

**City of Leawood
Planning Commission Minutes**

October 24, 2006
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AGENDA: Rohlf stated the agenda has been revised. Case 61-06 has been continued. **A motion to approve the revised agenda was made by Williams and seconded by Jackson. Motion approved unanimously.**

APPROVAL OF THE MINUTES: Approval of the minutes from the September 26, 2006 meeting. Roberson stated the minutes should reflect that he abstained from all votes. Henderson stated on page 3, the last full paragraph, it states, "that was something the Commission did not see." It was not that the Commission was blind. He would like to add another piece to that phrase to say, "in the proposal which went to the Governing Body." On page 6, the middle paragraph, Henderson is quoted as saying, "this building is over 50 years old". He would like to change it to say, "almost 50 years old". **A motion to approve the revised minutes was made by Williams and seconded by Jackson. Motion approved unanimously.**

CONTINUED TO THE NOVEMBER 7, 2006 MEETING:

CASE 72-06 MARKET SQUARE Request for approval of a preliminary plat and preliminary plan. Located east of Mission Road and north of 135th Street. **Public hearing**

CASE 78-06 GARDENS OF VILLAGGIO Request for approval of a final site plan. Located north of 137th Street and east of Roe Ave.

CASE 79-06 MISSION FARMS – 4TH PLAT Request for approval of a final plat. Located at the southeast corner of 105th Street and Mission Road.

CONTINUED TO THE NOVEMBER 14, 2006 MEETING:

CASE 74-06 OBERWEIS ICE CREAM AND DAIRY Request for approval of a special use permit and a preliminary plan. Located south of 135th Street and east of Nall Avenue within the Cornerstone of Leawood development. **Public hearing**

CONTINUED TO THE NOVEMBER 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 54-06 LDO AMENDMENT – SECTION 16-2-10 ARCHITECTURAL STANDARDS Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 73-06 LDO AMENDMENT – SECTION 16-4-10.1 HOME OCCUPATIONS Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CONTINUED TO THE DECEMBER 12, 2006 MEETING:

CASE 61-06 SIENA – 2ND PHASE Request for approval of a preliminary site plan. Located approximately at the southeast corner of future 137th Street and Mission. **Public hearing**

CONSENT AGENDA:

NOTE: Consent Agenda items are approved with a single motion. Any Planning Commission member can request that an item on the agenda be removed for discussion with a separate vote.

CASE 14-06d VILLAGE OF CAMDEN WOODS – 90TH PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

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

OLD BUSINESS:

CASE 69-06 MISSION FARMS, PHASE II, BUILDING F Request for approval of a revised final site plan. Located at approximately 105th Street and Mission Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan to construct building F, a three-story, 50,660 sq. ft. building with retail on the first floor and office above and a revised final site plan for the overall development. The total mixed-use development will consist of 340,294 sq. ft. of construction divided between 117,948 sq. ft. of retail located on the first floor of the building, 114,900 sq. ft. of office above retail and 107,446 sq. ft. of residential above retail. In addition, the development is proposing 20 town homes to the north totaling 52,800 sq. ft. The Planning Commission heard this case at the October 10th meeting. At that time there was discussion as to how it related to the existing buildings, A and B, and the rest of the development. Klein provided three photos of the existing buildings A and B at the dais and also the approved elevations. The applicant has changed a number of things on the elevation of building F. They changed the style of the roof and tried to match in more with what is shown on buildings A and B by including more gables. They have also provided some changes on the trim to an overhanging eave and also added some cast stone elements on the sills and lintels as well as banding on the building. They removed the trim that was located on the gables before. They have also broken up the main entrance into the office on the south side. It was a larger expanse of glass with a metal canopy and they have now broken up the glass with some cast stone brick and have an arched element to match the center of buildings A and B. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if there were any other outstanding issues other than the elevations. Klein stated the trash enclosures were not decided at the last meeting. Rohlf stated on page 9 of the staff report, stipulation 12 should read FAR of 0.31. Klein stated, yes, that is correct.

Commissioner Elkins arrived at 6:15 p.m.

Applicant presentation: Presentation by Doug Weltner, the project's developer. Tim Homberg of NSPJ is also available to discuss the architectural elements. He watched the DVD of the last meeting twice. As the developer of the project, the process worked. He thinks it is a better building today than what it was. They met with staff within a few days after that meeting and walked through some options. There is some purple in the brick of the existing buildings. He thinks it is going to be sharp on this building and give them an understated look. They are not looking for a fancy look here. Some elements such as the cast stone are items that you would see on some of the buildings in Westport and the River Market. The depiction can not do justice what the brick will actually look like on the building. The applicant agrees with all of staff's stipulations.

Rohlf thanked the applicant for working with the Commission and staff and hopes the other buildings will be consistent with this look and try to match A and B better. Weltner stated building E would be the same. He would anticipate that C and D would be somewhat different because they are shaped differently. They would still be consistent with the materials and some of the architectural elements. He thinks it is good to have some variation. Rohlf asked if the applicant agrees with stipulation number 24 regarding the trash enclosure. Weltner asked staff if they are recommending a connection. Klein stated the stipulation is written so that it would be attached to the building. Weltner stated he likes it better where they had it previously located because of the pedestrian walkways and traffic there. There are already utility meters. He is happy with the alleys on buildings A and B. They don't have trash enclosures in them. In an office, they don't have as much trash as some other uses. He thinks it would work best as a stand-alone enclosure. They are planning on having trash compactors with all of them. That will keep the size smaller. There will be daily trash pick-up. Rohlf asked if staff has come up with some preferred locations. Klein stated the applicant proposed a location in the alley. The other idea is to have a room that is flush with the building and the dumpster would be rolled out. That is what staff was originally thinking. He believes the applicant has another proposal. *Weltner showed their proposed plan for the trash enclosures.* Weltner stated they would lose four or five parking spaces doing the proposal shown tonight.

Conrad stated he feels the trash enclosure being remote could be acceptable. He would still hope there would be more of a pedestrian dominance in the alley between the buildings and not so much parking. Weltner stated as mixed-use progresses through the day, around 5 or 6 o'clock in the evening the office parking vacates and retail shoppers will be using those spaces. Those people will be walking that alley over to the restaurants. He sees the insides of the project being the dominant retail area and the outsides being soft retail or office oriented. He is not sure there is going to be a connection as part of their shopping trip, but he thinks that people will be using that alley to walk from their cars to the shops or restaurants in the evening. Conrad asked staff if they need all of those parking spaces between those two buildings for the parking count. Klein stated he believes they would still be within the parking ratio either way. Conrad stated as a compromise he felt it would be okay to have those trash enclosures as detached as long as the area was developed for pedestrian usage or friendliness.

Roberson stated he likes the buildings. However, he has driven around the project looking at the currently built buildings and the building proposed tonight sticks out like a sore thumb compared to buildings A and B. He feels that the developer is proposing a hodge-podge community when this was originally supposed to be developed as an English village concept. It looks like the developer is making an attempt to make these buildings consistent with what is going across the street. Weltner stated the roof lines, the roof element of the concrete tile and the brick element will tie these buildings together. It is a natural transition from the Mission Farms homes to the north. The clubhouse has a cottage look. That same cottage look carries on with the town homes. The north side of building A and B have all of the elements of the brick at the first level with stucco on the residents, then on the south side there is a lot more brick. *Weltner showed a depiction of the entire project.* He does not think it will stick out from the other buildings at all, especially because they will be utilizing the same materials as the other buildings. The first retail levels match 100 percent. The drawing cannot show all of the depth and the shadow. That is not a flat façade. There is a lot going on there. If you go around the country and look at these projects, anything above 17 ft. goes away because it is looked at from a pedestrian level. You don't want to draw attention to anything above 17 ft., because that is not what is going on at the pedestrian level.

Rohlf asked what the applicant's representative suggested at the last meeting in regard to replacing the brick with the stucco. Weltner stated the brick is to give it more of an office feel. He has not seen very many desirable projects that have a lot of stucco in an office project. That is not the look that the tenants are looking for. Rohlf asked if it was Weltner's thought from the beginning to not have this look throughout the rest of the development. Weltner stated they used stucco to bring a softer look to the residential. They wanted to use a stone or brick product for the office spaces.

Conrad stated he thinks the pedestrian level is consistent with the building across the way. In general, the massing of the building is consistent. In an office building, the window configuration is probably what is desirable in a class A office space. Henderson asked how Conrad would define the more pedestrian orientation between the two buildings.

Conrad stated with the treatment of the arches, double stone columns and the colonnade. From a massing standpoint he thinks the roof lines try to develop that pedestrian feel. Certainly a residential floor plate will give you different windows. With respect to the trash enclosure, he would like to see that as more pedestrian. He would hope that as people park that they go from different parking areas to different buildings. If they do not need all of that parking between the buildings, then he would like to see that developed a little differently.

A motion to approve was made by Conrad with a revision to stipulation number 24 that says the trash enclosure can be located as on the proposed site plan with the hope that the applicant will continue to work with staff to develop that with less rigid car parking. Motion seconded by Williams. Motion approved 5-1. Roberson opposed.

Lambers stated if the trash enclosure remains where it is and you wanted to provide a more pedestrian area, but still needed the parking, then we would want the parking to be on the side of the trash enclosure and then have the parking disappear on the other side to create more of a pedestrian way. He then asked if Conrad would agree to that, if the trash enclosure remains where it is. Conrad stated that would be reasonable, although personally he would not want to walk by a trash dumpster. Lambers stated the sidewalk would be on the other side of the alley from the trash enclosure. There might be some plaza area there to encourage them to be on the other side. Conrad stated he would want pedestrians away from the trash enclosure.

NEW BUSINESS:

CASE 76-06 MISSION FARMS 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 construction of 17 town homes. The town homes will be detached from one another. The town homes are located to the north of where the mixed-use development is. Originally, the town homes were proposed to be 22 units in primarily tri-plex or four-plex form. The applicant has come back and reduced the units to 17 and has 8 ft. between each of the units. One of the town homes is still a tri-plex. That tri-plex is not part of this application. When this came through for the last final it had to have a variance from the Board of Zoning Appeals from a residential setback within the MXD which requires 75 ft. from where the building starts to where the zoning changes to residential. When the Board of Zoning Appeals did that, they gave a specific variance for each cluster of buildings. With the configuration the applicant is now proposing, everything still meets the approved variances except for that one tri-plex. The applicant will need to go back to the BZA for approval before it comes back to the Commission and then the Governing Body. There is a private drive that is 24-ft. in width. It connects from 105th Street and then connects with the parking for the mixed-use portion of the development. The applicant is proposing a gate between the parking lot on the north side and the private drive. No gate is proposed for the portion coming off of 105th Street. There is a stipulation with the currently approved plan that there would be no gates and the applicant should come back with a more creative way to create a separation, but still have a connection between the town homes and the mixed-use portion. The current stipulation is that there be no gates. Staff is recommending approval of this application with the stipulations stated in the staff report.

Rohlf asked if the only difference between the approved plan and the newly proposed plan is that the homes are no longer attached. She also asked how this would be allowed to be considered a final plan instead of a revised preliminary. Klein stated this still fits in with the guidelines for final because their density actually decreased. Rohlf asked where the residential setback would occur. Klein stated the setback is measured from the building footprint to where the zoning changes to residential. The basic layout of the property has stayed pretty much the same, however, they have separated the units out. They reduced the number of units by 2 in order to do that.

Henderson asked if staff is saying that there are 17 structures, but 20 town homes. Klein stated, yes. Henderson then stated that town homes are defined in Article 9 of the LDO differently than that. Typically, single units that are separately constructed are called villas, but not town homes. Town homes are defined as a suite of two or more

laterally attached single-family dwellings. Klein stated the only reason he included these as town homes is because the Mission Farms development's design guidelines call these out as town homes. He was trying to be consistent with their guidelines. Henderson stated he feels staff should be consistent with the LDO definitions and the developers should change their guidelines accordingly.

Applicant presentation: Presentation by Brick Owens, Director of Land Planning for HNTB. *Owens introduced the development team.* They represent Fox Saddle LLC. This application does tend to go between the lines as Henderson said. Mike Fox has been in the building business for 30 years and has gathered information to improve the floor plans for upscale living units. The reason for the changes and reduction in the units is to allow a little more of the front of the buildings to show and allows them to eliminate more driveways from the private drive. They are clusters of buildings. They call them town villas. The applicant will go with whatever the Commission wants to name them. They created fingers of green that will be landscaped and bermed to minimize the view of the autocourts from the private drive. The removal of two of the units has allowed for more light to get into the building. They are creating four-sided architecture on almost every unit except those three that are attached to each other. In meeting with staff, the direction was to maintain the preliminary plan of the village and mixed-use concept. Hence the country manor look was created that mimics what was originally approved. There is a mixture of materials that allows the English village collection to occur but still consistent with the material, scale and massing. In regard to stipulation number one regarding the BZA comments about coming back to the Commission and Council, if the BZA approves it then the plan will not change. He would like to get the Commission's approval to not reapply to the Commission if the BZA approves it. If the BZA denies it then they will definitely need to come back because the plan will change. *Owens showed a site plan of the previously approved plan.* The BZA did not want to give any more setback variance then they had to, therefore they came to the line behind those town homes that mimics jogging. There is one area that is not in compliance with the new plan.

Rohlf asked what the applicant is currently asking for. Owens stated it is at the 38 ft. line.

The reason for the floor plan change is based on market research and past projects Mike Fox has built. They moved some of the rooms around to better appeal to the more upscale home owners. The buildings got a little larger. In regard to the stipulations, they can change their plans to comply with every one of the stipulations if the Commission so chooses. In regard to stipulation number 7 which requires no gates, they are not proposing a gated enclave. The entry at 105th Street will not have a gate. The reason for the gate at the commercial entry is to minimize a through-traffic condition. The northern entry to the commercial is not allowed to make a left-hand turn. It is a right-in, right-out. The neighbors to the north have said they would like them to gate that end. The idea of a gate on the south end will help eliminate unnecessary access. They will certainly provide an emergency access as per Gene Hunter's memo. Stipulation number 26, regarding sidewalks, asks that all sidewalks be built to Leawood's standards. The original preliminary plan did not have sidewalks. The stipulation came back that sidewalks should be built, so they changed the plans to show sidewalks. The sidewalks are up against the curb. They are not the normal 6-ft. deep because of the village idea and the green space between the auto courts is only about 12 ft. If they put in a 5-ft. sidewalk then it takes the 12 down to 7 and they have less ability to do berming and earth shaping to minimize the view of the auto courts from the private drives. They would have one-tenth of an acre of green space if the sidewalk is put in. Stipulation number 12 stipulates a pedestrian crosswalk from the sidewalk south across the private drive to buildings B and C. The applicant would like to propose an arrival plaza as a destination instead of the sidewalk that eliminates the green space and allow that space to act as a courtyard plaza and provide the pedestrian connectivity to the commercial instead of the sidewalks. Stipulation number 16-2 states, "exterior walls shall be finished in brick, rubbed masonry, wood shingles and stucco with stained trimmed shall be modified to ensure that the exterior elevations of each building will be made up of a combination of materials". He would like the wording to change to add "cluster" after the word "building". It is a collection of architectural materials.

Conrad asked for a description of the fences and walls and where they would be located. Owens stated they are not proposing to fence the site. A lower railing would occur on decks when they are elevated higher than 30 inches above grade. A small fence would occur around the courtyard areas of individual units if they choose. The brick would be a retaining wall along 105th Street. They want to save the evergreens that are already there. Conrad asked

if a 5-ft. fence is allowed. Klein stated the 5-ft. fence would not be allowed. The maximum height is 4 ft. Owens stated the applicant is agreeable to 4 ft.

Henderson asked if BZA can render an opinion on fencing and change the design guidelines. Klein stated the BZA hears requests for fence height exceptions and can approve a fence higher than 4 ft. for individual homes. The LDO requires a maximum of 4 ft. for fencing. The Planning Commission has the ability to approve up to 6 ft., but that is typically for a fence that goes around an entire development. In this case, the applicant is talking about individual units.

Owens asked if there would still be a connection point to the development with the new pedestrian area the applicant is proposing. Owens stated, yes. They are trying to create a destination space. Williams asked if the reason for eliminating the sidewalks altogether and to force people into the streets is to have more green space. Owens stated they are providing a change in pavement style for every one of their autocourts. It will be an exposed aggregate. The drive creates that village look, therefore the private drive feels more like a sidewalk or could act more like a sidewalk. Williams stated he thinks sidewalks are nice to have and would prefer walking on a sidewalk rather than in a street where there are cars.

Conrad stated at the west end of the property there is an existing sanitary sewer easement that goes under a couple of the proposed buildings and looks like it is going to be abandoned. He then asked if the applicant has applied to wastewater to change that. Russ McNiff with Schlagel and Associates stated they are going to abandon the sewer on the west side. The sewer will be relocated. They left the space for the easement and have discussed this option with Johnson County Wastewater and they are in agreement with everything the applicant has proposed up to this point. Conrad stated it appears there is a detention basin, daylight storm sewer. McNiff stated that was not accurately depicted on the plan. They will connect storm sewer to that and connect to the private drive and to the east will all be enclosed storm sewer and will be part of the berm. Conrad asked if the topography shown reflects the current grades. McNiff stated there is a big ditch that runs through the center of the project, mainly carrying the flow from that storm sewer discharge. Primarily, that will all be filled. The street and the buildings will sit at about the elevation of the parking lot on the mixed-use to the south and that will eliminate a lot of the drastic grade change that is there now.

Jackson asked if it would be a reasonable compromise instead of having the entry on the northwest side of the parking into the retail/office area, have it more about where they are talking about putting their destination spot. Then they would have more of their heavy use, just on the east side. The west side would be used just for residents. Also, maybe just putting sidewalk just on the eastern half somehow and have them cut on the northeast side. Owens stated before he came into the meeting he proposed the idea to the development team and they come up with that idea. They were told by Doug Weltner that they are not sure if the trash enclosure is located at that spot or not. If it is no longer there then it might allow for that connection and eliminate the connection to the west. One of the reasons for the west connection is the emergency access. There would be lack of turnaround if that end was a cul-de-sac. Less sidewalk is better, in this case only. Additionally, having an eastern access might make it easier to use the private drive as a cut-through for the retail/office traffic.

Williams asked if an individual who is confined in a wheelchair could reside in this community. Owens stated, yes. Williams stated if the sidewalks are removed, they are being forced to use the street. Owens stated the idea is that the street will be used as a sidewalk. There will be pedestrian ramps, the grade all the way up to the homes will be less than 5%. The buildings are laid out so that the ramps could be provided to get past the threshold if needed. Traffic will be a lot less here than on a normal cul-de-sac. The gate would limit access to almost only the people who live there. Lambers stated City Council is against gates. If this were to go forward, we would probably want to see those spaces eliminated. If they put in an access point to the east, then the western access would need to be brought back to line it up so that it is 50 ft. to allow a fire truck access. By moving it back, you would lose the visibility of the access to discourage anyone from using it as a cut-through. The only other option would be to not put a gate in and leave it open and if there is a problem then we can always put a gate in. If a gate were to go in to the west,

they could make it a sensory activated exit gate. That would force the residents to come in on the eastern side. Gates are not well received at the Council level.

Williams stated he understands why the theory of gates is not favorable, but given the layout of this site and if sidewalks are going to be eliminated and forcing people into the streets, then trying to minimize the traffic in this area would be advantageous. One way to do that is to have the gates. He agrees with the idea of having it as an exit-only sensory activated gate and the residents would have to use 105th as their entrance. He is troubled by the idea of bringing an access into the middle, forcing people to drive through a parking lot to get to the residential access if they were going to open an access where the trash enclosure was or may still be located. Henderson asked if there is any data on pedestrian vs. auto accidents in South Leawood, where there are no sidewalks. Lambers stated he is not aware of any. He thinks that there is some merit to having a sidewalk on one side of the street. If the gate were to go in, you wouldn't need the sidewalks as much, but if there is no gate, then the sidewalks would be a must.

Henderson asked if Ley is content with what has been proposed regarding water flow. Ley stated it helps by having the buildings separated. Henderson asked what happened to that terrain during the last 100-year flood. Ley stated the developer raised it by 100 ft. so it is no longer in the flood plain.

Williams stated there is a big difference between looking at Leawood South, with no sidewalks, and this project. Through traffic tends to move faster than what is happening in this project.

Rohlf asked if staff is proposing one or two sidewalks. Klein stated just one, on the north side. The City tries to put in sidewalks where they can. One alternative would be to narrow the sidewalk a little. Rohlf stated she believes they should discuss this as if the gate will not be there. Klein stated when this mixed-use development first came forward the developer wanted to separate the town homes from the mixed-use portion of the development and the City did not want to see that. At that time the Planning Commission wanted to make sure that there wasn't a separation. Rohlf agreed that there needs to be that connectivity and she does not think the gate would be approved at Council anyway.

Williams stated he feels the Commission and Council needs to take a good look at the gate. If you don't put a gate in there then the through traffic would substantially increase through that street. We want this street to be an access. It should be servicing the people who live there. Rohlf asked if there would be a "private drive" posting. Ley stated Public Works would post a sign at 105th Street, but it would be the developer's choice to put one inside the development. Rohlf asked the applicant if that is their plan. Owens stated they would definitely put a "private drive" sign up, but would also like one that says "not a through street". He then proposed to provide a rollover curb at the drive entry with embellished paving material elevated 6 inches, which would look more like a pedestrian crosswalk than a driveway entry. Klein stated they were struggling with the same idea at the original Planning Commission meeting. It is a tough situation.

Conrad asked if this has always been proposed as a private drive. Klein stated, yes. Conrad stated, historically, the City has been opposed to private drives for a number of reasons. One of which is that the City has historically had to take over private drives because there was not enough homes association funding to keep them maintained. It seems the answer is to have a drive to the north and not make a connection, but he is not supportive of that idea. This should probably be a public street, with no gates and be part of a transition between the retail, condos, office and the single-family homes. Owens stated they have a private drive going into a private parking lot.

Lambers stated if this were to be a public street, then the width of the street and right-of-way would preclude a significant portion of the development and it couldn't happen. The private drive does not cause him any concern, but the gate does. His recommendation is that the sidewalk should go on the north side and the gate should be removed. If there is a problem then we could look at the option of a gate at a later time. Council has the benefit of the Commission's comments and if they want to consider allowing the gate, then the request of the sidewalks to be removed is a reasonable request.

Henderson asked the length of the drive. Lambers stated 1,200 ft.

Roberson stated he feels that if there are no sidewalks then it needs a gate and if there is no gate then it needs a sidewalk. Klein stated the stipulations as written state sidewalk and no gate. Williams asked the width of the sidewalk. Klein stated the LDO requires a minimum of 5-ft. sidewalk, however, the Commission can reduce that to 4-ft. in some residential areas.

Henderson asked when this would be phased in. Owens stated they would start building as soon as they can get the construction documents approved.

A motion to approve was made by Williams changing stipulation number 26 to read, "sidewalks may be 4 ft. wide". He then asked if he should include something in the motion about adding a gate if the traffic gets to be a problem for the residents. Henderson stated the residents can settle that problem. Williams agreed to leave that out of his motion. **Motion seconded by Roberson. Motion approved unanimously.**

Rohlf asked if the tri-plex is approved by the BZA if that case could go on the consent agenda for Planning Commission approval. Lambers stated the BZA feels very uncomfortable having approved plans come to them and they feel they are backed into a corner. He tries to intercept an applicant and hold off in abeyance to get the BZA approval. Just because the BZA approves something, that does not mean that the Commission or Council has to approve it. It should have gone to BZA before it came to the Commission and that was staff's mistake. This will not be before the Commission again.

CASE 77-06 MISSION FARMS – VANBROCK'S 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 a tenant-finish within the Mission Farms development. This is located on the north side of building D. The other two tenant spaces you have seen were in building A. This is proposed for an upscale jewelry store. The applicant is proposing to keep the same façade of what is existing. They are proposing windows framed in wood with mullions in addition to some wrought iron. The door will also be framed in wood with wrought iron behind it in a decorative pattern. The design guidelines require that tenant spaces of this size have a sign no larger than 18 inches. They are proposing a sign band of 19 inches, so the only stipulation is that they reduce the size to 18 inches.

Rohlf asked if this sign is the only reason the Commission is seeing this. Klein stated, no, it is his understanding that the Commission is still seeing these types of applications until we reach some comfort level. Lambers stated when the Commission agrees to it, staff will take over approving these tenant finishes administratively.

Conrad asked if this façade meets the design guidelines of the complex. Klein stated they are proposing to continue the brick that is there. There has been a variety of materials for the façades of these store fronts. This space will have a kind of colonnade that runs in front.

Henderson asked if there is criteria to guide these store fronts. Klein stated there is the storefront criteria. Everyone is different, which is why the Commission and Council is seeing these. In the past the retailers would keep the traditional storefront but now people are trying to have their own identity.

Applicant presentation: Presentation by Brent Van LANDINGHAM. The applicant has no problem with lowering the sign one inch.

Rohlf asked where it would be located in building B. Van LANDINGHAM stated they face north. Klein showed the space on the site plan.

A motion to approve was made by Williams and seconded by Roberson. Henderson asked what would happen if one of the owners takes serious objection to the neighbor next door because of physical or aesthetic obstruction. Klein stated the storefronts are required to be approved by the developer before it goes to the Commission. **Motion approved unanimously.**

Meeting adjourned.

Lisa K. Rohlf, Chair