

City of Leawood
Planning Commission Minutes

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

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

APPROVAL OF THE AGENDA: Chairman Rohlf noted a revision with the removal of three cases from the agenda. **A motion to approve the revised agenda was made by Williams and seconded by Roberson. Motion approved unanimously.**

APPROVAL OF MINUTES: A motion to approve the revised September 25, 2007 minutes was made by Munson and seconded by Roberson. **Motion approved unanimously.**

CONTINUED TO THE NOVEMBER 13, 2007 MEETING

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

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

CASE 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 THE NOVEMBER 27, 2007 MEETING:

CASE 81-07 BI-STATE CENTENNIAL PARK – KIDDIE ACADEMY – Request for approval of a special use permit and a preliminary plan, located south of 141st Terrace and east of Overbrook, within the Bi-State Business Park Lot 20. **Public Hearing**

CASE 86-07 MISSION CORNER – Request for approval of a revised final site plan and a revised final plat - located at the southeast corner of 135th Street and Mission Road.

Case 115-07 VILLAGE OF SEVILLE, PHASE II, BLDG OP-2 – Request for final site plan, located at 133rd Street and State Line Road.

CASE 104-07 AT&T LIGHTSPEED – VRAD CABINET - OVERBROOK 7 – 13502 Mission - Request for approval of a Special Use Permit located at 13502 Mission Road. **Public Hearing**

CONTINUED TO THE JANUARY 22, 2008 MEETING:

Case 113-07 LEAWOOD CAPITAL IMPROVEMENT PROGRAM – Request for approval of 2009-2013 capital improvements. **Public Hearing**

CONSENT AGENDA:

CASE 112-07 IMAGERY TENANT FINISH – MISSION FARMS – PHASE 1 – Request for approval of final site plan, located at 10577 Mission Road.

CASE 108-07 TGI FRIDAY'S – Request for approval of a final site plan, located at 11723 Roe Avenue.

Comm. Munson requested Case 108-07 be removed from the Consent Agenda.

Chairman Rohlf: I believe, Mr. Munson, you had asked that one of the items be removed for further discussion?

Comm. Munson: I had a couple of questions I wanted to ask the staff on Case 108-07, TGI Friday's request for approval of a final site plan with the sign and a front end. Do you have an actual photo of the sign rather than just a black and white drawing? It looks pretty busy. I was wondering what the impact would be. Is the sign going to be the one that's curved? Its one side I'm looking at. It looks like it's curved around. Is that what they're proposing here?

Mr. Joseph: Is it on the grill, the metal grill?

Comm. Munson: There's a flat sign there and a curved sign here.

Mr. Joseph: Actually there is only one sign. It will be flat.

Comm. Munson: It will be flat?

Mr. Joseph: Yes.

Comm. Munson: What is generating this change to this type of a sign? There is a curved sign.

Mr. Joseph: The applicant is saying that one of the signs will be curved. It's actually the metal grill that's curved, and the sign actually goes on top of that.

Comm. Munson: And it's going to be lit at night?

Mr. Joseph: Yes. Just the letters.

Comm. Munson: Back lit, fore lit? How are you going to do it?

Mr. Joseph: It will be internally luminated.

Comm. Munson: Internally luminated? Well it certainly grabbed my attention. That's why I brought it up. I guess I'm counting three signs. Is that correct?

Mr. Joseph: Actually two signs.

Comm. Munson: I see three. What am I missing?

Mr. Joseph: That's just a sample. It's not the real drawing of this building. It's a different building. It's a photograph of a different building.

Comm. Munson: I see two signs in the picture here.

Mr. Joseph: No, but with this application they're just asking for two signs, one on the south elevation and one on the west elevation.

Comm. Elkins: In light of the fact that we've pulled this matter from the Consent Agenda, I wonder if we might invite the applicant forward to give us a little more detail about the application?

Chairman Rohlf: Would you like that, Mr. Munson?

Comm. Munson: That's fine.

Chairman Rohlf: All right, we could hear from the applicant, please.

Applicant's presentation:

Mitch Currans, COO, Meridian Restaurant Group , 4200 Somerset, Ste. 155, Prairie Village, KS, appeared before the Planning Commission and made the following comments:

Mr. Currans: We're the owners of this particular franchise. I just wanted to address the last question about the three signs. What you have there is a color sample board. It is just the prototypical sample board, and that shows a store that had a four-sided or a three-sided entry tower. This store will have one face. I believe you have a drawing. Do they have the color renderings with your packets? It's just one face. It's not the three-sided tower, so on the face of that would be the one side, and on the west elevation you'll see just the TGI Friday's logo, which is also internally luminated.

This is part of a national remodeling. There's 600 stores, and over 400 of them have been remodeled to this day. So it's just going across the country. It's a national program for a concept that's 40 years old, just to bring it up to date. It's also an interior remodeling where we remodel the interior in addition to the exterior.

Chairman Rohlf: Do you have any other questions? Does anyone else have any questions for the applicant in this case? Thank you. Since we pulled this case off the agenda, then it needs a separate motion. Correct?

Mr. Lambers: That's correct.

Chairman Rohlf: Do we have any further discussion on this case? Perhaps, Mr. Munson, you would be willing to make a motion on this?

Comm. Munson: Well, I'm not real pleased with the sign, so I would prefer not to make a motion to deny. I can't think of any really good reason not to. I just don't like the sign.

A motion to approve Case 108-07 was made by Williams, seconded by Elkins. Motion approved 7-1.

A motion to approve the Consent Agenda consisting of Case 112-07 was made by Williams, seconded by Reynolds. Motion approved unanimously.

Mr. Lambers: On the first page, the last item, we show an item, the Leawood Capital Improvement Program, being continued to January 22, 2007. It's really 2008. Secondly and more importantly, though, I would like a motion to schedule a work session to discuss the Capital Improvements Program on January 8th. The meeting on the 22nd is a public hearing, but there really isn't much of an opportunity for staff to make a presentation. We're going to have a real heavy agenda that night, so I would like for that to be a work session to discuss it.

Chairman Rohlf: And what was the date again, Scott?

Mr. Lambers: January 8th.

Chairman Rohlf: All right, would someone like to make that motion, please?

Motion to schedule a work session for January 8, 2008 to discuss Case 113-07 was made by Munson, seconded by Roberson. Motion approved unanimously.

NEW BUSINESS:

CASE 102-07 AT&T LIGHTSPEED – VRAD CABINET - OVERBROOK 7 – 3800 W. 143rd Street - Request for approval of a Special Use Permit located at 3800 W. 143rd Street. **Public Hearing**

Staff presentation:

Mr. Joseph: This is case 102-07, VRAD Cabinet located at the Blue Valley School at the intersection of 143rd and Mission Road. The applicant is Eric Stong with AT&T. They are proposing landscaping around the cabinet, and staff is recommending approval of this case with the stipulations. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: Jeff, this is just a continuation of the remaining VRAD cabinets that we've been hearing all summer, right?

Mr. Joseph: Yes, it's the same type of cabinet.

Chairman Rohlf: Anyone have questions for staff on this particular cabinet?

Comm. Munson: What color will they be?

Mr. Joseph: The applicant will be able to answer that.

Chairman Rohlf: Anything else for Jeff? All right, if not we'll hear from the applicant please.

Applicant's presentation:

Eric Stong, Manager Right-of-Way for AT&T, 500 E. 8th, Room 695, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Stong: Thank you very much for hearing us on these six sites. There were originally seven, and we continued the one on Mission Road. This site is a continuance of the network that we're building for the AT&T U-Verse program in Leawood. Mr. Carroll had indicated earlier in the year that we had 29 to place, and this will bring us up to about 24 of those. We have three more to file next Wednesday. We plan to finish these by early next Spring. We had hoped to finish them by this year, and obviously time restraints didn't allow that. As we complete these four, the staff has been very diligent to allow us to apply it in a group at a time. That's helped us a lot, and hopefully it helped you a lot, too, as far as being able to review them. These six sites that we are looking at tonight, five of them are south of I-435 and one of them is north of I-435. I'll be happy to answer any questions.

Chairman Rohlf: All right, does anyone have any questions for the applicant on this particular cabinet?

Comm. Munson: They're 43.5 inches wide, 50 feet in length and 63 feet high, which is five feet plus. What is your height?

Mr. Stong: On this cabinet, the height on this one is 48 inches.

Comm. Munson: I'm sorry. Okay. Good. What's behind my questioning is that there's a lot of these coming in. They're obtrusive. I know you're putting landscaping around them. What color will they be?

Mr. Stong: Beige.

Comm. Munson: Beige? That doesn't really fit in with the natural plantings. Could they be a different color?

Mr. Stong: We've tried that, and that comes from the factory, and it's a baked-on finish. We've tried painting them, and when we paint them they look worse after about two years. The baked-on color obviously withstands a lot better as far as the weather and everything. We've tried painting a couple of them, and it just didn't work.

Comm. Munson: So not only are they going to be big and obtrusive, they're going to be tan. Right? Beige?

Mr. Stong: Yes sir.

Comm. Munson: Beige, which is an acceptable color for a house. Is it an acceptable color in a landscape? I don't think so. Well, okay. We've got millions of these coming in it seems like. I don't know what the city's doing about it. We fought for years to get cables put underground and to keep the city beautiful. Now, for example, between Roe Avenue and State Line on 119th, which is a street I travel a lot, there's 25 of them on there, and several of them in very bad condition, leaning, broken, etc. I think the city needs to get on the stick, quite frankly, and do something about this, not necessarily denying them but doing something about policing them and making sure that we have provisions in here that will be taken care of in the future. Thank you.

Chairman Rohlf: Any other questions for the applicant?

Comm. Elkins: Mr. Stong, as I read the site plans, I just want to make sure I understand this. This VRAD cabinet is basically going to sit on the corner of 135th and Mission Road.

Mr. Stong: No, no. That's a different one. That's the one that got continued.

Comm. Elkins: Oh, okay. My apologies.

Mr. Stong: That's okay.

Comm. Elkins: I'll save those questions.

Mr. Stong: The one that we're working on right now is at 3800 W. 143rd, and it is on the school property.

Comm. Williams: I don't know why we didn't ask this question on some of the earlier cabinets that have come through with all the landscaping that you're putting in, and as you mentioned the number of cabinets that you're trying to do, it's becoming more of an issue or could be an issue. That is, how's the landscaping around these cabinets irrigated or maintained so the vegetation doesn't die and begin to look unsightly?

Mr. Stong: Excellent question. What we've worked out is that for the first year - I'm in the Construction and Engineering Department - my department takes care of them. Then after one year, they go over to Provisioning, which is the group that actually maintains the box after the first year. So we have two separate contractors. My contractor waters them the first year. Then the Provisioning Department's contractor waters them after that.

Comm. Williams: So you just take out a watering truck around to these periodically?

Mr. Stong: Yes sir.

Comm. Williams: Okay, thank you.

Mr. Stong: We've got a lot of sites, so it's a full-time job.

Comm. Williams: I haven't seen an AT&T watering truck just yet.

Mr. Stong: You won't. It's a contractor, but thank you.

Chairman Rohlf: Any other questions for the applicant on this particular cabinet? This case does require a public hearing. Is there anyone in the audience that wishes to speak to this case?

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

Chairman Rohlf: That takes us up to any further discussion leading to a motion.

Motion to approve Case 102-07 was made by Roberson and seconded by Williams.

Chairman Rohlf: Any further discussion?

Comm. Elkins: I guess just a comment. This presages the comment [*inaudible*] will have when the one on the corner of 135th and Mission comes before us. I am concerned. Most of the VRAD cabinets that we've approved in the past, it seems to me - and I could be proven completely wrong; I don't know why it struck me tonight in particular - but they have basically been off of the main thoroughfares or off the streets. We've had conversations about landscaping and whatnot so that they don't disturb or aren't eyesores for the neighbors. This one at 143rd, if I read the map correctly, is on a street, although certainly not the main thoroughfare such as 135th Street. I'm just concerned about the aesthetic of these boxes sitting street-side. I don't know if we should be asking for more than just landscaping, like some sort of structure. I'm grasping here, so that's why I didn't speak up earlier in this process on this particular case, but I do wish to express my concern and kind of send a message to the AT&T folks as well about the VRAD boxes that actually are showing up street-side, particularly those, for instance, at the corner of 135th and Mission, when that one comes before us. I don't know technically if they have any latitude about where these things can sit. I suspect that they have little, and certainly they have a right-of-way that they're entitled to use, but I'm just very concerned about the aesthetic appearance of these beige boxes standing up along Leawood's thoroughfares.

Mr. Lambers: Commissioner Elkins, just so you know, the staff is recommending denial of that for the very reasons that you stated. That's why they decided to pull it, to see if there might be an alternative.

Comm. Elkins: Thank you.

Chairman Rohlf: Anything else before we vote?

Motion approved 6-2.

CASE 101-07 AT&T LIGHTSPEED – VRAD CABINET - OVERBROOK 7 – 14300 Kenneth Road - Request for approval of a Special Use Permit located at 14300 Kenneth Road. **Public Hearing**

Staff presentation:

Mr. Joseph: This is case 101-07, VRAD Cabinet located at 14300 Kenneth Road. This cabinet is located within the Canyon Woods Center commercial development. Again, it's along 143rd Street. The applicant is proposing landscaping around the cabinet, and there is also an existing SAI box, which will be rebuilt. Staff is recommending approval of this case with the stipulations. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: Maybe the applicant will need to explain this, what the rebuilding of the SAI box entails?

Mr. Joseph: I believe it's just the skin that they put on top of the box, and the equipment will be the same.

Chairman Rohlf: All right. So the size, nothing like that is changed?

Mr. Joseph: The size will be increased.

Chairman Rohlf: Increased? All right. Anyone else have questions for staff? Then if we could hear from the applicant please?

Applicant's presentation:

Eric Stong, Manager Right-of-Way for AT&T, 500 E. 8th, Room 695, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Stong: This unit is just a little bit to the west of Kenneth Road and is going to be setting next to the existing box. We did work with staff on this. They had some concerns about landscaping, and we've added the additional landscaping to that site. To work with Commissioner Elkins' question, yes sir, some of those are limited as to where we can go, but we do have a criteria and work to go to the utility easement first. On the school, that was in a utility easement, not in the street right-of-way. Staff was excellent on these six sites. We had a meeting last week to work through some of those issues, because some of them are going to be in the right-of-way, but we do go to utility easements first. Any other questions?

Comm. Conrad: Jeff had said the one cabinet is going to be reskinned?

Mr. Stong: Yes sir. Basically the originals come in a light green, and the original ones are a certain kind of technology. To get the U-Verse technology to be compatible with this, we have to reskin the outside. It will match the same color, and then also there is the change in the size of it, making it available. What's in there right now will hold 600 phone lines, and to be able to put the U-Verse on it, we'd have to make it for 900 phone lines.

Comm. Conrad: I guess the reason for my question goes back to Commissioner Munson's about the color of these. In a reskinning there is no opportunity for...

Mr. Stong: Well, one thing I can tell you, at least these might now match. If we didn't reskin them, there would be one green and one beige.

Comm. Conrad: Well, I think as Commissioner Munson said, I don't think it's really for a basis of denial by any stretch of the imagination, but I think it would be good if we could just confirm that there's not a color option.

Mr. Stong: Another color.

Comm. Conrad: I would certainly support that, especially if there is some type of reskinning. I would think that it's all custom-made for the most part, which would make me believe that maybe there's an option in color.

Comm. Elkins: Mr. Stong, hopefully I've got the right set of plans this time. Is one of these boxes 63 inches tall?

Mr. Stong: On this one here, the one that we're putting in, yes it is 63 inches tall. We have two sizes, 63 inches tall and 48 inches tall.

Comm. Elkins: So they're going to sit side by side, and one will be whatever the delta is between 63 and 48 inches.

Mr. Stong: No, with the reskinning of the other one, they're almost going to be about the same. I don't have those. I have them on this report right here.

Mr. Lambers: Sixty-one inches.

Comm. Elkins: They would be pretty close, 61 to 63 inches, and 43.5 inches deep by 50 inches wide?

Mr. Lambers: Correct.

Chairman Rohlf: I guess I have a questions, too, going back over. This summer we've had a number of these. Is it my recollection now that you have a VRAD cabinet and an SAI box at all of these locations?

Mr. Stong: Yes.

Chairman Rohlf: We had the SAI boxes for awhile by themselves, and then we've added these cabinets?

Mr. Stong: Correct. The SAI boxes were never landscaped. They were pre-existing to any of the ordinances before.

Chairman Rohlf: I think the last time we had a series of these come in, I talked to Mr. Carroll about landscaping, and that's when we were in the heat of the summer. Have you been able to go back and get caught up on the landscaping of these prior approved cabinets?

Mr. Stong: I don't know what you want to call caught up. We had 390 sites to do in Overland Park and 29 here and obviously how ever many in Johnson County. We're moving along. The landscaper is placing six landscaping sites a day.

Chairman Rohlf: At the time these are approved this evening, how far out are we talking?

Mr. Stong: Well, we have to go to the next governing body, and then it takes about 30 days for us to build it. Then it takes about two weeks for them to splice it, so however far that's out. Last year we were still planting as of February 1st.

Chairman Rohlf: So you were able to continue three months into the winter.

Mr. Stong: As long as the weather stays at night above a certain temperature, the landscaper wants to keep going.

Chairman Rohlf: All right, thank you. Anyone else have questions for the applicant? This case requires a public hearing. Is there anyone in the audience that wishes to speak to this case?

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

Chairman Rohlf: That takes us up to any final discussion. Comments?

Comm. Elkins: Just for the sake of consistency of the record, I would reiterate my concerns that again this is on a street, a thoroughfare in the City of Leawood, so everyone driving up and down that street – it certainly will be landscaped, but it's out there right on the streetscape. I don't know if there are any real options, either technically or from a right-of-way or utility easement standpoint, to place this in a different spot. I would sure love to see these VRAD cabinets off the street in some form or fashion. Again, as my colleague did note, I'm not sure that any of that's a real reason for denial.

Chairman Rohlf: Anyone else have any other comments? If not, then I would ask for a motion, please.

Motion to approve Case 101-07 was made by Williams and seconded by Reynolds. Motion approved 6-2.

CASE 103-07 AT&T LIGHTSPEED – VRAD CABINET - OVERBROOK 7 –3900 W. 142nd Street - Request for approval of a Special Use Permit located at 3900 W. 142nd Street. **Public Hearing**

Staff presentation:

Mr. Klein: This is case 103-07. The applicant is requesting approval of a Special Use Permit to install a VRAD cabinet next to an existing SAI box. The SAI box will also be rebuilt. The location of this VRAD cabinet will be along 143rd Street within the Merry Lea Farms subdivision and just to the west of the Mission Prairie subdivision. Again, it's right along Mission Road. There is a hike/bike path that runs along Mission Road as well. There's also a row of arborvitae that is currently existing on this site. The applicant is proposing to continue that row of arborvitae up to the property line. North of that property line there's actually quite a bit of vegetation with some existing mature trees. Just adjacent to the VRAD cabinet and the SAI box they are proposing some Day Lilies. The reason for the Day Lilies is because there isn't really sufficient space in there to plant something that would more fully screen it, so the applicant has provided arborvitae on the east side of the hike/bike trail there to screen it from Mission Road. Staff is recommending approval of this application with the stipulations stated in the staff report. I'll be happy to answer any questions.

Chairman Rohlf: Does anyone have questions for Mark? All right, then we'll hear from the applicant please.

Applicant's presentation:

Eric Stong, Manager Right-of-Way for AT&T, 500 E. 8th, Room 695, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Stong: This is an additional cabinet to the network as before. I'll stand for questions.

Comm. Roberson: I don't understand. This one is probably less than a few hundred yards from the first one we just approved. I don't understand why it's so necessary to have one that close.

Mr. Stong: Okay. Basically to make the U-Verse system work, we have to have one of these boxes next to the existing SAI box. The SAI box is the interface that serves certain area. We call them DA's or Distribution Areas. So this box was set there to serve a certain number of houses. The U-Verse has to be within X amount of feet to make that work. Originally back in 2000, what you're thinking about or maybe thinking about was when the DSL boxes were put in.

Comm. Roberson: No, what I'm saying is the first case we approved tonight is a few hundred yards away from where this box is located. Why?

Mr. Stong: Well, when we did the ones in 2000, those boxes could serve six or seven of these SAI boxes. The way this technology is, we have to have one of the U-Verse boxes right next to each one of the SAI boxes. Because of technology, we can't go and use one box to serve two of the other boxes. It has a distance limit to it.

Comm. Roberson: On the first one we approved, I guess there is one, isn't there? An SAI box.

Mr. Stong: Yes sir.

Comm. Roberson: Okay. Let's go back to the first one. This one's in the middle of the school yard. Where's it serving? I guess I'm puzzled.

Mr. Stong: Okay. Basically that one would serve north of 143rd, and I may have my directions wrong. This one would be serving south of 143rd. So what we do is we put our Distribution Areas in grids or sections, and so what we'll do is each box will serve X number of homes or facilities. That's why we have to have them in each section. Okay?

Comm. Roberson: I'm not sure okay. Pardon my technical ignorance, but I'm confused. All right.

Chairman Rohlf: Any other questions on this cabinet?

Mr. Stong: I guess the easiest way to say it is, that first box that you're asking about, say it serves from 143rd up to 135th and from Mission Road to State Line. Then the next one would serve from 143rd down to 151st and from Mission Road to State Line. Now those are some large areas out there, and that may not be exactly what they serve.

Comm. Roberson: These are within 100 yards of one another.

Mr. Stong: But one may be serving the north side, and the other one may be serving the south side of 143rd.

Comm. Roberson: Just curious.

Comm. Williams: To follow up on that, these boxes then don't necessarily have to be located within the center of the area that they're serving. They're just strictly the point from which they get the distribution into the neighborhood.

Mr. Stong: Correct. Exactly. We go off of basically the master plan, and technology says electricity will run so far, and that's where we put the boxes.

Comm. Williams: So when these initial boxes were set, you said 2000 was it?

Mr. Stong: Well that was the original DSL boxes back in the Pronto Project. It was 2000. Those would serve six or seven of these SAI boxes, and the way it is right now, because it's video and super high speed DSL, then it has to be a lot closer to that box.

Comm. Williams: The SAI boxes, these were set in the 1980's?

Mr. Stong: Yeah. Those were set whenever the first house went in there.

Comm. Williams: So the powers that be and those that preceded us in this matter felt that's what they had to do at the time and were then given right-of-ways, which the right-of-ways are established basically by the plans that we set up.

Mr. Stong: Correct.

Comm. Elkins: Mr. Stong, let me build up my knowledge here just a little bit. One of the primary technical rules we have is that if we have an SAI box, in order to make this project U-Verse work, the VRAD box must be next to it, so they're mated up. Is that right?

Mr. Stong: Correct.

Comm. Elkins: Basically your plan is bound up in that wherever there's an SAI box, that's kind of where you're looking to put the VRAD box.

Mr. Stong: Correct.

Comm. Elkins: Understandably there would be some expense there, but is there technical feasibility to move the SAI boxes? Or are there other technical requirements that require that they sit where they're sitting?

Mr. Stong: Both. I'll grant you there is some expense to change that, which is quite a bit. Some of them are \$35,000 to \$75,000, depending on what kinds of services are going in there. The other thing is the technical aspect of how far the circuit is going past that box.

Comm. Elkins: Now the existing SAI boxes, what color are they?

Mr. Stong: Unless they're being reskinned, they're tan.

Comm. Elkins: So what you're telling me is, for instance in this case in particular, the VRAD box and the SAI box are going to be the same color?

Mr. Stong: Correct.

Comm. Elkins: Both of those will be tan?

Mr. Stong: Correct.

Comm. Elkins: Then what you're doing is you're landscaping around those, correct?

Mr. Stong: Both of them, where there was no landscaping existing before, correct.

Comm. Elkins: Are there substantial voltages that are passing through either of the boxes?

Mr. Stong: No. The biggest key is it's now fiber fed. The biggest key is that VRAD has fiber going into it. The U-Verse has fiber into it.

Comm. Roberson: Mission Road, do we have plans to expand Mission Road?

Scott Lambers: Not within the next five years.

Comm. Roberson: If we expand Mission Road, would this box be affected?

Mr. Stong: Yes.

Comm. Roberson: Thank you.

Mr. Stong: Sir, that was discussed with staff last Tuesday when we agreed on a certain amount. If it was a certain amount of time, then I can get another department involved and get them moved, but if it's more than a certain timeframe, then we can't. There's no way I could get it moved.

Comm. Elkins: Following up on that question then, if Mission expands and you have to move both the SAI box and the VRAD box, can you give me an idea of what the parameters are that tell you where you're going to move it to?

Mr. Stong: Where we would move it? Well, that part of it would be decided on what they decide to do with the road and what is there in five years. There are a lot of different options that we can do when they decide to change the road out.

Comm. Elkins: The reason these boxes have to be above ground is from a maintenance consideration, correct? You have to have an ability to get into them to perform regular maintenance on them?

Mr. Stong: Well yeah, that's one of the reasons, but the other reason is because of the electronics.

Comm. Elkins: Because the electronics doesn't work very well underground?

Mr. Stong: Not underground. Unless we have a room almost as big as this room. And we don't want that at all these sites. I hope not.

Chairman Rohlf: Are there any other questions for the applicant on this cabinet? Thank you. This case does require a public hearing. Is there anyone in the audience that wishes to speak to this case?

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

Motion to approve Case 103-07 was made by Reynolds and seconded by Williams. Motion approved 5-3.

CASE 109-07 AT&T LIGHTSPEED – VRAD CABINET - OVERBROOK 7 – 4001 W. 148th Street - Request for approval of a Special Use Permit located at 4001 W. 148th Street. **Public Hearing**

Staff presentation:

Mr. Klein: This is case 109-07. The applicant is requesting approval of a Special Use Permit to install a VRAD cabinet. Again, this is adjacent to an existing SAI cabinet that is to be rebuilt. The location of it is within The Pavilions, actually on the lot in which the pool and clubhouse are located. There is a significant amount of landscaping that's existing at that site. The applicant is adding to that landscaping to further screen through the use of arborvitae and then also some other junipers. Staff is recommending approval of this application with the stipulations stated in the staff report. I'll be happy to answer any questions.

Chairman Rohlf: Does anyone have questions for Mark on this cabinet?

Comm. Jackson: Mark, how big is that pine that they're removing?

Mr. Klein: The applicant might know that better than I would.

Comm. Jackson: Did you look and in your opinion, that has to go?

Mr. Klein: I think it was a discussion with them as far as the location of it just being in close proximity. Again, they would probably be able to answer that.

Chairman Rohlf: Anyone else have a question? If not, then we will hear from the applicant please.

Applicant's presentation:

Eric Stong, Manager Right-of-Way for AT&T, 500 E. 8th, Room 695, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Stong: On this site here, we had some people that did appear at the public interact meeting that we hold for each one of these, and we did make the adjustments per their request. One was the property owner that you'll see for 4000 West 149th. Originally we had it on the north side of the SAI, and he asked us to move it to the south side, which we did. Then we had two more calls in after the interact meeting, and they asked if we could move it to the southwest corner of the 10x10 that we always have staked out, so we did that and added the additional landscaping to that site. On this one, it is sitting in the utility easement. I'll stand for questions.

Comm. Jackson: How big is that tree that you're taking out?

Mr. Stong: It does say that we're going to remove it. We're going to try and leave that one. It is about 20 feet tall, so we will try to keep that one.

Comm. Jackson: Great. Thank you.

Comm. Conrad: The existing sidewalk that's there, that doesn't go. Should it?

Mr. Klein: It seems like there should be sidewalk.

Comm. Conrad: Well I just wonder if, as we site these and we try to come up with a specific reason, and there's a lot of reasons, but I wonder if the sidewalk consideration should now be extended? Should it go somewhere? I don't know what our ordinance is for...

Mr. Klein: I would probably have to go back and check to see if there is a reason why that sidewalk wasn't put in. Admittedly you look at it, and it seems like it should extend all the way. It does stop there.

Comm. Conrad: Well this is a parking lot for the...

Mr. Klein: For the pool and for the pavilion.

Comm. Conrad: I guess my concern on this one would be if in fact there should've been, at some point, this sidewalk turn into that facility.

Mr. Klein: To access the parking lot.

Comm. Conrad: For anybody that's walking. I don't know if anybody walks on it or doesn't walk on it. I guess as far as the location goes, that would be my concern with this one. Should there be any consideration given to the extension of the sidewalk?

Mr. Klein: As far as requiring AT&T to extend the sidewalk?

Comm. Conrad: I understand the response to the homeowners and the location of the cabinet, but it's now pretty close to the parking lot entrance. Maybe this is one that doesn't have the room for two cabinets if we take into consideration the sidewalk and pedestrian access and some of the resident concerns. Just an observation.

Comm. Reynolds: I guess from the photos, it doesn't look like there's any plantings south of the existing SAI box. Is that correct?

Mr. Stong: Correct.

Comm. Reynolds: I can understand if I was a resident next door, I would certainly want to try to get that new cabinet as far away from me as possible, but it seems to me that we're cutting down a large tree. I know you say you're going to try to save it, but I'm skeptical that you can save that if you're straddling that pine.

Mr. Stong: Well the pine is a little closer to the SAI than where that's going to end up. We're actually going to end up with it being about three and a half, four feet away from the actual base of the tree.

Comm. Reynolds: I guess my concern is that in order to please one homeowner, even if we save that tree - which again I'm concerned about - we wind up putting the cabinet in a space that's much more visible for everybody who drives by, as opposed to putting it where it most logically belongs and then screen it accordingly.

Mr. Stong: The screening that is added is the three pines added for the homeowner to the south, and then, of course, the six-foot junipers that are going to go around the boxes.

Comm. Reynolds: Yeah, to the north.

Mr. Stong: Yes sir. And they'll go around the SAI, also.

Comm. Reynolds: Right.

Comm. Elkins: I'm a little bit confused here, Mr. Stong. Maybe you can help me get myself oriented. On the photograph, I see the sidewalk stopping short of the entrance to the parking lot. In the photographs that are part of our materials, on this layout there's an aerial photograph, and I don't see any other sidewalks. In the photographs we have of people out in front of the existing SAI box, my copy is not a great photograph, but it looks like there's a sidewalk of some sort there. Can you help me understand where the sidewalk that those people are standing on is in this aerial photograph that we're talking about? Or are they right at the end of the sidewalk?

Mr. Stong: She is right at the end.

Comm. Elkins: She's standing at the end of the sidewalk? Okay.

Comm. Reynolds: Related to the sidewalk issue, this handhold looks like it is going to go where you would put the sidewalk. Is there an alternative location for that handhold?

Mr. Stong: We could move that in between the two units, but those handholds are in sidewalks in other areas. It's a concrete, poured-in-place base with fiberglass lids, so it basically can be...

Comm. Reynolds: You can walk on it?

Mr. Stong: Yeah. The only thing that can't go across is a semi. Everything else goes across there.

Chairman Rohlf: Any other questions for the applicant on this cabinet? Thank you. This case does require a public hearing. Is there anyone in the audience that wishes to speak to this case?

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

Comm. Conrad: I think as we've looked at all of these, we know they need to happen. This is the first one that I think, from a site issue, there's some objective reasons to see at least a study to know if this installation could be located at an alternate site. I really would like to see the sidewalk completed. I wonder if it would be appropriate, if there's any way this could be continued to have maybe just the applicant say we've looked at an alternate location?

Mr. Stong: We'll be more than happy to have the resident come in and tell you they don't want it over on that side. Yeah, our original plan was to put it on the other side. The three residents for that area were okay with putting it to the north side.

Comm. Conrad: I guess I'm wondering if it could move.

Mr. Stong: Further back to the...

Comm. Conrad: One hundred yards some place. I guess I would like to know that there was a due diligence to know that. I think this corner is just getting very tight.

Mr. Stong: I agree, but less than about 100 feet is the very, very farthest that we can even move it. If we go 100 feet south, we're...

Comm. Conrad: The support of these is slowly eroding as we go down the list.

Mr. Stong: I understand. Mr. Carroll took the wrong week of vacation. *[Laughter]*

Comm. Conrad: Like I said, we're certainly supportive of the technology and the need. I think when there's a situation that does have, at least in my opinion, some objective points to it, I guess I'd like to make sure that we've completely looked at possible solutions.

Mr. Stong: Yes sir.

Comm. Roberson: I would also like to suggest that I don't think AT&T is responsible for the sidewalk. Are they? They're not going to complete anything.

Comm. Conrad: I'm suggesting as planners, we look at how we would develop this corner and where we would have our sidewalk, turning radiuses, site lines and all those things and preserve the trees and respect the resident's concerns. I just feel that this is the first one that I've seen that those are my concerns. I would like to know for sure that we've done a due diligence to make sure we've got the best location that's possible. I don't know that we've done that study.

Mr. Klein: Would you be looking for a study to move both the SAI and the VRAD or just the proposed VRAD?

Comm. Conrad: I think I would want to know if there was a way that the sidewalk could be continued and we could keep that corner more open. I think one of them was a site line issue for cars. This is awfully close to the curb. I don't know how those site lines work. It's just very congested. I know it's a constricted site.

Comm. Reynolds: I would chime in. It's a curb cut for a parking lot that's used by the entire neighborhood, and yet because of a few individual residents, I think AT&T's feeling pressured to put the cabinet where it really doesn't belong in an area where it could become a safety hazard. It requires them to work around, and again I suspect, cut down a very large tree which would do tremendous to screen it. So why wouldn't you put it to the south? It's safer for site lines. It allows a mature tree to screen the existing cabinet and the future cabinet. It just seems to make a lot more sense to go to the south.

Chairman Rohlf: Mr. Stong, would you be willing to continue this particular case and take it back for further review and perhaps bring it back in the next batch of cabinets?

Mr. Stong: I apologize. I mean, I just don't know what else we can do. I'll take it back, but I definitely see the residents coming and saying that they would rather see it be on the pool side than on the homeowner's side. That's where they asked for it at the public interact meetings that was polled by the staff. I guess I'm confused. Yeah, we're putting it there. The biggest thing that I see is that it's going in a utility easement, and it's back far enough from the pullouts on that parking lot that it wouldn't be a line of site issue,

because you've got your road right-of-way. That's where your line of site comes in. We'll do whatever we're asked as far as guidance tonight.

Chairman Rohlf: Mark, have you been out to this site?

Mr. Klein: No, I've looked at it on the plan, but I have not been directly out to the site.

Chairman Rohlf: Mr. Lambers, have you been out to that site?

Mr. Lambers: I have not, but I have to agree with Dennis that while the residents' input certainly is important at times, at other times it's something that we have to do, which is in the overall good, and I don't think this is. I would suggest that we do continue this to our next meeting, and that we have AT&T prepare a landscape plan moving it to the south. We will notify the residents directly from the City that this matter has been continued, so they can address you with that. Also, then you'll have an opportunity to go out there as well and see if indeed it does confirm what you're thinking, that it does need to be where it was originally anticipated to go.

Chairman Rohlf: Sound suitable?

Comm. Conrad: Sounds good.

Comm. Elkins: I was just going to move what he said, but it sounds like we can do it by acclamation.

Motion to continue Case 109-07 to the November 13, 2007 meeting was made by Rohlf and seconded by Conrad. Motion approved 8-0.

CASE 110-07 AT&T LIGHTSPEED – VRAD CABINET - OVERBROOK 7 – 12718 Overbrook Road - Request for approval of a Special Use Permit located at 12718 Overbrook Road. **Public Hearing**

Staff presentation:

Mr. Joseph: This is case 110-07, AT&T VRAD cabinet located at 12718 Overbrook. The applicant is requesting a Special Use Permit for the cabinet to be placed within the Leawood South golf course property. This cabinet will be surrounded by a six foot wooden fence. It will be completely screened. Staff is recommending approval of this case with the stipulations stated in the staff report. If you have any questions, I'll be happy to answer them.

Comm. Williams: Just a point of clarification. That fence you're talking about, that's an existing fence already and it's just going behind an existing fence?

Mr. Joseph: It is an existing fence.

Chairman Rohlf: This is one where there's an existing box already. Okay. Questions for staff? Then we will hear from the applicant again.

Applicant's presentation:

Eric Stong, Manager Right-of-Way for AT&T, 500 E. 8th, Room 695, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Stong: Again this is a continuation of the upgrade of the network. As stated, this one is inside of an existing six foot wooden fence on an existing Southwester Bell easement. I'll stand for questions.

Chairman Rohlf: This case does require a public hearing. Is there anyone in the audience that wishes to speak to this case?

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

Comm. Elkins: I would note that on this application I will be supporting it. I wanted to explain that, because on the record it will look unusual that I voted for this one. It addresses the issues that I expressed concern about that it's off the public thoroughfares. I think it's great that it's located in an area that's already respectively an equipment location for AT&T, so it addresses the concerns that have caused me to vote no on the last several cases.

Motion to approve Case 110-07 was made by Elkins and seconded by Roberson. Motion approved 8-0.

CASE 111-07 AT&T LIGHTSPEED – VRAD CABINET - OVERBROOK 7 – 2715 W. 83rd Street - Request for approval of a Special Use Permit located at 2715 W. 83rd Street. **Public Hearing**

Staff presentation:

Mr. Joseph: This is case 111-07. This is a request for a VRAD cabinet located at 2715 W. 83rd Street. The applicant is Eric Stong with AT&T. This application is for a VRAD cabinet, and the existing SAI box will be rebuilt. They are providing landscaping around the existing and the proposed box. One concern that staff had was the site triangle issue for cars coming out of the church. Even though it's far away from the church, staff would like the landscaping to be placed away from that site line. With that, staff is recommending approval of this case with the stipulations. If you have any questions, I'd be happy to answer them.

Comm. Conrad: Has Public Works commented on this? Have they established site lines?

Mr. Joseph: It's usually 30 feet from the curb. It's more than 30 feet, so they are fine with that, but one of the church members complained that they are concerned about the site line. So we just want to make sure that the landscaping will be placed away from the site line.

Comm. Conrad: Do we believe that adequate landscaping can be placed to maintain the site lines?

Mr. Lambers: The answer is yes. David and neither I agree that there's going to be site distance issue here. We'll confirm that.

Comm. Conrad: Okay.

Chairman Rohlf: Any other questions for Jeff? All right, then we'll hear from the applicant.

Applicant's presentation:

Eric Stong, Manager Right-of-Way for AT&T, 500 E. 8th, Room 695, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Stong: This is an upgrade for the AT&T network, and as indicated before, there is an existing Pronto cabinet there and SAI. We'll be adding the VRAD cabinet and landscaping around all of the boxes. As of right now, there's no landscaping. I'll stand for questions.

Comm. Roberson: Just a quick clarification since it's right next to a children's play area. Again, there is no significant voltage or any sort of issue with kids banging on the cabinets or anything like that?

Mr. Stong: No, and there is a chain link fence.

Comm. Roberson: I see the fence.

Mr. Stong: To separate the two, but correct, no. They are secure cabinets that take special tools to get into them.

Comm. Elkins: Mr. Stong, on this box I'm having trouble following here. What's the height of this VRAD box that's going to go in?

Mr. Stong: This one's 48.

Comm. Elkins: This is a 48 inch one. Okay. You mentioned in your presentation just a moment ago that there's currently no landscaping around the existing SAI box, right?

Mr. Stong: Correct.

Comm. Elkins: The SAI box that's there is an artifact of the Pronto project.

Mr. Stong: No, the SAI box has been there for...

Comm. Elkins: So it's clear back to when you were worried about voice data transmission?

Mr. Stong: When you had phones.

Comm. Elkins: Para-copper, right? So that would go back to the 1980's when a body like this would've approved that?

Mr. Stong: Correct.

Comm. Williams: Going to the VRAD cabinets, the concept, those are going to be placed eventually at every SAI box in the city?

Mr. Stong: Yes sir.

Comm. Williams: Each of those SAI boxes are in utility right-of-ways, whether they be off a parking lot as the last case or whether they be along a street.

Mr. Stong: In a utility easement or a private easement or a city right-of-way.

Comm. Williams: Okay. How often do you have the opportunity to put the SAI box in a parking lot situation like the last case?

Mr. Stong: Well it depends on the developer, and it also depends on the technology. Some subdivisions don't have pools in them that have parking lots, and some do.

Comm. Williams: Again we're dealing with an SAI box that's in an existing location for all intent and purposes.

Mr. Stong: Correct.

Comm. Williams: So to relocate those to some parking lot utility area would be a substantial piece of work or endeavor?

Mr. Stong: Correct.

Comm. Williams: And potentially disruption of service to residents?

Mr. Stong: Yes.

Comm. Williams: All right, thank you.

Chairman Rohlf: Any other questions for the applicant? All right, thank you. This case requires a public hearing. Is there anyone in the audience that wishes to speak to this case?

Carol Barta, 8229 Belinder, Leawood, Kansas appeared before the Planning Commission and made the following comments:

Ms. Barta: I live directly across the street from these boxes. I apologize. I was not able to come last week, and so I have some questions that may have been answered. There are already three buildings, three AT&T structures, on this little patch of land that are very unsightly. I want to know, is this a fourth one to be added? That's one question. And why can't they be combined? I think the idea of landscaping around four buildings is going to be difficult. I also want to know if this new structure is going to increase the amount of work that technicians do? They're there very often. There's no parking on 83rd right there, but of course they park and put their cones out around their truck, and it's a terrible traffic problem. Eighty-third isn't that wide, and if you've got a truck sitting there with men working out of the truck and cones all the way around it for half a day, it can really be a bad traffic problem. There's been some near misses. I know. I live across the street, so I've seen them.

How long is it going to take to construct these? When they constructed the last one, I think was maybe about eight, nine years ago. I could be wrong about that, but the construction seemed like it was taking forever. I thought they were maybe digging to China. It was a long, long process. It was in the summer time, and the construction people did come over and eat their lunch in my front yard, which is okay because I'm neighborly. But I'd like to know how long that's going to take.

Finally, I was interested in hearing the comments about the tan skin on these buildings. The tan skin is not as objectionable as the enormous bright orange identifying markers that say what the number of this building or this structure is, and they're on all three of the existing buildings now. Are we going to have a fourth one like that, and can they be toned down? Is there any way? It just looks like it doesn't belong in a residential area.

I can understand why the church has a problem. I have a problem, because I live directly across the street. I just think there could be a better way here. I think that there could be some fencing. Just to simply put a blanket statement out that there's going to be landscaping, that could be a couple of petunias for all I know. I'd like to know what the landscaping is going to be. It's been already addressed as to how it's going to be maintained, but I'd like to know more about that. And I enjoy using AT&T. Thank you very much.

Mr. Stong: Let's start with the number of boxes. I think where she's getting the third one is that one of them is the power meter.

Chairman Rohlf: I'm sorry, is the what?

Mr. Stong: The power meter. Because there is a Pronto cabinet existing there, it did have power, and we are going to go off of that existing power to run the VRAD box.

Chairman Rohlf: Structures at this site.

Mr. Stong: There's three AT&T structures, and then the other one I would consider it as a KCP&L portion. That's where we get our power from. That's our power meter. As far as the numbers, the numbers are reflective. They are orange. Those are put on with that kind of decal for safety reasons. Any time our technicians have to go out at night for out-of-service, that's how they have to find them. We don't always get the same technician that works in that area to come and do the call-outs. So that's why they're all uniform. That's a Bell System practice that's done the same with all the cabinets. I think she already addressed the maintenance on the landscaping.

Chairman Rohlf: Can you explain a little bit more about the particular landscaping? I think we can read it here from the report.

Mr. Stong: Okay. I handed her a copy of it, yes.

Chairman Rohlf: That should show her, too.

Mr. Stong: And one of my cards.

Comm. Roberson: The construction timing?

Mr. Stong: Excellent, thank you. The construction timing, basically once we get them approved through the governing body, then it takes about two weeks to place the pad and the cabinet, and then it takes about two weeks to splice it. So that would be two different groups, and it would take about four weeks. Once they're up and done, then it takes one day to landscape it.

Chairman Rohlf: And I guess the traffic concerns, I'm not sure there is a solution to that. Is there any way that the technician can park in the church parking lot? Do they need the truck?

Mr. Stong: We can recommend that they can park in the church parking lot on a maintenance issue after the construction is done. As far as number of visits, the number of visits will not go up. The number of visits right now are related to however many service orders we have for that area.

Chairman Rohlf: You might just have someone check with the church and see if they would mind if you parked there.

Mr. Stong: Okay.

Chairman Rohlf: I think I'm familiar with that area, and I do know there are some areas around here that when there is a utility truck parked there, it's pretty hard to get around. So that would be great. Hopefully that answered all your questions, ma'am. Is there anyone else that wishes to speak to this case?

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

Comm. Williams: I guess just for a point of clarification for the record, we're talking about cabinets at this location as well as the others. We're not talking about buildings or structures. It takes on a completely different connotation.

Comm. Reynolds: I wanted a clarification from the applicant, since this is the first time we've had one of these remote terminals as a part of the cluster. I think that's the case, right? This is a little unique and this remote terminal thing is there as well?

Mr. Stong: Correct. We've had one other site. One at 129th and Roe had a remote terminal next to it, but yes sir, that's the only two that we have. As stated earlier those remote terminals serve about six or seven of the SAI's.

Comm. Reynolds: And how tall are they? I couldn't tell from the plans.

Mr. Stong: The remote terminals? They're about six feet tall and about 18 feet long.

Comm. Reynolds: Yeah, okay. But they're not more than six foot. They're not taller than what we've been talking.

Mr. Stong: Right.

Comm. Reynolds: All right.

Mr. Stong: And those were all approved around 2000. She's correct. They were about 2000, 2001.

Comm. Reynolds: Okay, I just wanted to be sure we understood what is there. Thank you.

Motion to approve Case 111-07 was made by Williams and seconded by Reynolds. Motion approved 6-2.

CASE 106-07 T-MOBILE A5D048 WIRELESS ANTENNA – Request for approval of a Special Use Permit located at 9617 Lee Boulevard. **Public Hearing**

Staff presentation:

Mr. Klein: This is case 106-07. The applicant is seeking a Special Use Permit that will allow the continued use of an existing cellular tower owned by the City of Leawood at 9617 Lee Boulevard. This is located at the police station up north. Again the tower has been there for quite some time, and the antennas have actually been there for, I believe, at least ten years. Currently the tower itself is about 98 feet in height and they're around the 90 foot level. They're extended out on arms, and they go around that pole. The applicant has agreed to replace those antennas and go to a flush-mounted system where it would be much closer to the pole. Staff is recommending approval of this application with the stipulations stated in the staff report. I'll be happy to answer any questions.

Comm. Elkins: I'm confused. Which case are we on?

Chairman Rohlf: We actually continued two cases this evening off the agenda, and that's probably one you're looking at. This is, I believe, 106-07, T-Mobile.

Mr. Klein: Correct.

Chairman Rohlf: The other one was continued, right?

Comm. Conrad: Mark, on the pictures, which one are the T-Mobile antennas?

Mr. Klein: You see that large platform at the top?

Comm. Conrad: Yeah.

Mr. Klein: That's not it. It's the one below that. *[Laughter]* I'm sorry, I didn't mean to put it that way. That's the one that kind of stands out when you look at it.

Comm. Conrad: Starting from the top, it's the second one down?

Mr. Klein: Right. As you can see, it does have arms that extend outward from it. Again, the applicant, in consideration of the Leawood Development Ordinance, has now agreed to retrofit that into a flush-mounted system to where it's much closer to the pole. There's one of those located at City Park that's along I-435. They have one that's flush-mounted, so you can kind of see what that looks like.

Comm. Conrad: So will we expect to see all of these in the next couple of years be replaced?

Mr. Lambers: T-Mobile will.

Comm. Conrad: Pardon me?

Mr. Lambers: T-Mobile expects us to treat their competitors the same, and I've assured them that we will.

Comm. Conrad: So how soon will they be due? Do you know? We don't need to dwell on it. Are all these five year? So within five years, all of those will be gone.

Mr. Lambers: Yes.

Comm. Conrad: Okay, thanks.

Chairman Rohlf: Any other questions for Mark? All right, then we will hear from the applicant please.

Applicant's presentation:

Ed Michaels, Selective Site Consultants, 8500 W. 110th Street, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Michaels: We represent T-Mobile in this matter. I'll be very brief, because we've got a long meeting tonight. This represents a successful partnering between the city and T-Mobile to provide quality services to the community. This is an existing pole. We're not making any changes except those modifications which staff has requested to bring us in compliance with the new ordinances.

We have agreed to all the stipulations that the staff has brought forward. In effect, I'd also like to point out that this was approved by the City Council, and we have a lease amendment that has been extended for an additional five years. We would respectfully request that you approve this Special Use Permit, and I'll answer any questions you might have.

Chairman Rohlf: Questions for the applicant? This is pretty straight forward. I don't think we do. Thank you. I believe this case does require a public hearing. Does anyone in the audience wish to speak to this case?

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

Comm. Elkins: I would just take this opportunity to observe that for this Special Use Permit for the cellular tower, albeit a very tall cellular tower, that the permit that we're being asked to approve is a five year permit and to express my regret in retrospect that with the VRAD cabinets and the SAI boxes we've approved 25 year Special Use Permits in those instances. I think they raise many of the same policy and planning issues. I very much agree with the idea of a five year Special Use Permit in this case, and this is a perfect example. Technology's improved and it gave us the opportunity to insist that the applicant move with the technology to have a less intrusive tower. My hat's off to staff the way they've approached this as well. Thank you, Madam Chairman.

Chairman Rohlf: Thank you, Mr. Elkins. Anyone else like to make a comment?

Motion to approve Case 106-07 was made by Elkins and seconded by Munson. Motion approved 8-0.

CASE 90-07 ONE NINETEEN – SULLIVAN'S RESTAURANT – Request for final site plan, located at the south of 119th Street and east of Roe Avenue.

Staff presentation:

Mr. Klein: This is case 90-07. The applicant is requesting approval of a final site plan for the construction of an 8,800 square foot one-story building within the One Nineteen development at the southeast corner of 119th Street and Roe Avenue. This site is currently approved for a 9,800 square foot one-story retail building with the overall site plan for the One Nineteen development. The applicant is limited to the site of Sullivan's Steak House only. You have the Crate and Barrel that's located right at the corner of 119th Street and Roe, and the parking along the east side of that has already been constructed, and the parking along the south side of it has been constructed. The drive that's off of 119th Street has already been constructed. This site sits directly at the northwest corner of the entrance off of 119th Street and 119th Street itself.

The landscaping, as far as the streetscape and everything, has also been installed at that location, so this application just deals directly with the building and then the area directly adjacent to the building. The currently approved site plan for the One Nineteen development was approved by the Planning Commission on November 27, 2006 and by the governing body on December 18, 2006.

I'd like to draw your attention to some revised elevations that were placed at the dias. Staff had some concerns with some of the elevations, particularly on the north side. On that elevation that was submitted with the packet, that was primarily stucco and also didn't contain any kind of architectural features or windows or something to break up that façade. Staff approached the applicant, and they worked with staff and produced these revised elevations. They have added a stone element to that side as well as a window. They've also replaced much of the stucco with brick. I'm sorry, not stone but brick is what they've added. They still have that stone element that was there before.

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

Comm. Munson: The north elevation, what's been done with that?

Mr. Klein: The north elevation is what is addressed. If you look at your...

Comm. Munson: Is it in the photographs?

Mr. Klein: I can show you.

Comm. Munson: Are you going to show me which one it's not?

Mr. Klein: I'll show you the one that is in your packet.

Comm. Munson: Because the one that came in my packet on the north elevation is real bland. So hopefully they've gone beyond that.

Mr. Klein: The one in your packet on the north elevation, which is adjacent to 119th Street, basically had stucco that was located on the entire thing without any kind of windows or any kind of element here, except for this stone tower that was located there. That was the only thing that was really breaking up that façade. The one that was placed at the dias now has this element that they brought up. It turns a little bit above the roof line here. They've added this window into here, so the window matches similar windows on other sides of the elevation. They kept the stone element located here, but they've replaced a lot of the stucco on here with brick. However, there is still some stucco located there to have a better variety of materials.

Comm. Munson: So what is the elevation look like now on the north side?

Mr. Klein: The north edge should be the one that you have at your dias now.

Comm. Williams: Mark, both looking at the previous elevations and particularly now with the new one, I think they made some nice changes. I am bothered a little bit with the door and railing that is visible on what would be the east side. Looking at the plan, it appears to be a utility door to the kitchen area. Is there any reason we couldn't screen that further, so if people are driving up and down 119th Street and coming in this driveway that they're not looking at a utility door?

Mr. Klein: Yeah, I believe a variety of landscaping could actually screen that probably fairly well.

Comm. Williams: Or an architectural treatment preferably?

Mr. Klein: Right.

Comm. Williams: Okay, thank you.

Comm. Conrad: Mark, when we looked the overall development plan, I think one of the issues that we talked about was the development of this east/west walkway between what's now Sullivan's and Crate and Barrel. Was it intended to be landscaped?

Mr. Klein: I believe that it was intended to be landscaped. I would need to go pull the overall landscaping that shows that. I don't have it with me right now.

Comm. Conrad: It's not now, is it?

Mr. Klein: I thought it was.

Comm. Conrad: Okay, thank you.

Comm. Roberson: In terms of an architectural style or however you want to describe that, is this consistent with the rest of the development? Obviously it doesn't look anything like Crate and Barrel. I don't think anything could ever look like that, but is this consistent with the rest of the development in terms of style?

Mr. Klein: I think the rectangular lines, the horizontal awnings, that type reminds me of the main center that's located there, the rectangular windows. The materials definitely are quite a bit different. You have the stone that's located on there. The brick is used on the main center. However, it's a little bit different color brick. I think they're trying to blend, but you get into the old argument as far as I think we had some developments where we wanted all the pad sites to look exactly like the center, and it was determined by the Planning Commission at some point that maybe that was a little bit too much. It looked too monotonous. So at Town Center Plaza they allowed some of the pad sites to vary and have their own style, and I think some are concerned that maybe that's a little bit too much. So it's looking for a balance where you don't have all the buildings look identical, but then again they are within the same genre as far as the architect.

Comm. Roberson: Again, this is probably for the applicant. Is this a chain?

Mr. Klein: Yeah, I believe this is a chain. As far as I understand, there's one of these located in Branson in a development called Branson Landing.

Comm. Roberson: Is this the same style that they have for their other restaurant?

Mr. Klein: Actually I saw a picture of that one, and that one's located in a mixed-use development where it has a number of residential units, condominiums or something like that above or possibly office. So no, it didn't look anything like this.

Comm. Roberson: This would be brand new.

Mr. Klein: Well, that's in comparison to the one I saw. The applicant might be able answer for them.

Comm. Reynolds: The comment about the real stone instead of cultured stone, are we having some serious or specific issues with that? I know the interior Crate and Barrel has it. Does the exterior of Crate and Barrel have that product, the cultured stone?

Mr. Klein: I know that they have that stone that continues through the building. I thought it was real, but I would have to go back and look. We have had some issues with cultured stone before, and again it really comes down to, from what we understand, an installation. We've had some of it fall off buildings. We've had concerns. We've talked with people who have seen it used lower down on the building where people kind of lean up against it, and the color gets rubbed off or the stone gets broken, and it doesn't look the same on the inside as it does on the outside. We raised this with California Pizza Kitchen at Park Place as well, particularly in areas where you might have a lot of contact with the stone. Staff would recommend going with the real stone. From what we understand, there's thin set stone available that hangs just like the cultured stone that may be a little bit more expensive but really not a huge difference in price, at least from what we've been told.

Chairman Rohlf: Any other questions for Mark? All right, then we'll hear from the applicant.

Comm. Williams: While the applicant is coming up, I have a quick question for Mark or any of the staff that might know. There's been some work done along Roe just right out from City Hall and some short retaining walls, and those are clad in a stone or stone-like material. Is that real stone?

Mr. Klein: I believe so.

1:36:36

(Unidentified speaker): Yes, that's natural stone.

Comm. Williams: Going up Roe, like at 126th Street, is that real stone?

(Unidentified speaker): No. The reason we used it out here is because at a certain distance from the roadway where you use a lot of salt, we've been told that the pre-cast stone does not hold up well.

Comm. Williams: So what's the distance? I thought that was pretty close to the road as well.

(Unidentified speaker): That's a little bit further.

Mr. Lambers: Green space. Sidewalk and green space.

(Unidentified speaker): You have at least eight feet between the curb and the sidewalk further south, and then you have the sidewalk, then you have the retaining wall. Out here you have the right turn lane, which is a few feet from the sidewalk.

Comm. Williams: Okay. Thank you.

Applicant's presentation:

Brent Allison, Sullivan Steak House, 224 E. Douglas, Wichita, KS, appeared before the Planning Commission and made the following comments:

Mr. Allison: I'm just here tonight to present our project to you. We're excited about being here and looking forward to coming. To address some of your questions and concerns, yes we are a national chain based out of Wichita, Kansas. The company is actually a part of Lone Star Steak House and Saloon. That is the parent company. Sullivan's is more of our upper tier concept steak house. We have four different concepts: Lone Star, of course, which we have in Overland Park; Texas Land & Cattle; Sullivan's; and then our Del Frisco's, which is kind of a flagship steak house that's a very high-end concept. Probably the closest facility we have to here is the one in Branson. It is part of the Branson Land and Development, which was a basically in-line type tenant finish. This is actually a quite unique building for us. We try to accommodate the design factors stipulated within the shops at One Nineteen trying to use similar materials. We do want to maintain our identity a little bit, something to differentiate ourselves from the main shopping center. We're very happy with the design we've come up with. We hope that everyone else is, too.

The cultured stone issue, there is a significant cost difference, maybe not so much just in the material as a natural stone product but in the structure of the building, the foundations of the building. There's a lot of other factors that are involved in the natural product versus the cast product. We have had some issues at some of our other locations, our Lone Stars in particular, where we have used a cultured product that is more of a dry stack look, meaning there are no mortar joints. It's a real rugged, rough textured stone. There are issues that we have with it which we're trying to address, but with this product here, it's an ashlar-cut stone that is going to have a mortar joint. It's being captured on all four sides by border, adhesive basically. So the chance of it falling off, crumbling is very nil, very minute. Like I said, the big factor here is going to be the cost of a natural product versus the cast product.

Comm. Williams: I don't know if you heard my question to staff earlier about the door on the east side of the building that fronts the entry drive. What can you do to provide better screening for that in an architectural manner versus just bury it in the landscaping?

Mr. Allison: Of course we can do some additional landscaping. The renderings really don't depict a true landscape pallet unfortunately. There are some evergreen trees planted along that back wall there where the addition of those windows are.

Comm. Williams: The possibility of taking that railing system and making it a little more of a solid element, not totally solid but something to limit visibility of the door? I ask that because this is sitting on a primary corner going into the center and primary exposure to your building. That was one of the reasons, I think, too, that staff wanted to see something better on the north side for 119th Street. With having a service door visible as you're coming around that corner just seems to defeat some of that purpose.

Mr. Allison: Well, I think the architect's reasoning behind doing the railing there is to lighten that up and not have it appear to be such a heavy mass element there on that corner. The landscaping, of course, is going to soften that up some, but the railing kind of ties in with the railing that's around a portion of the patio on the other side, just a visual continuity between the two.

Comm. Munson: Are you saying no, you can't do anything?

Mr. Allison: Yeah, sure we can do something, but I'm just explaining my reasons for doing what we did, so that doesn't appear to be such a heavy mass of a screen there. We can extend that, the masonry portion of it, on over to meet the building. That's not a problem.

Comm. Williams: You can do something with a metal panel, perforated, something. Add some additional character. It's a very utilitarian railing right now.

Mr. Allison: Yeah.

Comm. Williams: If you have it on the patio side, that's fine. I just would prefer not to have it look so utilitarian on a primary corner of the building.

Mr. Allison: Sure, we can put a decorative element up there. If you would prefer to see more of a solid screen, maybe we could duplicate what we're doing on the trash enclosure doors, which is a solid metal panel with metal muttons, per se, to kind of emulate what the pattern of the window mullions are.

Comm. Conrad: To follow on that, and maybe this is too particular. That door is just an exterior?

Mr. Allison: It's a service door to the water heaters.

Comm. Conrad: To the mechanical room?

Mr. Allison: Yeah, to a mechanical room.

Comm. Conrad: Is there any way there could be an interior entrance into that room?

Mr. Allison: No, unfortunately not with the layout of the kitchen. We have to have an exterior means of access to those water heaters. It really eats up a lot of our kitchen floor space to have an access door to the mechanical room interior. Our kitchens are very tight.

Comm. Conrad: I'm trying to understand. I think Commissioner Williams' question and comment is very true. At first you turn in, and there's that door. My question was just, is there another way to configure that to get an interior entrance into the mechanical room? That's fine.

Mr. Allison: Unfortunately it's difficult.

Comm. Conrad: It would be great if we could.

Mr. Allison: We'll do our best to minimize it as much as we can.

Chairman Rohlf: Did you want to comment?

Comm. Williams: I guess I'm done, except I'm trying to find the trash enclosure doors that he referenced.

Mr. Allison: They're on the opposite side of the building from this door, on the east side.

Mr. Klein: This shows the west elevation.

Mr. Allison: Or west side, yeah.

Comm. Williams: Does anybody know which sheet in the packet it's on?

Comm. Jackson: It's on A2 but not a picture of it.

Mr. Klein: The 8x11 is toward the end.

Comm. Reynolds: As long as we're talking about doors and whether they're needed or not, you have a main door to the trash enclosure from the outside?

Mr. Allison: Yes.

Comm. Reynolds: What's that for? We don't usually see that.

Mr. Allison: We take our deliveries that way.

Comm. Reynolds: Oh, okay.

Mr. Allison: There's an actual door into the building that's located in the trash enclosure.

Comm. Reynolds: That's the delivery door. Okay.

Mr. Allison: To prevent having to open the trash enclosure doors to take deliveries.

Comm. Conrad: On the canopy over the outdoor seating, it's called out to be wood frame, but some of the other canopies are steel canopies?

Mr. Allison: No, it's all metal. It's a steel canopy structure.

Comm. Conrad: It is a steel canopy?

Mr. Allison: Yeah.

Comm. Conrad: So all of them will have the same profile and look as it goes around? They'll all be steel.

Mr. Allison: Yeah.

Comm. Elkins: Just a question, Mr. Allison. In the floor plan, it's sheet A2 that we've been presented. I see an area that's designated for dining and an area designated for the bar, and an area designated for private dining. Then there's an area that is designated as a library. Can you comment on that for me, please?

Mr. Allison: It's a library room basically. The exterior walls are covered with bookshelves, with books. It's just kind of an ambience feature.

Comm. Elkins: And it is a dining area, though, as opposed to a bar area?

Mr. Allison: Yeah. It's part of the dining room.

Comm. Elkins: Okay.

Comm. Munson: Is the outdoor patio going to be heated? How are you going to handle that?

Mr. Allison: We'll probably have some portable heaters. We might do something overhead.

Comm. Munson: Is there screening or a wall around the patio? What's the architecture on that look like?

Mr. Allison: The screen wall that runs around the patio, it's kind of a curved patio to contour and match the site. The stone that is used on the foundation base of the building - that side of the building is going to stick out of the ground a little higher because of the

grade change - that stone is continued on around the patio. So it's going to have about a three foot high stone screen wall around the patio.

Comm. Williams: Speaking of the patio, are there any speakers on the patio? Is there going to be music of any kind?

Mr. Allison: Yeah, we'll have some music in occasionally, maybe live jazz, nothing blaring, rock-n-roll type, disturb the neighbors type music.

Comm. Munson: I think the city has some requirements on that, don't they, as far as noise?

Mr. Klein: There are noise ordinances that are in play as far as no more than 60 decibels off the property line. So that's primarily what regulates it. I think the 810 Sports Zone has similar issues as far as with noise. It's done more through the city ordinance.

Comm. Williams: So in this particular case, if it's to a property line, their property lines aren't very far away, are they?

Mr. Klein: Well actually the patio is located on south side, and the way this is divided up right now, it's just one big lot with the exception of, I believe, down at the northeast corner across from the water way is called out as a separate lot.

Comm. Williams: So they theoretically could have 60 decibels down to the front door of the retail shops?

Mr. Klein: Along 119th Street would probably be their closest property line, and typically for shopping centers we look more at their exterior property lines as opposed to interior.

Comm. Williams: Okay, thank you.

Chairman Rohlf: Any other questions? You did have an opportunity to review all of the stipulations?

Mr. Allison: Yes.

Chairman Rohlf: Have any that you were...

Mr. Allison: The one stipulation that we really take exception to is the width of the service drive aisle. We have two dumpsters within that trash enclosure. The typical dumpster takes 12 feet of space to access, pull it out, and dump it. The trash truck drivers aren't always the most careful individuals. We like to provide them with plenty of room to move. Our gates to the trash enclosure, it's a 24 foot wide opening. To enable a trash truck to be able to front stab into the enclosure, we need that width. We're not happy about it. We would rather it not be that big, but for all intents and purposes and practicality, it's kind of what it's got to be. We do take deliveries early in the morning. There is a potential to have more than one delivery truck there at a time. We would prefer not to have them parking out in the parking lot. We'd like to have them back in to that service drive, so if there are two trucks there, there's plenty of room for everybody to offload.

Chairman Rohlf: I know number four is to 20 feet. What was it before they reduced it?

Mr. Allison: It's currently shown at 25 feet.

Chairman Rohlf: Twenty-five?

Mr. Allison: Yeah.

Chairman Rohlf: Mark, what's your...

Mr. Klein: Part of the reasoning for that is a local street is 26 feet back of curb to back of curb. So staff just thought that was an awful lot of pavement for a minimum two-way traffic. As far as having cars go both ways, it's really 20 feet, so staff felt that was wide enough to service a trash truck. We haven't really seen too many of them where they have an aisle leading to a trash enclosure that wide. It's almost like one of our streets.

Comm. Williams: We're only talking the aisle section here?

Mr. Klein: It's just the short aisle that comes off the parking lot.

Comm. Williams: Thirty feet long?

Mr. Klein: Sure.

Comm. Williams: So we're not talking an actual street somewhere that the public itself is driving on.

Mr. Klein: No, no. This is within a parking lot. This just gets more to the amount of concrete as opposed to open space with landscaping.

Comm. Williams: I guess that raises a question, and it may be noted here I'm having eye problems. I can't see fine print. It is concrete versus asphalt?

Mr. Klein: I believe it's concrete, yes.

Mr. Allison: We've extended a landscape island out perpendicular to it or along side it to try and visually screen it from the front door, because it's not the most visually attractive thing to have on that side of the building with the constraints of the site. That's where we were forced to put it.

Comm. Williams: That is unfortunate with that being in essence your entrance. With the doors you're putting on it, it helps. What are your hours of operation?

Mr. Allison: Eleven to ten, Monday through Thursday; 11 to 11, Fridays and Saturdays.

Comm. Williams: So all of your deliveries, as well as the trash, are in the early A.M. hours?

Mr. Allison: Early mornings, yeah.

Comm. Williams: So we don't have a conflict of service vehicles.

Mr. Allison: We don't accept any deliveries after 11:00.

Comm. Williams: All right, thank you.

Comm. Reynolds: Just a question for the applicant. Are you comfortable with stipulation number 10, which says real stone should be used in place of cultured stone?

Mr. Allison: Yeah. We would prefer not.

Comm. Reynolds: But you can make that work from a durability standpoint?

Mr. Allison: The installation of the cultured product is an issue for us to make sure that it gets installed properly. We are a very upscale, high-end restaurant. We don't want a dilapidated looking building any more than the community does. That's something that we're going to be very astute about maintaining. Should there be a problem, we will certainly address it.

Comm. Reynolds: I guess if we approve this tonight, we would expect to see the same amount of stone on this building, whether or not it's real stone or cultured stone.

Comm. Williams: With this being the final application, do we have a sample board of materials?

Mr. Allison: We do.

Comm. Williams: Is there a sample of this stone product? While the samples are coming out, there was reference made that some of these materials and colors are different. What? No real sample? Can't kick the tires, huh? Okay, well it doesn't answer my question. Thank you. Going to the second question I was in the process of asking, since references were made that these are different than the materials that are on the center, does that require a revision, amendment to their design guidelines?

Mr. Klein: Right. With the approval of this, you'd be amending the design guidelines for the overall One Nineteen development, which are listed in here.

Comm. Williams: All right, so they did not actually submit a revised design guideline, but this will...

Mr. Klein: No, if they get approved, then this would modify the design guidelines.

Comm. Williams: Okay. That's not normally how we handle it, is it not? We've done revised guidelines or had revised guidelines submitted for review and approval.

Mr. Klein: I think we've done it both ways. At this point, if it got approved, then we would ask for the design guidelines to match what got approved. Doing it the other way, for instance if they submitted the cultured stone, and they submitted the design guidelines in this booklet here, and then real stone was what ended up getting approved, then they'd have to revise the design guidelines again as far as the copy that they gave us.

Comm. Williams: In terms of the brick color that you brought before me, how is this different than the product that's in the approved design guidelines?

Mr. Klein: Let me show you a picture.

Comm. Williams: So for brick colors, we basically have dark colors. They're either gray colors or they're a dark reddish-brown, almost burgundy. Okay. But there is in the design guidelines, is it stucco that's kind of a cream color? Yeah, several different colors. Okay. So at least there's some color compatibility there. All right, thank you.

Comm. Jackson: Len, would you pass those design guidelines?

Chairman Rohlf: Any more questions for the applicant?

Comm. Williams: Would my colleagues like to see this brick down there?

Chairman Rohlf: Do we have any other questions for the applicant? I think we're done. Thank you.

Mr. Lambers: To be able to reiterate the staff's position, the driveway is a judgment call. We just haven't seen one that wide. It's a short distance, but where it's positioned just isn't all that great. I guess I don't feel strongly about that. I feel it probably should be 20 feet, but if you want to go to 25, it's fine. I do have a strong position about the stone. This shopping center is going to be a unique entity in the Kansas City metropolitan area, and I just think going to the cultured stone would be a mistake. That's why I really feel strongly about that.

Comm. Reynolds: I'll start with some comments. I actually think it's a terrific looking building. I think it captures the spirit of Crate and Barrel, which I know for some people it's hard to embrace, but I do design work all over the world literally, and I think it's a beautiful building for Crate and Barrel and this would be a terrific compliment to that architectural style. I think they've done a great job. I compliment the staff for working with them to get that extra brick and glass that was a very important addition to the applicant. So I was really glad to see that. I don't have a problem with the driveway being 20 feet. I think you see 20 foot access aisles for service in restaurants that I've developed, and it hasn't been an issue. I do think every foot of width makes a difference, especially where it's facing the direction that people are walking from their cars and seeing it. I support the staff with their 20 foot dimension requirement on the service aisle.

Comm. Roberson: I'm not an architect, so you'll have to forgive me. I, too, find this is a very unique building. From a layman's standpoint, it has no attraction whatsoever to me. Again, I'm not quite sure how to describe it, but I don't think it looks like an upscale restaurant. I don't think it looks like a unique restaurant that belongs in Leawood. I don't know. It just has no appeal whatsoever to me. Again, I'm not an architect, so I have to defer somewhat to my colleagues here, but from a layman's standpoint, I see no imagination whatsoever in this building.

Comm. Conrad: I'm going to back up here a minute. I'm just a touch concerned a little bit with the northeast corner of the building as you enter in. On the elevation on A3, there is no window shown, but in these renderings there's a window right here.

Mr. Klein: Right.

Mr. Allison: Yeah, that's going to be a spandrel glass window.

Comm. Conrad: So it will have?

Mr. Klein: That's what they modified it to be.

Comm. Conrad: It's not vision?

Mr. Allison: No, it's not a vision glass window.

Comm. Conrad: So when we move to the east elevation, on the four windows, the one that's the farthest north is not vision, but the next three are?

Mr. Allison: The only windows that are actual vision windows are on the entry tower and on the patio, the wall that divides the patio to the bar. Those are the only actual vision windows. All the other windows are spandrel glass, non-vision glass. The interior of the restaurant has no visible outside views.

Mr. Klein: The way it was described when staff was talking to them, and I think I tried to call it out in the staff report, is that they described it kind of as a frosty glass. It will be translucent, which would allow light in, but in the restaurants they did not typically have clear glass all the way through.

Comm. Williams: Well there's a big difference between letting light through and the spandrel glass. So which is it? Spandrel glass does not let light through.

Mr. Allison: There's nothing behind [*inaudible*]. I was asked the question earlier about the library. The wall that the library bookshelves are on is an exterior wall where these windows are.

Comm. Williams: So there is no natural light coming into the spaces of these glass openings? Okay.

Chairman Rohlf: Are there any other discussion points? Are we ready for a motion?

Comm. Williams: Before we get there, I'd like to ask the applicant a question. If we were to reject spandrel glass for these fake window openings, what would you do to change the architecture to still provide for some detail fenestration and some degree of architectural interest?

Mr. Allison: As far as the fenestration goes, its difficult, because like I said, the concept of this restaurant is a very dark, masculine interior. I mean there's dark mahogany wood. The other wall opposite the bookcases is the wine room storage. We're sacrificing the design intent of the interior of the building for a fake window. We could do some patterning with a brick possibly to get to some visual interest into that wall surface, but without the windows, it's going to create a very bland exterior.

Comm. Williams: All right, thank you.

Comm. Reynolds: Len, do you want to poke around a little bit more on the spandrel? What is translucent about these spandrel then? It's really opaque spandrel, right? It's like a glass, and then it has like black paint on the back side of the glass?

Mr. Allison: Essentially, yeah, when you kind of dummy it up.

Comm. Reynolds: Okay.

Comm. Williams: So you've got the reflecting surface that you get on glass, I mean for a window, because it is a glass product. It would be a very different look than a real window.

Mr. Allison: Right, right.

Comm. Williams: I'm trying to remember. I think we have a few of those. Is it the Pottery Barn over here at Town Center that got away with doing some spandrel glass?

Mr. Klein: I thought the Pottery Barn actually had the awnings and everything that we put on that side. I know we did some office buildings where we allowed spandrel glass to go where it blocked columns and things that were interior. I know spandrel glass was talked about with the CVS, and it was decided that it would be preferred that they had just the stucco there as opposed to the spandrel glass up high on the building.

Comm. Williams: While you're on the CVS, they did come back with some design alternatives that worked just fine.

Mr. Klein: Correct. And I apologize. I thought I had talked with the architect, and I thought that was the way he described it, that it was a translucent and that it would allow some light in through. I thought that's the way it was labeled as well.

Comm. Williams: Well I think that at least from my part on this body, it has not been favorable to me to have spandrel glass or fake windows when we've had them in rooflines high on a project, to have now basically entire façades done in spandrel glass just to create windows.

Mr. Allison: We could do a frosted glass that has just a white background to it.

Comm. Williams: Well it's the same thing. I mean the end effect is the same thing. You're trying to make a statement that we've got windows here to a substantial extent, and we don't. At the end of the day, they're going to look very different than windows. I think

where we have some small areas of spandrel glass that have come through, they do look strange, with the exception where we've allowed them on some office buildings where you have columns and which they're incorporated with transparent glass. Those are okay. This one bothers me. It bothers me a lot. I do appreciate what the applicant has done on the north side of the building to diminish the stucco and provide more brick, and I think it does do a lot to improve that façade. With it being on 119th Street, I think that's very important. As I stated earlier, I do have problems with that door being as visible. I'd like to see some form of screening and not just with a couple of pine trees stuck in there or junipers or whatever to screen it. The spandrel is a far bigger issue for me than the doors even at this point.

Mr. Allison: This is not a cookie cutter building that we built a dozen of and we want more of. We're certainly open to suggestions. Like I said, we don't want to sacrifice the interior of our restaurant, because that is what is most important to us. We're certainly open to different suggestions on exterior treatments. However, with a limited pallet of materials that we're dealt with...

Comm. Munson: Are you familiar with the building over here on the south side of Town Center? What's the name of that one that's got the special treatment on 119th Street side?

Mr. Klein: The Pottery Barn?

Comm. Munson: Pottery Barn, yeah. Are you familiar with that building?

Mr. Allison: I'm sorry, I'm not.

Comm. Munson: You might take a look at that. That's a blank wall except they treated it with a lot of architectural features, and it actually becomes quite nice. That's the way they handled that façade, which is a blank wall, but it's been handled very nicely.

Mr. Allison: If you will for a minute, let me grab a photograph of one of our other stores. The photograph I have here is one of our other stores. I believe this is in King of Prussia, Pennsylvania. The panels that you see, they're a relief panel. They're cast. I believe they're a fiberglass type material that are painted to look like stone, but they're very art deco. That's kind of the theme of this restaurant. It's based on the theme of John L. Sullivan, the bare-fisted boxer. That's where the name comes from. The interior of it is a very boxing theme décor with old boxing photographs and so on. The relief panels that are on the front of this building depict a boxing scene with two boxers going at it with the crowd below. They're very unique panels. They're custom-made for each location. Maybe this is something we'll look at on that drive elevation that's coming into the development. It does add some visual interest to that side of the building. We're able to maintain the no-windows.

Comm. Reynolds: I guess I'll make a comment on that, if that's appropriate at this point. I think that's an interesting direction to take it. I must say when I saw the drawings and saw translucent, I assumed we were looking at translucent windows and not opaque spandrel, which is how I would describe what I think is really the intent of these drawings. Len, I agree with you. I'm concerned about a building with that much spandrel glass, but if there was something, some sort of bas-relief or something that gives color and interest. I understand that your program is you don't really want windows inside, because it's the ambience that you're trying to create.

Mr. Allison: Exactly.

Comm. Reynolds: It does seem like a bas-relief would be a good direction to me.

Chairman Rohlf: I'm wondering if we have enough support for a motion this evening. It sounds like we've got a couple of major concerns with some of the building treatments.

Comm. Williams: I think there would be no way I could support this as it's presented to us tonight.

Chairman Rohlf: Is that where you are, Mr. Reynolds?

Comm. Reynolds: Yeah, I suppose the bas-relief is such a move, without having us have the benefit of actually seeing what it would look like. It would be pretty tough to approve it, so I think if that's the direction the applicant would like to go, I would certainly support that as coming back to us showing us what you can do without spandrel glass.

Chairman Rohlf: What I think I'm indicating to you is I think it might be in your best interest to ask for a continuance.

Mr. Allison: Can we table this?

Chairman Rohlf: I think you've probably heard enough commentary from us to kind of get the direction that we're going. Is there anyone else that would like that to add a specific comment or direction?

Comm. Elkins: Mr. Allison, just a question. In the photographs you just handed us, they're just making their way around now. There are some awnings on what appear to be windows. Is that spandrel glass, or are those real windows?

Mr. Allison: They are spandrel glass.

Comm. Elkins: Spandrel glass there. Thanks.

Motion to continue 90-07 to the November 13, 2007 meeting was made by Williams and seconded by Munson.

Comm. Williams: Do you think you can be prepared?

Mr. Allison: Sure. Absolutely.

Motion approved 8-0.

Chairman Rohlf: Mr. Williams, would you want to include in your comments something about revising that door?

Comm. Williams: Yes.

Mr. Lambers: I guess I would like to ask for a consensus on the drive so that they can know where you stand on that and prepare their plans accordingly since we've got this time delay. They just need to be given direction one way or the other.

Chairman Rohlf: Twenty or 25? Mr. Williams, I believe it's between 20...

Comm. Williams: I'm good with 20.

Comm. Jackson: I'd go for the 20.

Comm. Roberson: Twenty.

Comm. Conrad: I understand the applicant's description of why they want the 25, and I think I'm supportive of 20. I'd like to maybe see or hear more justification for 25, but otherwise 20.

Chairman Rohlf: Looks like the majority is 20. Thank you.

CASE 107-07 MORTON'S THE STEAKHOUSE – Request for approval of final site plan, located at Nall Avenue and 117th Street.

Chairman Rohlf: The record should reflect that Mr. Conrad is recusing himself from our last two cases this evening.

Staff presentation:

Mr. Joseph: This is case 107-07, Park Place, Morton's Steakhouse. The applicant is requesting approval for a final site plan for the approval of an 8,440 square foot restaurant building within the Park Place development located at the northeast corner of 117th Street and Nall Avenue. The applicant and the architect is Steve Hassel with Shea, Inc. This tenant space is located at the southwest corner of the Park Place development and attached to the Aloft Hotel, which was approved recently. The proposed restaurant will be constructed of brick, stucco, glass and cast stone. Staff had some concerns regarding the west elevation of the building. First he was showing it completely as stucco. Then the applicant worked with staff on changing the west elevation to brick and also bands of cast stone.

I would like to clarify that the color of the brick is a little different than what was approved for Aloft building, so I would like to show you the sample after my presentation. The applicant is also requesting three wall signs and 18 awning signs. Staff is not supportive of the awning signs as proposed. Per the design guidelines approved for the development, only one awning sign is allowed for each tenant space. With that, 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.

Comm. Roberson: On the signs, if I'm looking at this diagram right here, we've got Morton's, Morton's and then the big awning. Are you suggesting that we approve that one, that one and that one?

Mr. Joseph: Per the guidelines, they are allowed three wall signs and one awning sign, so there will be four signs total.

Comm. Roberson: There will be four. Oh, the fourth one's on the back side.

Mr. Joseph: Yes.

Comm. Roberson: Thank you.

Comm. Williams: Clarification. A section of the hotel basically goes over the top of this building?

Mr. Joseph: Yes. This is a 3D image of the hotel and the steakhouse. The steakhouse is located at this location, and the rest of the development is under the hotel.

Comm. Williams: So it actually rests on top of the steakhouse? You have an architecture for the hotel that is fairly modern, and it will then buck on top of what we're seeing here, which doesn't necessarily match or relate to the architecture that's on the hotel?

Mr. Joseph: The applicant may have better drawings that they can show you. The color of the brick is a little different than what's approved. I can show you the material board.

Comm. Williams: I think it's the color of the brick, and it's also the detail of the façade for the restaurant. I think it's totally unfair to my colleagues that I get these things set in front of me. Do you all want to gather around, or should we pass this?

Chairman Rohlf: What were you asking again?

Comm. Williams: What I was asking about was the architecture of the hotel and how it just plops down on top of the architecture of the restaurant, and the architectures are dramatically different. Jeff was commenting that the brick colors were slightly different. I haven't looked at the porch close enough yet to see that exact difference, but when you've got cornices on the corners, you've got the cornice trim and then a very otherwise clean-lined hotel building on top of it, it starts to bother me. I'd like to see more and hear more from the applicant in that regard as we progress.

Comm. Elkins: Jeff, I'm now looking at that picture that we have. Is there actually a drive under the hotel? Is this a drive-thru?

Mr. Joseph: Yes, actually it goes under the hotel and goes through the parking lot to the west.

Comm. Elkins: So this is actually the south side of the building?

Mr. Joseph: It's on the north side.

Comm. Elkins: This is the north side of the building.

Chairman Rohlf: Anyone else have a question for Jeff? All right, then we'll hear from the applicant.

Applicant's presentation:

Jim Francis, Morton's, Inc., 325 N. LaSalle, Chicago, IL 60610 appeared before the Planning Commission and made the following comments:

Mr. Francis: We own and operate 80 upscale steakhouses across the continental U.S. and internationally. Morton's is excited to be a part of this community, and at this time I'd like to introduce Jamie Doolittle with Shea Architects to go over some architectural details of the building.

Jamie Doolittle, Shea Architects, Minneapolis, MN, appeared before the Planning Commission and made the following comments:

Ms. Doolittle: We've been working closely with Morton's for about ten years. Personally I've been involved with Morton's for about two years now. I just want to start off by giving you a quick look around the site. I believe you have a site plan in front of you. I don't know how closely you can see what I have over here. I wanted to give you a quick walk-through. You can see that our primary building entrance is on the north face, and that does have the large canopy and the large internally illuminated sign over that. Walking around to the east face of the building, there is some ADA parking. Going over to the west side, we do have a small patio. Currently we are planning for the patio to be enclosed only by the planned vegetation. Just a quick look at the site there.

Next I want to look at the exterior, which has already been blown up. I believe you have these in front of you as well. Like Jeff said, this is primarily brick, stucco, cast stone and glass. Primarily the materials are brick, and the brick does not match the hotel, but it does compliment that hotel. Morton's wants to maintain its own identity, and this is somewhat starting to address the comments that were made. We are not a hotel restaurant per se. We want to maintain our own identity, but in this case we are connected to the hotel. There isn't an entrance through the hotel into Morton's. It does have its own primary entrance. You can't get from the hotel to the restaurant. You go outside, again keeping this separation there.

Let me go through some of the staff recommendations. We are happy to comply with numbers two, three, five, six and seven, and we would like to discuss further comments on numbers one and four: number one relating to the sign criteria, and

number four relating to the awnings. Of course, any questions that you have regarding the exterior elevations and materials, we're happy to look at.

Comm. Roberson: [*Inaudible – off microphone*]. I apologize. I'm sorry. I see the restaurant here, and then I see this appendage sticking out toward the hotel. What is this right here?

Ms. Doolittle: I believe that's part of the hotel.

Comm. Roberson: It just seems like it's...

Ms. Doolittle: That's the drive-thru, I believe.

Mr. Joseph: That's the underside of the hotel.

Ms. Doolittle: It's the underside of the back here.

Comm. Roberson: Yeah, but this is a...

Mr. Joseph: It's a stucco wall.

Comm. Roberson: Right here?

Ms. Doolittle: That's the drive-thru.

Comm. Roberson: I know, but what's inside there?

Ms. Doolittle: [*Inaudible*].

Mr. Joseph: Inside that space, the tent space?

Comm. Roberson: Right.

Comm. Williams: That's part of the restaurant, isn't it?

Mr. Joseph: It's part of the hotel.

Comm. Williams: Part of the restaurant.

Ms. Doolittle: It's the Morton's wall, but it's also a shared wall.

Comm. Roberson: I know that's the drive going through. I understand that part.

Ms. Doolittle: It is the Morton's wall, yes, but it matches the hotel finishes at that point.

Comm. Roberson: Interesting. Okay. Thank you.

Ms. Doolittle: And regarding those finishes, we did match the stucco and the cast stone that were used on the hotel. Just our brick is a compliment to their brick color.

Chairman Rohlf: I'm sorry, you said that you had concerns about stipulations one and four?

Ms. Doolittle: Correct, the signage and the awnings.

Chairman Rohlf: Would you discuss that a little bit more?

Ms. Doolittle: Yes, of course. Dealing with the awnings first, standard to Morton's, and again going back to brand identification, are the small signs on each of the canopies over the windows and over the shutters. You can see that in our elevations. We have that shown. We did prepare a rendering as well removing the signage from the awnings just to give you an idea of what that would look like, and I have that up here. The same thing that you saw previously [*inaudible – off microphone*].

Comm. Williams: Does she need the microphone?

Ms. Doolittle: This is the same thing that you saw previously, but we did eliminate the Morton's logos from each of the awnings. Quite frankly, we think it looks a little dull, but if that's what we need to comply with, we certainly will. Do you want me to walk around with it?

Comm. Williams: It would probably be a good idea. While you're walking by, if I may ask a question?

Ms. Doolittle: Of course.

Comm. Williams: You made reference a moment ago to the windows. Just for everyone's clarification, are we talking windows, or are we talking spandrel?

Ms. Doolittle: We are talking windows. We don't have any spandrel glass.

Comm. Williams: Thank you.

Comm. Roberson: Would you like to have them put spandrel glass in?

Comm. Williams: Not in my life.

Comm. Reynolds: Do you have any drawings that show the west façade with the Aloft as a part? I mean really we're looking at a building with a building on top of it. It would be really helpful for us to see what this looks like with the Aloft product included in the elevation.

Ms. Doolittle: We don't have rendered drawings, but we have some CADD produced drawings.

Comm. Reynolds: Obviously this is the side that faces a very prominent street in the community, so that's why I would be a little concerned about what that looks like over there.

Comm. Munson: Are you talking about the blank wall?

Comm. Reynolds: The blank wall with the hotel on top of it. That one you may need to get a little closer. What I really need to see is the hotel above it.

(Unidentified speaker): *[Inaudible – off microphone]*.

Comm. Williams: So the rendering that's in our package that shows that south wall is inaccurate? It almost shows that as...Is that south?

Comm. Reynolds: The west wall is the one I'm talking about.

Comm. Williams: Oh, I'm sorry. I thought you were talking about the other side as well. Okay.

Comm. Roberson: You'd be standing on Nall.

Comm. Reynolds: That faces Nall. Right.

Comm. Williams: Yes, that would be west. Sorry, I thought you were talking about that one as well.

Comm. Roberson: You drive in, and you've got a blank wall to look at.

Comm. Reynolds: Yeah, and I know we saw that façade when we saw the Aloft product, but it's been a month or two, so I'm having a hard time visualizing what it looks like, Aloft with the blank wall.

Mr. Joseph: Also due to the grade change, the steak house is six feet below the fence or the street level. So the finished floor is six feet below.

Comm. Reynolds: Is it Aloft bedrooms then that start right above the hotel? So you have windows...

Mr. Joseph: I believe so.

Ms. Doolittle: Driving across on 117th, maybe this was already clarified, but you're not seeing the blank wall. You're seeing the bottom image.

Comm. Reynolds: Yeah, I'm not so concerned about 117th. I'm concerned about Nall on the west side.

Ms. Doolittle: Again, that would be the left side of the top image, or are you saying front view?

Comm. Reynolds: No, you don't have a perspective that shows the wall I'm talking about. It's on the back side of this bottom.

Ms. Doolittle: You're correct. Yes.

Comm. Reynolds: It's where your kitchen is, so you have no windows there, and you have, I think, hotel rooms above it.

Ms. Doolittle: Correct. It is primarily brick, and we did the cast stone banding.

Chairman Rohlf: Are you talking about the wall that would be behind...

Comm. Reynolds: Yeah, it's kind of behind that view facing Nall.

Chairman Rohlf: So who would see it?

Comm. Roberson: Anybody on Nall.

Comm. Elkins: Anybody driving down Nall.

Comm. Reynolds: It faces west.

Comm. Elkins: A blank wall.

Chairman Rohlf: The hotel's not in front of it?

Comm. Reynolds: No, the hotel's on top of it. That's why it's so tricky.

Comm. Roberson: Here's Nall. Here's the blank wall.

Chairman Rohlf: Got it. I'm sorry. I didn't realize that's where that jutted out to.

Comm. Roberson: I'm pretty sure it's a double-loaded hotel, that we have rooms facing Nall at that level.

Mr. Joseph: Yes.

Comm. Roberson: So it's not like we have a blank hotel façade on top of it.

Mr. Joseph: Mark went to get the plans.

Comm. Roberson: That would be great. I suspect it will be okay once we see that, but it would be helpful.

Chairman Rohlf: I think we were talking about number four, the awnings, before we got off on this foundation. Number one, too, signage. Are we talking number of signs?

Ms. Doolittle: We currently have three signs, and they do meet the requirements. What we were hoping was that we could eliminate one of the signs and keep the logos on the awnings.

Comm. Roberson: What do we have over at Bravo? Do we have something on their awnings, or are they blank? They're all blank?

Chairman Rohlf: We asked them to...

Mr. Joseph: Usually we don't allow signs on the awnings.

Comm. Williams: Bravo's awnings aren't solid color, are they?

Chairman Rohlf: No, they're black and white.

Comm. Williams: Black and white? So there is some visual interest there.

Chairman Rohlf: They have yellow lettering.

Comm. Williams: Can you explain on that drive-thru area where you've shown stucco, why you decided to do stucco under there instead of continuing the brick that you have on virtually three-quarters of the building?

Ms. Doolittle: Visually we felt that was more a continuation of the hotel.

Comm. Williams: Though you have virtually the same motif as you have on your building with the brick, yet where it's most visible on the south end there's a sharp difference between the architecture of the hotel and the architecture of your restaurant. It just doesn't make any sense to me.

Ms. Doolittle: So that underside, you're suggesting the brick and follow the restaurant motif and design?

Comm. Williams: Well you're trying to keep your restaurant identity and look like you're completely separate from the hotel. It would make sense that you would do the break under there and carry your motif under there.

Ms. Doolittle: Do we have control over that, though? Is that something that we have to clear with the hotel?

Mr. Francis: You can make it brick.

Ms. Doolittle: We could make it brick? Okay. Just making sure. We could do that, yes.

Comm. Williams: Okay.

Comm. Roberson: I would agree. That makes sense to me. It just looks like it sticks out like a sore thumb.

Comm. Williams: It makes a bad situation worse.

Ms. Doolittle: We can comply with that.

Chairman Rohlf: Thoughts on the awnings?

Comm. Reynolds: I like them without the logos. I actually think it looks more like an upscale restaurant to me without all those logos. I don't support the staff.

Comm. Roberson: I agree with that. I don't think anybody will have trouble finding Morton's.

Comm. Williams: Not with the big sign sticking out.

Comm. Roberson: Not at all.

Mr. Lambers: I was going to say, I did not realize this didn't provide an access through the hotel, so I guess maybe these two on each side on the actual awnings might be appropriate. It would not be inconsistent with what we've done in the past with the window awnings, and it's very typical to have a smaller version of the sign for the pedestrian traffic that's coming into the restaurant, particularly in urban areas.

Comm. Jackson: I'm sorry, Scott, which ones were you talking about?

Mr. Lambers: From the awning that's extending out from the entrance.

Comm. Munson: The canopy.

Mr. Lambers: The canopy. It's fairly common to have the sign that they have there.

Chairman Rohlf: Two on each side and in the front.

Mr. Lambers: Part of the inside of one of those. [*Inaudible – off microphone*].

Comm. Williams: Is your design for this restaurant your signature? Do the rest of them look like this?

Ms. Doolittle: They're very similar. We use similar materials everywhere. Every restaurant is different in each location, different sizes for example.

Comm. Williams: I understand that.

Ms. Doolittle: But yes, it follows a prototype.

Comm. Williams: I've seen Morton's other places. I just didn't recall the architecture looking like this. Certainly the signs are consistent.

Ms. Doolittle: Yes, the signage is consistent certainly.

Comm. Reynolds: This is helpful for me in that one, it does show that it's a very minimal aspect of the elevation. There are so much hotel windows and materials. The other thing is that Nall is higher than the building at this point and continues to go up hill as it moves along the face of the building. So that addresses my concerns. Be sure and show the rest of the folks. Thank you for taking that effort. We're just a little sensitive about Nall, because we're not too happy with the garage and some other things facing Nall.

Ms. Doolittle: Sure, understandable.

Chairman Rohlf: So we've satisfied your concerns, Mr. Reynolds?

Comm. Reynolds: I'm sorry?

Chairman Rohlf: It satisfied your concerns?

Comm. Roberson: It does satisfy my concerns. I appreciate the extra effort.

Chairman Rohlf: Do we have any other additional questions for the applicant? Do you have other questions for the applicant?

Comm. Roberson: No, no. Sorry.

Chairman Rohlf: All right, I think we're done. Thank you. That takes us up to our final discussion. Anybody like to start off with the discussion? Or we could just have a motion.

Comm. Roberson: I like this building. I like the way it looks except for the one appendage that sticks out underneath the hotel. I agree it needs to be finished. Then I would suggest the removal of most of the Morton signs on the awnings. I think they're unnecessary and actually clutter up the building. But beyond that, I like this.

Comm. Williams: May I ask my colleague if he likes, looking at the rendering of the south elevation, how the hotel and the building come together, the steakhouse and the hotel?

Comm. Roberson: I am not an architect, so I like the way the building looks here in the picture. How it comes together in reality, I don't know, but I think the building itself is attractive. I'll leave the details to my colleagues.

Chairman Rohlf: Leave it to the applicant.

Comm. Williams: Leave it to the applicant actually.

Comm. Roberson: I'll leave it to the experts.

Comm. Elkins: I guess I'll ask my colleagues, my professional colleagues. I'm still a little confused about the west elevation. It was helpful to see what the plan was, but will the visual be completely uninterrupted then along that whole west side? Or will there be a span that the Morton's part of the west elevation will look like Morton's, and everything that would be north of there will look like the hotel? That still troubles me a little bit, although I don't have any suggestions. It just seems to me that walking or driving along Nall, you're going to have a long uninterrupted wall, but I guess the last third of it or so will be the color scheme for Morton's and the first two-thirds will be the color scheme for the hotel, as I understand it and based on what I saw there.

Comm. Munson: The same [*inaudible*]. All of this is on the west side which faces Overland Park. [*Laughter*]

Comm. Williams: It may be facing Overland Park, but keep in mind what it's facing is the Sprint campus, which is largely a green space, and it happens to be Leawood's west boundary, so it's going to make a statement of what Leawood is all about. Unfortunately we've had some problems with that statement, as you may recall.

Comm. Roberson: I'll make a few comments. I actually think it's a little funky, these mixing of styles, but I think the applicant would say that's what Park Place is about, that sort of eclectic architecture. Some of it's modern, some of it has coins and some of it has other doo-dads, so I can kind of buy into that. Again, I think that west façade was a little worrisome to me, but again we've got great change over there. We've got a heavy landscape buffer, and we've got the hotel façade doing some other things over there as well. So I'm not concerned with the west elevation given the way the buildings are arranged with the site plans. I'm glad to hear we're reducing the canopies, and so I'm good with the staff recommendations at this point.

Comm. Munson: I think that it is helpful that Mr. Alpert and Ms. Mann appear fairly frequently to reassure us as this thing continues to build out, and I'm sure they will.

Comm. Williams: There's been a fair amount of discussion and concern expressed for the west side, which I share, but I'm also concerned about the south side, which is the entrance drive into this development off of Nall. Though I've been supportive of the architecture of the hotel, I'm not unopposed to the architecture of the Morton's Steakhouse. I don't find it probably as attractive as my colleague at the opposite end of the bench, but that's fine. We disagreed on the last one as well. I am bothered by the appearance that it brings as the first architectural element as you round the corner into the development. It doesn't, to me, speak of good quality design. I have been supportive of the eclectic nature of the project overall. However, I don't accept this one.

Chairman Rohlf: All right, any other comments?

Comm. Reynolds: Len, just for the record I do support your notion, and if I make a motion to approve, I'll have it as a stipulation, that the stucco be replaced with brick. I want to be clear on that, but that doesn't sound like that's even enough to satisfy your concerns.

Comm. Williams: It's two different issues, and quite honestly you could leave the other side stucco if push came to shove, because it's not something that is readily seen. This is making a statement to every person driving down 117th Street of what this development is about, and in this particular case I don't see this as being that complimentary to what this development is about.

Comm. Reynolds: Is part of the concern how the area underneath the hotel is inserted in terms of the architecture?

Comm. Williams: No, my biggest concern is, if I've got my directions right, the south side, the 117th Street side, where you've got Aloft hotel basically resting on top of the Morton's. It's a total disconnect, and that bothers me. In the retail component, there's some connection between what's on top and what's down below, and there's enough of an eclectic mix that it helps to support itself. These are two dramatically different styles of architecture, and Morton's is entitled to have theirs. I'm not saying that. If Morton's was standing right next door to Aloft Hotel, I wouldn't have that big of an objection, but it's just taking this contemporary Aloft hotel, plopping this box on top of another box, and that's the way it views to me. It just seems like a bad fit. It's two pieces of a puzzle that don't fit together.

Comm. Reynolds: Right, and that was the nature of my question, is if the portion of Morton's that's underneath the Aloft really was more like Aloft and not like the Morton's, would that start to address your concerns?

Comm. Williams: Yes, definitely. Yeah, blend them together somehow. It looks like the Morton's is part of the structure of Aloft, because how else are you going to support a big five, six-story building?

Comm. Reynolds: Right, sitting on top of this other type of architecture.

Comm. Williams: Morton's is going to be read as the structure for that building.

Comm. Reynolds: I think it's a valid concern in terms of how they match up or don't.

Comm. Williams: It unfortunately occurs at one of the primary entrances to the development, and I think it's wrong. That's my two cents.

Comm. Jackson: I think I would support Commissioner Williams on that. To me the two just don't quite go together. They detract from one another. As standalones, they'd work. They'd work just fine, but together each one takes away from the other, and neither one looks as good as it could, I don't think. I think you need to somehow make them work together.

Chairman Rohlf: Can the applicant maybe give an overview of how this particular design was reached? If there was a reason to put it under the hotel like this, or if this is an overall design concept of the center? You may not know the answer.

Ms. Doolittle: I'll fill you in on what I can, I guess.

Chairman Rohlf: And maybe Mr. Alpert can as well.

Ms. Doolittle: Yes, if he wants to start with how it started.

Jeff Alpert, Park Place Developers, LLC, 6201 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Alpert: The whole idea for this was to have a combination. This is true mixed-use. We have retail on the ground. We have a hotel above. We have an entrance to the hotel positioned in the center of what is really a retail block, and we've got different operations each wanting to establish and express their own identity. You probably are getting tired of hearing me say that, but it's really the basis for the design concept. We have these different blocks on the ground. We actually will have at least three, most likely three, different retail spaces on the ground level of what is really a hotel building, and Morton's has their identity. This is their prototype building. We were at one exactly like it in Northbrook, Illinois. We have another restaurant going on the other side of the drive-under that will be totally different. It's a Pan-Asian concept, and it will look like that restaurant. Then when you go down to the north end of the building, we have what is really a two-story retail block. It's one story on the front, and it goes up to a second story on the west end of it. So we have that retail block, and when we come in with that store front, you'll see that designed as an expression of that identity. That's really the end-of-the-line concept of this building is that we have different retail operations. We have a hotel. The hotel is designed to express the prototype and the design intent of the national hotel chain that it will be, the Aloft by W, and we have Morton's, and Morton's establishes its brand. Where one comes down on top of the other, yes you have two different types of architecture, but in our opinion it really becomes the mixed use that the building is. That's how we arrived at this design.

Chairman Rohlf: Before we go on I have a question, but I think we do need to continue our meeting this evening for a little bit longer. It's just a little before 9:00.

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

Chairman Rohlf: Getting back to that then, is that a unique feature of this development that you only have portions of a building coming over?

Mr. Alpert: Absolutely. Well, I mean we don't have this occurring anywhere else at this point. This is really the only instance that is exactly like this, but as you go down on retail block, again we have multiple upper level designs, and then we have store fronts. Each store front is different. You know we've brought a number of them in for approval, which have been approved, and the store fronts continue to express their individual identity. Then you have the upper level, which is really designed to look like a variety of different buildings put together, too. So you have different architectural directions to some extent. Above you have different architectural styles depending on the store fronts below, and that really becomes the essence of the eclectic nature of Park Place. In fact, this is really part of our next presentation, which we certainly hope we have time for. We brought back our master planner and designer, Richard Heaps with Street Works in New York, to give you a little bit of an overview, a reminder of how Park Place really came about and what the design philosophy is. We recognize that many of you were not part of the Planning Commission when the original approval came through, and we thought it would be helpful to just revisit that for a very short period of time to give you a sense of how this whole thing evolved and what it's supposed to be about.

Chairman Rohlf: Perhaps this is a unique approach to mixed use, Len. Different than what we've seen with just a portion.

Comm. Williams: I don't see this design for mixed use relates to a lot of what else they have done in the development. We're not talking store fronts. We're talking masses of buildings that are laid on top of each other. You know a simple design solution I was thinking of here, as we're listening to Mr. Alpert discuss this, is have the hotel sitting on its own structural columns and have the restaurant basically slide underneath it. You get two different statements, and architecturally the hotel is its own statement, and the restaurant remains its own statement. That's not what you've got here. You've got a building block that's very different to another building block, and you put it on top. There's just no connection and relationship between the two. I just find it to be bad design, and I'm particularly disturbed by this piece of bad design when it's at the corner entrance of the development. Bury it somewhere else in the development where it's not so prominent, and I could care less. Right here, I think it's a mistake.

Comm. Roberson: So are you objecting the restaurant itself?

Comm. Williams: No. I don't personally like this restaurant design, but I'm not rejecting it for the restaurant design.

Comm. Roberson: Then I didn't understand your statement. If they put a couple of columns down and just slid the section of the restaurant underneath, which they've already done, does that...

Comm. Williams: No, we haven't done it on the south façade. That's the deal. It's flush. If you look at the rendering, it appears to be flush.

Comm. Roberson: Well it's sitting on top of it.

Comm. Williams: Yeah.

Comm. Roberson: So what you're suggesting, though, would be to not have it sit on top but rather continue the hotel all the way down?

Comm. Williams: Well that would be one way to treat it, sure.

Comm. Roberson: Although the restaurant could actually be underneath, but the hotel design could come all the way down to the ground level is what you're potentially suggesting,

Comm. Williams: Well yeah, that would be a variation of what I'm talking about. What I was talking about a moment ago would be to take the hotel and have columns come down on the street level, just as an example. It wouldn't be a perfect solution, but have columns come down so the hotel looks like it has support that is independent of this particular building instead of the way it's shown in this elevation.

Chairman Rohlf: Mr. Lambers, could you help me a little bit on our role in the overall architectural design here? I'm not sure how much of that we can dictate. We seem to get off on that an awful lot. Can you just give me some rules?

Mr. Lambers: Really your discussion tonight should be confined to the Morton's Steak House itself. I'd say really if you don't think it works, you've got an issue here that we've faced other times, where you've got an entity that has a signature building that they want to go in. I won't remind you of a water tower. We have to make choices, and I'd say I'm not an architect, but I don't see how anything is going to blend in with the Aloft Hotel. I mean I just don't see that, and really it's a question of degrees of getting close. I'd say that probably the best thing would be that if you have these concerns about how it integrates, that if your motion is for denial because of that, then fine. That's the recommendation to the governing body, and let them take it under advisement and decide whether or not they share that. If it's for approval, your concerns would still be part of the minutes, and the staff would certainly advise the City Council of that so they can have a discussion dialogue. If they share those concerns, they may agree with a denial, or if it's a recommendation for approval, may remand it back to you. We're dealing with a signature building that I guess I would not anticipate the applicant wanting to make significant changes to.

Chairman Rohlf: It's my concern how much they would be willing to change this. They've already probably changed it significantly enough to fit in here.

Comm. Elkins: I guess my perspective would be in general agreement with Mr. Williams in that it's still Morton's signature building for three-quarters of it. We're talking basically about a façade on what I would describe as the back third of the building where the restaurant is, and the balance of the building is what's well-known everywhere I've been as the Morton's signature building.

Mr. Lambers: He was also talking about the south side, too.

Comm. Elkins: I'm talking about the south third.

Mr. Lambers: No, he's talking about the south side as well as the west side.

Comm. Williams: My complaint, my comments are largely to the south side at this point.

Mr. Lambers: Right, he's talking about the south end of the west side. You're talking about the south side.

Comm. Elkins: You're talking about here, right?

Comm. Williams: Exactly.

Comm. Elkins: You're not talking about changing all that?

Comm. Williams: No.

Comm. Elkins: No, he's just talking about the third. What he's talking about is from here back. He's not talking about changing the whole south side. He's only talking about the part that the hotel's sitting on top of. Basically what he's suggested is that it's more consistent for this to be the same all the way down to ground level. From here out would be the Morton's signature building.

Mr. Lambers: Again, that's for Morton's to speak for themselves.

Mr. Francis: Can I suggest we go for a continuance? We'll investigate some ways to ground the building and to modify that south façade and then come back next time.

Chairman Rohlf: I think that's possible.

Comm. Roberson: I'm sorry. I would suggest you modify this north side, too, if my colleagues agree with that. This blank wall.

Comm. Williams: Yeah, we've already agreed that they were too...

Mr. Francis: We'll agree to providing brick along that north façade.

Comm. Reynolds: Is it fair to say that any portion of Morton's that's underneath the Aloft needs to get some attention in terms of how it integrates and what it looks like?

Comm. Williams: Given the applicant's request for a continuance, may I make a motion?

Chairman Rohlf: I'm a little concerned about our time table here. I know we can't reach this on the 13th. I think the 27th of November is pretty packed.

Mr. Lambers: We'll have to do it on the 13th.

Chairman Rohlf: The LDO. Well I'm not sure. Does that give you enough time, two weeks, three weeks I think it is?

Mr. Francis: Yes.

Motion to continue 107-07 to the November 13, 2007 meeting was made by Williams and seconded by Elkins. Motion approved unanimously.

CASE 96-07 RESIDENCES AT PARK PLACE – Request for approval of a revised preliminary site plan and final site plan – located at the northeast corner of 117th Street and all Ave. **Public Hearing**

Staff presentation:

Mr. Klein: This is case 96-07. The applicant is requesting approval of a revised preliminary site plan and final site plan for the construction of a four story, 40,153 square foot residential building containing 26 units. The application is limited to this building only. The final plan for the overall development originally showed two four-story buildings at this location. One of the two buildings was 27,000 square feet, and the other was 16,500 square feet for a total of 43,500 square feet. This plan was approved by the Planning Commission on March 8, 2005 and by the governing body on April 4, 2005. This case was at the September 25th Planning Commission meeting, and there was a number of concerns by the Planning Commission. Thus it continued this application to this meeting. The applicant has made some changes, and probably the easiest thing to do would be to allow the applicant to run through the changes that they have made. Listed in the staff report under background is a summary of some of the concerns that the Planning Commission had last time as well as some of the modifications that they made. I do have an exhibit of what is currently approved on the overall site plan. I also have some photographs that I took at the site from various points of view if you'd like to see those as well.

Chairman Rohlf: Mark, is there anything outstanding that you wish for us to pay particular attention to?

Mr. Klein: I think the Planning Commission had a number of issues that they wanted to address. I know there was discussion as far as how the building related to the site, how the amenities were incorporated, how pedestrian access and circulation throughout the site was done as well as questions about how this building fit within the overall development itself. Again, I know that the applicant has flown in the architect from Street Works who did this overall development, and he would probably be the best one to give you an overview of what they've done to address those issues.

Comm. Williams: I was just going to ask that I'd like to see the pictures that Mark has mentioned.

Mr. Klein: This is the master plan as it's currently approved. The hotel that you were talking about with Aloft is located over here in this corner. Here are the two residential buildings that were currently approved for this site right now. This has changed to one building, a four-story, located right in the vicinity of this large open area and the area where the ice skating rink, an open area in the summer, would be as it leads into this vertex of this access, which creates the backbone of where the commercial development is located. Just to give you some perspective, this is also a pavilion that's located right at this location, again for this ice skating rink that will be located right here. That will give you some bearings as far as some of the pictures I'm going to show you.

On the overhead you can see this is taken from Town Center Drive looking toward where the proposed four-story building would be located. This is the pavilion that's in the background, and on the other side of that is open space for the ice skating rink. Then this is Building B here, so you can kind of see this is what the backside of the building looks like. This is a portion of Building F that's being constructed right now. This building will actually be a little bit larger than what is shown here, because only one part of it is currently being constructed.

This is located at the vertex of that, where the two streets come together to form the backbone of the commercial development looking toward what will eventually be the skating rink. The pavilion is right here in the background. Now that area where the ice skating rink will be, that's approximately about 88 feet in width and about 190 feet in length. This is just from a slightly different angle of the same thing. We tried to zoom up. Again, here's the pavilion. Here's Building B that's been constructed. This is along the front side of the residential. You look down to the back side of it and then again Building F located here. This is looking from the other side from Town Center Drive. This piece of ground here is where the residential four-story building is proposed. Here's the pavilion. You can see the back of Building B has been constructed along here. I also have the material board for Building B as well if you'd like to see that.

Comm. Williams: Mark, I was going to say on the back side of that picture, to the right there's some windows on that building, and further to the right I can't quite see. Are those windows?

Mr. Klein: I believe those are windows. There's office located above the retail on the first floor, so I think on the first floor you're seeing the back of the shops.

Comm. Williams: What's the white bands?

Mr. Klein: I think that's just the delineation between the first and second floors.

Comm. Williams: Is it in stucco?

Mr. Klein: I believe it is stucco.

Comm. Williams: Okay, it doesn't matter. That's fine. Then below on the first floor level, it's primarily doors and utilities from what we heard before?

Mr. Klein: Correct. Here you can see a little bit more of that façade, and here for instance, like the service door here. Here's another service door and then some smaller pedestrian service doors located along there. Here are the windows along here for the office. You can see as you turn the corner, there's a little bit more ornamentation along the second floor right there. This isn't actually all the way constructed. Here's the pavilion, so you'd be walking down this way in order to access the skating rink. Just from a slightly different angle, this is going to be where the four-story residential building is located, and then this is the back of Building B. Here is Building F that's being constructed.

Comm. Williams: Could you go back to the photograph that you had that was taken from the intersection of the two commercial streets? Well, that would be one. Would it be a safe statement to make that from the intersection of those two streets, which is where you have the roundabouts on the plan and what would presumably be a very active pedestrian area when the development is finished, that you'd have a prominent view through that space to the north to see the south side or backside of that residential building?

Mr. Klein: I think you will have a prominent view as you extend across where the skating rink would be located. I think what would partially obstruct the view, though, would be this pavilion that's located here. You would definitely see the back of it.

Comm. Williams: So we're talking the four-story building?

Mr. Klein: Correct, you'd see the four-story building as the backdrop to that.

Comm. Williams: Okay, thank you.

Chairman Rohlf: Anyone else have a question for Mark? Then we'll hear from the applicant.

Jeff Alpert, Park Place Developers, LLC, 6201 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Alpert: I want to get right to it, because I know the hour's late. Like I said before, we wanted to step back, give you a little bit of an overview of how Park Place came about, the underlying philosophy of the different uses and so on. For that, we've brought in Richard Heaps. Before I bring Richard up, I want to also introduce the other members of our team who are here: Melanie Mann, my partner with Park Place Developers; Jake Clausen with Phelps Engineering; Kay Young with Young & Dring, our landscape

architect; and Ted Lopez with M3 Consulting, our owner's representative for construction. Richard, why don't you come up and take us through this?

Richard Heaps, Street Works, appeared before the Planning Commission and made the following comments:

Mr. Heaps: It's nice to see a few of you again. It was 2003 that I was last here. I'm balder and I'm blinder. But what I thought might be helpful is to very quickly go back and actually walk through the thinking using the same slides we used in 2003 with the neighbors and with the Commission at that time, and just inform what some of the notions of this site were. It's a peculiar site, and the plan is probably the ultimate transition site between both public spaces and neighborhoods.

We started way back when, I believe, there was corn growing there. This plan was originally formed by relating to what is around it. This original drawing, as you know, shows a variety of uses surrounding this site in scale and type and attention from Leawood Commons, commercial along Nall to Sprint, to the Town Center, to individual gated single family homes. We started quite early on with a very simple diagram that said we would want to build this around a significant public space, and there would be four neighborhoods. There would be a Village Center, as we called it, that was mixed use and was at the corner signifying the identity of Leawood across from Town Center. There would be a purely residential neighborhood across from the existing residences, Edgewood. There would be a commercial neighborhood that was single uses in the form of hotel/office that would contend with the corridor along Nall. These four neighborhoods would be connected by a single street system. We call it Main Street, whatever, that was walkable and created a district that was first and foremost pedestrian-oriented and walkable, like the streets in Brookside or Crestwood. That was the underlying notion, which was four neighborhoods in a walkable human-scaled environment. Sounds very simple. Today the plan that's gone through several generations still follows almost exactly those guidelines and the location of those things.

The four neighborhoods was a really important concept, that it was in the [*inaudible*], what we called the town center neighborhood. It was intentionally urban. It was different than all of Leawood in that it was mixed use. Almost every building had two uses. It was urban, meaning that it was eclectic. The retail was different than the base building. It had built two lines. It relied on sidewalks. It had fronts to buildings, which were different than backs to buildings meaning the fronts were more expensive and fancier. The backs were different, because they were on alleys. There were structure garages. These were patterns and formations that created the heart of this thing and was really the central part of Leawood as well as Park Place.

The other three neighborhoods we really looked at as transitional. Yes, they were dense, but they were single use buildings. We had a hotel or an office building or an apartment building or a condo. They had some more suburban characteristics, bigger setbacks, four sides to the buildings, and were conscious of where they fit as a transition between single family houses and a highly type urban complex, but they were all pedestrian friendly. They all had entrances on the street. They didn't try to have big blank walls, etc., that fundamental basis. So far we've just been playing in the world of the town center of the Village Center, and it's important to kind of keep that context. We haven't gotten into development in the other neighborhoods yet, which is fine. That's a lot of the conversations we're having about Morton's, etc. They have to be in the context of that Village Center.

When we look at the key attribute of that, it was called the sidewalk. We showed you examples. These are the actual pictures we showed to the neighborhood of sidewalks we've done in Bethesda and Reston in a really simple grid of main streets collecting at the center. We talked a lot about the edge of the project, the ability to come to the site and bicycle or rollerblade or walk around the project like you can the other sides of the street. We set up a network of streets and blocks that connected all the entrances, including Edgewood and Town Center across the way, so that when you came to the site and entered it, as a pedestrian particularly, you walked along these sidewalks to these great places. This is, of course, a rendering of what was essentially in the approval, and you see it as characterized by a Main Street with wide sidewalks, street trees, all the patterns we talked about.

When you talk about this site, we did talk about two kinds of open spaces of which there were five in this district of Leawood. One we called the Town Square. One we called the Village Green. We showed these two pictures and examples of what those things meant. The Town Square, like in our project in Boca, was public, was active. It had all kinds of things going on. It changed during the time of year, and that was versus what we call the Village Green, which I show an example in Lake Forest which was primarily green and primarily passive.

So we mentioned five spaces. One was the Town Square, public, active. At the extreme is the public space in Edgewood, which is private and passive. Then you have the different layers in between. You have the two ends of the Main Street where you have public spaces but are a little more passive, because you're entering a residential zone or a commercial zone at a hotel. The Village Green was really looked at as semi-public, largely as a center to the residential part of this project, used by everyone but not the location for events, not the locations for a lot of noise, not the location for a lot of rowdiness. We did have conversations that maybe once a year, if you had a site-wide event, it could spill into that area, but it was really looked at as the center of this neighborhood, not a regional facility.

Here are some of the images we used for Town Square. We talked about ice skating way back when. Might have more hard space than not. Here are some of the images we used for the Village Green, which were about grass and paving and benches and individuals using that space as part of this neighborhood. Which brings us to this building. Which is it? Is it part of the Village Center, or is it part of the Village Green? To our mind, it actually was that stepping stone building that had one face that participated with the rest of the edge of that Village Center, which should say this is residential. This is about living here. The back of this building really participates in part of the alley system as a way of mediating between that residential neighborhood and the back of the commercial, which you've just looked at, which is a back. It's not a front by any means. That was its original conception, to mediate between these two spaces.

So that's a little history, and that's why this building is unusual and an interesting opportunity. I read your testimony from the last hearing. I must say, not knowing all of you, and I've seen it tonight, I agreed with almost everything I saw. I thought it was quite sophisticated and eloquent, and Mr. Alpert is going to present to you seven changes to the plan that I believe, having looked at them, respond to your considerations.

I'm going to start with two of them. I'm not the architect on the building, but talking about the physical character of that alley and the "south side of the building." There have been two significant moves made. One was to eliminate the single garages attached to the back of that building, which were really quite suburban, not urban, not a village centered notion, and to really have a front to the building and an alley side to the building and loosen some things up in that alley.

Number two is to redesign that south façade, because although it's on an alley, as you pointed out Mr. Williams, it is seen from the Town Center space and has some obligation to participate in that space. Even though it's not taller than the surrounding buildings, it is taller than the pavilion. So I ask you to look at the elevations. This is the elevation that was presented last time that you commented on. It's called the front. We could call it the north elevation. Broken up, small scale, showing the characteristics of residential with a grand central entry that is the passageway through the building. Really the only primary change, and it's easier to see in the plans which Mr. Alpert will show you, is to change the character of the staircase so it's more inviting and something you can actually sit on and look at into the green and participate in that sidewalk. Not a lot of change in the architecture. At least that's illustrated here, appropriately called the rear elevation. It is a lot of blank wall. You see the individual garages.

I think to give you some sense on what this environment was when we designed it, this is the back of the B building. This is a similar alley, and we've done this in five or six places. That is the back of retail and residential facing a garage on the left, and you can see with a little bit of green and some color and character on the residential, that alleyway is not confused as anything other than an alleyway, but it can have a persona of its own. So the proposal now is that this south elevation should get rid of the garages, have a brick base, and bring brick up on the towers associated with the glass in the middle as the central feature that you would see from the Village Green.

When you look at the two side elevations that you saw before, the east and the west, those went from this profile to this profile where you see the brick tower in the back. You see the elimination of the garages and more of an articulation of cornice on the corners to kind of capture the ends of the building. So this building now, I think, sits in there more like a building rather than something with these barnacles on the back of it. Where yes, the front on the green is a little more fancy, but the back does recognize it's kind of hierarchy. I'm going to turn over to Jeff now the final configuration issues, and he'll go through that either over on the boards or *[inaudible]*.

Chairman Rohlf: Before we get started, Mr. Alpert, I need to extend the meeting one more time.

A motion to extend the meeting 30 minutes was made by Munson. Motion approved unanimously.

Mr. Alpert: I don't know if you have any specific questions for Mr. Heaps.

Comm. Roberson: Actually I have two quick questions. Just clarification because the drawings don't match up, but the stairs that face the green space to the north are the three-sided stairs in the site plan, not the elevation? And on the back side, the ground slopes up to the plaza as opposed to a retaining wall and a railing? So the site plan rules, not the elevations? Good, that's the right answer.

Mr. Alpert: I believe so. Yes.

Comm. Williams: I don't know why they can't get things to match and make our jobs a lot simpler.

[Laughter]

[Inaudible comments, off microphone]

Mr. Alpert: Going back to the site plan which gives you a sense of what was really changed by taking the garages off the south side of the building here and here, it opened this area up. We were able to pull the building south far enough to be able to get a grander stair up to the breezeway from the north, like you see the three-sided stair here. I think it becomes a more inviting opportunity to enter the building from the north.

Because our solution for solving the parking problem was to create six tandem garage spaces in the layer of a basement, which I believe you have a plan of, it created a terrace extension here past what was the original breezeway, which would've ended right at this point. So we have this additional space that is raised. It will have a rail around it and create an additional opportunity for some furniture that can be moved, more of an open, outdoor space for the residents of the building. Then we brought a central stair down off the center of the breezeway down to the curb, and then with a crosswalk here it leads you right in to the break between a planter here and a pavilion here, so it becomes easier for people to get into Barkley Square at this location. That really gives you a sense of what has changed in terms of the site plan.

Our parking, we end up with 38 covered spaces which gives us two spaces per unit for the larger units, one space per unit for the smaller units underground. Then we have another 14 spaces around the perimeter to satisfy the balance of our parking

needs, so we do have two spaces per unit for a total of 52. We have the five here with the one handicapped space; three along here parallel; and then six right across the street from the north entrance just as we had before.

We talked about the elevations and how those have changed. A couple of the other items that were of concern was the fact that we had units under 1,000 feet. We had one unit type that was 972 square feet. We actually increased that size when we pushed the wall out a foot, which got us right to 1,000 square feet, so we now have no units under 1,000 square feet. There was an issue with the material used for the ramp going down to the garage level. That would be the retaining wall here and here. We did change that so that this material is now the scored concrete that matches the base of the building, so that is now consistent.

I believe that covers the changes that we made in the building. I just want to finish with this view. This is a prospective rendering looking from the point where Mark took the picture at the intersection of the main streets where the circle is, looking back to the northeast and giving you an idea of how the building will look behind the pavilion, behind the fountain and the green space where in the winter months the ice rink will be, so you have a better feel of how it all fits in. We would be available to answer any additional questions that you have.

Comm. Williams: First of all, I'd like to thank you for that rendering that you just showed us. I think in many respects it diminished some of the conversation, because I think it makes the point that I'm concerned with, and that is that façade is very much a major component of the development, an important façade and not a façade that butts up against an alley as referenced for a portion of that area. I'll start with a point of clarification for a moment. As I'm looking through your drawings and your elevations and such, the rear stair - and I'll use the term rear or south stair - where is it actually located? I see on your site plan that it appears to be center on the breezeway. Yet on the floor plan, it's off to the side.

Mr. Alpert: It actually was moved since the floor plan was done. It is off the center of the breezeway.

Comm. Williams: Okay, thank you. That's a step in the right direction. You talked about the grand stairway on the north side of the building and being inviting and letting people come in. Who's coming into this?

Mr. Alpert: We talk about it being a grand stair and making it more inviting, and it really is for the residents of this building. We've never intended that this be a significant pedestrian path for either other residents of Park Place or residents of surrounding neighborhoods who would be walking through Park Place. If you look at the master site plan, and I think Richard really kind of showed it in his PowerPoint, Edgewood residents are an example. Their only exit out of Edgewood is right here where their guardhouse and gate is, so they would actually be coming from here. They certainly can walk down the path along Town Center Drive, walk through the park if they like. They can walk through; it's open. It's not restricted, but most likely the best and most pleasing walk for them is going to be coming down the street and coming into the retail area, walking down the wide sidewalks and window shopping on their way to get to Barkley Square here. We really think that's the main pedestrian path for Edgewood residents and the one that they would most likely use.

Comm. Williams: Okay, so it's not inviting Edgewood residents to come through here, but they're certainly making a design statement that you're inviting somebody to come through here. It is a nice looking entrance to this building. Don't get me wrong. Who's going to be using then the rear stair? Probably then residents, right?

Mr. Alpert: I think mainly.

Comm. Williams: Okay. I raise the question because I see a major disconnect between the grand stair on the front, which nobody's been using or very few people, and the stairway on the back, which the residents would be using if you're inviting or encouraging the residents to walk from their domiciles to the park area, the ice rink, or the retail space and restaurants and so forth. I do appreciate the effort that was made to at least put a sidewalk that had more of a direct connection instead of having to be directed down the handicap ramp to do that. Personally, I would've like to have seen something that had a little better inviting statement on the back instead of looking like more of a utilitarian stair.

Going back to the rendering again, I look at the design changes that have been made to the south, and I certainly think it's an improvement, a step in the right direction, but I'm still bothered by what is the disconnect between the front façade and the rear façade. I would've liked to have seen, given now what you've even demonstrated as a major elevation, a major viewing spot, a landmark, if you will. Landmark's a little exaggerated maybe, but it's the first word that came to my mind. A major part of the site lines and skyline down at the development, and it's beginning to speak of a different building. I would've liked to have seen something that carried a little bit more of the detail from the front around to the back. I very much like what you've done or your people have done with the front of the building. I think it's very attractive, and it carries around the corners and then it loses it.

Mr. Alpert: I think what has to be taken into consideration here is that this is a simulated building. All the units are directed to the north to the more passive park, and what you're seeing on the south side is primarily the back side of the corridor, stair towers for emergency egress, storage lockers, electrical closets, the elevator shaft. So we're dealing with different functions, and you're never going to have the same look in the front just because of the difference in the functionality. We've got all the glass for the units exposed to the north and that side, and we just don't have that on the south or have the opportunity.

Comm. Williams: I understand that you don't have as much glass on the south. You don't have the opportunities for the balconies. It doesn't make sense to just plaster balconies onto the back, and the balconies certainly do help on the front. By taking more of the parapet motifs, you've started to work a little bit with the window motifs by putting in some sills and some headers, adding the brick and breaking up the brick. That all helps, but again I would've like to have seen a little bit more of what was carried on the corners even carried a little bit further around to the side.

Comm. Reynolds: Just a quick clarification on that backside. The ground does slope up to that patio within a foot evidently. Do you really have those railings there? Do you want those railings or not?

Mr. Alpert: Yes, we do have them.

Comm. Reynolds: Give me a reason why you have them. What do the railings do?

Mr. Alpert: I don't know what the grade exactly does.

[Inaudible comments, off microphone]

Mr. Alpert: It's a 4 to 1 slope. It's a pretty steep grade. Again, this is really a deck terrace area for the use of the residents, and it creates a little bit of a separation, maybe a little more of a sense of privacy.

Comm. Williams: There was one more question I had, and that was on the site plan itself. If the drawings are consistent, there's a sidewalk that starts to wrap around the east corner of this site and stops at the driveway. If one was to be coming from the green or from the other residential units and wanted to come down that alley, would they be able to walk on the sidewalk some place, or would they have to walk up through the street?

Mr. Alpert: There is a sidewalk on the back side of the building here on the south side of the alley. It would run along here. It's not shown on this plan, but there would be a sidewalk back here. It would be the service walk similar to what we have over here.

Comm. Williams: Is there a reason why you didn't continue the sidewalk on this particular side?

Mr. Alpert: For pedestrians, there's no real terrific walk back here. We would rather have people walk across this walk and go back that way as opposed to coming around this way.

Comm. Williams: Going further to the east and around. I can't see the building.

Mr. Alpert: If you want this plan...

Comm. Williams: You want them to go for a walk down to the next intersection and then turn back around and go down.

Mr. Alpert: They can go anywhere they want to go, but again this is a service area back here primarily, and there will be a walk along this edge of this building when it's built during Phase II, and then put them on the retail street here, which is the most desirable place to be.

Comm. Williams: I tend to find that people like to take the shortest distance between two points unless it's unsafe to do so, and you've got a very inviting park and structure just a short distance away.

Mr. Alpert: Well you have the opportunity for people to walk through the building if they'd like. For people coming into these buildings, they're going to be sent this way, so they're going to be on this street, and for people in these buildings, they're going to be exiting to the northwest. They're going to be on this street over here.

Comm. Williams: So the entrances to both of those buildings are going to be on the east and west sides?

Mr. Alpert: This way and that way.

Comm. Williams: All right. That's helpful. Thank you.

Chairman Rohlf: Anything else for the applicant at this time? All right, this case does require a public hearing. Is there anyone in the audience that wishes to speak to this case?

George Bach, 5309 W. 116th Street, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Bach: Our house backs up to Town Center Drive, so we can see this development out our bedroom and living room windows. I'm here representing the Edgewood community. I'm here on behalf of the president of the association. I think this gentleman who came back here today to explain how this project was originally presented to the people who live in Edgewood, made most of my presentation for me. What we want is a stipulation on this building that it must include what we call the park or what has been called the Village Green, which was presented to the City Council, to Edgewood and to this board as being part of the residential neighborhood as it is on this map. In the City Council meeting that approved this project on June 10 of 2003, over four years ago, at the urging of the Edgewood residents the stipulation was made that the park, the five acre park, would be included in Phase I of the plan for this development as we brought out the last time we met here, even though this new building that we're talking about today is part of Phase II. The park has not been completed, and the park is not part of the plan for this building. It really sort of surprises me that it's not. This building is being built, and I assume these units will be sold as overlooking the Village Green. Unfortunately, these people will find out, as Edgewood has found out, the Village Green is not there. Park Place has no park. We want the park, and we want it as a stipulation to this building. The rest of this building we can live with. We think it's a deviation from the earlier plan, which is not so good because of the breezeway replacing a total access way, but we can live with that. We want the park as part of this building so that this development, from our point of view and from our neighborhood, which as we were told tonight is really part of this village, will be connected to the village through the Village Green as was promised to everybody when this project was sold to this city. Thank you very much.

Chairman Rohlf: Is there anyone else that wishes to speak this evening?

Seeing none, a motion to close the public hearing was made by Roberson and seconded by Jackson. Motion approved unanimously.

Comm. Roberson: I have just one comment. I go back to Commissioner Williams' statement on the back staircase. I say the back staircase. I guess it's the south staircase. I'm not so sure why it's not bigger or more inviting since it does lead into the ice skating rink or into the part of the project itself.

Mr. Alpert: Could I speak to that?

Comm. Roberson: Absolutely.

Mr. Alpert: It's a six foot wide sidewalk, and the idea was that it would not be carrying a huge volume of people. It's easy to make it wider. It just reduces the amount of grass, so it's more green and less gray or more gray and less green. I think we felt that it was functional at a six foot width, and we just didn't think for that long a stretch that we needed to make it any wider than that. We'd rather have the green.

Comm. Roberson: I just think it would make a better breezeway if you had both staircases that kind of invited people to go through the building. I'm not an architect. I happen to like different things.

Comm. Williams: Function and being inviting don't necessarily turn out to be the same things.

Comm. Roberson: How true.

Chairman Rohlf: Mr. Alpert, I think we discussed this last time, but what is your position on the building of the park, of the green space there to the north? Is that related to construction?

Mr. Alpert: Yeah, we've always intended to build it once we got some of the buildings around it completed, because the edges of the buildings on the east and the west get very close to it. We just felt it would be in the best interest of the long-term quality of the park if we didn't subject it to too much damage during construction. We appreciate the Edgewood's residents' concerns in wanting to get it going, and we do, too. Obviously it's an amenity, and we have every intent of building it. We were hoping to be able to delay it until we had some construction completed around it.

Mr. Lambers: I guess to address that, when it was raised at the last meeting, I don't remember if it was tied to the first phase undefined, first phase residential or what. We did confirm that it is tied to the first phase. The city's practice has always been that whenever a development is in phases and things are tied to a phase, if a developer jumps to another phase and still has a portion of that initial phase undeveloped, then that triggers all the stipulations that are tied to the first phase. By doing this, essentially the park would be tied to the CO of this building in order for the CO to be issued. If that's not acceptable to the developer, then they need to change the stipulation accordingly.

Chairman Rohlf: I can understand your...

Mr. Alpert: We go back to the same position that we had. We want to do it as quickly as we can. We just don't want the park to be damaged during construction.

Chairman Rohlf: Any idea when that could be?

Mr. Alpert: What we might be willing to do is maybe put an 18 month time limit on it. If we don't have our building started within 18 months, we would go ahead and put it in. It would be a problem when we do begin construction around it, but if it would satisfy the stipulation, we might be willing to approach it that way.

Chairman Rohlf: Is that feasible, Mr. Lambers?

Mr. Lambers: Well anything's feasible. Again, I'm saying that the current stipulation would trigger, unless it's changed, that the park would have to be fully built as in the plan prior to the CO being issued for this building. If we wanted to tie it to a CO to the buildings to the east or west, it doesn't matter which one comes first, as they proposed at the last meeting, or within 18 months. I think there should be a time limit, as well, in case neither building materializes. I guess that would be my suggestion. I'm saying that as it exists now, if there is no change to that stipulation, then it would be tied to the CO of this building.

Chairman Rohlf: Is that the stipulation in the overall plan, Scott?

Mr. Lambers: Yeah. Again, it's tied to the first phase. I won't say unscrupulous developers, but occasionally they'll build out 99 percent of the first phase and think that if they didn't do the last one percent, then all those triggers that are there don't come into play. Suffice it to say, we've become a little more sophisticated, more cynical. If you jump a phase, then all those come into play.

Chairman Rohlf: So is this a stipulation that we could add to this particular plan?

Mr. Lambers: It would be a stipulation to this plan that clearly would amend that previously approved stipulation.

Chairman Rohlf: In the overall plan?

Mr. Lambers: Yes.

Chairman Rohlf: Add it to this one.

Mr. Alpert: I think from our perspective, we have buildings that are going to come right up to the edge of the park, and when you build, you've got to have a construction zone, a certain amount of space to get around the building. That's what we're concerned about, that we're not putting in all this material that is just going to get ripped out when we put the building in. We could build part of the park and then still retain those construction zones until we come in and build the buildings adjacent.

Chairman Rohlf: That's what I was wondering, if you could build a portion of it, because if I remember in looking at the plan, on either side of this park are residential buildings.

Mr. Alpert: Right.

Chairman Rohlf: Which I'm sure you really don't have a clue right now as to the timing of those.

Mr. Alpert: Right.

Mr. Lambers: Well looking at the master plan, clearly if they put in the...

Chairman Rohlf: They could put the north section in?

Mr. Lambers: They put in the interior section, this right here and this right here. Forget the connections to it, and that way they at least have the interior portion.

Chairman Rohlf: Everything outside the sidewalk.

Mr. Lambers: The sidewalk gets damaged. They get damaged several times during a project, as Jeff will note.

Comm. Williams: Wasn't it in the presentation the last time the applicant was here, make a reference to grading this out and planting the seed so that we did have, not a full Village Green, but at least something better than the dirt that's out there today?

Chairman Rohlf: I think there was a suggestion made that you would be out to clean it up a little bit, clean up the site.

Mr. Alpert: We're doing that right now. Actually we started grading out the site right after we appeared at the last meeting, and unfortunately the weather hasn't really been our friend for the last few weeks. We do have equipment out there. We've done some grading, and we'll continue to clean it up until it's all cleaned up.

Comm. Williams: Mr. Alpert, do you happen to know off-hand or one of your designers know, in terms of the Village Green and some of the improvements that at least are shown on our plans before us today and on your master plan, how much of a distance would there be between the proposed buildings and the paving at least? I'm trying to get an idea how much space we do have there for a construction zone potentially?

[Inaudible comments, off microphone]

Comm. Williams: From the building to the walks?

[Inaudible comments, off microphone]

Mr. Alpert: I think what you're talking about...*[Inaudible – off microphone]*

Comm. Williams: It doesn't have to be precise. I was hoping to just get a general...

Mr. Alpert: From this edge here to the edge of the building?

Comm. Williams: Yeah.

Mr. Alpert: That's what you're talking about. I would guess that it's about 20 feet, maybe 15 to 20, somewhere in there. Because we have below-grade garages for these buildings, we would have to be excavating along here, and we have safety concerns, things like that. We have to get material in and out, backfill things, all those things related to that kind of construction, so it will be real touchy whether we can get what we have to do done within that space.

Chairman Rohlf: Just briefly, the public hearing is closed, but given that you've been sitting there.

(Unidentified Speaker): They have access to those construction sites from the portion of the site that's away from the park. On one side, there's a road, and on the other side there's a road. They also have full access from Town Center Drive, so it's not an access problem at all. It's just a question of whether or not they're going to build a building screen like they're supposed to do. They didn't seem to have this problem earlier. They just *[inaudible]* and they want to do something different.

Chairman Rohlf: Is there anything else that you would like to add tonight, Mr. Alpert, before we finish up here?

Mr. Alpert: I don't think so. I appreciate your consideration. We tried to listen to everyone's concerns from the last meeting, and we hope we've come back with an improved product for you.

Chairman Rohlf: You've made a really nice effort. I appreciate that.

Comm. Reynolds: Two quick items. I agree. I appreciate the response. On staff, they're using Pampass Grass to screen some large utilities, and typically you don't have anything there for several months. I'd like to make a stipulation that we have some sort of evergreen planting. Wouldn't that be typical?

Chairman Rohlf: This is preliminary, Dennis, though.

Comm. Reynolds: Preliminary?

Chairman Rohlf: This is preliminary. Let's do that back at final.

Comm. Reynolds: Okay.

Mr. Klein: Actually this is preliminary and final together.

Comm. Reynolds: And final together.

Chairman Rohlf: Is it together? Oh, I'm sorry. I didn't see that.

Mr. Klein: And there is a stipulation there that they be screened. It's a standard stipulation, but the reason why it was left in is if the Pampass Grass didn't work, then they'd have to screen those utilities.

Comm. Reynolds: So you're watching out for us in your stipulations?

Mr. Klein: Well, if you want to amend that with evergreens, that's certainly fine.

Mr. Alpert: We'd accept that stipulation to add some evergreens.

Comm. Reynolds: All right. And the other comment similar to Ken's is I think you've got this terrific terrace on the west side and the grass is sloping up to it, and it just seems natural to have at least a few shade trees or enhanced landscape on that west lawn to make it a little more pedestrian inviting.

Chairman Rohlf: All right, any other comments, questions?

Comm. Williams: I guess if you want comments, I've stated my comments. I appreciate the presentation that started this review tonight. It was a reminder of what this plan was supposed to be. I think it's overall a very good plan. I've been very supportive of the plan from its initial presentation. I don't buy, however, that we really have alleys in these particular locations. We have two buildings that may have alley backs to them, and so be it, but given even what was presented in the rendering, with a four-story building that has a predominant view, that doesn't define alley in my judgment. In the rear stairs, it's a step in the right direction, pardon the pun. There is some opportunity missed when we do a grand staircase for a portion of the building that very few people are going to use, and yet when you want to invite somebody to go from where they live into an area to shop, play and have a good time, it falls short. Again, the rear elevation issues I brought up earlier, we're making strides in the right direction, but for me it's not there yet.

Comm. Jackson: I'd be supportive of the changes. I think they're correct. There's not a lot of people that are going to use that front stairway. It makes a nice presentation from 117th Street, I believe is where it is. They really shouldn't have to have four gorgeous sides to this building. The back of that is much, much improved. Taking out those garages is a huge improvement, and the rendering from the ice skating rink, it's far enough away, and yet what you do see of it, I think, will be a nice presentation of the ice skating rink. I would support their changes.

Motion to approve Case 96-07, with the addition of three stipulations, was made by Reynolds and seconded by Munson.

Comm. Roberson: Just one clarification with respect to the stairway on the south side, are you all satisfied with the way it looks?

Comm. Reynolds: I think if there's shade trees and plantings around it, I agree that sometimes a six foot walk is just as inviting as a 12 foot walk. I'm more concerned about the shade trees and other things in that space that would make it inviting. I wouldn't have a problem with it being twice as wide if you'd like to make a friendly amendment.

Comm. Roberson: I'd like to see a better looking back staircase or front staircase. I would amend your shade tree amendment.

Comm. Reynolds: Sure, I'll take a shot at that if I may. So stipulation number 35 is to include widening the sidewalk from approximately six feet to 12 feet in width.

Comm. Roberson: You mean stairway?

Comm. Reynolds: Stairway. Stairway, yes, I'm sorry.

Motion approved 7-1.

Meeting adjourned.

