

City of Leawood Planning Commission Minutes

May 23, 2006
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Henderson, Perkins, Jackson, Rohlf, Conrad, Munson, Williams (absent), Elkins (absent), Reynolds

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

APPROVAL OF THE MINUTES: Approval of the minutes from the April 11, 2006 meeting and the April 25, 2006 meeting.

A motion to approve the minutes from the April 11, 2006 meeting was made by Henderson and seconded by Perkins. Motion approved unanimously.

A motion to approve the minutes from the April 25, 2006 meeting was made by Perkins and seconded by Jackson. Motion approved unanimously.

CONTINUED TO THE JUNE 27, 2006 MEETING:

CASE 08-06 LDO AMENDMENT - SECTION 16-2-9.2 NON-RESIDENTIAL USES Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 09-06 LDO AMENDMENT - SECTION 16-3-9 DEVIATIONS Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 30-06 ONE NINETEEN Request for approval of a rezoning from SD-CR (Planned General Retail) to MXD (Mixed-Use Development District) and preliminary site plan. Located south of 119th Street and east of Roe Avenue. **Public hearing**

NEW BUSINESS:

CASE 27-06 GLEN ABBEY OF LEAWOOD Request for approval of a rezoning from AG (Agriculture) to RP-1 (Planned Single-family Residential), preliminary plat and preliminary plan. Located at 4900, 5000 and 5100 West 143rd Street.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a rezoning from AG to RP-1, preliminary plat and preliminary site plan for the development of a 38-lot single-family subdivision on 30.27 acres for a density of 1.26 dwelling units per acre. This site was the subject of another application the Commission heard earlier this year. At that time it was called Colton Creek. The Colton Creek property consisted of two of the 10-acre lots that are part of this application. This application has added on a third tenant lot to the east of the other two. The layout is generally the same; however, the applicant has added a round-a-bout located part of the way up off the entrance off of 143rd Street. They have also provided a connection to the east to allow future street connection if the two ten-acres to the east develop. Colton Creek had provided 32 lots. Glen Abbey is providing 38 lots. Colton Creek was providing 19.26 acres. Glen Abbey is providing 30.27 acres. Colton Creek was proposing a density of 1.66 dwelling units per acre. Glen Abbey is proposing 1.26 dwelling units per acre. The average lot size of Colton Creek was 18,587 sq. ft. The average lot size of Glen Abbey is 22,039 sq. ft. The minimum lot size within the RP-1 district is 12,000 sq. ft. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked what would happen with the house that is not mentioned in the staff report. Klein stated the applicant is proposing to remove it completely.

Henderson asked if the change from 32 to 38 lots results in the request for side lot deviations. He then asked why they need to have the houses so close together since there is more space and the lots range up to 130,000 sq. ft. He also asked why the applicant would not use more of the land for a more spacious lot and perhaps a better building. Klein stated the applicant is requesting a deviation to allow 8-ft. side yards. On all of the lots they are proposing that deviation the adjacent side yard on the adjoining lot is 16 ft., so it would be the same as a 12 and 12 setback. This would allow the developer a way to fit the house on the lot to allow them to have some side-entry garages. Staff is comfortable with that since they are maintaining the distance between. On the few that do not have a 16-ft. setback adjacent to them, those are adjacent to a common tract and the minimum width of the adjacent tract is 20 ft. Henderson asked if the Commission will see the side garages and extended space on each of the side lots. Klein stated the applicant has provided building footprints. Typically, the Commission and Council do not see residential houses as they go through. Henderson asked if the Commission could stipulate that the contiguous space would be guaranteed. Klein stated there have been stipulations with other developments stating that a certain number of the lots had to be side-entry garages.

Munson asked the frontage for lot 31. Klein stated its frontage runs along the side of lot 30. It looks as if it is about 60 or 80 ft. Munson asked what the minimum frontage is for the zoning district. Klein stated the minimum is 100 ft. for the frontage. They would require a deviation for that lot. They are also requesting deviations for lots 24 and 25, which are pie-shaped lots. Rohlf asked if lot 30 is accessed from 143rd Street. Klein stated they eliminated two detention ponds and created one large detention pond. Lot 31 will now be accessed from the main road in Glen Abbey.

Perkins asked Ley why he included the stipulation that lots 30 and 32 shall be extended to the east. Ley stated as the driveway from lot 31 comes up to the collector street there is a retaining wall and it is too close to the roadway so anyone leaving lot 31 will not be able to see around that wall. Staff wants to have the wall pulled back further away from the roadway for safety.

Reynolds asked for a description of the impact on the existing pond now that it will be used for detention. Ley stated the City had the same engineer review this plan that reviewed the first plan, which is Olsson and Associates. They initially had some comments for Phelps Engineering and Phelps addressed those issues. That pond has been increased significantly to handle the runoff.

Conrad asked when the second phase would occur and also when the streets would be constructed. Klein stated normally streets are constructed when each phase comes through. The applicant would be able to better explain what they are planning.

Henderson asked about the fire marshal's comment on the round-a-bout. Earlier, in a previous case, the fire marshal was on record as not favoring the use of a round-a-bout because of impeded progress of emergency vehicles. He is pleased to see that the fire marshal is willing to entertain a round-a-bout, but would like to know if staff anticipates any problems. Klein stated he does not anticipate any problems. The applicant would need to provide something at time of final plan in response to the fire marshal's comments.

Perkins asked if lot 31 was on the previous plan for Colton Creek. Klein stated it was not. Regarding the lot width, the frontage width is shown as 39 ft., which would require a modification to the stipulation on the deviations to allow a 39-ft. frontage for lot 31, which would be on stipulation number 6.

Perkins asked if the person who lives on lot 31 owns all of the land around it, or just the house. Klein stated during the Colton Creek application that person owned the entire 10 acres. The applicant may be better able to answer that question.

Henderson asked if staff estimates the next 10-acre lot to the east would look more like the Colton Creek expression, or the new entry expression, if it would be 30-something lots, or just 10 or 12. Klein stated the Planning Commission and Governing Body would have the opportunity to view any new applications that come in. Lambers stated there may be

smaller lots on Roe and larger lots as it gets farther west from that. In order for the developer to spread the cost out he would suspect seeing greater density along Roe. Henderson asked if there might be less number of lots along Roe, so not so much change in density, rather than the same number of lots as to increase density. Lambers stated there would be typically a more dense use along the street and then the larger lots as you go into the development; smaller still being 12,000 to 15,000 sq. ft.

Applicant presentation: Presentation by Jason Meyer, Vice President of Development for Matt Adam Development Company. Harold Phelps and Tim Tucker are also in attendance to speak if needed. The theme for this development is that it is the new Old Leawood. The idea is that they are taking the architecture for Glen Abbey and making it very similar to what one would find in the old area of Leawood. They are requiring at least 50% stone or brick on the front façades. In regard to the side yard setbacks, they are encouraging side-entry garages to bring the architecture into a higher standard. In Old Leawood there are a lot of really nice trees, so they want to promote that idea in Glen Abbey. They will be planting 6 to 8-in. caliper trees all along the boulevard coming in and then 4-in. caliper trees along the other streets in the development. They will be planting an extensive buffer along 143rd Street and preserving as many trees as possible for the entire development. The main entry for this development is a subtle monument design. They are proposing a pergola on each side of the entry and small sign in the median. They are going to have a stone bridge that crosses the creek. It will be real stone, up next to the street to feel like a quaint cottage neighborhood. In regard to detention, they took what could have been a negative with the old plan and turned it into a positive for the new plan by providing a 3 ½-acre lake. In regard to the entry monuments, they are pergolas with stone columns and huge wood timbers that vines would grow up on. They do encroach into the sight distance triangle, but it is allowable to have a tree that encroaches on the sight triangle. They are looking at the columns as something like a tree. They are open-air pergolas that one can still see through. The applicant feels they are not impacting safety in any way. Typically, the sight-distance triangles are seen within the internal streets. They feel it is important for the development. Lot 31's frontage has a driveway that comes onto 143rd Street. As they have heard in the past, their driveway gets flooded quite often. This solution is a much-needed benefit for them and a benefit for the City because there will not be a small driveway opening to 143rd Street. The round-a-bout will have a grove of Aspen trees in the center with a low stone wall and a couple of Sycamore trees. The applicant feels this plan is much better in every aspect than the previous plan that was approved.

Rohlf asked Meyer to address the concerns of phasing. Meyer stated the second phase includes the seven homes on the eastern side. Those will be put in as soon as they sell the lots on the first 20 acres. They believe that will happen within a year to a year and a half.

Conrad asked if the extension of the street on the east would be built when they build the public infrastructure for phase one. Meyer stated they are breaking it down into phases due to financial reasons. They are putting in the sanitary sewer infrastructure up front for those seven lots. Putting in that road and extending it through won't happen until that phase comes through. Conrad stated he is pleased that there is a solution that addresses connectivity and planning for what might happen to the east. He then asked if the applicant owns that property. Meyer stated they will buy that property in three years. They fully intend to buy it.

Henderson asked the correct name for GlenAbbey. Meyer stated it is one word, with the "A" being capitalized. Henderson asked how many side-entry garages would be built. Meyer stated they are going to try to get side-entry garages on as many lots as they can. If they need a front-entry garage, then they will require that every front garage door they put on will have the trim pieces and the look of an old garage door. Henderson asked if there is anything in print in regard to design guidelines. Meyer stated the manual will be ready in a couple of days. Anyone that buys a lot will be required to plant three additional trees in the front yard and four additional trees in the back yard. The idea is that within five years there will be a forest growing around these homes. Henderson asked if they are requiring a certain caliper of tree. Meyer stated, yes, in the front they are requiring two 3 ½-in. caliper hardwoods and one 2 ½-in. ornamental tree. In the rear they are requiring three 2 ½-in. caliper hardwoods and one 2 ½-in. caliper ornamental tree. They will try to make sure they are screening all of the garages and AC units as much as possible. It will be an extensive process. Henderson asked how they would effectively work out the side yards and the attached 16 ft. or more to these. Meyer stated each of the lots has setbacks assigned to it. The plat is labeled whether it is an 8-ft. or 16-ft. side yard. They will be defined on each lot during final plan. There will be a minimum of 24 ft. between buildings. They feel this is a creative solution to allow them to put a side-entry

garage on a 100-ft. lot, which is not possible to do in most cities. They feel it will work out well. Henderson stated he would not want the homes to look too close together. Meyer stated they want a one and a half story or two-story that looks like a one and a half story.

Reynolds asked if those issues will be seen during final site plan. Klein stated the applicant will be able to adjust some of the lots prior to final, but they are required to stay within substantial conformance with what gets approved during preliminary. The Commission will have a chance to look at the final issues, such as the lots shifting slightly. The Commission has the ability to put a stipulation on the number of side-entry garages now or you could do it at the time of final.

Klein then stated, in regard to the sight triangles, the Leawood Development Ordinance states that nothing can be within the 3-ft. to 6-ft. area of the sight triangle. The reason for that is to allow cars to see around the corner. It is a safety issue. Staff would not be supportive of compromising that. Reynolds stated that triangle needs to be resolved to accommodate today's conditions and also the widening of 143rd Street in the future. He would be concerned about that sight triangle being compromised.

Lambers stated the applicant has stated there will be lots that will have side-entry garages. As part of the final plan it would be beneficial for the applicant to identify those lots for final plan submittal. Meyer stated lots 4, 9, 10, 11, 12, 13, 15, 16, 23, 26 and 27 will definitely have side-entry garages. They hope to have 75% with side-entry garages. Reynolds stated he would love to see 75% be part of the development's requirement. Lambers stated he would like the applicant to give that information at final plan. Given his intent on the architecture, they can reject builders that refuse to do that. Identifying them would be the City documenting it as part of the process.

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

Klein stated he spoke incorrectly earlier on stipulation number 6. The LDO only allows a maximum deviation to 80 ft. in lot frontage. That would need to be modified so that lot 31 would be allowed 80 ft. and they would need to provide that 80 ft. within that lot. Stipulation number 6 would need to have lot 31 added to lots 24 and 25 for the deviation.

Henderson asked how quickly the developer is planning on applying for final. Klein stated that would be up to the applicant.

A motion to approve was made by Conrad with an additional stipulation requiring the streets and infrastructure be constructed on the northeast portion of the project during phase one. Munson asked Conrad to clarify the lot numbers. Conrad stated he meant the street accessing lots 20, 21, 22, 23, 24, 25 and 26. Reynolds asked Conrad to include the change to stipulation number 6 as made by Klein. Conrad included that in his motion. Motion seconded by Reynolds.

Meyer stated they cannot contractually put in the street on the Oltjen property. They wanted that as their back yard for the next two years or so. It would be financially and contractually impossible to do that right now. It is critical that it stays phased. Conrad asked staff how the City can ensure that it is constructed and not left with what looks like the original proposal. Lambers stated the property to the east is part of this application and the owner of the property to the east is represented by the applicant tonight. It is within the Commission's jurisdiction for the condition to be imposed. He then suggested the stipulation remain as-is to give the applicant and the property owner to the east a chance to see if that would be workable. Private contractual relationships are not subject to our involvement. Conrad stated he is very supportive of the project. He feels we should do everything we can to make sure the entire project is constructed the way it is being presented. Lambers stated a dedication of right-of-way would be sufficient for a safeguard to ensure that it goes forward. Meyer stated he feels that would be the best solution to the problem. They would be more able to do that. Lambers suggested Conrad change his motion to have a dedication of right-of-way be submitted as part of final plan approval of this project.

Reynolds made a motion to amend the motion by modifying the added stipulation to read, "As a part of the platting of the project, the right-of-way will be dedicated for the entire plan, including the segment of the plan that services lots 20 through 26." Henderson seconded the amendment. Amendment to the motion approved unanimously.

Motion, as amended, approved unanimously.

CASE 29-06 PARKWAY PLAZA OFFICE CONDOMINIUMS Request for approval of a final site plan and final plat. Located at the northwest corner of 135th Street and Roe Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a final site plan and final plat to allow the construction of five one-story buildings for a total of 26,900 sq. ft. of construction. The applicant is Dan Henry with Dan Henry Construction. This project is located with the Parkway Plaza development, located at the northwest corner of 135th Street and Roe Avenue. During the overall final plan application process the proposed five buildings were approved for a total square footage of 32,600 sq. ft. This plan is proposing 26,900 sq. ft. and is in substantial compliance with the approved final plan. The open space and layout of the buildings is the same as was approved with the overall final plan. The proposed buildings will be constructed of stone, stucco, cast stone and glass. Several plaza areas are proposed within these five different buildings. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if the Commission should just be looking at the proposed signage since everything else is in substantial compliance. Joseph stated, yes, and also the plaza areas.

Henderson asked the definition of an office condominium. Joseph stated there would be individual ownership for the tenant spaces. Henderson asked if there would be a residential component to it. Joseph stated, no. It would be office spaces. Henderson stated he is confused by the word "condominium" since that usually is in reference to residential. Munson stated a condominium is a place where different people own their own spaces, and there is common space that they jointly own and take care of. Lambers stated he would assume that the maintenance of the green space will be subject to the property owners and that is where the condominium term is coming into play.

Conrad asked if these buildings would need to be platted individually. Joseph stated, yes. Conrad asked if there is a sufficient amount of parking for these four buildings just in this one piece, or if there is shared parking. Joseph stated it is shared parking within the entire Parkway Plaza development. Conrad asked if there is a similar situation elsewhere in the City. Joseph stated in Plaza Pointe there is a similar situation with lot 2. There is one building with two tenants and they platted each of them individually. Perkins asked what is different with this plan and the one previously approved. Joseph stated staff is requesting more amenities within the plaza areas.

Reynolds asked how the square footage was reduced. Joseph stated each building was reduced in size.

Conrad asked if there is a preliminary plat associated with this. Joseph stated, no, there is a final plat as part of this application. Conrad asked if the buildings are platted yet. Joseph stated, no. Conrad asked if it is undetermined how they may be subdivided. Joseph stated that is correct.

Applicant presentation: Presentation by Jerry Avery with Dan Henry Construction. The Commission has already approved this to be changed to five buildings. An office condominium aspect in today's environment is an opportunity for someone to have ownership of a much smaller space. Someone can own 1,500 sq. ft. of this building. The maintenance needs to meet the guidelines of the development. Once all of the buildings are owned then an association will be formed. If they want to add more amenities or make changes it would be up to that association to make that decision at that point in time. The applicant has worked with staff to try to change the plaza areas inside the L-shapes between the buildings. They have two architectural firms trying to come up with more designs that they will bring back to staff to discuss to bring that up to the level and standard they would like to see in this. They could not be more pleased with staff and the amount of time and effort they have given the applicant to try to create an environment that blends well between the retail front that is taking

place and the upscale residential condominiums. It will blend well within what the City is looking for and also gives an excellent opportunity for someone to come in and be the owner of a piece of a building.

Rohlf asked where this is located. Avery stated they are located south of the residential condominiums in the Parkway Plaza development. Rohlf asked staff which buildings are already built or in the process of being built. Joseph stated Country Club Bank is built. Starbuck's is in the middle of getting a building permit. Retail 1, the largest building in the development, was approved a couple of months ago. Retail 9 is under construction. Demdaco has been approved. Rohlf asked what would be to the east of the five-building complex. Joseph stated they are office/retail spaces.

Jackson asked how the developer ensures that there is a minimum amount of maintenance maintained on the outside of the buildings once they are sold. Avery stated there would be a covenant that they would sign when buying into the development. They have to maintain the standard of the development and they also have to participate in the association so all of the upkeep and maintenance is prorated among the ownership of the buildings. Jackson asked who would ensure the covenant is maintained once it is sold. Avery stated the ownership of the groups.

Perkins asked if the applicant would need to come back to the Commission with another final plan application after the plaza areas have been finalized with staff. Avery stated the applicant would be working with staff on the landscaping and plaza areas.

Reynolds asked if the applicant is in agreement with staff's recommendation in regard to the signage. Avery stated, yes.

Conrad asked the location of trash enclosures and mechanical equipment. Avery stated the HVAC equipment will be located in a mechanical mezzanine. It will not be outside of the building. There will be some condensers outside that will be screened by bushes. Conrad asked if there would be any projections from the roof elements. Avery stated, no. Conrad asked where the trash enclosure would be located. Avery stated, because these are offices, the trash will be taken away every night. There would not be a trash enclosure. Joseph stated they have been approved for internal trash.

Conrad asked if the overall developer has commented on this plan. Joseph stated Suttle Mindlin has approved the architecture. There are no changes to the architecture of the buildings.

A motion to approve was made by Munson and seconded by Reynolds. Henderson stated he finds this proposal to be puzzling in its ownership and accountability expectations. **Motion approved 4-2. Conrad and Henderson against.**

CASE 35-06 MISSION FARMS – BLUE KOI NOODLES AND DUMPLINGS Request for approval of a final site plan. Located at the southeast corner of 105th Street and Mission Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan for the approval of a tenant finish within the Mission Farms development. As part of this application the owner of the Mission Farms development is also requesting approval of storefront design criteria for the Mission Farms development. This is the first time the Commission has seen tenant finishes. This is driven by the number of developments coming forward now wanting to have individual character for each of the tenant spaces as opposed to something like Camelot Court, where there are typical store fronts that pretty much look the same. Park Place has also indicated that they want each of the storefronts to develop their own personality. In this case, with Mission Farms, the applicant showed a standard storefront for that first floor, then later came back and indicated he would like each of the tenant spaces to be able to identify their individual character. That is the reason the Commission is seeing this case tonight. The roof features and colonnades have already been approved with the overall final site plan for Mission Farms. The Commission is just looking at the façade of the storefront for each of these businesses. The Blue Koi restaurant is proposing a combination of stucco and river rock to be used along the base. They also plan on having a unique solid door that is distressed a little in keeping with the look they are trying to achieve. The applicant has indicated they are proposing some outdoor seating along their storefront, however, there has been a change in regard to the outdoor seating. The applicant now has some concerns that there might not be enough pedestrian room to allow people to pass through unobstructed. The applicant is now proposing that area to be more

or less a waiting area. They would have the ability to serve people drinks while they are waiting out there and that is why they are keeping the request for the fence that would block off that area. There would be two gates within that area that would allow people to exit. The applicant has indicated those gates would be open during business hours. Mission Farms is also proposing some storefront criteria with this application. The reason is to provide some guidance for each of these store fronts as far as what they are trying to achieve. The Mission Farms development has indicated they want the flexibility to allow each tenant their own character but to try to maintain the quality of the materials. Some of the materials proposed for Blue Koi did not fit into the design criteria; however, the applicant did receive approval from the Mission Farms developer for this. Staff got in touch with the developer to get their feeling on it and part of it had to do with stucco. The developer indicated they did not want to have stucco used for anything more than an accent. Blue Koi has more than 20%, which is what staff considers being an accent material. The developer indicated that he did not want the look of EIFS to be used all across the store front. Staff would agree with that and is proposing the storefront guidelines to be modified to allow stucco to be used as more than an accent, however, if it is used for more than 20% it would have to be richly textured and modeled and therefore providing more of a feel or texture for that store front. Staff would also require stucco to be used in combination of another quality material. That quality material would need to make up more than 30% of the store front. Another issue is the solid door. In the Mission Farms design guidelines they indicated they wanted to encourage see-through or clear glass doors, however, with some of the restaurants they seem to have more character in their entry way so staff recommended that be modified to allow a solid door, but no more than 20% of the store front would be allowed to be the solid door. Staff is also recommending a couple of other changes to the store front criteria including the removal of EIFS as a possible material. Their approved design guidelines list EIFS as prohibited and then within the store front criteria they indicated it was discouraged in one section then indicated as allowed in another section. Staff recommends that it be listed just as prohibited to make it consistent with the already approved design guidelines. Staff is also recommending a change in the guidelines regarding distressed wood. The developer has indicated that what he really wanted to do was to prevent old rustic wood shakes from going all across the storefront. Staff recommended the distressed wood to be only used as an accent, which is less than 20% or less. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf noted under staff's comments stipulation number four should really be stipulation three.

Munson asked if the Commission is being asked to approve the Mission Farms design guidelines. Klein stated, no, the Commission is being asked to approve the store front criteria. Staff is suggesting quite a few modifications as stated earlier. Munson asked what would happen if a tenant came in that wanted multi-colored neon lights for their sign. Klein stated neon lights are not allowed.

Reynolds asked if there is a stipulation regarding the higher quality material being in conjunction with the stucco. Klein stated stipulation number three, the first bullet point. Munson asked what would be considered a high quality material. Klein stated maybe a finished wood, stone, cast stone, natural stone, different masonry or brick. Munson asked if they would have wood exposed to the weather. Klein stated staff would have concerns with wood exposed to the weather due to maintenance reasons.

Henderson asked for clarification on the weathered or distressed wood. Klein stated that would allow for the doorway that they are proposing. It would still have a finish on it that would protect it from the elements, but it would have the weathered look.

Conrad asked if there will be any impact on the elevation of the roofs for cook-hoods or exhaust. Klein stated they will have residential units above them. The applicant can better answer that question.

Munson asked if outdoor music has been addressed. Klein stated it was not requested, therefore it was not addressed.

Henderson asked if staff is satisfied with trash pick-up from the restaurant. Klein stated the Mission Farms development is providing the trash enclosures. Staff would assume they would use those and that it has been addressed.

Applicant presentation: Presentation by Ko Chang. The ownership team consists of himself with his sisters Jane, Ling and Mindy. Combined they have about 100 years of restaurant experience. They have been in Kansas City since 1980 and are second-generation restaurant owners. They currently own the Ghengis Khan restaurants. They also own another Blue Koi restaurant.

Rohlf asked if the applicant has any comments on staff's stipulations. Chang stated he is in agreement with all of staff's stipulations.

Presentation by Jean Kao, the architect for the project. *Kao described the design concept and the architectural elements and floor plan.* The people have come to love and embrace the Blue Koi experience, which entails the cooking of authentic meals and family heritages. In their efforts to convey the same message through their store front imagery they follow the family's secret recipes which came from Momma Chang. In a situation like this she would start with a wholesome ingredient. Architecturally speaking, that translates to the natural river rock that is freely formed at the base of the wall with the texture stucco flowing on top. Also measure in the custom-made and solid wood trim and door combined with the energy efficient translucent glazing on the windows which are all proportioned and scaled to create a comforting architectural statement throughout the south and west elevations. Coupled with the vibrant yet simple hometown colors of red, blue and yellow, the invitation for celebration is announced. The sense of excitement is complete with the sound of flowing water coming from the fountain and the outdoor lounge and the branding of the mosaic blue koi icon, they can almost hear Momma Chang saying, "Come home, the dinner is ready." This site is located on the southwest corner of building A. The outdoor seating will be more of a waiting lounge layout rather than a dining setup. There are two entrances. The main entrance is on the west side and the side entrance is on the south side. *Kao showed west elevation of the building and the west store front design. She then showed the material board.* The windows will be framed with accent of clad window frame. There will be the same relationship on both elevations.

Jackson asked how the stucco would be enhanced. Kao stated they are going to bring in an artist to give a two-tone color affect to bring out the texture of the stucco.

Reynolds asked if there is a color to the window film. Kao stated it is translucent with no color of any kind.

Conrad asked how the exhaust fans would be addressed. Kao stated the engineer has just begun to study the plan of the floor plan layout. During the planning stage, this corner was originally planned for a restaurant. Conrad asked if there needs to be a railing now that it is more of a lounge area. Lambers stated it is required by State law if they are going to serve alcohol outside. Henderson asked if it needs to be 26 inches. Lambers stated he does not know the minimum height. Conrad asked if the overall Mission Farms developer is in approval of the fencing. Klein stated the developer is supportive of it. They want to encourage outdoor seating to help create life to the development. There is a sidewalk that goes around so people would have the ability to move around it and still be on a sidewalk. Conrad asked if there would be any latitude in reconfiguring the planters. Reynolds stated he is not sure there is sufficient room for people to walk by on 4 ft., when there could be cars overhanging. Conrad stated he is supportive of outdoor seating and from a pedestrian standpoint that could be an enhancement to the pedestrian flow. Kao stated she believes that Doug Weltner has suggested modifying the southwesternmost planter to reduce its size. Reynolds stated he believes they would be required to keep the gates if they are intending to serve alcohol. Lambers stated that is correct. The planters could be looked at, because he does not believe they have been built.

Henderson stated he would like to have a rendering to see what the changes look like. Klein stated staff is positive that the area would need to be enclosed. The applicant is not proposing any modifications to the elevations. The only thing they are requesting a modification to is to turn the outdoor seating area into more of a lounge area to provide more of a walkway that runs through there in order to provide more of a 4-ft. path. Part of the reason for the change is that they were concerned about the 4-ft. path. Henderson asked if staff is comfortable with the adjustments that they have listed in the five bullet points. Klein stated staff is comfortable that the stipulations have been met and that number 4 is better-met now than what it was before. On the drawings it looked like they would have the 4-ft. path, however when they went out to the site and started thinking about people in the chairs getting up and pushing the chairs back that the 4-ft. path would be difficult. They felt it would be too tight.

Reynolds asked the color of the brick. Klein stated it is a red brick.

Reynolds stated he is in favor of what the applicant is doing, but he does not think people would feel comfortable opening the gate. The public access is a quandary to him. Chang stated one of the reasons for that is for the hospitality of the space. They want the pedestrian to feel welcome to walk through their space. They are trying to meet the state requirement and still meet the friendliness of the restaurant being hospitable by not actually having locking gates. They also welcome the shoppers to sit in their lounge area. Reynolds stated another way to get around having the gate is to now allow alcohol out there.

Conrad stated he would like to see the applicant and staff continue to look at the development of circulation in respect to the planters at that corner. He would like to see it as open as possible. **A motion to approve was made by Conrad and seconded by Munson. Motion approved unanimously.**

CASE 36-06 PADDY O'QUIGLEY'S Request for approval of a final site plan for outdoor heaters. Located north of 119th Street and east of Roe Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is Drew Mullen with Paddy O'Quigley's. The applicant is requesting approval of a revised final site plan to allow three heaters in the patio area of Paddy O'Quigley's on a permanent basis. The heaters have already been installed with a temporary administrative special use permit. The fire marshal has reviewed this plan and is supportive of this application. Staff is in approval of this case with the stipulations stated in the staff report.

Henderson asked why the heaters are on the ceiling instead of the floor. Joseph stated the applicant would be better able to answer that question.

Applicant presentation: Presentation by Andrew Mullen. The heaters are radiant heaters and are located above the ground for safety reasons. The radiance projects down and warms a certain area around it.

Rohlf asked how often these would be used. Mullen stated their goal is to extend their patio usage by one month in the fall and one month in the spring.

Henderson asked if these heaters function like the ones in golf stalls in the winter, where the heater is above. Mullen stated he believes that sounds similar. They are supplied by natural gas. A flame heats the metal components around them and then the heat radiates downward.

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

CASE 37-06 MISSION FARMS – MILDRED'S COFFEEHOUSE Request for approval of a final site plan. Located at the southeast corner of 105th Street and Mission Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan for the approval of a tenant finish within the Mission Farms development. This is similar to the Blue Koi. This applicant is located on the west side of Building A. This space has only one façade and it faces Mission Road. This applicant is not proposing any outdoor seating with this application. The tenant finish will be constructed of real limestone and glass. They would like to have a fireplace that is double sided. They would be able to have a fire on the inside as well as the outside. There will be two separate fire boxes. The fire marshal has looked at it and has expressed that he does not have any concerns. The applicant has also indicated that they want four entries into the space. They like the look of the doorways and want to have the ability to open the storefront out onto the sidewalk and if for some reason in the future if they would like to add outdoor seating, they would like to have that ability. In addition, the applicant is requesting approval of a tinted glass. Stipulation

number two would require that the glass be transparent. Staff is recommending approval of this case with the stipulations stated in the staff report.

Munson asked if the fireplace would represent any kind of hazard to the residential units above it. Klein stated the fire marshal indicated that he had no concerns, being that it is a gas fireplace.

Henderson asked if there would be some kind of guard so that people would not get hurt. Klein stated that is not part of the application at this point. The applicant would probably be able to answer any questions in regard to how hot the fireplace might get.

Applicant presentation: Presentation by Eric Jorgenson with ArchType Design Group, representing the applicant and owner, Debbie Ashby. The proposed storefront for Mildred's coffeehouse is located on the west side of building A. It is the building closest to Mission Road. Mildred's will fall in about the middle of the line of west-facing storefronts. The main entry will be directly below the arched brick façade. The design proposes storefront frames and doors that will be black in color accented by a contrasting true stone veneer. The stone will be accented by the red brick that has already been approved for Mission Farms. The double doors located to the far right, which open out, will be the main primary location for patron entry and egress. The remaining three storefront doors will open in and be hinged as such so that they can rotate 180 degrees so as to not obstruct flow on the inside and will also create a very open feel from inside to out and visa versa. The fireplace provides a somewhat balanced feel from the large arched brick colonnade to the right. These will be two vent-free gas fireplaces. They will be glass-encased and lockable. The applicant has no problems complying with staff's recommendations.

Rohlf asked if the applicant is in agreement with the storefront glass being clear. Jorgenson stated, yes.

Henderson asked for a description of the safety features surrounding the vent-free fireplace. Jorgenson stated it will be glass-encased so that no one can throw anything into the fire. It will be lockable. As far as someone touching the glass, the temperature control can be regulated so that there is a small flame, but it is not emitting so much heat that you will scald your hand. He would be okay with a stipulation stating that.

Perkins asked the purpose of the fireplace on the outside. Jorgenson stated their first plans showed some outdoor seating and that is why the outdoor fireplace was added. It was later decided to submit this request without the outdoor seating. The storefront approval process could go before the Planning Commission and then they would come back again if they decided to add outdoor seating. Perkins suggested they remove the outdoor fireplace.

Conrad asked if there would be cooking in the store. Jorgenson stated there would be some cooking in the back space. There is a back door to this store. The cooking operations would not be as much as at the Blue Koi, but should they need to vent any air they have the ability to do that through the wall, above the door in the back. Conrad stated he believes those are components that make a difference on the final aesthetics. He thinks the fireplace is a safety issue and that we should give some serious consideration from the safety standpoint. Lambers suggested that if they do go forward with the outdoor seating, it would be expected they have something in front of it. It could be suggested that a low-level portable planting area be put in front of the fire place. People are responsible for their own actions. The applicant could work to provide some sort of portable amenity to reduce the opportunity for someone coming in contact with the fireplace.

A motion to approve was made by Perkins adding an additional stipulation to state, "The applicant shall work with staff to require the fireplace to have a barrier of some type in front of it to ensure the safety of the public." Lambers stated he would prefer have a barrier amenity versus regulating the temperature because that is not something we can really control. If some type of barrier or amenity is in place, it should keep people from inadvertently coming in contact with it. Based upon the design of the building, they are clearly intending for there to be outdoor seating. Klein stated the applicant has indicated they are willing to come back to the Commission and Council if they decide to have outdoor seating. **Motion seconded by Henderson. Motion approved unanimously.**

Rohlf asked if the Commission will see all of the storefronts for Mission Farms. Klein stated it is his understanding that the Commission will see all of the tenant finishes for these types of unique storefronts, not only in Mission Farms, but other developments as well. Rohlf asked what other buildings this would apply to. Klein stated there are going to be storefronts within all of the first-floor retail in Mission Farms and also in Park Place. Lambers stated it may get to a point where the Commission and the Council will either decide to allow staff to have administrative approval or maybe through consent agenda and then if there is an issue, have the applicant in attendance. The issue is that they have their own identity. There could be some real conflicting and/or contrasting styles side by side, which is what we are going to be looking at. For now, we will be bringing these to the Commission until the Commission and City Council say it is enough.

CASE 38-06 PARKWAY PLAZA – I PARKWAY 133 Request for approval of a final plat. Located at 135th Street and Roe Avenue within the Parkway Plaza Development.

Staff presentation: Presentation by Jeff Joseph. The applicant is Stan Woodworth. The applicant is requesting approval of a lot and unit split/unit re-plat within Parkway Plaza. The re-plat provides legal condominium descriptions for individually owned units within lot 1 of the Parkway Plaza development. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked why they are re-platting to condominiums with that lot. Joseph stated right now they have lot 1 of Parkway Plaza and they are selling two of the condominiums as part of this lot.

Conrad asked if the legal entities for the homes association are all in place. Joseph stated, yes. He carried over stipulation number five from the original final plat approval. Reynolds asked if the only thing that is happening here are some plat lines in terms of ownership. Joseph stated that is correct. Reynolds then suggested that this case could have been on the consent agenda. Lambers stated Joseph wanted to put it on the consent agenda, but since this is the first one to happen Lambers wanted the Commission to discuss it, then if this meets with the Commission's approval then the future ones like this can be put on consent agenda.

Applicant presentation: Presentation by Harold Phelps of Phelps Engineering. This is a statutory requirement that allows them to sell units rather than a tract of ground. It describes a particular unit, rather than a plot of ground. The Commission will be seeing more of these types of plats.

Conrad asked if the Capital Development Partners, LLC will become non-existent once the entire project is sold out and then the homes association would take over. Phelps stated by filing the condominium plat, it becomes the legal entity. It is a condominium, which is different than a homes association. It will become a condominium by State statute. Each one of the 11 units owns 1/11th of the project. Conrad asked if there is standard language to the condominium's responsibility. Phelps stated the condominium laws are actually Kansas State statutory laws. The condo statutes direct what must be covered, and then the attorneys prepare a document, much like a homes association document that is then submitted to the City and recorded with the County. Lambers stated the City is just a conduit. The County is the recording entity. Conrad stated it comes down to maintaining the quality if there are a lot of these if there is common ground that needs to be maintained and there are eleven owners that need to be assessed a certain amount. He then asked if they are bound by statute to assessments that might be needed to conform to City ordinances. Phelps stated they are bound by the condominium declarations and the City ordinances. Lambers stated if for some reason the maintenance does not transpire through private action, then the City would take action against the condominium Board of Trustees. Conrad asked if it may be a non-funded entity. Lambers stated they are motivated to make this work. Conrad stated in the past the City has taken over private streets because homes associations did not have the money to maintain their roads. He thinks that is something that the City needs to make sure happens. Lambers stated it is his understanding that these condos start at \$500,000 so he would not foresee it being a problem.

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

Meeting adjourned.

Lisa Rohlf, Chair