

City of Leawood
Planning Commission Minutes

June 26, 2007
Meeting – 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Shaw, Roberson, Jackson, Rohlf, Munson, Williams, Elkins, Reynolds. Conrad was absent (but joined the meeting later....?).

APPROVAL OF THE AGENDA: She called for a motion. A motion to approve the agenda was made by ??? and seconded by ???. Motion approved unanimously.

CONTINUED TO THE JULY 10, 2007 MEETING:

CASE 35-07 AT&T LIGHTSPEED – Request for approval of a Special Use Permit, located at 12901 Roe Ave. **Public Hearing**

CASE 56-07 LEAWOOD SOUTH COUNTRY CLUB – WIRELESS COMMUNICATION TOWER – Request for approval of a Special Use Permit, located at 12700 Overbrook Road. **Public Hearing**

CASE 57-07 AT&T LIGHTSPEED – Request for approval of a Special Use Permit, located at 12301 Linden Street. **Public Hearing**

CASE 58-07 AT&T LIGHTSPEED – Request for approval of a Special Use Permit, located at 4300 w. 124TH Street. **Public Hearing**

CASE 59-07 AT&T LIGHTSPEED – Request for approval of a Special Use Permit, located at 11900 Ensley Lane. **Public Hearing**

CASE 60-07 AT&T LIGHTSPEED – Request for approval of a Special Use Permit, located at 12301 Cherokee. **Public Hearing**

CASE 61-07 AT&T LIGHTSPEED – Request for approval of a Special Use Permit, located at 11404 Canterbury Circle. **Public Hearing**

CASE 62-07 AT&T LIGHTSPEED – Request for approval of a Special Use Permit, located at 13201 Mission Road. **Public Hearing**

CASE 64-07 SABATES EYE CENTER – Request for approval of a revised preliminary site plan, located south of 112th Street and east of Nall Ave. **Public Hearing**

CASE 68-07 PARKWAY PLAZA OFFICE CONDOMINIUMS 1ST PLAT – FINAL – Request for approval of a final plat, located at the northwest corner of 135th Street and Roe Ave.

CASE 65-07 M&I BANK AT VILLAGGIO – Request for approval of a preliminary site plan, located at the southwest corner of 135th Street and Fontana. **Public Hearing**

CONTINUED TO THE JULY 24, 2007 MEETING:

CASE 50-06 MOLLE TOYOTA OFF SITE PARKING. Request for approval of a Special Use Permit, located south of 104th Street and west of State Line Road. **Public Hearing**

CASE 52-07 VILLAGE OF SEVILLE – OUTLOTS – Request for approval of a revised preliminary site plan, located at northeast corner of 133rd Street and State Line Road. **Public Hearing**

CONTINUED TO AUGUST 14, 2007

CASE 55-07-LEAWOOD FIRE STATION #2 CELLULAR ANTENNAE – 12701 MISSION ROAD. Request for approval of Special Use Permit, located at 12701 Mission Road. **Public Hearing**

CONTINUED TO THE AUGUST 28, 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 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**

CASE 66-06 LDO AMENDMENT – SECTION 16-4-5.7 PARKING LOT CONST. STANDARD. Request for approval of an ordinance to the Leawood Development Ordinance. **Public hearing**

CONTINUED TO OCTOBER 9, 2007

CASE 28-07 WEST SIDE AT MISSION – Request for approval of a rezoning from SD-CR and SD-O to MXD, preliminary plat and preliminary site plan, located at the northwest corner of 135th Street and Mission Road. **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 54-07 REED'S ADDITION – Approval of a final plat, located north of Ironwoods Drive and west of Mission Road.

CASE 69-07 I PARKWAY 133, SECOND PLAT – Request for a final plat, located at 135th Street and Roe Ave., within the Parkway Plaza Development.

CASE 70-07 ONE NINETEEN WEST ELM TENANT FINISH – Request for a final site plan, located at the southeast corner of 119th Street and Roe Ave. within the One Nineteen Development.

CASE 71-07 ONE NINETEEN Z-GALLERY – Request for a final site plan, located at the southeast corner of 119th Street and Roe Ave, within the One Nineteen Development.

A motion to approve the Consent Agenda was made by Williams, seconded by Elkins. Motion approved unanimously.

OLD BUSINESS:

Case 48-07 IRONWOODS PARK IMPROVEMENTS – Request for approval of a revised final site plan, located approximately at 146th Street and Mission Road. **Public Hearing**

Staff presentation:

Jeff: This is Case 48-07, Ironwoods Park, a request for a final site plan. The applicant is the City of Leawood. This case was continued from the May 22 meeting, and based on the comments heard from that meeting, the architect has revised the plans and the staff is recommending approval. The architect is here to answer any questions, and also the staff from the Parks Department is here.

Applicant's presentation:

John Brown, Hollis & Miller Architects, 8205 West 108th Terrace, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Brown: As you enter into the park there are three buildings that we are considering. The first building is the park restroom facility, the drive when you first come in. The second building is the maintenance building. It also serves as restrooms for the climbing structures, and then the third building is at the far end of the park, southeast corner which is the bath house that will serve the cabins.

One of the concerns last time obviously was we had a material that was a prohibited material, so we talked about changing that material to a hardy plank siding material. Because we didn't have elevation that we had designed at that point, we were talking about something that no one could visually see or grasp, and your request was that we give it some thought and look at how those elevations would go, so it was not just siding all the way around the building all horizontally. We took a look at it architecturally and show you what we were thinking, what we had in our minds, but what you didn't get to see in front of you.

The first building is the playground restroom building, and in your packets you can see basically what we have done was reclad the building. We are still using block as the durable material as the backup, but we are now using a hardy plank siding. The lower half of the building is horizontal siding. The upper half is also a horizontal siding but also has vertical trim pieces to kind of break up the horizontal lines. We've also provided fascia pieces, gable ends, and trim work around the building to give more of a character of some of the other buildings in the park, as well as we changed out the glass block, which was a concern since we weren't using block as a primary material, to more of a standard obscure glass, but having muntins that kind of takes the characteristic of some of the other buildings in the park. What we try to do is we go back and analyze the different colors in the park and the building, and so the nature center basically is a gray painted structure with horizontal siding, and so we use that paint color for this structure, as well as using the white trim, and you can see some of the characteristics of the window and the trim around that building. Where that building sits will be right next door to the park shelter, so we've taken some of the characteristics of that front end and overhang to match some of the cedar and some of the timber so it has the same look, as well as the intersecting gables and the pitch on the roof.

The next building that we'll look at is the maintenance facility, and as you come around east into the park and turn south, it's basically across from the community building, across the street. It sits in behind the hill here where you have a large easement that runs through the property. It's basically designed in close proximity to the climbing structures because we're using part of that building for restrooms and rope storage for that project. So you come in off the parking lot, there's a path there and then we'll be tying another path in for the participants to enter the building at that point. That building, as you remember, had a very low-pitched roof and the character of that building really didn't match any of the other buildings on the site. So what we did is we took the characteristics from the building across the street, the vertical siding that was more of a butt siding kind of look, we took that siding, used that on the building. As well as trimming out the building, we increased the pitch of the roof to be more in comparison to the pitch of that building, as well as introduced a cupola at the top of that building to try to help tie that in for the characteristics of that park. As you move through, you'll see this building a little bit smaller in scale off to your right cupola. You'll see the other building, a much larger scale off to the left side, but it has some similarities across the park, the color of the siding, some of the characteristics of the trim work, as well as some of the architectural features. As you take a look at some of the pictures of that building, there's the cupola, obviously, we're not going to have glass in that, because our space doesn't need the light, so we'll just have more of a louver system to help us actually with pooling of that space. You can see the vertical siding and some of the elements there. A better picture of the vertical siding on the existing building comes in these four photographs here. In the vertical siding here you can see the window characteristics that we were trying to make look similar to, as well as some of the siding, this portion here. We also looked at some of the light fixtures, and these light fixtures that you'll see here will be on that.

Then we move to the third building on the site, which is the bath house, which are restrooms and shower facilities for events or for people that are renting or using the four cabins that are on the far southeast side. I just want to show you the site plan first to remind everybody where that is. As you can see, the four cabins are located here and here, and then there's basically an area about the distance between the cabins that allows us to put the bath house and shower house in between. So as you come up the road, you have a view of the first two cabins and you can see the third cabin, and as you move around the fourth cabin becomes visible. We also looked at the pitch of the roof and some of the characteristics and I'll talk about that in a moment and how we modified those.

Basically, the sidewalks come off of the existing buildings up to this asphalt walkway and that's where the pedestrian traffic is, so we held the building about five feet off the asphalt driveway and that's where we have the entrance into the restroom facilities. Something that determined that was the width that we had to use for the two buildings and our setback requirements within here, the shape of the building, as well as a very heavy tree line that's on the north side, not wanting to get into the trees and tear out some of those trees along there, as well as our sanitary sewer, which hooks up to the west and travels along. Trying to treat that in a total down motion and not have to have any ejector pumps or lift stations, pumps to pump the sewage back up to the top. Also a concern, as we looked at moving it down actually early on, as the ground starts to slope, we end up with either raising the building still back up to meet ADA or having to put a ramp system in there to get to the bathroom as we slope back down the hill. Some of those characteristics and comments and components was what led to us keeping it up near the road. I know that was an item that was brought up, but we really felt that we looked at it and we think that really is the best position for that building. There was another point made of maybe moving it closer down to the west and away from the four buildings and when they looked at that and the Parks Department looked at that, it would be so close to the other building that it just didn't make a lot of sense to serve the occupants that were in that building at nighttime when they have to get up to use the restroom or anything, to have to travel all the way down that way. Smaller kids, it's best to keep them in that area close to where the cabins are.

On the elevations for this building, again we went to a complete siding trying to integrate and match to the cabins. We raised the roof pitch to match as close as we could to the cabins so it has a lot steeper roof so it has that cabin feel. We've taken a lot of the components, the front entry and where the elements at the top elements at the top kind of match some of the cabins. I'll show the photographs. Basically, on the ends of the roof, what we did is we attached a rafter so it has the raft exposed, it looks like an exposed rafter that is integrated into the building, so it has the same look as the cabins on the rafters, as well as introducing some shutters and different things on the front to kind of characterize the same image. The back is kind of misleading. You see it here as a tall building, but about six to eight feet behind it is that row of trees that's 35-40 feet tall that's thick all the way down to the lake. From a visual you're not going to see that in the wintertime when there's not many leaves on there. There are still going to be a lot of layers in between to blend that in, so it's not something that you see right in front of you as a big element. Opposed to on the front, which is scaled down because it's only one story. It's got a front entry canopy kind of post. They're trying to keep that architectural character and that human character of starting off small and building up to the top. Of course, you can see how steep the decline is on the slope to the back, and so we were trying to break that up with some horizontal components, as well as some

vertical, and so the hardy point siding kind of takes that characteristic. If you look at the cabins you can see we have some of the vertical siding, some of the horizontal, here's where the rafter tails are extended out. I'm trying to take some of the characteristics of some of the ornamentation on the building.

After our last meeting, I think those are the items that the Planning Commission asked for us to look at and respond to and think about how we would put the building together, not just horizontal siding around all four sides and take it up and not do anything architecturally with it. That was our approach after meeting with staff and coming up with some ideas and adding the cupola and a few other things after we met with Chris, Brian, and Kim and staff, and this is where we are tonight. I will close the presentation and I will be here for any questions.

Chairman Rohlf: I want to thank you for going back and taking a look at things again and bringing the illustrations. Very helpful. We don't have the benefit of the minutes from our May 22 meeting, and I'm not sure if you all remember the concerns, but I know we did have some, and hopefully they've been addressed in a better fashion. I'll open it up for questions of the applicant at this time. Comm. Williams?

Comm. Williams: First of all, I'd like to thank you and the Parks Department for taking our comments and concerns to task and I think you have made a good attempt to try to address most of those. A few questions for clarification. First, I'm going to start with the bath house, because that's the one we had some of the most concerns with. I heard you say something about the bath house being held back, was it five feet from the asphalt drive or walk?

Mr. Brown: Correct. The asphalt drive basically is where this dash line is, and then it's [inaudible] from that point there and then the screens are set back, the screens with the entry into both of the restroom area. I think out to the dash line is either eight foot four, or nine foot four out to that point and then the screens are held back and then the entry doors are behind that. It's about five and a half feet from the entry into the restroom to the screen, and then there three or four more feet out and to the edge of the asphalt.

Comm. Williams: So to the screen it's three to four feet out to the asphalt.

Mr. Brown: Correct.

Comm. Williams: Versus today if one was to go out there, the port-a-potties would be I believe somewhere around twelve to fifteen feet back.

Mr. Brown: They are sitting on that concrete pad that's there. Correct.

Comm. Williams: In looking at the drawings of the various buildings, it appears that the siding is somewhat different in that the description has been the same. It's hardy siding. Could you clarify just what the siding is and how it will be installed?

Mr. Brown: It's hardy plank siding, so it's a cementitious...

Comm. Williams: I understand that, but there's different types of hardy plank product and it installs in a variety of different ways, so what's the end look that we're going to get?

Mr. Brown: The end look on the restroom facility at the playground is an actual lap siding, so it's 1x4, 3/4 by 5/4 x 4 pieces of lap siding so it has an overlap and looks like a lap siding. At the maintenance building and some at the bath house they come in basically 4x8 sheets of plywood and they have a vertical grain look with a recess component that you can get in various widths to give it more to look like a vertical board butt joint siding, and you buy those in 4x8 sheets, so those will be fastened in. On the bath house we used a 1x4 trim piece to cover up the joint to give it a look of some recess and some dimension. At the maintenance building we went with a butt end sealed and caulked along there with basically a [inaudible] to keep moisture from coming out that. So it has a butt look so it has a similar look that the community building across the street has to it. So we tried to take some of those different materials, use those in the same characteristics that we see the wood and cedar siding being used in the park.

Comm. Williams: So again on the bath house, it has the battens at 4 foot, 2 foot.

Mr. Brown: The battens are approximately four feet up. We've taken a 4x8 sheet of product and then overlapping it. Some places they may be 3 foot 8, depending on how we laid out the joint pattern to get it to work.

Comm. Williams: And again, why did you do it on the bath house and not do it on the service building?

Mr. Brown: On the service building we were just looking at the character. It's not as tall of a building, and looking at the building across the street, of the character it had on some of it's vertical siding, we thought trying to tie the different buildings into their surroundings, as close as they were, we thought that had a better characteristic than adding all the vertical pieces to that and horizontal pieces to cover up those joints.

Comm. Williams: Since there's no battens on the cabins, why did you do battens on the bath house?

Mr. Brown: On the cabin, because we had that back area, which is basically two stories, plus the gable lens, which is such a high area, we really thought that 4x8 sheets of plywood really looked very stale and flat, and even though the cabins don't have a lot of that because the cabins are designed differently with a front entry and a private area for the RA or whatever the sleeping quarter is, and the main quarter of the cabin is broken up into different areas so it doesn't have that feel of one large plane of just surface. So we looked at the horizontal siding above, sort of the threshold above the spring line from the trusses and then we went with the vertical with the battens below that.

Comm. Williams: Well, and the cabins also are built on, if you will, stilts, might be the terminology, above the grade, so you don't have that from the floor line down. It's open. I can understand that.

Mr. Brown: Correct.

Comm. Williams: Then the trim as it shows up in the elevations, is it going to be a contrasting color to the body?

Mr. Brown: We show some trim is. The horizontal at the mid-point and then the trim at the corners, as you trim out like at a house. Your siding goes and you need a termination point for the siding on both ends, unless you want to spend a lot of time coping all the siding and make it wrap the corner, which you can do, but with the hardy plank it's much more difficult. You basically use the corner pieces for basically termination. So we'll use a different color. We looked at all the buildings, and everyone uses white, the cabins use a combination of things, and being in the middle we just tried to stay with one trim color throughout all three of the buildings for consistency. So we used the white trim. We may do something different, we show the shutters white, but we may do something there as the color of the actual shutters themselves to kind of break up that front façade.

Comm. Williams: On the bath house again, is the foundation going to be a concrete foundation?

Mr. Brown: Concrete block.

Comm. Williams: Alright. Currently in the location where you're putting the bath house is a pole light. Is that able to remain, is that being relocated somewhere?

Mr. Brown: We are relocating the pole light. I think it comes to the south and a little bit to the west of the building. So it will be on that circle around that area, it will light that area.

Comm. Williams: And the gable area, that's a horizontal lap siding?

Mr. Brown: Correct.

Comm. Williams: If you would please, you talked about the pitch being greater than what you had provided before. Could you share with us what those roof pitches are?

Mr. Brown: I think we ended up going with I want to say 12'4 pitch, but we tried to match as close as we could to the existing cabin. We increased I think the height of the building, the ridgeline about 8 feet from what it was previously shown.

Comm. Williams: This would be on the bath house?

Mr. Brown: On the bath house and on the maintenance building. The other roof pitch was already steeper and that was a smaller, compact building so the proportions were there and so we had to do some things with dropping some visual elements to try to make the proportions look better as we steepened up the pitch of the roof.

Comm. Williams: From your presentation, the plan is to retain the trees on both the sides and the back of the bath house, since it's pretty thick with trees right now?

Mr. Brown: The thick trees on the back, we'll maintain those trees. We are not getting into any of those trees. I think there were a couple of trees that were kind of in between, but those trees, if there was any in between, I can't remember, they'll be removed and prairie grasses and different plantings that we're required to put back in, we'll put back in. But we really were concerned that along that north side, to maintain that drip line of that edge there, so that's what kind of drove that building's placement.

Comm. Williams: Thank you. I think that's all the questions I have at the moment.

Chairman Rohlf: The record should reflect that Mr. Conrad has joined us this evening. Any other questions for the applicant?

Comm. Elkins: Mr. Brown, turning to the overall site plan, one question that I think I raised in our prior meeting, as I understand it, the maintenance building, part of it's function is to serve as rope and other mechanical storage for the climbing wall and [inaudible] course, is that right?

Mr. Brown: Yes.

Comm. Elkins: As I look at the overall site plan, there has not been a plan made for either a sidewalk or an asphalt or even a gravel pathway to get one directly from the storage area to the climbing facility. I guess I'm concerned about cow paths or something else. Did you all take a look at trying to create some sort of pathway from the storage building to the place where the equipment is going to be used?

Mr. Brown: We met with the Parks, they're going to create a path and then open up an area in the fencing that's more in this area right here to serve the restroom and the storage so they can get in and out of the climbing structure, and that's something like that asphalt drive that they're going to do outside of our scope.

Comm. Elkins: So there actually is a plan then to get an asphalt walkway of some sort.

Mr. Brown: Right. There's going to be an asphalt walk as you come off the parking lot here. There's an existing asphalt trail that leads up there. Off of that asphalt trail they'll bring another trail. There were two thoughts, either coming off the sidewalk or off the asphalt here, or another one we talked about as they come in and use this one here as they come off this asphalt trail and then come in, and the Parks was going to basically remove a section of the fence and install a gate so the people that are using this will be able to go in and out and not back and around. That was out of our scope that they're going to provide themselves.

Comm. Elkins: That was my concern was hauling a bunch of ropes out to the parking lot and then back in on the pathway to the facility. But Parks has indicated that they're going to make some sort of direction connection. I have no more questions.

Chairman Rohlf: Mr. Conrad?

Comm. Conrad: I apologize for my lateness. John, I think one of the things that we talked about was the interior finish. I know normally we wouldn't address that, but is this wood stud or metal stud backup now?

Mr. Brown: No, we're still using block, so instead of an integral-colored split face block, it's a standard gray block and it still has the epoxy finish paint on the inside for the durability.

Comm. Conrad: On all the interior surfaces for durability.

Mr. Brown: Yes.

Comm. Conrad: Thank you.

Chairman Rohlf: Any other questions? Thank you. Do you have any further comments for discussion or are we ready for a motion?

Comm. Reynolds: I'll make a quick comment and a motion to follow. I went out to the site after our last meeting and looked at the site and I'm very impressed with how the applicant responded to our many detailed questions and concerns and I think it's going to be a terrific-looking facility.

A motion to approve Case 48-07 was made by Reynolds, seconded by ???.

Chairman Rohlf: Any further discussion on this case?

Comm. Elkins: One question, and it may be an artifact of this being carried over as a piece of old business, but I notice that the report notes a public hearing. Do we have an obligation to do that again?

Chairman Rohlf: No. Mr. Lambers had indicated last time that we did not.

Motion approved unanimously.

NEW BUSINESS:

CASE 36-07 AT&T VRAD CABINET – 3601 W. 123rd. Request for approval of a special use permit, located at 12901 Roe Ave. Public Hearing

Staff presentation:

Mr. Klein: This is case 36-07, AT&T VRAD Cabinet. The applicant is requesting your approval of a special use permit to install a VRAD cabinet at 3601 W. 123rd Street. At this location there is an existing SAI box that's also included in that area, and you've seen that with each of these VRAD cabinet boxes that they go next to these SAI. They're providing the additional VRAD cabinet, which is basically 50 inches wide, 26 inches deep and 48 inches high. Staff has required landscaping to go around the cabinet and the applicant is, in addition to landscaping around the VRAD cabinet that they're providing, they're also landscaping around the existing SAI box, as well as existing handhold, which is an at-grade box that they access I believe some of the cables. AT&T might be able to clarify exactly what that's used for. The landscape plan does meet the stipulations listed in the staff report and the staff is recommending approval of this application with those stipulations as stated. I'll be happy to answer any questions.

Chairman Rohlf: The additional landscaping will greatly improve, if these are the photos.

Mr. Klein: Correct. There isn't a whole lot out there right now and this will substantially increase the amount of landscaping that's out there.

Chairman Rohlf: Is that a stoop that's up there behind the existing cabinet? I'm not sure what that is.

Mr. Klein: To me it looks like some sort of concrete box. The applicant may be able to shed further light on it.

Chairman Rohlf: That's part of their area?

Mr. Klein: I believe so.

Chairman Rohlf: I'll ask them when they get up there. I wasn't sure if that was still there or part of this application.

Mr. Klein: Actually, these photos have been taken pretty recently and that's existing.

Comm. Conrad: Mark, in the one picture, what is this stair?

Mr. Klein: That's stairs that are actually leading up that hill again. Those are currently there.

Comm. Conrad: So whose are they?

Mr. Klein: It's located next to the Leawood South Country Club and so I would imagine they were installed with the country club, although I don't have the history of it for sure. In order to get up that grade, which looks like it's fairly steep.

Comm. Conrad: It looks somewhat precarious. I guess we can ask the applicant if that is theirs.

Comm. Jackson: Mark, staff recommendation on the stipulation number 5, that's an addition from what we passed last time, correct?

Mr. Klein: Actually, this is something that was added on the other cases. You saw the other VRAD cabinets come before you and then they went on to city council and this was a stipulation that was added on those applications at city council. This is just a way to ensure that if these fall into disuse, they will then be removed. It's a way to make sure that they go away if they're no longer used.

Comm. Jackson: And once the permit's gone do they have to come in?

Mr. Klein: They would have to come back in for a new special use permit. Correct.

Comm. Jackson: If they didn't do that, would they have to actually physically remove the boxes?

Mr. Klein: The city would have the ability to make them physically remove the boxes if that was the case. I imagine the city would work with them as far as they could either file an application for a new special use permit or remove the boxes. It would be up to the city.

Comm. Elkins: Mark, I think I was one of the ones that raised some concern about the unlimited term and a special use permit on the VRAD cabinets and I appreciate what the staff has done and the council approved with stipulation number 5. I guess I'm just curious, is there any way that the staff or the city has, by looking at the outside of the cabinet, as to whether it's in use or not in use?

Mr. Klein: I don't know that I would have the ability to just look a cabinet and tell that it actually had power going to it. I would imagine there would be some sort of metering system that if it was pulling energy, you would be able to check it based on that fact. But as far as just visually looking at it and determining whether it was in use, I doubt if that would be possible.

Comm. Elkins: And my guess is when the applicant comes forward we'll talk about it a little bit more that AT&T will probably have another use for that pad in the event that technology improves as we hope it will and there won't be a need for the VRAD cabinet, but something else. Again, my point is, I'm just curious about how the city or the staff would plan to enforce stipulation 5 even if they could get inside the cabinet. I certainly wouldn't know whether it was being used once I looked inside it.

Mr. Klein: I would imagine that a lot of it would just be dependent on as far as AT&T wanting to reuse that pad for something else.

Chairman Rohlf: Anything else for staff? We'll hear from the applicant.

Applicant's presentation:

Chris Carroll, AT&T, 8900 Indian Creek Parkway, Overland Park appeared before the Planning Commission and made the following comments:

Mr. Carroll: This is a continued expansion of our fiber upgrade throughout the City of Leawood, placing another VRAD cabinet as we have in the past. This one is a little different. Off 123rd you can see here it's an elevated plain just to the north of the Leawood South Country Club. The stairs actually allow access to existing cabinets. This is a service area interface. The SAI box that staff referenced earlier. The existing two cabinets will remain. We'll place a third cabinet, the VRAD to the west or the right of these particular boxes here, as depicted and to the right of this cabinet. You can see where it's staked off there. That is the new VRAD site, the location for the new VRAD. It's one of our low profile cabinets. The previous cabinets we placed here are 63 inches high, this is 48 inches high. One of the questions was asked about the concrete barrier. There's a CEV, a controlled environmental vault, it's an underground vault with fiber and copper cables coming to it. There's a handhold that was referenced by staff. That's a splice typically where cables come into. We can easily access and make splices. We've got probably already over half a million dollars worth of equipment there. This other cabinet is probably some \$300,000. We're not just going to abandon that. I know there was some concerns were raised about not using those facilities anymore. There's quite a sizeable investment that our company has placed there already. That is what we call the center of the distribution area that serves about 400-600 homes. It's not going to go away, and the technology may in fact change in some point in time in the future, and if so, we've still got that easement, that site that we can utilize, change out the cabinets with the right permits, construction permits, etc. We don't intend at all to abandon that equipment. That equipment is there to serve not only dial tone to your residents, to the consumers, to our customers in the area, but also broadband, high-speed internet, as well as now video when we place the VRAD cabinets that we'll be able to provide. Internet TV, AT&T universal we kind of talked about in the past. I'm happy to stand for more questions.

Chairman Rohlf: What about Mr. Elkins' questions about whether the city will be able to tell whether these cabinets are in use or not.

Mr. Carroll: No. They wouldn't. There's fiber optics and copper cables coming up to these sites. They are spliced and they're feeder cables going out to the 400-600 residents in there. Copper to their homes. If those customers quit using our service and all of those 600 customers decided to go with Time Warner or someone else, then we might have some stranded investment there. It still wouldn't go away. We have an obligation as the commission requires us to be the carrier of last resort, so whether we have a customer on our network or not, we have to provide the facilities, because we're a regulated utility. Our competitors are not. There's no way the city can tell whether that's being used or not, but I assure it will and always will be used.

Chairman Rohlf: Are these three boxes interrelated then?

Mr. Carroll: They will be. The VRAD is going to provide to video with digital compression technology. Right now the cabinets that are there today provide the voice and data.

Comm. Reynolds: There's some sizeable oak trees near the site. When you put in this cabinet landscaping this area you're disturbing just the actual footprint of the cabinet and the plantings?

Mr. Carroll: That's right. We're not disturbing any other plantings or trees there. We'll be planting about fifteen 6 to 7 foot tall junipers around the existing cabinetry. The 6 foot junipers will encircle this area right here.

Comm. Reynolds: My main concern is that you don't disturb the existing trees.

Mr. Carroll: No, we're not disturbing them. And that would concern us, as well, because there's a lot of foliage there already, a barrier to the golf course. That provides a barrier to the south of these cabinets and then these new shrubs, new plantings will provide a barrier for the vehicular traffic going up and down 123rd.

Comm. Elkins: Mr. Carroll, a couple of questions. First, as I understand it, AT&T has an easement over this property, is that right?

Mr. Carroll: That's correct.

Comm. Elkins: And do you know who owns the fee title to the property? Is it the country club?

Mr. Carroll: I don't know. I don't have the answer to that. We'd be happy to research that. Staff may know, I don't know.

Comm. Elkins: What I'm really getting at is, I'm stealing a little bit of Mr. Conrad's thunder here, and I apologize for that, Ken, but what I'm really getting at is whose obligation is it to maintain that stairway, ladder, steps, whatever you want to call it, that's in the picture.

Mr. Carroll: I heard the question earlier and I'm not sure whether that was stairs that we placed at some time. It's been there for years and years and years. I don't go back that far to know how that got there or who maintains it, if anyone maintains it. It does provide easy access, ready access for our technicians to access those cabinets. So it wouldn't surprise me that may have been placed by our company many, many years ago. I just don't honestly know the answer to that question.

Comm. Elkins: Pictures can be deceiving, I agree with Mr. Conrad, it looks a little bit on the rickety side from the photograph and quite possibly an attraction nuisance, and I was just curious if you saw it in your maintenance plan to maintain it into the future. And I guess the answer is you don't know.

Mr. Carroll: I honestly don't know. I do know that it's a benefit to our technicians to have that to access the equipment. In inclement weather, snow or rain, you've got mud there trekking up. We could really tear up and make a mess of the place. So it does benefit us to have that there. But how it got there and who maintains it, who owns it, I'm sorry, I just don't know the answer to that.

Comm. Elkins: Mr. Carroll, just to follow up on the questions that I asked earlier about the abandonment of the cabinets, I think maybe perhaps you misperceived my concern. Certainly 30 years ago there were telephone poles all over the city and all over the state of Kansas, weren't there? And that was an investment that AT&T had or Southwest Bell, the predecessor had, and my hope is that technology is going to result in perhaps a need for smaller boxes, or perhaps no boxes at all 25 years from now. That's why I have the concern about a permanent or an unlimited term for the special use. AT&T's always been a great corporate citizen in especially Leawood, but all over the state of Kansas, and we appreciate that, but the concern is to make sure as technology changes that the follow up is done to take that stuff out as there is no longer a need for it.

Mr. Carroll: I understand your concerns. If the entire population went strictly wireless, perhaps sometime many, many, many years in the future, may not be necessary. But we believe that there will be a need for land line service, as well as data service delivered via land line, and we're spending a whole lot of money to get into the TV business via fiber optics and copper technology, digital compression technology, and we're talking the many, many billions of dollars throughout our company. We wouldn't be making that investment if we felt for any reason that in a few years that that equipment may not even be necessary. We believe it will be. Granted, the technology may change. It has changed in 5 or 6 years. The size of the cabinets have become smaller just in the last three years. The 48 inch box that we're putting in here now wasn't available two years ago. When we began our project Lightspeed Fiber Deployment, it was a 63 inch box and that's the only thing we had available to us. It's become shorter and a little wider, but the technology is changing. I think it will continue to change. They may get smaller. That particular utility easement, that site there will I think always be needed, regardless of the size of the cabinet there. They may in fact be smaller and they may all well be hidden once those junipers grow up to be quite large. But I think it will all be blended nicely into the landscaping and you may not ever see them at some point in time in the future. But we don't in the foreseeable future see those cabinets going away. They may or may not become smaller. They won't be larger.

Comm. Munson: Who's responsible for the landscaping when those trees die, etc.?

Mr. Carroll: Great question. My company is responsible for those by ordinance. The ordinance of the city of Leawood requires the utility, the applicant in this case AT&T, once we place that landscape to maintain in perpetuity that landscaping. There's a clause in the ordinance, as I understand that we could reach agreement with a nearby property owner, for example, and we have done this in some cases, to pay them compensation, where we would transfer that responsibility, that would be filed with the city of Leawood, but that responsibility would be transferred to a property owner or a nearby owner of land or a home or what have you. Again, we've done that, but not in this case. That's our responsibility.

Comm. Munson: What's the size of these boxes? Height, width?

Mr. Carroll: As staff reported, the new one that we're putting in is 48 inches high, I think 50 inches wide and 26 inches deep, is the new cabinet that's going in. Was that your question? It should be on the plans there, I think. And it would sit on a 5x5 foot concrete pad, the new cabinet. And again, all this will be hidden with the landscaping.

Chairman Rohlf: All right, do we have any other questions at this time before we move to the public hearing? All right, this case does require a public hearing. Is there anyone here in the audience that wishes to speak about this case, please raise your hand.

Seeing no one, a motion to close the public hearing was made by Elkins and seconded by Conrad (?). Motion approved unanimously.

Chairman Rohlf: Now we can have any further discussion or comment about this case leading to a motion.

Comm. Conrad: I guess for a moment I would like to discuss the improvement of the access that we see there. I know these cabinets we go to great lengths to improve the landscaping to try to hide them. I think we have an opportunity and maybe a duty to improve the street scape, too. I'm certainly supportive of the application, although I would like to maybe discuss an amendment to remove that existing stair, and if any access is required by AT&T, that there be a landscape stair access plan developed to staff's satisfaction to clean that area up. It appears that this is all in the right-of-way, is that true?

Mr. Carroll: Yes.

Chairman Rohlf: Is that a proposed amendment?

Comm. Conrad: Is there any discussion...?

Comm. Williams: I was going in that same direction on that issue.

Comm. Elkins: I would agree with that. Those stairs are pretty ugly as you drive by them.

Chairman Rohlf: Maybe we could make that a stipulation.

A motion to approve Case 36-07 was made by Conrad, a request for approval of special use permit located at 3601 West 123rd Street, was presented with the six staff recommendations and additional stipulation that the current metal stairs would be removed from the right of way and if the applicant requires some easy access through that grade to present a plan of new stairs and landscaping to the approval of staff that would meet all codes, was made by Comm. Conrad, seconded by ???.

Mr. Carroll: Is the stipulation won't be granted until we present a plan to staff? I'm confused. Are we not able to even begin work? I have some concern about that.

Chairman Rohlf: Mark, is that something that you can do simultaneously?

Mr. Klein: Typically they have to come in to get a permit to do the work. I'm not sure that we actually have a, for instance on a building there's a certificate of occupancy that you can hold them to, to where they can start construction and through that process do that, and you won't give them their C of O until they actually complete everything that they are supposed to complete. In this instance, I don't think we have the final sign-off. I think the once the power's there, it's there, and they have the ability to use the box, unless Chris can indicate otherwise.

Mr. Carroll: The concern I've got, and this was supposed to be on the May 9th agenda, and we continue to be bumped and bumped and bumped, and the citizens aren't being afforded the opportunity for choices. We're way behind on our build schedule, and if I have to wait now and develop plans for a ladder before I can even...I'm concerned.

Mr. Klein: Maybe it's a situation where a stipulation can have a time limit as far as they have to provide a plan that's approved by staff prior to, say, governing body approval, because that will allow you to get a plan together, right? And then additional time limit that that stairway would need to be constructed within, say, 3 months of governing body approval, or some sort of time limit.

Mr. Carroll: I'm sure we could work out something there. I was just a little concerned with the way the motion was being made and where we were going with that.

Comm. Conrad: And to further clarify, if it's deemed that there's no stair required at all, I guess that would be acceptable to me. Maybe it would be better with nothing, although if they've had use for...

???: If you've seen the hill, you need something.

Mr. Carroll: We're obviously benefiting from it.

Comm. Conrad: I'm sensitive to the time, so however that wording works.

Mr. Klein: Maybe plans should be submitted prior to governing body approval. I would imagine it would probably be on July 16. There is no July 2 meeting due to the Fourth of July.

Mr. Carroll: And this is all supposing we own it, and I don't even know that we do. And if somebody else owns it, then we've got a title to stairs that we're encroaching on. This could get confusing, but I just didn't want to slow down the process.

Chairman Rohlf: That may be something that you want to do a little research on, too, in the two weeks between now and the council meeting, just to see if there is anything on the city's records that would verify whether who installed it.

Mr. Carroll: And we'll do research on our side, too. It could have been put in 20 years ago by one of our installation repair foreman, so I don't know.

Mr. Klein: I imagine that's probably the main reason those steps are there considering the boxes are there and it doesn't really look like there's really any other reason to go up on that hill.

Chairman Rohlf: So the additional language that you've added, Mark, would that be sufficient for our stipulation?

Mr. Klein: I think so.

Chairman Rohlf: Are you satisfied with that Mr. Conrad?

Comm. Conrad: Sure.

Comm. Elkins: I just feel like I would be remiss if I didn't at least restate my ongoing concern about unlimited special use permits, and I realize we've done it in the past and while consistency may be the hobgoblin of small minds, it certainly seems appropriate here. But just as a general principle, with cell towers we ask them to come back every 5 years and reevaluate, and certainly a 150 foot cell tower is a much greater concern than a 48 inch cabinet, but all things being equal, if I had my preferences I'd ask them to come back every 10 years and renew the special use permit. I'm just voicing my thought on that. Thank you, Madam Chairman.

Chairman Rohlf: Do we have any other discussion points or comments that anyone would like to make before we take a vote?

Motion was approved 7-2.

CASE 44-07 PARKWAY PLAZA SUMO RESTAURANT - Request for approval of a final site plan, located north of 135th Street and west of Briar.

Staff presentation:

Mr. Klein: The applicant is requesting approval of the final site plan for the construction of a 7,500 square foot one-story restaurant within the Parkway Plaza Development mixed used development. The Planning Commission saw this application as a preliminary a couple of months ago. The layout of the site has remained the same as what was seen at that point. This is located in the southwest corner of the Parkway Plaza Development. It's actually the corner building that's located there. Parking is located on the north side of the building that's proposed. There's a multi-tenant retail future building that is proposed to the east of this that would again be coming in for plan approval before that building was constructed. There's a plaza area that's located in between the two. The building is primarily constructed of stucco, stone, both kind of a cut stone as well as a natural stone with a web wall in it. The natural stone is limestone, some wood. There is a tower element that's located on the north side on the main entry. There is also an outdoor eating area that's located on the south side of the building, as well as an outdoor plaza that's attached to that. Staff is recommending approval of Case 44-07 with the stipulation stated in the staff report, and I'll be happy to answer any questions.

Chairman Rohlf: I'm not sure if the elevations are correct on our sheets.

Mr. Klein: There's some color elevations on there, and I believe those are mislabeled, however the black and white elevations should be correct. The one with the tower should be on the north elevation.

Chairman Rohlf: No questions for staff.

Applicant's presentation:

David Suttle, Suttle **Minden** Architects, St. Louis, Missouri. Appeared before the Planning Commission and made the following comments:

Mr. Suttle: Thank you for hearing us again this evening. I guess it would be proper to just take a very quick highlight of a couple of things and then any questions that you would have. The main entrance from the north side, the north elevation and the east elevation between the two buildings with 135th Street here, and the site plan which really shows the effort and the opportunity I think that we talked about the last time, to really open up the building with glass and rooms that face out, that face out, that face out, so that there is a great deal of transparency into the building, seeing activities and lights on in the evening from the top of the roof all

the way down through the gardens. The gardens are extensive, they're part of the functional and aesthetic idea of the restaurant, so we've been allowed to develop these more fully and more intricately than any other of the exterior buildings in Parkway Plaza. We're thrilled with that because we plan on spending a lot of time there having good food, as I hope you will. I think again, unless there's any specific questions, I would just make sort of statement. We thought that we had completely convinced our client that your love for landscaping and development was unrelentless, so we thought we had everything we possibly could have in, and somehow number 16 we slipped up and we changed one thing and left out unintentionally the plantings that are mentioned there. But those were supposed to be in all along, so maybe next time we'll have everything covered because we tried this time very hard, and just be fate that one element along the west property line. Those were supposed to be remaining in the program and they just got left off by mistake. But clearly, as I mentioned, the landscaping is an integral part of the aesthetic for our client and certainly one that we know that you will want to see fully executed and that's our plan. So we're very excited about that part of the building, as well as the building itself, which we think remains a classic building in the tradition of Parkway Plaza, but it has enough elements of distinction so that it will stand alone and have an individual identity that we wanted, a little bit of variety. At the same time, it belongs to the whole place, and that's the combination that we're happy about. If there's any questions or concerns that you have I'd be more than happy to have a discussion about that.

Chairman Rohlf: You're comfortable with all the stipulations.

Mr. Suttle: Yes.

Chairman Rohlf: I must say there is quite a bit of landscaping there. Does this happen to be the site of the old Grass Pad? They've got the most fertile ground.

Mr. Klein: I think it will be pretty close to it. The Grass Pad I think extended further to the north.

Mr. Suttle: Right, it is good dirt there, but we'll make it better.

Chairman Rohlf: Questions for the applicant? I don't remember any concerns outstanding.

Comm. Reynolds: Just a clarification. I think it was last time, too, it wasn't clear to me. On the southeast corner of the building, there's a patio that looks like you enter from inside the building and maybe it has a low fence around there. And then beyond that there's some pavement beyond the fence, and I'm not sure how that works and what that's used for.

Mr. Suttle: Is this the area you're talking about? The fence is on the outside of that, there's a porch, which is a covered porch, and then there is the terrace patio here, and so the fence does come at the edge of that pavement so that there's no pavement for food and beverage outside of that enclosed area.

Comm. Reynolds: What I was reading before was really a roofline for that covered porch. Very good. So that is intended to be sort of outside dining.

Mr. Suttle: Right. Several areas of outside dining and gardens and so forth. That's a feature of that whole side of the building.

Comm. Reynolds: I think the other question the last time was the kind of oval shape in the decorative rock mulch to the north, which I think was a pad for a sculpture piece?

Mr. Suttle: That's nothing more than at some point a piece of sculpture we would like to find to propose for that location. It wouldn't be that size or shape, but that's just a page marker.

Comm. Reynolds: Very good, that's all.

Comm. Conrad: We struggle a lot of times with design guidelines and elements of development. Is the interior ceiling vaulted to those clearstory windows?

Mr. Suttle: Yes, it is. This is one of the few buildings that actually works beautifully that way and not sort of enforced to happen.

Comm. Conrad: And then the main entrance, it's kind of a tower, if you will. Interior wise, does that extend up?

Mr. Suttle: Yes, it does. It extends most all the way up, so it will be a very vertical, very elegant space to pass through as the entry point.

Chairman Rohlf: I think everything has already conformed to our overall criteria, our landscaping, lighting, signing. Any other discussion or comments?

Comm. Munson: I would like to commend Mr. Suttle in his efforts in this development. It continues to grow and it looks very nice and it's an exciting building.

A motion to approve Case 44-07 Parkway Plaza Sumo Restaurant request for approval of final site plan was made by Comm. Williams and seconded by Comm. Jackson. Motion passed unanimously.

CASE 45-07 HALLBROOK OFFICE – Request for approval of a rezoning from SD-CR (Planned General Retail) to SD-O (Planned Office), preliminary site plan and preliminary plat, located north of 112th Street and west of State Line Road. **Public Hearing**

Staff Presentation:

Mr. Klein: This is Case 45-07 Hallbrook Office Center. The applicant is requesting an approval of a rezoning from SDCR planned general retail to SDO planned office. Preliminary site plan and preliminary plat. The project will consist on one 4-story building that consists of 115,432 square feet. I would like to propose one modification with this application tonight. There is a piece of land that is located on the north side of the development which kind of extends up beyond the rest of the tract. This is for a detention pond and currently the way it's calculated in your staff report is that is actually part of the FAR calculations, which would allow this one to have a .24 calculation for the FAR. The maximum within this zoning district is .25. However, it's been decided that maybe it makes more sense to have that platted with the future development up to the north, or at least the calculations of that area for the FAR to be attributed to the future building to the north. That would cause an adjustment to this piece of property so it would go from a .24 to a .26 FAR, which would require a .01 bonus criteria. They do have enough open space in order to meet that criteria. Currently they would be allowed a 10 percent bonus for the FAR, however what they need would only be a 4.3 bonus for the FAR. They're providing 39,469 square feet extra open space over and above the minimum that's required.

In addition, this is an office building, as far as the stipulations reflecting that, there would be two stipulations that would need to change if the Planning Commission decided to approve that change. That would be stipulation number 1, and the project would be limited to a 115,432 square feet on 10.16 acres as opposed to 10.98 acres for an FAR of .26 as opposed to an FAR of .24. And then further on stipulation number 8 where it's calling out deviations, there would be additional C, a deviation to allow for a .26 FAR. As part of the deviation requirement for open space, it states that that area has to be able to be used for maybe public pass of recreation. Number C should read deviation to allow .26 FAR, however, if the criteria for the FAR bonus is not met as determined by the Planning Commission and governing body, this FAR bonus shall be reduced or eliminated. That allows you at the time of final when you have the final details regarding public spaces when they come before you, you can determine whether that had been met or not.

This is again, a 115,432 square foot office building. It's located on the east side of Overbrook Road and on the west side of State Line Road, in between those two. There's an existing office building that's located within the Hallbrook Office Center that's further to the west adjacent to the golf course. This building projects outward and has a number of undulations that allow the façade of the building to be broken up. It's primarily constructed of brick, aluminum and glass.

The applicant is requesting a couple of other deviations in addition to this. Staff is supportive of these deviations. One of the deviations is the front setback from Overbrook Road. The way the ordinance reads is typically you have a 40 foot setback for commercial buildings; however, within the office district, you have the requirement that you have an additional 10 feet of front setback for every story above two stories, which would require a minimum of 60 foot setback from Overbrook Road with this building. This building actually has only a portion of the building that extends into that, and it's about 55 feet, 10 inches that it's located from Overbrook Road at that one point, and then the rest of the building sweeps back and actually exceeds the 60 foot setback. Therefore, staff is supportive of that deviation.

Another deviation that's being requested is the requirement of the 60/40 rule that we have, as far as no more than 40 percent of the area along the public right-of-way shall be anything other than building or landscaping condition to a depth of 90 feet. They have parking that's located along State Line Road. The primary reason for that Leawood Development Ordinance is to ensure that you just don't have the sea of parking that's visible from the public right-of-way. However, in this case, the grade from State Line Road will make that parking lot really not visible from State Line Road. It slopes up quite a bit. They'll actually have a retaining wall that will go along the east side of the parking lot that is located on the east side of the building.

Staff is recommending approval of this case with the stipulations stated in the staff report and I'll be happy to answer any questions.

Chairman Rohlf: How long ago was this overall development plan submitted? It's been quite a while, prior to any of our time.

Mr. Klein: It's been before I was, too. I think the Hallbrook master plan was proposed in 1986, or was approved with the zoning of planned general retail is what it's currently zoned right now. So you have the bank that's to the south, you have the existing office building that's to the west and next to the golf course; you have this piece of vacant property, and then you have a piece of vacant property to the north and you have College Boulevard that runs along there. All that currently is planned general retail. The applicant is requesting that this be rezoned to planned office, which is a little bit less intense. Part of the reason for that request is that it allows them to go a little taller. The maximum height allowed within the general retail is 50 feet. The maximum height allowed within the office is six stories and 90 feet. This is a four-story building and they're requesting 58 feet, so it exceeds the 50 feet.

Chairman Rohlf: That rezoning request is probably consistent with what we would see today.

Mr. Klein: Right. Again, there's an office building that's just to the west of it. It's always been shown as office, as far as in this master plan. So I think it fits as far as what was always planned for that area.

Chairman Rohlf: Were there any stipulations or agreements made at that time when they submitted their master plan that we need to be aware of?

Mr. Klein: Since they're coming in, this is a preliminary plan our current regulations would be in place.

Chairman Rohlf: So the bonusing is consistent with what we've done on all of our [inaudible].

Mr. Klein: Correct, the bonusing is something that you've seen before. Yes.

Comm. Munson: You said that the parking would not be visible from State Line Road, is that correct?

Mr. Klein: Correct. Basically State Line Road sits down a little bit lower.

Comm. Munson: How much lower is it, do you know? 10 feet, five feet, three feet?

Mr. Klein: I don't know right off the top of my head.

Comm. Munson: How about the building? How much of it will be visible from State Line?

Mr. Klein: I would imagine you would see some of it. The applicant may be better able to answer that question.

Comm. Williams: Just a question of clarification. The applicant and the architects noted on all the documents are not the same. The applicant listed as the architects and the architects listed on the drawings are not one and the same. Who's the architect of record?

Mr. Klein: I believe **Kerry Goodman** is the architect and the landscape architect is Brick Owens.

Comm. Williams: So they can clarify why NSPJ is on the drawings?

Mr. Klein: That's actually Brick Owens with **Nearing, Stats, Prelauger**.

Comm. Williams: Okay. Used to be with somebody else. Thank you.

Comm. Conrad: Clarification Mark, so this is just for the third plat. The property on the north will stay CR?

Mr. Klein: Right, everything to the north of this would stay SDCR until such time they came back in if they wanted to rezone that.

Comm. Williams: And the property that's to the northwest, these kind of four pieces here, was that a part of the master plan development? I don't know what was intended to maybe go in there. It looks like there's already a small building.

Mr. Klein: Actually, it's the farm house for Hallbrook. I guess it's located there.

Comm. Williams: In the overall commercial development, if you will, that northwest piece was not a piece of the master plan, is that correct?

Mr. Klein: I would have to go back and check. I did not notice that part in it when I was looking. I was focused more on this piece.

Comm. Jackson: Is the construction of this, the outside look of the building similar to the bank that's right there, or is this completely different?

Mr. Klein: It's probably a little bit more similar I would say to the office building that's over by the golf course, as far as having brick. That aluminum feature, if you're familiar with the office building that's over by the golf course, they have kind of aluminum cornices or also some projections, canopies over the entrances that are aluminum. The rooftop screen is also aluminum.

Applicant's presentation:

Brick Owens, NSPJ Architects, appeared before the Planning Commission and made the following comments:

Mr. Owens: I want to introduce our design team. We have approached this for about nine months and have had some preliminary plans and have settled on this one. With us this evening is Mel Lavery who represents the Hallbrook Development group. Mel will

be able to answer any historic questions. He's been involved since 22 years ago when we started the project. Also Kerry Goodman is the architect of record for the building and was involved with the first office building. He is available for questions and to describe the architecture that we've got going on on the site. Also we have Bret Hoagland with Continental Engineers, who is behind the grading plans. We've done the studying to see how this fits in and we can answer some questions as you might have about the parking on State Line. Also Chris Sorenson is with JE Dunn. Chris is here to understand what's going on from the approval side of things. And then Jenny Dooley is with NJPJ, and she's the hands behind the drawings. So if you have some real specific questions, I will refer to her. Last, but certainly not the smallest, is Ken Nicolay who fills the space with tenants.

We are in front of you to talk about the third plat. It's the third building on the Hallbrook site south of College Boulevard. There is one more building to go, and that's up on the corner, the southwest corner of College Boulevard and State Line. When we began the process through some encouragement by the staff we looked at the entire property to make sure everything fit. We came up with a really cool idea with sweeping parking lots and sidewalks that will ultimately hook up these two buildings together, shared parking, that kind of thing. Kerry Goodman did a great job, and Jenny was actually to put it on the ground and Bret was able to grade it so it works. We have future great connections.

What I'd like to do is talk briefly about the site plan design process that we utilized here for the property. This is an aerial plan. It's part of your packet. This is State Line Road north and south. College Boulevard is right here. The bank building, Country Club Bank is on the corner of 112th and State Line and the first office building is here overhanging the golf course, awesome views, by the way. We are looking at this site and are asking for this portion of this site to be zoned for now. As we begin to develop further plans and get tenants and things we'll come back to you for this property here. This is Kerry's architectural sense of axis. We have a real strong axis that comes through this building and will ultimately come through this building so we have a very strong connection between these two. We bent the building to maximize the views around the first office building and that's the big idea. Hence we have a wing here, a chevron shape that provides 99 feet of setback on the corners and only 55 feet, 10 inches in the middle. Primary reason, folks, is it allows us to provide additional green space here and the parking lot that separates the first levels adjacent to the first floor. Then we have a slope and the second level of parking is up above and really out of sight from the first floor of the building. Even so, this area is still about 10 to 19 feet below State Line Road. If you do the math, and the question was how much building might show above State Line Road, the building is 58, it's sitting at 9.15 and State Line Road is 9.30. So we have about 33-ish above the State Line Road itself. But by positioning the building this way, asking for the deviation in the front, we have enough room here to build a shorter wall, still provide the landscape easement that's required, but we're able to provide a berm between State Line and part of our landscape piece, so we have three feet of dirt, which takes it down to 30 feet, and then we have filled the space, if you look at the landscape plan, with lots of evergreens and trees per the ordinance that will further screen the 30 feet someday.

We were talking about deviation for FAR. On the building, because of the slope, the building rises from 900 to 930, the site itself, 900 at Overbrook to 930 feet. As I mentioned, we've niched these things in the hill. The building sits about 15 feet above Overbrook. So this axis I was describing goes all the way through the building, and we have stairs and double sidewalks that match up with the double sidewalks that are on the other building across the street. We know that there's a stipulation about a crosswalk to connect these two buildings. We're okay with that. It would be the only crosswalk in Hallbrook, so reluctantly we say we'll do that, but we will provide a single crosswalk versus the double in this place. It also provides us the ability to deal with the public ground. As you see, the stipulation is how might we embellish a public space. Because of the slope, it allows us to niche in here a public space and we will develop that further with paving and landscaping and flowers and we'll be back to you final plan to prove our point, that we deserve the consideration of the bonus. And this is where we'll [inaudible], right here at this axis junction, the crosswalk and the public sidewalks on Overbrook.

We've got 3 ½ cars per 1,000. We do have the ability to add cars if we need to, essentially banked right here. Because of the chevron look of the building, we've created a series of swoops and attention, if you will, at the corners of the building. Brett has provided a grading plan that actually provides a relatively less-steep, less-sloping area here to this building. The building has a great green cliff that it will sit very nicely on this hill. And then we continue the sweeps with the sidewalk. We know that we have to provide a public access easement on our property to manipulate the sidewalk and create a feel from the front. We've taken a lot of care with the design and are really quite proud of the idea that we can do something very nice out on Overbrook with this property.

The comment about the drainage area, this is the drainage here that we are going to remove from the calculations. We will be using some of it with this building, and improving about a third of it. The rest of the two-thirds would be the improvement of the detention pond area, as a park with trails and benches will be done in the next building up on the southwest corner of College and State Line.

I did not mention this, and I want to now, because it's quite an expense and makes us all connect. Overbrook, I think you might remember, is going to be extended and is in the process of construction. So we will have a loop system around this site, which we hope will magnify the desirability of the site here on this corner.

The architecture of the building is I think quite exciting in that it provides a definition of the structural components of the building, and I want to call it exoskeleton, but it's columns on the outside as Kerry wants to describe it. The banding is similar in the material and similar to other buildings and Kerry is here to answer any detailed questions you might have.

Kerry Goodman (Architect?) appeared before the Planning Commission and made the following comments:

Mr. Goodman: There was some conversation about the existing and then this building, and from the very beginning, the building that is adjacent to the golf course really sits down among the trees and is a wonderful setting, but you're surrounded. This building is sitting up on the hill, and so it seemed like there needed to be a certain sort of stature to that, and as you're looking up at the

building, you begin to appreciate [inaudible]. Again, we're going to have this green [inaudible] that Rick has landscaped. We haven't drawn it in yet obviously, and when we come back we'll have a much more detailed elevation and the materials and so forth. But essentially, the columns give the façade a lot of depth and richness. The front curves out to receive and provide shelter for people that are arriving at the building and so forth, and the back has a similar sort of view. So, using the bricks [inaudible] would pick up the color of the original building. We're setting it up on a two-story base to give the building some uplift and some stature and then providing a cap on top to help get some distinction through that. I do have 11 x 17's of the colored plan if the Planning Commission would like to have them. I can certainly share those with you now, or if that's enough.

Chairman Rohlf: We'll see where we go from here and we'll see if we need them.

Mr. Goodman: I think I'm going to stop here if there's any questions, I'll be glad to try to answer those.

Chairman Rohlf: Mark, while that drawing is up there, will you again go over the explanation of the deviations again and what it is that we're doing.

Mr. Klein: Basically there's three deviations that are being requested with the project. The first one is with regard to the front setback from Overbrook Road. They're required to have 60 feet and the reason for that, typically you have 40 feet for commercial buildings is what you normally see. However in the office district there is a requirement that for every story above 2 stories you have to have an additional 10 feet. So it starts out at a base of 40 feet. Since they have 2 extra stories above the 2 stories, that would add an additional 20 feet. So 60 feet, and that's the reason why you have the requirement within the office district coming along Overbrook Road. Currently they're showing that this part encroaches to 55 feet, and I believe it's 10 inches, is what I've seen on some of them. However, it's just this portion of the building right here that is encroaching into that. As you can see, the 60 feet continues up and down along this line. The building actually steps back and swoops away from that. So the majority of the building actually exceeds the 60 feet. And I think the furthest it goes back is about 90 feet from Overbrook from the property line. The other one has to do with the 60/40, which states that no more than 40 percent of the frontage along the public street, in this case it would be State Line Road, would be anything other than building or landscaping condition to a depth of 90 feet. Currently right now the parking comes in here, I think it's about 25 feet at its closest point, which is the parking setback that you typically have. So they meet the parking setback, however, they're more than 40 percent, most of it is parking along this, to a depth of 90 feet. However, most of this actually is not going to be able to be seen from State Line Road because of the grade of the site. This all kind of slopes down in this direction here. In fact, there is a retaining wall that actually comes around here. So the point is, you won't be able to see a lot of this parking from State Line Road, which is really the reason why that 60/40 rule was made, so you wouldn't have these masses of parking out in front of the building right adjacent to the street like you have with your typical strip mall development. The other deviation and the last one we had talked about was the deviation for FAR. The FAR maximum within the office district is .25. They're at .24, including this piece right here, which is where they are going to have a detention pond and which is why it was being platted with this development. However they indicated and staff agrees that this is actually more with the future site to the north. So rather than including this area in the FAR calculations for this building to go ahead and eliminate it. With this part taken out, and this is what's different from what you have in your staff report, it goes from a .24 FAR to a .26 FAR, which is .01 more than what they're allowed, which requires them to have a bonus to be able to achieve that. Their best opportunity for a bonus is in the excess open space. The minimum open space they can have is 30 percent. They're providing 39 percent open space. So, they can get a 10 percent FAR bonus for open space. They need a 4.89 percent bonus with the excess open space. Now as part, I mentioned before, the Leawood Development Ordinance requires that it at least have the opportunity to be used for passive recreation. They have indicated that they would do something in this area right here where you have the connection with the building that's further to the west. You have the stairway that comes up and leads to this building here. They have a stairway that provided this circular. It may be something that they provide maybe some benches, additional landscaping, some amenities. That's something they would come back to you at final because typically you don't have those kind of details at that point. That's the reason why when I was making the comment as far as this stipulation's being modified, number 8 would go on to say that they would have to provide the additional amenities and it would be up to the Planning Commission and governing body to determine whether they had met those amenities to allow that bonus to be included.

Chairman Rohlf: And we've taken care of the detention area in stipulation number 2. So we will be modifying number 1 and number 8. Thank you, Mark. Back to questions for the applicant.

Comm. Conrad: I like the half-size drawings but I can't see well enough. State Line is elevation 37 at the north end of the property. What are some of the elevations at the tops of these berms? I just can't read the numbers.

Mr. Klein: What Brett has provided for is room to raise the grade just behind the right-of-way and the landscape easement, which is traditionally provided for commercial buildings. So 2 to 3 feet high will be the dirt level and upon which we'll plant the landscaping, landscape screening.

Comm. Conrad: What is one of those elevations? Does anybody have a drawing that...

Mr. Owens: We'll provide all of that for you at final plan. In fact, I'll make sure you have a big copy to read.

Comm. Conrad: Well, I think certainly one of the concerns is the line of sight to the parking. I think it's important to understand what those elevations are. If my eye is at 37 and the building is 15, I'm really looking down.

Chairman Rohlf: I do apologize, but I do need to leave the meeting this evening, and so Vice Chairman Munson will take over from here.

Chairman Rohlf left the meeting.

Comm. Reynolds: I applaud that you're doing less than the maximum allowed parking of 4 per thousand, and I'm one who thinks we spend way too much of our resources paving parking spaces that we don't use. But I wanted to understand how you determined the 3.47 or virtually 3.5 per thousand that you came up with?

Mr. Owens: We have 400 cars at about 115,000 square feet. So 115 into 400 is about 3.45.

Comm. Reynolds: Right. I know the math, but was there any science in terms of did you consider going less? You could go down to 3 per thousand and still be within the allowable range.

Mel Lavery, Hallbrook Office Center, appeared before the Planning Commission and made the following comments:

Mr. Lavery: The leasing people tell us there's about approximately 100,000 square feet of leasable space, and for leasing purposes, four per thousand is what the tenant requires. That's what they want to hear, and that's what we have, right at four per thousand.

Comm. Jackson: Looking at the area that you plan to make some sort of passive park area, not really park, but a passive area where other people can go in the front part of the building, do you have an idea of how much area that is?

Mr. Owens: From a scale perspective, the circle of the stairs are about 40 feet in diameter. This is not to scale. We made it as big as we can so everyone can see it. We have about 40 feet in the middle. We've opened these trees purposefully to allow buildings to have visual access. So if you expand out about another 30 feet, another 30 feet, that's about our realm, about 100 foot of length, is what we will ultimately embellish in some way. Again, we have not thought this completely through because we are still working through some of the details. Some of the most successful buildings is one that tells a story from one end to the other. So we're letting some of the details happen in the building so that we can move that outside and expand the feel of the expression of the design.

Comm. Jackson: Is there a certain amount of area that you have to incorporate into that in order to get your [inaudible] bonus?

Mr. Klein: Yeah, they have to include 4,819 square feet to achieve that bonus. The bonus area has to be that much. The maximum bonus allowed is 10 percent bonus, which would be 11,061 square feet. That would be at 10 percent, they're asking for a 4.36.

Comm. Jackson: Does it seem what he's describing that that would be the 4,800 square feet?

Mr. Klein: It seems like that general area, again, depending on where they draw the boundaries. At this point it's kind of undefined, but it seems like you should be able to get it. For instance, if you think about 5,000 square foot building, as far as a floor plate...

Comm. Jackson: Would you include that circle area?

Mr. Klein: I think it really depends on the amenities that they provide, if they actually provide some amenities around there that would make it a passive pedestrian area, then you could include, as far as a circle area where they have the sidewalks come around. Again, that would be something at the time of final they would be able to elaborate on, as far as how they plan on meeting that criteria to make it a passive. And if the Planning Commission and the governing body did not feel that they did so, they would have the ability to either reduce that bonus or eliminate that bonus if they didn't feel like they met it at all.

Comm. Jackson: Does it seem like to you, hearing that it's 4,800 square feet that you can get that encompassed in that area?

Mr. Owens: Well, 4,800 square feet divided, if I go 50 instead of 40, it's only 120.

Comm. Jackson: You'd have to do about 50 by 100 or a little less.

Mr. Owens: If we have 50 by 100 here, Kerry reminds me that we're not only just treating one side, but we're also treating the other side, and we have a wonderful plaza space on the inside of the property, which is connected through the lobby that runs all the way through the building. So if these two are connected, we expect them both to be used, certainly this one in the morning. West is that way, this in the morning, and this in the afternoon. I don't know if that helps us any with our area, but certainly we're mirroring, we're

not ignoring one or the other. We do have an upper plaza here in this overall space, so about 70 feet deep by about that 100, just because of how we've moved the green [inaudible] back away from the street and created a central greenway, if you will, that runs here.

Comm. Jackson: But you certainly understand the requirement and you're happy to meet that then?

Mr. Owens: Yes, I do.

Comm. Jackson: Thank you.

Comm. Roberson: I'm going to address this to Mark. Can you explain to me what you define as amenities?

Mr. Klein: Again, this is for passive pedestrian amenities.

Comm. Roberson: And would you define that, please?

Mr. Klein: Personally, I would probably define it as enhanced walkways, plaza areas, benches, possibly pergolas for shading where people can relax and maybe get out in the sun a little bit. I think there's a number of different ways that you can do it. A lot of it really comes down to the creativity of the architect and the landscape architect as far as how they all blend together. There's a big difference between having a bench that sits along the sidewalk with no landscaping or amenity around it and one that is embellished with landscaping around it, possibly some shading device along with it. Maybe some other amenities. Again, it can be a range and it's really the designer who really kind of makes what that would be, but those would be some of the components that could be used.

Comm. Roberson: And is it for the general public or is it just basically for the building's use?

Mr. Klein: I'll just read you the way it's written. I'll read you the whole thing and it actually allows several different things and the part that they would be going for would be about the last sentence. This is under bonuses for FAR. "Projects with permanent natural open space ratios in excess of the required minimum may receive up to a 10 percent increase in the applicable maximum FAR based on not less than a 1 to 1 ratio of increased floor area to increased open space." And those are the numbers that we had run before. "Such permanent natural open space must provide a value to the community by preserving and providing habitat areas for native flora and fauna, storm water recharge/management potential and/or passive recreational potential for the public." So this would be people, for instance, not only visiting the building, which that's what the public is going to be, is somebody is going to be going to one of these two office buildings, but also somebody who is maybe walking along Overbrook Road maybe on their way to State Line. There is a subdivision in that area. There's a number of businesses in that area, or there will be.

Comm. Roberson: Pardon my skepticism, but it sounds like if they just landscape that area they meet that criteria also.

Mr. Klein: Actually, it's really up to the Planning Commission and the City Council to determine whether they feel. There are many different levels to landscaping. You can have landscaping that consists of some low-level shrubs adjacent to a public right-of-way, or you can have landscaping that consists of a mixture of shrubs, ornamental trees, shade trees, pergolas with vines growing in them. Again, there's a wide range, and there certainly is a minimum that is expected by the Leewood Development Ordinance, which is fairly high standard adjacent to public rights of way. Next to State Line Road and next to Overbrook Road, they're going to be required to have street trees planted, one per 35 linear feet. They're going to have to provide ornamental trees at a ratio of 1 per 12 linear feet, and shrubs at a ratio of 1 per 5 linear feet. And believe me, it's an extensive amount of landscaping. They'd be looking at something above and beyond that.

Comm. Roberson: I guess my next question, if they put, again, I'm not designing this for you, I'm just trying to get some clarification, if they put a fountain in the front of the building.

Mr. Klein: A fountain is something that could be used.

Comm. Roberson: It could be counted.

Mr. Klein: Sure. Statuary is something else that could be used.

Comm. Roberson: Alright. Again, I'm not trying to design, I'm just trying to get some clarification.

Comm. Conrad: It appears as if the eye level as you're driving on State Line, depending upon what type of a vehicle you're in, is about at the top of the proposed berm elevations. And by the time there's some plantings and those things, but I think our concern, at least mine is, it's a pretty large expanse of parking. And I don't think it's just from an external site view, but also an internal site view that we try to treat that as best we can. In the packet, one of the drawings showed that this parking would be attached, or connected to the plan to the north, is that true?

Mr. Owens: Yes, that is true.

Comm. Conrad: Then I guess I am concerned, because the north/south dimension of this parking is going to be 1,000 feet? And in some spots 400 feet wide?

Mr. Owens: The opportunity with the future phase, the proposal would be to push the building up on State Line, so we will literally be reversing the field, if you will. The opportunity we have because of the grading and these little bit of additional push in the front, or the west side allows us to eliminate walls, but also create essentially a flat elevation if you can concentrate on the back, a curb, almost all the way through our landscape easement. The two elevations running down State Line are even. As you said, we are able to get that 3 foot, 4 foot-ish of height which gives you your eye level. We've also wiggled this thing, if you look at the master plan, that we have varying depths of open space adjacent to State Line, so we're going to get an undulation of the landscaping.

Comm. Conrad: But I think there's an internal site issue with this, too.

Mr. Owens: Certainly, and that's why we provided the 15 foot island between the first bay of parking and the remainder bays. And that's at a slant and it separates the two from a visual perspective as well, so we tried to pay attention to that.

Comm. Conrad: I would follow up on Commissioner Reynolds comment, too, is I think in all of these projects, try to minimize the number of parking. I think we need to have the capability to meet the needs of building, but yet on the other hand, certainly three per thousand on a true leaseable, I don't know what the tenant mix is going to be, but we would certainly want to minimize the amount of that that we would construct.

Mr. Owens: Less is more.

Comm. Conrad: This is certainly one of those plans that I think can be very beneficial to see some three-dimensional presentation to really understand these sight lines. I guess my last comment is for the bonus points – Is there any consideration given to structured parking for attaining those bonus points and really then increasing the open space, and maybe being able to provide some larger development areas, as opposed to maybe just a localized entrance into the building?

Mr. Owens: When we come back to you, we will have the 3-D dimensional model and a computer-driven model and then also I'll do some sight lines for you.

Vice Chairman Munson: Anyone else? A couple more clarifications. I'm really glad to see we're going to get Overbrook Road extended and connected as a part of this project, as I understand. That will include sidewalks and streetscaping and streetlights on Overbrook, it's not just pavement?

Mr. Owens: It may not be the landscaping, but it will be the sidewalks and streetlights. The landscaping would be up to the Planning Department.

Mr. Klein: Right. Actually the landscaping would come in with future building because it would be incorporated with that.

Comm. Reynolds: And we do that because we don't want future construction...

Mr. Klein: You would probably wipe out a lot of the trees.

Comm. Reynolds: But we'll get sidewalks.

Mr. Owens: That's correct and we also stipulated to construct sidewalks on the south side of College from Overbrook to State Line.

Comm. Reynolds: That's terrific. And maybe just a comment. We've seen some developments come in with the public art where they make their required contribution to the public art fund and then they go beyond that and provide additional public art, and that certainly, in this commissioner's eyes is a great way to get a bonus point. So I would encourage you to consider that as a true amenity to the public. I'm curious if the applicant has any thoughts on the stipulations concerning the rooftop screening, because I do agree it's such a place that rooftop equipment is going to be a little more visible maybe than typical and I noticed the stipulation that says it has to be more than your typical louvered response.

Mr. Goodman: We're going to work with staff and essentially develop some alternatives that hopefully we'll be able to come up with something that works. And we've been trying to minimize the height. The good news is with the hydraulic elevators, we don't have a penthouse for the elevators, we just have to hide those school busses that sit up on the roof and provide all that cool air. We'll do it in as nice a way as we can, and we do have to deal with the visibility from up higher, so we recognize that.

Brett Hoagland, Continental Engineers, appeared before the Planning Commission and made the following comments:

Mr. Hoagland: I'm the civil engineer for the project, and if there were some questions about Overbrook, I was going to try and clarify those.

Vice Chairman Munson: Any other comments or questions at this time?

Seeing no one, a motion to close the public hearing was made by Elkins and seconded by [REDACTED]. Motion approved unanimously.

Vice Chairman Munson: I made notes and I'll go ahead and read them and then we can ask the questions of staff and make the comments as they will. Deviations, setbacks on Overbrook was an item. The 60/40 ratio along State Line was an issue. FAR goes from 2.4 to 2.6 and there's some question about how that is arrived at. The bonus for open space, question about how the open space would be handled and what is involved in arriving at bonuses for that. Passive recreation at entrance across the access from the existing was brought up. Elevations at the top of State Line berm item. Line of sight from traffic pedestrian along State Line and I think if the development team is going to provide some drawings of 3-dimensional pics of this with some actual engineering numbers of the elevations, that should help us with that. Parking, the ratio, I sense from the Commission that they would like to see maybe less parking or handled in a different way, and I think I heard mention how about looking at some underground parking or other type of parking to achieve bonus points. Rooftop screening of equipment and any other items that I missed. Opened the floor up for discussion.

Comm. Reynolds: I did have something that came up while you were going through those. I don't know if where we stand, and usually Kelly you do good on this, bike parking, is something like this a candidate to have some bike parking as a part of it? We don't currently require it.

Mr. Klein: Obviously the more modes of transportation that you have is an amenity, so I think it's a good thing, but there isn't anything in the Leawood Development Ordinance that I'm aware of that requires.

Comm. Reynolds: Pretty amazing bike path literally at the end of Overbrook that goes for miles and miles so you might think about that as well.

Motion to approve CASE 45-07 Hallbrook Office Center request for approval was made by Elins, for rezoning from SDCR planned general retail to SDO planned office with the preliminary site plan and preliminary plat to include the 27 staff stipulations that are set forth in our case as amended by staff.

Comm. Jackson: We'd like to have some discussion. As far as the amendment goes, if this does get approved, I'd like the amendment to paragraph 8 to read as Mark had stated earlier, requiring Planning Commission and government body approval of the amenities or whatever they use to get the increased FAR. But as far as approving, on this project, they're putting in such a large building, and unfortunately with large buildings, we require large parking lots. The FAR is limited so that you don't need such a large parking area. I am very troubled about how large this parking area is, how large it will look if parking is extended as shown on the plat going further north with another building. State Line Road at this point, I think, looks pretty good. We don't show so much parking. I think one of the nice differences with Leawood and some of the surrounding communities is from up high, you don't look down upon a sea of concrete. If you go up on some of the taller buildings in Overland Park, along College Park especially, all you see is concrete. I think our ordinances are set up so that that is not what you see, and I just think the area of parking here is just too much and some of that comes with the size of the building. So if, I guess whoever mentioned the structured parking, that would be my favored way to go if you want an increased size building. I think the layout of the land, the view from State Line Road would, in my view, to make this acceptable, you'd almost have to put in some structured parking there.

Comm. Reynolds: And to follow up on that, I guess I'd like some clarification from staff - We're approving a rezoning preliminary site plan, preliminary plat. If we approve it without any stipulations regarding structured parking or parking ratios, is the applicant entitled to get what he's showing here today in the final?

Mr. Klein: Definitely the use is being approved with this application, as far as being preliminary. The general layout is also being approved, unless there's a stipulation that they add the structured parking, then I don't know that they would be required to do that. What it does allow them to do is to come back, and I'm sure they've heard your concerns regarding the parking to try and come back in different ways to address your concerns. I would imagine they would probably look at several different ways to do that. I can't speak for the applicant and I can't commit them to whether they're going to do structured parking or not, and maybe that's a better question for the applicant as far as what they'd be willing to look at. But I know that I've counted probably about four different commissioners that have indicated that parking is a major concern. As far as the parking ratio, again, they are below, or they're within the range that is allowed within the office district, which is 3 to 4 per thousand. They're at 3.47 ratio. Again, it may be a question for the applicant as far as what they'd be willing to consider.

Vice Chairman Munson: Would the applicant like to step forward?

Mr. Lavery: We have looked at structured parking and we don't want to build any more pavement than we need to, because building pavement costs us money, as well. Unfortunately, the leasing public is not willing to pay for structured parking. We want this building to be financially viable, and to put in structured parking unfortunately does not allow that. We can't get the rents. We're trying to build a Class A office building with this, and the rents with construction costs will make it very, very difficult to lease the building and get a reasonable rate of return. Again, we'd love to have structured parking. I have nothing against structured parking, I think it works wonderfully. If we could get it to work we'd be happy to do that. We'll look at it again, and we've looked at it previously. I understand you're concerned, we've heard it.

Comm. Roberson: Is the building across the street from where this is proposed, is it full?

Mr. Lavery: It's about 97 percent full. We opened that building about 2000 and it actually hit 100 percent occupancy last fall the first time. It took about seven years to lease up. The parking across the street, also, just for the commission's information, has a parking ratio, on the net leasable of 4.5, which I wish it wasn't 4.5 today, but that at the time, that was approved.

Comm. Roberson: That struck me as being empty.

Mr. Lavery: It appears empty, and at the time that was approved, we had to show where we could take that parking up to 5.0. So we wish it was a little bit smaller, as well, but that parking lot is at 4.5 per net rentable square foot.

Comm. Roberson: You may not be able to answer this question, but I'm going to ask a different type of question here, and maybe Mark can answer it. Can you take the parking lot across the street and count it toward the parking for the building being built?

Mr. Klein: I don't think you can actually count it for this project because it's a separate project. You might be able to justify maybe a lower parking number for this project based on the fact that parking across the street can be used. I think there's probably a number of ways they can maybe address your concern. You mentioned the structured parking. There also may be a situation that may require extensive landscaping along State Line Road to ensure that you will not have that visibility along there. You may also encourage them to [inaudible] parking to where they don't put in the ratio that they're proposing right now - which is the 3.47 - that it's something lower than that, and then if they demonstrate that there is an actual need for that parking, they would have the ability to get that in the future or at least come back before this body to request that. I think those are the things that I see as far as possibly being done. You might be able to use, as far as a justification for a lower parking number, the parking again across Overbrook Road. I don't know who their tenants are and employees as far as walking across there if that's reasonable for them or not. They would be able to answer that.

Comm. Roberson: And again, that would be governed with the ability to lease with the understanding that some of the parking may be across the street. I don't have the answer to that.

Mr. Klein: At the time the other building was proposed the minimum parking requirement was five per thousand. We had no maximum, which is typical of a lot of cities, is that you just have a minimum. Part of the reason why the LDO included a maximum when we redid it is because we noticed there was a large number of parking fields out there, everybody had to have 5.0 or more and then they were never used, and you had this sea of asphalt out there that would just deteriorate with no use, which is the reason why we went to the ranges.

Mr. Lavery: I would point out the other unique feature with this building is very little parking is visible from Overbrook. It is behind the building that rises up, so very little of the parking from Overbrook is visible. That's a plus. It's a unique site. The topography lends itself to the pluses and the minuses. The plusses are we can really screen a tremendous amount of the parking. The negative is it's still a large parking lot. But we think we've addressed it using topography and screened as much of it from the public right-of-ways as we can.

Vice Chairman Munson: You still have what looks like a vast sea of asphalt even with the screening, and I think that's the concern of commissioners. And actually, that's what it is, it's a vast sea of parking, even with screening and landscaping that you've done, there's a lot there.

Mr. Owens: If I might add, I went on and on about design and I felt that I needed to stop, but I wasn't able to describe the idea behind the curvilinear nature of the parking. It's very similar to subdivisions. We curve the roads in subdivisions throughout Leawood so that you see only a few homes at a time. You don't see down a whole row and see house after house after house, 3 feet of it sticks out in front of the next one. We bend the road so that you see fronts of houses when you approach. Same idea here. We bent the parking so you don't see lots and lots of cars. You see 5, 6, 7, 8 at a time, but not a row that goes on forever and infinitum. We've also done all the open space within the parking lot itself and I think once we provide some sight lines and some sections, as how I was hoping to describe the relationship of State Line and Overbrook to the parking, I think with some of the sketch up work that Kerry's firm has and the computer graphics that we have, I think we can show you some pictures of what it will

look like as if you were in the parking, you're looking down on it if you're in a helicopter or an airplane you would see this. Our whole design realm is about 6 feet, or as Commissioner Conrad said, about 4 feet, which is in the car, and that's our perspective, and that's what we design to. So please don't look at only the plan as how it would be perceived, but think about it as if you were on the ground, and the grading does that, and I would like the opportunity to prove it.

Comm. Conrad: I agree, Rick, and I guess certainly supportive of the rezoning on the property. When I first looked at it I wondered if it was potentially the largest contiguous parking though that I've seen retail or anything. And I think it is important that we study it through some of these other views other than just two-dimensional. But I guess saying that, I go to Commissioner Reynolds of just where are we if we approve the preliminary. What will we get next is final?

Mr. Klein: The next thing you get is final unless you have a stipulation. Specifically if you're looking that they're required to come back with the structured parking and again, that's going to change their site plan, I would imagine as well to do that.

Comm. Conrad: We talk about prominent entrances into Leawood, 135th Street and all of these. Here is another one, and I think we just want to make sure that it's done well. So, I guess I would like to see some more graphics to support some of these line of sights and those types of issues. I don't know if we acquire that at final or if we approve the rezoning and continue the preliminary plan for that information. I don't know what either the applicant or staff would recommend.

Mr. Klein: I would say currently the way that you have it right now, if you approve the preliminary plan and the rezoning with comments that you've made - and this has happened in the past - as far as at the time of final you want them to address certain things, and again, these are primarily final issues. For instance, landscaping would be a final issue, maybe [inaudible] the parking would be a final issue, the architecture could be a final issue, the pedestrian amenities is certainly a final issue. I think it would be fine to go ahead and approve at that point. However, if you're asking them to possibly put in structured parking, change the complete layout of the site, then the plan is changing quite a bit.

Comm. Roberson: I guess from my standpoint, I'm uncomfortable approving this as is, knowing that this is a preliminary plan, they can come back and give me a final plan, even though they've heard our concerns. I guess I'm uncomfortable with that.

Vice Chairman Munson: Another option would be for the developers to ask for a continuance to work on some of these issues. But they would need to ask for that.

Comm. Reynolds: And I thought Mark did point out several strategies other than structured parking that I think would start to address some of the issues and certainly that northeast bay of parking is a real easy candidate for land banking, for instance. It's the most remote for all the parking. I'd be comfortable approving it tonight with a stipulation saying that the developer will work with city staff to reduce the visual impact of the parking. That would be sufficient for me to say that at final, if they don't work with staff to reduce that visual impact in parking, then I have every right to deny approval at that stage.

Mr. Owens: Vice Chairman, may I just say one thing, a little bit about schedule. We're hoping that we move right through this as a process. We plan to submit in a month and we plan to be back in front of you in two months. What we're after is to try to break ground and still do our grading this fall and do foundations in the spring. We will be back right here. I think a stipulation if we don't meet your requirements for the public realm of the public open space in the parking and prove our point, then we'll come back to continuance and we'll do more. I think you heard from our client that a parking garage is just not in the realm of possibility to make this building go. I'm sorry. However, if it's landscaping and minimizing parking and doing something more creative with the berming and grading for screening, then we would be glad to do that and will prove our point in two months. Thank you.

Comm. Conrad: You probably don't want to get into this much detail. Does this parking lot have to connect to the north? Is there an opportunity to have it be broken and have a large open space with maybe some of these amenities?

Mr. Owens: One of the reasons we picked this point, the line, is that it is a great place to stop and have enough room to do the next building. One of the buzz words in the planning community is connectivity. We've connected everything in a cequitious curvilinear manner so you see very little parking at any one time. To answer your question, yes we can do that, but that was the plan that we've looked at so far, is that they are connected and we have considered it.

Comm. Conrad: I think the comments are truly, at least from my perspective, from planning. How do we plan this and make sure we're making the right big-picture decisions as early as we can. I don't know how we proceed.

Mr. Klein: I know the previous Leawood ordinance before the current version that you have before you right now used to have a requirement that they provide islands about every other row of parking. The intent behind that was as you look across a parking field, you don't see a sea of parking. You see little bits broken up by islands. The reason why that isn't included in this Leawood development ordinance is because it was determined at that time that a lot of times you would get islands - they would provide the minimum open space required, which would be 30 percent, 25 percent, and it would all be broken up in these little islands within a sea of parking. It was determined maybe it's better to mask some of that parking together to create something a little bit more

substantial, something a little bit more usable. However, sometimes I think it is advantageous as far as to provide islands as your eye breaks. I believe that this parking lot, you have the upper level that's up, and then it breaks and it goes down. So, that's on a different level. As far as the parking, it seems like a lot of concern is being generated with their future plan to the north and how it connects in and how it's this vast sea of parking. I think there are things that they certainly could look at as far as maybe breaking that up. I think Commissioner Conrad indicated, do they have to be connected in such a way? They indicated that the detention area is actually going to be used kind of as a park. Maybe it's an opportunity where they have a drive aisle that connects them, but by and large part also has a large green area that separates those parking. I think a lot of that comes down to the design, that they come forward not only with this plan, but also with the future plan to the north.

Vice Chairman Munson: We have a dilemma. It's a most important project. Commissioners are nervous about several issues. What do we do? We have a motion on the floor.

Comm. Reynolds: Remind me – did we have a motion and a second?

Vice Chairman Munson: Yes, we do.

Comm. Reynolds: I would offer a friendly amendment to that, if that's appropriate, that says Stipulation No. 27, being that the applicant would work with the City staff to reduce the visual impact of the parking. That's Stipulation No. 27.

Vice Chairman Munson: Work with city staff. Visual impact?

Comm. Reynolds: Yes.

Vice Chairman Munson: Surface parking?

Comm. Reynolds: Yes.

Vice Chairman Munson: An amendment has been offered as stated. Is there a second to the amendment?

Comm. Elkins: I would accept that amendment as a friendly amendment such that we don't need to vote on it, as I would accept Comm. Jackson's amendment to Stipulation No. 8, that the amenities be subject to future Commission approval.

Vice Chairman Munson: I'm sorry?

Comm. Elkins: That the amenities referred to Stipulation No. 8—

Vice Chairman Munson: Could you verbalize that one again?

Mr. Klein: This is what I read initially, and this would be C of number eight. "Deviation to allow a .26 FAR. However, if the criteria for the FAR bonus is not met as determined by the Planning Commission and governing body, this FAR bonus shall be reduced or eliminated."

Vice Chairman Munson: Is everyone clear on that? Ken?

Comm. Conrad: I guess can you add a friendly addition to a friendly amendment?

Comm. Elkins: I'm in a very friendly mood tonight, Commissioner Conrad, so lay it on me.

Comm. Conrad: I guess I would like to ask that during the final presentation that the applicant would agree to help us visualize what Commissioner Reynolds is talking about, the minimized impact or however that was phrased, and the understanding that we're going to look at that quite carefully. I would also like to see it include the property to the north. I don't know how you'd do that, but I think that is a very big part of this whole visualization of what this is going to look like when it's all built out. I mean, it's 1,500 feet from that end to the parking at the other end, and it's almost 250 feet wide. That's a big rectangle that you can lay down of parking, and it could be seen from a lot of different angles.

Mr. Owens: If I might respectfully respond that that building is probably five to ten years away, and we don't really know the shape.

Comm. Conrad: But we're planning a city that's going to be here for 50 years.

Comm. Jackson: Hopefully longer.

Comm. Roberson: I'm going to express one concern that goes along with that too. Based on the preliminary showing here, as you're coming up State Line with a huge building on the corner, you get hit with this massive parking lot. That's the appearance that we're looking at right at the moment. You may be able to minimize that; I can't tell that. That's where my biggest concern lies at this point.

Mr. Owens: (?) We'll come back with some visual aids I promise.

Comm. Roberson: I would accept that as well.

Mr. Klein: Could I make just a real brief comment for clarification? Because if they come back at the time of final and they're showing the project to the north, I just want to make sure everybody understands this is something similar to what happened with Tuscany Reserve commercial portion, where they didn't have anything official that was being approved with that application, but they were trying to give you a general idea as far as what they perceived as happening on that future piece of property. If they come back with you again showing you the north, that isn't something that's been approved through any kind of process. They're just trying to show you how this may fit in in the future to what they're thinking at the moment might happen.

Comm. Williams: Well, I think we shouldn't lose sight that they have heard our concerns tonight about what that needs to look like. So when that project comes in three, four, five years down the road, hopefully they still remember our comments and some of us are still here at that time to remember those also and address those at that time, or they're going to have a harder time getting it passed than they might have tonight.

Vice Chairman Munson: We now have a motion, a second, and friendly amendments.

Motion carried 7-2, with two voting in opposition to the motion.

[Five minute recess.]

CASE 67-07 PARK PLACE BUILDING F – Request for approval of a revised final site plan, located at the southeast corner of 117th Street and Nall Ave.

Commissioner Ken Conrad recused himself from this case.

Staff Presentation:

Mr. Klein: Mr. Vice-Chair, members of the Planning Commission, this is Case 07-07, Park Place Building F. The applicant is requesting approval of a final site plan to allow the construction of Building F, a two-story 11,313 square foot building. This building is currently approved as a one-story 8,847 square foot retail/restaurant. The additional building area is proposed on the second floor and it is an outdoor patio. The applicant has stated there are no changes being made to either footprint of the building, the adjacent landscaping or the adjacent hardscape. You're just looking at basically the addition of this patio and the elevations of the building.

The applicant is again requesting to add a second floor patio. They've indicated that this is a restaurant on the second floor. It would be outdoors. It would have a separation wall that would run along approximately the middle of the floor plan on the second floor. On one side of the separation wall, you'd have utilities that would be screened. On the other side of the separation wall, there would be a bar area. There would also be a patio that was enclosed with a glass railing. There would be a pergola feature located at one end of the development.

Staff is recommending approval of this case with the stipulations stated in the staff report, and we'd be happy to answer any questions.

Vice Chairman Munson: Do Commissioners have questions for staff? Mr. Len Williams.

Comm. Williams: Mark, if they're adding square footage to the project, does this affect their FAR, that we have to take that into consideration?

Mr. Klein: It does affect their FAR. However, we look at the FAR for the overall development, and the amount that they're increasing is so small that it doesn't.

Comm. Williams: Thank you. That's my only question.

Vice Chairman Munson: Okay. Anyone else wish to ask the staff questions? At this point, we'd like to hear from the developer.

Applicant's Presentation

Jeff Alpert, Park Place Village LLC, Developer of Park Place, appeared before the Planning Commission and made the following comments:

Mr. Alpert: With me also this evening is Deb Ford with Gould Evans Associates, our architect of record. I'll be very brief. Just to orient you, Nall Avenue, 117th Street, the buildings that you see under construction currently are parking structure right here along Nall; Building A, which is one level of retail with two levels of office above right here that wraps around the north and east side of the parking structure; our main north-south retail street, Ash, right here; and then Building B right here – one level of retail with one level of office above. Then in this location, this is our Village Square where our ice rink will be located in the winter. This will be a grassed area for a variety of public activities in the spring, summer and fall.

The subject building, Building F located right here, actually serves to frame the other side of this public space and sits along 116th Street, which eventually will have buildings on both sides that extend all the way to the east, down to this end. Building F ultimately will have a second piece attached to it that will run down here and then turn up slightly to the northeast. We do have a restaurant tenant – we actually have two. We have a gelato shop that will be locating in here, as well as a full service restaurant. In talking with the restaurateur, they expressed their interest in creating more outdoor space, especially because of the adjacency to our public space. That's where we came up with the idea for a roof deck that would be located along what is the north or northwest wall of the structure and creates an opportunity for additional activity to energize this public area. So that's in a nutshell the reasoning behind our request.

As Mark said, the building was already approved as a one-story building. We really have not altered the architecture of the base building at all, but we are adding. In lieu of a solid parapet, we've actually extended some of the columns in the building to help support a glass rail up on the deck level. Also, we would have some structures. There are actually two stairs required. One will be a public stair. The other will be a fire stair, but also serve as the service stair for the second level. There will be an elevator serving both levels, and the upper level structure for those will be part of what we're building.

In addition, Mark mentioned the dividing wall which you see here, which serves to create a backdrop for the public area and then screening for equipment that would be located behind it. I really don't have any other specific comments. If you have any questions, I'm happy to answer them.

Vice Chairman Munson: Commissioners, who would like to discuss this with Mr. Alpert?

Comm. Reynolds: I have a question. Describe how – you'll have a table and chairs. Will there be dining out there or will it be like a smoking lounge?

Mr. Alpert: No. There will be a bar up there. There will be limited food service. There will be tables and chairs, and presumably there will be an open area for dancing or anything related to the bar service. There will be a limited food service menu, not as extensive as the restaurant downstairs.

Comm. Reynolds: So it kind of acts like a bar/lounge, kind of.

Mr. Alpert: Right.

Vice Chairman Munson: It is open air and is exposed?

Mr. Alpert: Yes.

Vice Chairman Munson: Okay, so it would be used from like April through November, or something like that?

Mr. Alpert: Realistically, yes. I think you're talking about April through November. Because of our ice rink activities, it's possible that they'll put some heaters up there, and if it's not too freezing cold, they may activate it during some winter months. I think it will have that opportunity if the weather cooperates.

Vice Chairman Munson: Anyone else? Okay, this case 67-07 does require a motion. Do I have one?

A motion to approve Case 67, presented with stipulations, was made by Comm. Jackson, seconded by **???** **Motion approved unanimously.**

CASE 51-07 CAPITOL FEDERAL AT NALL VALLEY SHOPS – Request for approval of a preliminary site plan, located at the northeast corner of 151st Street and Nall Ave. **Public Hearing**

Staff Presentation:

Jeff: Mr. Vice Chairman, members of the Commission, this is case 51-07, Capital Federal Savings at the Nall Valley shops. The applicant is Jeff Skidmore with Schlagel and Associates. This project is located at the northeast corner of 151st and Nall Avenue. The applicant is seeking a preliminary plan to construct a one-story 3,043 square foot bank building with a drive-thru. This proposed building is located at the southwest corner of the development. The drive-thru area is located on the north side of the building facing the rest of the buildings in the development. A preliminary and final plan for the overall development was approved back in 2004. I would like to show you that plan if I may.

Vice Chairman Munson: Let the record show that Commissioner Ken Conrad has rejoined the Commission.

Jeff: This is the preliminary and final plan that was approved back in 2004. As you can see, the bank building that they're proposing is right here. Nall Avenue is over here, and 151st Street over here. Previously they were proposing 5,000 square feet. They took it down to 3,043 square feet on that building.

I'll highlight some of the changes that they are making on that lot. The parking area has been moved from the north side shown here to the east side of the building. The size of the building has been reduced from 5,000 to 3,043 square feet. The size of the retention pond shown between buildings F and E has been reduced. The amount of paved area along 151st has been increased more than 40 percent.

When this project came through, they met the 40/60 rule, which means that only 40 percent of the street frontage can be paved. At that time, they met that requirement, but with this parking lot being added, it doesn't meet that requirement. Therefore, the applicant is requesting a deviation to that requirement. The applicant is suggesting that they are willing to add more landscaping to reduce the impact of the parking lot.

If the Planning Commission so chooses to approve the deviation, then Stipulation No. 6 would have to be removed from the stipulations. Staff is recommending approval of this case with the stipulations. If you have any questions, I would be happy to answer them.

Vice Chairman Munson: Do commissioners have questions for Jeff?

Comm. Reynolds: The drive-thru, do they circulate clockwise through that? It's a little hard for me to tell. I think that's what it's doing.

Jeff: It is counterclockwise.

Vice Chairman Munson: Any more questions for Jeff? Thank you, Jeff. Would the applicant please state your name and your address?

Applicant's presentation:

Scott Bixler, WDM Architects, Wichita, Kansas., appeared before the Planning Commission and made the following comments:

Mr. Bixler: Jeff Skidmore with Schlagel and Associates is here with me as well. We would like to just discuss a little bit and show you a little bit of the design process that we went through in developing this 3,000 square foot branch bank facility for Capital Federal. We do have several Capital Federal people here this evening. Mr. Pete Hanson and Mr. Carl Ricketts are both here from Capital Federal. We also have Henry Clover, who was the architect of record for the Nall Valley shops development and Otto Westerfeld, who is also the developer for Nall Valley shops as well.

As you can see from the early submittal, the 5,000 square foot bank facility has a front approach drive-thru where you drive into it counterclockwise. You face the window directly on. Then you circulate out to the left. What we wanted to do with this particular application is you've heard earlier this evening about access. As we really looked at developing the site, we were really concerned about the location of the intersection of Nall and 151st. It's a great intersection. It's wide. It's got a lot of traffic that's moving up and down. Certainly along 151st, we're about seven feet higher than 151st, so that parking area that you see with 12 parks on it, 11 of those parks are within that 90-foot setback, but we are up seven feet.

What we wanted to do with this layout is instead of developing just a rectangular box – and I'm not sure if you'll be able to pick this up or not. Basically this is 151st along the bottom of the page with Nall Avenue on the west side, with north being to the top of the page. I'm wondering if you have that in front of you. One of the concerns that we had is we really wanted to open this up to not only the Nall Valley shops, but also to the intersection. The building was reduced 40 percent from 5,000 square feet to about 3,000 square feet, and we felt that in this particular application, we really wanted to create some great architecture for this corner.

Capital Federal is very much involved obviously in the residential mortgage industry, and we really wanted to create more of a residential type feel with it, still respecting what Henry and Otto had in the Nall Valley shops. All of the materials are basically the same as the Nall Valley shops, but we do that access that basically the major portion of the building runs from the intersection, and then it opens itself up back to the shopping center.

We put a lot of breaks, a lot of changes in the building. The building is certainly within all of the other setback criteria. In order to allow us to circle around and to get very, very good circulation with the parking, we extended that down towards 151st Street. Again, like I said, there are 11 parks that are within that area. We're seven feet up. As you can see, we have an extraordinary amount of landscaping there. We understand your concern about shielding the parking area and certainly want to make sure we cover that with our landscaping plan.

One of the other elements that we looked at is we have a plaza that actually comes out of the front of the building that is made up of concrete and brick pavers, landscaping. We do have a flagpole that's actually right out here on the end that creates another access from the front entry area. We really tried to create not only an interesting piece of architecture, but also an interesting site plan that was far different than just siting a rectangular box. That was our approach, and we felt certainly we ran the City through it. We actually presented them some 3-D sketch-up models. I wish I would have known you were interested in that; I would have brought them tonight. Hopefully we'll be able to show you that some other time.

The only other question, and I'm not sure it's a deviation, has to do with the signage. We have two points of signage – one above the front door, and one above the area that faces the intersection. One of the things as you'll see on those elevations is there is a logo that Capital Federal always utilizes with their Capital Federal Savings. It's a part of their brand mark. We understand how signage works, and we were concerned about that. One of the things that we were looking at is to try to take that eagle, if you will, with the stars around it, the logo, and move it inside the building and actually create almost a little piece of artwork. Instead of just being a canned sign, we were looking at it either being some sort of glass element that we could either get some edge lighting on or softening so that at night it would really show up quite well, but during the daytime, it would be secondary to the words, "Capital Federal Savings." Those were the two areas that we wanted to make sure that we brought to your attention and wanted you to take some consideration in.

Material-wise, like I said before, we tried to utilize most of the materials that Henry and Otto have developed for the center. We've got a lot of break-ups, a lot of shadow lines going on, and we feel very comfortable with the overall look of the facility, and hopefully you will.

Vice Chairman Munson: Do you have a materials board?

Mr. Bixler: We do have, and it was my understanding that the materials board would come at the final. We certainly do have that though; we don't have it with us.

Vice Chairman Munson: One other question. Capital Federal, if my memory is right and I think it is, uses a lot of blue. Is that going to be true here also?

Mr. Bixler: Blue is a part of their color. It's a brand color just like any other corporation. One of the elements that we tried to do is there are some horizontal steel components that come out above the doors. I think you can see it in those elevations. We were looking at utilizing a color on those, possibly a blue color where we could get a little bit of their corporate color. The rest of the building will be a natural stone. It will be brick. It will be a **effa-stucco** type coloration. I think if you saw the 3-D mock-ups and the color boards, I think you would understand that we're just trying to be extremely subtle with it and understand your concerns about it.

Vice Chairman Munson: Commissioners, do you have questions for the applicant?

Comm. Reynolds: I know no one walks to the bank anymore. They all drive. You've got a few parking spaces there. If banking practices change in the future, maybe we'll start walking to them when we go to Walgreen's and we want to walk to the bank. Is there the ability to walk to this bank from the other parking lots and the other buildings?

Mr. Bixler: Yes, there is. There are cross-over sidewalks.

Comm. Reynolds: I guess my plan is I'm seeing kind of the Plaza coming out to this point, but then I don't see any other connections.

Mr. Bixler: Right, I don't have all the sidewalks, but I believe there's one that runs right through here that connects on this side. There's also one that connects over on the other side of this road, this ring road that runs through there.

Comm. Reynolds: This is preliminary. As long as it's been noted that that's an important aspect, to make sure there is connection to other parking areas and other buildings. Otherwise, I think it's a very handsome building and very well done.

Vice Chairman Munson: Any other commissioners at this time? This does require a public hearing. Does anyone here wish to speak on Case 51-07, Nall Valley shops, Capital Federal Savings request for approval of preliminary plan?

Seeing no one, a motion to close the public hearing was made by Comm. Elkins and seconded by [REDACTED]. Motion approved unanimously.

Comm. Elkins: Mr. Chairman, just as a matter of order, I would note that the Commission's rules require that we adjourn at 9:00 p.m. unless we extend for a period of 30 minutes.

A motion to extend the length of the meeting by a period not to exceed 30 minutes through 9:30 p.m. was made by Comm. Elkins and seconded by [REDACTED]. Motion approved unanimously.

Vice Chairman Munson: Any questions for the developer?

Comm. Conrad: The logo or the medallion, you said maybe take that internal, make it more of a piece of art. Has there been any more thought about that?

Mr. Bixler: Certainly we as found out, the signage regulations, it's extremely important that we try to incorporate that with the Capital Federal words. What we wanted to do by bringing it inside, above the front door and above that area that would be seen from the intersection, would be to try to, as subtly as we can, get that connection with the words "Capital Federal Savings." We haven't developed the detail yet, and we would like to bring that back as an alternative to show you how we could treat that without it looking like a metal sign. We want to really create it with something that's very subtle, but yet very much in keeping with kind of the determinations that I've heard this evening with the art councils and things like this. We want to make it nice, but we also want it to be a part of their logo.

Comm. Conrad: Typically are those internally lit or are there a whole variety?

Mr. Bixler: Basically in most jurisdictions and in most areas where we apply them, they're a canned sign with a white acrylic front and they're backlit with the eagle and the stars being lit through that. Again, there's a number of different alternatives to do that. We just felt it was important to have that identity there. We understand the signage criteria. Therefore, we wanted to make it a little bit more formal, in a sense.

Vice Chairman Munson: Anyone else?

Comm. Jackson: Mr. Chairman, as far as staff recommendations, Stipulation No. 6, how would you change the plan to fit into that stipulation? The one with the parking areas.

Mr. Bixler: Oh, the 60/40. The plan itself, what we were again looking at – the distance between 151st and the parking area is seven feet in height so you're hardly going to see it at 151st.

Comm. Jackson: I understood that but it seems to me that if you comply with Stipulation No. 6, you would have to change the way your parking is laid out.

Mr. Bixler: If we have to do that, we cannot use this plan simply because the 90-foot setback line is almost to the front door of the bank from 151st.

Comm. Jackson: You're asking that that stipulation be deleted?

Mr. Bixler: Exactly. Yes ma'am.

Comm. Jackson: Did staff have an idea how that could be worked out or what was the solution on there?

Jeff: At one time, the applicant indicated that they would provide more landscaping, additional landscaping to screen the parking areas. But again, this same regulation was held at the time of the overall approval, so that's why staff is not supportive of the deviation.

Mr. Bixler: The overall 40 percent that is maximized, 39 percent of it I believe is on the Walgreen's at the other end of the development, so we were kind of hamstrung, if you will, going in. I understand the concern. We were just trying to get the parking, the 12 parks as close to the entry as possible for the consumer's sake, and then to be able to really landscape it appropriately. Being up seven feet, we felt that that was a functional screen that we could work with and work with the staff on.

Comm. Jackson: But certainly as the overall plan was heard here, the indication was that it was going to comply with the 60/40. Is that what I'm hearing, and now that's being changed?

Mr. Bixler: Yes.

Comm. Conrad: To follow-up on that, are all of these pad sites, have they all been approved?

Jeff: Yes.

Comm. Conrad: So this is the last one?

Jeff: Actually, there is more. That's the Lot No. 4, which is in between Walgreen's and this building. That has not come in yet. That's the only lot left after this one.

Comm. Conrad: Is that E?

Jeff: Yes, Building E.

Comm. Conrad: Does it have any – what is going to be its limitation for this calculation?

Jeff: It has to meet the 40/60 rule.

Comm. Conrad: So if it had less parking?

Jeff: It still wouldn't meet it.

Comm. Conrad: What is the schedule and what phase is the featured pond?

Jeff: Right now they're showing it with Building E, which is Phase 5.

Comm. Conrad: Will that be an expense of F and E or will that be an expense of the overall development?

Otto Westerfeld, Development of Nall Valley Shops, appeared before the Planning Commission and made the following comments:

Mr. Westerfeld: In answer to that, being a developer, I'm going to try to get the expense on the tenant at E, just to be honest with you. However, I would be willing to share.

Comm. Conrad: I guess what I'm trying to do is, if we develop that amenity, it's right on the street. How far off is this percentage?

Jeff: It's 55 percent instead of 40 percent.

Mr. Westerfeld: If I may, that water feature was originally put there because we were led to believe when we first went through the process here for the shopping center that we would be able to detain our stormwater in that because we thought we had 100-year pipe, the City had 100-year pipe out in the street. We found out they didn't. So what we were going to have to do is we decided to retain underground the entire load for that property. That pond we were going to reduce. As you see on that original plan, it's huge. It was a safety concern for us and everything else, so we were going to reduce that in size. We have talked, and I haven't talked with this tenant about it, but probably what I would like to do in the future – and I haven't spoken with staff about this yet – is we're required to place art on the property. We elected at the time not to contribute to the Art Council fund, but to actually buy art and put it on the property. In speaking with the owners, we really want to try to make that, where that small water feature is, more of a gathering space for a place to showcase this art piece. We've actually selected an art piece at a price of about \$30,000 to try to put there. We haven't gotten the work done on that yet, and that would come at a later time.

Also before I sit down, I would also like to request of all of you the consideration for this 60/40. I understand your concern. You have to have some consistency in what you're doing. That elevation at 151st, if you drive by there, it does shield that parking. You don't see it. I'm very excited about the effort that my tenant has made. It's very rare to see this. We've all seen how many banks have gone up in this city. I mean, they're going up everywhere. This is a stunning effort, and I'm really proud to have them. So if you can find your way somehow to work with them to make this possible, I would greatly appreciate it. We've got a pretty sizeable investment there, and we're proud of that development. It's moving along fine. I've got some tenants coming down the pike for that property. Cap Fed is one of them, and I think you guys saw the 3-D presentation that they did. It's just beautiful. However, I understand what you're saying, so do the best you can. I'd like to have them just the way it looks, because I don't really want a square bank. It's not too attractive. I hope I answered your question, Ken.

Comm. Conrad: I think so. It might be a little easier for however many feel that distance is, that amenity or the kinds of things that we're looking to have, and if it was maybe more well defined and maybe with a time table, help soften that streetscape along 151st Street.

Mr. Westerfeld: Would that be something we could commit to addressing here for preliminary approval and then present it for final?

Comm. Conrad: I guess I'd have to see about the other commissioners. Somehow we want to address it. That ordinance and requirement was to keep that streetscape as pedestrian and non-vehicular as we could. It looks like there's an opportunity that we haven't defined yet to maybe have a reason to consider a deviation to that. I guess it would be a deviation?

Jeff: Yes.

Comm. Conrad: That would be something tangible.

Mr. Westerfeld: I'm certainly in favor of working with staff toward that end.

Comm. Conrad: What property? Is that on Lot 4? Is there a tract?

Mr. Westerfeld: Where Building E is?

Comm. Conrad: Where this pond was going to go and where this art is?

Mr. Bixler: It really surprised both of them a little bit. It's a little bit on both.

Comm. Conrad: I guess I would entertain the development of that and a timetable for it to consider deviation. I guess I'm a little hesitant to consider it without some improvement to that streetscape or some element that we can look at. I don't know how other people feel.

Jeff: Are you recommending more landscaping along that area, additional landscaping?

Comm. Conrad: Again, we put the 60/40 rule so when you're driving down the street, I think it's not just grill, grill, grill, grill, grill of cars. We've got a situation, I guess, when you do the calculation that it's all at one end. So, how do we make it overall better? It would seem that more landscaping could be one. Again, I've been seeing this fountain amenity. Maybe now is the time to define it.

Mr. Westerfeld: What fountain?

Comm. Conrad: The plan says there's going to be a future pond and a fountain.

Mr. Westerfeld: The detention area.

Comm. Reynolds: Ken, I might add a few comments if you're open to that. I do think it's a really beautiful plan in terms of both the site and the building. I find really interesting the details in terms of how they use the building material at the base of the building for their retaining wall as opposed to some of the cheaper concrete block stuff that we see thrown up for other sites. I really like that feature and would want to see that detail and attention to material carried through. That was a real positive.

The other is there is a four-foot berm just to the south of this parking lot, so not only is it above the street, but there's a four-foot berm. I'm pretty convinced that at least as you travel westbound, you're not going to see any of the cars. It's almost hard for me to imagine more landscaping. It's really a lush plan already. I really love your plan that if we're going to allow this much of a deviation, what is there that's sort of the benefit to the community. Again, a piece of public art or significant public amenity of that nature in that southeast corner would certainly be one way to justify a deviation. I just wanted to commend you on what you've done great, but to justify that deviation, it would be good to see some additional attention to the site.

Mr. Westerfeld: That's our intention is to do that and not to create like – my favorite thing to criticize in Leawood – please don't take offense – is 135th and Mission Road. You've got that element on a hard corner where people are supposed to I guess sit and breathe fumes. I don't know, but we don't want that. We've gone through painstaking efforts here to create pathways back to the neighborhood, sidewalks. I have turned down probably eight tenants for that property, which **Bob Ranier** is not real happy about, but I'm trying really hard to get the right tenant mix in that shopping center. Everything we're doing there, we're doing consciously and really putting forth a great effort. That area that you're talking about, Ken, is an area that we really want to make a usable gathering space. That art piece is going to help accomplish that. How you guys want to see that come to be, I'm open to any suggestion staff might have, anything like that. If by doing it we can accomplish some lessening of the 60/40 deal and making it look better for the city, we're certainly willing to do that.

Comm. Conrad: I suspect that would be a stipulation.

Vice Chairman Munson: Any further discussion?

Comm. Conrad: Could we do that?

Jeff: If the Planning Commission so chooses to do that, it can add a stipulation.

Comm. Conrad: I think it's a partnership between the developer and the bank that they both have to be in agreement that we would like to see that defined and a timetable put to it.

Jeff: During final plan?

Comm. Conrad: That would be fine.

Vice Chairman Munson: Any further discussion? Let's have a motion for Case 51-07, please.

A motion to approve Case 51-07 was presented with 21 stipulations, including an amendment to Stipulation No. 6, was made by Comm. Conrad, seconded by Comm. Elkins.

Jeff: Stipulation No. 6 needs to be removed from the 21 stipulations.

Comm. Conrad: Well, do we remove it or do we add that six will be removed if at final, the applicant and developer present a plan for the proposed future pond/fountain amenity area and a timetable of construction. Is that acceptable to the Planning Commission? We will delete six with that acceptable submittal at final. Is that acceptable?

Jeff: There will be a modification to Stipulation No. 6?

Comm. Conrad: Yes.

Comm. Reynolds: Ken, a clarification. Does it have to be a pond?

Comm. Conrad: No, I don't think so. I think it's a public—

Comm. Reynolds: Public amenity maybe, significant public amenity.

Comm. Conrad: Public area that could include art.

Vice Chairman Munson: We have a motion with a revision of Stipulation No. 6, which has been read.

Comm. Jackson: I just want to make a discussion point. As far as looking at this overall plan, I think the reason why we're stuck in this dilemma today is because obviously with the first tenant, they put all their eggs in one basket. I don't want to encourage other applicants to come before us and do phases in such a way that this occurs. The eastern half section doesn't look like we would like it to because that's where all the parking is. The western half with the bank and the proposed Building E, and if they put the amenity in there, will be very nice. It's a lovely layout of the bank, but I want it noted for the record that because all the eggs are all put in one basket here, we are requiring that additional amenities be put in to make up for this so other applicants don't come in and do the same thing and think that they are not going to be held accountable in the end.

Vice Chairman Munson: So noted.

Jeff: The applicant is also requesting three signs instead of the two signs that's allowed.

Vice Chairman Munson: Which one of the staff recommendations is this one?

Jeff: Five.

Vice Chairman Munson: "The building will be limited to two signs including logos." Does anyone want to make a change to that?

Comm. Reynolds: Just clarification, Jeff. So we're saying that the two sort of eagle logos, that's one and two, and then the third one that they're asking for would be the letters, the actual name or what?

Jeff: Right now on the plans, they are indicating two wall signs and two logos. They're requesting two wall signs and one logo, which will be placed—

Mr. Bixler: Two wall signs and two logos.

Jeff: That will be four signs.

Mr. Bixler: Same signage package on either end of the building.

Comm. Reynolds: I'd be comfortable making a friendly amendment to the motion that says adding a stipulation or altering Stipulation No. 5, that the building shall be limited to two signs and two logos as presented tonight.

Vice Chairman Munson: It's written that way now – two signs including logos. Is that right?

Comm. Reynolds: I think they're lumping in the verbal sign with the logo, right?

Jeff: Again, we look at the details of the signage during the final plan. At this time, we don't know what size and everything, so it's better to look at it during the final stage. However, at this time we can limit the number of signs.

Comm. Conrad: I guess to clarify, as I read number five, there would be no logos?

Comm. Reynolds: That's kind of how I read it, and I like those eagles in the windows quite frankly. I think they add a lot to the building.

Jeff: It says, "Shall be limited to two signs including logos," so they could have one sign and one logo.

Comm. Conrad: But they want two signs and two logos. They want four pieces.

Jeff: Yes.

Comm. Conrad: This limits them to two.

Comm. Jackson: But we could look at that again at final, correct?

Jeff: Correct. That's when we look at the details of the signage. Actually, I think they're asking for four signs at this time. They want to know if that can be approved.

Comm. Roberson: I think we're in agreement that they can have the verbiage and a logo on both sides, so if you're suggesting that – I would hate to suggest that we would allow four signs on a building. I guess what I'm trying to say here is that I consider that one sign on each side, which would be two, so I don't care how you phrase it, but I think the consensus here – and I don't mean to speak for the rest of my commissioners, but I think we would agree that the logo is part of the verbiage in this case. So, we would look favorably upon that. If somebody came in with four verbiage signs, we would not, maybe is one way to look at it.

Comm. Jackson: You're saying wait until final when they have the signs.

Comm. Roberson: I think that's what we're trying to indicate.

Comm. Reynolds: Kelly, what you're saying is it's sufficient that our comments in front of staff and the applicant that we are looking favorable towards two signs and two logos is sufficient at the preliminary stage. I want to be sure we're sending the right message to both staff and the applicant.

Jeff: Can we change the Stipulation No. 5 to read, "The signage shall be reviewed at the time of final site plan?"

Comm. Reynolds: I guess that addresses it.

Comm. Roberson: That gives them the option.

Comm. Conrad: Is there any guidance we should give them to that with respect to the logo, that probably the acrylic backlit will be—

Vice Chairman Munson: I think we'll wait for details at final.

Comm. Conrad: I think the applicant said they were looking for something that was a little more sculpture and more upscale.

Comm. Williams: So let them work on the design and come back.

Comm. Conrad: That's fine.

Vice Chairman Munson: I don't know what we've got on the floor now. We've got a motion and a second, a lot of discussion. Does anybody have any idea where we are? I lost track.

Comm. Reynolds: Jeff, you stated the stipulation that I started, and you stated it nicely that Stipulation No. 5 would say—

Jeff: The signage shall be reviewed at final site plan.

Comm. Reynolds: That addresses I think what we started.

Vice Chairman Munson: That's changed to number five, right?

Comm. Reynolds: Yes.

Vice Chairman Munson: Okay, I don't know what the motion is anymore. Does somebody want to restate it? Ken, you made the motion.

Comm. Conrad: The motion was for approval of Case 51-07, with a revision to Stipulation No. 6 to be added on that at time of final, the applicant and the developer shall present a plan and a timetable for the construction of the site amenity that is shown on the future pond fountain area to allow consideration of a deviation to the 40/60 rule. Also, we have now discussed that Stipulation No. 5 will be rewritten to say that—

Jeff: The signage shall be reviewed at the time of final site plan application.

Vice Chairman Munson: That's the motion.

Comm. Elkins: Second.

The motion passed unanimously.

Vice Chairman Munson: All right, we've got five minutes to go and got one more case. How does the Commission feel about extending or do you feel we are at the end of the day?

A motion to extend the Planning Commission meeting until 10:00 p.m. was made by Commissioner ???, seconded by Commissioner ???. The motion passed unanimously.

CASE 53-07 PLAZA POINTE – LOT 11 – Request for approval of a preliminary site plan, located at 135th Street and Roe Ave., within the Plaza Pointe Development. Public Hearing

Staff presentation:

Jeff: Vice Chairman, members of the Commission, this is Case 53-07, office building at Plaza Pointe, Lot 11. The applicant is John Garr with 360 Architecture. The applicant is requesting approval for preliminary site plan for a 16,323 square foot office building. This property is located at the southwest corner of 135th and Roe. The proposed office building is one-story. A gated trash enclosure is proposed on the southwest corner of the building. Parking is proposed on the east and south sides of the building.

I'd like to show you the preliminary and final overall plan that was approved back in 2001 if I may. This is the Plaza Pointe development. 135th street is over here. Roe Avenue is over here. And the building that they're proposing is in this location. This is the convenience store with the gas station, and it's to the east of that building. At that time, the building was located close to the circular of the Plaza area that's located at the center of development. The applicant is actually requesting a deviation to move the building towards the west side of the property away from that intersection. Staff is recommending approval of this project with the stipulations stated in the report.

Comm. Conrad: Jeff, maybe you did it and I wasn't looking when you did it, but where is the deviation that they're requesting?

Jeff: Previously their building was located at this corner here. They are requesting a deviation to move that over here in this area.

Comm. Conrad: Why is that? I remember when this plan – and maybe the applicant needs to address that – and when this plan came forward, there was a real synergy described of having these four buildings around this intersection in a highly developed public space, and now they've moved the building off.

Jeff: Initially the building was 6,000 square feet that was proposed, and now it's 16,000 square feet. With the size of the building, they're saying that they cannot orient the building towards the site. It has to be a linear building rather than a square building.

Comm. Conrad: At the time of the original presentation for the overall plan, I think that was a – but we'll let the applicant address it.

Vice Chairman Munson: Questions for Jeff? Let's hear from the applicant, and please identify yourself with your address.

Applicant's Presentation

John Gaar, 360 Architecture, 300 West 22nd, Kansas City, Missouri 64108, appeared before the Planning Commission and made the following comments:

Mr. Gaar: I'll be as brief as I can. I appreciate you staying late this evening to hear this on behalf of our clients. Tonight I have here to visit, Dr. Rich Kanay, and also members from CB Richard Ellis, the developer. I'll step over here and talk a little bit about the site plan.

The development in terms of the overall we've discussed, this is Lot 11. It's one of the final pieces along 135th. It's going to complete this development. We have a couple of other lots back here that have not been sold yet and are undeveloped. This piece of property, as we considered the siting of it, was important to the owner along 135th Street from a visibility standpoint, as well as we felt was an enhancement to the development within Plaza Pointe. Within the 135th Street guidelines, it talks about street edge and holding the conformity and not developing retail centers that create a mass amount of parking that we've heard about this evening off of those streetways.

Therefore, we feel like in the addition, the ability to increase this property from the six to the 16 that's being requested, it still meets the guidelines within the planning and the development that the building, given this access along the south side of the property and the east side of the property that hasn't been changed for access for parking, would position the building up and along the north edge up against 135th. So we felt like we worked hard at looking at the existing additions, looking at what you see from this intersection as you're driving by and you see into this development. We feel like what we've come up with is a very viable alternative to what had been previously planned and meets the needs of the plastic surgery, Monarch Plastic Surgery.

This is a little closer shot of just the property. North is to the right, so if you're orienting yourself, 135th Street is up and down on the right side of the property here. There's a building here, and what we're talking about is the intersection to the center of the development. There's an office building here, here and here. Then there's the back of retail. There's Zip Convenience Store, and then there's another retail building there. Those are loaded off the front of the development, and I think that staff and y'all have done a nice job to continue to create four sided buildings so that those buildings are attractive to that side, but as I mentioned, given the access here and here to fit the building that meets their program, we've positioned it up here along the 135th Street to hold that edge and also to be a partner to the retail buildings along the western edge.

We worked with staff, I think, in their concerns along this western edge to include some villas or some things that are developed into the façade of the building that will enhance that area and help to screen the space in between. The other thing that we've done included a pergola and a public space along this walk. There's a little sketch of a brick wall that we've said would be a barrier, as well as strong brick piers with the trellis above and the ability for the landscaping to grow into that and to be a full story height of a mass. So we're investing in this corner knowing that that previous plan had been approved and that the interest was to generate this public space. So we're not taking that public space away from the pedestrian; we're trying to hold the mass of the building and at the same time work with the doctors in preparing their facility.

Just a little quick insight in terms of how the building operates, how it functions from an internal standpoint. The entryway is this box here in the middle, and it's kind of broken into three areas where you have an entry area and then you have exam rooms to this side. Then you have kind of office to this side. This access provides for facility drop-off for doctors to come and go away from the public's entrance and the public's visibility of the building here. I think it's important to note that this is a feature they want seen on 135th, an enhancement to the development.

Also, the concept behind their operation is sort of more like a spa. It's not a normal doctor's medical office building. It's important that the experience of those patients that are coming to visit the doctors have a nice place to stay and be waiting for their treatment or their exam, so when they come into the waiting area, there's actually this courtyard that has a space that is kind of an indoor/outdoor area, so that kind of amenity for the pedestrians that are coming to this facility can experience this transparent building from the inside to the out.

There's a little hand sketched section of a retaining wall along here in this landscape berm that as much as the city wants to protect the parking and screen the parking from the view of passersby, it's also important to us from the inside of the building out to screen that, so not only are we interested in that aspect from the outside perimeter, but also from the interior.

This is an image of the building. I think that we've worked hard to conform to all of the form and the detail and the materials that we're building. This is primarily a brick building. It has a stucco band at the top, a faux slate sloped roof that matches the character of the rest of the development. We have awnings protecting the entryways as well as the trellis pieces and the [inaudible] that were mentioned in the plan. I think I'll conclude with that.

In summary on the stipulations, we agree with Stipulations No. 1-4, 6-10, 12-22, and would request some modification to Stipulation No. 5. Towards the end, we would like to strike, "after the construction of the building" and insert "upon approval of the final development plan." We'd like to have that known at the time of approval of the final development plan and not after we're completed with the building. On Stipulation No. 11, "All trellis structures shall be made of" and we'd like to insert "either painted steel or aluminum to match." We're not trying to deviate from the use of the aluminum and the pergolas that are out there; we just want the best aesthetic for this project and for this building. You'll note that they're both used within this development. I think there's one that's an aluminum pergola that's located on the corner of 135th and Roe and is part of the Town and Country Bank. However, many of the other structures that are really attached to the buildings are of a painted steel nature, and we'd just like to be able to use the right piece, and that can be considered at final development plan.

Then on Stipulation No. 15, "Additional landscaping must be provided throughout the development" and we'd just like to add "as required by ordinance" just so that we understand what rules that we're governed by within that stipulation. I will answer any questions that you have.

Vice Chairman Munson: Commissioners, questions for the applicant?

Comm. Roberson: I guess I'll start, although this may take a little bit longer than anticipated. I guess I'm having difficulty understanding why you had to move the building. I don't understand that. Maybe you can explain it to me.

Mr. Gaar: The current building that's located on the corner is a footprint of about 6,000 feet. We're sort of given the access off of the internal roadways to be able to park that building. With the expansion of the building from 6,000 to 16,000 without making nearly a three-story building, we were challenged with the opportunity to create a new plan. So this we felt best met the requirements and the guidelines for the 135th Street corridor, as well as enhanced the development from an interior standpoint.

Comm. Roberson: Again, I'm looking at the building across the street at 14,000 square feet, which is a little bit smaller. It fits in what appears to be the smaller space than what your building fits in.

Mr. Gaar: The number actually here on the plan is 11,000 feet, not stated as eight. The jump really from 11,000 – any further from that would either cut off the access to the site for the parking of the facility. That's really restricting the potential footprint of that building. Any increase in area beyond what is there would eliminate one of those access drives. That's the physical reason. That's the planning purpose and reason.

Comm. Roberson: Again, I don't visualize that well, apparently. The space in between the building and the Zips and the other retail facility is how wide?

Mr. Gaar: There's a property line going down the middle of this. I believe the setback is 15 feet on either side.

Jeff: It's ten feet.

Mr. Gaar: So it would be a total of 20 feet between—

Jeff: Ten feet from the property line to the building edge.

Comm. Roberson: So there's 20 feet between the buildings. That seems to me that we've created an alley. I assume there is proposed signage on the 135th Street edge of the building?

Mr. Gaar: The signage, we haven't really worked out the details of the signage at this time, so we understood that we would bring that to you at a final development plan stage. We will work with the guidelines within the ordinance. We're not asking for anything in addition to what the ordinance would allow.

Comm. Roberson: I understand that, but since you had indicated that you wanted visibility off of 135th Street, I'm assuming that you would like to identify the building. I'm just making an assumption.

Mr. Gaar: Yes, I believe that's true.

Comm. Jackson: What did you want Stipulation No. 5 to read? How did you want that changed?

Mr. Gaar: We just wanted to delete the "after the construction of the building" portion, which stipulates the timeframe in which the stipulation is required to read "upon approval of the final development plan." That would be addressed at approval of final development.

Comm. Reynolds: I guess I would have a question of the applicant kind of related to that because sometimes it shows up in the drawings and sometimes it doesn't. I do think the trellis elements on the architectural perspectives and elevations do add a lot. That is what I assume we're approving.

Mr. Gaar: Yes it is. I apologize for that miss on the plans that were presented. As we presented, there is an extension of the trash enclosure, which is a pergola that extends on here. There's a mechanical screen element at the backside where mechanical is coming in. There's this piece over here, and then there's a pergola out here at this corner intersection. Those are all part of our application.

Vice Chairman Munson: Did you mention Stipulation No. 15, that you wanted something different there?

Mr. Gaar: On 15, we just request that there be added at the end of it "as required by ordinance". As it reads, it's hard to understand how that might be interpreted.

Comm. Roberson: (?) I assume you're open to additional landscaping more than what's required by ordinance.

Mr. Gaar: We would be open to additional if it's required by the Planning Commission.

Jeff: Everything in Leawood is in a planned district, so the Planning Commission and City Council has the authority to ask for more landscaping if they need to.

Comm. Conrad: If I could follow-up on that, when it says "throughout the development," is that really the whole development or are we talking about—

Jeff: Just for this project.

Comm. Conrad: Should that be for this lot, right?

Jeff: That's fine; you can change it to lot.

Comm. Conrad: Now that we're talking about it, I started to believe that was for the entire development.

Mr. Gaar: We understood that as well.

Comm. Conrad: This is just for Lot 11.

Jeff: Correct.

Mr. Gaar: There are other stipulations on here that are requirements of the master developer, but now I understand this only to be with the Lot 11.

Jeff: I'd like to comment on Stipulation No. 5. This stipulation was derived from the meeting that was held between the developer and staff. The reason for that is right now they are proposing two trellises at the end of the buildings, but only after they construct those trellises will we be able to know if we need more trellises to hide the façade or not. I can show you a picture of the convenience store. I can just hand it to you. It's showing at least five or six trellises around the façade, so that's a big difference. It's a brick wall with a trellis on top with vines growing on them.

Comm. Williams: I guess I raise the question, do we have to have trellises or can we look at the architect being creative here and improving the quality of the architecture on that side of the building?

Jeff: The applicant has indicated that they need to have those small windows there for some reason.

Mr. Gaar: The window placement is, those are exam rooms up there, so for the privacy of the individuals in the exam rooms, they are located at a higher elevation so their privacy isn't compromised.

Unidentified Comm.: So you're going to have windows on the west side, if I understand correctly.

Mr. Gaar: Yes.

Unidentified Comm.: Facing the Zip store.

Mr. Gaar: There's windows that allow light into the exam rooms, but they are at an elevation that somebody cannot see in.

Unidentified Comm.: And walking by can't see in. Is there a sidewalk that's being proposed?

Jeff: There is no sidewalk.

Unidentified Comm.: What's in between?

Jeff: Just grass and landscaping.

Comm. Reynolds: Jeff, can you clarify because I drive by there all the time, and I think of it as sort of the back of a gas station, the back of an ice cream store. There's an eye doctor I think in there. Those existing buildings, do they have windows facing east? In some ways I think they're doing us a favor by covering up the backs of some commercial properties.

Jeff: Most of the buildings have trellises like this. I mean, it's a part of development. Some facades have bigger windows, some have smaller windows, and most of them have the trellis work.

Comm. Williams: I think some of Dennis' comments related here are that you're not going to see that much of this building, this façade. I think our whole issue with four-sided architecture is that so many times, particularly with retail buildings, we get the back being the service area, which just gets to be very plain Jane – a few service doors and utility meters or whatever – whereas this doesn't come across as a utilitarian area. The architecture has small windows, and maybe in final, they can elaborate on those windows a little bit more. They don't have to be bigger, but maybe they exist. Maybe it's done with trim or something to give it a little more character.

Jeff: That's the reason why staff recommended trellises on both sides of the building, so people won't be able to see through.

Comm. Williams: Sure. I think the trellises on both ends are fine, and there was a third trellis of some sort if I heard.

Mr. Gaar: There was a requirement to screen any kind of mechanical and/or utility elements. There's a location about two-thirds of the way down the building where the main utilities will enter the building, so you'll have electrical meters and you might have some – at this point, that's all we would have, so we have a wall and a trellis that screens that as opposed to landscaping.

Comm. Conrad: It would seem to me that that would be sufficient.

Mr. Gaar: The building is finished. It's the same materials and the same detailing on all the sides. It's not intended to be the back of the building from a functional standpoint. The windows are the way that the windows are.

Comm. Conrad: The finished floor elevation for the Zips building is about 95 and this building is 02?

Mr. Gaar: It will be elevated above.

Comm. Conrad: There's actually about seven feet of fall and 20 feet?

Mr. Gaar: At the very northwest corner is where the transition is greatest, and then it goes to zero at the south end of the site, so yes, there will be. We don't know the details, but a portion of the building could be a retaining wall. In other words, in order to maintain a three to one slope that's maintainable and allowed by the ordinance and good practice, a portion of that building, the floor maybe elevated up above the grade.

Comm. Conrad: I think the northwest corner of the new building will be potentially eight or nine feet above grade. There's a 993 at that drainage just north of Zips. Maybe I'd go with Len's comment that maybe we need to have some creativity because I think that's a unique 20-foot space that has – you're going to have to have exposed foundation wall or something. Is that serviced to the back of those buildings to the west? Are those service?

Jeff: For the convenience store or for this building?

Comm. Conrad: I'm just asking if there needs to be access back there.

Jeff: Yes, they have exit doors inside the trellises.

Comm. Williams: I think Ken's comment was, are those service doors that would get used on a routine basis, not just fire exit doors.

Jeff: I don't know.

Comm. Williams: There's not a service drive back there and they don't take deliveries back there or that sort of thing?

Jeff: That's just grass right now.

Vice Chairman Munson: I would like to point out that we have five minutes left. We have a public hearing. We're going to be in a situation where we may have to continue this case. Any other questions for the developer at this point in time? Is there anyone here from the public who wishes to speak on this case?

Seeing no one, a motion to close the public hearing was made by Comm. Jackson and seconded by _____. Motion approved unanimously.

Vice Chairman Munson: Commissioners, do you have additional questions, queries of the developer or the staff on this particular case?

A motion to approve Case 53-07 was presented with stipulations 1-22, with the following modifications: Stipulation No. 5, the last sentence to read, "The total number of trellis structures required shall be determined at final site plan approval;" that Stipulation No. 11 reads, "All trellis structures shall be made of aluminum and/or painted steel to match the existing trellis structures within the development;" and that Stipulation No. 15 read "Additional landscaping must be provided for this Lot 11 per the ordinance" was made by Comm. Reynolds seconded by ????. Motion approved with Commissioner Robeson voting in opposition.

Meeting Adjourned