

**City of Leawood  
Planning Commission Minutes**

May 24, 2005  
Meeting – 6:00 p.m.  
Leawood City Hall  
4800 Town Center Drive

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

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

**APPROVAL OF THE MINUTES:** Approval of the minutes from the March 22, 2005 and March 29, 2005 meetings.

**A motion to approve the March 22, 2005 minutes was made by Williams and seconded by Azeltine. Motion approved unanimously.**

Duffendack stated on the March 29, 2005 minutes on page two, second paragraph, third line from bottom, it reads, "Klein stated as long as they detail out the materials". Duffendack stated there needs to be more verbs in there. Henderson stated on page seven on the one-line paragraph beginning with "Henderson", "this" should refer to "private/public" development. **A motion to approve the minutes from March 29, 2005 meeting was made by Munson and seconded by Azeltine. Motion approved unanimously.**

**CONSENT AGENDA:**

**CASE 35-05 LEAWOOD FOUNTAIN PLAZA - BUILDING 3** Request for approval of a final site plan. Located at 11100 Ash Street.

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

**CASE 26-05 NALL VALLEY SHOPS – WALGREEN’S** Request for approval of a preliminary site plan and special use permit to allow a drive-thru. Located at the northeast corner of 151<sup>st</sup> Street and Nall Avenue within the Nall Valley Shops development.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is Matthew Werner with H.T. Paul and Company. This project is located at the northeast corner of 151<sup>st</sup> Street and Nall Avenue within the Nall Valley Shops development. The applicant is requesting approval of special use permit and preliminary plan to construct a one-story, 14,820 sq. ft. drug store with a drive-thru. This proposed building is located at the southeast corner of the development. The front of the building will face towards 151<sup>st</sup> Street. The drive-thru area is located on the north side of the building, which is facing the other buildings in the development. The Villas of Whitehorse, a residential subdivision, is adjacent to the north and east property lines of the development. Ironhorse Centre, a commercial development, is adjacent to the south property line, across from

151st Street. A single-family residential community within Johnson County is adjacent to the west property line, across from Nall Avenue. This project proposes a parking ratio of 3.5 spaces per 1,000 sq. ft. of leasable retail space, which is within the parking ratio allowable for this zoning district. Parking for this building is shown along the east, west and south sides of the building. The proposed building will be constructed of brick, EIFS and simulated stone. The roof will be constructed of concrete tiles approved for the overall development. Staff spoke with the applicant earlier today and they would like to change the store hours of operation to 24 hours. Stipulation number seven states, "The operation of the store and drive-thru shall be limited to the hours of 7 a.m. to 9 p.m." Staff would like the applicant to comment on this during their presentation. Staff is recommending approval of this case with the stipulations stated in the staff report.

Duffendack asked if staff is recommending stipulation number seven to be changed. Joseph stated staff would like to leave it to the Commission to decide.

Rohlf asked if this is the first building in this development. Joseph stated it is the third building.

Azeltine asked if staff feels there is any disadvantage to having a 24-hour operation. Joseph stated staff feels comfortable with the hours of 7 a.m. to 9 p.m. since it is adjacent to residential. Azeltine asked if the other Walgreen's in the area have 24-hour drive-thrus. Joseph stated the one that he knows of is operable from 7 a.m. to 9 p.m.

Perkins asked if the applicant has agreed to staff's comments on the EIFS and roof tile. Joseph stated that has been taken care of. They have changed the elevations in response to those comments.

Henderson asked if this Walgreen's has a light over the door in an alcove. Joseph stated that would be looked at during final application.

Perkins asked if this building was shown on the preliminary plan for the overall development. Joseph stated it was 320 sq. ft. smaller, but it was shown in this exact location.

**Applicant presentation:** Presentation by Matthew Werner, representing the Walgreen Company. The proposed revised preliminary plan now has the orientation towards the southeast. The drive-thru has moved towards the north. The receiving area is tucked back on the west. There is parking along 151<sup>st</sup> Street and along the main access drive to the shopping center. The drive-thru traffic has been moved further away from the neighborhood. That change brings the drive-thru traffic through the main access road and directly into the west with all of the headlights facing towards the shopping center. The receiving area has been moved further away from the residential area. It will be screened with an 8-ft. wall and landscaping. Landscaping has been incorporated along both front sidewalks, which is a 10-ft. strip, broken up with paving that tie into the main sidewalks.

Williams asked what type of vehicles they anticipate in the receiving area and how the truck would access that area. Werner stated the main delivery vehicle is a semi-trailer. It would back-in internally through the service drive. That delivery is typically once a week and around 7:00 a.m. Occasionally, during the week they would have some smaller delivery box trucks which would deliver in the same area. Henderson asked what time of day those trucks would deliver. Werner stated he is not sure, but it would probably be more than once a week. Henderson asked if it would conflict with customers getting into the site and parking. Werner stated he does not believe it would interfere.

Werner described the elevations and materials. The drive-thru canopy has changed from a flat roof to a hipped roof. The north side of the building has been broken up into columns to help break up the long mass of brick wall that will face the shopping center. That look has been continued around the building with the same elements.

Munson asked if the windows on the tower are clerestory. Werner stated it is proposed to be glass with space behind it. The Walgreen's logo is proposed to be on the wall behind the glass. Munson asked if that meets the sign criteria. Binckley stated the ordinance does not allow for exposed neon window signs. This would be allowed because it is on the interior of the building.

Rohlf asked if the building would set higher than 151st Street. Werner stated it sets up slightly from 151st Street. Rohlf asked if there would be a berm there. Werner stated, yes. Staff wants more landscaping along the north side. Right now, there are two lanes dedicated for the drive-thru and that width could be narrowed down. It will start to taper out along the wall and tie it into the island. At the very end it will approach the 10 ft. that staff is asking for. There needs to be enough to get two lanes out.

*Conrad arrived.*

Henderson asked the height of the building at its highest point. Werner stated it is approximately 32 ft. at the peak of the tower. The main coping around the building is at 25 ft. Henderson suggested one would see about 22 to 24 ft. of structure from their car. Werner stated they would at least see from the awnings up. Henderson asked if the tower is four-sided. Werner stated the tower is on a diagonal, facing to the southeast. It is four-sided. The smaller sides are brick masonry and the back of the tower is stucco material, similar to the top band. Henderson asked if the roof for the tower is the same material as the rest of the building. Werner stated the roof of the tower is the concrete shingle and the main roof of the building that is hidden behind the parapet wall is a flat roof.

Perkins asked about the turning radius on the first left-turn to get into the drive lane. Werner stated that radius has been widened out quite a bit and it has been moved down as it goes into the site. Perkins stated it looks awkward to him to make that left turn so quickly. He then asked if there is any entrance on the north side of the building for pedestrians. Werner stated there is a sidewalk connection at the northwest side. Perkins asked if pedestrians would need to walk in front of the drive-thru. Werner stated, yes. It might be better to add a connection at the northeast side also. Perkins asked if the building is 162 ft. from the property line of Whitehorse. Werner stated, yes. Perkins asked if cars' headlights will be shining into the homes at Whitehorse. Henry Klover stated there will be solid walls along that edge and at the areas where the homes are closest to the property line. He feels the changes that have been made are very promising. Perkins asked how tall the wall would be. Klover stated it is a 6-ft. solid masonry wall. Henderson asked if the wall would obscure the site from other cars coming into the area. Klover stated, no. It is a wall on the property.

Perkins asked if the final plan will show a pedestrian entry on the northeast corner of the building. Klover stated, yes. He believes it would be advantageous for the community to have a 24-hour pharmacy. Perkins asked if they are requesting for just the pharmacy to be open 24 hours or the store too. Klover stated, typically, the store is open 24 hours.

Perkins asked if the area where the trash enclosure is on the west side of the building is also where the truck backs in to pick up the trash. Werner stated, yes. There are no actual trash dumpsters. All of the trash is compacted. There is a compactor that goes through the wall of the building and into an enclosed machine. It

sits back at the rear part of the enclosure and out of the way of the receiving doors. Perkins asked if the applicant has complied with staff's requirement to hide that area. Werner stated he believes they have.

Williams asked for a description of the material proposed on the east and south elevations where the sign is proposed. Werner stated it is a random stone pattern. Williams stated the building appears to be not quite a four-sided building. Some of the material is carried around to the west and north sides, it seems to be void of some of the additional detail and character that has been provided on the south and east sides. Werner stated the materials that are absent on those elevations are the random stone and the glazing and aluminum windows. Williams stated it seems that they are also missing some of the brick detail that is on the other elevations. Werner stated they tried to pick it up in the larger panels. It is supposed to be a brick band with a different color. Binckley stated staff has had discussions with the applicant about increasing the detail on those sides. Staff is waiting until final application for those details.

Williams asked if the driveway for receiving could accommodate the length of a trailer without blocking the drive. Werner stated it is the length of a truck, which is about 65 ft. Williams asked if they foresee any possibility of vehicular conflict between delivery vehicles and drive-thru vehicles if the building is open 24 hours a day. Werner stated, no, not with the frequency of the large delivery vehicle. It has a once a week delivery schedule and about an hour off-load time. There have not been any issues with other Walgreen's. Williams stated there was a situation with the last drug store the Commission saw where the drive-thru traffic had to pass by the delivery area and the Commission was very concerned about the possibility of vehicular conflict to the point that the Commission restricted the hours of delivery. He then suggested the applicant look at that situation as well. Duffendack stated he feels this set-up is better than the one that Williams is speaking about.

Henderson asked if the applicant has some type of schedule for deliveries. Werner stated they have developed about 40 of these stores in Kansas and Missouri. About the only schedule they have is a 6 a.m. to 7 a.m. delivery time for the larger truck. In stores where it is not 24-hours, there is not a problem, but on the ones with 24-hour they change the site plan so the truck will not stick out, which is what they have done on this site. Perkins stated it could be tight if the delivery truck does not back up completely. Werner stated it will accommodate a 65-ft. trailer with the cab. There will be two lanes in the drive-thru. They could reduce from two compactors to one and move that area back if necessary.

Williams asked for a description of the anticipated traffic pattern for a customer as then enter and then exit the site. Werner stated it would depend on the time of day and how much traffic there is on 151st Street and Nall Avenue. If one comes in from the east and leaves the same way, it is a pretty easy right-turn out. Williams asked if the access to the site is the same drive. Werner stated there are actually two. Williams asked if it would be clear to customers that there is another egress from the store. Werner stated as they get used to visiting the area they will figure out that the main exit will exit onto Nall Avenue. He is not sure what type of directional signage will be provided. Williams stated the northwest exit seems awkward to him, having small strips of parking. Reynolds agreed with Williams and he also thought it was an area for pedestrian connections. It seems confusing for a pedestrian, especially in that northwest corner. He then asked for a description of the pedestrian access. Werner stated they could add one on the northeast corner to line up with the main sidewalk. Reynolds asked what would happen to the north of that on the main drive. Werner stated they would probably need to add some type of pedestrian access. On the northwest side there should probably be some access across also. Reynolds encouraged the applicant to look at the pathway they have started to the west and make sure that it is continuous. He then asked if the awnings on the east and south elevations provide pedestrians protection for from the rain if they want to walk from Walgreen's to other shops. Werner stated not all of the way. Reynolds asked if there had been any consideration to have the walkway closer to the building so one could have protection as they make that walk. Werner stated it was placed in that

location because of the 10-ft. ordinance. Binckley stated the ordinance requires them to provide green space adjacent to the buildings. It is within the Commission's purview to make that adjustment if that is what the Commission would like to do.

Henderson asked if the tower is largely aesthetic. He then asked if it is functional, and if so, what its function is. He also asked how it sits in such a way as to fit with the rest of the building. Werner stated he feels it enhances and identifies the main entry of the building. It sets on an axis so that it is at an angle to the intersection. It is largely aesthetic. It is a feature of their building. They tried to incorporate some of the same design elements and massing and proportion that showed up in the design guidelines and the buildings that are under construction now. Henderson asked why they chose this particular design for this site. Werner stated he felt the tower element is similar to the ones in the design guidelines. Henderson asked if they are satisfied that once this is constructed, others would be constructed to fit with it. Klover stated two of the buildings are already going up. It will be similar to those. He thinks the comments from staff about changing the proportion of the tower a little bit is an appropriate comment. Henderson asked if this tower is much more related to the building rather than something that stands above and glowers down at the building. Klover stated there are many different towers within this development.

Perkins asked if Werner could explain the need to have the store open 24 hours. It seems to him that having it open from 7 a.m. to 9 p.m. should be appropriate. Werner stated the biggest advantage of the 24-hour facility is getting a prescription in the middle of the night. They are not planning on having a lot of traffic in the middle of the night for normal shopping items. It is mainly oriented around the drive-thru pharmacy. Perkins asked if they could just leave the drive-thru open 24 hours and not the store. Werner stated it is an option. Most of the stores that are not 24-hours have 7 a.m. as the earliest opening and 11 p.m. as the latest closing. At a minimum, they would like to be open 7 a.m. to 11 p.m. and then 24-hour for the pharmacy, but that would need to be looked into.

Williams asked if the other 24-hour operations are this close to a residential area, versus in a larger commercial setting. Werner stated the majority of the other 24-hour stores are in commercial settings.

Williams asked if it is possible to address the light levels coming out of the tower window as it relates to the property line. Binckley stated the applicant can bring information back about that at final.

**Public hearing:** Joe Sorrentino, 14912 Ash Street, in the Whitehorse subdivision. There is an Osco Drug less than  $\frac{3}{4}$  of a mile away that closes early. There are two full-service Price Choppers within a three mile radius and a HyVee at 123rd Street and State Line Road. Both have been serving this community for a long time. He built his house in Leawood because he thought it was the best place to go, but he will now have a huge shopping center in his backyard. It went from a little corner spot that was going to be a couple of little things and now there will be restaurants. He asked who will be cleaning those parking lots when it snows and when will trash be picked up. He does not think that it needs to be 35 ft. tall. That light will be a distraction in that neighborhood. It is designed for that. There are grocery stores in this area that have full-service stores. If they thought a 24-hour drive-thru pharmacy would be very profitable, then those guys would have already done it. The Osco on Metcalf doesn't do it. This is right in the heart of his backyard. He is concerned about delivery trucks, traffic, people hanging out there, and snow removal in the nighttime. He thinks the hours need to be restricted. There is no need for it.

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

Williams stated he has concerns on the second level window. Having seen the prototype for Walgreen's at other locations, he feels it is important to see some information from the applicant on light levels. This also brings up the question of neon lighting that is recessed behind the façade of the building. It may be fine on Metcalf in a heavy commercial area, but this does not fit into that same character. He feels it is obtrusive to the residential community around it. Duffendack stated he feels the intent of the ordinance was to restrict advertising signage in the window areas. The only reason for this window is to have the advertising signage, so it does comply. He then asked Marcano to look at the ordinance and explain how it can be interpreted.

Henderson stated concern with the tower and the light. He then stated there are some Walgreen's that do not have that lighting. It would be very visible.

Munson stated he feels the hours of operation are a concern. Williams agreed.

Perkins wondered if being open from 7 a.m. to 11 p.m. would be enough for them.

Azeltine asked if staff knows where the nearest 24-hour pharmacy is relative to this location. Joseph stated the Price Chopper is at 135<sup>th</sup> Street and Mission. Henderson stated the pharmacy inside Price Chopper is not open 24 hours.

Munson asked the zoning for this property. Joseph stated SD-CR, Planned General Retail.

Henderson asked if the water flows southwesterly from this promontory. Ley stated the water is flowing west to a detention pond that was built with the development. Henderson asked if Ley is okay with the water flow. Ley stated, yes. It was part of the original drainage study.

Azeltine stated he feels the applicant has some work to do on the access points spoken of earlier in regard to the sidewalk connections, and also the detail of the brick; making sure it is of the same quality on all four locations, along with the lighting level issues discussed. Those issues should all be addressed at final. Otherwise, it seems the applicant has met the requirements of the ordinance. They have added some amenities with the pedestrian plazas and trails and such. He would hope to see these issues addressed at final.

Henderson asked if the pavers are color coded. Ley stated it is a random color. Henderson wondered if a driver saw the proposed color if they would recognize that it is a pedestrian crossing. Binckley stated all of areas with pavers are used are to demarcate pedestrian areas. We do not use pavers to mark where vehicles drive.

**A motion to approve was made by Perkins with a change to stipulation number 7 to indicate the hours of 7 a.m. to 11 p.m. Williams asked if Perkins would accept an additional stipulation that the applicant address the light levels from the tower window and adjust as to not exceed parking lot levels at the property line. Perkins accepted the friendly amendment. Motion seconded by Munson.**

Williams asked if the Commission will have the opportunity at final application to address the sign ordinance with Council and how it relates to the tower signage. Duffendack stated, yes.

**Motion approved unanimously.**

**CASE 30-05 NALL VALLEY SHOPS** Request for approval of a final site plan. Located at the northeast corner of 151<sup>st</sup> Street and Nall Avenue.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is Otto Westerfeld with Nall Valley LLC. This project is located at the northeast corner of 151<sup>st</sup> Street and Nall Avenue within the Nall Valley Shops development. The applicant is requesting approval of a final plan to construct two one-story retail buildings. Building A will be made up of 11,450 sq. ft. of construction and building G will be made up of 3,890 sq. ft. of construction. These two buildings will be located towards the northwest corner of the development. The entrances for both buildings face inwards towards the interior of the property. The parking for building A is shown along the north and east sides. The parking for building G is shown along the east side of the building. There is a shared parking agreement between the buildings in this development. The proposed buildings will be constructed of brick, EIFS and simulated stone. The sloped roof will be constructed of concrete tiles approved for the overall development. Staff is recommending approval of this case with the stipulations stated in the staff report.

Duffendack asked if stipulation number three, regarding a public art impact fee or a piece of public art, is written as it is normally. Joseph stated it is a standard stipulation. Duffendack stated he feels that what the City is after with that type of stipulation is to build on an endowment rather than have small individual pieces of art. He then suggested talking about it at a later meeting. Binckley stated as each of these buildings are built, staff needs to identify how much the impact fee is per building. But in this case, the applicant for the overall development is planning on putting all of the money together and providing a large piece of art for the entire development. The Public Art committee would approve that piece.

Henderson asked how stipulation number two in the Fire Marshal's comments gets decided. Joseph stated all of the plans will be reviewed by the Fire Marshal at the time of building permit and he will give further recommendation then.

Rohlf asked if buildings B and C were approved in final in compliance with the design guidelines. Joseph stated, yes. Rohlf then asked if the reason the Commission heard Walgreen's as a preliminary was because of the drive-thru needing a special use permit. Joseph stated Walgreen's changed their orientation; therefore they were not substantially compliant and needed to come back for a preliminary.

Azeltine asked if the Leawood Arts Commission had any input on how the stipulation was worded. Binckley stated that stipulation is worded according to how the impact fee ordinance is set up. The Public Art Committee is the one that put that ordinance together.

Conrad asked if there is anything in particular on this application that prompted the hours of operation limitation on the lighting. Joseph stated building G faces towards residential, and that is where all of the signs are located. Conrad asked if there is a similar situation on the north side of building A. Joseph stated there is one sign on that side. Conrad asked if that sign will need to be turned off during certain hours. Joseph stated, yes. Binckley stated that would be handled at final.

**Applicant presentation:** Presentation by Henry Klover of Klover Architects. Building A is very similar to what was shown at preliminary, except the building is modified to step down the hill. The west elevation would have the sign with the hour limitation. The sign criteria guidelines are all still the same and in place. Building G is intended to have areas that would take advantage of outdoor seating. The west elevation would have a patio with a retaining wall. There are stipulations for additional sidewalks. The applicant is agreeable to that. He has reviewed all of the stipulations with the client and they are acceptable to all of the stipulations at this point.

The line of the front of the building was intended to keep it fairly low-lying. It has a series of changes and elements.

Henderson stated it is nice to see no setback deviation requests.

Perkins asked if the retaining wall on building G is to retain because of the grade fluctuation between the building and the street and to hide the patio area. Klover stated it is to allow for the patio. Perkins asked the reason for the retaining wall for building A. Klover stated that is to allow for the slope. Perkins asked what purpose the masonry screen walls serve. Klover stated they are to hide the utilities and equipment. That is required by City ordinance.

Reynolds asked how pedestrians would get to the patio area of building G. Klover stated there is a sidewalk that goes all the way across the front. Staff has asked for sidewalks that go all the way around.

Henderson asked if there are any ordinance codes that deal with carbon monoxide from autos that close to a patio. Klover stated only from the US Government and none that he knows of that would be relevant to this situation. Henderson asked if it would pose a health problem. Klover stated he is not sure if he is qualified to answer that.

Azeltine asked when the preliminary plan for this case was approved. Binckley stated it was a year ago.

Henderson stated it seems to him that the applicant has addressed the issues that were raised during the preliminary. He thinks it is an indication that the process has worked on this one.

**A motion to approve was made by Rohlf and seconded by Henderson.**

Conrad asked if staff would look at stipulation six and see if it is appropriate for any other faces of these buildings or any other buildings in the development. It is consistent with what we have done.

**Motion approved unanimously.**

**CASE 28-05 VILLAS OF WHITEHORSE – 3<sup>RD</sup> PLAT** Request for approval of a rezoning from RP-4 (Planned Cluster Residential – Old Zoning Designation) to RP-2 (Planned Cluster Detached Residential), preliminary plat and preliminary site plan. Located at approximately 150th Terrace and Nall Avenue.

**Staff presentation:** Presentation by Diane Binckley. The applicant is Jim Riffe with Riffe Home Building. The request is a rezoning from RP-4, which is an old zoning category from a previous development ordinance, to RP-2, preliminary plat and preliminary plan for a 15-lot, single-family residential subdivision. This is a reduction from the current preliminary plan, which allows for 21 homes. The applicant, with support of the City, is proposing to rezone the entire Villas of Whitehorse subdivision, which would be the existing homes as well. This is to bring it into compliance with our current ordinance, as the current RP-4 zoning is apartment zoning. This phase is accessed from Nall Avenue as well as from the first and second phase of Villas of Whitehorse. The original plan had houses on the south side of 150th Terrace backing to Nall Valley Shops. This proposal is now to adjust 150th Terrace to the south side and move the homes to the north side, in which they would then back to the single-family subdivision of Whitehorse. A memo was placed on the dais for the Commission regarding this case. After the staff report was written there were some adjustments made due to some requests made by the applicant and one error in the stipulations. On stipulation 6C it was stated that a

minimum side yard of 16 ft. between structures would be requested. In the preliminary and final for the first two phases there is 15 ft. between structures and the applicant has asked to maintain that same 15-ft. separation. The City has allowed for this as long as there is enough open space, which they have provided, and they are providing a class A tile roofing. Staff is supportive of that request. On stipulation 13, the change is to remove the second sentence, which states, "Sidewalks shall be provided along both sides of the street." In the first and second phases there is only a sidewalk on one side of the streets, so it only makes sense to continue that same sidewalk. On stipulation 14 staff identified a 5-ft. width and the existing sidewalk is 4 ft., which is Public Works' standard. 5 ft. is more typical in a commercial setting. Staff is recommending approval of this case with the adjustments stated.

Conrad asked if the 15 ft. setback is located next to the development directly to the east. Binckley stated, yes. Conrad asked if the sidewalk is on the south side of the existing street. Binckley stated, yes. Conrad asked if it will extend on the south side for three lots, and then on tract L. Binckley stated, yes. Conrad asked if that is the best place for it. Binckley stated staff looked at the idea of trying to cross over, since the residents are on the other side, but the problem is that trying to cross in the middle of the street does not necessarily create a safe situation. Staff felt to continue and keep the sidewalk where it is and keeping it in tract L and hopefully being able to meander it somewhat through there would be the best location.

Henderson stated stipulation 12 states "may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements." He then asked what mechanism the City has to take care of that. Binckley stated the Neighborhood Services department is over that.

Duffendack asked if Binckley sees any sort of problem from a planning standpoint with the termination of the two cul-de-sacs in Whitehorse that are flanked by lots 6, 7, 13 and 14. He is concerned with the views that will be funneled coming down those cul-de-sacs into the backs of these new units, even though there is a drop of 10-ft. on the west end of the development and less than that on the east end. Binckley stated the reason those tracts were provided was to allow for some form of pedestrian connection. The one on the east allows for pedestrian access to be able to cut through the Villas of Whitehorse. The Villas of Whitehorse has provided substantial Evergreen buffers along their entire edge and we would plan to see that with this portion of the development as well. They have done, to date, two-tier Evergreens, staggered, along their boundaries. There is a fence coming from the south.

Henderson stated there seems to be consistency between Whitehorse and the Villas of Whitehorse. He then asked if there is a committee to oversee that or if staff has been overseeing it. Binckley stated they are different developers. Any consistency between them is due to staff's work with the developers.

**Applicant presentation:** Presentation by Judd Claussen with Phelps Engineering on behalf of Riffe Builders. The original approved plan brought the road along the north side between the Whitehorse development and clusters of the Villas. The applicant is now asking for less in this revised plan. The original plan had 21 units circled around a private driveway system. The revised plan is asking to bring the road to the south end and provide more area for the units themselves to provide more of a single-family feel. The new plan has every lot set up for a three-car garage. That is the only architectural building change since the original proposal. There will be significant landscaping along the perimeter of the site. The applicant will be working with staff on the landscaping now through final to improve the landscaping on the north end. There was originally a pedestrian link between Ash, through the development, down to the Nall Valley Shops and that is still planned.

Conrad asked how they will ensure that they do not end up with six of the same designed homes in a row. Claussen stated in the original plan there was a 50/50 mix of side entry to front entry garages. They have kept to that same mix.

Azeltine asked if there are any significant differences from this plat than the other two plats that have been approved. Claussen stated, no, just a site plan change.

Perkins asked the grade change from west to east on the street. Claussen stated it goes up about 14 ft. The grade at Nall Avenue is about a 954 and the top of the hill is about a 972. They meet the City standards as far as profiles and they have submitted that as part of the application. Perkins asked if the houses would be higher than the cul-de-sacs on Ash and Birch. Claussen stated there is about a 980 contour at the middle of the intersection of Ash and Birch. At the highest point in the street, the houses are setting at about 976 for top of foundation, so about 4 ft. lower, and then the houses start stepping down as the street grade steps down. Perkins asked if these homes would be for sale. Claussen stated, yes.

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

**A motion to approve was made by Azeltine with the changes made in the memo by staff. Motion seconded by Williams. Motion approved unanimously.**

**CASE 29-05 10308 STATE LINE ROAD – MEDICAL OFFICE** Request for approval of a final site plan. Located at 10308 State Line Road.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is Paul Fletcher. The applicant is requesting approval of a final site plan to replace an existing wood mansard roof with a Hemlock Green standing seam metal roof. This building is located at 10308 State Line Road. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked if there is any other work being done on this building other than the roof. Joseph stated, no.

Henderson stated the Commission has looked intermittently at the individual shops in this row. He asked if the Commission has any views on this strip mall. Duffendack stated he feels that any improvement to a building is an improvement, especially in this area. The Commission should concentrate on that. It could be a good point of discussion for a site visit and work session discussion later this summer.

**Applicant presentation:** Presentation by Jim Mallow, the owner. He agrees with the staff stipulations. The request is to replace the old shingle roof with a much nicer roof. The applicant is also going to paint the cinder block to a color similar to what it is now. The City looked at that whole area up there about eight years ago. Ken Bartnick wanted to develop it and then they were going to condemn the whole area. If that is something that is on the agenda then he would certainly not want to spend the money on improving the building.

Henderson stated he is interested in the applicant making everything look better than it has.

Mallow stated the Audio Mart building redid theirs a few years ago and that looked nice. This will have a similar look to it except it will be green instead of red.

Perkins stated standing seam metal is more durable and easy to maintain. He then asked what happens to a standing seam metal roof as the weather hits it. Mallow stated it is a false mansard roof and it is vinyl clad so it is very durable. Perkins asked if it oxidizes. Mallow stated, no. Williams stated it may fade 20 years down the road, but nothing other than that. Duffendack stated it is made better now than it used to be. It is coated with an epoxy and is very durable.

Azeltine asked why this was not placed on the consent agenda. Duffendack stated there were recent comments from the Governing Body that the Commission was approving too many items via consent agenda. Azeltine stated it seems to him that in the interest of time if someone is replacing a roof, whether it be a residential or commercial structure, it is either in compliance or not. Binckley stated she did consider placing this item on the consent agenda, but there have been some comments made by the Commission on architectural statements and discussions. Since this had to do with architecture, she left it on the regular agenda for discussion.

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

*Commissioner Conrad recused himself from the following cases.*

**CASE 36-05 PLAZA III** Request for approval of a final site plan. Located at the southwest corner of 135<sup>th</sup> Street and Nall Avenue within the Cornerstone of Leawood development.

**Staff presentation:** Presentation by Diane Binckley. The applicant is Ed Coon with HOK and the soon to be property owner is Nabil Haddad. The restaurant is proposed to be constructed at the southeast corner of the main center of the Cornerstone development. The building will have a 14,000 sq. ft. footprint with a 3,000 sq. ft. basement. The basement will be used for employees only and will contain freezers, coolers, a kitchen prep area, office and a restroom. It will be accessed with stairs as well as an elevator, as required by code. Building B, located to the northeast of this building, is the site of the Cheeseburger in Paradise and Bonefish Grill. To the south of this building and facing this one will have a screen wall and then the main plaza area will be to the north of Plaza III. An at-grade patio will run along the north and west sides of this building. The front of the Plaza III restaurant is proposed to be located on the east side of the building with a second full-service entrance on the north side of the building. This building meets all of the bulk requirements as set forth by the development ordinance. The only items staff would like to highlight are the three signs proposed. The design guidelines for Cornerstone allow for three signs with one sign only being internal to the pedestrian area. That is what the applicant has requested, although the sign criteria limit the size of the signs facing the main center to an average height of 24 inches. The sign proposed on the north side is 28.5 inches, so stipulation 13 requests that be limited to 24 inches.

Rohlf asked for clarification on the height and massing of the western portion. Binckley stated staff looked at this building in relation to the building that is intended to be to the west of it. Although that building has not received a final approval, it has been identified to be a two-story building. Staff wanted the applicant to take a look at the option of increasing the height, considering this is the banquet facility on the west end of the building and could potentially be a prominent piece. Staff felt there was a potential to raise the height of that and proportion to make it relate better to the building to the west. Staff only raised the issue so the Commission would know that they did have the discussion with the applicant.

Perkins asked the major changes since this building was approved at preliminary. Binckley stated she does not believe that there are any major changes. The recommendations made by the Commission regarding a second entrance are now shown.

Perkins asked if building J would be in its original location. Binckley stated, no. When building B went before the Governing Body one of the comments was for the developer to continue reviewing the pedestrian space and try to bring it back to its original state. Through the discussions with Governing Body, the developer eliminated the idea of having building J and having a larger pedestrian area. Perkins asked if the pedestrian area to the north and west of building A would be much larger. Binckley state it would be more substantial. Perkins asked how they would know what it is going to look like. Binckley stated the developer is working on providing revised plans. The requirement with building B was that they provide them to staff for staff's approval and if staff is not satisfied it would come back before the Commission and then Council.

Henderson asked if the 12 ft. width of the patio is wide enough to accommodate a table and chairs. Binckley stated, yes.

Williams stated staff has commented on changing the metal from a gray to copper. Binckley stated she believes the applicant is agreeable to that. Williams asked why staff wants that changed. Binckley stated staff feels this material fits in well with the other materials for the development. This was also the original material proposed. The gray did not seem to blend as well. Reynolds asked if it would be patina copper. Binckley stated, yes, so it would age.

**Applicant presentation:** Presentation by Nabil Haddad. The applicant has agreed to the copper metal. He believes the applicant has met everything staff has asked them to do. The only thing they did not want to do was to create a canyon between his building and the next one, so they feel the proposed height is appropriate.

Klover displayed the originally approved site plan for Cornerstone. He then stated building J is now gone, building H has squared up, per the original design, and the plaza area has opened up. Their intent is to proceed with a design that creates some amenities and character. Klover showed the current site plan for the overall development.

Rohlf asked what is on the back of building B. Klover stated it is a full-height screen wall, but the intent is to design it with some character and elements and even disguise it with seating areas, planting and berms.

Duffendack suggested making a secondary entrance to those restaurants like Plaza III has done. Klover stated it was discussed, but they have their kitchen in that area.

Williams asked if the intent is that the service corridor behind building B would remain the same size. Klover stated, yes, but he will be the one developing that wall so he will be working on seeing if it needs to be that large. They will be looking at that wall. Williams asked if the trash dumpster area is going to be in the same configuration for building B. Klover stated it was approved in that location, but he is going to try to take advantage of it. He will have a conversation with the applicant on it. Williams stated it is going to be close to what would otherwise be a very nice area.

Henderson asked if the plaza area would be suitable for kiosks or art expression; something that would draw people to that area. Klover stated it is his desire to create an aesthetically pleasing gathering environment.

Williams asked if building H would open onto the pedestrian corridor. Klover stated, yes. The original design still holds. It is going to be office on the second level and the first level will be retail that will open internally.

Ed Coon with HOK showed the site plan and landscape plan and described the materials. There is a 2-ft. change in elevation between this building and building H. The banquet rooms are the lowest finished area. The applicant would not want to accentuate that by raising it up. They would instead like to focus on the main dining area and the main entries. Coon showed and described colored elevations.

Williams asked if the dining area is a two-story space. Coon stated it is a clerestory space.

Henderson stated he feels it goes towards the architectural design they were wanting with Cornerstone. Duffendack agreed.

Perkins asked if the poured concrete is stamped. Coon stated it is a scored concrete. Perkins asked what the material would be where building J is shown. Klover stated there was a series of patterns with colored concrete, pavers, and a pattern of sandblasted concrete. They now will be redesigning this area again and presenting it to staff. Perkins asked if that area has anything to do with the Commission approving Plaza III. Klover stated, no. That is for Klover to take care of. Perkins asked when the Commission would see it. Klover stated he believes the stipulation is that he will bring it back to staff and if they cannot come to a resolution then it would come back to the Commission.

Reynolds asked if there is enough room for people to gather and wait on the walkways. Coon stated for the bulk of the building it is 16 ft. and they always have a 12 ft. sidewalk at the minimum. Reynolds asked if they are planning on having outdoor seating in those areas. Binckley suggested Reynolds is asking if there could be benches for people to sit on while waiting for their table. Haddad stated they could add benches. Binckley stated there are two main entrances. Staff's feeling is that people would come in off of the plaza area entrance and have places to sit there, as opposed to the parking lot side.

Williams asked Coon to describe the material board. Coon described the material board. Williams asked if the concrete would be colored. Coon stated it is not fully resolved, but they would play off of whatever Klover is doing with the rest of the development. Williams asked the material of the trellis. Coon stated it is currently shown as painted steel but it could be a type of fiber-reinforced fiberglass. It would not be wood because wood is not approved for an exterior material for the development.

Williams stated he feels the applicant has done a nice job in responding to the Commission's previous concerns. He likes the detailing they have presented in the final plan and is excited to see it go up. Henderson agreed.

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

**CASE 38-05 WINSTEAD'S** Request for approval of a final site plan. Located at the southeast corner of 135<sup>th</sup> Street and Briar within the Cornerstone of Leawood development.

**Staff presentation:** Presentation by Diane Binckley. The applicant is Klover Architects. The request is for a final site plan for a 5,000 sq. ft. restaurant with an attached drive-thru. This building is located on lot 8 of the Cornerstone development, which is the piece that is the extreme northeast corner on the east side of Briar. The lot has two driveways. One drive is midway along the east property line and the other is coming in from the south property line off of the access drive that connects to Plaza Pointe. The building is an art deco style for which Winstead's are known. The building will be covered primarily in tile, stainless steel and glass. The applicant is proposing two wall signs and a menu board. The menu board will be located on the south side of

the proposed trash enclosure and will have a total square footage of 35 sq. ft. There were a couple of slight amendments made to this case since the Commission saw this project and it went to the Governing Body. There was some concern about the number of parking spaces on site and the fact that it is separated from the rest of the development. With that, there was an additional crosswalk that was required at the south end of the lot crossing Briar. The applicant has now shown that on the site plan. The other issue was the size of the trash enclosure. It does allow for additional green space and parking spaces. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked if this is the first Winstead's in Leawood. Binckley stated, yes.

Munson asked if anything has changed with the drive lane being too tight. Binckley stated she believes the applicant has looked at it, but nothing has changed in that regard.

Henderson asked if staff is comfortable with the interior setback being less than required. Binckley stated staff feels comfortable with it in relation to the building to the east and the retaining wall.

**Applicant presentation:** Presentation by Henry Klover of Klover Architects. The applicant feels it is a very good use for this piece of property. The size of the trash enclosure has been reduced and additional green space has been added around it. An additional walkway across Briar has been added by request of the Governing Body. Klover showed and described the elevations of the building. There is a solid screen on the roof to screen the rooftop equipment. The applicant is requesting the trash enclosure wall be allowed to have a metal cap instead of cast stone. There is no cast stone with this building. He does not think it is an appropriate material for an art deco building. The applicant is also requesting the retaining wall have a metal cap as well. The existing retaining wall that was constructed is exactly the way this is intended to be designed. It is a concrete retaining wall with a concrete cover that comes across the top of the stone. In this case, it would be brick. The applicant is requesting to not have a cast stone on top.

Williams asked what they want to do with the metal cap on the trash enclosure. Klover stated it would be the same detail that caps the roof of the building. All of the Winstead's have the banding that is the same. Binckley stated staff brought that forward for long-term maintenance and durability. If there is another durable product that the applicant has, staff is willing to work with them. Williams asked if staff feels a metal cap is durable. Binckley stated staff is willing to work with the applicant on the material. Metal tends to get bent around trash enclosures, but maybe staff does not understand the detail from the applicant on the product. Williams asked if the wall height on the enclosures is 6 ft. Klover stated they have been lowered to 6 ft. Binckley stated she would say the same for the retaining wall. Staff is looking for a color that would blend in well and give a final detail there that would be appropriate. Perkins asked if the retaining wall would be capped with brick. Binckley stated the applicant has stated they would do a detail that would bring it with a concrete cap.

Perkins asked the purpose of the sidewalk to the north. Klover stated it is intended for pedestrians walking along Briar.

Williams asked how the plantings along 135<sup>th</sup> Street relate to the landscaping plan along 135<sup>th</sup> Street for the Cornerstone development. Klover stated it is his understanding that they are all off of the original plan.

Henderson asked for Williams' opinion of the three different styles of Ted's Montana Grill, CVS Pharmacy and Winstead's. Williams stated the overall look and color will make it look quite different, but he believes the

discussion was that it is a Kansas City icon and a corporate identity that is far more pleasant and upscale than most others that will be in this development.

**A motion to approve was made by Henderson with an amendment to stipulations 8 and 9 and that the applicant work with staff on the cap of the trash enclosure and retaining wall. Motion seconded by Munson. Motion approved unanimously.**

*Conrad returned to the meeting.*

**ELECTION OF OFFICERS:**

**A motion to keep the chairman and vice chairman was made by Munson. Motion seconded by Azeltine. Duffendack asked if there are any other nominations. Motion approved unanimously. Rohlf and Duffendack abstained from the vote.**

**Meeting adjourned.**

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J. Paul Duffendack, Chair