

**City of Leawood
Planning Commission Minutes**

**April 26, 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

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

APPROVAL OF THE MINUTES: Approval of the minutes from the March 8, 2005 meeting. Henderson asked at the top of page three, the second line, the word is "ceremonially". He then asked what a ceremonial corner is. Klein suggested it would be a public gathering space. Duffendack suggested reviewing the tape to see what the tape shows. Henderson complimented Tim Mount for using the word "via" as a noun instead of an adjective. Duffendack stated there is a reference on page nine, second paragraph, to a "lead" rating, it should be LEED rating, which stands for Leadership in Energy and Environmental Design. **A motion to approve the amended minutes was made by Azeltine and seconded by Henderson. Motion approved unanimously.**

NEW BUSINESS:

CASE 20-05 135TH AND MISSION OFFICE RETAIL DEVELOPMENT - PHASE II Request for approval of a rezoning for a portion of the property from SD-CR to SD-O, preliminary plat and preliminary site plan. Located at the northwest corner of 135th Street and Mission Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Peters and Associates. This property is located at the northwest corner of 135th Street and Mission Road. The applicant is requesting approval of a rezoning for a portion of the property from SD-CR (Planned General Retail) to SD-O (Planned Office). The north portion of the property, across from 133rd Street, will remain SD-O. The development will be made up of 92,600 sq.ft. of retail space on 11.3 acres for an F.A.R. of 0.19 and 144,500 sq.ft. of office space on 15.3 acres for an F.A.R. of 0.22. The office portion of the development wraps around the main retail center along the north, east and west property lines. Two one-storied office buildings are proposed north of 133rd Street. Five retail buildings are proposed along 135th Street. This project proposes a parking ratio of 3.5 spaces per 1,000 sq. ft. for office and 4.5 spaces for retail development. The applicant is requesting deviations for office lots 7 and 8. On lot 7, they are requesting a deviation to allow the building to be 30 ft. from the east property line. On lot 8, a deviation has been requested to allow the building to be 15 ft. from the west property line. In order to meet the 25 ft. parking setback requirement along the east property line for lot 8, the applicant has revised the plan to meet this requirement. The total parking spaces within this office zoning district has changed from 535 to 529 parking spaces. A letter from the Wilshire Homes Association and revised comments from the City Engineer have been placed on the dais. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if Phase 1 is part of this development. Joseph stated it is west of Fontana. Rohlf asked for the approximate size of that development. Joseph stated it has 313,365 sq. ft. of retail and office development on 34.3 acres with an FAR of 0.21.

Applicant presentation: Presentation by Chuck Peters of Peters and Associates. This is the second phase of this development. The property is comprised of approximately 90,000 sq. ft. of retail and 137,000 sq. ft. of office. It all ties in and is contiguous. The office wraps around 133rd Street and comes up on each side of Fontana and Mission. The retail is predominately just along 135th Street with the outlots as well as the 40,000 sq. ft. of retail in the center. The retail is very much similar in architecture to what is in the first phase. Peters showed a site plan showing both phases and how they fit together and then described the elevations. It is the same continuation of the architecture that was approved with the first phase. They are very sensitive to the 75-ft. berm on the north edge of the property. The applicant had an interact meeting with the neighbors north of 133rd Street. It was very positive. The applicant believes they have met 99% of the requests laid out in the letter from the homes association. The applicant has agreed to go in there after final plan approval, prior to any construction to flag the streets with staff. Additional landscaping has been added on the south side of the berm for the neighbors to the north. This is the location where the pastoral setting is going. Some of the clearing has started today. Peters showed the location of the art on the site plan. The applicant agrees with all of the stipulations stated by staff in addition to the two stipulations submitted by the City Engineer today.

Munson asked if Peters is the architect for all of the buildings. Peters stated, yes. Munson asked the typical floorplate of the office buildings. Peters stated typically 12,000 to 15,000 sq. ft. Munson asked what they are anticipating for the use of the office buildings. Peters stated they would probably be law offices and/or medical offices. He can only guess based on current trends. Munson then asked about the retail lots along 135th Street. Peters stated they want the same boutique style as Hawthorne Plaza.

Rohlf asked the anticipated use of lot 6 retail. Peters stated there would be a number of tenants in that one building. Duffendack asked how that building would be serviced. Peters stated they are serviced in the rear with a screening in the back. That building will have a berm and a landscape element to screen the north side.

Henderson asked if the applicant is in agreement with stipulation number 30. Peters stated he has spoken with Binckley about that and he plans on bringing the first phase back to the Commission. The first phase has been handicapped because of the closing of Roe Avenue and the closing of 133rd Street. That has made it very difficult to market and show people the property. Based on what is happening on 135th Street and based on the quality of development they are showing, they would respectfully request more time, but they are willing to live with the 2 year frame and see what they can do. That whole property, other than what is on 135th Street, is paralyzed for the next 6 months to a year due to 133rd Street being closed and the construction on Roe Avenue. Binckley stated the ordinance has a requirement of 2 years on preliminary. It is final plan that has the 5 year requirement.

Henderson asked about stipulation number 16. He wondered if final site plan is a little late for the Commission to see the pedestrian amenities. Peters stated he has Brick Owens here tonight to talk about some of those. They have started a little bit of that. They have been in discussion with staff. Henderson stated with the development of the mixed use district, the Commission has been very interested on those amenities. He is pleased with the applicant's response to the corner features that are part of the comprehensive plan. He then asked what ideas the applicant has on those. Peters stated they have looked at water features similar to the one by the bank on the southwest corner of 135th Street and Roe. They will have features similar to those. Henderson asked why the buildings on lot 7 and 8 were moved closer to each other. Peters stated they are small buildings. They are also the buildings that are closest to their neighbors. They are trying not to spread them out as a mass.

Perkins asked if Fontana is where the wooded area is. Peters stated some of the trees would be affected, others would not. Perkins asked if they are going to berm and landscape the area behind the buildings on lots 7 and 8. Peters stated there is an existing berm that rises approximately 20 ft. from the building line. They are planning on

adding additional landscaping along the south side of that berm. Perkins asked what the detention area will look like. Peters stated they have had many discussions on that. Once the depth is created, they are going to sod it. Between now and final he is suggesting adding additional clumps of trees to break up the sculpture a bit so that it doesn't look like a flattened piece. Perkins asked if it would be retained with some type of rock. Peters stated the slope is very gentle. That would be addressed at final. Perkins asked how large the detention is. Peters stated it is about 12,000 sq. ft.

Azeltine asked if there are any plans for any drive-thrus on the retail spaces. Peters stated he believes drive-thrus are prohibited by the zoning. Azeltine then asked if any of the office buildings would be more than two stories. Peters stated, no. Azeltine asked if the landscaping plan was developed before or after the interact meeting. Peters stated there was a preliminary plan that was presented to the home owners and then it was adjusted after the interact meeting.

Rohlf asked if the second phase will be built at the same time, or if there would be some phasing within this phase. Peters stated the office buildings will probably go up first. The 14,000 sq. ft. retail building is stipulated to be built prior to any of the parcels along 135th Street. Rohlf asked how this relates to the first phase. Peters stated there is a lot of interest in the office side of the first phase. Rohlf asked why the applicant has split this into two phases. Peters stated it was always the anticipated phasing. It was also anticipated that the road would have been completed on Roe by now. That has put them in a difficult situation. Rohlf asked if it is a compatible development. Peters stated they are 100% compatible. Rohlf asked for an explanation of the traffic study and how busy they anticipate the intersections to be at peak times. Todd Fredrickson with Olsson and Associates stated in the traffic study that was completed, the capacity analysis at the intersections for both the plus development and the future planned areas were evaluated. The development itself is expected to generate somewhere around the range of 300 to 350 trips in the a.m. peak hour and more like 800 in the p.m. peak hour. The intersections are expected to operate well within capacity. In the future, it was consistent with the master plan study that was completed by the Bucher Ratcliff Corporation. The impacts are very negligible for the area of land. The access has been provided very well.

Henderson asked the rating for the intersections. Fredrickson stated they would be within level D or less for the plus conditions, which is within the standard. He believes D was the highest in the 2020 study as well. Munson asked if there would be a traffic signal at Fontana and 135th Street. Fredrickson stated, yes.

Henderson asked for a description of Ley's comments. Ley stated the layout of 135th Street includes signals every quarter-mile. It is anticipated once those are all put in, and that will begin to be done this summer between Nall and Mission, Public Works will do coordination along 135th Street which will help to keep that traffic flowing. Henderson asked if he could anticipate seeing an updated traffic study on how that impact could change with the additional developments. Ley stated he could bring in the traffic engineer that is doing the city-wide traffic study to a work session. It is the same engineer that is doing the traffic model for Overland Park, so we're doing both cities at the same time.

Henderson asked for an estimated percentage of EIFS being used and the way it is being used. Peters stated he would estimate 30% to be EIFS. Most of the cornicework he has done in Leawood in the last 10 to 12 years is EIFS. The EIFS on this project would mainly be on the cornice areas and accent elements. Henderson asked if there are some contractors that are better than others in the application of EIFS. Peters stated, yes. Henderson then asked how the applicant would assure the Commission that they would be getting a quality product. Peters stated Overland Park is now requiring inspections. Johnson County Contractor Licensing is now offering classes on the application of EIFS.

Public hearing: Alec Weinberg, 13252 Delmar Court, representing the Wilshire Homes Association. He wrote the letter that the Commission received regarding the homes association's concerns with this project. They have worked with Peters to try to increase the amount of landscaping easement that is the 75-ft. berm that currently exists on the north side of the property. They need a buffering between their homes and this development, particularly with the two office buildings that are north of 133rd Street. They are hoping there will be a stipulation in the development plan that will require that this landscaping be put in place as soon as initial grading permits are issued by the City so that their screening will be growing while the project grows. The detention area that is currently proposed is an area of great concern of parents because of the proximity to Mission Trail Elementary. They are hoping this does not become an attractive nuisance during runoff periods. It seems to him that there will be a great amount of water that will come into that area when it rains. There has been flooding downstream in that area over the years. They are hoping that professional staff will look at that and decide the detention area is adequate. It is going down to a 36-inch pipe. That seems like a lot of water going into a small opening. They are also hoping that the construction of it will not have water standing in it year-round. The one drive on the south side of 133rd Street into the very east portion comes out almost directly across the exit for Mission Trail Elementary. There are about 500 kids that go to school there and there is a lot of traffic when school starts and ends. He appreciates staff and the applicant in working with the homes association's concerns.

Craig Fischman, 13001 Cedar Street. His house backs up to the creek that runs along Roe Avenue all the way up to 133rd Street. Fischman showed an aerial of his home in relation to the creek and the roads that drain into it. The new 133rd Street as it goes east and west from Roe Avenue also dumps into this creek. His concern is that there will be even more draining into the creek once the concrete is put in for this development. The creek is eroding the land directly behind his property. Since 2001, about 3 ft. of the land behind his property has been lost to the creek. He is looking for a commitment that there has been an engineering study on the stormwater runoff. A tax was approved in November to handle additional stormwater drainage issues. He was hoping the City would develop some type of plan and put this on the schedule to use some of those tax funds for this creek.

Henderson asked which side of Roe Avenue Fischman's house is located. Fischman stated he is on the west side of Roe Avenue. With the construction, you can see where they linked it from the west side of Roe Avenue to the east side. It collects water from 133rd Street from Nall and Roe.

Perkins asked if anything has been brought up on the grading of the new Roe improvement. Fischman stated, not that he is aware of.

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

Duffendack asked Ley to speak on Fischman's concerns. Ley stated Public Works could meet with him to discuss the open channel problems he is having in that subdivision. This site is not changing the drainage patterns, and they are building a detention pond. The peak flow off this site will not increase. So the peak flow going down to his property will remain the same. Duffendack asked if Ley is confident the development will not worsen the situation. Ley stated Fischman's problem started when the residential developments were constructed without detention. Duffendack asked if anything is being done along Roe Avenue to mitigate this. Ley stated they are improving the culverts underneath Roe Avenue, but they are not adding any drainage to that channel.

Perkins stated he does not fully understand the traffic flow. He is bothered by the buildings on the north side of 133rd Street. It is a nice looking project, but he does not see that the north side is important. It looks out of kilter.

Williams stated he feels the applicant has done a fairly nice job with this plan. He likes the way the circulation has been developed and the sidewalk patterns. In regard to the buildings to the north, given what they have seen on the architecture, those will be quality buildings. The applicant has shown a very strong attempt to provide a nice area back there. The fact that the backs of the buildings are towards that property, versus the parking lots, is a nice move. He is supportive of this project with the stipulations recommended by staff.

Henderson asked if there were any comments from the Blue Valley school district or the principal of the school. Binckley stated that Dave Hill with Blue Valley did leave her a message. She tried several times to call him back but only received voice mail and never received a call back. They were sent notification. Henderson asked if the applicant had any conversations with Blue Valley.

Perkins asked if there has been any discussion about what they are going to do with the property to the west of the school. Binckley stated there is a playground on the west side.

Azeltine asked what the traffic study says about the school being right across the street to one of the entrances of the development. Ley stated the traffic study looked at peak times, which would be from about 5 to 6 p.m. At that time, the school has already let out. The traffic around the school happens around 3 p.m. The stipulation added today includes an eastbound right-turn lane so that they will have more lanes on 133rd Street. Azeltine asked about the morning hours. Ley stated another stipulation is that they work on the traffic study for the a.m. counts. Azeltine asked when that would be talked about. Ley stated that would be looked at during final. It wouldn't change their site plan. If it does anything, it may adjust the lane widths or add additional lanes on Mission or 133rd Street.

Henderson stated there was much discussion about traffic on Mission Road and not changing the shape of it when the Price Chopper was put in. He then asked staff if those agreements have any impact on this case. Binckley stated based on the current plan, nothing has been changed. With the a.m. traffic study, there could be an adjustment, but that would be evaluated at that time.

A motion to approve was made by Munson including the Public Works stipulations. Binckley requested adding an additional stipulation requiring the applicant to work with staff prior to final to revise the detention area to save as many trees as possible. The motionmaker agreed to add the additional stipulation requested by Binckley in his motion. **The revised motion was seconded by Azeltine. Motion approved unanimously.**

CASE 21-05 STATE LINE OFFICE BUILDING Request for approval of a final plat and final site plan. Located south of 127th Street and west of State Line Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Kerry Knott with Bell/Knott and Associates. The applicant is requesting approval of a final site plan and final plat for an 11,505 sq. ft. office building. This property is located south of 127th Street and west of State Line Road. This project received preliminary approval for a two-story building. With this final application, they are requesting a one-story building. The main entrance to the building is on the south side. Parking is provided on the west and south sides of the building. They have provided 46 parking spaces at a rate of 4 per 1,000 sq. ft. The proposed building will be constructed of brick, stone and cast stone. The roof will be constructed of synthetic slate. A trash enclosure is proposed at the northwest corner of the building. A 6-ft. tall masonry wall is proposed along the south property line. Berms and landscaping are proposed along the west property line. Per the conversation with one of the residents adjacent to the south property line, staff is recommending that the 6-ft. screen wall should tie in with the berms on the southwest corner of the property. Just before the meeting, the applicant met with staff and stated he would like to

proceed with the monument sign as presented. It has two tenant names and tenant names are not permitted on monument signs per the ordinance. Staff is recommending approval of this case with the stipulations stated in the staff report.

Duffendack asked for an explanation of the monument signs. Joseph stated at the time of the staff report the applicant was requesting wall signs. Since that time, the applicant is now requesting a monument sign, rather than the wall signs. The monument sign they are requesting would have two tenant names and the ordinance only allows for the development's name to be listed.

Williams asked if we would allow them to have a monument sign and wall signs, provided they didn't put tenant names on the monument sign. Joseph stated they could have one wall sign and one monument sign. They could have two wall signs if there were no monument sign.

Perkins asked if staff has any idea what the applicant is planning for the 6-ft. wall. Joseph stated it is a stucco wall, similar to the one that is on the east property line. Perkins asked if it would be capped with tile. Joseph stated it would be capped with cast stone.

Perkins asked for an explanation of the memo that was placed on the dais. Ley stated on the southwest corner of this lot there is drainage from the west that drains down to that corner. So by constructing berms and the wall, there is no way for that water to get out. That is why Public Works wants them to install a curb inlet on the alley to the west to State Line Road.

Rohlf asked to be reminded why they have the deviations on the north property line. Joseph stated they wanted to accommodate the parking on the south side, so the building was moved to the north. Rohlf asked what is directly to the north of this site. Joseph stated it will be the Madden McFarland Interior Decorating site.

Williams asked when EcoStar was approved in Leawood. Klein stated EcoStar received ICBO approval and was approved with the Camden Woods project.

Henderson stated it is written in the staff report as if the product has not been approved. Joseph clarified that the color has not been approved, but the product has been.

Applicant presentation: Presentation by Kerry Knott. They had always shown a monument sign as part of the project. He believes there was some miscommunication between the applicant and staff on that. They would like to keep the monument sign. If the City will not allow them to put the name of the tenants of the building, then identifying the building name and the address is acceptable to them. The building is in almost the exact same location as it was approved in preliminary. It has not been turned or refaced. The building has been reduced to a single-story building. There was a lot of objection to a two-story building due to obstruction of views from the residences. That was part of the reason for the reduction, but also partly because of the economics of the project. The building look stayed the same. When it was before the Commission for preliminary there was some concern as to the residential nature of the building. Since the last meeting with the Commission, Council commended the applicant on the look of the building and what they have done to better relate to the neighborhood. In regard to the catch basin, which would be on the southwest corner, they are going to require it. They had anticipated putting in a catch basin with sub-surface drainage back to the catch basin on State Line Road. In regard to the screen wall that the neighbors asked him to supply on the south property, they will continue to work with staff on that. He believes Joseph is suggested that at the end it is stepped down towards the berm and Knott agrees with that and will make that happen. He stated they are trying to mirror the wall as it goes along State Line Road. As it effects the neighbors and what they are looking at, he would like to stucco that side of the wall and make it similar

to the wall they are looking at on the east side. However, he is proposing a decorative concrete masonry unit that is exposed on his side of the wall. Staff is still reviewing the product he is proposing. The trash enclosure is about 8-ft. tall and staff is recommending it be lowered to 6-ft. It is built in as part of the building and if he lowers it to 8-ft. then it would look like it was an attachment to the building. He agrees with all of the other staff recommendations. He would like to be allowed to pursue a partial lower level which would be completely below the building, and would not affect the look of the building in any manner. The lower level will be unoccupied storage space accessed by stairs. It would still be within the guidelines and area requirements of the buildings. Knott showed and described the colored renderings of the building.

Henderson asked how much the footprint increased. Knott stated the previous footprint was 7,400 sq. ft. and now it is 11,500 sq. ft.

Perkins asked if adding the lower level space would increase the parking. Knott stated the parking requirements are 3 per 1,000 sq. ft. and he is providing 4 per 1,000 sq. ft. Again, that space would be storage. Perkins asked how many feet the wall to the north spans. Knott stated it is shown as 30 ft. but he would like to turn the wall and create screening for the neighbor on the corner, as long as it doesn't create a water problem for the neighbors. That will be looked at closer with staff. Binckley stated that one of the neighbors spoke with staff and they stated they did not want to look at the 6-ft. wall. That is part of why staff requested it to be staggered down.

Perkins asked how the Commission could approve a final plan of a building that has changed so much from the preliminary. Binckley stated the applicant was approved for 14,000 sq. ft. with the preliminary. He is now asking for 2,500 sq. ft. less. That is still within the same range. It is still within substantial compliance. If the Commission chooses to support the square footage, then the applicant is still within substantial compliance.

Henderson stated he remembers a case where the floor changed and there was miscommunication between the Commission, staff and the applicant and the Commission agreed at that point to never approve a plan that was not in front of them. He thinks that they should approve what is before them, not what they think it might be like. Duffendack agreed. The Commission has been asked to approve something they do not have a plan for. They could probably administratively approve the concept, but it would not be proper to approve something they have not seen. Binckley stated this was just brought up this evening. Staff has not seen anything. Duffendack stated he does not have a problem with the concept or increasing the square footage, it's just that he doesn't have anything to look at. Knott stated he would have to withdraw his request if the Commission is suggesting a continuance. He needs to move on with the job. He was delayed a month last time because of the complexity of the agenda. Perkins asked Binckley if there is a way to continue this to a work session. He would like to accommodate the applicant. Knott stated he would be happy to work with staff. Henderson stated he likes this plan much more than the one at preliminary, but his problem is not having the entire proposal in writing. The stipulations written are in reference to the provided information.

Conrad asked if the basement would have an exterior entrance. Knott stated it would be interior only. It would be unoccupied. He would only want to build up to the size that the City would allow so that an elevator would not be required. Conrad asked staff how the Commission handles situations where a building wanted to increase the square footage after final plan was approved. Binckley stated they would need to come back through the final site plan process, as long as they are in substantial compliance with what was approved at preliminary. She does not have any concern with this addition, since it is just a basement. It would not change the exterior at all. Perkins asked what kind of tenant they would have down there. Knott stated there would not be a tenant. Perkins asked what would be put down there. Knott stated it would be used for storage. It would not be occupied space.

Pilcher asked staff if the Commission were to approve it, when Council would see it. Binckley stated May 16th. Pilcher asked if that would be after the next Planning Commission work session. Binckley stated it would be within a week and staff would not have time to turn it around. Pilcher stated he is comfortable with staff working this out. Williams agreed with Pilcher. It does not impact what was already approved. Azeltine agreed with Williams and Pilcher. Pilcher asked staff if they are comfortable working out these details before it goes to Council. Binckley stated, yes.

Azeltine asked if the wall on the plan shows brick on one side and stucco and the other. Joseph stated they are only showing the one side by the neighbors and it is stucco. Binckley stated it is not brick, it is a block. Joseph showed the material sample. Azeltine asked if that would be included in the Commission's approval. Binckley stated staff is asking for the Commission to decide if they are in approval of it or not.

A motion to approve was made by Williams, changing stipulation number 6 to a maximum of 8 ft. for the trash enclosure to become part of the building per the applicant's presentation. Also adding stipulation 30 to read, "Overall area of the building to be increased by a maximum of 2,500 sq. ft. to be located in the basement of the building to be used as storage. Additional area shall not effect exterior elevations or parking requirements as presented in this application." Duffendack suggested Williams revise the verbiage in stipulation number one. Williams revised his motion to remove adding stipulation 30 and moved to revise stipulation number one to read, "The building is limited to one story above grade and a partial level below grade for a total not exceed 14,005 sq. ft. on 1.5 acres and the FAR to be modified accordingly. The additional area shall not effect exterior elevations or parking requirements as per the application."

Binckley asked for it to be modified to clarify the additional 2,500 sq. ft. is in the basement. **Williams stated that was his intent.** Azeltine asked if a stipulation needs to be added about the stone on the wall. Binckley asked the motionmaker to modify stipulation number 7 to identify the Commission is in acceptance of the change and then the applicant would continue working with staff. **Williams revised stipulation 7 to read, "The applicant shall work with staff regarding the design of the masonry wall along the south side to allow the applicant to use sandstone blend on the applicant's side of the wall and potentially using stucco on the other side."**

Perkins asked if Ley's stipulation about the curb inlet should be included in the motion. **Williams amended his motion to include the memo from Public Works dated April 22, 2005. Perkins seconded the motion to approve.**

Henderson stated he would vote against this for two reasons. One is that it puts the Commission in a difficult position of approving a major part of a building without having seen and studied a plan from the applicant. The second reason is that it is obscured from view may be a larger reason to be concerned, than if it were public.

Williams stated seldom do we get into the discussion as to the internal layout of a building. It is within the footprint of the building. He would continue to support the Commission's desire to have all of the project's issues presented, but this particular case does allow for some flexibility. Pilcher agreed with Williams. His only concern is that the Fire Marshal has not had a chance to review it, but the applicant is required to build it according to code.

Motion approved 6-2. Henderson and Munson opposed.

CASE 22-05 IRONHORSE CENTRE - LOT 3 Request for approval of a final site plan. Located at the southeast corner of 151st Street and Nall Avenue.

CASE 24-05 IRONHORSE CENTRE - LOT 4 Request for approval of a final site plan. Located at the southeast corner of 151st Street and Nall Avenue.

Binckley suggested discussing both cases at the same time. Duffendack agreed.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan that will allow the construction of a one-story, 7,000 sq. ft. office building on lot 3 and a one-story, 10,655 sq. ft. retail building on lot 4 within the Ironhorse Centre development. The office building on lot 3 will be constructed on 1.38 acres for an FAR of 0.12. The retail building on lot 4 will be constructed on 1.58 acres for an FAR of 0.15. Ironhorse Centre is located at the southeast corner of 151st Street and Nall Avenue. The multi-tenant building is located at the northwest corner of the site and has parking on the south and east sides of the buildings with entrances to the multi-tenant spaces on the south side of the building. The office building is located along the south property line with parking on the east and west sides of the building along with their entrances. As part of the application and in the stipulations for the approval for the overall site plan for this development, a retaining wall is to be constructed along that south property line that is adjacent to the golf course. That retaining wall will be primarily along the western portion of the property and then the grade evens out and it will become a fence that matched the other fences along the golf course. The retaining wall will also have a 4-ft. wrought iron fence along that top of it. The applicant is requesting to use concrete masonry units for the retaining wall. It has been modified to have the appearance of a rough stone. Staff is recommending changes to three stipulations. Stipulation number two for both cases refers to the park impact fee. Staff is recommending the park impact fee be removed because the original property owner of this development donated the land for Ironhorse Golf Course. Staff is asking guidance from the Commission on stipulation number 17 on case 22-05 and number 16 on case 24-05. It reads, "A combination of a 3-ft. berm and/or walls accented with landscaping is required around the perimeter of open parking areas that are adjacent of the Ironhorse Golf Course." The applicant has indicated they would rather not do that due to the fact the retaining wall will be built in phases as the different lots are constructed. Due to the elevation and the landscaping that will be planted along the retaining wall, the applicant is requesting to not be required to provide a 3-ft. berm on top of the retaining wall. It was discussed during the preliminary plan. There was a stipulation included for the overall site plan for the 3-ft. berm, which is why the stipulation has been carried into these cases. Staff is requesting to remove stipulation number 11 on case 22-05. That stipulation requires a minimum 10-ft. buffer around the building because there is a sidewalk that runs along the south side of that building that provides access to a semi-circular patio on the south side. In order to allow the sidewalk to be against the building, staff is recommending that stipulation to be removed. Staff is recommending approval of these cases with the stipulation changes mentioned.

Williams asked if stipulation number 17 for case 22-05 means a berm or a wall. Klein stated it means a 3-ft. berm or a combination of a wall and berm to equal 3-ft. with landscaping on top of it. Williams asked what would be the purpose of a wall or berm in this particular case. Klein stated that stipulation is generally included to screen cars. Due to the elevation, there is a retaining wall that is over 13 ft. in places. There will be landscaping around the parking areas and along the retaining walls. Williams asked if the only affected property of these cars would be the golf course. Klein stated it would be the golf course and any properties to the south.

Rohlf asked to see a sample of the material proposed for the retaining wall. Joseph showed the material sample. Klein stated there is a stipulation in each of the cases that some of the stone span a couple of rows so that the wall won't have even rows going across the wall.

Williams asked if it has been confirmed that this block can be fabricated to the size and configuration staff is describing. Klein stated they originally came forward with keystone. Tonight they were informed that they could

not construct a wall that could withstand the forces and go up this high. Both Klein and Joseph have recently attended a seminar on this product that indicates that it will perform as described.

Henderson asked if the references to the walls and fences by the golf course need to go before the golf course committee. Klein stated the wall has gone before the golf course committee. Binckley stated she met with them and showed the proposed stone for the wall. It was her understanding that it will be a buff color. In the areas where there is not a wall, there will be a standard 5-ft. wrought iron fence and in those areas where there is a wall, there would be a 4-ft. wrought iron fence of the same style. They approved that unanimously. Henderson asked if the fence would have finials. Binckley stated it would have finials and no gates.

Perkins asked about the parking to the east of lot 3. It seems the retaining wall ends at the building line. He then asked what is retaining the rest of it from going into the creek. Klein stated they will not be constructing all of the parking lot at this time.

Applicant presentation: Presentation by Matt Masilionis with Rees Masilionis Turley Architecture. Mark Pottinger stated the retaining wall starts on the west side. As it goes east, to the south side of building 3, the need for a retaining wall is no longer there because the grade is closer to the golf course grade at that end.

Perkins asked where the water would go off of that parking lot. Pottinger stated the water will be collected at the curbs and go to the inlets underground towards the east and discharge to the existing stormwater system on the west side.

Masilionis stated Merrill Development wants to be a great neighbor to develop a project that will be a value to the neighborhood. This project is an extension of the originally approved master plans and a subsequent follow up to the previously approved and constructed buildings on lots one and two. Modifications that have been made to the master plan are minor and were done specifically to lot 4. These were done to accomplish three things. 1) To screen the parking from 151st Street. 2) To provide a better retail center layout with the capacity for up to nine retail tenants. 3) To create a better traffic flow off the primary artery to minimize the disruption of additional traffic intersections. The buildings and site meet the current standards for the entire development and fall within same vocabulary as the approved and constructed buildings. The applicant has been working with staff since January of this year to ensure that everything meets City's requirements.

Henderson asked if they are still pursuing the Prairie Style architecture. Masilionis stated, yes. Henderson then asked about the water flow from the office building to the golf course. Ley stated the storm sewer system was already built as part of the original phase. They are just going to connect into that. All of their parking lot water will go to the inlets.

Perkins asked if the applicant has removed the parking spaces that staff has stipulated. Masilionis stated, yes.

Rohlf asked if this project has design guidelines. Klein stated, yes. Rohlf asked what has currently been built in the development. Markey described what has been built in the development.

Rohlf asked for a description of stipulation number 17. Klein stated there is currently a retaining wall that goes along that south side. This stipulation would add a 3-ft. berm and/or wall on top of that retaining wall, accented with landscaping. The reason that stipulation is in the ordinance is primarily for the screening of cars. It is used primarily along public rights-of-way. In this case it is along the golf course. Brick Owens stated it will be screened with other landscaping year-round.

A motion to approve case 22-05 was made by Rohlf removing stipulations number 2, 11 and 17. Motion seconded by Pilcher. Motion approved unanimously.

A motion to approve case 24-05 was made by Rohlf removing stipulations number 2 and 16. Motion seconded by Pilcher. Motion approved unanimously.

CASE 23-05 CORNERSTONE - CHEESEBURGER IN PARADISE & BONEFISH GRILL Request for approval of a final site plan. Located at the southeast corner of 135th Street and Nall Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan for the construction of a 14,460 sq.ft. building to contain two restaurants within the main center of the Cornerstone development. One restaurant, Cheeseburger in Paradise, is proposed to be 8,557 sq.ft. and the other, Bonefish Grill, will be 5,903 sq.ft. In addition, the applicant is showing a future multi-tenant building that will be located on the south side of these two buildings. This future multi-tenant building is proposed to be 5,690 sq.ft. and is attached to the Cheeseburger in Paradise and Bonefish Grill with a 1,440 sq.ft. service corridor. This is an application the Commission just recently saw at preliminary. Both of these restaurants face towards the north. There is a service corridor located on the east side of the building and is enclosed and has a service drive that comes off of the parking lot. There is a utility that was originally on the south side of the service area during the preliminary that would be screened with a wall. This has moved to the north side. The wall has gone away but they intend to screen it with landscaping. They also intend to paint it to match the color of the building. The applicant is prepared tonight to show the Commission some of the modifications to the signage in regard to Bonefish Grill. They have also made attempts to the Cheeseburger in Paradise sign to make it more in conformance with the ordinance, however have found that it is not quite in scale with what they are looking for. They have revised the elevations some since the staff report was written and will show those tonight. One of the stipulations states no exposed neon permitted within the development. The applicant has clarified that the neon will be concealed behind channel-faced letters. Staff had some concerns on some of the light fixtures shown on Bonefish Grill. The applicant has provided photographs as to what those fixtures actually look like and staff is more comfortable with those fixtures now. Staff is recommending approval of this case with the stipulations stated in the staff report.

Conrad asked if there has been any discussion with Building J. Klein stated it will be a multi-tenant space to provide some activity on the south side along the internal corridor and the depth will need to be what they are showing to make that space usable. There has not been any discussion on the design of it. There are some other buildings that still need final approval and that could change the look of the internal plaza area.

Perkins asked who would own Building J. Klein stated it is his understanding that Cheeseburger and Bonefish Grill will not own the multi-tenant building. Perkins asked when it would be built. Klein stated there is a stipulation that if that building has not started construction within 18 months, then they are required to build a screen wall along the back of those buildings. Duffendack asked who the screen wall would be built by. Klein stated it is staff's intention that Cheeseburger and Bonefish would be responsible, unless they worked something out with RED Development. Perkins asked if there is another final approval for the retail space. Klein stated it still needs to come before the Commission with a preliminary and final application. It is not part of this application.

Pilcher asked if the silo will be functional. Klein stated, no, he does not believe so. Pilcher stated he has never seen a Cheeseburger in Paradise restaurant. Klein stated there is one near the speedway. The silo would be metal, but it would be much smaller than the one near the speedway.

Williams asked where the metal siding on this building begins to meet the ordinance. Klein stated staff was looking at the metal siding they are providing as an accent material, even though it is fairly substantial element. Williams stated the ordinance does not allow it. Klein stated the City has used metal accents in other parts of other developments in the City. Williams stated he feels it is more than an accent.

Henderson asked if Klover is the overall architect for the Cornerstone development. Klein stated, yes. WD Partners is the architect for this building, though. Henderson asked if staff has received any opinion from Klover about the screening and phasing of Building J. Klein stated he has spoken with Klover as to how it will function. He hasn't been able to get much detail. Right now they are trying to draw retail spaces, which is the reason why they are as deep as they are. Henderson stated the issue of screening Building J requires a statement from Mr. Klover to the Commission making comment about the way this project is developing.

Williams asked if the brick that makes up the body of the Cheeseburger building is on the material pallet for the Cornerstone development. Klein stated, yes. The applicant will show the Commission some revised elevations. Basically, in some areas on Bonefish where there used to be stone it is now brick and some areas on Cheeseburger that used to be brick are now stone. Pilcher asked if that was done to achieve continuity between the two buildings. Klein stated that was done because Bonefish primarily has used EIFS in the past. We didn't allow for EIFS so they have done that with a lighter color brick.

Conrad asked if there is a plan of the originally approved development. His concern is the plaza public space. He feels it is critical in how they treat the entire development. Duffendack asked Conrad to wait to ask the applicant after their presentation.

Pilcher asked if there was any discussion on the silo. Klein stated one of the stipulations on preliminary plan approval was for the applicant to look at other options to provide something other than the water tower feature. The applicant indicated they looked a little bit, but this is part of their identity. Pilcher stated he is having a problem with the silo.

Williams asked if Council approved the water tower feature. Binckley stated Council did review the plans. They discussed with the applicant what they have looked at. Council felt they have done what was identified, which was to look at alternatives and determine if there were other options. Council approved the elevations as provided.

Azeltine asked Klein if he feels the tower complies with the ordinance. Klein stated while he does feel it is a major feature, but it is not the field material for the entire building. It is a feature. Azeltine asked if it is defined as a major feature of the building and if it complies with the ordinance. Klein stated there are other buildings that have metal accents that have been approved. He would say that it complies. Williams stated he believes that it is in the Cornerstone development where one of the buildings has a metal awning that is open. He has seen metal trellises and such, but the difference between those elements and the water tower element is the difference of a few sq. ft. of metal, versus over 240 sq. ft. He has not seen anything approved since he has been on the Commission with this amount of metal. Binckley stated the Public Works facility has a substantial amount of metal that was approved. This was approved at the Governing Body level and this is what staff has brought back to the Commission.

Pilcher asked what type of railing staff is recommending around the tower feature. Klein stated staff is looking at more of a decorative-type railing. The applicant is now proposing more of a tube railing that is painted orange. Staff is recommending it be more of a decorative feature.

Applicant presentation: Presentation by Denise Valenta of WD Partners. Also in attendance are Reno Knight of Cheeseburger in Paradise and Frank Dyer of Bonefish Grill. They have modified the elevations slightly. Valenta showed and described the materials board. Bonefish Grill had a stone wainscot with a cast stone band

with stone above to apportion approximately 3/4 of the way up the building. The Cheeseburger had a stone wainscot with a brick extending up to approximately the same height. In the elevations shown to the Commission tonight they are taking the stone that was on the Bonefish elevation and relocating it over to the Cheeseburger and taking the brick from the Cheeseburger and relocating it to the Bonefish. The same massing of the elements remains. Architecturally, that was done in response to Bonefish's desire to be more consistent with their concept in a slightly lighter image. Cheeseburger does not have that requirement and the stone works better with the Cheeseburger façade. The other modification to the elevation is the signage for the Bonefish. They have changed the sign to fall within the requirements of the City. They now meet the requirements and fall within the percentage of the elevation. The sign for Cheeseburger has been scaled down based on the guidelines. That signage is very disproportionate to the building and at this time the applicant would like the Commission to allow Cheeseburger to proceed with the signage as presented in the original submittal, keeping it in a more proportionate size in relation to the building and Bonefish.

In regard to lighting, the cut-sheets in the Commission's packets do not accurately depict what is represented. The lighting that is being given to the Commission now is what is being proposed for Bonefish. None of the fixtures proposed have exposed bulbs. There is no exposed neon on the signs, either. The applicant is willing to work with staff on the design of the decorative railing around the water feature. On the signage, specifically for Cheeseburger, they are requesting to utilize the originally proposed signage in addition to the maintaining the mural on the tower element. The mural is not actually painted onto the building. It is an applied material and with the mural they still fall within 3.3% of the elevation requirement.

Rohlf asked about the two other bullet points under stipulation 20. Valenta stated the roofs they are referring to are the patios over the dining and waiting areas of Cheeseburger. The depth of the dining patios is approximately 15 ft. and the depth of the waiting patio is approximately 8-9 ft. They did look at other alternatives for the roof system and did some sketches on that. Architecturally; the elements did not come together. By hiping the end it brought the end back in more to the midpoint of the building. She discussed this with Klover and has worked towards modifying the roof, but has shown it at its current elevation. Williams asked the material of the roof. Valenta stated it is as specified in the development guidelines. It is an imitation slate and concrete roof tile. All of the brick and stone EIFS colors are per the development guidelines.

Duffendack stated he understands why they made the change of the stone and brick. The Commission frequently sees elevations of retail centers where there is an attempt made to differentiate one building from another. Those are usually small retail shops versus restaurants. Here there are two fairly large restaurants that come together in what he feels is a very awkward way. Valenta stated she talked with staff about the transition point between the two buildings. They are faced with defining the two concepts individually. One of the limiting factors is how to make that transition. They had thought about extending the neutral brick over to the Bonefish column, but then it draws away from the actual entry element of the Bonefish Grill. One item they looked at was the landscape in that area to soften that transition. Duffendack asked if they are suggesting putting a tree in front of it, because that is not what they are after. It is a real problem in his mind that has not been solved. A tree is not the answer. He thinks that needs more study. Valenta stated the applicant is willing to work with staff to further define that transition.

Henderson asked if the proposed dimensions are the same as the restaurants prototypes. Valenta stated there is one in Chicago that is similar to this design with the two restaurants next to each other. The others are all free-standing restaurants.

Perkins asked the applicant for other options for materials to use on the water tower element. Valenta stated since the Commission saw it previously, they did reduce the height of the water tower. The water tower is a brand

identity element for the Cheeseburger in Paradise concept. They did make some concessions by reducing the overall height, removing the brackets, and changing the proportion slightly to reflect more development of the architecture elevation. It is a brand identity element for that concept. Perkins asked if she feels it needs to be that big everywhere else. Valenta stated it is larger in other areas. The one at the speedway is about 18-20 ft. in diameter. This is a much smaller water tower than proposed for other locations. Williams asked the diameter of the water tower. Valenta stated right now it is about 8-9 ft. in diameter. Williams asked the height. Valenta stated the height was reduced from the preliminary plan. It was reduced to about 12.5 ft.

Henderson stated he does not feel that this feature fits within the Cornerstone development.

Azeltine stated he was more than a little surprised when the Council so overwhelmingly overrode the Commission on this. He does not see any substantial changes since the preliminary. The water tower does not seem to be an accent item. No one has convinced him that it complies with the development ordinance in terms of material usage. He feels it does not fit with the character image of the City. He will be deferring to the Governing Body by abstaining.

Williams asked how the panels on the water tower element are constructed and put on the building and how they are different than the one at the speedway. Valenta stated the speedway has a much larger water tower. The materials on the one at the speedway consist of galvanized panels that have a fishscale effect. The panels are applied. At that location, the signage is different, so the signage would not apply. The Cornerstone location would have a much smaller water tower. They will be aluminum panels, approximately 3 ft. by 5 ft. that are applied to the water tower with small rivets to give the effect of a true water tower. Williams asked how far apart the rivets would be. Valenta stated they would be about 3-4 inches apart. Williams asked how they would control "oil canning" of the flat metal panels. Valenta stated they have minimized the sizing of the panels to prevent any "oil canning". Williams stated he drove out to the one by the speedway and one of the things that caught his attention was a lot of indentation of the product catching the sun and it very much stood out. A lot of the seams appeared to be coming apart, which made the water tower look shabby. He is assuming that it has not been there very long. He is concerned that if this is approved that we could be looking at the same situation. He is concerned about having a water tower that within a year's time will look like it is coming apart. Valenta stated the material used on the one at the speedway has a limit to the radius that it can be turned because of the stamped texture. The material they are proposing for this one would be defined in terms of gauge and the spacing of the rivets to withstand "oil canning" as well as the seams coming up at the edges. Williams asked the finish on the aluminum. Valenta stated it is an aluminum brushed finish. Williams asked if there would be any coating or protection on it. Valenta stated there will be some sort of clear coat of protection. Williams stated the panels were originally proposed as stainless steel and then asked why they are now proposing aluminum. Valenta stated that must have been an error because they are proposing aluminum.

Rohlf asked the distance between Building J and the Cheeseburger and Bonefish building. Valenta stated, 10 ft. Rohlf asked if the applicant is comfortable with stipulation 7 about screening. Valenta stated it is planned that Building J will be the screening for the service corridor. If that building is not constructed within the set time period, then the screening wall being built by the developer would come into play.

Henderson asked if the logo was the same everywhere. Valenta stated, yes. Henderson asked how the sign would be applied to the water tower. Valenta stated it is adhered to the metal surface with a type of glue.

Reno Knight, joint venture partner with Cheeseburger in Paradise, stated one of the reasons the Governing Body voted they way they did is because some of them had been to the restaurant before and realized how great of a restaurant it is. It is a family restaurant and an entertainment-type restaurant. He thinks they saw the opportunity

for the success they could have there in providing an enjoyable place for families to go. They are very well represented restaurants and are a part of Outback Steakhouse Incorporated. Their goal here is to be successful, provide great food and fun for friends and family and to be here for a long time.

Duffendack stated that while he wishes them well, the Commission is interested only with Planning issues. While feasibility and success are important, that is not what the Commission is charged to do.

Williams made a motion to extend the meeting to 9:30 in order to finish this case. Motion seconded by Henderson. Motion to extend the meeting approved unanimously.

Commission Munson left the meeting.

Conrad asked who is going to construct and maintain the service area. Valenta stated the enclosed service area on the plan will be constructed by Cheeseburger and Bonefish Grill. Conrad asked for comment on how they chose the orientation of the building with respect to the overall development and the pedestrian flow from the parking lot and the mall plaza concept of the entire development. Valenta stated the facing out to 135th Street is very important while at the same time gaining the pedestrian flow along the west that will be between the two buildings and then along the side of Building J so they get pedestrian traffic on all four sides. Conrad asked the applicant to speak on the service area orientation. Valenta stated they spent a lot of time evaluating the location, design and orientation of the service area to not only be less obtrusive to any one of the tenants and knowing what is coming in to the south and the location shown was decided to be the most appropriate. Conrad asked if it will serve more than just these two buildings. Valenta stated she believes it will serve Building J also. Conrad stated it is about 25 ft. away from the patio dining for the building to the southeast. Valenta stated one of the comments in the previous meeting was taking the height of the service area down to 6 ft. In respect to the closeness of the patio dining, they have elected to maintain it at 8 ft.

Henderson asked if they considered separating the two buildings and have them facing towards Building J so there would be more openness. With flat roofs and joined together, other than the entryways to both buildings and the water tower, it is a miniature warehouse with a window here and there. It would seem to him to be more attractive to separate those buildings and have them more distinctive. Building J is still a mystery to everyone. Valenta stated in this case they are limited by the size of the area for lot 10. They did consider different configurations at the initial planning stage. Duffendack reminded the Commission that this is the final plan submittal. The Commission should be looking at things that have changed since the preliminary approval.

Perkins asked the size of the service area. Valenta stated approximately 700 to 800 sq. ft. It is very large to accommodate both restaurants and Building J. Perkins asked for a description of the doors to the service area. Valenta stated the doors would be a decorative metal railing or fencing material. They are shown on the elevations given to the Commission tonight. Perkins asked if people would be sitting on the other side on the patio at Bonefish Grill. Valenta stated there is no exterior patio for Bonefish Grill. She believes the patio under discussion is the one proposed for the tenant to the southeast. She believes that tenant is Plaza III. Duffendack stated that could be a planning issue. Hopefully they will provide dumpsters that are airtight. That is along a major pedestrian corridor.

Pilcher stated he is okay with the Bonefish Grill, but he has a problem with the Cheeseburger in Paradise component of it and the transition between the two. He feels that it is a product unbecoming of the City of Leawood.

Henderson asked Klover to speak about how this fits into the Cornerstone development. Klover stated it is never the intention of any architect to design something that cannot be successfully achieved. He feels that if they managed to get the other buildings built and designed, then the conversations now about congruity would be a mute point. In his opinion, the building that is sitting unfinished now will be a great building. To a certain extent, this development has had a certain amount of curse. Two of the major tenants declared bankruptcy. Both of which had drawings ready and done for. He thinks that if this project had proceeded ahead and more was there, then this water tower would not be such of a big deal. A lot of retail nowadays is entertainment and theater. He has seen in Indianapolis brewing towers that are not functional. There is a lot of entertainment value in retail nowadays, particularly in restaurants. Driving down the miracle mile in Chicago one would see things like the Nike project and Planet Hollywood with a globe spinning around. It is still the hope that the development will be fully built out. He asked the Commission to look at the big picture and understand that a tower element or a feature element on a restaurant is appropriate for what shopping center developments are today. Henderson stated he understands his point of view and that when Ted's Montana Grill and Plaza III get built, that will make a big difference in the way other buildings are viewed. However, timing is important.

Conrad stated he is concerned with the planning of Building J and the feasibility of what may go in a 7,000 sq. ft. space that is only 27-ft. deep at one end. From a planning stage, if he takes that entire end of the development, he might want to allow those two restaurants to take that entire end. What they have done is made a back side of a building on to promote a pedestrian-focused node of this development with a stipulation that if Building J is not built within 18 months, then they would build a wall. He is concerned about the quality of the space they are creating. He is not supportive of this plan.

Perkins stated he likes the architecture of Ted's Montana Grill. This building looks so much different that it does not even begin to look like it should be in the same development. He suggested a bell tower or something else other than a water tower. It just does not fit to him. He is opposed to the plan.

Rohlf stated that when she looks at this building in relation to CVS Pharmacy and Ted's Montana Grill she begins to lose sight as to what the overall look of the development is going to be. The two buildings together just doesn't seem to fit. The tower does not bother her as much as the two buildings being next to each other. She is not sure the Commission can further this plan any more from a planning position when the Council has already made up its mind. Duffendack stated the Commission did discuss these issues during the preliminary. This Commission then passed that part of it. We stipulated out other issues. Rohlf stated she thought the Commission asked the applicant to look at the site layout. Binckley stated the only item that was added was the review of the water tower. The site plan was approved during preliminary.

Conrad asked if the preliminary plan included a screen wall. Binckley stated it is the same stipulation that was at preliminary. There will be a screen wall at 18 months assuming there was not going to be construction of Building J. Conrad stated he thought that he saw a cross-section of a corridor with a wall. Binckley stated the applicant did show that to show what that corridor would look like. The thought being that it will take them x-number of months to be able to get those buildings rolling and it gives the developer time to be able to come up with tenants for that space and if not, then they would come in with the wall. Staff would review the details of the wall. Conrad asked if Building J was shown in these proportions in the preliminary plan. Binckley stated they are shown in better proportions than they were in preliminary plan. Staff made those same comments on it not seeming quite deep enough.

Rohlf asked Duffendack for clarification on his earlier comment about the two buildings and the tree. Duffendack stated that was an opinion and he spoke it to see if there was any support for it. While we are not asking for major changes, he thinks the Commission could stipulate something that could cause that to be considered further.

Binckley stated it is the third bullet under stipulation number 20. Staff identified we would like them to continue to review the architecture where those two buildings transition.

A motion to deny was made by Perkins because it does not fit with what he has seen in the other buildings in the development. Motion seconded by Williams.

Henderson asked if the motionmaker would like to include something about the site planning contingency. Azeltine stated he agrees with Duffendack that the site planning was approved during preliminary. Pilcher stated he would support the motion if it were not for the fact that Council has already approved the water tower. He is not in a position where could approve or deny it. He feels that he would need to abstain from voting because he feels he would have little influence one way or the other.

Conrad if the Plaza III building was approved when this building came in for preliminary. Binckley stated Plaza III has not received final approval. At the time this building came before the Commission for preliminary, Plaza III had not been seen.

Henderson stated he would support the motion because he spoke against it at preliminary in detail.

Williams stated that although the Commission approved the preliminary for this case with the added stipulation that they work with staff on the water tower, he feels the Commission was very favorable in welcoming the project to the Community. It received a substantial number of votes from the Commission. It received those votes with the understanding that we were approving the site plan, the orientation of the building and the pedestrian amenities and that the Commission would focus on the details of the exterior elevations in the final application. The Commission was given a package of information to review and the applicant came in tonight with a completely different elevation. Even though the applicant has come in with more landscaping, more detail on the lighting, have changed the elevations, the water tower element is still there and substantially unchanged. Regardless of what the Commission's actions may be tonight, maybe the Governing Body has already set the stage that they are willing to accept the water tower as part of the design feature. He does not understand what their reasons for doing that would be when it was so strongly objected to by this Body and he thinks most of the Commissioners agree that it is not in keeping with the Cornerstone design guidelines, which was painstakingly developed and reviewed by this Body and approved by the Governing Body. He is concerned that by approving this project as it is currently designed sets a bad precedent for future developments. While he hears Klover's talk about retail being theater, he thinks it is inappropriate for the Commission to start looking at the community as areas where we have theme park elements that make up the design of our restaurant and retail areas. While he is supportive of the business coming to Leawood, he would hope they would be good civic citizens and he thinks that part of being a good civic citizen is to respect the community and he does not see them doing that at this time.

Binckley showed the preliminary elevations that were identified. The applicant has made substantial changes to all of the elements with the exception of the water tower, which had already been changed in those elevations. Showed the site plan as originally presented. The two buildings were adjoined as they are today. The site plan is in substantial compliance with what was approved at preliminary. The Commission does have the ability to review the elevations and make comments to the architecture. Staff worked with the applicant, reviewed it, went over it with the project architect as well and they have provided a substantial number of elements as shown in the other buildings within the development with the exception of the water tower, which they did not amend.

Williams stated that his comments earlier were not meant in any way to belittle staff's efforts. He thinks that given what they had to work with, staff has done a great job. The water tower component does not make it an attractive or appropriate building for the community.

A motion to extend the meeting to 9:45 was made by Azeltine and seconded by Williams. Motion approved unanimously.

Pilcher stated that one of his concerns with denying this project is that he thinks the Commission would lose the things they like about the plan. He would like the project to get continued to allow them to have a chance to change it to what the Commission is recommending. If the Commission were to deny this then the Governing Body could approve it with no recommending stipulations from the Commission.

Williams asked which elevations would be taken to Council if the Commission recommends denial. Binckley stated the applicant would present the same plans that were presented tonight. Williams stated the ordinance clearly states that aluminum and/or metal siding is clearly prohibited. The Commission has not been presented with a commercial project that wanted to use a large area of this type of siding. When he looks at 240 sq. ft. of contiguous wall space, if it had been on a side of a building, it would not be approved. Pilcher suggested that it is an independent structure on the building, and not just an accent. He agreed with Williams' opinion that the metal siding is against the ordinance.

Conrad stated the preliminary site plan included Building J and the service area and drive, which has now moved to just 5 ft. behind Building B and does not include the service drive. Building A was reviewed as a 10,000 sq. ft. building. Looking at the pedestrian plaza, he feels it is significantly different. He respects how things evolve, but he feels there is some significant difference there to the quality of space. Binckley stated she believes that space was looked at more with Plaza III rather than this building. Plaza III also included Building J in their site plan to show the relationship between them.

Motion to deny approved. Henderson, Perkins, Rohlf and Conrad for. Azeltine and Pilcher abstained.

Duffendack presented Pilcher with a plaque and thanked him for his years of service to the City and the Commission.

Meeting adjourned.

J. Paul Duffendack, Chair