

City of Leawood Planning Commission Minutes

January 23, 2007
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AGENDA: Rohlf noted the revised agenda, showing the continuance for cases 02-07 and 12-07 to the February 13th meeting. A motion to approve the revised agenda was made by Henderson and seconded by Williams. Motion approved unanimously.

APPROVAL OF THE MINUTES: Approval of the minutes from the November 27, 2006 and December 12, 2006 meetings.

Henderson stated on page four of the minutes from the November 27th meeting, the word "they" is used five times and he has no idea what "they" refer to. He suggested cleaning that up. In that paragraph the word "proud" is used to describe glass. He does not know what that means. That paragraph seems a little unclear. A motion to approve the November 27, 2006 minutes was made by Henderson and seconded by Williams. Motion approved unanimously.

A motion to approve the December 12, 2006 minutes was made by Williams and seconded by Henderson. Motion approved unanimously.

CONTINUED TO THE FEBRUARY 13, 2007 MEETING:

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

CASE 82-06 WIRELESS TELECOMMUNICATIONS TOWER Request for approval of a special use permit. Located north of 135th Street and west of Briar. Public hearing

CASE 75-06 CRICKET COMMUNICATIONS WIRELESS ANTENNAE Request for approval of a special use permit. Located north of 135th Street and west of Briar. Public hearing

CASE 87-06 VERIZON WIRELESS ANTENNAE Request for approval of a special use permit. Located north of 135th Street and west of Briar. Public hearing

CASE 02-07 T-MOBILE ANTENNAE Request for approval of a special use permit. Located north of 135th Street and west of Briar. Public hearing

CASE 12-07 CINGULAR WIRELESS ANTENNAE Request for approval of a special use permit. Located north of 135th Street and west of Briar. Public hearing

CONTINUED TO THE FEBRUARY 20, 2007 MEETING:

CASE 03-07 SIENA Request for approval of a final plan and final plat. Located south of 137th Street and east of Mission Road.

REMANDED FROM COUNCIL TO THE FEBRUARY 20, 2007 MEETING:

CASE 53-06 LDO AMENDMENT – SECTION 16-2-5.7 (RP-4 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. Public hearing

CASE 55-06 LDO AMENDMENT – SECTION 16-2-5.2 (RP-A5 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 56-06 LDO AMENDMENT – SECTION 16-2-5.3 (R-1 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 57-06 LDO AMENDMENT – SECTION 16-2-5.4 (RP-1 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 58-06 LDO AMENDMENT – SECTION 16-2-5.5 (RP-2 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CONTINUED TO THE FEBRUARY 27, 2007 MEETING:

CASE 10-07 TWO HALLBROOK PLACE Request for approval of a preliminary plat and preliminary site plan. Located at 111th Street and Overbrook Road within the Hallbrook Office Center. **Public hearing**

CASE 11-07 VILLAS OF HIGHLANDS RANCH Request for approval of a revised preliminary plan and final site plan. Located north of 138th Street and east of Chadwick. **Public hearing**

CONTINUED TO THE MARCH 13, 2007 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 04-07 ST. MICHAEL THE ARCHANGEL Request for approval of a final site plan. Located north of 143rd Street and east of Nall Avenue.

CONSENT AGENDA:

CASE 06-07 ARTICHOKE Request for approval of a final site plan. Located south of 107th Street and east of Mission Road, within the Mission Farms development.

CASE 13-07 ROOM 39 at MISSION FARMS Request for approval of a final site plan. Located south of 107th Street and east of Mission Road, within the Mission Farms development.

CASE 14-07 BOUDREAUX'S RESTAURANT Request for approval of a final site plan. Located south of 107th Street and east of Mission Road, within the Mission Farms development.

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

NEW BUSINESS:

CASE 81-06 TIMBERSTONE Request for approval of a rezoning, preliminary plat and preliminary site plan. Located south of 151st Street and west of Catalina.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a rezoning from AG to RP-2. This proposed subdivision consists of 6 lots on 3.2 acres. This property is located at the southwest corner of 151st Street and Catalina. The applicant is requesting a deviation for a front setback of 22.5 ft. RP-2 zoning requires a 30-ft. setback. Staff is supportive of this request because these setbacks match the ones approved for Mission Reserve, which is on the east and south sides of this property. The reduced front setback also allows the applicant to move the houses away from the subdivision to the west. Staff is supportive of the proposed rezoning based on the fact that this zoning change is in compliance with the comprehensive plan. Also, the average lot size for this subdivision exceeds the minimum lot size required for RP-1 zoning, which is Planned Single-Family Residential. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked if the stipulation regarding class A tile roof is typical at this stage. Joseph stated that is a typical requirement for RP-2 zoning, where the houses are located close to each other.

Rohlf asked if the requirements listed in stipulations 3 and 4 are new. Joseph stated, no, those are impact fees that are usually charged for projects south of 135th Street.

Henderson stated when the lots for Timberstone about the existing lots the lines are not always contiguous. He then asked if that posed any problems. Joseph stated they tried to adjust that, and this is what the applicant is proposing. Henderson stated we have run into this problem before with other developments. Joseph stated these lots are bigger than the lots to the south and the west, so that is a good thing.

Rohlf asked Ley to explain stipulation number 5, regarding the detention. Ley stated when you have a development that is close to a flood plain, if you have a lot of flooding issues with the flood plain, then you do not want to detain on those developments. You want the water to get off the sites adjacent to the floodplain prior to the main flood waters flowing through from upstream. If the developments adjacent to the floodplain were to be detained, then when the flood came through the golf course we would be releasing water from the adjacent development and adding to the 100 year water surface elevation.

Applicant presentation: Presentation by Judd Claussen with Phelps Engineering, representing Brett Childress, with Timberstone homes. This project has six lots of custom homes on approximately a little over three acres. They have slightly larger lots than those to the south. The applicant agrees with all of staff's stipulations.

Henderson asked why they chose only six lots. Claussen stated they are somewhat locked in with the property. It is not a very large piece of property to develop out. They wanted to create some nice walk-out lots on the southeast side and with their access points tied on 151st Street, they felt this was the optimum design for the property. Henderson stated it would appear the roadwork is adequate for emergency vehicles. He then asked if they encountered any problems in regard to topography. Claussen stated the streets will be built to City standards. All radii and turnarounds meet the standard for fire truck turnaround. It does fall to the southeast and there was careful attention to getting that street in. They submitted a grading plan with this application. The other part was making sure everything tied in and having nice walk-out lots on that south side.

Public hearing: William Glauz, 2704 W. 137th Place, stated his question is about the agenda. He received a certified letter notifying him that there was going to be a public hearing on the Villas of Highlands Ranch this evening.

Lambers stated that case has been continued to February 27, 2007.

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

Henderson asked when this will begin. Claussen stated he believes the home that was on the property has already been demolished. They would like to begin construction as soon as they can get permits, sometime this year.

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

CASE 05-07 VILLAGGIO SENIOR HOUSING Request for approval of a preliminary site plan. Located north of 137th Street and east of Roe Avenue.

Commissioner Munson recused himself from this case.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a revised preliminary site plan for the RP-3, Planned Cluster Attached, portion of the Villaggio West development located at the southeast corner of 137th Street and Roe Avenue. This portion of the Villaggio development was approved for two two-story buildings; one 75,000 sq. ft. two-story independent living building and one two-story 32,000 sq. ft. assisted living building. No changes were proposed to the gross square footage within this portion of the development and no change is proposed to the size, location and layout of the 75,000 sq. ft. independent living facility. The applicant is, however, proposing to change the location, footprint and layout of the 32,000 sq. ft. assisted living facility, which is proposed to be moved farther to the west, closer to the independent living facility. No changes are proposed to the remainder of the Villaggio West development on the north side of 137th Street. The configuration of the assisted living building has changed. It used to be a longer layout that had two one-story wings that extended to the south to create a small courtyard. The one-story wings were intended

to provide somewhat of a transition up to the two-story. The applicant is proposing a more compact layout and has now provided a one-story section on the west side closer to the Leawood Meadows subdivision. Staff is recommending approval of this case with the stipulations stated in the staff report. Stipulation 43 will carry forward all of the stipulations from the currently approved preliminary plan and currently approved final plan of the Villaggio development.

Rohlf asked why the change was initiated. Klein stated it is his understanding that it was moved due to marketing issues. It is more marketable to have the two buildings closer together. The underground pipes are being increased in size to maintain the capacity they need. Ley stated he is not aware of any detention concerns. They are providing the same amount of volume for the detention pond.

Henderson asked if the 6-ft. wide sidewalks and the bicycle trail is a problem and if it fits into the scheme of the bike/hike trail. Ley stated that is a standard comment that he carries over for all developments between 133rd Street and 137th Street. The original site plan already took that into account.

Reynolds asked if stipulation 22 addresses Ernest Ballweg's concern about the lighting. Klein stated stipulation number 22 states, "Any lighting of the buildings directly north of Leawood Meadows, including the assisted living center and independent living center, shall be primarily limited to the north side of the buildings. The south sides of the buildings shall be equipped only with sufficient lighting to ensure security in a non-intrusive manner and not directed towards the residents of Leawood Meadows." Williams asked how the security lights are regulated. Klein stated the City has an overall requirement that no more than 0.5 foot candles are allowed from the property line. These buildings are set back 75 ft. from the property line and at the time of final staff would be looking to make sure that they do not have anything too excessive. They would need lighting at entryways for security and that is what staff would be looking for. Williams stated he would assume that would not be close to 0.5 due to the distance. Klein stated he would not imagine that they would reach the 0.5 foot candles. A photometric study is required at the time of final plan.

Henderson stated he cannot find anything in the elevation drawings that show what materials would be used for screening. Klein stated the elevations and materials are reviewed at the time of final plan. The elevations they have provided are straight out of the design guidelines that were approved for the overall development. As they come back for final, they would be required to provide detailed elevations that call out materials and those would need to meet the design guidelines that were approved. Henderson asked for an explanation of stipulation 38, regarding the erosion control plan. Klein stated it is a standard stipulation. It is there to ensure that they have erosion control plans while construction is going on so that mud does not run onto other properties. Henderson asked if it is enforceable. Klein stated, yes. Code Enforcement and Building Inspectors look at that. Henderson stated that it has not been enforced in some previous developments. Lambers stated Council has made it a higher priority that compliance does occur. The City staff is monitoring it more closely and we are sanctioning the violators with revocation of their building permits.

Rohlf asked on which phase this was originally shown for the overall. Klein stated he believes it was the fourth phase, but the phasing could have changed.

Applicant presentation: Presentation by Estel Hipp. As they began to finalize the design of the underground storm water detention it was discovered that a larger diameter pipe would allow them to utilize less surface ground to retain the same amount of water. Once that design was completed, it also showed them that the dimensions of the manifold system could be smaller than originally anticipated. That, coupled with market information they had been gathering from prospective developers of the assisted and independent living centers, they learned their preferences are to have the two facilities closer together, if not attached, because it allows them some operational and logistic efficiencies. The split of the buildings was originally driven by the need for the underground detention system. Once that began to shrink, it began to be practical to move that facility more to the east of the property and at the same time relocate the assisted care facility further to the west. They have no plans to change any of the design criteria set forth in the original plan. They showed a complete two-story building at the interact meeting and they were reminded by some of the residents that the final plan stipulations stipulated a one-story component on the south end of the project, facing the residents to the south. They addressed that by changing the plan and resubmitted that for the Commission's review.

Jackson asked if the future parking will be needed. Hipp stated he believes the chances are remote that the future parking will be needed. Jackson asked if the walkways south of the main independent living facility would be able to be appropriately lit with the lighting ordinance restrictions. Hipp stated all of the original stipulations would not be changed at this point.

Rohlf stated it appears the configuration of the assisted living building has changed significantly. She then asked how the applicant was able to accommodate the square footage that was originally proposed. James Taylor stated they had one interested party that would have an Alzheimer's wing and that was designed for the second floor with the first floor having the assisted care. The final plan will be submitted for final approval. It may be an attachment to the independent living, or it may not. They were trying to accommodate the plan to meet the criteria that was approved. Rohlf asked if the applicant plans to keep it at a 32,000 sq. ft. building. Taylor stated, yes.

Conrad asked how they would anticipate accessing the 44 underground parking spaces. Taylor stated it is accessed from the east side. That portion has not changed. The grade has been maintained. Conrad asked where the service access would be to these two buildings. Taylor stated they will have that decided at the time of final plan.

Henderson asked if the entrance for the underground parking would be the same as the exit. Taylor stated, yes.

Public hearing: Ernie Ballweg, the attorney who represented Leawood Country Meadows at the original public hearing for Villaggio, stated he is here tonight representing David and Elaine Gangle. The Gangles live immediately to the south of the new proposed site for the assisted living center. In the original plan that was submitted and approved, the assisted living center contained two wings to the south, but they were both one-story. They wanted to make certain that this plan retain that one-story buffer to the south. The developer was reminded of that. That is an important element from his client's standpoint. Also, they are requesting that the original lighting requirements that were imposed by staff and the ordinance remain unchanged. It appears the elevation for this site is 8 to 12 ft. higher than where his client's residence is. The berm is not of a tremendous amount of assistance to them. They are asking that attention be given to the landscaping once that berm is finalized with greenery, because the berm itself will not provide much protection without landscaping. They do not object to the proposed change, contingent on the construction being consistent with what the applicant has stated at previous meetings, which is: there will be a one-story wing, or buffer, on the southern part of the building and that the lighting be consistent with what staff has spoken about, and good attention given to landscaping.

Denise Franklin, 4652 W. 137th Terrace. Her house is behind where the original plan had a building. She does not understand what will be behind her house. Looking out her back door she sees a berm that is eroded since the time it was put in. The elevation of the new road is higher than the berm, which does not give much of a buffer.

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

Taylor stated the berm is already in place. There will be landscaping on the berm. Ms. Franklin's sight line will not be looking at a building; it will be looking at landscaping. Henderson asked if the plantings will be year-round. Taylor stated, yes.

Ley stated the parking lot will be about two feet lower than the street in that location, so the parking would be inset just a little.

Klein stated it was mentioned earlier that the one-story wings were a part of the stipulations of the previously approved plans. He has not been able to find that in the stipulations. The Commission can add that in if you so choose. He believes the applicant is in agreement with that stipulation. Taylor stated they are willing to agree to that. Henderson asked for a suggestion of how to word the stipulation. Klein stated it could read, "A one-story component on the south side, adjacent to Leawood Meadows, shall be incorporated into the design of both of the assisted living and independent living facilities."

Reynolds stated the applicant should be sensitive to setting their first floor elevation in regard to the neighborhoods. It will be a critical issue when coming back in for final.

A motion to approve was made by Williams, adding a stipulation regarding the one-story component as suggested by Klein. Motion seconded by Reynolds. Motion approved 7-0. (Munson recusing.)

CASE 07-07 OBERWEIS ICE CREAM AND DAIRY STORE Request for approval of a final site plan. Located south of 135th Street and east of Nall Avenue within the Cornerstone of Leawood development.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval a final site plan for the construction of one 4,500 sq. ft. building on 1.3 acres for an FAR of 0.08. This project is located on lot 3 of the Cornerstone of Leawood development, located at the southeast corner of 135th and Nall Avenue. This building is a proposed ice cream store and will be located south of the future Claddagh Irish Pub. Adjacent to the east side of the building is an outdoor seating area. Parking is located primarily on the north side of the building. This building will be constructed primarily of brick and cultured stone. A drive-thru facility is located on the west and south sides of the building. The applicant has worked with staff on changing some of the materials on the building and staff still has some concerns with the cultured stone used along the base of the building. Staff is recommending the applicant use real stone instead of cultured stone along the base of the building for maintenance reasons. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked staff what had been discussed at preliminary regarding the cultured stone. Joseph stated at the time of preliminary they had stucco on the pillars around the patio area. The Commission and staff recommended brick or cultured stone. The applicant changed the elevations to meet all of the requirements, except for the cultured stone around the base of the building. Staff is recommending real stone. Rohlf asked what the design guidelines for Cornerstone say. Joseph stated the design guidelines call for cultured stone. The problem is that after some of the buildings have been constructed staff has seen that some of the cultured stones have fallen off the building and become a maintenance issue. Lambers stated we are making this requirement for all projects now because of the problems we are seeing between human contact and the stone. It is not just this project. The first three or four feet cannot be cultured stone. This applicant is not being singled-out. Reynolds asked for more details as to what the issue is with the cultured stone. Lambers stated it is susceptible to being damaged because of its texture. Henderson asked if we have seen any maintenance issues for real stone. Joseph stated, not yet.

Williams asked if staff is talking about a full-depth real stone that is 4 inches in depth or more or if the real stone is a veneer. Joseph stated Parkway Plaza used a 2-inch depth real stone and we have not seen any problems. Williams asked how long that has been up. Joseph stated close to a year. Williams asked how long the cultured stone has been up that is having problems. Joseph stated staff saw some problems with Seville Home and they have been open about two years. The problem is that the cultured stone has been coming off of the building. Williams asked if that is more of an installation problem, versus the type of material. Joseph stated it could be. Henderson stated he understands wanting real stone instead of cultured stone, but would not want to rush to make everyone use the real stone, when it could just be the way it is installed.

Rohlf asked if the tractor sign is still being proposed. Joseph stated, no. Rohlf asked if the proposed signage is in compliance. Joseph stated, yes.

Williams stated the access to the drive-thru would be at the north end of the parking lot, and they would need to drive through the parking lot to get to the drive-thru lane. He then asked if this is an advisable situation for an establishment that will cater to families, due to the increased traffic in the parking lot. Joseph stated this was looked at during the preliminary plan and this is the same layout that was approved during preliminary.

Henderson asked Ley to elaborate on the storm water structure. Ley stated there is a low point on the south side of the building. There is an existing storm sewer system to the south that does not have enough capacity, so the engineer was going to wrap the storm sewer line around the east side of the building and unfortunately the patio is right there. In discussions with the engineer, they are looking at moving that low point a little farther east and rebuilding the line to the storm sewer line so there would be less pipe and it would not be underneath the patio. Henderson asked if Ley sees any risk factors in doing that. Ley stated he is proposing to keep the storm sewer away from the building. If that does not work, then they would do what they are currently proposing, which is to put it under the patio. There is a heavier pipe that can handle heavier loads. Henderson asked if this kind of procedure has withstood the floods of '93. Ley stated, yes.

Applicant presentation: Presentation by Michael Aragona, the architect for Oberweis Ice Cream and Dairy. During the preliminary plan it was discussed adding some accent stone to the base of the building. He does not think that a natural stone product was ever discussed. In his experience with cultured stone, it is more of an application issue and a backer issue whether or not it is a block and whether it is constructed correctly from the start as to whether stone is going to fall off a building. He knows from past projects that it does wear well. In the areas where the stone is on the lower portions of the building, there is landscaping, with the exception of the drive-thru area. At this point it meets the development's design criteria. The applicant would like guidance from the Commission on that issue. Regarding the drive-thru, they do not bring the traffic in front of the front door where the families would generally enter. That is the reason for bringing the traffic in the way they do. Regarding the patio, they changed the design from the preliminary. To avoid an easement, they inset the large round cow and created some entrance and exit doors for the public to use. In regard to the stone material, the applicant would be willing to look at alternatives to cultured stone. They originally looked at a block material, but that was found to not be in keeping with the guidelines for the development. They could look at a brick material in a complementary color. He thinks the key would be finding a material that is similar in cost, but does a better job of wearing than the cultured material. The pillars were a stucco material and they changed them to brick.

Rohlf asked for Lambers' opinion on the stone issue. Lambers stated if the applicant wants to propose an alternative for us to consider, we would be willing to look at that between now and when it goes to City Council to see what they have to offer. Rohlf asked if there have been any other projects where the City has made this request and an alternative was provided. Lambers stated, no. We have said it needs to be real stone or brick. In this case, having an alternative material breaks it up nicely, so he would not suggest that brick goes all the way through it. He does not disagree that with the landscaping there it could preclude most of the issues we have had. Most of the issues have been in areas where pedestrians have immediate contact. Maybe if they were to expand the landscaping to preclude reasonable contact, then he would maybe consider allowing that to stay. The drive-thru area is clearly not as critical, because the cars

will be driving through that area. Rohlf asked what material has been used at Ironhorse Centre. Lambers stated it is cultured stone. It has had a serious amount of problems. The stone has been falling down near the patio, looking at the golf course. It may be a matter of installation, but it is falling off. Aragona stated he believes that if any area would get some abuse, it would be the drive-thru. He would be willing to look for a different material at that location. Lambers stated the other issue was the parapet wall material. He then asked the applicant if they are in agreement in having that as a material other than wood. Aragona stated the criteria for the development allows a metal rooftop screen. What they have done is bring the taller element of the tower in with the stone material and then close it with the panel system that would create the screen front on the rooftop. He did a study from both directions and you cannot see the rooftop from the property line. They are doing everything they can to screen the rooftop units and do it as cost-effectively as possible. An alternate option would be to take a stucco approach around the entire screen at the west elevation as well as the north and south side walls and the internal screen would be stucco. They are attempting to not have the added weight of the stone material. He will accept it on the side walls because it is being picked up over many joists, but the other direction he would need to add a line of steel for it. Roberson asked if three of the four walls are covered. Aragona stated three of the four walls will be a stone material. Rohlf asked if the applicant would be willing to come up with an alternative to the wood. Aragona stated the only reason he chose wood was to get the cross-buck design in the wood. It is more cost effective than going to an aluminum panel. If he had to choose he would go to a stucco material. Rohlf asked if that is acceptable to staff. Joseph stated the concern with wood is for maintenance reasons. Staff is recommending the same material they used on the building, either stone or brick, so it complements the building materials. Rohlf asked if it is visible. Aragona stated very little of it would be visible from the property line. By using wood, it could be built in a panel system, much like a fence.

Roberson asked for a better description of the explanation as to why they cannot add a stone wall on the fourth side. Aragona stated they would need to carry that load through to the roof, which creates an issue with drainage. He would need to create a roof over that corral area. At the same time he would need to create a line of steel underneath with some columns to bring the load down to the ground. It changes the building structurally and adds some cost for that. The side that he would be adding stone to would need to have louvers in it to exhaust and allow fresh air intake to the mechanical units. It is creating a whole series of problems. It would make more sense to do it open and would be more cost-effective. Roberson asked staff if there is another recommendation other than a stone wall going across. Joseph stated on the third side they could use a part stone wall and metal gates with the same color of paint. Williams asked what ratio. Joseph stated 50%. Roberson asked if that would require the applicant to add more, structurally. Aragona stated it is the same scenario. He might as well bring it all around. The line of steel that would need to be added for that would serve that purpose too.

Henderson asked if the combination of the walls and landscaping creates problems for sight lines for either drivers or pedestrians. Aragona stated he does not believe so. They are designed as low plantings so as to not impede any of the drivers. Henderson stated he would want to make sure that the landscaping is kept low so as to not block any sight lines.

Lambers stated, in regard to the rooftop screening, given the weight issue, having it be aluminum would be sufficient to stretch across the fourth area without requiring the reinforcement. Given the visibility, Lambers believes it would be a good compromise.

Munson asked what material would be along the wall where the cars drive by in the drive-thru. Aragona stated it would be brick above and cultured stone below. Munson asked what they would expect for damage and maintenance in regard to cars throwing up snow and such on the façade. Aragona stated from everything he has read about cultured stone it wears very well. It does require proper installation. Munson asked how they would ensure that the installation is correct. Aragona stated with proper supervision and proper detailing. Munson asked if Aragona has done this type of building in the Chicago area. Aragona stated he has done other buildings where he used cultured stone. Shopping carts can do damage to cultured stone. He suggested considering a block on this side because it would wear like iron, versus the cultured stone. The intent was to break up that elevation and create more interest to that elevation. If they can, they will study a different material that will meet the criteria, while still being within their budget.

Reynolds asked the applicant to be specific as to what they are willing to consider. Aragona stated the south elevation drive-thru material will be either a stone or concrete block material. The rest of the stone will be in landscaped areas, so should not be a problem. Williams stated he does not believe that the City looks kindly on block materials. He then suggested the applicant agree to either a stone or brick material. Aragona stated they would offer brick as an alternative. Roberson asked staff's opinion. Joseph stated brick matches with the other elements. Concrete blocks are prohibited materials.

Rohlf stated stipulation number 6 would need to be revised, regarding the roof screening.

Aragona stated there was a recommendation for further evergreen plantings along the drive-thru lane. The architect has met with staff and the applicant has submitted a letter stating they will screen the drive-thru. If they do need to add some additional year-round plantings, he thinks they can do that.

Joseph stated if they do the aluminum gate for the screening, then the color should match the existing building.

Williams stated he thinks, overall, they have done a fairly good job for the type of building that it is.

A motion to approve was made by Reynolds, with a modification to stipulation number 6 to include the statement, "The fourth side of the rooftop screening, facing the interior of the roof, shall utilize metal paneling to match the color of the other colors of the buildings.", and a modification to stipulation number 7 to read, "In lieu of cultured stone along the façade adjacent to the drive-thru, the applicant should utilize real stone or brick instead of cultured stone. The applicant shall work with staff concerning the use of cultured stone on all other areas, since it is protected by landscaping along the other areas." Lambers stated some additional shrubbery may be required to ensure that it does not provide for incidental contact. Williams asked if Reynolds is proposing to remove the requirement of replacing cultured stone along the rest of the façade. Reynolds stated, yes. He is deleting the requirement that cultured stone be replaced with real stone on the entire building. He would like the cultured stone to be replaced along the drive-thru with either real stone or brick. Reynolds amended his motion to change stipulation number 7 to read, "The applicant shall work with staff in the use of cultured stone in areas where it is protected by landscaping and/or add additional landscaping to protect the cultured stone from pedestrians." Munson seconded the motion. Roberson offered a suggestion to specifically state "aluminum" in stipulation number 6, rather than "metal". Joseph stated staff is okay with it saying "aluminum". Motion approved unanimously.

CASE 08-07 MADDEN MCFARLAND INTERIORS Request for approval of a final plat and final site plan. Located south of 135th Street and west of State Line Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is Bernie Madden. The applicant is requesting approval of a final site plan and plat for a 3,616 sq. ft. building addition. The applicant is also requesting to change the exterior building materials. This property is located south of 135th Street and west of State Line Road. The proposed building addition is two-story with an addition to the basement. The main entrance is on the north side off of 135th Street. Parking is proposed on the east and west sides of the building. A trash enclosure is proposed on the southwest corner of the building. The applicant is proposing to use the existing monument sign that is there. They will be relocating it to another place. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if there have been any other changes, other than the exterior materials. Joseph stated the roof material has changed. They initially proposed composite shingles and staff and the Planning Commission recommended a slate or tile product. The applicant has revised the material to meet that requirement. Rohlf stated she thought that the applicant proposed cement siding at the previous meeting. Joseph stated the applicant is still proposing brick and lap siding. Perhaps the applicant could better answer that question.

Conrad asked where there are 41 parking spaces. Joseph stated there are also four land-banked parking spaces. Conrad stated he has counted 35 parking spaces with an additional 4 that are land banked. He is supportive of improving an existing facility, but when square footage is added he thinks we need the capability of providing the level of access that we believe is applicable for a certain business. The owner has expressed that they will not need that much parking, but in a long-term planning situation he is continued to be concerned that we are putting more retail square footage than this property supports. He is not supportive because of the parking count. Joseph stated it was 39 spaces before, but since then they added two more spaces on the west side of the building, closer to the west side of the property.

Applicant presentation: Presentation by Ron Stallbaumer, with Wendlendt and Stallbaumer Architects. There are 39 parking spaces. Sheet C1 calls out 2 accessible spaces, 33 standard spaces and 4 banked spaces. Based on the staff report, the parking required is 39 to 50, so they do meet that 39-space requirement. There was some confusion between him and staff, but 39 is the number of spaces. In regard to staff's comment regarding ADA parking spaces on the west side of the building, there is one space on the west side that serves the lower level and one space on the south side that serves the main level of the building. In regard to the 6-ft. sidewalk, the 6-ft. walk on the north side connects the future development to the west to the street corner. The 4-ft. walk does not exist; it is new. It goes from the south side of the building down to the 6-ft. walk and that walk provides the accessible public transportation connection to the building.

Rohlf asked if that was shown on the preliminary. Stallbaumer stated, yes. That has not changed.

Stallbaumer stated the staff reports refer to three air handling units. Those are condensing units. The air handling units are inside. The condensing units are smaller and well-screened. There are three things the owner would like to revise on the stipulations. In regard to

the stipulation regarding signage, the applicant would like the stipulation to state the applicant agrees to move the existing sign away from the right-of-way due to future development. It will be a great expense to move the sign. Joseph stated it is a requirement of Public Works that the signage be away from the right-of-way for maintenance reasons, so the owner would be required to maintain the sign. Stallbaumer stated the owner would be willing to move it if it is a necessity. Lambers stated the City standard is that we do not allow private signage within public right-of-way. In this case he would agree with the applicant's request that the City would retain its sole discretion to allow it to remain for now, provided that the City can decide it needs to be moved.

Stallbaumer stated, in regard to all downspouts being enclosed, they are proposing copper, half-round gutters and round copper downspouts, keeping in style with this type of building. They will be connecting them to the storm sewers. He asked the Commission to reconsider this requirement. Stipulation 21 states the applicant shall be responsible for the installation of the corner feature and the applicant will be notified of the cost. He believes there was a number that came up at a previous meeting to use as a cap. Rohlif stated she believes there was a lengthy discussion of the corner feature and who would absorb the cost. Joseph stated the applicant is asking for a maximum dollar amount to be given. He believes we talked about \$25,000. Lambers stated it would be an amount not to exceed \$25,000. In regard to the downspouts, this is a residential building that is functioning as a commercial structure and the City requires that commercial structures enclose their downspouts. Staff believes it should adhere to the commercial guidelines. He does understand that this is a residential structure that has been converted. It would be up to the Planning Commission.

Williams asked if the applicant's responsibility is just for their corner. Lambers stated, yes.

Stallbaumer passed out some renderings of the building to the Commission and described them. Rohlif asked if there would be copper guttering all the way around. Stallbaumer stated, yes.

Williams stated he is supportive of the copper guttering and downspouts. He feels they are appropriate for this style of building. They have done a nice job overall with the design of the building. Copper will look nice.

A motion to approve was made by Williams with a modification to stipulation number 15 to read, "Downspouts do not need to be enclosed, all exposed gutters and downspouts to be in copper.", a modification to stipulation number 21 to read, "The applicant will be notified of the cost, not to exceed \$25,000, associated with such feature at a later date.", and adding an additional stipulation to read, "The monument sign shall remain to be as is, however, the City shall retain the discretion to require it to be removed from the right-of-way." Motion seconded by Elkins.

Henderson stated he will be voting against this because he believes the previous proposal from a few years ago is superior to this one. This will be an approximately 50-year house with things added to it.

Motion approved 6-2. Jackson, Roberson, Munson, Williams, Reynolds and Elkins for. Conrad and Henderson against.

CASE 09-07 CENTENNIAL PARK – LOTS 18 & 19 Request for approval of a final plat and final site plan. Located south of 141st Terrace and east of Overbrook Road within the Bi-State Business Park development.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a final site plan and final plat for the construction of a two-story 8,580 sq. ft. building on 2.59 acres for an FAR of 0.08. This project is located within the Bi-State Business Park, located at the southeast corner of 143rd Street and Kenneth Road. Parking for this building is located on the north side. The entrances to the building are also located along the north elevation. An existing detention pond is shown on the south side of the building. The proposed building will be constructed primarily of stucco. This building will be used as an office/warehouse space. Two trash enclosures are proposed, each on the west and east elevations and they are both attached to the building. There is a revision to the staff comments. The second bullet point refers to the deviations. The memo placed on the dais replaces the second bullet-point in the staff comments. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlif asked if staff feels we have reached a good compromise with the applicant. Joseph stated, yes. During the preliminary process they had a building that was mostly stucco and they showed a couple of windows and doors as optional. They are now installing all of the windows, terraces and porches to break up the building. Staff is supportive of the request.

Conrad stated it seems there were some questions about future openings and balconies on the back. Joseph stated they were originally showing them as optional, but they are now going to construct them.

Applicant presentation: Presentation by Norm Holtz, vice-president for RH Sailors and Company. The applicant is in agreement with all of staff's stipulations. They added all of the windows along the entire building. Everything that was shown optional is now going to be in the building when it is built. Everything is basically the same as preliminary except for that.

Rohlf asked where the various materials are now going. *Joseph described the materials and their locations on the colored elevation drawings.* Rohlf asked if staff is supportive of the signage request. Joseph stated they are proposing one sign per tenant and staff is supportive of that. Holtz stated they eliminated the monument sign that was proposed during the preliminary plan.

Henderson asked if staff and the applicant believe that the compatibility still exists within the development. Joseph stated staff recommended brick, but Suttle is stating that is not proportional with the amount of stucco they are using. Also if they used just the banding around the windows, it would not look good. Staff is supportive of what they are proposing. Henderson stated he believes the stucco buildings will look washed out as contrasting with the buildings along Kenneth Road. He does not see stability in the proposed buildings as opposed to the existing buildings. Joseph stated the Coors Distributing facility has the lighter colored stucco, so this matches with that building. Henderson stated that building looks washed out too. It is already a deteriorated looking building. He worries because this development as a business park and with the City's Public Works facility is beginning to look less like the rest of the City. He believes the intent of the City was to protect against that. He then asked if we have done that. Lambers stated we lost that opportunity when the City's Public Works facility went into that development. The applicant here is setting a tone for the balance of the business park and it will stand out from any of the other business park Lambers has been familiar with. In the best of all worlds brick would be best but it is not real for a business park and this is a good second alternative for that.

Reynolds stated the membrane roof is troublesome for him since the roof is sloped. Joseph stated this is considered a flat roof and per the ordinance, a membrane roof is allowed. Reynolds stated the south elevation shows that one will see quite a bit of roof. He then asked if the applicant considered a shingled roof. Holtz stated they did not.

Henderson stated we have earlier approved a kennel that was wide in its scope and also a storage building for materials and they both had nondescript architecture. Neither was built. He sees materials coming in at a lower level.

Williams stated it might have been better served to be a shallower roof and have less of it showing. If it is two-story on the back, then depending from which vantage point one may be looking, you may not see much of it.

Munson stated the roof design is not what he wants to see in Leawood. He is not opposed to the use, but the design bothers him.

Henderson stated he feels that the City has decided that we can't build what we want to in this development, so we will build what we can. He does not believe that is what the Commission wants. Reynolds stated the Commission did point out the concerns about the roof during the preliminary and the applicant chose not to respond to those comments. They did respond to the comments regarding the terraces and the windows, so that is encouraging. He hesitates to play architect at this stage. He then stated if the applicant were agreeable to a stipulation stating it would be a flat roof instead of a pitched roof then he would feel comfortable supporting it. Otherwise, he is hesitant to approve. Rohlf asked if the applicant was aware that the roof design was brought up as an issue at the last meeting. Holtz stated the roof design is part of the building. The building is designed to be sitting on a hill, overlooking the detention pond. David Suttle is one of the most internationally recognized architects in the world. He is up for a design award right now for a project he did in Lisbon, Portugal. He is one of the best design architects in the country. This is a very nice building that he has designed.

Rohlf asked Reynolds to point out the portion in the minutes where the Commission had concerns with the roof. Reynolds read from the minutes, "Reynolds stated the roof is sloped and facing towards a lake and entrance drive. One comment was that the roofing material is a membrane; another said it would be built up. Although it is a final comment, he wants the applicant to be aware that it could become ugly." Rohlf then asked what Reynolds would propose for the roof. Reynolds stated the options that he sees are if there is another material that can be used at that pitch or if the roof could become more flat so that the membrane is not seen. Williams asked if Reynolds would begin to entertain a roof structure that is more of a granular roof. Reynolds stated that is a technique that has a very nice appearance. Rohlf asked if Reynolds' concern is purely aesthetics. Reynolds stated, yes. Rohlf asked if staff has any comments on the roof. Joseph stated membrane roofs are only allowed for flat roofs. Even with the slope, per the Ordinance, this is considered a flat roof. Rohlf asked what other materials could be used. Williams stated asphalt shingles could not be used because they require at least a 3/12 pitch. Membrane is appropriate for this roof pitch, but that doesn't mean that is something we want to see. If you see the roof from the ground, you will see joints. A membrane roof will have joints and every time there is a roof penetration there will be more joints. One consideration for the applicant is that they could look at reducing the pitch and put more of a parapet that would begin to offer a little more screening, so that if it is less shallow, you would be less likely to see it. He has done membrane roofs on a number of structures; some with a pitch of this proportion, and even on a one-story structure from the property line cannot see that much of the roof. The difference here is that you could probably see this roof from neighboring property lines, the farther away you get. Rohlf asked

Williams if there is something else that could be used here that would be cost-effective. Williams stated a built-up roof, where there are multiple layers of roofing materials with gravel or materials on top. If it is going to be exposed, you could put any color that you want.

Rohlf asked what type of roof structure was proposed for lot 23 in Bi-State. Joseph stated that was a flat roof.

Henderson asked where there are some examples in Leawood of flat roofs using the membrane roofing to look at for examples. Williams stated there are many places that the membrane roofing is used on flat roofs but you cannot see them. He would like to see the applicant come back with a different roof material, such as the aggregate coated solution he mentioned. This pitch might be too shallow for a standing seam metal roof.

Rohlf asked if it was Reynolds' intent in his comment that the applicant should change the roof. Reynolds stated that was his intent. Rohlf stated she is not sure if Suttle understood the intent. Given this outstanding issue, it appears a decision cannot be made tonight.

Lambers stated he missed Reynolds' comment also. Staff looked at it as complying with the ordinance. If this were continued to the next meeting, he would assure the applicant that we would expedite this and get it to the Council meeting the following week. He then suggested continuing this case until February 13th. He would put it at the beginning of the agenda.

Conrad stated it appears that the downspouts may not be enclosed on the renderings. Joseph stated they are all enclosed. Conrad stated elevation 3 on page A401 appear to be a concealed gutter in a steel column. Reynolds stated there are some issues to work out with the drawings. Lambers stated the drawings do not supersede the stipulations, so it is not an issue. The stipulation is clear that they need to be enclosed.

Rohlf asked if the applicant would be willing to agree to a continuance. Holtz stated he is willing to accept a continuance with the stipulation that they will try to come up another suggestion. However, every suggestion given so far will not work. They do not have enough pitch for a standing seam metal roof or a shingle roof. In his opinion, an asphalt roof with rock on it would lose the rock because there is not a parapet to hold the rock in place. They went with the membrane roof because it is the best product available. In the renderings, you are looking at the building and elevation as if you were 20 ft. high in the air. Standing on the ground, you are not going to see much of the roof, except from a far distance off. Lambers stated this is a final plan so it cannot go forward with open-ended stipulations. If the applicant wants it to go forward then perhaps it could go forward with a negative recommendation. He would encourage the applicant to explore other possibilities. If there is not, then the Commission could take that as a matter of your position at the next meeting. Holtz agreed to a continuance to the February 13th meeting.

Conrad stated he does not know what the alternative would be, other than some type of metal roof that would be approved at a 1½ and 12 slope. When this was looked at, he saw a smooth, uniform slope and he was okay with it. It may rely on the installation of the product. There is still the issue with the termination of a gutter and how that edge is going to work. He is fully supportive of everything else. He wonders if the single-ply is still the answer.

Williams recommended the applicant possibly have the architect do some sight-line studies of what will really be seen. Lambers stated the Coors distributorship could possibly view the roof.

Munson stated his concern is not the roof, but the design of the building instead.

A motion to continue to the February 13, 2007 meeting was made by Munson and seconded by Williams. Motion to continue approved unanimously.

Meeting adjourned.

Lisa K. Rohlf, Chair