

City of Leawood
Planning Commission Minutes

July 24, 2007
Meeting – 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Present: Shaw, Roberson, Rohlf, Conrad, Munson, Williams, Elkins. Absent: Jackson, Reynolds

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

APPROVAL OF THE MINUTES: Approval of the Planning Commission minutes for the June 12, 2007 meeting. A motion to approve the June 12, 2007, minutes was made by Elkins and seconded by Williams. Motion approved unanimously.

CONTINUED TO AUGUST 14, 2007

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

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 SEPTEMBER 11, 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 66-07 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:

CASE 63-07 – TREZO VINO - Request for approval of final site plan, for a tenant finish, located at the northeast corner of 117th Street and Nall Avenue, within the Park Place Development.

CASE 75-07 – PARK PLACE - ANNABELLE'S - Request for approval of final site plan, for a tenant finish, located at the northeast corner of 117th Street and Nall Avenue, within the Park Place Development.

CASE 76-07 - PARK PLACE - THE LEARNING TREE - Request for approval of final site plan, for a tenant finish, located at the northeast corner of 117th Street and Nall Avenue, within the Park Place Development.

CASE 77-07 – PARK PLACE - ENVY BOUTIQUE - Request for approval of final site plan, for a tenant finish, located at the northeast corner of 117th Street and Nall Avenue, within the Park Place Development.

CASE 78-07 – PARK PLACE - LEREVE NAIL SALON - Request for approval of final site plan, for a tenant finish, located at the northeast corner of 117th Street and Nall Avenue, within the Park Place Development.

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

OLD BUSINESS:

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

Staff Presentation:

Mr. Joseph: This is Case 56-07. The applicant is Curtis Holland representing Sprint. The applicant is requesting approval of a special use permit for installing a wireless communication tower within the Leawood South Country Club at 12700 Overbrook Road. This case was continued from the July 10th Planning Commission meeting. At that time, staff tried to address some of the questions and concerns that the Planning Commission had. The applicant will be giving a presentation on alternate tower locations tonight.

A tree inventory was taken by city staff and the average height of trees adjacent to this tower was found to be 45 feet. Based on the height of the existing trees and the location of the tower, staff is recommending a maximum tower height of 65 feet. Staff is recommending approval of this case with the stipulations stated in the staff report. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: Questions for staff?

Comm. Williams: I wasn't at the last meeting, but I understand a lot of technical issues were discussed. Does a 65-foot height limit the tower to one set of antennas for one carrier?

Mr. Joseph: With the height of 65 feet, they are not required to have other antennas on top of the tower. If it is over 75 feet, they are required to have more than one.

Chairman Rohlf: We'll here now from the applicant.

Applicant's presentation:

Curtis Holland, Polsinelli, Shalton, Flannigan, Suelthaus Law Firm, 6201 College Boulevard, Ste. 500, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Holland: I appreciate being here again tonight to continue our discussion on Sprint's application to improve its wireless coverage in the south Leawood area. I also understand that the matter itself was closed for public hearing, but I do appreciate the opportunity to address a couple questions you had asked us to further clarify so you can understand why we put the site where it is. As we mentioned last time, prior to submitting our application we did a significant analysis of all the alternative sites, including those commercial areas that are in and around the golf course area, mainly along State Line and south along 135th Street. Again, we did look at those areas prior to submitting our

application. We will present later tonight that information to help you better understand why those sites do not work for Sprint in terms of covering this area, and what our purpose was for the site itself.

We do have the same members of our team here to assist in the presentation. Mike Alt, who is a radio frequency engineer with Sprint, will make a PowerPoint presentation with some pictures and aerials, to help you better understand how we came to select the site that we did. We also have Mike Reed, a site development manager with Sprint, and Paul Rablica with Telecom Realty, who was the site acquisition consultant.

I would like to make a couple brief comments in terms of some of the questions we were asked to address. Staff has indicated in their staff report that they are in support of the application and they have made a recommendation that the height of the communication tower be limited to 65 feet in overall height. If you read the staff report, there is a statement in there indicating that the basis for that is that the average height of the trees in the area is around 45 feet. After we left our last meeting, we did engage a surveyor to also verify and confirm what the height of those trees are in the area, because as you know, there were some questions at that last meeting with respect to the height of the trees in the area. As it relates to Sprint's purposes and how we came to select the overall height of 95 feet, we, as indicated last time, need to be above the tree canopy in order for our signals to properly propagate. We did commission a survey, and I want to hand that out to you now. I'd like to make a couple of points about that.

The survey itself is enlarged. For the benefit of the audience, we've blown it up and I've put it on the board to my right here. What is being passed to you now, again, is represented here on the board. As I mentioned, we did hire a surveying outfit to go out there and measure the trees. As you can tell by looking at the survey closely, you can see that what they've done is measured the location of the tree, measured the height of the tree, the diameter of the tree, and what type of species of tree it is. So you'll see on here that in most cases these trees tend to be either oak trees or pine trees. There are some sycamores in here. The trees that are shown here, the instruction to the surveyor was to locate these trees, identify these trees, give us the height of these trees. Those trees being within 250 of our site itself. So that's what this survey is. Again, the purpose was to clarify and confirm the heights in this area, because as we mentioned last time, we needed to be above the tree canopy in order for our signals to properly radiate from the tower.

Now, with reference to staff's comment in the report, the overall average height of the trees they had stated as around 45 feet. I would just tell you that our survey comes close to that. We think it's slightly higher, but we've measured it around 47 feet. But it's consistent, we believe, with what is in fact the case in the area. If you'll recall, when we first were here, we had this discussion about what our needs were, and you will recall what our original design indicated, was that the height of the tower facility that we were looking at was needed in the neighborhood of 120 feet, and that the 95 foot, which is the proposed level of this application, was really a compromise by Sprint knowing full well the lay of the land, if you will, here the context within which we were going to propose the facility, it being a residential area and knowing that it would have some visibility and that the perception of it might be too tall at 120. So we analyzed the sort of minimum height that would be necessary for us to provide the coverage that we needed in this area and came back with a 90-foot tall tower facility. This survey here helps you to understand why we came to that decision.

There are a number of trees that we have highlighted on the survey that we circled. These that are highlighted in blue highlight over there, on your survey they're a red circle. Those represent the taller trees in the area. Those trees that are taller than 60 feet are highlighted. There are a number of other trees obviously on the survey that are shorter, and we didn't highlight those, but the purpose for our highlighting those particular trees is to show you that there are some rather tall trees in the immediate vicinity of our site. As you'll notice, you'll see again there's several that are 60 feet plus in height, but I would like you to pay close attention to three of those trees that are immediately north of us that are sort of in align along the park path. Those would be these highlighted trees in this area. The tallest tree there is 79 feet. The tree next to it to the right is 75 feet, and the tree over here is 71 feet. You have some taller trees in the immediate vicinity, which we need to be above in order for our signal to properly propagate and to cover the area that we would like to cover. So, we want to submit this survey to indicate to all what the trees are in this area, and to represent that there are some tall trees in the area that we would need to be above to send our signals out.

The next part of our presentation is really going to focus on the study, if you will, of the alternative commercial areas that we looked at prior to submitting this application, but we're presenting it to you in a format so that you can understand how it was that we came to our decision. I'm going to turn that over to Mike Alt for that discussion, but before I do, I have a couple of housecleaning items. Last time, we had a petition that we hadn't completed yet, which was a petition that was being signed by those folks who are actually in support of our application and our facility, this specific facility, and improving generally wireless coverage for the Leawood area. I would like to submit this petition, which has over 60 names on it. I'm going to submit that for the record. I have extra copies that I would like to submit so each of you can have a copy.

In addition, we understand that the Leawood Chamber of Commerce, and specifically, Kevin Jeffries, President of Leawood Chamber of Commerce, has submitted to the Planning Commission and the City Council a letter

on behalf of the Leawood Chamber of Commerce indicating and expressing their support for our application. I believe it was submitted, but just to make sure I've made extra copies, and I'd like to submit this for the record as well.

Finally, one more handout. As mentioned, we're going to have a PowerPoint, and you'll be able to see it on the TV screen. I'll submit that hard copy officially for the record. With that, I would end my comments. I expect there might be some questions after we're done, and I'd be happy to answer those. Unless there's any at this time, I would turn this over to Mike Alt.

Mike Alt, Sprint, 6240 Sprint Parkway, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Alt: As Curtis had mentioned, we took the information back from the last Planning Commission meeting and took under advisement some of the different things that came up. Height compromises, different locations, commercial locations, and so on. What I want to walk you through today is a presentation that really summarizes the findings from that analysis.

Just to begin, obviously the City of Leawood asked us to provide a feasible study for alternatives to the golf course. Those alternatives, again, could be anywhere from commercial alternatives to height compromises, and so on, particularly height compromises being the 65-foot height. What this presentation will detail is each of the analyses as we did them, based upon the input that we got from either the Planning Commission or from looking at the local zoning jurisdictions to see whether commercial properties existed and so on. One point at the end says that the alternative sites, it does show what the difference is between what we're intending to cover and what we actually cover with those analyses. Just one thing to note is that even with the alternatives, we don't really have an existing landowner that we can go to for the alternatives. So this is just a feasibility study based purely on technology. Can we support the coverage that we need with these alternatives?

If you move onto the slide number 3, this is a representation of what the cell at 95 feet on the golf course covers. We made it simple. Rather than showing different propagation plots that sometimes can be very challenging to read, we decided that it would be easier just to show what the cell edge is, and that's what that red line represents. The one pushpin in the middle that's labeled KC71XE104 is the actual site itself at 95 feet. Then those other pushpins were just representations that our engineers used in order to draw that boundary on this map. For slide 4, the first consideration we had was, what would the site look like? What would it cover at 65 feet, which is the current recommendation? If I move to slide 5, the pink line represents that circle that I just showed you on slide 3. That's at 95 feet. We did an estimate of the number of houses that we would actually cover at 95 feet, and the answer came back that we would cover approximately 790 homes with that 95 foot cell. At the golf course at 65 feet, which is the green circle that you see, we would cover approximately 520 houses. Therefore we're losing 270 households of coverage.

Comm. Roberson: That's assuming that the other cell tower doesn't go in. If you put in the cell tower on top of the firehouse, what is your loss?

Mr. Alt: We don't have the two combined. However, the firehouse doesn't cover anything within that 95 or 65 foot circle. The firehouse doesn't provide any coverage to cover those same homes.

Comm. Roberson: It does not?

Mr. Alt: No, it does not. The next alternative is to look at the commercial use areas that would be surrounding the area that's not within the golf course. What we did for analysis purposes is we took into consideration two factors. One is, what is a reasonable height, which we came back with at 100 feet to do the analysis. And then the second is, what is the closest commercial districts that we have to the golf course? Rather than coming in and saying, well why didn't you look over here, and why didn't you look over there? Why didn't you consider these places? We considered the places that would be the closest to our existing application as to what we have today, because in the engineering world, that's exactly what we'd be looking for, is what's the most feasible alternative. That would be the one closest to the original site.

So on slide 7, it shows the blue area. This is running at the commercial district at 127th and State Line. One thing that I'll point out on this map is you see the yellow shaded area off to the east. What that represents are houses that we already cover with our existing system. They're actually covered by sites that are to the east and to the north of what this application actually shows. So the key point here is that these areas to the east that are yellow, we already covered them. Therefore, we didn't count them as covered houses with regards to our application, because in our industry it doesn't do us any benefit to cover it twice. Our goal is to obviously provide coverage as best we can, as

effective as we can, with as few sites as we possibly can to do it. So as a result of this, by moving it to that commercial district to the east, we lost 350 homes of coverage with that application.

Moving onto slide 8, this is the commercial district that is 133rd and Mission. Same situation where you've got the yellow areas representing coverage that we already provide by these homes. So therefore, we didn't consider them to be unique in this situation. And that was a loss of 460 homes, most of which are obviously within the area that is immediately surrounding the golf course as well as to the east and to the west.

Finally, slide 9, I presented this information last time. This was the drive test results. I had made mention of this, but this is not a propagation prediction. This is actually a test where we go out and collect information based upon the existing coverage, what we have today. In this realm, black and red is what you don't want because you basically have unusable signal in order to keep a call. I had presented it last time. We didn't submit it to the Commission, so I wanted to bring it in today in order for you to have a copy of it, too, so that you could see it. Again, this is live data, and that's what I really want to stress.

I think the key point here, to wrap this up or to summarize the analysis, is that the analysis does show that by making these concessions, we are ultimately not covering the initial coverage objectives that we have through the golf course application. That's both the compromised height as well as the compromised locations. To reiterate a point I made before, our real intent when we design a system is to cover an area as best we can where it's the weakest. You can see from this drive test map on slide 9 that our weakest areas are really immediately surrounding the golf course. Any questions that you may have? I know I went through that kind of quickly.

Comm. Roberson: If you raise the cell tower in an alternative location 120 feet, what would be the effect of that? And let's go back to say slide 8. If you were to move to where the alternative site is and then raise the tower by an additional, in this case, 35 feet, what would happen?

Mr. Alt: Well the coverage may be expanded. It really depends a lot upon the topography itself. If, for example, we raise it 130 feet, and from what I remember familiar with the area, the golf course is set a little lower than what the regular topography is. If you raise it to 130 feet, ultimately the topography's going to determine whether you'll cover that to offset that difference or not. One of the reasons why we chose 100 feet is because the ordinance is somewhat restrictive as to what our setback requirements are. So we try to accommodate what will the ordinance allow us to possibly put in? The answer that came back was, 100 feet is sometimes even stretching it. But the bottom line answer that I can give you is that number one, the topography is going to really make the difference in that answer. However, based on my experience – and granted, I didn't run the analysis at 130 feet - based on my experience, it still would not get to the east and to the north of where you see that null, simply because it is too far away. It's too far south and west from the existing application in order to cover the hole that we showed in the drive test results. Any other questions?

Chairman Rohlf: Can any of us ask, while we've got this engineer here, questions, in the audience?

Chairman Rohlf: I'll defer to Mr. Lambers on that, sir.

Mr. Lambers: Really, no. Tonight is an opportunity for the Planning Commission to receive this information and for us to decide how to proceed. Once their presentation is completed, if you want the public to speak or the staff to respond, since we're all getting it tonight, quite frankly we would not be prepared to respond to it. For example, on pages 5 and 8, and if you compare those two where they show their existing coverage on page 8 in that yellow zone in the southern part along 135th Street, then you look at what is the green area line that the 65 foot tower would provide, there is a considerable amount of coverage that is being provided there, and they've got a considerable amount of overlap, which he just said they don't want to do. So, in any event, I would say that just tonight, it would be best for them to complete their presentation, ask questions, and once they're done, decide how you want to proceed with this new information. If the desire is to have us evaluate it, let the citizens comment on it, at least from our perspective we would not be able to do that tonight. If the citizens want to comment on it tonight, that would be for your discretion. For now, I just think the applicant needs to complete their presentation.

Chairman Rohlf: We'll proceed then.

Mr. Holland: I don't have much to add to what was said other than again, we have done an extensive evaluation of all the alternative sites before we submitted our application. I would tell you it's much more expensive, much more expensive to build this site than it would be to build one of those other sites due to the nature of the stealthing of the facility and so forth. So it's costing us more to do what we're doing, but agreed and decided that this was the best

approach given the area that we were trying to cover, which was this residential area in Leawood South and utilizing the golf course as a way to provide additional buffering for our facility and sort of to camouflage it. With respect to the information that was provided to you tonight, it was an attempt to represent to you all how we went through this evaluation to sort of portray it to you. We think that we have supplied more than adequate information for you to render a decision about this case tonight. We would ask that you make a decision about this case one way or the other based on the information that's been provided. As far as the public goes, there's further opportunities for them to analyze and question. We've got a City Council to go to next. I don't know yet what they're going to do with it, but we think that we've provided sufficient information for you all to make a decision. Again, we're hoping that you would look at our information and with the discussion that we've had so far about our need to cover the area and the need to be above the tree line, that that's what we focus on. I understand staff's coming at it from the average tree height in the area, but that's still at 65 feet, as you know, due to the other height of the trees in the area, sends our signal into trees. That's not good. As you may recall from our discussion last time, we're very excited to provide improved coverage to this portion of Leawood, and as you know this facility itself, even though we have agreed to compromise it already by lowering it from 120 to 95 feet, does provide substantial in-building coverage in this area. As was represented in our presentation tonight, we lose several hundreds of homes by diminishing the height of the facility even further. So it's all fine to say we'll just lower it or move it over here or move it over here, but when you make those kinds of decisions, you're talking about precluding coverage to several hundred homes in the area. We think that those are important Sprint customers, and we want to provide coverage to them. We think we can do that with this facility. We would ask for your recommendation for approval of our application at 95 feet. Again, we'd stand answering additional questions if you have any at this time.

Chairman Rohlf: I do have a couple of questions for you. Can you give me a comparison of what the coverage is household wise for the cell tower that's at 135th Street?

Mr. Holland: We haven't done that analysis. I wouldn't be able to give that to you tonight.

Chairman Rohlf: Can you give me a ballpark?

Mr. Holland: No, I couldn't.

Chairman Rohlf: Because that's a much taller tower, isn't it?

Mr. Holland: That's a 180-foot tall tower. It was done at a time prior to the ordinance, the current ordinance as it was rewritten several years ago. That's an old tower, and it has many different carriers on top of it. I'm pretty confident that the City probably wouldn't approve another one of those.

Chairman Rohlf: I was just interested in households. I know you put a lot of effort into this analysis and you feel that this is the appropriate site for this tower. Let me put you on the spot. If 65feet was the height, would it be worth your while to do it?

Mr. Holland: I can't tell you, and I'm sure our folks here tonight probably couldn't tell you. Those kinds of decisions get vetted through a much bigger group of people than are here and present tonight. We're absolutely adamant that it's not sufficient and it does not provide adequate coverage. Is it worthwhile given the high cost of it? I don't know. We'd have to really factor that in and decide whether it is or it isn't.

Chairman Rohlf: Well, the majority of the e-mails that we have received really want better coverage. I would have to say that if it's going forward, I need to believe that number is a good number of households that you would reach and that you will lose if you put it at 65.

Mr. Holland: You're going get the biggest bang for your buck if you make it slightly taller, which is what we're asking you to do.

Chairman Rohlf: It's clear the people want it. We've got another stack tonight of people that really rely on their phones, and they want the better coverage.

Mr. Holland: As I mentioned, we would lose several hundred homes by going lower. I think that's an important consideration. It's one that we went through when we analyzed how high or how low we could go. We came in with good faith and good intentions to minimize the height as much as possible and still make it work for us and for the citizens. The height that we submitted the application at was as low as we all felt comfortable going. To go further, I can't give you an answer tonight, but I know that it would be a very, very, very significant factor in moving forward with the project.

Chairman Rohlf: All right. I'll take other questions at this time.

Comm. Roberson: First of all, I'd like to make a clarification to the audience, if you don't mind Madam Chair. What has happened tonight is that Sprint has come back and answered questions that we have asked from the last meeting. That is why the audience is not being allowed to ask questions. They are just responding to questions. I just wanted to make sure that's clear. It's not that we're trying to prevent anything. With respect to the height of the tower, at 65 feet you cannot co-locate. Am I understanding that correctly?

Mr. Holland: Well, you've sort of made an absolute statement and I don't know if it's an absolute statement. I would say that it is highly unlikely that there would be opportunities for co-location, meaning other carriers also being able to utilize this structure and improve their coverage. You heard testimony at our last meeting from at least one carrier. He said if you went 65 feet, we wouldn't be interested. It is difficult to predict with certainty, but I would say the likelihood of them being able to co-locate at less than 65 feet would be extremely small. For one, we have to have vertical separation between our antennae and their antennae, so you're talking about putting them down at a 50 foot level or even lower, depending on how many canisters they would need also. It is a technical analysis that I can't provide to you tonight. What I know based on my experience, which is significant, it would be very difficult to do.

Comm. Roberson: At 95 feet, you could co-locate at least one other carrier?

Mr. Holland: We think that it improves the chances of having someone come on to the facility, yes. Measurably improves it.

Comm. Roberson: This is more of a visual issue. The pine trees around this facility are short compared to the trees that you all had pointed out to us. You're going to have a 65-foot or a 95-foot pine tree where the tallest one appears to be 40 feet. So you're a good 50 feet potentially above the other pine trees. I'm just wondering if that's not a sore thumb.

Mr. Holland: I can tell you we're trying to do our best to blend in and that what is there is what is there. I would focus on the extremely tall trees that are to our north that we have to deal with.

Comm. Roberson: Oak trees have big branches.

Mr. Holland: I think I mentioned this last time. They do blend into the environment. I'll tell you a year from now, the audience won't remember that thing is even in there.

Comm. Munson: I missed the last meeting, but I was wondering with your pine tree set up, when there's an ice storm, what happens? What's been your experience with that? Because we had ice storms that knocked branches down and so forth.

Mr. Holland: The branches do support wind, or a half inch of radial ice on it. That's not to say that it might not get damaged by ice, but if it does we're required to maintain it. So to the extent that it does suffer any damages, we would certainly replace the tree branches, for example.

Comm. Munson: Do you own the tower or does the tower location company own the tower?

Mr. Holland: Sprint would own the tower.

Comm. Conrad: Just a question. On page 13 you compare the 95-foot golf course tower and the 65-foot, and just on a quick look, I know there's some subtle differences. I don't see what I would think to be a third increase in areas that get significantly better coverage. Can you talk about those two?

Mr. Alt: Can you see the screen? Really the biggest differences are mostly to the north. It's really a function of probability of what is going to be covered. So if you look to the north around 124th Street or 124th Terrace, whichever one that is. I guess it's 124th Street. You see that it becomes at least more probable. Yellow is marginal but still has an opportunity versus at this point it's red, which means the probability goes way down. I think the one thing that I want to stress, though, is that these propagation plots are predictions. They're what we use. They're one tool of what we use to determine cell placement, cell height and so on. I still always refer back to the drive tests, because that's much more applicable in my mind when we make a decision like this. The other thing to mention, too, is when we talk about predictions, we talk about averages. We talk about models. It's very difficult to say this is absolute concrete. If we turn it on tomorrow, it would look exactly like this. Case in point is we talked about the heights of towers. One of the things I forgot to mention was our models average the height for all trees at 40 feet. It doesn't matter if you've got 1 or 100. They're 40 feet, and they do that because it would probably take 15 to 20 years to actually pluck out to determine what the actual height of the trees are. Across the country, I might add, because we all use the same models. This is a best-case scenario of what the prediction would like to say, well we're losing coverage, for example, on the 124th Street area; you look over to the northwest, Easley Lane and 125th Street and so on. Those areas would pull back more and more. That's a best-case scenario. The real reality is at 65 feet, if you're not above the tree line, it's going to be worse than this. I can pretty much guarantee it, that it's going to be worse than what this prediction shows because at 65 feet, anything equal to the height of the tower is going to get worse than this unless we propagate it at 40 feet, because that's what our model shows. I don't know if that makes sense or not.

Comm. Conrad: It does. I'm trying to make this decision of how tall this may or may not be. I do see where there is less red around 124th and 125th to the north. Near the drive test results, it appears that the worst drive test results are actually farther south and probably get covered with the 65-foot tower.

Mr. Alt: I wouldn't necessarily say that. If I'm looking at the drive test results here, the worst drive test results are due west and north of the Country Club. The worst drive tests are the red, black and brown represent the worst signal. What you see is going even all the way up to 119th Street, it gets a little marginal. But when you get further south about the 123rd area, it's pretty solid as poor to negligible coverage. Looking at the drive test relative to the application, the worst areas are definitely to the north and to the west. Now some of the west would be potentially covered by the fire station, but the north would not be.

Comm. Conrad: That's my next question. I think at the last meeting we talked about what the influence of the fire station tower might be. I had really thought that was something that would play into this whole analysis of how much coverage we would have.

Mr. Alt: There's two things I'd say. The first is, we definitely look at the analysis to determine our system requirements and our system solution for Leawood, as an example. And although the two interplay with each other, the thing to consider is, first of all, keep in mind that the drive test shows that coverage to the north of the Country Club is negligible to definitely unusable. The fire station will not solve that problem. I say that without any doubt that the fire station will not solve the problem that we see to the north and to the west. The Country Club application has to solve it.

The other thing to consider, though, is the fire station is a cupola. It is a 35-foot application, which means that when you talk about height restrictions, here we are. We're mentioning 65 feet versus 95 feet. Both of those are taller than the cupola application. So you can imagine that the coverage that we predict from the fire station, the footprint is pretty small. So I think the key point I'm trying to make is that I go back to that statement of we try to put it where the hole is and where we can solve it. We know that the fire station on its own won't solve the hole, and we know that the Leawood Country Club on its own won't solve the hole. But each of them solve their own independent holes that you see on that map.

Comm. Conrad: I think I had said at the meeting before personally, there are a lot of carriers and we're addressing one tower at a time. I believe there's a global question here of coverage for the whole community, whether it be Sprint or Verizon, T-Mobile or whoever. From a planning standpoint, I'm just concerned that we're going to get a lot of piecemeal, small towers and antennae, with no disrespect to Sprint and the first application, to cover these areas. Concerns by the residents over what it's going to look like and the camouflage. I personally don't feel like I have enough information in the total problem and issue that we're trying to solve to make a judgment between if this is the only location, if it needs to be 95 or 65 feet. That's where I am.

Mr. Alt: I understand what your concern is, and I think what I would respond back to is that let's say that Leawood has a larger need and a larger plan. Is that likely? Yes. Is it set in stone? No. What I would say is that even if I were to consider Leawood as a global scale, when I look at this map right here, I say we have to have something in this location. It doesn't matter if we add two or ten different locations to cover different problems. We have honed in on this analysis and this analysis clearly shows that we have a significant gap right here. It's a 790 home gap that we've identified. So I think that, at least from my perspective, we're coming in as an applicant to say we have a need, and we need to solve it. Call it on a micro level. Is there a greater need in Leawood? We'd be more than happy to work with the Leawood community to determine what is that greater need and what does that hinging outcome look like? But given the fact that we know that we have a significant problem here, and we can show that, given the fact from the last meeting that we had two other carriers that said, well we're also interested in this as well, which would probably lead me to believe that they have a significant gap. I know personally speaking, I would say that we're submitting an application that we need that other people are going to use.

Comm. Conrad: I very much respect. Like I say, I think there's a bigger issue.

Comm. Williams: I'm confused a little bit. I'm looking at slide number 8. You were pointing out that the shaded areas in yellow were areas that were covered. Explain to me why areas like, for example, Mission Road to Roe, you get the area along Roe that's covered but the area closer to Mission Road is not. It's like half. This would be roughly in the proximity of the school north of 133rd Street.

Mr. Alt: There's a couple things I'd say. Actually I'll refer to these propagation plots. I'm looking at slide 15, which is the same representation, just in a propagation plot. What I'm really highlighting is that you see that these aren't perfect circles, that these are a function of topography. These are a function of height. These are a function of clutter. By no means do they represent these perfect entities.

Comm. Williams: I didn't mean to imply it was a perfect entity. I was just curious why it seemed like roughly, again the area from Roe to Mission, that there was that demarcation where again you had some additional coverage on to the east.

Mr. Alt: That's more probably about representation, representing from a simplistic view what's considered covered and what's not. The things that really come into consideration would be, we call it line of sight. In a perfect engineering environment, you can see the tower that you're talking to in all instances. You can always look at, literally visually see it. From electrical perspective, visually seeing it is a little bit different than from an optical perspective. But nevertheless, the concept still applies. So when you have various items, maybe you have a dip in the road in that environment. Maybe you have a raise in the road in that environment. That's going to change that line of sight view. There's other physical considerations. There's something called Knife Edge Refraction that says you hit the top of a hill, and the signal, it's like cutting it with a knife. It actually jumps down the hill. That's what that's trying to represent.

Comm. Williams: I guess that's what also played into my question. I'm familiar with that, with topography in that area. You don't have major hills, major changes. It's slightly rolling, but not anything significant. That's fine. My other question for you, you make reference to the houses that get covered, and assuming that you're referring to the available houses that would be shown on the plans. These aren't strictly Sprint customers?

Mr. Alt: No, these are Leawood homes.

Comm. Williams: Thank you for that verification. No more questions.

Comm. Reynolds: I'd like to clarify on slide 5, when you talked about 790 homes being covered. and it relates to some of these previous questions, I guess what I'd really be curious in, those aren't 790 homes that currently don't have coverage? That's the total number of homes that are being covered. Some of them have coverage now. Some of them don't.

Mr. Alt: That's accurate, but we couldn't say. We can't test inside homes. So we don't know. Some of the people demonstrated two weeks ago that, oh I have coverage in my home. My response to that would be, well number one, I wouldn't know that because I can't test in your home. And number two, consider yourself lucky because from a probability perspective, I don't see it. Yes.

Comm. Reynolds: You can see where I'm heading. What would really be helpful would be saying the tower at 95, we're going to increase the coverage in this part of town by 300 homes or whatever the magnitude is. That's the real number, I think, we're interested in.

Mr. Alt: I'd probably stick to slide 5 and say that by no means can we represent what homes are covered again for our customers and what aren't, but what we can say is that we know that we're losing 270 homes' worth of coverage just by making that difference, whether they're well-covered today. Whether they have adequate signal to make the call or not, I would call it a statistical anomaly. Maybe they do, maybe they don't, but at least from my perspective, I'm looking at hard data that says they're lucky. I also listen to the comments where they come back and say that they don't.

Comm. Reynolds: Likewise from my perspective, I have no way of knowing if those 270 homes that we lose by going down to 65 feet, I have no way of knowing maybe 240 of those already have coverage.

Mr. Alt: True, true.

Comm. Reynolds: So that's the real question to me.

Mr. Alt: I don't know that we could even provide an answer to be honest. I don't know that we could, short of calling everyone of the individuals and saying, do you have coverage or do you not would be similar as do you support this or do you not? I think judging by the volume of requests that are coming in and saying we have a coverage concern leads me to believe that at least a good portion of them. If 80 percent of them are for this based upon what Madam Commissioner estimated, that tells me that if you count 80 percent of those homes as having no coverage, if you just use a straight statistic, I would say that there is a significant issue.

Comm. Reynolds: I'll just end that with a comment. Some rooms in my house, I don't get good coverage, too. I don't live in this area. I'm sure if someone asked me, boy a tower may come into town. I would say, yeah, that sounds great. But I would have no reassurance that my coverage is going to get any better unless there's some sort of data that tells me yeah, by golly, 270 or 300 or 20, whatever the number is, those are the people that are going to have more coverage.

Mr. Alt: What I can say is just look at slide 5, and what that shows is we try to depict what's a high probability of people who are going to get served by this cell. As you can see, number one, the more you lower it, the lower that radius goes, the shorter that radius goes. Number two, keep in mind that, and this is the best case scenario, if you live within that pink circle, then you've got a good chance that no matter how it is today, it's going to get better. If I had the time, I would overlay slide 9 with slide 5, and then you could clearly see here's where the gap really is.

Comm. Reynolds: I think that is the point.

Mr. Alt: Counting houses is not a simple task. It's not something we actually typically do. We base it more on probabilities and radii and so on than we do the number of homes.

Comm. Conrad: Is Sprint located on that tower. I think on page 12 on the before site candidate, there's a tower located 107 on I think State Line.

Mr. Alt: No, we're not.

Comm. Conrad: You're not?

Mr. Alt: That's a site that's not on here.

Comm. Conrad: Is that a potential for co-location?

Mr. Alt: It's a proposal. It's a proposed site. I don't think it even has, it's not even in our funded plans today. It basically doesn't exist. It's a cell that doesn't exist.

Comm. Conrad: So these designations are potential cell sites?

Mr. Alt: Unfortunately they're intermingled. The ones that start with KC71 are not on the air. They're not sites in existence. The sites that don't start with KC71, they are on the air. They are in existence. So 71105, 71107, those are sites that they don't exist today. They have no funds. They have no plans. They have no funds. They are areas that we are interested in, but we have nothing to support it at this time.

Chairman Rohlf: Before we move to our discussion, I feel as though people have taken the time to come here this evening, and we should give them an opportunity to speak. However, I would ask that anyone who would like to speak to keep their comments restricted to the new information we have received tonight, particularly any of the slides that have been shown, any of our questions. I think it would only be fair, but I really do not want to go back over all of the comments that we made in the public hearing last time. We do have copies of all the e-mails that were sent to us.

Mr. Lambers: Madam Chair, before we start, for the record it needs to be noted that this would not constitute reopening the public hearing. The reason for that is that would then restart the protest period we started on July 11th.

Chairman Rohlf: This is just to give those in the audience an opportunity to ask a question and make a comment about information received this evening and not opening the public hearing. Is there anyone in the audience that has a question or a comment about information this evening?

Kevin Jeffries, 2919 West 124th Terrace, appeared before the Planning Commission and made the following comments:

Mr. Jeffries: I just wanted to address one of the questions that was asked by one of the Commissioners about how do we know that these homes in the area will be included. I live at 124th Terrace, the far reaches of the 95 foot tower. My wife has AT&T. My son has AT&T, and I have a Sprint phone. None of our phones get decent coverage in that home. So yes, homes in the area do have a problem, and I can address that. My neighbors have the same problem. We live right on the edge. I did want to address that. I also wanted to note that I also work for the Leawood Chamber of Commerce, and we're near the 135 foot tower, and I get excellent coverage there. It's where my office is, so in my office I get coverage. The Chamber board did, as Mr. Holland stated, vote to encourage the Council and the Planning Commission to try and positively consider improving cell phone and wireless coverage in Leawood. We feel there is a problem. It's a problem for our residents. It's a problem for our businesses. It's a problem from a public safety perspective. I have a ten month old baby, and I'm not very excited about the fact that when I'm walking her on 123rd Street, I have zero cell phone coverage. If I would have an emergency there with her or with myself, we know on 123rd Street a lady was hit and killed one time walking on the street since I've lived in Leawood. There would be no way to make a cell phone call there, and I think that is a serious concern. I think it's important that our volunteer bodies and our elected officials consider that. Thank you very much.

Tom Armour, 12839 Pembroke Circle, appeared before the Planning Commission and made the following comments:

Mr. Armour: I spoke the last time I was here. I live right across the street from the tower. I had relatives in this weekend from Texas. They all had cell phones. None of them had any problem with their cell phones at my house. I don't have any problem with my cell phone at my house. I was wondering how many of these people saying they want it live near those towers or can see that tower after it's built are going to have to look at it. I heard that it started off at 120 feet, then 95 feet, then I heard 100 feet tonight, and I've heard 65 feet. Everything they've answered has been "I think." I haven't heard a definite answer that it will be. It's all "I think it will." What's going to happen of they build this tower at the height of the trees and it doesn't work? They're going to do the same thing they did to the 2000 people – tell them we don't need your business? Thank you.

Chairman Rohlf: I would ask that we really do pertain to the new information at hand. I don't want to take up our time this evening going back over some of the same issues that we've heard already.

Bruce Gettis, 12700 Pembroke Lane, appeared before the Planning Commission and made the following comments:

Mr. Gettis: I'm on the golf course; I have 300 feet of frontage. During the technical presentations, it looks to me like that 95 foot tower, is it correct that it only has one mile of effective range? Does that only work for one mile at 95 feet

because of the trees? We're in Leawood; we've got a lot of trees. Are we going to have these cell phone towers on quarter mile? It looked like the effective range was one mile with a 95 foot tower. My question is this, relative to what's been presented tonight. The 65 foot tower looked like it was less than one mile, so what does that say to this Commission? We're going to have these towers in our back yards in every neighborhood. Forget that we've gone to the commercial sites, that we've got shopping centers at every mile. When you show the radius of that circle, is it one mile? And with the 65 foot tower, was it less than one mile, based on those two circles? If the answer to that is "somewhat yes," then every neighborhood in Leawood will have one of these. Maybe Mr. Alt can answer that.

Chairman Rohlf: I'm giving them a moment to reflect and we'll see if they do intend to respond to your question. Anyone else?

Catherine Parrack, 12632 Howe Drive, appeared before the Planning Commission and made the following comments:

Ms. Parrack: I just had a question about the presentation of the maps, the circle. One, when he was showing the alternate possible site locations, he showed the overlap. But on their preferred site location, there was no showing of the overlap and no subtracting out those homes that were covered. One map, they subtracted out the homes; their preferred map with the coverage off of 135th Street, there was no removal of the homes covered. I just wanted to know what the numbers were when they were removed.

Madge Hammerhan, appeared before the Planning Commission and made the following comments:

Ms. Hammerhan: I live in Leawood South, within 1,000 feet of the cell tower. I understand an application was put into Hallbrook and to Nativity by Sprint. I was just wondering when they put that application in, was that same area protected as they are talking about now? Also, in some of the reports I've read, they have to put a fence around this tower to protect it. I know they mentioned they would set it up quite high from the ground to protect anybody, possibly a child who would climb up it. Those are my questions.

Ms. Goreman, 12800 Pembroke Circle, appeared before the Planning Commission and made the following comments:

Ms. Goreman: I've lived there for 24 years. We're within 1,000 feet of this tower. First, how many towers in the city of Leawood are in residential areas? Everybody this evening has talked about "the club" and "the golf course" as if this is a business. It is not a business. This is where we live. Therefore, I would like to know how many other towers are located in the middle of a residential neighborhood.

My second question is, this is proposed to be put at the pump house. The pump house is at the two water hazards on the golf course. The water hazards have been located there because that's a low point on the golf course. The course drains from the east, from the west and the north, down to the water hazards. If they are attempting to get the tower over the leaf cover, why are they proposing to locate it at the low point?

Bruce Gettis, 12700 Pembroke Lane, appeared before the Planning Commission and made the following comments:

Mr. Gettis: Last week during this meeting, we had a Sprint employee come and tell us that they had – if my memory serves me correctly – 200 of the camouflaged towers in the New England area and how well they had been received. In the Nextel Sprint system, I think there are over 20,000 towers. How do we get to this point? We've got 20,000 towers, we've got hundreds of them in New England, and we get to the point that we've got this before us to look at. Also presented were actual photographs of Sprint towers. I've been in sales for 40 years. When we wanted to do Leawood City Hall, we had to bring square yards of fabric in, we had to bring the actual chairs in, we had to do full width samples, we had to provide actual wood samples. Sprint, show me something out in the field, not computer generated. You've got 20,000 towers, hundreds of them in New England. Let's have some photographs. We had them introduced that didn't look anything like this, a major, major concern. Why can't we have some actual site photographs. Thank you.

Applicant's response:

Chairman Rohlf: Does anyone have a particular area they'd like further clarified?

Comm. Reynolds: I thought the relative elevation was interesting. Can you speak to the elevation in the general area, the 970 elevation, I believe?

Mr. Holland: The facility itself is located a little upstream from the ponds, but in the immediate area it's relatively in the same elevation of those surrounding homes. I would certainly point out it's not the lowest point on the golf course, which tends to be holes 15, 16, 17, 18. However, the reason we selected the area had other factors we considered. The primary factor – speaking for the Board because I know this is what they looked at – was where can we put this facility so it is furthest away from the adjoining residential properties? Where can it fit within our golf course property so that it doesn't interfere with our golf course operations? There were other factors that went into the decision about where it was located beyond just what the elevation of the ground was. This particular area is three fairways wide, which gives us the advantage of providing the most amount of buffer to the adjoining residences. It happens to be located in an area where the golf course felt it wouldn't interfere with the play of the game and the irrigation systems that they have there. We tried to take advantage of the pump house itself as a way to put our equipment inside the pump house so we can screen any of our ground equipment. Those are some of the other factors that went into it. That was basically why we settled on where it is.

Chairman Rohlf: Any other follow-up? All right. Jeff, could you tell me what this is that we received?

Mr. Joseph: That is the actual tree survey that city staff did.

Chairman Rohlf: Mr. Lambers, I'm not sure I have enough information about where other sites would even be feasible within this area, per our ordinance or per federal restrictions or guidelines. I believe Sprint has done their due diligence and maybe there is not as many opportunities available to any of the service providers as we or the public might think are. Can you help me with that?

Mr. Lambers: If they continue to proceed with the camouflaging of their facilities that allows them to bypass our 500-foot limitation in proximity to residences. Therefore, what I would anticipate, given the area that would not be served even if this were to be approved at 95 feet, you would see subsequent applications for tower facilities that are also camouflaged. As I stated at the meeting on the 10th, I did travel to California, I did see the manufacturing facility and the trees. I went out very cynical but came back thinking that indeed these materials do indeed mesh well with the environment. But as I also said on the 10th, the height differential clearly is not consistent with the environment, and to be camouflaged, you should not only camouflage the facility, but also blend in with the environment. So, to answer your question, I would suspect that if you approve a height of even 95 feet, there's still a lot of area that's not, and you can anticipate that there will be subsequent requests in the vicinities that are not served that will also be camouflaged. Again, the issue of the 90-foot height would be such that you may see applications for that height, or whatever height you identify as a maximum height. The manufacturing facility that I visited was in Oceanside and the maximum height that city allowed was 75 feet, and they did require camouflaging. The city of Leawood does not, although we encourage it. According to the manufacturer, many cities did, and most were moving towards that.

Chairman Rohlf: With the non-camouflaged cell tower, what is the number one restriction?

Mr. Lambers: Five hundred feet from any residence. That would basically be precluded anywhere in the city of Leawood at this point. Therefore, what we're going to see is probably a series of smaller towers that are camouflaged.

Comm. Reynolds: Two questions. Do corporations like Sprint ever do a comprehensive master plan of coverage that says in the next ten years, here's how we would like to provide comprehensive coverage in the community?

Mr. Alt: We have in the past. We've done more comprehensive studies. Sometimes they're born on meetings like this where there's an application that comes in; other times it's more of a master planning that takes place prior. The short answer is, yes. However, I don't think it's going to change anything with this application.

Comm. Reynolds: Are there typically provisions for these towers as technology changes? We've talked about this with our VRAD cabinets. Is there a provision that 20 years from now and the technology changes, do we get rid of towers? And who pays for that? Is that ever talked about?

Mr. Alt: We do it. We pay for it. A good example took place east of here, where there was a change in what the desire was as to how to provide service, so the towers actually came down. In some cases, the towers actually went back up. So yes, we do. It's at our expense.

Chairman Rohlf: If there are no other questions, I think we are ready to move on with discussion.

Comm. Williams: I have a question for staff. Jeff, on this tree survey that you handed out, you've got the tree height and the top elevations are the numbers you show, so if I'm looking at a 40-foot ash in one spot, it says 10-21, that's top of the tree based on the grade survey?

Mr. Joseph: Correct. That's the ground elevation.

Comm. Williams: Okay. That helps. Thank you.

Comm. Reynolds: But then you've got 65 foot and then a 10-42 next to it.

Mr. Joseph: That's the total height, the 65 feet.

Comm. Reynolds: So we can see it relative to the other trees.

Mr. Joseph: Ninety-five feet, it's 10-72.

Chairman Rohlf: Would anyone like to start off our discussion this evening? I'd like to get a feel for where we are on this issue.

Comm. Roberson: As I said last time, I'm conflicted. Coverage is needed in the area, no question about it, not only by Sprint customers, but by other customers of other cell phone carriers. As I was traveling down Mission going past Leawood South, I lost coverage, so I'm well aware of the problem. I'm not convinced a 65-foot tower is the answer, quite frankly. I'm not even sure that a 95-foot tower is the complete answer. Again, I'm not an expert. My first thought was taller is better because it expands the coverage and allows co-location. That's kind of where I'm conflicted at this point in time. I think cell coverage is inevitable. I think these towers are going to be growing everywhere. My biggest concern is that we do a 65-foot tower for Sprint, we do a 65-foot tower next to it for AT&T, 65-foot tower next to it for T-Mobile, and on and on. That's my biggest concern, is that we end up having the landscape dotted with multiple towers or we deny other carriers because we don't want multiple towers, and yet we've let Sprint in. That's where I'm conflicted. I know we need the coverage; I'm just not sure what the best methodology is to get that coverage.

Comm. Williams: I would like to concur with Ken. Our society has quickly adapted to the use of mobile technology, and from all published reports, more people are going to cell phones versus land line phones, so it becomes more and more of a critical issue to have that coverage, whether you're walking down 123rd with your child, driving, or conducting business. It's something we have quickly come to adapt. Unfortunately with adapting to this growing technology, the question is, how do you get that service? Likewise, I am not an expert on this, but I'd like to see as minimal an impact on the environment as possible. If you have a situation like we're talking about here, with one 65-foot tower for one carrier, does that preclude other people? Are we going to be back in here in another year, looking at other trees dotting the landscape at Leawood South because that's the only practical place to put in a 65-foot monopine fake tree? Again, I don't know what the answer is to this. I'm sympathetic to the concerns of the people who live around this. Again, I don't have an answer of what satisfies their needs as property owners, except that they would want us to deny this. At the same token, the neighbor across the street who doesn't look directly onto this may be a cell phone customer and they want the service. I'm not prepared to pass judgment on this particular issue tonight without further study and consideration of what's before us. I wouldn't be ready to vote either for or against this proposition tonight. Again, I don't have the answers. If we vote no, it says that these people within this part of town don't get cell service. That's what it comes down to. This is the technology we're dealing with. And yet to say yes to a tower of some height, as Ken pointed out, it raises the question – How many of these are we going to have to allow for the fair commerce of the cell phone providers within the city of Leawood.

Comm. Munson: My feeling is that the property owners are going to be unhappy whether it's 65 feet, 90 feet or 135 feet. I'm feeling like we need to bite the bullet, and if we're going to put it in there, let's put it in there so we don't have to go through it again. Put it in at a height that would accommodate co-location.

Comm. Elkins: I would concur with Commissioner Munson; I share all the same concerns that my other colleagues have voiced tonight. However, I think if you accept the premise that a tower is necessary, it seems to me that we need to maximize the benefit of that tower. To me, maximizing the benefit of that tower is to get cell service to the maximum number of people possible. The tough thing is the height of the tower. I think there have been good points made in the tree surveys. I've made three of four visits out to that site in the last two weeks and there are some pretty tall trees sitting out in the middle of that course. None of them are 95 feet tall, but some of them are 80 feet tall. When you get a distance away and think of the perspective of 15 additional feet, if the 20-foot pine is right beside it, yes, it's dwarfed by that 95-foot tree. But if you take a perspective of the entire golf course, it struck me as I stood out there and tried to imagine it that another 15 feet on top of the 80 foot, while it's more, it's not substantially more. Therefore, I would go one step further than Ken and would agree that, to me, the tower, if we're going to approve it – and I think we should approve it – should be at the 95 foot level.

Comm. Reynolds: A question for staff. On recommendation number 8 on the five-year special use permit, what does that really mean? Every five years does this project come back to us for re-approval?

Mr. Joseph: Yes. They have to renew the special use permit every five years.

Comm. Reynolds: And if the City would choose to deny that, they would be required to take down the tower?

Mr. Joseph: Yes.

Comm. Reynolds: So if additional towers started going up around the city and suddenly coverage was such that this was obsolete, we'd have the opportunity to review that in five years.

Mr. Joseph: Yes.

Comm. Reynolds: Okay. Obviously, my concern is for the comprehensive nature. I would feel a little more comfortable if I had a comprehensive plan, no different than I would planning any large city, that said yes, in the next 20 years, here's how we're going to deal with this coverage issue, and yes, we're going to have one at the country club, one at State Line, and one at wherever. It would make it a much easier decision for me.

Chairman Rohlf: I also think we would have to be cognizant of what our own city ordinance restricts. I think that, based on my understanding of what Mr. Lambers said, these 95-foot camouflaged towers are what we're going to be able to have within these coverage areas. I think that by our own design, that's what we're dealing with.

Comm. Reynolds: Yes, it points out the fact that we really don't have an option to go with a 130 or something, that we've sort of legislated ourselves into this solution. I would be supportive of the application, but only at the 65-foot height, and for the reasons that were stated previously, I think that's the key for this tree type element to really look like a tree. I think we may be kidding ourselves in terms of that we're really getting any benefit from the camouflage if it goes to 95 feet.

Chairman Rohlf: I'd have to ask the questions, Mr. Reynolds, if the other providers could or would be interested in utilizing a 65-foot tower. Then I'm afraid we really will be dealing with multiple towers.

Comm. Reynolds: Right. That is the trade-off.

Chairman Rohlf: I tend to agree with Mr. Elkins, that if we're going to do this, we need to provide the coverage that I believe the citizens are requesting. And I do have a problem with the public safety, people not being able to utilize their cell phones in an emergency. You can imagine what would happen if that truly does happen in the city of Leawood and where that responsibility will come back to. I can understand why all the providers would want to increase coverage in this area.

Comm. Munson: At 95 feet, what's the distance between towers on co-location? In other words, how many other users could be on there?

Mr. Alt: Typically it's ten feet. At 95, 85, 75, when you get to the point of 65, now you're at tree height and it may be less probable that someone would jump on. It's a function of frequency and so on.

Comm. Munson: So at 65 feet of tree height, it's not going to work real well.

Mr. Alt: No, it's not.

Comm. Reynolds: Do these trees come in 30-foot increments?

Mr. Lambers: They come in various degrees. I have a question for the applicant. The trees that are live and real grow each year. Once these 75-foot trees become 85- or 90-foot trees, they're going to be back for a 130-foot pole. I'd like them to answer that question.

Mr. Holland: We did talk to an arborist at the state. The trees in the area, for the most part, are at the mature level. The oak trees are probably right at topping out, so we don't expect there to be a significant change in the overall height of the tree canopy in that area.

Chairman Rohlf: Any other comments? Is anyone willing to make a motion?

Comm. Munson: One other issue. A gentleman in the audience raised the issue of when projects are done, they bring in materials that we can look at. I'm still really intrigued by this tree. I personally think it's silly. To me, it's going to be something that people will come from miles around to laugh at. I say a pole with no branches, but that's just me.

Chairman Rohlf: Well, you missed last week's meeting, where Mr. Lambers gave his report.

Mr. Lambers: Yeah, the manufacturer originally was involved in petrified tree manufacturing for malls and casinos. They are kind of the leader in that industry. What they produce is extremely extensive. The cell tower companies of the world approached them about providing a fake material to cover and conceal these trees [sic.] Again, I was fairly impressed with the quality of the material, the branches, the leafing material. I would say that they probably do as good as the technology allows today. They did indicate that there are other manufacturers that do cut corners. These poles are 18 sided, and if you just try to paint them, they look like a pole that's been painted. This has a rubberized material all the way around it and they do have representation of bark going up. It is correct that the branches do not start until about 20 feet because they will not withstand someone climbing on them, and as we discussed with the applicant, we wanted – and they agreed – to plant evergreens around the base of the tree to provide buffering from that so that it doesn't look as bare, particularly for the residences nearby.

Comm. Munson: Then I would ask the staff to make sure you have the correct Latin botanical name on the plan when it comes through.

Comm. Williams: On the tree branches and the leaf material and so forth, what do they make that out of?

Mr. Lambers: It's a rubberized material. It's similar to Christmas trees. The branches have a steel nub that they slide over, and if they are damaged, they are easy to replace. They've been in production for seven or eight years and material has not faded, but the concern is that the trees have to maintain their original condition, so all the cities that are allowing them are requiring the applicant to replace them if they do begin to fade.

Comm. Williams: I may have missed this, but what is the diameter of the tower, and what's the rough diameter of the tree component to it? How far out do the branches spread?

Mr. Lambers: That's up to the applicant. I don't know if they have identified the density of the material yet or not.

Mr. Joseph: It's 37.8 inches in diameter. That's the base of the tower

Comm. Williams: And the drip line, if you want to call it that, for the tree?

Mr. Lambers: It's about an inch to an inch and a half thick because they simulate bark that comes in and out.

Comm. Williams: No, how far out are the branches going to go? A couple feet? Ten or 12 feet?

Mr. Holland: I was trying to identify it by the plan, but there's an elevation of the tree in the plans, which you should have.

Comm. Williams: If you're telling me it's the drip line for a normal tree, just looking at your computer-generated picture, of course we're talking different trees, but it doesn't look anything like the diameter of a pine tree. That's what I'm trying to get at. Somewhere actually close to what the diameter of a pine tree would be, even though it might not be 95 feet high? If you think about the mayor's Christmas tree at Crown Centre, it's a pretty fat pine tree, and it's pretty tall.

Mr. Holland: Are you saying the base of this going like this? I don't know. We can make it look like you want it to look.

Comm. Williams: Well, there may be limitations to that. I'm not asking necessarily for a cone shape. I'm just trying to get some idea as to how fat or skinny this monopine is going to look. Again, I look at your computer graphic and it's a tall, narrow tree. I'm just trying to get a better idea what that diameter can be.

Mr. Lambers: It can be as wide as desired. The issue is complicated by the density of the branching material. As you can see, this on in the picture is fairly sparse, and as they add more branches to them, then the load is such that they can't have them go out as far because it increases the amount of stress. There's a trade-off there. The ones that I saw were like this, but they did have a little more of a conical appearance in the bottom. They did have some other trees that were more like Cypress trees. The answer is that they can make it a little bit more conical, if that's what you want.

Comm. Williams: Again, I would like to see it look more like a pine tree, and there are varieties that are tall and narrow. But again, if we're talking about a 12-foot diameter versus a 20-foot diameter, it makes the tree look a lot different. If it can begin to blend in more with the species of pine trees that are typically in our area, I think that would help.

That leads me to another question for the applicant. If we talk about moving this to a 95-foot tree, in an effort to allow other carriers to use the tower, what happens branch-wise when you bring in the other antenna? Do the branches remain and camouflage these branches, or do you end up losing some of those branches, and where the branches exist, do we have holes?

Mr. Lambers: The trees that I saw, the antenna or the slim line poles that are against the pole do not require removal of branches.

Comm. Williams: So the branches don't interfere with the antenna signal in this particular case.

Mr. Holland: That's correct. Just so you know, the antennas themselves are camouflaged. They are placed in what we call a sock material that's camouflaged brown and green. It's hard to identify that there's even an antenna adjacent to the pole.

Comm. Williams: That's helpful. If we move this forward tonight, would the diameter of this be something to be worked out with staff.

Mr. Lambers: We had not considered that. I would say to make a stipulation to work with staff to have it more compatible with the diameter of the existing pine trees would be appropriate. Again, we haven't looked at that, so that would be appropriate.

Comm. Reynolds: A question for staff. If I understand it correctly, our code requires that if the tower is 75 feet, they have to design it to allow co-location. Is that correct?

Mr. Joseph: Correct, for two carriers.

Comm. Reynolds: I guess I would suggest that maybe there is a compromise position that says I would feel comfortable voting for a 75-foot tower that would allow two users. However, I still remain skeptical about a 95-foot tower.

Chairman Rohlf: Should we try a motion? It appears that a majority of commissioners, although I haven't heard everybody's definitive answer, I think our biggest question now is the height. I think we need to get that resolved. I don't know where a majority of people are coming down on the specific height. If we make a motion for 65 feet, it might be denied, whereas if we made one for 95, it would be approved, or whatever combination we have. I would ask that we further discuss that so we have an idea of where we are on the height.

Comm. Elkins: One thought I had on how to address this on a somewhat orderly fashion would be that if one of the commissioners was inclined to make a motion that we approve the plan as written, I would be inclined to move an amendment to change that to 95 feet. Then the 95 feet idea would either go up or down. If it went up, we'd go forward with the 95-foot level; if it went down, we could see what happened to the motion at the 65-foot level. That would be one approach to it.

Chairman Rohlf: I think that sounds like a reasonable approach. Does anyone else have any thoughts?

Comm. Williams: Looking at the site plan that the applicant provided us, as well as the tree survey staff gave us, though staff has some trees in the immediate vicinity of the pole, if you start looking out and beyond and taking into consideration the grade and the comment made by someone in the audience about this sitting low on the site, you do have to take into consideration that that lower elevation relative to the higher elevations that surround it. I guess in response to that person's comment, there's no place in a higher elevation to necessarily put this, is what I'm understanding from comments I've heard tonight and those I've heard earlier.

With that, the 65 foot just really gets to be a difficult product to make the coverage work. You get some coverage, but you don't get the full benefit of it. You could take it another ten feet and that may put Sprint in a good position because they've got the top antenna, but then whoever comes in at 65 feet, the likelihood is they wouldn't come in.

Chairman Rohlf: I really think that we're looking at a 95-foot tower.

Comm. Williams: A lot of this is technical issues that we're not trained to do.

Chairman Rohlf: We have to keep it in perspective of what our own ordinance allows. Do we want to have a 95-foot tower with a majority of providers on it, or do we want 65-foot towers scattered around. If we start accepting or denying, we're going to have to be fair.

Comm. Williams: Well, if you get into saying it's okay at 65 feet and we're going to have multiple towers, where are they going to go? Outside of the golf course, they end up going in people's back yards.

Chairman Rohlf: Right. It's the way the neighborhoods are designed, and I think we just have to balance that with what people are asking for. They're asking for better coverage.

Comm. Williams: And unfortunately, neighborhoods were designed before cell phone technology.

Comm. Roberson: I want to make one point; it has nothing to do with the height of this thing. Multiple cell towers require multiple equipment sheds, if I'm not mistaken. Keep in mind, for those who were not here last time, they're also going to expand the pump house that is next to this to accommodate the equipment to support this cell tower. So, if we were to approve a lower cell tower, for example, they are still going to have to expand the pump house to accommodate equipment, but if we approve another cell tower somewhere else, even on the course, they also will probably have to have equipment and some sort of structure to cover it or protect it. There are multiple issues here with respect to height. I don't mean to speak for Sprint, but I think that's correct.

Comm. Williams: I read in some of the comments that someone had discussed the proposal of a flag pole cell tower. Someone in an e-mail said that could be an option. Since I wasn't here at the last meeting, was that discussed as a possibility?

Chairman Rohlf: No.

Comm. Williams: Okay. I raise the question to the applicant – is that a feasible possibility?

Chairman Rohlf: I don't think so.

Comm. Williams: And again, we're probably talking about something taller than 95 feet.

Mr. Holland: I think what you may have read in the record was that we have been trying to solve a problem in this area for some time. There was an earlier iteration of the solution, which proposed a flag pole communication tower near the clubhouse area. I don't recall the height; it was 80 or 90 feet or more, but it didn't seem to the board at that time to be a good fit, given the location where it was proposed. If you go out into the fairway where we are now, a flagpole out there would be in a completely different context and probably wouldn't be suitable either.

Comm. Williams: And I wasn't proposing one out in the greens area. It was related to the clubhouse area. With a communications flagpole, I think there are regulations that if you're going to have the flag up at night, you have to light it, so then you've got light issues; the height issues to allow the flags; and then you're antennas...I can see where a lot of that wouldn't even be compatible. But I'm not the expert in that area.

Comm. Reynolds: Back to the point of multiple powers, I think we need to be sure we recognize that areas around 123rd, for instance, don't have coverage now and will not have coverage according to the applicant's drawings, even with the 95-foot tower. So, this is a clearly an issue that is not going to be solved no matter how we vote tonight. I think I'm reading this map correctly; I see the applicant nodding his head. I see lots of red around 123rd.

Mr. Alt: It's a function of probability. Again, there is a greater probability that they'll have better coverage than they have today. Will it solve their issue? Maybe; maybe not.

Comm. Reynolds: The pink line is not an absolute.

Mr. Holland: Right

Chairman Rohlf: Mr. Munson, are you prepared to make a motion?

Comm. Munson: Yes. I would like to move for approval of CASE 56-07 LEAWOOD SOUTH COUNTRY CLUB - WIRELESS COMMUNICATION TOWER – Request for approval of a Special Use Permit, subject to the ten stipulations, with a change to number 1 to be, "The tower will be limited to a maximum height of 95 feet."

Comm. Elkins: Second.

Comm. Williams: Madam Chair, I would like to make a friendly amendment to the motion. That would be to add a stipulation that would have staff work with the applicant to come up with a diameter for the monopine tree that is compatible with pine trees in the area. Also, this may not necessarily be appropriate, but one of the reasons we're talking about going 95 feet is to ensure that multiple users are on that pole. So, maybe a stipulation needs to be added that as the occasion arises, that other wireless carriers would be allowed to use that pole.

Mr. Joseph: That is stipulation #9.

Chairman Rohlf: We have a friendly amendment, working with staff to come up with a suitable, compatible tree.

Comm. Conrad: I'd like to make a friendly chair to the friendly amendment, or an addition. I think the fact that Mr. Lambers went and saw this one specific tree and it appears that that's the one we're working around, should we include in the stipulations that it be manufactured by Treescapes International?

Comm. Williams: I think that is an excellent idea, since we have expert testimony.

Mr. Lambers: I am no more of an expert than you. I just have firsthand experience.

Comm. Williams: Okay, firsthand knowledge of the project.

Mr. Lambers: Just to point out, but the stipulation regarding multiple providers, again Sprint controls the tower, they control the rate. The City has no authority to regulate that. Therefore, while you may have a stipulation in there, if they want to charge a rate that other providers simply cannot afford to pay, then you will have a 95-foot monopoly with one provider on it.

Comm. Williams: The City doesn't control the rates, but I guess we do control the five-year reinstatement of the special use permit.

Mr. Lambers: Agreed.

Comm. Conrad: The point was brought up that we haven't had a lot of material submittal on this, and certainly this is going to be critical to what this final looks like. That is the one product that we do have information on.

Chairman Rohlf: I think we can include that as part of the friendly amendment.

Comm. Williams: I accept that graciously.

Chairman Rohlf: Mr. Elkins, on a friendly amendment?

Comm. Elkins: It's up to Mr. Munson whether he's willing to accept that amendment.

Comm. Munson: Hey, what are friends for.

Comm. Elkins: Then there's no need to vote on it.

Chairman Rohlf: It will be part of the original motion. All right. Are we finished with any further modifications or amendments.

Comm. Reynolds: I could support the motion before us if it had a friendly amendment that said the tower height would increase from the 65 foot that staff recommended to 75 foot, which would allow for a second carrier to be co-located. I think there is no guarantee at 95 foot that we still will not see a proliferation of towers in our community, so I don't think there's any guarantee in height, if that's the outcome. That's my motion; if I have a second. If I don't; I understand.

Chairman Rohlf: I do not believe that you do. Thank you. I think we're back to Mr. Munson's motion, and we are ready to vote.

Chairman Rohlf: Motion passes. Thank you.

New Business

CASE 73-07 PARK PLACE ALOFT-HOTEL- Request for approval of the final site plan and final plat, located at the northeast corner of 117th Street and Nall Ave. **Public Hearing.**

Chairman Rohlf: We're back. Mr. Conrad has indicated that he will recuse himself on this case.

Staff presentation:

Mr. Klein: This is case 73-07. The applicant is requesting approval of a final plat and final site plan for the construction of a six-story 83,285 square foot, 158-room hotel with an additional 43,200 square feet of retail restaurant space, at the northeast corner of 117th Street and Nall Avenue within the Park Place development. The total gross square footage of the construction will be 126,485 square feet. The Planning Commission looked at the current plan at the end of 2006. At that time, you saw two hotels brought before you and received preliminary approval. One was the element, which is another hotel that is not part of this application. This is the one that's located right on the corner. It's the Aloft Hotel. At

that time, Aloft Hotel was approved to be a 95,500 square foot, seven-story hotel with an additional 36,280 square feet retail restaurant space, for a total of 131,780 square feet of construction.

Also, the agenda indicates that this is a public hearing; that is incorrect. This is a final site plan and final plat, so there is no public hearing with this case.

As I stated, this is a six-story hotel. It is somewhat integrated with a couple retail/restaurant spaces located on the first floor and also on a portion of the west side. It also has a second floor. There are some graphics within your packet where they did a 3-D analysis. It actually makes it a lot easier to understand the hotel and how it appears. They are labeled as A-900 and A-901. The front of the hotel is located toward the east side of the property. Again, it will have some retail/restaurant on portions of the first floor. It basically consists of a north/south component and an east/west component. The east/west component will contain the entry, which will also have a porte cochere over it that will be dual-layered. That will extend back. There is a parking lot located at the southwest corner of the project. That is actually accessed between one of the retail spaces and the hotel.

There were a couple of issues called out in the staff report. One was with regard to the 25% stucco. There was a stipulation in the preliminary plan that the building have no more than 25% stucco and that it be used as an accent material. The applicant did do a calculation on that and indicated that the total percentage of stucco on the building is 23%. Again, that was provided by the applicant. Staff has not had an opportunity to confirm that. That's also listed as stipulation number 7.

Also, on the west side of the façade, there are a couple areas where the brick and the stucco play together. The central area on the west elevation is stucco, but there is also another area that is showing the stucco as well. That is a bit further to the south. Staff is recommending that the brick be carried across that lower portion. I can show you where that's at. I tried to highlight it in yellow. This is the west elevation. You had brick in here with stucco going above the top. [*Identifying where brick and stucco is on drawings.*] You would have a line of stucco going along the top; you'd have stucco going down the central portion; and stucco along the top.

Comm. Munson: Do these drawings reflect that?

Mr. Klein: I doubt if they do. That was something that we discussed with the applicant just prior to writing the staff report. We'd be asking that the brick be carried across this area right here. Of course you would still have the windows.

Comm. Williams: Mark, is that the west elevation? With that being the west elevation, how much visibility is it going to have to the west given its placement on the site?

Mr. Klein: Actually, Nall Avenue is right out here. There are really no buildings between it and Nall.

Comm. Williams: It's in full view of Nall Avenue?

Mr. Klein: Right.

Comm. Williams: In looking at the board that's adjacent, it looks like it has a similar condition.

Mr. Klein: This is on the east elevation, which is the front of the building. They were trying to break it up on that side. We weren't actually recommending that particular one. If the Planning Commission feels that would be appropriate, staff would be willing to do that as well.

Comm. Williams: I'm confused then why you want it on the west elevation but not on the east.

Mr. Klein: It provides a little more symmetry as far as the main corridor as you're driving past Leawood from Nall Avenue. You're looking at the back of the building. This is the location as far as the retail spaces. These will all be covered in brick down here. This is more of a front entry of the retail. There's likely to be more facades of the individual restaurants or retail that go into that area, whereas this will be more of a blank wall more toward the back of the building. We figured that it was more important.

As far as screening, the applicant also was proposing the trash enclosure gates, which are located within a service area within the parking lot at the northeast corner of 117th and Nall Avenue. We'd have steel frame with wood pickets, and then also some of the mechanical units on the rooftop. Staff talked with the applicant and suggested that maybe they could use aluminum to match some of the other aluminum on the building to try and be a little bit more

durable. Typically the City of Leawood hasn't allowed the wood as far as screening mechanical units and trash enclosures.

Some of the materials you received tonight had bands of color that are shown on the elevations, particularly around the top of the porte cochere on the east side, also going down some of the facades, I believe, on the north and south sides and then along the roof line. These colors are blue, yellow and green. The applicant has stated that these are not part of the application. They have no intention of having them being it, and so there is a stipulation in there just to avoid any confusion that those colors are not part of what's being proposed tonight.

I just wanted to clarify another stipulation with regarding the signage. They are proposing three signs: one on the east; one on the west; one on the south. Currently there is an ordinance within the City of Leawood that states that it can be a maximum 5 percent of the façade of the building or to be a maximum of 200 square feet. Stipulation 22 that reads currently, "the sign criteria for Park Place Development shall be amended to allow signage on hotels only to be a maximum of 5 percent of the façade and 210 square feet." The reason for the additional 10 square feet is to allow some to be in substantial compliance, which is something that we do as far as area. If they are within 5 percent of the area that they proposed, then it would allow them to be in substantial compliance if they're within that 5 percent. Staff is recommending approval of this application with the stipulations stated in the staff report. I'll be happy to answer any questions.

Comm. Roberson: Stipulation 21 says "the fluorescent tubes on top of the building shall be screened." Tell me what's going on there.

Mr. Klein: They have some fluorescent tubes that go along the top of the building to provide lighting that accents the building. Staff isn't really complaining about that lighting. However, in the ordinance there is a section that states that all the light source shall be screened. We're trying to keep it from just having the bare exposed bulbs along there. They would have to screen that with either a solid material that would halo right behind it or maybe some sort of Plexiglas or something like that which would allow the light to shine through, maybe a white similar to what their signs are proposed to be.

Comm. Williams: Mark, going back to this stucco on the west side. On the east side, I clearly see in the 3D versions here, because it has the shadows that in the brick area it appears that there is a overhang, which provides for a large shadow band. I can't find on here if that same detail exists on the west side. Do you know? In their elevations, it looks like it's the same on both sides, but it may be here and I just didn't see it. I don't see a 3D that shows that side and shows those shadows.

Mr. Klein: Yes, actually maybe when the applicant gets up, they can run through that.

Chairman Rohlf: Then we'll hear from the applicant.

Applicant's presentation:

Brandon Rainey, LNZ Ventures, 9000 Tesorda Drive, San Antonio, Texas, appeared before the Planning Commission and made the following comments:

Mr. Rainey: With me tonight I have Don Wilder and Mackenzie Talbot from Wilder & Associates Architects in Dallas. They are the architect of record for this project. We also have Phelps Engineering who is the civil engineer, and then Jeff Alpert and Melanie Mann who are with Park Place Village, the master developer of Park Place. I'm just going to make a couple of comments, then I think it would be helpful for you to see a short animation that the architect has put together that we have to show on the overhead, and then also some slides, I believe, that are probably colored slides of the package that you have. Then we can answer some of the specific questions like Mr. Williams had just asked in that regard. We will want to go into a bit of detail in particular on the discussion relating to the west façade and the use of stucco in the project, and I'll just note for the record that the 23 percent number that we had identified for the percentage of stucco on the building actually included the window openings that were on the façades that contained stucco. If you just look at the material itself excluding the windows, it's about 17 percent. We are using stucco as a way to create horizontal articulation in the building. This is a very long building, and we're using it as a means to create some interest in the façade of the building as opposed to having a single material. So Don Wilder can speak better to that than I can, and certainly we want to try and address that and have it look good and work with the rest of the development.

Some of the things that we have done in order to more closely match area buildings in particular and the buildings that are being planned around us in Park Place Village is we have eliminated some of the aloft brand items, in particular the blue, yellow and green stripes that you see in the application which are excluded. We have been able to work that out with the brand, with Starwood Hotels, for them to accept that as a compromise for more closely matching the architecture and feel and look from a materials palette standpoint, the City of Leawood and in particular, Park Place. The other issue that after we go through the animation that I'd like to discuss is that of the signage just so that you understand in particular on the sign on the east façade. I'm not sure how much discussion has gone through with staff in particular on that sign, but that sign in the application is the one that falls outside of what staff is recommending. So we will want to discuss that from a proportion standpoint mainly. It's the sign that faces into Park Place Village. With that, I'm going to introduce Don Wilder and Mackenzie Talbot from Wilder Architects and let them run through a quick animation for you unless you have questions for me in the interim.

Don Wilder, Wilder Architects, 5646 Milton Street, Ste. 240, Dallas, Texas, appeared before the Planning Commission and made the following comments:

Mr. Wilder: Thank you very much for your attention, and I'll play this short animation and then I do have a Power Point to go through in a little more detail. This just shows our proposed development in the context of the balance of the Park Place Development. You can see some of the additional buildings are kind of ghosted in just to show the context. You can see the porte cochere we've already discussed a little bit with the signage that we'll be talking about further. Then you can see this tower element now on this corner. This is the west elevation that is facing Nall. I can talk about that stucco area in a moment. This would be the inward facing east elevation primarily. That's the signage at the porte cochere, and that's kind of an overall shot. This is the Nall Avenue facing elevation. Again, back to the inward courtyard facing elevation. So that just is an overview. I hope it gives you a better sense of our intent. Now I'll kind of quickly go to the Power Point.

These are just some color images of the submissions we've already turned into the staff here at the City. This is just a reminder of the context. We're, of course, located as we've said at the corner of Nall and 117th at the lower left-hand corner on the page. What we refer to as more of an architectural site plan just kind of shows the components that we're talking about, the restaurant, the hotel tower and then the purple indicating kind of a mix of the hotel and retail uses. It is a little bit of a complex building, and I'm hoping that the next few plans will kind of clarify some things. The site plan, the landscape plan, most of the work that's proposed in the landscape is already approved Park Place landscape elements. The paving and the large tree elements are all already pre-approved as the overall Park Place development. I really won't dwell on those.

I'd like to go through these plans and help clarify some things. This is the ground floor plan, and you can see on the bottom left corner, that is a 8,000 square foot restaurant space. This area where my cursor is is the porte cochere area that we've discussed a little bit. There's one structural bay wide of public hotel space that bisects this ground floor. On one side is a restaurant or retail space of about 6,900 square feet. On the other side is the larger of the portions of retail at about 16,200 square feet.

The next floor up, the second floor plan, is really where we've ended up putting a lot of the hotel public space. So we did not have a ground floor where we would normally put this, so we have an elevator and stair that bring you up to the public and back of house space for the hotel located on Level 2. At the ends of the corridors then would be the beginning of the guestrooms. There is a 12,100 square foot Level 2 retail space that is connected to the ground level directly below. Then above the porte cochere are we have a little roof terrace area that spills out and looks over the inward courtyard of Park Place Development. We also have a small roof terrace area that separates the hotel tower from the retail space. The next floor up, Level 3, we have a couple of areas that are double height space over the lobby areas and the public areas of the hotel. But the balance of the space is really all guest rooms. From there, Levels 4 through 6 would be primarily guest rooms with just circulation and guest elevators.

This diagram, which is also in your package, really just shows the distribution of the guest rooms. Hoteliers a lot of times want a mix of king guest rooms and double queen guest rooms. This is what this shows as well as the square footage allocation where it's located. Then this is just some still images from the animation. I believe these were in your package, too, possibly in black and white. Shows up a little better in color. I'll get into more detail in a moment about the materials, but you can start to see these blond areas are brick and then this kind of light gray area coming over and down would be the stucco we talked about previously. These are again some still shots from the animation that we just saw. Then these were the material boards that we submitted to staff.

I'd like to talk for just a few minutes about why we decided brick where brick is shown and stucco where stucco is shown. Mr. Williams, your observation was correct. We were striking a shadow line at that corner tower element. Really the prominent material is brick. We have two different colors of brick, light gray and dark gray brick,

but we were using the accent stucco color to create the difference, to break up that long façade. It's a very long building, and so we used the difference in the depth of the brick to the stucco to create a little more shadow line, a little more definition. Directly above the porte cochere we also had a glass area, which helped us break up that length a little bit further. Again, the primary palette is brick.

This is one of the side elevations. This is actually facing toward AMC Theater. You can see at the top, which we'll talk about in a moment again, is one of the aloft signage pieces. This is the west elevation, the one facing Nail. We were doing the same detail, Mr. Williams, about trying to emphasize that tower on the corner, so we did carry that stucco down from the top down the length of the tower, but then the balance of the area was brick.

This is the elevation facing the parking garage. We've wrapped that brick around. Then I know we'll talk a little further about the signage. Brandon, did you want to add anything?

Mr. Rainey: No, I think that we'll just answer any of the Commissioner's specific questions and to address the staff's recommendation about the use of materials. To Don's point, in the use of the stucco material and carrying it horizontally across the building and then dropping vertically to accent the different depth of materials, we believe that it's important to maintain the articulation of that tower element which would be on the south side of the hotel as opposed to changing the vertical piece from stucco to brick. It's not that we like stucco more than brick. It's more of trying to keep the façade from just running in the same material and not having that articulation. We think it's important to maintain that vertical element of stucco on the southwest part of the building facing Nail in order to articulate the tower component on the south part of the building, and then also to break up the running line of the façade that runs from south to north on that west face. Our request would be to maintain the proportion of stucco and brick and other materials and as we have submitted on this application.

Comm. Williams: I asked the question of staff, and so I'll propose it to you. In the 3D images that you have in your packet, there appears to be a cantilever or overhang at the top of the brick. There's a large shadow line shown there. Is that indeed an overhang of some sort?

Mr. Wilder: There's a little trim detail piece. Are you referring to this area right here?

Comm. Williams: No, more to the yellow coloring that you have.

Mr. Wilder: Oh yes, that's a trim piece. That is actually a trim piece, like an eyebrow.

Comm. Williams: About how big is it?

Mr. Wilder: We actually have that detailed? How deep is that, Mackenzie? I think it's 12 inches.

Comm. Williams: Does it exist on the west side as well as the east?

Mr. Wilder: I think it does, yes. I believe it does. Yes, we were carrying that over here. Yes, sir.

Comm. Williams: I couldn't tell. That's why I was wanting the clarification. Thank you. One more question. You talk about the brick material and stucco and the shadow line difference between the two. Does that mean that you're actually talking about using a full, thick nominal brick versus gluing on a brick end piece?

Mr. Wilder: The drawings that we have right now submitted show a full brick veneer.

Comm. Williams: Okay, so with the stucco then you'll have roughly two inches.

Mr. Wilder: Of difference.

Comm. Williams: On your detail around your windows, could you give us a little more idea as to the placement of the windows relative to the exterior surface and what kind of trim detail do you have?

Mr. Wilder: Yes sir. There will be a little detail around the brick. As Brandon mentioned, the loft prototype is a little more sleek and kind of streamlined and modern of a brand that they're establishing now. We wanted to have a product that fit in with Park Place Development, but yet didn't destroy their brand identity. So we do have a little bit of a clean

kind of modern detail, but at the brick the window will be recessed and there will be a brick a detail course that goes up the length of the building. So we are sort of outlining those windows as a vertical piece as it goes up.

Comm. Williams: Will it be in the same brick as the body of the wall?

Mr. Wilder: Yes sir.

Comm. Williams: But different coursing?

Mr. Wilder: Yes sir, and we might try and recess it slightly or outset it a little bit just to give a little detail to it.

Comm. Williams: Then the walls would get the stucco. Is the window frame basically generally flush with the stucco?

Mr. Wilder: It's close to flush, yes sir. There will be some scoring work on the stucco, though, to give it a little detail.

Comm. Williams: On several of these windows appear to be vents, and that's for the heating and air conditioning?

Mr. Wilder: It is a three wall unit in there. So that vent at sort of every other window is mechanical.

Comm. Williams: And is that colored out to match the window or the wall?

Mr. Wilder: It actually is painted to match all of our metal trim work that we're introducing, which will be close to a clear anodized kind of finish, that look.

Comm. Williams: Your aluminum window frames are clear anodized?

Mr. Wilder: Yes, sir.

Comm. Williams: Thank you.

Mr. Rainey: I mentioned earlier, we also wanted to discuss the signage requirement and in particular if you look at the top left image, the top two images on the screen currently. That is a sign that is on the east façade. It's facing into Park Place. It's the sign on the bottom right. The main issue that we have with the size of this sign is not so much for identification of the hotel. Indeed it is actually underneath the porte cochere that comes out across the drive lane where guests are dropped off. It's more from a proportion standpoint inside of that space. The sign location is actually a significant brand identity component of Starwood's for Aloft Hotels. This sign and the sign that shows up on the south façade are both significantly identity signs, and we are concerned simply from a proportioned standpoint on staff's recommendation that this sign be effectively reduced from what is currently depicted by about 30 percent in size. So we're not opposed to a reduction, except to say that it's very important just from a proportion standpoint within the context of the space underneath that porte cochere that we have something that architecturally looks good and also achieves from a branding standpoint with Starwood something that Starwood is happy with, too. We have the fun job with kind of walking both sides of the fence on this. So we're not opposed to it. In fact just to go through each of the three signs on this east façade facing inward into Park Place, which is inward into the private street, we are actually at 302 square feet as depicted currently. That is 1.9 percent of the east façade. So from a percentage standpoint, we are well under the ordinance. From an overall square footage standpoint, we exceed the ordinance as depicted by about 50 percent. The south and west façades both are about 165 to 175 square feet. The one on the south façade exceeds the percentage measurement slightly but is well under from a square footage standpoint. The west façade facing Nall Boulevard is well under both the square footage requirement and well under the percentage, under the 5 percent requirement. What I guess we would request is that we be able to look at the east side in relation to its proportion within the porte cochere space just to make sure that by the reduction in square footage, that we're not doing something that architecturally is incompatible with the space that it's in. So again, I want to stress that we don't have it the size that we've depicted it, because we think that we're going to have more customers come to the hotel. It's not for saying, look at us over here. It's really from a proportion standpoint making sure that it's compatible with the space and consistent with Starwood's standards. We've kind of given them a haircut on some of their near and dear pieces, which we believe was very important in coming into this fine master plan community and development, but this is something that we would like to make sure that we are compatible with. I don't know if there's a middle ground

between what the staff has recommended and what ultimately we could do, but I believe these are the only two items out of the 30 comments by staff that we wanted to discuss. All of the others we were fine with.

Chairman Rohlf: Your two points are this signage issue, the proportion on the east side.

Mr. Rainey: That is correct. And the stucco, specifically the stucco course that runs vertically on the west façade south, in between the two brick runs just north of the southwest corner of the building.

Chairman Rohlf: By your calculations, is 23 percent?

Mr. Rainey: Twenty-three percent including all of the windows, which have stucco around them. If that's the definition of the façade, then it's 23 percent. If you remove the windows as part of that measurement, the actual stucco material as a component of the entire hotel is about 17 percent as depicted currently.

Chairman Rohlf: Mark, with respect to the comments on the signage, what are your thoughts on that proportion component?

Mr. Klein: As far as what the ordinance allowed, we've before never really had a hotel or anything like this. On the porte cochere, that actually is one of the smaller areas. I think that the sign is actually, I believe, close to 11½ feet tall, so I think what they're trying to say is that they're looking for something that will match the proportion and not look too small. From staff's point of view, it does exceed the ordinance by quite a bit. Two hundred feet is what's listed in the ordinance and it's 302, so it's gone well over and above the ordinance. Staff is trying to work with them a little bit on that extra ten feet as far as what we were talking about substantial compliance, but that's about all we would feel comfortable being able to do with regard to that.

Chairman Rohlf: They take on a character of its own when it's actually built, too. I know we've had a couple signs that we've gone back.

Mr. Klein: Right. This piece, it's lower down. In the past we've looked at signage, and if it's up high, there's been comments made that it makes sense to be a little bit larger because you're looking up and therefore it doesn't appear as large. The Women's Healthcare Center over at Leawood Commons had proposed some signage along their west façade, and there was a lot of discussion at that point that where they were going to have this sign was going to be at eye level as cars drove by. Therefore, it didn't need to be that large, because it was right there. This again is going to be right at ground level, so as people walk up, it's basically going to be twice the size of a six foot man almost. However, it is pointing to the interior of the development. This isn't something that's pointing to one of the public streets or anything. In staff's opinion, it seemed like it was awful large for the area that it was at. Right down where you are, you have buildings that are around you, so you aren't going to be that far away from the sign. I think that's what they were trying to say – they aren't really trying to use it as identification. It sounds like almost an architectural feature that they're trying to make their point.

Mr. Wilder: The way Starwood views this, and they've done this in some of their W Hotel properties, is they really view this more as an art piece. It's a brand identifier, but as Brandon mentioned, it's not really a sign that's intended to bring people in. It's a graphic art piece that is a brand identity at their entrance. So I know several of the W properties will have the big W as some strange element at the entry, but it's more of an art piece than a true signage piece.

Chairman Rohlf: I know, Mark, each individual sign requires a permit as they come in.

Mr. Klein: Each individual would require a permit as they come in, and we would review it against whatever was approved with this application. They do have a fountain feature that is below this sign as well that you should probably be aware of. They could probably describe it much better than I can, but it sounds like it's a pool of water rectangular that bubbles up. It doesn't shoot jets up, but it bubbles up beneath the sign with lighting that comes out of the pool, I believe.

Comm. Williams: Could you give us clarification on what are the materials associated with the sign, not just the letters themselves, but the structure upon which they're attached?

Mr. Wilder: Mackenzie Talbot from our office has actually done the detailing on these signs.

Mackenzie Talbot, Wilder Architects, 5646 Milton Street, Ste. 240, Dallas, Texas, appeared before the Planning Commission and made the following comments:

Ms. Talbot: In the prototype signage, they call it out as fabricated .09 aluminum welded letters individually mounted, freestanding style, welded to angle frame skeleton shape and with white acrylic faces and then internal illumination.

Comm. Williams: Okay, would you like to say that in English for the rest of us?

Ms. Talbot: Aluminum outlines with white acrylic faces and then internal illumination.

Comm. Williams: So it's not going to be a solid, dark material as the graphic would indicate here?

Mr. Wilder: No, sir.

Comm. Williams: The letters are shown here over the top of some vertical structures as part of this porte cochere. What is that material and color? What are we going to see as a graphic?

Mr. Wilder: If we could put this prototype information up on the screen, it shows a little more detail of what the Aloft prototype is. It's basically a thin structure that helps support the signage. It would be finished out in the aluminum finish similar to the signage, to the opaque portion of the sign. One of the things that Brandon had mentioned is we talked about these multi-colored stripes that are part of their brand identity. We've said, after meeting with staff, that's not going to happen here at Park Place in Leawood. So we're going to the aluminum finish with white, actually off-white. It's not exactly white.

Comm. Williams: Okay, I'm missing something here. So the poles, for lack of a better description, they're going to be a clear aluminum?

Mr. Wilder: Yes, sir.

Comm. Williams: And the framing around the letters in the graphics, they're going to be in aluminum?

Mr. Wilder: Anything opaque there would be kind of a clear anodized aluminum.

Comm. Williams: Then the acrylic is going to be a white?

Mr. Wilder: Milky white.

Comm. Williams: Milky white, okay. So in essence during the day when you're not really getting the effect of any lighting, you're going to basically be seeing the shapes, the silhouettes, and they're all going to be similar colors. So there's nothing colorwise that's just going to jump out at you like if it was a dark contrasting color or red or something of that nature?

Mr. Wilder: Right, no, it's nothing like that.

Comm. Williams: So then at night, with other lights on in the area, this will be lit up and you'll see the opaque white illumination, and that will hold true for the letters as well as for the graphic there at the end?

Mr. Wilder: Yes, sir.

Chairman Rohlf: I do note that we are approaching the nine o'clock hour. I think we do need to move for a continuance to finish hearing this case if we can.

**A motion to extend the meeting 30 minutes was made by Elkins and seconded by Roberson
Motion approved unanimously.**

Chairman Rohlf: The meeting is continued until 9:30. This means, however, that we will not be hearing any other cases this evening. Is that correct, Mr. Lambers?

Mr. Lambers: No, you don't have that restriction in place.

Chairman Rohlf: Okay. I thought if we didn't get started.

Mr. Lambers: No, the restriction is that at 10:00 the meeting is adjourned, regardless of where you're at with an item.

Chairman Rohlf: Okay.

Mr. Lambers: We had talked about that, but we've laws to that effect.

Chairman Rohlf: I thought we had.

Mr. Lambers: I would like to suggest that the size of the sign is an issue that cannot be resolved tonight. I don't disagree that when we adopted the ordinance with the 200 square foot limitation that a hotel was envisioned. The only relief is for the applicant to request the City Council to allow approval of the sign. If the Council agrees, we would have to come back with an LDL amendment allowing the square footage. Once that's done, they come back with the sign permit through the process. You're asking questions that don't deal with the size, but I say rather than get bogged down on that issue, it's really moot at this point because there's no relief from the ordinance requirement. I would say that I don't see a reason not to suggest the Council look at the proportional issue here. Three hundred square feet is a big sign that low, but certainly something more than the 200 feet that the ordinance provides. At least giving them the direction that if you believe that perhaps increasing that size to achieve proportionality may be in order, and then allowing us to get through that process.

Comm. Williams: Some of my questions were directed to what the impact of a sign of that size would have. So getting clarification materials and colors and such helps to address the size as well. I have no further questions on the sign.

Comm. Reynolds: I actually think you've done a terrific job from the second floor up in terms of the architecture, the use of materials. I love the signage, the way you've drawn it. I applaud you for that, very good. Talk to me and be sure I understand what's happening on the first floor. We have a smaller restaurant area and then a larger restaurant area. They're both on the first floor. They don't have any windows?

Mr. Wilder: Actually, the tenant space, my understanding is it would be under a separate submittal. We like the balance of the Park Place Development buildings. We've left the ground floor tenant space as a separate issue.

Comm. Reynolds: But you've got something that shows me what it might look like.

Mr. Wilder: One of the tenants likely at that corner restaurant is a Morton's Steakhouse. I didn't want to speak out of turn.

Chairman Rohlf: The signage looks pretty good.

Jeff Alpert, Park Place Developers, LLC, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Alpert: The whole idea, which is consistent with the rest of Park Place, is that the retail merchants be allowed to express their individual identities through their storefront. In fact, I believe you approved five of the first five that came through on the consent agenda tonight. So with that in mind, the idea was that the first floor would be a multi-tenant condition, and the merchants, as in other parts of Park Place, would be allowed to express their individual identity. That's why you don't see anything specific on the first floor. The Morton's Design, which we're not asking for approval tonight, because we just got it today, but this is a great example of how the individual tenant's storefronts would integrate into the Aloft building.

Chairman Rohlf: While you're up there, Mr. Alpert, I have a question for you. I noticed you had two letters in our packet approving the signage and the overall design. What are you looking at when you are looking at this, the hotel? What are some of the elements that you're looking for compatibility with the overall design?

Mr. Alpert: Well we're looking for certainly a design that is true to the use. In a situation like this where you have a large building, we're respectful of the fact that it's a large building, and we want to see a design that also respects the overall Park Place architecture that still allows the expression. We talk a lot about branding, and with retailers, with hotels, it's all about brand loyalty and expression of identity and giving users of these hotels and restaurants and retail spaces comfort that they know what they're walking into. So we try to walk that line between a design that is consistent with Park Place, that still allows that freedom of expression of the individual brand. It's a compromise in many, many cases.

Chairman Rohlf: Well one of the things I found helpful tonight is this animation that was shown on how this is fitting into that corner. I can't recall, Mark, whether we have a model of this overall development or not.

Mr. Alpert: We do. We've got it.

Chairman Rohlf: But I'm wondering, we've seen some new software programs that are available to show how things really look in dimension. I'm wondering as we bring in some of these bigger buildings and larger areas if that is something that you could have as an ongoing feature. Because I found that very helpful this evening just to see the proportion of the hotel, where it fits in on the site, all the amenities that are going to go in with it.

Mr. Alpert: Are you speaking specifically about the animation or the physical model?

Chairman Rohlf: The animation part. We've been requiring models in the past as part of our stipulations, but sometimes it's harder for me to visualize it in a model. When you see it like that, when you can rotate it and show where the signage would be and how it looks next to the building that's coming in after it, etc. It's hard for us to remember how all of these buildings will look. You see them on the plans. They're drawn out and they're to scale, but I thought it was really helpful. I don't know if that is something that is available to your design team.

Mr. Alpert: It's becoming more and more accessible. Depending on the level of detail that's executed, it can be a very, very expensive process, and in most cases I think you'll find that it really does become a luxury. We are very sensitive to the benefits of that type of a presentation, and we have a DVD that we have done of the overall Park Place Development.

Chairman Rohlf: Well particularly when you're looking at this end where you've got some very large structures, the parking structure, the other hotel, this hotel. Like you said, there are brands that go along with these various entities, and it would be nice to see. I'm sure you have made some compromises with this brand already. We're not aware of them, or you made all those revisions in your plan. So it's just something to think about as we continue to see all of the components coming in on this very large development. It would be helpful.

Mr. Alpert: Hopefully I've answered your question.

Chairman Rohlf: You have. Does anyone else have some further questions?

Comm. Reynolds: Parking operations, explain to me. You use the parking garage to the north, is that correct?

Mr. Alpert: Right. That is correct. Again, it goes back to the whole concept of shared parking. We have parking for almost 100,000 feet of office in that structure, and at night when there are no office tenants using it, that's when the majority of the hotel customers need the parking. So they're very, very compatible uses.

Comm. Reynolds: I agree. Then the last one, you've got an 8,000 square foot restaurant that you look down onto a single story roof. Have you considered this product to use green roofs, the sedum over a membrane, a lightweight green roof?

Mr. Wilder: We know of this technology and this trend, but the ones that we've explored, the initial cost is much higher. The first cost is higher. It is a more sustainable and a more green kind of approach, but we've had trouble sometimes

convincing operators, retailers, restaurateurs and developers sometimes that there's a benefit for it because the initial cost is so high.

Comm. Williams: I thought Dennis was going in this direction with his question about the retail space. I can understand and appreciate the idea of leaving the retail space blank because it's not part of this particular building, and certainly allowing the retailers, as you are elsewhere, having their own brand identity. I have a point of concern in that in your other buildings, you had some common thread of an architectural style that lent itself to a collection of different motifs, brand identities, if you will. I get concerned when I see this. I don't see the same type of motif, unless you're going to come in to this and have retailers have a little more of a contemporary motif come in with something that's neo-classic for 30 feet of the store front on this thing, and it begins to look rather odd. You have a plan in place that's going to product that compatibility or continuity? Or are you just going to let retailers do whatever they want here and have it mesh with this building any way it does?

Mr. Alpert: Certainly we look very carefully at the storefronts. The ones that you approved tonight we looked at very carefully for quality of design, quality materials, expression of the brand of the retailer. I think if you look at those five that were approved tonight, you'd find that even though our architecture, I'd think you'd have to agree, is more of a traditional style of architecture as opposed to contemporary. There are both traditional and contemporary storefronts that were approved tonight.

Comm. Williams: I have no problem with that, but we had discussions months ago when these buildings were brought in that you bring down and almost wrap or create a connection between the ground level and the upper level and then in-fill with letters contemporary, traditional or classical. It doesn't really matter. The building before us is simply floating above these gray blocks, so there is no connection to the ground. I guess that's what I'm looking for is a connection to the ground that then provides for some framework, some area of continuity for the in-fill to come.

Mr. Alpert: I think since we're just starting to get into that aspect of the design, I think it's a point well taken. We will consider it as we integrate those storefronts into the overall building.

Mr. Wilder: Jeff, if I could respond to that. One thing that we did do, Mr. Williams, is we did have a pretty strong cast stone band at the base of the hotel. The thinking was that the first 20 feet, which would be retail, could follow more of the Park Place aesthetic that's already been established, but then once you get past that banding, the hotel is expressed a little more. The one place where we let the hotel come down and express itself at the ground is at the entrance in the porte cochere. So really we're letting that bisect the other pieces of the base to the building that were more closely associated with Park Place.

Mr. Lambers: Also procedurally, if something comes in that the staff believes might not be as well integrated as it could be or should be, it will not be placed on the consent agenda. It will be set apart for a separate item, so that will give you the signal that the staff has some concerns about this. So, if it's on consent, it's basically our review has been that this does seem to integrate well, but clearly if it has an issue, then it would be on the regular agenda.

Comm. Reynolds: The area that does come into play, however, is facing Nall where the signage is located. That's a two-story element that has a mechanical room and has a swimming pool, so that is indeed the final elevation. Is that correct?

Mr. Wilder: It is. That's correct. You're reading it correctly.

Comm. Reynolds: But to the north of that volume is two-story retail that would have glass?

Mr. Wilder: I believe that's partly dependent on the tenant that would come in there.

Comm. Reynolds: So again, if it came back to us without glass in the two-story retail, we would certainly have the ability to pass judgment on that. But we are passing judgment on the two-story mass of cast stone with the signage element. That is going to be what's built. I want to be sure everybody understood that it was not going to turn to glass at some point.

Comm. Shaw: On Sheet A-9-10, for your mortar joints between your light color brick and your dark color, it appears by looking on your drawing there that you're changing mortar colors. Is that correct?

Mr. Wilder: Yes sir, we were proposing two different mortar colors. With the dark gray brick, we were having a darker mortar to sort of emphasize this tower element. With the lighter gray brick, we had the lighter mortar.

Comm. Shaw: Then regarding your anodized aluminum, do you feel that is a true color of what it will be?

Mr. Wilder: I'm not sure. A lot of times when you print things out, the color varies, but we did submit a real live sample to the staff here. That is representative of what we're proposing.

Comm. Shaw: Okay, number 6. Thank you.

Chairman Rohlf: We would need to take a look at the signage issue in the stipulations. Scott, would it be your recommendation that the signage stipulations would remain as they are and then we would advance that later?

Mr. Lambers: I'd say that would be appropriate maybe as a separate motion. When this goes as far as the Council, if you believe that the sign ought to be looked at with regards to proportionality and perhaps changing the ordinance to accommodate, that would be in order. If you think the 200 square foot notation is appropriate, then that would be the case.

Comm. Williams: A couple of comments, if I could start. I guess the first is on staff stipulation number 8, which is on that west façade and then recommending that the brick be continued and eliminate the stucco. I guess I'm going to have to side with the applicant and the architect on this one. I like the aspects of that long façade being broken up with the different materials, the textures, the color. I think also in light of the fact that they do have that eyebrow on both the east and west side, which adds that shadow line, that it helps to further accent what they're trying to achieve here. I think it's a nice effect overall.

Then, I kind of like the signage that they have there at the entrance. I think the fact that it is not transparent, but it's light and begins to blend in with the structure and as a result becomes part of the architecture, and also is a little bit reminiscent of an earlier period in modern design where you'd see some similar things like this. Though it's a little large if you look at it just from a calculation perspective, I don't think it's going to be large in the way it appears and affects you visually. So if the Council can take consideration of that, that's just my comment.

Chairman Rohlf: All right, then perhaps we are ready for a motion.

A motion to approve Case 73-07, deleting Stipulation 8, was made by Williams, seconded by Elkins.

Comm. Williams: Scott, add a stipulation for Council consideration? Or just leave that part of it alone at this point?

Mr. Lambers: I would say leave it outside of stipulation, because you it's not appropriate to stipulate an ordinance of change. I'd say a separate motion encouraging them to consider the proportionality issue and suggesting to direct staff to amend the LDO to accommodate that.

Comm. Williams: So in my motion, that would not be part of it?

Mr. Lambers: Yes, just the stucco portion would be.

Motion approved unanimously.

Chairman Rohlf: I believe, Mr. Williams, you'd like to make a supplemental motion.

A motion to suggest City Council consider the current LDO sign limitations as they apply to the proportionality issue of the proposed hotel and that they consider directing staff to amend the LDO to allow the larger sign to be considered and approved, was made by Williams, seconded by Munson.

Motion approved unanimously.

Chairman Rohlf: We have ten minutes left under our current continuance. I'm not sure whether we should further continue our meeting this evening before we get started on Market Square. If that's what people want to do or if we're going to be done.

Mr. Lambers: I would encourage us to go to 10:00. We've got a lot of items coming at us at future meetings. The Molle Toyota, the applicant has requested that be continued knowing how late it was going to be. Whatever else we don't get to, we'll continue that to the August 14th meeting. Again, the August 14th shows the cell tower antenna for Fire Station No. 2. That will be continued to the September Tuesday meeting.

Chairman Rohlf: So we would be able to hear some of these items this evening on that date. Is there anything else on the agenda already for August 10th?

Mr. Klein: Currently right now there's M&I Bank at Villaggio.

Mr. Lambers: So there would be one item. We have space.

Chairman Rohlf: All right, then if I could have a motion to further continue our meeting this evening.

A motion to extend the meeting 30 minutes was made by Williams and seconded by Elkins. Motion approved unanimously.

CASE 79-07 MARKET SQUARE - Request for approval of the revised final site plan and final plat for the proposed project located at 135th Street and Mission Road.

Staff presentation:

Mr. Joseph: This is case 79-07, Market Square Center. The applicant is Paul Wade. The applicant is requesting approval for a final site plan and a final plat for total construction of 52,306 square feet on 7.7 acres for an overall FAR of .17. This property is located at the northeast corner of 135th Street and Mission Road. The Price Chopper building is located on the north side of this development, and the Bank of Blue Valley is located at the southwest corner. The applicant is proposing four buildings within this development. In addition to the existing corner feature at the southwest corner of the property, the applicant is also proposing a corner feature at the southeast corner as well. The majority of the buildings will be built of brick that will match the existing buildings within the development. The applicant is also proposing accent materials such as cultured stone, stucco and a darker shade of brick which are not part of the existing buildings. All the trash enclosures are required to be architecturally attached to the buildings. However, I would like to show you where the enclosures are proposed for Building F.

Here is 135th Street and Mission Road is over here. The building that I'm talking about is Lot 5, which is Building F. That's right next to the Bank of Blue Valley building. Initially the applicant proposed a trash enclosure right at the location that's now at the west corner of the building. It's a diagonal shape. It's right in front of a tenant space, so it's not practical to put it there. Then the next location that they were proposing is on the west side of the building, and there is no access to it. Due to the location of the building and also the closeness to property lines, there's no space to put the trash enclosure there. Finally, the applicant is proposing to put it at the northwest corner of the property within the parking lot. It's right next to an existing trash enclosure for the Bank of Blue Valley building. That trash enclosure is detached from the building, and it has a trellis structure in front of it. It's looking very good. So the applicant is proposing that. Staff is also recommending that location if it works.

Staff is recommending approval of this case with the stipulations. If you have any questions, I'd be happy to answer them.

Comm. Conrad: Do you happen to have the plan that we saw on the previous for this handy?

Mr. Joseph: Yes I do.

Comm. Conrad: Was this road from 135th Street, was that in there before?

Mr. Joseph: Yes, that's in the proposal with the preliminary. That was in there with the earlier preliminary update. Then this preliminary came in. That was requested by Ken.

Comm. Conrad: So is Public Works okay with that?

Mr. Ley: Yes we are. They submitted a traffic study that indicated that it would actually increase the level of service at 135th and Mission.

Comm. Conrad: Does that require any additional lanes on 135th?

Mr. Ley: They'll be doing a deceleration lane for the right-in, right-out.

Comm. Conrad: An acceleration lane, too?

Mr. Ley: No, the acceleration lane is on the three lane roadways.

Chairman Rohlf: Jeff, refresh my recollection. It seems like we had a carryover point of contention on the primary plan about the location of the buildings or the back side of one of the buildings.

Mr. Joseph: Yes, that's actually on Building C. It's the southeast corner of the Price Chopper building. This layout was approved by the Planning Commission and City Council as you're looking at it.

Applicant's presentation:

Paul Wade, Cophagen, White & Blitt, 1100 Walnut, Ste. 2000, Kansas City, Missouri, appeared before the Planning Commission and made the following comments:

Mr. Wade: With me tonight are David Conetag and Chris Versogus with the DLR Group and Rob Johnson with George Butler Associates. They'll be presenting the overall site plan and presenting finishes, detail. They also have a computer model for your review of the overall project. Before I turn it over to them to make that presentation, we are basically in agreement with virtually all the staff comments and stipulations. We do have a couple of areas that we would like to unfold a little bit this evening. Those are stipulation number 8. We would like for you to indulge us briefly on the merits of stamped concrete in our project.

Number 9, the building materials stipulating that they would match the existing center. We've worked diligently to make those matches, but we're also introducing some new design elements, complimentary brick color, some stone, slate awnings. Then obviously we'd be outside of the bounds of the existing finish palette.

Number 10, we feel like we need some additional information on the landscaping. We feel that we have complied there, and we just need some additional information to know exactly what else we need to do. The implication is we haven't met the standard.

Number 14, the cross easement. We are able to give a cross easement for the new development and potentially give it for the existing building B as it's marked on those plans, the existing retail and office space, but we cannot give it across the Price Chopper or the Bank of Blue Valley.

Then number 24, it seems like perhaps there's already been, if not resolved, at least brought to your attention as to the placement of the trash enclosure for Building F. One thing in the site plan comments that we would like to address is the tenant signage. We would ask that a standard be set. Right now we have a different standard for retail and for office space. Our preference is that we would have white-faced letters for the tenant signage with black cans, and that would become the standard for the center. As tenants renewed or new tenants came into the existing center, we would hold them to that new standard.

I'd like to thank staff for their help in our getting through this process and would like to turn it over to David Conetag now with DLR who will present the overall site plan.

David Conetag, DLR Group, 7290 West 133rd Street, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Conetag: We've been working with staff as Paul mentioned and have been before you and City Council with our preliminary. We have quite a bit more detail now and have put together the design standards and guidelines which you

have before you. We've also pulled together a model that I'd like Chris to present tonight of the building that will be on the computer that we can fly around, and you can look at more specifics on it. We feel that in working with staff and hearing their comments the first time we went through at preliminary, we feel we've got a workable site plan that really was initiated, to go back to Commission Conrad's question, way back in 2000 when Price Chopper and other people were proposing that. As we presented that plan this last fall, I believe, we have incorporated that access road.

I guess a few comments with regard to the layout plan. We've tried to locate the buildings close to the street, pedestrian areas. We've worked at connecting the right-of-ways, the sidewalks and the right-of-way, to all of the buildings and bringing the sidewalks up into the center and really trying to screen some of the parking or break up a lot of the parking areas with trees, landscaping and the buildings.

With that overall summary, I'd like to hop to stipulation item 24 with Building F. As you can see in the presentation with that trash hopping all over that building, it's been a struggle a little bit to see the best place to put the enclosure yet have it be complimentary to the building and attached to the building. We have a drawing tonight that is really similar to the first version that Jeff talked about where it's on the northwest corner of the building. It's angled and tipped back toward the parking lot. The plan that we brought tonight does pull it out a little bit from the building and simplifies one single wall. We agree it is in front of the façade. We did initiate discussions with staff earlier last week to see if there would be any potential that we could, for this one instance, locate the trash out away from the building similar to the Bank of Blue Valley. That's probably one of the nicest trash enclosures I've seen actually where you've got a vine arbor where the sliding door of the trash pockets into that vine arbor. You don't see the door when it's open. When it's closed, it's pretty clean steel and metal. We would certainly be open to materials for that enclosure, but I think if we could incorporate a lot of the brick that we're using on the building currently and a cast stone cap to top it out. If we need to make it look exactly identical so it's a companion enclosure to the Bank of Blue Valley, that would be fine, too. I would think that it would take up about two parking spaces that we could locate where it would be more accessible to the front entry of that end cap unit. So we'd be looking for your guidance there and be open to that.

On Item 8, we brought some images of stamped concrete and would like to talk with you about where we're proposing different types of pavement materials. The corner monument that's existing at Mission and 135th Street has an actual brick paver with brick that's fairly complimentary to the reds that are pulled out of some of the metals and the brick in the center of the existing Price Chopper and also the more blonde, orange color brick with a nice pattern, almost a basket weave but yet incorporating the small squares of the red. We continue to propose that material at the 135th and Pawnee corner, which would then be complimentary to the 133rd and Mission corner, which is a smaller monument. It has two benches and a couple of columns, I believe, at that corner as well. All three corners would have the same paving creating a consistent look around the development. All of the crosswalks then and all of the crosswalks within the development as well as within the right-of-way would match the City standard with that type of brick paver and matching that pattern. Then what we get down to is within the development, here you can see some of the crosswalks that we're proposing for the pedestrian connections all the way through in the development.

This is the future Building D; E, which is future and yet to come before you, but we're also proposing Building F, which is the one that is right next to and falling off the sheet, right next to Blue Valley Bank. The paving that we would like to do is you can see we've located a stone type of stamped concrete material which would play off of the stone pattern that we have or the stone coursing in the columns of the building. Some of the columns are stone. Some are brick. The idea would be to carry off or create a shadow effect of the stone coming out from those brick highlights within the building. You can see that a lot better, too, when we put the fly-around up. The insets in between the stone, we'd be looking at an overall kind of...these are some shots probably to better describe it. We're looking at bands of the stamped concrete to emulate the stone that would play off of the piers. Some of these images are taken from the Legends, which many of you have perhaps been to, but the stone material would be a play on the color of stone that we're proposing for the façade of the building. Then also we would be looking at highlights or insets of the darker cast stone or stamped concrete that would not have the actual pattern in it. Those areas have got a major seating area at the juncture between these two buildings, and that is one thing that is different from the last time you saw this plan. These buildings were attached and connected. Now the building is opened up, which provides a clear view from the corner of 135th and Pawnee into the development. You can see people sitting out on the terrace drinking coffee or an ice cream. The idea is that the stamped concrete play off of the lines of the architecture but yet create visual interest and more pedestrian scale. At the seating areas, we've also proposed elevated planters that would be complimentary with the stone, and it would be a cast stone planter as well as planting insets within the sidewalk itself in front of the building.

We did bring a sample of the material. The stamped concrete plays off of some of the color that's in the stone that would be on the façade of the building. You can see some of the brick colors over on the other board. That will be a little bit more clear when we present the model. This is stamped concrete. Some of the complaints you see with stamped concrete is that when it breaks, you can see the light color under it. This will be colored clear through the

entire product, so when it does break, it will expose the same similar beige color. It also has a black release antiquing agent to give it more highlights and the feel of stone. We feel this will really add to the pedestrian interest and qualities of the center.

The other item that Paul had referenced was the landscape. We have created more along the nature of our over-story trees, but we are working with the existing trees that are in the center and also trying to maintain the size specifications. For specific issues on what we need to do to change or to get the landscape plan where staff is happy with it, we would like to meet with them some more, but we felt like we've met that requirement.

With that, Chris, if you could come up and we could run through the elevations and the models.

Chris Versogus (?), DLR Group, 7290 West 133rd Street, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Versogus: What I'd like to do is run through the basis the architectural design and our approach to what we're trying to accomplish. I think the key term we've talked about is pedestrian scale. This project being in association with the existing buildings, we've taken the opportunity of reusing the same materials, which we can see on the board. What we're doing with this project is trying to utilize existing materials that are on the existing buildings, but enhancing the pedestrian experience with this smaller scale series of buildings. We're reusing the same bricks in certain areas but accenting it with proposed additional brick color for a base, for more of an earth line. We're also proposing additional stucco color to add some detail. The existing building is a little monochromatic, and this is going to allow us to help break it down and make this more of a village style architecture as opposed to a more monolithic style.

Take the Building F. We'll come back to this trash enclosure here if we have an opportunity to do that. So this is actually illustrating its position in front of the Building F and how we'd like to pull that out away from there a bit more. In addition to using the same brick and stucco, we are proposing to use the same metal panel. To compliment that and to break it down additionally, we're proposing to add additional awning fabric materials to add some variety in what you see down at the level of pedestrian. Finally, we're proposing to use some brick detailing. It also adds a little bit more interest to the façade in what we're proposing here in striations and the enhancement of the brick work.

Feel free if you want to see something in greater detail to stop. We'll start at Building F, which has been one of the things we'd like to talk about. This illustration here indicates the trash enclosure as we currently have it presented. The preferred method would be to relocate it adjacent to this trash enclosure up here and make that a combination condition. You'll see that what we're trying to do is to break up the façade into more management small scale components, which is a little more pleasing to look at. The variety and the texture up against a building should enhance the experience of a patron.

That was Building F. If we move further over, we'll find Building D, which is essentially the same approach where we're trying to break it down into more manageable pieces. The cultured stone we're proposing to use is being proposed for these key elements, these archways. The brick is essentially used elsewhere. This would be the rear view, street side of the proposed project, which we're articulating with louvers and a textured door system to make the view a little more pleasant. That would be the same over here. As far as the screening of the rooftop equipment, the proposal is for these parapets to be high enough to screen the equipment from view from the property line. Any questions?

Chairman Rohlf: Perhaps you can clear something up for me. I know one of the stipulations that you wanted to have us look at is number 9, all materials should match existing materials. You've indicated that you have some additional materials that you're going to use. I'm not sure which ones those are.

Mr. Versogus: The existing building has this brick here and this brick here. It also has this roof metal, which we're trying to find the exact match. This may not be exact. The existing may have oxidized enough to look a little bit different. So the existing materials from the building are rather limited. There's not a lot of palette there, so we'd like to try and enhance that by pushing it, adding some more variety to that. By doing that, we are proposing this brick, this stucco color. I didn't mention it before, but this is the cementitious slate we're proposing for the roof elements, the towers. Ultimately the small areas, we're having some fabric awnings we'd like to propose to help accent down at that closest level to the pedestrian. This material here is the anodized frames for the windows, which differs from the existing in that the existing is sort of a faded green. We think this would be more classic and timeless. We think that this blend is in character and just enhances the experience of the building and adds variety for the type of building we're doing. The other material we've already talked about is this stone, which is a cultured stone used in select areas.

Chairman Rohlf: That's currently not used on any of the other existing buildings?

Mr. Versogus: The only materials we have from the existing building are these two brick, stucco, this metal. Somewhat limited palette.

Chairman Rohlf: Staff, it would be your preference to keep everything?

Mr. Joseph: Again, staff is comfortable with the use of the cultured stone and the other color of the stucco, so it will kind of break up the façades. Staff is concerned with the color of the roof. The metal roof that they're proposing is slight orange, and the roof plates over there is like a burgundy color. It's darker, so that's their concern.

Chairman Rohlf: That's mainly your concern, is the roof color; some of the other proposed materials, you're not as concerned with or at all?

Mr. Joseph: No. We're not concerned.

Chairman Rohlf: Are you the end of the presentation by the applicant, or do you have something else that you would like to add? We are about ready to wrap up here. I think I'm just dazed at this point, and I want to be fair to the applicant. I don't know about you all, but are we at a good stopping point? All right, I think we probably need to continue this case to our next meeting, which would be August 10th, I believe.

Mr. Lambers: Fourteenth.

Chairman Rohlf: Fourteenth. If I could have a motion, please?

A motion to continue CASE 79-07 to the August 14, 2007 meeting was made by Roberson and seconded by Williams. Motion approved unanimously.

Mr. Lambers: I realize we've got a few minutes. I don't know if there's anyone here for the public hearing for Sabates.

Chairman Rohlf: I cannot go any longer, Scott.

Mr. Lambers: Okay, there's no one here for the public hearing. You can open and close it and be done with it.

Chairman Rohlf: Okay, I can do that. You think they've left?

Mr. Lambers: I don't think there was anyone here for it. I really don't.

Chairman Rohlf: Do we really want to? If we're going to hear this case again on August 14th, shouldn't we just wait?

Mr. Lambers: It's up to you. I don't think there's anyone here for it.

Chairman Rohlf: Shall we go ahead and continue this case? Or do we do this first?

Mr. Lambers: This one needs to be continued, yes.

Chairman Rohlf: Okay, I think we have a motion and a second. Have I already approved it?

Mr. Lambers: No, you did not.

Chairman Rohlf: This Case 79-07 is continued until August 14, 2007 meeting. Now with respect to the Sabates Eye Center matter, is there anyone here in the audience that wishes to speak about this case?

Seeing no one, a motion to close the public hearing was made by Roberson and seconded by Munson. Motion approved 6-1.

Mr. Lambers: Then the balance of the agenda needs to be continued to the 14th.

Chairman Rohlf: Then the remainder of this agenda be continued until August 14th.

Mr. Lambers: You need a motion and a second, because a public hearing is involved. With public hearings, you have to formally continue them.

A motion to continue CASES 64-07, 72-07, 52-07, 74-07 and 50-07 to the August 14, 2007 meeting was made by Elkins and seconded by Williams. Motion approved unanimously.

Meeting adjourned.