

City of Leawood
Planning Commission Minutes

January 29, 2008
Meeting – 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

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

CONTINUED TO THE FEBRUARY 12, 2008 MEETING

CASE 05-08 – ONE NINETEEN- GREEN EARTH CLEANING BUILDING A – Request for approval of a preliminary plan, final plan and special use permit, located on the southeast corner of 119th Street and Roe Avenue.

PUBLIC HEARING

CASE 06-08 – ONE NINETEEN- DEAN AND DELUCCA BUILDING D – Request for approval of preliminary plan, final plan and special use permit, located on the southeast corner of 119th Street and Roe Avenue.

PUBLIC HEARING

CONTINUED TO THE FEBRUARY 26, 2008 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 123-07 – AT&T SAI CABINET – Request for approval of a special use permit for an AT& T SAI cabinet, located south of 117th Street and east of Nall Avenue. **PUBLIC HEARING**

CASE 128-07 – BI STATE BUS PK LOT 17- PARS ENGINEERING BUILDING – Request for approval of preliminary plat and preliminary plan, located north of 143rd Street and east of Kenneth Road. **PUBLIC HEARING**

CONTINUED TO THE MAY 13, 2008 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 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 73-06 LDO AMENDMENT – SECTION 16-4-5.10.1 (RP-2 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 58-06 LDO AMENDMENT – SECTION 16-2-5.5 HOME OCC. 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**

CONSENT AGENDA:

CASE 119-07 – PARK PLACE PACIUGO – Request for approval of final site plan for a tenant finish, located at the northeast corner of 117th Street and Nall Avenue.

CASE 130-07 – I-LAN PARK – Request for approval of a final plat for a public park, located at approximately 127th Street and Nall Avenue.

CASE 131-07 – MANORS AT MISSION FARMS – Request for approval of a final plat, located at the southeast corner of 105th Street and Mission Road.

CASE 01-08 – ONE NINETEEN -NORTH RESTAURANT – Request for approval of a final site plan for a tenant finish, located at the southeast corner of 119th Street and Roe Avenue.

CASE 02-08 – ONE NINETEEN- ELIZABETH – Request for approval of a final site plan for a tenant finish, located at the southeast corner of 119th Street and Roe Avenue.

CASE 03-08 – PARK PLACE RESIDENCES – SALES OFFICE – Request for approval of a final site plan for a tenant finish, located at the northeast corner of 117th Street and Nall Avenue.

CASE 07-08 – ONE NINETEEN- SOLSTICE SUNGLASS BOUTIQUE – Request for approval of a final site plan for a tenant finish, located at the southeast corner of 119th Street and Roe Avenue.

Chairman Rohlf: Mark, before we begin, could you give our newest commissioner an explanation as to what the Consent Agenda is – or Mr. Lambers – why these items appear there, etc.

Mr. Klein: The Consent Agenda is actually items that staff has worked on that generally don't have any issues or haven't raised any red flags with staff, and also don't require any type of public hearing. Those are items that we place on the Consent Agenda. In your packet you have each of those cases, so you have the ability to look those cases over, and if you have any concerns, you have the opportunity to pull those off the Consent Agenda at that time. If you don't see any concerns and you decide to leave them on the Consent Agenda, the Consent Agenda gets approved as is, as one big group, and then you move on to the new business.

Mr. Lambers: With regards to the tenant finishes, you may recall about a year ago, we stated that staff would place them on the Consent Agenda if we did not have issues. If we did have concerns, they would be on your regular

agenda. At some point in time it is our hope that we can move to where, for those we don't have objections to, we can simply approve them administratively, and those that we do would then come forward. But for now, they are on Consent, and we don't have any concerns with them.

Chairman Rohlf: I have a question to follow up on that. When you talk about tenant finishes, is this just to show that they are in conformance with the approved plan, or is it a particular part of the tenant finish that's changed, or...? It was kind of hard for me to tell.

Mr. Lambers: You really don't see the tenant finishes as part of the plans. All of the developments now are leaving that open for the individual tenants to come in and have their own mark or niche in the commercial districts. Instead, what we look at is, first off, are they compatible with the materials that have been approved? And two, do they integrate with the storefronts that are on either side of them as best that we can? Sometimes storefronts don't exist, and so, as long as we think they are compatible and they probably will meet or mesh with their neighbors, everything is fine. I can tell you that because of our very restrictive sign ordinance, now the tenants are looking to have much more of a flash, if you will, with regards to materials. There's definitely more color contrast and things like that to draw attention to them, but we believe this is probably not a bad thing. Certainly when you have a long line of tenants, to have a monolithic approach to something is probably not what we're trying to achieve. If we do have concerns that there is a tremendous contrast from one tenant to the next, that would not be on the Consent Agenda. That would be for you to consider.

Chairman Rohlf: Is that why we have those two on our regular agenda this evening?

Mr. Lambers: Yes, that is correct. Again, it's just staff bringing it to your attention. If you don't see a problem with it, we're just saying there seems to be a contrast here that may or may not be appropriate.

Chairman Rohlf: All right. With that explanation, I would ask if anyone has one of these cases to remove this evening?

Mr. Williams: I don't know if it's necessary to remove this; I just had a question on the I-Lan Park plat. My question is, why are we seeing a final plat for the park when the park has been in existence for several years now?

Mr. Lambers: The City has been deficient in platting its own park property, so we're in the process of doing that.

Mr. Williams: Okay. I have no further questions.

Chairman Rohlf: Anyone else have anything else they would like to take from the Consent Agenda this evening? If not, I would ask for a motion to approve our Consent Agenda.

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

NEW BUSINESS:

CASE 113-07 – LEAWOOD CAPITAL IMPROVEMENT PROGRAM – Request for approval of the 2009-20013 Capital Improvements Program. **PUBLIC HEARING**

Staff Presentation:

Mr. Lambers: This is a statutorily required public hearing and consideration by the Planning Commission. As I've explained to the Planning Commission in the past, this requirement is really minimal in its application to the city of Leawood. It is anticipated that many cities in the state of Kansas – in fact most – have the ability to grow and develop in several different directions. The Planning Commission is a crucial element in identifying where potential growth

could occur, and the statute envisions that you all are in a position to provide guidance to the governing body, absence of a political agenda, to extend utilities and infrastructure in those areas where development is occurring or should occur. Obviously with Leawood, we are landlocked. We have very minimal infrastructure extensions, and quite frankly, all of our infrastructure needs are expansions of existing. However, you are still required by state law to have the public hearing and consider this and make any recommendations to the governing body. Joe Johnson is here tonight to provide a brief overview of the CIP, but that's really the reason that is before you tonight.

Joe Johnson, Public Works Department, City of Leawood, appeared before the Planning Commission and made the following comments:

Mr. Johnson: The document tonight looks at a five-year plan, 2009 through 2013, and tries to identify major capital needs. They can be street projects, park projects, building projects, and trying to place those construction items within a five-year time span, and also look at the funding and how that funding relates back to the City's overall budget. We budget from year to year and as we forecast out for the next five to nine years to see how the costs go up and what impact that has with the mill levy. So, there's a larger picture over time on how to fund these projects and which ones we can attempt to do and which ones we need to move around, depending on the funding source.

The bulk of it lists out 2009 to 2013 and those projects are identified for each of those years. A majority of those projects are street expansion projects, stormwater projects; the new projects that you'll see in the CIP from last year is that the city has an accelerated stormwater program of \$1 million a year for five years, beginning in 2009. That's to address the city's own infrastructure, replacing pipe systems that have failed or are undersized, and to bring our system back up to a good operating system, not only for us, but for compliance with GASB. So, that's new from last year.

Also you will see that in the out years, we took out some of our mega street projects due to the uncertainty of federal funding and just how the economy is going to be. We felt that we had 143rd Street in for 2010, going from Nall to just east of Mission; the next phase in 2012 will go down to Kenneth. Those are the two major street projects within the CIP. 151st & Mission Road and Kenneth have been removed until we get closer to where those projects need to start showing back up on the CIP. That would be due to the uncertainty of either county funding and federal funding, so it was decided to wait until there was a closer need to put those back in the capital improvement program.

Tabs 5 through 7 look at debt service and the city's arterial program, the overlay program, the 1/8th cent sales tax for stormwater, projects. If there are any questions as to the years we have specific projects or questions with regards to other projects, I'd be more than happy to answer those.

Chairman Rohlf: Mr. Johnson, I notice in this particular CIP, it appears that a lot of the projects are street-oriented and that sort of thing. I know one of our roles in the past has been to kind of look at overall building and see if there was a need to prioritize. Am I missing something, or do we not really have the building projects in here like we did in prior years, as far as specific, like Park Place?

Mr. Lambers: I would say that in the past, that would be the case. Where we're at now with 143rd Street and 151st Street, development is pretty much out there and most of the use is non-commercial and would not have peak demands on it. Therefore, yes, a few years ago it was, but now it really is not. The Council made the decision to move 151st Street ahead of 143rd, and then back, so that's where we're at now with that decision. Really, you've got 143rd, 151st, and Kenneth Road, and then way down the road – no pun intended – is Mission perhaps for an expansion. And then the city, other than the reconstruction of the residential streets, which will go on probably forever, is really where we're at with our street projects.

Chairman Rohlf: So are these kind of changed improvements still in conformance with the comprehensive plan?

Mr. Lambers: Yes, and again, because we don't anticipate significant land use changes, the capacity of the street infrastructure is planned and we don't see changes to that plan in terms of needing more than four-lane roads.

Chairman Rohlf: Any other questions?

Mr. Williams: Just one on the format of this, to help me better understand how you do this. Under Tab 3, it's listed as Program Summary, and yet you mentioned Tab 6, which lists the pay-as-you-go programs. We don't actually have a summary of all of the capital improvement projects?

Mr. Lambers: No, we break them out between bonding and pay-as-you-go projects. We don't have an overall summary of them because it would be too lengthy to provide with everything we have going on.

Mr. Williams: All right. Thank you.

Mr. Elkins: Mr. Johnson, a couple questions. On the project 80129, 143rd Street, Mission Road to Kenneth Road – on page 21, there is a reference to a project cost by construction year being incurred in 2012 for \$12.6/\$12.7 million. And then, if you look at page 27 for, I think it's the same project number, there's \$10.3 million in 2011 as a construction year, and I guess the funding year is 2012...? Am I looking at two different projects?

Mr. Lambers: Two different phases, which would then be bonded in the following year.

Mr. Elkins: Okay. In most of the other projects, it looks like the numbers match up. I'm just trying to figure out how we go from 12.7 down to 10.3 for the bonding projections. Is the federal government giving us funding?

Mr. Lambers: Outside funding.

Mr. Johnson: Yeah, there is federal aid, and then we have outside funding that was collected from developers.

Mr. Elkins: Okay. And then, on project 80162, 143rd, Nall to Mission – I just noticed that in each of these instances in comparing what I think are the date construction costs are going to be incurred versus the date that the bonding is, there's always a year's difference except for that project; there's two years' different on that project. Why the difference?

Mr. Johnson: Well, 143rd Street construction will begin in 2010 with completion in 2012. Bonding would be either late 2012, depending on when the project gets done, or 2013.

Mr. Elkins: So just a longer duration project – Is that the explanation?

Mr. Johnson: Correct.

Mr. Elkins: The rest of these are going to be done in a single year, or thereabouts?

Mr. Johnson: Correct, with the financing or bonding to be done the year after.

Mr. Lambers: We have to certify the projects costs by the end of April of each calendar year in order to bond them in September the following year. So, a lot of these projects, we don't totally finish them up, so we cannot certify the costs. That is why on some of them, we know that's going to happen. Others, we're optimistic it will. If it doesn't, we just carry the temporary financing for another year and complete it the following year.

Mr. Elkins: Is there something special in terms of the complexity of the Nall to Mission project?

Mr. Lambers: Part of it is a school that's there, and the magnitude of the project; the length.

Mr. Elkins: Thank you.

Mr. Conrad: One of the areas we have heard about for future redevelopment – hopefully – has been State Line south of 103rd. Are there any capital improvement needs in that area that need to be considered?

Mr. Johnson: Not right now. We're working with Kansas City, Missouri, to start the overlay beginning at the north end of State Line, somewhere around 79th/83rd Street. We will be overlaying the street over the next couple of years. We have talked with Kansas City, Missouri, about trying to do a capital program to do some major improvements to State Line Road, replace curbs and storm sewers and upgrade some of the traffic signals out there. So, we are having discussions with KCMO about those. Fortunately, they proceed very slowly.

Mr. Lambers: And the constraints that we face, if we're going to have any relief to the congestion out there, it will primarily be at the intersections. The Council does have that identified as a long-term goal, to evaluate that as it relates to potential commercial development, replacing existing residential on our side. And then obviously, the traffic impact that will follow that as well, because it is congested. Again, the limits of the right-of-way that we have and the cost of acquiring it are very prohibitive, and certainly condemning it now is almost impossible. So, it will continue to be a problem. We see commercial development; the relief will just be at the intersections.

Mr. Conrad: And from time to time, we've seen some proposals that have had stormwater issues along that stretch also.

Mr. Lambers: Yes, and to be honest, not to bash KCMO, but we can only give them so much water that they can take, so unless they are willing to cooperate and make improvements east of State Line to accept the water, it doesn't do us any good to get it to them in a greater volume or velocity.

Chairman Rohlf: I have a question. I remember last year, there was a part in there about the signalization at 143rd and Kenneth and how that was kind of off in the future. What happens when you ultimately put a project in sooner? How does that get captured in this plan? Because obviously that signal was there.

Mr. Johnson: Correct, and that signal was budgeted in the arterial program under the pay-as-you-go. It's about a \$440,000 expense to overlay 143rd from Kenneth Road to Nall Avenue. That was just a small piece of that project that was scheduled for 2007 and installed in 2007.

Chairman Rohlf: Darn, I thought I had you. Does anyone else have anything else? Thank you. This case does require a public hearing. Is there anyone in the audience that is here to speak about this case? If so, please raise your hand.

Seeing no one, motion by Elkins, seconded by Roberson, to close the public hearing. Motion approved unanimously.

Chairman Rohlf: That takes us to any further comments that we'd like to make, leading to a motion to approve the capital improvements program.

Motion by Williams, seconded by Roberson to approve Case 113-07, Leawood Capital Improvement Program. Motion approved unanimously.

CASE 104-07 – AT&T-VRAD CABINET – Request for approval of a special use permit for an AT&T VRAD cabinet, located at 3901 West 132nd Street. **PUBLIC HEARING**

Staff Presentation:

Mr. Joseph: This is Case 104-07, a request for approval of a special use permit for an AT&T cabinet, and also for an SAI box. The applicant is Chris Carroll with AT&T. The applicant is requesting approval of a special use permit to install a VRAD cabinet and an SAI box within the Mission Trail Elementary School property. Initially AT&T wanted to locate this box within the Villaggio development and staff was not supportive of that location due to a conflict with the future corner feature. The applicant has come back with a new proposal, which is this location. Staff is supportive of this location. Staff is recommending approval of this case with stipulations. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: This is a brand-new location, right?

Mr. Joseph: Yes.

Chairman Rohlf: Any questions for staff on this particular cabinet? If not, we'll hear from Mr. Carroll.

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

Mr. Carroll: As Mr. Joseph reported, this originally was filed for the southwest corner of 135th and Mission, but due to some concerns expressed by staff and the development that is ultimately planned there, AT&T has chosen this as an alternate site. We will actually be removing the above-ground cabinet at the current site at 135th and Mission and moving it to this new site. Original plans called for, I think it was 14 six- or seven-foot-tall pines and [*inaudible*], but with some consultation with the property owner there at 3901 132nd Street, we added several more pine trees. I believe that resident is pleased with the plan, and I would ask your approval this evening. I'm happy to stand for questions.

Chairman Rohlf: We saw a number of these last year; I guess we're going to start off the new year with more. How is progress going?

Mr. Carroll: Progress is going very well, thank you. We're very pleased.

Chairman Rohlf: Questions for Mr. Carroll?

Comm. Roberson: I have a quick question. Can you explain to me again what a hand-hole is?

Mr. Carroll: Yes. It's level to the ground, it's an access area where fiber and cable come into so that the technician can easily access the fiber or the cable coming into the cabinets. It's a flush to the ground, concrete cover that can be removed with a special tool that the technicians have access to. Kids cannot get into it. I can't get into it.

Comm. Roberson: That was my biggest concern.

Chairman Rohlf: Mr. Carroll, was this the cabinet that at the interact meeting, the homeowner voiced some concerns about the plantings?

Mr. Carroll: And that gentleman was there that day, and I have his name – Jim Kleikamp, I believe, at 3901 West 132nd Street. I was not at that particular interact meeting – I was out of town at the time – but that gentleman reviewed the original plans and we have enhanced that landscaping plan and submitted that to staff. The plans that you have include those additional plantings.

Chairman Rohlf: And he's satisfied now?

Mr. Carroll: Absolutely.

Chairman Rohlf: Okay, glad that worked out. Anything else for Mr. Carroll on this particular cabinet? Thank you. Is there anyone in the audience that wishes to speak about this case?

Seeing no one, motion by Elkins, seconded by Roberson, to close the public hearing. Motion approved unanimously.

Chairman Rohlf: That takes us to any further comments. If there are none, I would ask for a motion.

Motion by Williams, seconded by Roberson to approve Case 104-07. Motion approved unanimously.

CASE 134-07 – AT&T- VRAD CABINET – Request for approval of a special use permit for an AT&T VRAD cabinet, located at 14611 Nall Avenue. **PUBLIC HEARING**

Staff presentation:

Mr. Joseph: This is just south of the Baptist Foundation Grace Gardens. The applicant is Chris Carroll of AT&T. Again, the only change with this special use permit is that staff has added a stipulation that requires them to underground all the power lines. With that, staff is recommending approval of this case with the stipulations. If you have any questions, I'd be happy to answer them. There is actually a power line that is connecting to the existing SAI box.

Chairman Rohlf: Any questions for staff? All right, then we'll hear from Mr. Carroll again.

Mr. Carroll: As staff reported, this particular VRAD cabinet will be about 40 or 50 yards east of Nall at about 146th Street, just to the south of the Grace Gardens retirement community. Like all the others, the VRAD cabinets that you have approved before, so nothing different about this one. This one is actually set off further, about 40 or 50 yards off the street, and it will be surrounded by landscaping. It will be pretty hard to see. Again, we have reviewed the stipulations and certainly do agree.

Chairman Rohlf: How far apart is the approval and installation? Are we three months from final approval to...?

Mr. Carroll: Once we get approval from the Council? It's typically two to three months before we actually turn out the cabinet and make it ready for sales.

Chairman Rohlf: Is it moving along satisfactorily?

Mr. Carroll: Yes, it is, very much so.

Chairman Rohlf: Any questions for Mr. Carroll?

Mr. Elkins: Just a couple questions. On the photographs that we have in our packet, I'm struggling to get myself oriented. Am I looking generally to the east in that picture of the existing cabinet? Can you help orient me? The top picture.

Mr. Carroll: This, you would be looking back west towards Nall, I believe. I didn't take the photograph or I would know exactly.

Mr. Joseph: The site plan shows a better picture of the location.

Mr. Elkins: Okay, so that culvert on the diagram – I'm just trying to make sure I understand where the Baptist center is from that box. It would be to my right, over my shoulder?

Mr. Joseph: Northeast.

Mr. Carroll: It would be north and east of this cabinet.

Mr. Elkins: Okay, thank you.

Chairman Rohlf: Anyone else have questions? Thank you. This case also requires a public hearing. Is there anyone in the audience who wishes to speak about this case? Please state your name and address for the record.

Jim Kleikamp, 3901 West 132nd Street, appeared before the Planning Commission and made the following comments:

Mr. Kleikamp: I think by just a few minutes, I missed my opportunity on the last one. I just had a question. I was at the interact meeting and there were going to be some changes made to that one. Just to satisfy my curiosity, I wanted to have a moment with Mr. Carroll. So I'm really applying more to the last one than this particular one.

Chairman Rohlf: That's all right, we'll go ahead and let you do that. I did ask on your behalf, however, if you were satisfied with the agreement that you all worked out about some additional landscaping, and he said that he thought that you were.

Mr. Kleikamp: Okay, I think I can direct that with him specifically.

Chairman Rohlf: Okay, so if the record would reflect that Mr. Kleikamp is actually speaking on behalf of the last plan, but we'll take it into consideration on this one. Thank you. All right, anyone else in the audience that wishes to speak about this case?

Seeing no one, motion by Elkins, seconded by Roberson, to close the public hearing. Motion approved unanimously.

Chairman Rohlf: That takes us to our discussion, hopefully leading to a motion on this particular case.

Mr. Elkins: Really, just by way of comment for AT&T on this. One of the things that pleases me about this plan over the last one is the fact that the VRAD cabinet is moved off the street in two directions. We had already asked him to move it once in the last plan, so I didn't see fit to make an issue of it there. But I would encourage AT&T as they are siting these things, I know they have existing VRAD cabinets in places and they can't do much about it now, but I would really encourage them to look at the feasibility where they can of even moving existing VRAD cabinets off the street. I know there may be some neighbors that create push back for you with respect to where you site these, but the further away from the streetscape, the better off I think we as a community are. And I would congratulate them – this is exactly what I'm looking for.

Mr. Carroll: Just so there is no confusion, the VRADs are the new cabinets that are going in. The existing cabinets that are there are Service Area Interface cabinets/Subscriber Area Interface cabinets – the SAI boxes. Typically we'll place the VRADs in as close proximity as we can to the SAI boxes. This SAI box, to the commissioner's point, is off the road 40 or 50 yards or so. We don't often see them like that, but they generally are in the right-of-way or utility easement. This is in a utility easement, and we try to accommodate as many of those that we can.

Mr. Elkins: I appreciate it.

Chairman Rohlf: Any other comments?

Motion by Elkins, seconded by Roberson, to approve Case 134-07. Motion approved unanimously.

Chairman Rohlf: The record should reflect that Mr. Conrad has excused himself on the next case.

CASE 04-08 – PARK PLACE- RICE GALLERY – Request for approval of a final site plan for a tenant finish, located at the northeast corner of 117th Street and Nall Avenue.

Staff presentation:

Mr. Klein: This particular tenant space is located in Building B. You have the parking garage along Nall, then you have Building A that is on the east side of the parking garage. You then have kind of a primary internal drive that serves the commercial portion of Park Place, and on the east side of that drive is Building B. This particular application is for a business called the Rice Gallery of Fine Art. It's an art gallery. They plan to have some porcelain tile that goes around it; they have some awnings. I'll show you a material board and let you see that.

The primary reason it was not placed on the consent agenda is that the applicant is requesting to use an existing sign that they have at their current location, at this location. The concern is the size of that sign is 7.6 percent of the façade, and according to Leawood Development Ordinance, we limit it to a maximum of 5 percent of the façade. Staff is recommending approval of this case, with the stipulation that it would have to come into conformance with the City's criteria. I'm happy to answer any questions.

Mr. Elkins: Mark, when you're figuring out the size of the sign and what percentage it is of the total façade, if you look at the drawing that is in the bottom, in what I think is C-14, does the sign include all the blank spaces as well when you're calculating the area of the sign?

Mr. Klein: Correct. The ordinance states how we can measure the sign and it's done by drawing a rectangle around the entire sign.

Mr. Elkins: So they at least can come partially within compliance by simply shortening the amount of white space on either end?

Mr. Klein: Oh, I'm sorry. Where the T is on "The" at the beginning of it, that's where it would start, and we would end at the T at the "Art."

Mr. Elkins: That's exactly the question – You don't include all that white space.

Mr. Klein: No, we don't. We take it right around the letters, so the top portion would be up where the top of the R, the dot of the I is, and the bottom would be the Y or the R.

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

David Anderson, 4807 West 83rd Street, Prairie Village, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Anderson: I'm representing the owner. Essentially Mark has described it very accurately. The owner is interested in re-using an existing sign from another location to locate here in Park Place. And as Mark has stated, they overall percentage of the sign is at about 7.6 percent versus the 5 percent that is allowed by ordinance for Leawood.

Chairman Rohlf: Do you have a question?

Mr. Williams: The first question for Mark, in terms of the calculation of the façade, in this particular case, we're only calculating the area from basically the top of the sign band to the ground – sidewalk, I'm assuming. And then, at what point either side do you begin to take your calculation?

Mr. Klein: We try and take it from as far as the limits of the tenant finish. In this case, it was actually calculated by the architect as far as the size of the tenant finish. Actually let us show you as far as the area.

Mr. Williams: I guess part of my reason for asking the question is that, when you drive around the city and look at other retail centers and look at the signage, many of them have the benefit of a big wall above the store entrance that isn't necessarily part of the tenant finish space, just as the decorative bands between the signage and the windows above would potentially be. And yet, they even use those in many cases for their signs, and some of those signs can be very large, and some of them getting to be multiple signs at the same time. They've got them up above the canopies, down below the canopies, and so forth. So, I'm just curious why we're confining this one to just that little bit of area.

Mr. Klein: I think in this case, what we tried to do, and what we have tried to do in other cases, is we've tried to look at the architecture to define as far as what that space is. On this particular one, they have some offices above, as they do on Building B. So, it appears that the area that's above that area is actually part of that office space. I think we have done that on other tenant finishes as well, as well as other buildings. If you have a certain architecture where it appears that that is actually part of the tenant finish, we do try and include that, so maybe some of them do have a little bit more that's above.

Mr. Williams: So if you have a type structure like you might find at Town Center on a couple of facilities, where it overhangs the sidewalk and so forth, you're counting that as part of the tenant finish.

Mr. Klein: Correct.

Mr. Williams: My question to the applicant, I understand trying to reuse the sign. Have you looked at what would happen to your sign if it was, besides scrapping the existing sign, but what would happen to the sign design to bring it into compliance as it's being defined?

Mr. Anderson: Yes, we have. Actually, that was the first application that we made on behalf of the owner, and mistaken communication between us and her to submit exactly the sign that she had on an existing facility to be relocated to this facility, as opposed to reusing the style and the font to create a new sign for her at her new location. That is the reason why we're now looking at a sign that is larger. She would like to re-use the sign.

Mr. Williams: So in the sign that would be in compliance with the five percent, assuming you're keeping the same style of sign here?

Mr. Anderson: It's exactly the same sign, it's just a little bit smaller.

Mr. Williams: Define "a little bit."

Mr. Anderson: On the existing submittal that we have, the sign is 18 feet, 4 inches tall, 2 feet tall – Are you showing the previous one, Mark? Okay.

Mr. Williams: The sign band, which is part of the building, it stays the same, it stays at the 2 foot 4, and I guess the lettering goes from – what? Ten to 8 for the small letters? And the large letters are one foot, three? If someone could help me out?

Mr. Anderson: It goes to about 18 1/4 inches.

Mr. Williams: So it's roughly three inches difference in height?

Mr. Anderson: Roughly, right.

Mr. Williams: So in the scheme of things, as you look at the elevations, I wouldn't say that there's necessarily a large difference in the sign and how the sign reads, particularly in that piece of architecture. We always encourage tenants to put their signage as part of the architecture instead of just slapped on.

Mr. Klein: Part of staff's concern – and this isn't just staff's concern, this is also something that we hear from the developers in the overall development around the city as far as limitations and things on signage – is that there's some concern that if you deviate from the 5 percent or the standards that they pretty much have adopted at the time that they design their sign criteria and everything, that the next applicant is going to come in wanting, again, to exceed the percentage. Then the developers are in a position where it's a little bit harder for them. It's also a harder argument for the City to make as well, to say, No, you have to stop. So, if you get another tenant and maybe they have a sign that's maybe nine percent of the façade. We're just trying to treat everybody equally and trying to do it at the time that the sign criteria is actually developed for the development.

Mr. Williams: Actually, I had gone through and tried to go through the exercise of reducing the sign to get the five percent, and I guess I was using a slightly different method of calculation to get there. I've left all those calculations to you all. I was coming up with the same numbers, but I was taking into account a greater area of space. But when I did that, it substantially reduced the size of the sign to get down to that five percent, and I don't find that the sign document that was passed out here to be all that bad. I think five percent continues to work, it looks good, and it does a lot of what we want for signage. So, I'm supportive of the five percent.

Mr. Lambers: Madam Chair, I can tell you that staff is not insensitive to the applicant's request. First off, this is obviously a cost-saving measure for them. If there is a unique feature to this sign that was difficult to replace, we would certainly give that more consideration. However, in this case, this sign can be easily replicated. There's really nothing difficult about it. If there was unique feature to it, the difference that we're talking about is really not substantial, but that doesn't exist in this case.

Mr. Williams: I would say that the only unique feature – that there is a unique feature, I should say – is that the name of the business is a larger, longer name than we often see. Crate & Barrel isn't a long name. If you go through Town Center, I looked at a number of the signs over the weekend over there, and for all intent and purposes, they're short names, so they take up less space on a similar situation. So, I can see where they might want to use the sign, and the sign that is sized here seems to be appropriate for the spot. At the same token, reducing it to five percent does not seem to be as dramatic of a reduction in the size and the affect on the design.

Chairman Rohlf: Mr. Alpert, would you like to say something?

Jeff Alpert, Park Place Developers, LLC, 11551 Ash Street, appeared before the Planning Commission and made the following comments:

Mr. Alpert: We are now residents of Park Place. We struggled with this because we're torn between wanting to accommodate a tenant, which we always want to do, and trying to maintain some consistent standards for Park Place. In this case, deviation as significant as this, you know, we have always tried to keep the signs as concise and as much in scale with our buildings and our storefronts as we possibly can. While we certainly wanted to accommodate our tenant in this regard, we felt that it was important for us to support the guidelines we've

established, as well as the City's guidelines and keep the five percent. Particularly on Ash Street where the building-to-building distance is only 64 feet, it's not like you're a long way away and you need a large sign to be able to read it. You're not very far away no matter where you are from these signs, so they don't need to be large, and we prefer that they are not large. That's why we were not able to support the tenant's request for the deviation, as much as I would have liked to.

Chairman Rohlf: Thank you. Does anyone else have any questions for the applicant on this case? Thank you. It appears that we would not need to revise our staff report.

Mr. Klein: Correct. Stipulation 1 would require them to come into conformance.

Chairman Rohlf: All right. Any further discussion on this?

There being no further discussion, motion by Williams, seconded by Elkins, to approve Case 04-08. Motion unanimously approved.

CASE 08-08 – ONE NINETEEN- NATURAL BODY SPA – Request for approval of a final site plan for a tenant finish, located at the southeast corner of 119th Street and Roe Avenue.

Chairman Rohlf: The record should reflect that Mr. Conrad has rejoined the meeting. Maybe I'm the only one, Mark, but I have a copy of the Solstice Sunglass Boutique plan attached to my staff report.

Mr. Williams: You're not the only one.

Chairman Rohlf: All right, so I guess we haven't seen the particular attachment that goes along with this, if there is one. We have the Sunglass plan from the Consent Agenda.

Mr. Klein: Okay. I apologize.

Chairman Rohlf: You can just pass it down whenever you're finished.

Staff presentation:

Mr. Klein: This is a tenant finish that is located within the One-Nineteen development. The storefront is located on the north side of the building. It has a brick façade on the primary portion of the storefront, which matches the brick that was approved with the overall center. However, it does have some glass tiles, before you is the material board for Natural Body Spa, and it has a series of what those tiles look like. Those are located on a column on either side of the main entry, as well as underneath each of the windows. It also has what's called a VEKA system, as far as the storefront, which is a simulated wood. It's a vinyl that is put over aluminum. They have that on the storefront, and they also have it on a portion of the door. That was the primary reason why this was not included on the Consent Agenda. Again, the material board has a sample of that vinyl for you to look at, to determine if you think that it meets the criteria. Staff is recommending approval of this case with the stipulations stated in the staff report.

Chairman Rohlf: Could you explain VEKA? What does that stand for?

Mr. Klein: Actually, I'm not sure what the acronym stands for. I believe it's a company that produces this particular simulated wood product. You've seen a simulated wood product before. However, it looked a little more substantial on the sample that we had. It might be better for the architect to tell you more about it. That's the primary reason we are bringing it before you.

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

Applicant's presentation:

Darren Ingram, Luc Draily Construction, 6770 North Belleview, Gladstone, Missouri, appeared before the Planning Commission and made the following comments:

Mr. Ingram: Actually, I brought two product representatives with me – Tom Radke and Peter Einegman. They can discuss more in detail the VEKA storefront system. VEKA is the name of the manufacturer for that storefront system. One thing I might add is, the reason the client wanted to go with this system is because of its energy efficiency, and it's made out of renewable materials. The whole concept of natural body is to have an environmentally-friendly building and building materials that are used in the construction of this tenant space. So, what I'll do is, I'll refer the product information to Peter. He has brought a sample of what this storefront would look like, so he can bring that up to you to take a look at that also.

Chairman Rohlf: Before we move on to that, I guess there are a number of these throughout the country?

Mr. Ingram: That is correct, yes.

Chairman Rohlf: And have you been using this system on other buildings?

Mr. Ingram: That is correct, yes.

Chairman Rohlf: I'm sure we'll have some questions about it. Before we move to that particular question area, does anyone else have any other questions for the applicant?

Mr. Williams: On the elevation, the top glazed portion of the storefront is noted here as a spandrel glass. On that spandrel, is that plenum space?

Mr. Ingram: Yes. There is a dropped soffit in the interior of the space and it goes to that elevation, so the spandrel glazing was to hide the metal stud framing behind that within the interior of the space.

Mr. Williams: Okay. And again, as I read the note, it matches the glazing that is down below?

Mr. Ingram: Actually, the glazing down below, a low-E glass, is more of clear glass. This is more of a tinted, darker, kind of a spandrel panel.

Mr. Williams: Okay, so it's going to read as two different?

Mr. Ingram: That's correct, yes.

Mr. Williams: And you're not trying to light that?

Mr. Ingram: No, we're not. The main concern is to hide the framing of the soffit behind it.

Mr. Williams: Okay. In that regard, is there a particular reason from a design perspective that you took those glazed openings high? Is that part of the existing building that you're trying to work with?

Mr. Ingram: That's correct. The bearing elevation for the steel, we wanted to extend the storefront all the way up to the bottom of that.

Mr. Williams: Thank you.

Chairman Rohlf: Does anyone else have other general questions for the applicant? If not, we'll move on and discuss the VEKA system.

Peter Einegman, VEKA, appeared before the Planning Commission and made the following comments:

Mr. Einegman: I'm the director of commercial windows and doors. I have a sample of the material that will be used, if I can approach and show you that.

Mr. Lambers: It would be best if the conversation was on the record.

Mr. Einegman: It's an exterior grade foil or laminate, as we call it, and it has several layers on it. On the top layer itself is a UV protective film that protects it from peeling, cracking, and the influence of the sun, of the UV rays. It has a full 20-year warranty. We are applying this product onto our profiles.

Mr. Elkins: And this is glued on with a vacuum?

Mr. Einegman: It's actually glued on with a hot melt type process.

Mr. Williams: I may not have understood you correctly. This is something that you are applying to the product after it's manufactured, so it's a different company gluing something on the aluminum frame?

Mr. Einegman: No. We actually extrude the [*inaudible*] lineals that the windows are going to be built off. After the extrusion process, we apply the laminate at that point, and then the windows get built with the laminate already applied to the extrusion.

Mr. Conrad: What is this material they extruded?

Mr. Einegman: It is a PVC material.

Mr. Conrad: Is this filled with an insulation in any way?

Mr. Einegman: Absolutely. When you count across, there are five chambers, and we use air as your insulator. So, what you get is actually a framing material that is superior in thermal values versus any other type of framing material, including aluminum or anything like that.

Mr. Conrad: How "green" is PVC?

Mr. Einegman: It's actually very green. It's fully recyclable, first of all. We also use recycled material in there.

Mr. Williams: And that actually depends on who you're talking to.

Comm. Heiman: How long has this been in existence and used in commercial applications?

Mr. Einegman: In commercial applications here in the United States, about five years.

Mr. Williams: And where is the product from again? Originally?

Mr. Einegman: The product was developed in Europe and Germany. We are actually a German company, but the North American headquarters is in Pittsburg.

Chairman Rohlf: It's in all climates?

Mr. Einegman: All climates, all over the world, yes. From hot to cold, from dry to....

Mr. Williams: They said it's a new product. What – five years in this country?

Mr. Einegman: Yeah, PVC windows obviously, we've been in the market for over 25 years in the United States doing PVC windows, mainly in a residential market. Now we're.....

Mr. Williams: Hopefully better than most the ones I've seen.

Mr. Einegman: Yes. We'd like to believe so.

Chairman Rohlf: Do you have any applications around here in this area?

Mr. Einegman: Not commercially, not in this area. Most applications now are in major metropolitan areas like Chicago, Atlanta, Detroit, New York, and Pittsburg, where our headquarters are located.

Chairman Rohlf: How does it compare cost-wise?

Mr. Einegman: Very competitive to your regular, typical storefront-type product.

Mr. Williams: The windows that you are proposing, or the system is actually the storefront system, so there's no operable windows?

Mr. Einegman: That's correct.

Mr. Williams: We're not going to see then the hinges....

Mr. Einegman: No, other than on the door. You won't see any operable sash...

Mr. Williams: So in terms of the storefront look on this, is this going to be similar to this....

Mr. Einegman: Basically this is the frame of the storefront itself, so it gets glazed into this pocket here with the glazing...

Mr. Williams: It will match that.

Mr. Einegman: Yes.

Mr. Williams: Okay.

Chairman Rohlf: Mark, is your concern with the look or with the liability....?

Mr. Lambers: Actually, Madam Chair, it was my concern. One, the little sample they gave us, we were concerned about the look. Also, just the newness. I didn't expect to get the education we got tonight. I'm willing to say I don't see an objection with it, with what they've explained, but the idea is to let you have an opportunity as well.

Mr. Einegman: Just to let everybody know, we also adhere to all the AHMA and NFRC testing and standards that are being put on us from the window industry. We adhere to the strict structural, air and water infiltration testing that is put on us by AHMA.

Mr. Williams: I noticed in the brochure of information, there's a collection of different veneers that are available. I'm not able to read the fine print on my document here – what is the veneer we're looking at using?

Mr. Einegman: It's actually called Ceraso, which is this material here. That is the actual material that we're looking at.

Mr. Williams: All right. Enough said. It looks pretty nice.

Chairman Rohlf: I can see why; there's no comparison to the sample on the board. Do we have any other questions?

Mr. Williams: Just one – If I could get your business card before you leave.

Chairman Rohlf: Thank you. Mr. Elkins?

Mr. Elkins: I'm curious about the way it holds its color. You mentioned earlier in response to a question by one of my colleagues that there's some sort of film over it, a UV protectant?

Mr. Einegman: That is correct, yes.

Mr. Elkins: Does that prevent it from fading over time?

Mr. Einegman: That is correct.

Mr. Elkins: Thank you.

Mr. Einegman: And I would have technical documentation and I can actually show you that, how that's done.

Chairman Rohlf: Any other questions for the team? Thank you. Are you all done? Mr. Conrad?

Comm. Conrad: I think we always need to be looking for new materials. I think my question to staff is – and I'm certainly supportive of it; it looks like a good product. I do think we want to make sure there is a level of sustainability to it. You mentioned that it is made of recycled materials. I wondered when the storefront is taken out, what it's recyclable potential is. So, I think we should look to new materials as being green. You also mentioned conformance to window standards, of which I don't know what that list might be, but I do think when we've looked at, I'm thinking of roofing products, to meet commercial standards, and beyond that, I think that would be a staff task to make sure those criteria are met. Otherwise, I would be supportive.

Chairman Rohlf: I think what we need to do is delete staff comments and the 2 under staff recommendations – Would that take care of that?

Mr. Klein: Yes, it's just the comment you would have to delete.

Chairman Rohlf: Number 2. Leave the rest of the report.

Mr. Klein: Correct.

Mr. Williams: If there are no other comments, I would make a motion.

Mr. Elkins: Madam Chair, just one additional comment. It's sort of in the form of a question, or a recommendation of staff to look at one other issue that just occurred to me. I'm having trouble visualizing just how that layout is going to be on that particular building. I would be curious about how it stands up to hail. That's one other thing that we have a little unusual here in Kansas. Some artificial building materials I've seen have some pretty nice-looking dents in them after a bad hail storm. And it may be that the physical layout of this particular storefront is set back enough that the relative possibility of hail hitting it is modest at best, but it's a thought that just came to me.

Mr. Williams: If I'm reading the drawings correctly, I think it sits back from the roof line. A substantial difference.

Mr. Elkins: Okay. I'm supportive of it as well.

Chairman Rohlf: Then, Mr. Williams, were you starting to make a motion?

Mr. Williams: I was, if there are no other comments.

Chairman Rohlf: And we need to delete staff's comments as well, right above.

Mr. Williams: Do we ever delete their comments?

Mr. Klein: Just on the record that you are all right with the material.

Mr. Williams: Okay. I don't know that we've ever actually done that before, but if that's what we want to do tonight, that's fine with me. The key thing is that the staff recommendation is deleting number 2, which is wood or aluminum. So, the VEKA system is as proposed.

Motion by Williams to approve Case 08-08, deleting staff stipulation #2. Motion seconded by Elkins. Motion approved unanimously.

Chairman Rohlf: Anything else on this case? We are adjourned. I do have a question, though. On some of these large developments like Park Place and One-Nineteen, do we keep an updated picture of what's going in and where it is? I know at one time we talked to these developers about bringing in kind of updated plans for the computer.

Mr. Lambers: We require that the buildings, the model they presented to you, if that changes, to update it. As for the elevations, as they become approved, we require them to provide a color version of what's been approved and what they are proposing to put in next to it. That's about it. We obviously keep a materials board as well.

Chairman Rohlf: Well, it's kind of hard for me to remember. They're coming in so piecemeal, and where they're located in the overall plan, and what's already in. There's nothing that they can provide...?

Mr. Lambers: Again, with the tenant finishes, we're trying to get one or two stores on either side, just to show you how they would merge with one another. But these beginning ones, there's nothing nearby. There's nothing for us to give you.

Chairman Rohlf: Is California Pizza the only one open in Park Place right now?

Mr. Lambers: Yes.

Chairman Rohlf: What will be next?

Mr. Lambers: Apparently Jeff said they moved over there, so it must be in an office building. But that's about it. TCL for the parking structure.

Chairman Rohlf: Have you had a chance to talk to Dennis about when he might be returning?

Mr. Lambers: I have not. He hasn't been back because there's been no progress on porch lights just yet. *(Laughter)*

Meeting adjourned.