton Welte Suelthaus on behalf of Columbian Bank. When the bank made application to move into the already existing office space there was some rather extensive debate from neighbors in terms of what it would do as far as traffic and lighting. The applicant went through a lot of work with staff and the neighbors. They increased the landscaping along the southern property line. They constructed a new right-turn lane adjacent to the bank property on the west side of Roe Avenue. They went through a lot of modifications to the site in anticipation that there might be an increased level of activity that could be perceived as a negative impact in terms of the operation of the site. At that time, they indicated the bank is not focused as a retail bank, but more of a commercial bank. Four years later, Peterson can say that it has not been overly used. He believes the neighbors have been happy with the landscaping. The bank now wants to make an operational change in regard to the site plan. There are two applications with this case. One is the renewal of the special use permit, which is necessary for the bank, and the other is a revised final site plan for the changes to the site plan. There are two driveways utilizing pneumatic tubes that go into the teller. The current ATM is embedded in the wall. If a person wants to use the ATM, they need to park their car and get out. The proposed ATM is a convenience and safety issue for their customers. The bank is asking to remove it from the building and move it to the outside drive lane and build a stone encasement around that. As part of the renewal of the special use permit, the applicant is requesting to modify the hours of operation for the ATM only, not the bank, to 24 hours a day, seven days a week. They do not anticipate this will increase the utilization significantly, but the buffering to the south remains in place. They feel this change will not impact the operation of the site.

Duffendack asked how the applicant plans on repairing the building where the ATM will be removed. Peterson stated he was incorrect in his description of the change. The proposed plan is to leave the existing ATM and add an additional ATM.

Perkins asked if both ATMs would be 24-hour. Peterson stated, yes. Perkins then asked if the applicant would come back in 5 years to ask for approval of another special use permit. Klein stated, yes. Perkins asked if that is a typical time period. Klein stated, yes, for this type of use.

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

Williams stated he does not see a problem with the proposal. There is limited traffic and he does not see an ATM being intrusive on the neighborhood, especially on a site that is already zoned as a business use.

Duffendack asked if there would be any additional lighting or if the lighting would remain on for a longer period of time than it is now. Peterson stated there would be a lighting bar on the new ATM, but no other lighting changes.

A motion to approve was made by Perkins and seconded by Williams. Motion approved unanimously. (6-0)

CASE 14-05 TOWN CENTER BUSINESS PARK - DESIGN GUIDELINES Request for approval of a final site plan. Located south of 115th Street and east of Roe Avenue.

Staff presentation: Presentation by Jeff Joseph. This case is related to the next case on the agenda. The applicant is proposing two different building materials. One is an accent brick called Dark Ironspot and the other is a

standing seam metal roof product called Aged Copper. These two products would be used only as an accent material. The applicant is requesting these materials be added to the design guidelines. Staff is recommending approval of this case with the stipulations stated in the staff report.

Azeltine asked if the Commission is considering cases 14-05 and 09-05 together or separately. Joseph stated separately.

Rohlf asked to see the proposed materials. Joseph showed the materials board.

Binckley passed out examples of the brick that has already been approved for the development so that the Commission could compare the Aged Copper roofing with the brick.

Applicant presentation: Presentation by Andy Schlagel on behalf of MD Management. Schlagel introduced the development team for this case as well as Sunrise Senior Living. MD Management was required to review and approve these materials before bringing it to the Commission. They have done that. The proposed standing seam metal will cover the porch and entry level of the building. The change on the roofing material was significant. They had planned on using a dark, slate-like material for the roof throughout the planning process but have now decided to use the already approved roofing for the development, which is the Hallbrook Blend.

Chuck Heath, of Barry Rio Architects, showed a colored illustration of the proposed building and described the locations of the proposed materials. Duffendack asked if they have ever received any complaints of glare from the Aged Copper material. Heath stated, no.

Rohlf asked how many buildings are proposed for the development. Binckley stated there are three that are built, one under construction, and there would potentially be five more buildings. Rohlf asked if the current buildings have the Hallbrook Blend. Binckley stated one of the existing buildings has the Hallbrook Blend as well as the building that is currently under construction.

A motion to approve was made by Williams and seconded by Rohlf. Motion approved unanimously. (6-0)

CASE 09-05 TOWN CENTER BUSINESS PARK - SUNRISE SENIOR LIVING Request for approval of a final plat and final site plan. Located south of 115th Street and east of Roe Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a final plat and final site plan to allow the construction of a 63,338 sq. ft. assisted living facility. This project is located south of 115th Street and east of Roe Avenue within the Town Center Business Park development. This property is currently zoned as Planned Office and Planned Neighborhood Retail. There are 40 parking spaces proposed for this project, 38 of which will be located below the building. A trail connection is proposed along the south side of the building. The proposed building will be constructed mainly of brick. The roof will be constructed of Monier Lifetile Hallbrook Blend. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked the difference between the staff report that was given in the packets and the staff report that was sent later via e-mail and placed on the dais tonight. Joseph stated the applicant had originally proposed vinyl detailing on the building, which is prohibited by the Leawood Development Ordinance, so they revised the drawings to show wooden accent materials. The other change is the roof material. The applicant has decided to use the Hallbrook Blend.

Conrad asked if the square footage of this building was limited due to a previous case. Binckley stated there was a separate case for the overall development of Town Center Business Park that evaluated this building's amount of square feet with the overall development and the Commission reviewed the revised plan that set out the entire amount of square feet the development is allowed.

Williams suggested changing the word "avoid" to "minimize" in stipulation number three because he does not believe they can avoid maintenance. Joseph stated he could change the word to "minimize". Williams then asked if staff wants the applicant to stain the wood a color. Joseph stated, yes, they would be coloring the wood white. Williams asked why staff is requiring the applicant to match the color of the sectional garage door with the color of the adjacent brick in stipulation six. Joseph stated so that it will blend in with the building. Williams asked if the garage door is below the building. Joseph stated that portion is outside and can be seen from the east side.

Rohlf asked for clarification on stipulation number 14. Joseph stated it is a requirement from the Leawood Development Ordinance. It is stipulating that the overall development cannot exceed the approved area for this project. Rohlf asked what "overall development" refers to. Binckley stated this stipulation was carried forward from the preliminary application. It relates to the overall development of Town Center Business Park. Also, in regard to the overhead door, the applicant has specified on the plans that they will be painting it to match the adjacent brick.

Conrad asked when the developer would get the limits updated for the flood plain. Ley stated the applicant will make their application to FEMA after they get final approval from the City. Conrad asked what would happen if FEMA denies it. Ley stated they are not doing any channel modifications; they are just adjusting the flood plain. The Commission could change the stipulation to state that they are in approval upon FEMA's approval. Conrad stated he does not think it is a significant elevation. He is not sure what elevation the 100-year flood plain is, but it does go through the corner of the building. Ley stated it appears the elevation at that location of the flood plain is 873. Conrad asked if Ley is satisfied with that. Ley stated they are 2 ft. above that with their garage floor. Conrad asked if it is a public storm sewer. Ley stated, yes. Conrad stated the energy dissipation system of a pipe 48-inches in diameter could become a significant structure with a lot of possible solutions. He then asked when that would be presented. Ley stated that is usually looked at when the applicant submits for final approval. There are standards that are set for maximum allowed velocities. Conrad stated he wonders if there is enough room and how that would be done aesthetically. Ley stated they are moving the trail north 10 ft. in that direction. If there is any dissipation that needs to be done, it would be large stacked stone to match the walls. Conrad asked if Ley knows how full that pipe will run. Ley stated the project engineer could better answer that question.

Applicant presentation: Schlagel stated he has already gone over the materials and the building elevations. The applicant has worked with staff at length to get to this point. He would be happy to answer any questions.

Conrad asked if there are grills for HVAC units. Chuck Heath stated each of the residents' rooms has a vent under each window. The louvers will be painted to match the color of the brick to make them less noticeable. Conrad asked if the grills would be about 18 inches tall. Heath stated, yes.

Duffendack asked where the mechanical equipment would be located. Heath stated the equipment would be located on the roof and would be screened.

Williams asked which material would be used for the brick surrounding the garage door. Schlagel stated it is the base color. Williams asked if it is the applicant's intention to stain and seal the wood as staff has stipulated. Heath stated, yes.

Azeltine asked for a description of how the rooftop equipment would be hidden. Schlagel stated it is similar to City Hall. There is a well behind the actual roof so that the rooftop equipment is not seen. Duffendack stated sheet 104A shows the rooftop concept.

Conrad asked if the length of the proposed monument sign is within guidelines. Joseph stated it is considered a retaining wall and staff is allowing them to have a sign on it. Binckley stated it is designed to look like a retaining wall. They could be allowed to have a wall sign, but on a residential building it does not seem appropriate. Staff feels this is a better alternative. Conrad asked if the proposed lighting is within guidelines. Joseph stated, yes, it is exterior ground lighting.

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

Williams suggested a friendly amendment to rephrase stipulation number three to remove the word "avoid" and replace it with "reduce" or "minimize". Azeltine suggested using the word, "defer". Williams stated that would be acceptable to him. Rohlf stated the change would be acceptable to her.

Motion approved unanimously.

CASE 10-05 TOWN CENTER PLAZA - OUTLOT Request for approval of a final plat and final site plan. Located at 119th Street and Nall Avenue within the Town Center Plaza development.

Staff presentation: Presentation by Jeff Joseph. The applicant is John Peterson. The applicant is requesting approval of a final site plan for an additional pad site within the Town Center Plaza development. The proposed building is 16,200 sq. ft. and is located along 119th Street, between Houlihan's and On The Border. The proposed building will be constructed primarily of brick, stucco and glass. The architecture of the building is similar to the main center. During the preliminary application process, the Commission expressed concerns with the architecture and materials used on the building. One of the concerns was that the south side of the building should be treated as the other three sides. The applicant has addressed this concern by adding three black awnings on the south side, replacing some of the brick areas with stucco and adding four decorative light features on that elevation. Staff would like the Commission to comment on the changes that have been made on the south elevation. The applicant is requesting three signs for the building. The Leawood Development Ordinance only allows two signs for a single tenant building. The applicant has submitted a traffic study that indicates the existing eastbound left-turn lane at Rosewood needs to be extended by 100 ft. A new stipulation has been added to the Public Works memo. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked the difference between the plan that was given in the packet and the plan placed on the dais. Joseph stated the previously approved plan was placed on the dais to show the difference between what was originally approved at preliminary and what the applicant is now asking to be approved.

Perkins asked where Rosewood is located and then asked Ley to describe the newly added stipulation. Ley stated Rosewood is the first entrance east of Nall Avenue on 119th Street. The City has experienced problems with traffic backing up in the past. According to the traffic study, it appears the eastbound left-turn lane needs to be extended 100 ft. in order to store the eastbound vehicles going into the development. Perkins asked if the asphalt would be repainted or if the island would need to be changed. Ley stated the island will need to be removed and pavement placed down in order to extend the turn lane. Perkins asked if the applicant is in agreement with that. Ley stated it is included in the stipulations.

Applicant presentation: Presentation by John Peterson of Polsinelli Shalton Welte Suelthaus on behalf of Developers Diversified. Peterson introduced the development team. They had originally brought in a plan for three new pad sites. As part of that three-pad concept, the applicant worked with staff in terms of new pedestrian walkways. Although the applicant removed the request for the pad sites to the north and western side of the project, they have still decided to implement all three of the new pedestrian walkways. He feels the primary issue with the Planning Commission and Council was the architecture. There was some initial concern on whether they were proposing stucco versus Dryvet. All of the masonry materials that are not brick will be real stucco. The comments from the Commission and the Governing Body focused mainly on the southern elevation. This is the part of the building that interfaces directly with 119th Street. The points of commerce are on the west and north sides. The applicant has tried to create the illusion that it is four-sided structure, utilizing some of the same architectural elements that are seen on the pedestrian sides of the building. Awnings were added to create the perception that there is a window or door on the south side. Stucco accents were added in addition to differentiating the brick pattern to create undulation in the façade. The applicant feels this addresses the concerns raised and provides a building

that works well with a good visual effect and fits the exact concept of the development. In terms of the signage, the shopping center was initially approved with a design guideline allowing up to three signs per building. The City's ordinance was changed after the design guidelines for Town Center Plaza were passed. The applicant would like a deviation allowed on the basis that they are working in a center that was originally approved, designed and built for the opportunity for three signs. The applicant is asking for signage on the north, west and south elevations. In regard to the traffic issues, it has been identified that the left-turn lane on Rosewood be extended 100 ft. The applicant completed a new traffic study, by staff's request, which indicates that under current conditions this intersection operates at acceptable levels of service. Staff has identified that there are some times when the intersection is blocked. The traffic study shows an increase by 1/10th of one second in delay for that intersection. To require the applicant to provide an additional 100 ft. of the turn lane is an expense that is out of sync in terms of a rational nexus between the new traffic generated and the cost that would be assigned for the privilege of bringing that new square footage into retail usage. Another stipulation by Public Works is that the applicant contribute \$80,000 to the future signalization of 117th Street and Town Center Drive because of this pad site. That would be half of the cost for that signal for this one proposed pad site, which the traffic study shows none of the new traffic generated will use that intersection. There should be some connection between the improvements being required and the increase in traffic generated by the new construction. The applicant does not feel the addition of this pad site justifies the funding for the improvements required by the Public Works' memo.

Williams asked if the awnings would be black or red. Peterson stated they would be black. Perkins asked if all of the awnings would be black. Peterson stated, yes.

Perkins asked why the applicant is not proposing windows on the south side. Peterson stated a lot of retailers and architects hate fake windows and that is what they would need to be in order to be put on the south façade. Having a lot of windows impacts the internal configuration and utilization of the store. They tried to create the illusion of windows in order to still have the utilitarian use of the building in terms of an inside floorplate. Perkins asked if any of the other proposed windows are fake. Peterson stated, no. Duffendack stated one way to deal with that would be to have display windows, which would not impact the internal utilization but still provide some display space and some interest on the south side. Peterson stated the applicant would prefer to not have the display windows. He believes that it was either staff or the Governing Body or both that were not enamored with display windows. Binckley stated display windows were discussed with staff and it was her understanding from the applicant that their internal racking system did not allow them the ability to change out the display windows; therefore staff did not push them to put them in. Duffendack stated he is not in favor of fake windows, but he is not sure that he likes fake awnings, either. They look like they are shading something but they are really just leftovers from where we think windows should be. Azeltine stated he feels the building looks a lot better than what was presented at the last meeting. Perkins agreed. Williams stated he is more pleased with the façade now than what was previously proposed, but he is also in agreement with Duffendack about the awnings. It seems like there should be something pedestrian-oriented on that side like an entrance or a patio and there is not. He would not be opposed to removing the awnings from the south side.

Munson asked the purpose of the doors on the south side. Peterson stated they are fire doors.

Perkins stated he feels the orange or buff-colored awnings would look better than the black. Williams agreed.

Conrad stated it appears that all of the windows have "Pottery Barn" on them. He then asked if the letters would be applied or etched into the glass. Dwayne Hicks of Klover Architects stated it is a vinyl lettering that is put on the glass. It is similar to what has been done with other shops in the center. Conrad asked how the lettering would be applied to the awnings. Binckley stated most of them are applied to the awning with some type of silkscreen type application. She does not believe there has ever been any kind of maintenance issue with the awnings.

Conrad asked who would be paying for the improvement of the turn lane. Peterson stated it would be the responsibility of this one building. There is some common ownership with this building and other buildings, but it is not all common ownership. Conrad stated it would be difficult for him to make that judgment against the

recommendation of staff. Ley stated the issue we are getting is that it is blocking the through traffic. The other issue is that it is operating at a service level of "D". They did not look at the 2020 model year. Ley is willing to work with the applicant on the traffic situation prior to going to Council to look at the intersection more in depth. Perkins asked if there is a way to stipulate that they would only need to change the turn lane if it becomes a problem in the future. Duffendack stated he does not believe the Commission can put that kind of contingency on approval. It seems to him there are two issues and they may be cumulative so that every time a pad site is added, the situation gets worse and finally it is bad enough to where something needs to be done. Ley agreed with Duffendack. Azeltine asked which stipulation addresses the turning lane issue. Binckley stated stipulation number 13 references the Public Works' memo. Azeltine asked how close the end of the turning lane would be to the intersection of 119th Street and Nall Avenue. Ley stated 300 ft. Azeltine asked staff's justification given the study that the applicant has provided. Ley stated the developer completed a traffic study and part of that recommendation was that the length of that left turn lane is currently not long enough. That is where the stipulation is coming from. Azeltine asked if Ley is suggesting that Peterson is misrepresenting the study. Ley stated the study also looked at what the level of service is now and what the level of service would be once the outlot is built and Peterson is correct is saying that it would only be 1/10th of a second difference. Azeltine asked if Ley is saying that is enough to justify the outlay for the lane extension. Ley stated the traffic study indicated even though it is only 1/10th of a second in delay, the length of that turn lane is not long enough. Azeltine asked if the lane is just not long enough, regardless of the flow of traffic. Ley stated that is correct. Azeltine asked if it is fair to ask Pottery Barn to shoulder that cost if it does not have anything to do with increased traffic flow. Ley stated he does not believe the City has any means to go back in and change the turn lane and then go back and charge Town Center Plaza for the expense. Munson asked if it would be possible to set up a benefit district. Ley stated the City cannot do that without getting over 50% of the businesses to approve.

Rohlf asked if this would be a Pottery Barn for Kids. Peterson stated this will be Pottery Barn and the current Pottery Barn will be changed and expanded to Pottery Barn for Kids.

Williams asked Ley if he has said that people turning into the center are blocking the traffic on 119th Street. Ley stated, yes, mainly during November and December.

Williams stated he would be supportive of a deviation to allow the three signs on this building given where they are placed. Duffendack stated there is the question of whether it is necessary to know what the building is from every angle. Williams stated they are only requesting three signs, not four. Munson asked what would happen to the other developments that were not allowed to have three signs if this building is permitted to have three. Peterson stated he believes most of the outlots in the development have three signs, because of the prior guidelines. Binckley agreed that most of the outlots in Town Center Plaza have three signs.

Munson asked why the applicant has not added more masonry on the north side, as suggested by the Commission in an earlier meeting. Binckley stated she believes the applicant chose to stay with the amount of stucco they had on the north side because it relates to the main center and the existing Pottery Barn.

A motion to approve was made by Conrad revising stipulation number 9 to read, "The project shall have a maximum of three wall signs." Motion seconded by Munson.

Azeltine suggested an amendment to alter stipulation number 13 to read, "The applicant must obtain all approvals and permits from the Public Works Department, per the Public Works memo on file with the City of Leawood Planning and Development Department, with the exception of the traffic impact analysis, prior to recording the plat." Binckley asked if he would be recommending removing items 1a and 1b from the Public Works memo. Azeltine stated, yes. **Williams seconded the amendment.** Conrad stated the Commission needs to be careful when looking at this from a planning standpoint. They still need to look at the big picture. This might be the last piece of land available for this property. There has been a recommendation to make some adjustments that would ultimately have an impact on safety and efficiency of how the streets work; therefore he would not want to delete that stipulation. Williams stated he is supportive of the amendment because it is his understanding from Ley's comments and the traffic report is that this lane was poorly planned from the beginning. The addition of this one site

will have little impact on the problem. It is unfair to make this particular business correct a problem that is not of their making to begin with. Conrad stated he feels this falls under the same pattern as stormwater drainage. Someone ultimately needs to make that adjustment. Binckley stated, although this is a new tenant or a new building, the property will still be owned by DDR, who owns the remainder of the development, excluding the pad sites that Peterson identified earlier. Granted, the 16,000 sq. ft. does not increase the traffic by much, but the owner will be DDR, who owns all of this property. From staff's point of view, it is not Pottery Barn, but the owner of the property who will be paying for the traffic improvements.

Munson asked if Ley is saying that the City cannot pay for such improvements. Ley stated the City does not have the ability to force a benefit district. Munson stated maybe this is the last outlot this development can have if there is no money for improvements.

Williams stated he feels that if the traffic study is saying that this one turn lane is a problem, then he feels every turn lane along 119th Street is a problem. Repeatedly, when he travels east or west to get to 119th Street and Roe, he is backed up past that turn lane, blocking traffic that cannot make a turn. This may be solving one problem, but he feels there are other intersections that are doing the same thing and maybe even worse. Conrad stated the traffic study has been done. He believes in the expertise of staff. This is a recommendation that has been looked at professionally and his instinct is to make that change.

Rohlf stated she has a bigger issue with item 1A, rather than the turning lane. She then asked how much it would cost to make the improvements to the turning lane. Ley stated it would be about \$50,000 to do the eastbound left-turn lane. Item 1A was a stipulation at preliminary plan and the applicant did not raise any concerns with it then. It is similar to a stipulation that was in Park Place's preliminary approval.

Peterson stated there is a rule of law here. The Supreme Court of the United States looked at these actions and said there must be a rational nexus. He believes this does not rise to the level of a rational nexus because the City is requiring a traffic signal at a location upon which the traffic from this pad site will not exit, and the fact that there an existing condition. If Fenton's comes in for a new use and it shows that it will generate a lot more traffic than Fenton's generated, he does not believe the City will require them to change the left-turn lane.

Amendment to the motion approved 4-2. Conrad and Perkins opposed to the amendment.

Conrad asked if he should remove his motion for approval, since he is opposed to the amendment. Duffendack stated he could withdraw it. Binckley stated Conrad could keep the motion as amended, but vote against it. Conrad stated he is supportive of this project; however, he is concerned that the Commission runs into these issues all the time and he feels this Body should not be the jury on where that improvement is funded. While he is in approval of the project, he will be voting against the motion as amended.

Amended motion approved 4-2. Conrad and Perkins opposed.

CASE 13-05 CHADWICK PLACE - MISSION BANK Request for approval of a final site plan. 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 for the construction of a 3,500 sq. ft. bank on a 34,414 sq. ft. lot for an FAR of 0.10. The overall FAR for the development will be 0.18. This case was before the Planning Commission at the last meeting for the overall development. The applicant is now applying with their first lot, which is at the northwest corner of the development, at the southeast corner of 135th Street and Chadwick. The bank will be located primarily on the northern portion of the lot and will have a drive-thru on the east side of the bank. The drive-thru will have three lanes that will merge into a single exit lane and then wrap around the north and west sides of the bank. The parking for the bank is located on the south side of the building. Staff is recommending approval of this case with the stipulations stated in the staff report.

Perkins asked how many parking spaces are proposed. Klein stated 13 spaces. It comes out to a ratio of 3.7 parking spaces per 1,000 sq. ft. of building space, which is within the allowed range of 3.5 to 4.5 spaces.

Williams asked if the applicant is proposing a series of berms instead of one continuous berm. Klein stated that is correct. Williams then asked if staff believes that will create a problem for traffic along Chadwick. Klein stated staff does not have a problem with the series of berms. In fact, there are many times when a series of berms is more attractive than one long continuous berm. It has more to do with the fact that the ordinance states the berm shall be a combination of a wall or berm, up to 3 ft. in height, then accented with planting material. There have been a number of discussions with the Commission as to whether or not the 3-ft. screening would be enough to screen the headlights on taller vehicles. Williams asked if staff's concern with the headlights is mainly screening from traffic in other lanes and not necessarily screening from adjacent residential areas. Klein stated staff is primarily concerned with screening from a public right-of-way, which in this case would be Chadwick.

Conrad asked for the timing of the phasing. Klein stated he believes the first phase would include the four northern lots and the second phase would include the lots to the south of that. Chadwick would be constructed to the future 137th Street at the time of the second phase. Conrad asked if the internal streets and detention system would be completed at the time the bank is constructed. Klein stated they would be constructing down to a temporary cul-de-sac. Ley stated the detention pond is required to be built before any construction on the site.

Perkins asked when the pergola would be constructed. Klein stated stipulation number 12 requires the pergola to be completed prior to issuance of a final occupancy permit for the building.

Conrad asked if the detention ponds were on the southern end of lots 3 and 4. Klein stated, yes. Ley stated the detention ponds are further south than shown on the plan. Conrad asked if one of the detention ponds would be extending onto the footprint for the building on lot 4. Ley stated he believes the issue was that it was too close to the home that is currently on the property. Duffendack suggested the applicant speak regarding that concern.

Applicant presentation: Presentation by Greg Hasselwander of Kevin Cowan Architects. The detention pond is proposed to be located between lots 5 and 6, which is two lots south of this lot. The temporary detention pond is in the exact same location of the finished detention pond. They will be complying with the ordinance in regard to landscaping. The bank will have a drive-thru and three lanes on the east side that will exit and merge to the north and then loop back around and exit onto the private drive which accesses Chadwick and then Chadwick accesses 135th Street. There will be a temporary cul-de-sac at the end of this drive. The applicant is more than willing to work with staff on how the berm is configured and the plantings on top of the berm. The owner would like to maintain the monument sign that was approved for the Chadwick side of this property. There is a monument sign at the corner of 135th Street and Chadwick and they would also like to have a monument sign directly off of Chadwick, near the main entrance to the development, between the intersection of the private drive and Chadwick. The buildings will have terra cotta clay tile roofs. Some have flat roofs and there are mansard roofs to screen the mechanical equipment. Hasselwander showed and described the elevations and the materials. He then showed a rendering of the monument sign mentioned in stipulation number 11.

Duffendack asked Hasselwander to review what was said earlier regarding the monument signs that are proposed for the entire development. Hasselwander stated the monument signs were indicated on the final plan that was approved. The applicant had placed them according to where they thought they would occur on the project. It was approved in this location. The applicant, Mission Bank, would like to go back to two wall signs if this monument sign is not allowed. Duffendack asked where the two wall signs would be located. Hasselwander stated the second wall sign would be on the stucco portion, just above the clay tile roof, on the west elevation. It would be in the same character as what is shown on the tower element.

Munson asked what the 135th Street guidelines require for monument signs. Klein stated the 135th Street Corridor guidelines initially restricted the number of monument signs along the 135th Street corridor. At the time the City redid

the Leawood Development Ordinance, we tried to take as many of those requirements and apply them Citywide. There is now a maximum allowance of two wall signs. The City has tried to maintain the monument signs along the 135th Street Corridor to be limited to the development names. Staff thought the individual monument signs would identify more internal to the site. Hasselwander is correct in saying that the monument signs were shown in those locations during preliminary plan approval, however, staff does not look at signage until the final plan. Williams asked how many other potential opportunities there are for monument signs along feeder streets. Klein stated he would imagine quite a few. There are at least three other developments where that situation could potentially occur. Williams asked how a monument sign on a small feeder street would affect a park-like appearance. Klein stated, initially, monument signs were not approved very much at all, and then it came to where the City does not want monument signs lining the streets. That could be a situation along Chadwick. There could potentially be a line of monument signs along both sides of the street once the neighboring development comes in.

A motion to approve was made by Munson. Motion seconded by Azeltine.

Conrad asked if Munson is in approval of stipulation number 11 as it reads. Binckley stated the applicant has indicated they would rather have two wall signs versus the monument sign moved to the interior. She then suggested they could change the stipulation to require the applicant to move the monument sign to the interior of the site or be allowed to have two wall signs. **Motion and seconder were both in agreement with the stipulation change.**

Williams asked if the proposed wall sign is any better than the proposed monument sign in terms of design and appearance. He feels that it seems like an awkward place for a sign and he does not feel that it produces a better product. Conrad stated the sign still needs to be presented and viewed. Williams stated he feels it seems like a forced place for a sign. The one proposed is fine and tasteful. He feels the interior monument sign solution is better than the wall sign they are suggesting. Conrad stated the applicant has the option for the interior monument sign or two wall signs. Duffendack agreed that is how the stipulation is to be read now.

Amended motion approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chairman