

**City of Leawood
Planning Commission Minutes**

**May 27, 2008
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive**

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

Chair Rohlf: Before we get started this evening, I would like to recognize and extend my appreciation to one of our Planning Commissioners, Mr. Ken Conrad. This is his last meeting this evening. He has been on the Commission for a number of years and has done a wonderful job. He has served the City well. We will miss him and wish him all the best. Hopefully, he will come back and see us sometime. I would like to have a round of applause for Mr. Conrad. (*Applause from all present.*)

Comm. Conrad: Thank You.

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

Mr. Klein: Madam Chair, there was one change to the agenda regarding Mulberry & Mott. They indicated that they wanted to discuss the signage.

Chair Rohlf: We will move it off of the Consent Agenda and move it to the first item under New Business.

CONTINUED TO JUNE 10, 2008 MEETING:

CASE 122-07 – PARK PLACE – THE ELEMENT HOTEL – Request for approval of a final site plan; located at the northeast corner of 117th Street and Nall Avenue.

CASE 127-07 – PARK PLACE TOWNHOMES – Request for approval of a preliminary site plan and final site plan; located at the northeast corner of 117th Street and Nall Avenue. **PUBLIC HEARING**

36-08 ONE NINETEEN – HABITAT SHOE STORE – Request for approval of a final site plan; located at the southeast corner of 119th Street and Roe Avenue.

37-08 ONE NINETEEN – PRODUCTS BY MARIA – Request for approval of a final site plan; located at the southeast corner of 119th Street and Roe Avenue.

42-08 PARK PLACE – INGREDIENT SIGN PLAN – Request for approval of a final site plan; located at the northeast corner of 117th Street and Nall Avenue.

43-08 LEAWOOD OAKS – Request for approval of a final plat; located approximately at 93rd Street and Lee Blvd.

CONSENT AGENDA:

CASE 30-08 – CENTENNIAL PARK – BUILDING 23 – Request for approval of a final plat; located at the northeast corner of 143rd Street and Overbrook Road.

CASE 31-08 – CENTENNIAL PARK - BUILDING 19 – Request for approval of a final plat; located south of 141st Terrace and east of Overbrook.

CASE 32-08 – TUSCANY RESERVE FOURTH PLAT – Request for approval of a final plat; located at 3419 W. 138th Street.

CASE 34-08 – HAZELWOOD 6TH PLAT – Request for approval of a final plat; located north of Wenonga Circle and east of Pawnee Lane.

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

OLD BUSINESS:

CASE 05-08 – ONE NINETEEN – GREEN EARTH DRY CLEANERS (BLDG A) – Request for approval of a special use permit, preliminary site plan, and final site plan; located at the southeast corner of 119th Street and Roe Avenue. **PUBLIC HEARING**

Staff Presentation:

Assistant to the Director Mark Klein provided the following presentation:

Mr. Klein: Madam Chair and members of the Planning Commission, this is Case 05-08. The applicant is requesting approval of a special use permit, preliminary site plan, and final site plan for a dry cleaner with a drive-thru at the back of the southeast corner of the One Nineteen development's main center. As you recall, this application was before the Planning Commission at the February 26, 2008 meeting. At that meeting, the Planning Commission did recommend denial to the City Council. At the City Council level, the applicant requested a remand back to the Planning Commission as they had made some changes. The change was primarily a move of the drive-thru further to the west. They also changed the design of the drive-thru to where it is more circular. Staff is still recommending denial of this application based on the fact that this use doesn't fit with this particular center in addition to a number of concerns regarding the traffic circulation. Staff doesn't believe that the prior concerns have been addressed. We will be happy to answer any questions.

Comm. Jackson: Mark, will you explain the comments about the drive not having enough width. I believe it is the second Staff Comment.

Mr. Klein: Typically, the average drive aisle width is 24-ft. Currently there is 23-ft. They have a drive-thru that circulates back into the drive aisle that is a service drive for the back of that building.

Comm. Jackson: Explain to me what you mean by drive aisle. Which one is the drive aisle?

Mr. Klein: The actual service drive that continues along the full length of the south side of the building.

Comm. Jackson: Parallel to Tomahawk Creek Parkway?

Mr. Klein: Correct. Staff had some concerns. I think it actually is 24-ft. further west away from the drive-thru, but it narrows down one foot to 23-ft. where the drive-thru is. You also have two lanes of drive-thru traffic circulating out onto the drive aisle and you have cars backing out of the perpendicular spaces located directly to the south of the drive-thru.

Comm. Williams:Staff thinks a dry cleaners would be appropriate?

Mr. Lambers: The applicant has developed a shopping center with the intent to, as much as possible, secure tenants that are not in the area. These are intended to be upscale tenants that will separate this shopping center from any other in the metropolitan area. The use of a dry cleaner, regardless of the type or brand is really irrelevant. It is the fact that it just doesn't fit into this. I would have a serious concern with the domino theory. I believe that it is in the City's best interest to maintain the integrity of what the applicant is trying to achieve. That is the reason why Staff does not believe it is appropriate.

Comm. Williams: Again, the thought being that they are more national chain upscale businesses, whether they are restaurants or retail.

Mr. Lambers: Correct. They should be unique to the metropolitan area. Apple's is obviously one exception. If you look at the rest of them, the developer has done a tremendous job in securing tenants that are going to make this shopping center a destination.

Comm. Williams: Thank you, that helps a lot. No further questions.

Comm. Heiman: I have one question. Is the applicant for the One Nineteen development in approval of this? Are they open to having this dry cleaners?

Mr. Lambers: They are supportive of the application. I would also point out another issue with this drive-thru. As you recall, the Planning Commission put a two-year time limit on the drive-thru for Dean & Deluca out of concerns with the traffic circulation and spill-over effect on Tomahawk Creek Parkway. Staff has maintained the position that we believe that Dean & Deluca should have the opportunity to determine whether or not their drive-thru does function as the shopping center is designed. If this drive-thru were permitted to go forward, then we would have two drive-thrus of which we could really not evaluate that fairly. I have told the applicant that we really want Dean & Deluca to succeed. They have made it clear that the drive-thru, while not a poison pill, is important for their future success.

Our recommendation is that once we have evaluated the drive-thru for Dean & Deluca and have hopefully determined that it does function properly, they could then come back and perhaps have an application for us to evaluate. For now, our position is that Dean & Deluca should be given the opportunity to prove that it does work for that store.

Chair Rohlf: If I remember, we have not approved the salon either. Is that correct?

Mr. Klein: Actually, the Planning Commission did recommend approval of the salon. They are going to be coming back with the signage as part of the stipulations for that approval.

Chair Rohlf: It seems to me that there is quite a large wall and berm there, from Tomahawk Creek Parkway looking up. How visible would the cleaners be?

Mr. Klein: The dry cleaner building is actually located down toward one end where the wall tends to start getting a little smaller. I think the highest portion of the wall is centrally located along Tomahawk Creek Parkway.

Chair Rohlf: Do you think anyone could even see the signage from below?

Mr. Klein: A lot depends on the landscaping. I think once the landscaping is in and it matures, it would probably be a little bit harder to find.

Applicant Presentation:

On behalf of GreenEarth Dry Cleaners, Doug Patterson, 4630 W. 137th Street, appeared before the Planning Commission and made the following comments:

Mr. Patterson: We have reviewed the notes and the minutes from the meeting that transpired here in February, which is why we asked the City Council to remand this back. I assure you that tonight will not be a redo of that meeting. I think you know about the concept of GreenEarth and what it is about. We do have the owners of GreenEarth here tonight to answer any questions about the operations of the facility, but our purpose here tonight is really to talk about what Staff reported as the four reasons for your concern and rejection of this in February. We will also address the two comments which led the Staff to recommend a denial of this before you tonight. I will not go through the four reasons stated by Staff regarding your decision to not recommend this to the City Council last time, but it basically related to the proximity of the claimed drive-thru to the entryway into this part of the facility, between the main shopping center and Dean & Deluca. There were concerns regarding turning and movements, steep grades of the drive north from Tomahawk Creek Parkway, and potential conflicts. The two Staff concerns relating to the recommendation of denial tonight relate to whether or not this type of use is compatible with the overall center of One Nineteen and also addresses the potential conflict of the right turn/left turn as you exit Tomahawk Creek Parkway north. If you go right, you go to Dean & Deluca. Turning left, you would be entering the southern elevation of the shopping center wherein GreenEarth would be located.

I am going to address the issue of our being on the end-cap on the east side of this development as compared to the salon on the west side. If we are talking about traffic, compatibility, and whether or not we have a drive-thru, I am going to bare our presentation down to three issues and try to keep it relatively succinct. We have our designers and engineers here to talk about the specifics as you would want, but it really comes down to three issues:

1. Do we have a drive-thru?
2. Is this use appropriate for One Nineteen?
3. Traffic compatible.

The third issue relates to traffic handling and the recommendation that we wait two years to let Dean & Deluca prove it's honest to goodness drive-thru facility before we come back and anticipate the type of valet lane and drive that we have for this facility. This means that we would have to wait two years. I think that Leawood would be missing an opportunity to have GreenEarth at this facility because tenants don't wait for two years. We want to address the concerns now, because I think we can. Other issues that we have dealt with related to just the type of issues you talked about as to whether the southerly elevation for this facility was appropriate for One Nineteen and GreenEarth. The purpose of a retail facility on the south elevation is to round out the end-caps of this development. The salon on the west side, for example. It is primary frontage along the south side. It's the same here on the east side of this development. The GreenEarth facility would be a wraparound to complete the well-rounded east and west ends. I talked to Staff as late as this afternoon and the comment was, "We don't want the back of a store and a storefront on the southerly elevation." I believe that Staff is okay with the concept that has been approved on the west side of this, to have the end-caps represent not just the end of the building but the continuation of retail to a logical conclusion. I believe we are okay with Staff on that.

Next would be the issue that I think we resolved, which was one of the Staff Comments pertaining to the report by City Engineer Dave Ley. He was concerned that the valet lane is too close to the entrance of the facility from Tomahawk Creek Parkway. This will be described later, but we have offset this by 90-ft. to the west and have addressed some of the issues.

The real issue is whether we have a drive-thru facility or not. Clearly, we don't. This is not a drive-thru cleaners. Your Leawood Development Ordinance [LDO], Section 16-9-93, defines what a dry clean/laundry facility is. When we file an application and make a presentation, we go by the definitions of the LDO. The LDO provides that a) you are either a storefront facility, or b) "You are a drive-thru facility that accepts and delivers garments to the customers but do not provide the actual cleaning services and have cleaning equipment in use." We are the former, we're a storefront. All of our laundry facilities and activities are undertaken at this store. We are not just a drive-in/drive-thru where you exchange the garments, money, and receipts, and then send the garments someplace else. We are in fact a storefront type facility under the LDO definition. We do not have, as you see in some drive-thru facilities, any pass through window. We wouldn't even be here if we provided that. We're not a drive-thru that has any type of speaker system. We don't have a big board that talks about how shirts are \$1.50 on Wednesday. If we did, we wouldn't even be here because we know that you would not accept it.

What we do have is a storefront and we provide all of the dry cleaning/laundry services in our store. We have parking for customers who want to enter the store and track business inside the store. We even have lockers for your clothing and garments to be placed in inside of the store, to be locked, and for you to pick them up as the store closes. It is a full service storefront facility with one exception that I think we have gotten confused about, which is that we are providing a valet drive lane within our own facility for the convenience of customers. Uniquely, we want to be able to allow customers to pick-up and deliver service on our premises, out of doors, and using our associates to facilitate and accommodate the customers. This is for driving protection, weather protection, and is an item that will make this store truly unique and one of a kind in Leawood and throughout the world. Why do we want this? It's because the dry cleaning and laundry transaction is fast. You don't shop at the cleaners. You don't go to the laundry to look at the goods. It's a rapid exchange – an in and out. There is no need to have a transaction that requires a head-in parking where you go in the store, transact the business, and come back when you can have an associate come out and transact the business in the car. More of our customers are moms and dads who pack the kids in the car and on the way to school, they deliver the laundry/pick-up dry cleaning. A head-in parking situation involves mom or dad taking the kids out of the car and into the store. The same scenario applies to the evening. This eliminates that procedure and allows a fast transaction with no drive-thru but a convenience valet lane for associates. With the canopy over the lane, an accommodation is made for weather and protection. With the valet lane, the vehicles are not obligated or required to do a head-in, do business, and have the issue of backing out into a typical fender-bender. This is not a need or desire that is unique only to dry cleaners. It would be convenient if every store had this, but GreenEarth can do it in this facility.

It is simply because of this well-planned convenience lane and valet facility that this is deemed as a drive-thru. To be honest about it, when we filed this application, we filed an application for a special use permit because Staff told us that we had to. Given the generation of plans, I would like to think it would be clear that under the definition of the LDO, we didn't have to file for a special use permit for a drive-thru facility. I don't want to stand here and rock the boat or anything and say that we're going to pull our special use permit application. We will continue that or will withdraw it. If you deem that a granting of a special use permit within One Nineteen was the proverbial camel's nose under the tent, as long as you understand that our preliminary and final plan approval involves the store that you see, the use of associates to walk out into a valet lane and transact business with the customer, and lets the customer reenter the lane to exit the facility, we don't need the special use permit because we are not a drive-thru. It would never be said that you "let the cat out of the bag" by granting a special use for a drive-thru in One Nineteen other than the process that you are going through with Dean & DeLuca. We're open to either one of those. We're not a drive-thru. All we are using the valet lane for is convenience and safety.

The second issue that Staff Comments have raised is whether the use proposed by GreenEarth is appropriate for One Nineteen. Of course it is. Your SD-CR certainly says that dry cleaners and laundries are permitted, which is what this zoning is. When you all considered One Nineteen, and I have read the minutes of yours and the City Council's consideration, you first wanted uses that essentially were unique. That is exactly what we have here. Remember that it uses the word "green" and it is a GreenEarth product.

For the first time ever, it uses an environmentally responsible commodity to clean garments, which otherwise are an environmental concern with any shopping center and for any lender within a shopping center. It's a flagship of its kind in terms of uniqueness. The Staff report doesn't really talk about uniqueness, it just talks about whether a cleaning facility is compatible with One Nineteen.

The use guidelines that were submitted for One Nineteen provided that it is a center offering an exciting mix of hard goods, soft goods, and personal services. That is what One Nineteen promised and that is exactly what GreenEarth is. This is how cleaning should be done in Leawood. It is exactly how cleaning will be done in Leawood if approved, in two stores. More importantly, it is a unique flagship of this company to set off what will be a national chain. One that is known. Therefore, Apple's isn't what the rest of the users are. GreenEarth is the flagship for this brand of cleaning, whose time has come. I am not sure what it means by "a dry cleaner use is not compatible with the nature of other businesses," which is the first item in the Staff Comments. We have clothiers, restaurants, department stores, other personal services, and boutiques that are unique and first and only throughout. Why is a unique and high-end cleaners not compatible with the other uses? I think we can all think of instances where a use would not be compatible. We wouldn't show up here asking for an Auto-Zone or a boat store, but a high-end cleaners/laundry among a center that caters to high-end clothiers and personal services is certainly compatible. There is nothing incompatible about it.

Another comment that we heard is that it isn't compatible, unique, or first and only because you can get cleaning done elsewhere in town. You can go to Pride's over by Hy-Vee. Let me explain it this way. You're considering Dean & DeLuca. Well, there's a place where I can get a any number of great sandwiches, great salads, twenty-five brands of olive oil, wines, and cookware – it's called Hen House. You can get those same types of goods at Dean & DeLuca but there is a "wow factor" about going in there. That is why Dean & DeLuca is at One Nineteen. It's the same way with a salon. The Jhon-Josephson's Salon, owned by our friend, Pat Colloton, is 600-ft. away from our salon, but our salon is unique. You can raise a lot of examples about what is unique, what is not, and what is one and only, but it is in the mind of the operator. No one is providing environmentally responsible cleaning in the country. It's just not done. We have the chance to have two flagship stores in Leawood, one of them right here at 119th Street and Roe Avenue in the One Nineteen development.

I guess the next issue is the appropriate traffic handling facilities that we have in terms of the valet lane and the related issue of whether we need to wait two years to determine whether the real, true drive-thru at Dean & DeLuca is going to work so that we can come back and apply for the preliminary and final plan for GreenEarth. We will call upon our engineers to address these issues, but we have moved the valet lane 90-ft. to the west to accommodate any traffic handling or congestion along the drive, which we didn't think was going to be there in the first place. In fact, the valet lane exists to eliminate that very purpose. The valet lane will eliminate head-in parking and the congestion that it raises. The lane will also provide for circular storage and stacking as well as a head-out exit once the associate for GreenEarth handles the transaction for the customers. I am going to call upon Jim Barry, who is the operator and one of the owners of GreenEarth, to briefly review your familiarity with the operation. We then have the traffic engineer to issue a report and opinion on traffic handling and some other issues on how we have made a change in this plan from the plan that you heard in February.

Jim Barry, one of the principals of GreenEarth cleaning, 3840 W. 139th Terrace, appeared before the Planning Commission and made the following comments in addition to providing a PowerPoint presentation:

Mr. Barry: Because I did make a presentation last time and most of you were here, I won't go through the whole thing again. I do want to talk about a few things as far as the really unique features of GreenEarth. I have been in the dry cleaning business for over forty years and can tell you that there is nothing like what we are talking about here. First of all, we talked about the GreenEarth process. This will operate under the Tide Dry Cleaning brand. Of course, Tide happens to be the fifth most well-known brand in the world, so this isn't something that is lightly taken. Proctor & Gamble is actually utilizing their brand. Tide, as I said, is one of the most well-known brands in the world. They will be entering the service sector for the first time. They are a company that has done nothing but manufacturing and distributing. Yet, they see the service end because their customers are telling them that they want services from a company like Proctor & Gamble. What are they doing? They put a team of fifty people together to reinvent the dry cleaning experience in a way that has never been done before, a totally unique and revolutionary concept. They selected Leawood as a prototype store. Why? Because Leawood has very unique demographics. The demographics that are exactly what Tide Dry Cleaning is all about.

First of all, Doug mentioned at-your-car valet service with 24/7 drop-off and pick-up of your garments. There will be same day services of cleaning, alterations, and shoe shine. There are exclusive fabric care benefits with proprietary, patented technologies that Proctor & Gamble has come up with that don't exist anywhere in the United States to date. These are services such as color-lock and a few others that I can't even tell you about yet because they are covered under a confidentiality agreement. Of course, it utilizes the environmentally friendly GreenEarth cleaning process, which is a cleaning solvent that looks and smells like water. It literally has no odor whatsoever. There is a far greater odor that comes from the hair salon at the other end of the shopping center than what comes from this dry cleaner. The business will also use a complete line of recycled and recyclable packaging. The selection also reflects positively on our community. As I said, we ran about eight different focus groups in Leawood and what we heard from the consumers is being designed into this plant. It is a very good fit for an upscale shopping center because this is a unique service. In fact, some of the fine dress shops that will be located in One Nineteen will sell dresses that cannot be cleaned except by a method such as this. One of the problems with dry cleaning in the past has been damage to garments because the solvents were so aggressive that they literally ruined fine and fancy garments. This fits with exactly what is in the development.

The store also answers to the green initiative as this is a totally green business. It is one because in their first approach to the service industry, Proctor & Gamble has done it in a unique way so that it will bring front page *Wall Street Journal* identification to our community here in Leawood. Here is an example of the cars underneath the canopy (*referring to PowerPoint presentation*), where the attendants will then come out and wait on the car. As Doug said, women do not have to get out of their car when they have children with them. Everything can be transacted right there. I think it is important to point out when talking about the traffic issues that this is a business that opens at 7:00 a.m. It will do the majority of its business between 7:00 and 9:00 in the morning, long before the other tenants in the shopping center have even opened.

I guess the one thing that hit me from an understanding standpoint regarding the Staff recommendations is, whatever business is located in this space, even if it isn't a dry cleaner, people have to turn in, turn right, and turn left. The traffic that is there will be there for any retail customer that locates in this center. I think this is where RED Development sees that the GreenEarth dry cleaning process that is so unique really does fit with the shopping center in a way that is unique and blends with the other tenants. Now, what we need to do is turn it over to the engineers and let them show you a little bit about the driving patterns, etc., in and out of the drive-thru area.

Andy Noll with BHC Rhodes, 6363 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments and also provided a PowerPoint presentation:

Mr. Noll: We are here to talk mainly about four items from the prior Planning Commission meeting, which were the reasons for the denial of the previous plan, and some of the current comments. The four items were the close proximity to Tomahawk Creek Parkway, the turning movements of the cars off of that drive onto the service drive area, the steep grade of the driveway off of Tomahawk Creek Parkway, and conflicts between the drive-thru and traffic use. Here you have the traffic circulation plan for the entire site. This particular area for the GreenEarth Dry Cleaners has access from the east and west, where you could drive around the back of the building to that area. The most logical point of access is there on the west, where you would come in off of Tomahawk Creek Parkway or 119th & Roe. You would come down to that corner and go through the valet drop off, or stop and drop off your dry cleaning.

The one item that I really want to address is the east drive entrance right off of Tomahawk Creek Parkway. This is a depiction of the previous layout where it showed the drive-thru very close to the entrance. You can see the congestion at the east drive with that drive-thru. Here is current configuration where we have moved the valet drop-off area to the south and west, away from the intersection. At that particular intersection, one item that has come up is the amount of queuing or stacking that is available. The original traffic study done for this site determined that the actual queuing length of cars coming out of the existing drive and heading east onto Tomahawk Creek Parkway would be approximately 55-ft. There was 30-ft. for the left turn and 25-ft. for the right turn, for a total of 55-ft. Our current dimensions from the back of the sidewalk along Tomahawk Creek Parkway and to the east edge of the service drive is 57-ft. We are very close to that, but we do have appropriate queuing and stacking length there so that left turning movements coming in from Tomahawk Creek Parkway onto the east drive and turning left onto the service drive are not blocked by cars sitting there. There is appropriate length there for those.

On the original study for this project, it anticipated 152,000 sq. ft. of retail for the shopping center and then a gas station with a total p.m. peak movement of 506 vehicles. The current configuration of the site has a Dean & DeLuca where the gas station was. The gas station is no longer there. When you utilize those traffic movements of the 506 vehicles, you relate back to a square footage. The square footage for the shopping center would be 179,000. The current configuration as we have it is right at 170,000, so our current traffic study is still applicable to this current layout and we actually have less square footage than traffic movement volumes generated by the ITE.

Mr. Lambers: Excuse me. Did you say that the Dean & Deluca is where the gas station used to be? That is incorrect.

Mr. Noll: A proposed gas station. Sorry. We have addressed that the current traffic study is still applicable, that there is plenty of queuing length so that we don't have people or vehicles blocking that intersection just off of Tomahawk Creek Parkway. With that drive, we went through and used a program called AutoTURN with some design software that we have. What you see there are vehicles the size of suburbans with the turning radius of a suburban, so there is plenty of room for even the larges of vehicles to maneuver through that site and have the ability to stack at least 6-7 vehicles. We actually went out to an adjacent dry cleaners at 123rd Street and State Line Road in Leawood and did some counts of how many vehicles were there. This was on a recent Thursday. We counted during the morning, lunch, and evening. What we found is that during the evening when this particular facility was at its peak, there were around 19 cars. That is how many people were coming and going on that Thursday, which is what we think would be a representative day. If this area was to be a specialty retail, according to ITE trip generation, you could expect 27 movements in and out of this facility. The 2,500 sq. ft. would actually be generating less if it performs similar to the facility at 123rd Street and State Line Road, so we are actually a little bit below but there could be some peak times where it would be a little bit more.

Here are the traffic counts that we did. During the morning, we counted for 1½ hours, from 7:00 a.m. until 8:30 a.m. in 15-minute increments. Under no time did we have more than one car being serviced and one car waiting. There were no cars waiting for the vast majority of the time. A car would come up, drop-off/pick-up, and then leave. The average visit time was generally under two minutes with the quickest being 22 seconds and the longest being 3 minutes, which appeared to be a new customer because they went in and out a couple of times with some paperwork. We believe with the seven vehicles that we have in queue, we have more than ample storage in that valet service area for what would be representative at the adjacent business where they had no more than two. We think we have plenty of storage in the drive-thru and we don't have a problem at the intersection. We have less traffic with this current facility use than we would if it were a specialty retail facility. With the actual 23-ft. drive aisle, we could increase that by one foot if we simply reduced the distance from the building and the curb from the current 17.7-ft. to 16.7-ft. I believe we have adequate space. If it is a real sticking point, I think we could move it one foot in and provide a 24-ft. drive aisle.

Just to reiterate, to this drive people are making 90-degree turning movements. They turn into the valet with a 90-degree right-hand turning movement and when they come out, they have a 90-degree turning movement. Before it was at a significant skew to where they would almost have to look over their shoulder behind them to try and see vehicles. This way, they have a very standard 90-degree intersection with plenty of sight distance each direction.

The one item that I did want to address is the steep grade on the east drive that was within current guidelines and was constructed as approved. This concludes my part of it. I want to have Bob Carlson with DLR Group come up and talk to you about the architectural design.

Bob Carlson with DLR Group, 7290 W. 133rd Street, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Carlson: I'm here to talk about the changes to the building that were made since the last time you have seen the project. Again, the material, details, and the canopies that we are using reflect the elevations on the north side of the building and are compatible. Here you see the east elevation (*referring to PowerPoint presentation*). You can see the canopy. There are four brick piers that hold up a stucco fascia that creates the canopy. You can see the brick piers on the south side. Really what we have done is slide the canopy to the west. There is a canopy over the main customer entry for people that are getting out of their cars. The other entry that you see to the left is for the valet service, where the attendants will be coming in and out of the dry cleaners. As I've said, both the materials and storefront (the brick, the metal and light fixtures) are similar to the rest of the center. You can see in the plan the employee entry for the valet underneath the canopy. In the center of the south façade is the public entry for anyone parking and entering into the store. Ken Boone will come up and talk about some of the landscape changes and how it fits into the center.

Ken Boone, 2600 Grand, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Boone: We were here before to talk about how we did the hardscape and landscape for the overall center. We have been involved since day one. The one thing that I want to stress is that we do have connectivity with the rest of the center. We have continued the sidewalks down and have used the same hardscape treatments on the facades as well as the same landscape treatments. They are connected and there is certainly a level of continuity between what happens in the front of the center, what wraps around the east side of the center, and what continues to the south side of the center. I think the idea that this may be a back is certainly not the case as it is certainly part of the whole. From a hardscape, landscape, and setting standpoint, this continues to the back side on the south side of the development. If there is any concern about headlights as they come out of the valet drop off, as you can see on this plan to the south, we spent a lot of time with Staff in developing a landscape and retaining wall plan that would address screening issues adjacent to Tomahawk Creek Parkway. Most of that screening is being prepared to be planted right now. We are not concerned in the least that the headlights that come out from the roundabout would even escape the property because of the thickness of the landscape with the use of hedging, shrubs, and evergreen trees that are along that edge and continuous along the southern property line. I think we have addressed that comment. With that, I think I will turn it over to Mr. Patterson.

Mr. Patterson: What we have tried to do since February is listen to what you all have said about this project and listen to Staff per the report and discussions. We have some agreements and some disagreements. I don't think there is a disagreement on the convenience and the protective nature of the canopy. I believe that we have agreement with Staff that opposed to having a non-symmetric end-cap treatment with the salon being on the west side, we have rounded off the east side as well to prevent the back part of the project from being a hard stop. It will allow retail to wrap around and avoid an abrupt stop. Scott, we had a conversation this afternoon to that affect and I think we are in agreement.

What we do have are issues about a traffic handling solution, which makes this use and any use involving fast transactions more convenient and user-friendly. We submit that it is not a drive-thru. I will use this and you will use this. This is the first and only national, unique affiliated dry cleaners and laundry facility that provides for an environmentally responsible use under a consumer-friendly and traffic safety accommodation. We have our whole team here and we are open for any questions you might have to consider the issues talked about tonight or any other matter that we need to talk about in connection with the GreenEarth application.

Chair Rohlf: I have read our Staff report from the engineer. Mr. Lambers or Mr. Roberts, is there anything else that you could add? It appears that we have a difference of engineering opinion regarding this site. Our City Engineer is concerned with a number of issues related to queuing and the fact that we have a storefront back there in the first place. It appears that this is a very current report, which would take into account the changes that have been made by the applicant. Is there anything else that you could add to the report, Mr. Robert or Mr. Lambers.

Mr. Roberts: I have not seen the applicant's information other than what you have seen presented here tonight. In David Ley's briefing prior to this meeting, he reiterated that one of the concerns is that you have two drive-thrus opposite one another, if this is approved, as well as the Dean & Deluca, they will be fighting to exit onto Tomahawk Creek Parkway. In the original traffic study for One Nineteen, my understanding is that they had planned two exits in this area, a left and a right; however, as it has been constructed, there is only one. The stacking for the left turn and the right turn will be using only one lane and there a very likely possibility with the combination of the drive-thrus that traffic block will occur for people exiting. They will have to wait a longer time to get out. With the Dean & Deluca being a little further away and slightly offset, there is going to be some confusion with the two drive-thrus as they don't perfectly line up. You may well find that both of them will have trouble if there are plenty of people exiting the total center to get out onto Tomahawk Creek Parkway. By the same token, once you have traffic backing up, the traffic trying to enter off of Tomahawk Creek Parkway to visit the cleaners, for instance, may find that their path is blocked by people exiting. If they aren't able to turn in, traffic will start backing up on Tomahawk Creek Parkway and will particularly affect people who are trying to turn left as there is a deceleration lane for southbound traffic. It will create congestion given the close proximity of the two drive-thrus with the intersection. We have concern that we will hit a bottleneck especially when you have the traffic from two drive-thrus working at the same time. Obviously, we don't have an actual gauge since neither one are there, which is why we have the recommendation to wait and see if we have a bottleneck from the other drive-thru and then evaluate from there.

Chair Rohlf: It is my understanding based upon the concerns that if these two drive-thrus had been presented at the time of the original plan, the Engineering Department would not have approved this single lane in the first place. They would have required the applicant to have the double lane.

Mr. Roberts: Likely that would have been a minimum. Also, we would probably not recommend any drive-thrus this close to that intersection. We would want 200-300 feet between drive-thrus so there would not be any problems with stacking. It is really not good to have a drive-thru going in or out so close to that intersection. It is not really recommended. Anecdotally, I point to the McDonald's in Camelot Court.

You get a lot of traffic backing up either way because of the close proximity of that drive-thru to the intersection. It doesn't work very well for getting the traffic in and out, it creates bottlenecks, and leads to frustration and accidents.

Comm. Conrad: I just want to clarify. Staff did not have the traffic flow information from the applicant to evaluate this layout?

Mr. Roberts: David Ley did not present any of that to me. I'm talking about the information they presented here at the meeting tonight. They have not had a chance to evaluate that.

Comm. Conrad: Regarding the traffic flow and the timing in both Dean & Deluca and this project, it is critical to make an engineering evaluation as to whether or not these intersections would work. This is the second time and I just feel like we don't have any analytical information. Although intuitively we all feel that this intersection could be terribly problematic, we don't have the number of cars and times they are anticipated to be there. I think I heard the applicant say there were 27 cars. I wanted to ask them what time frame that was in. Is that 27 cars all day or in 15 minutes? As Chair Rohlf said, there is a disagreement here but I think we need to have some analytical numbers and hard information to make this decision. Certainly moving it away from the intersection has to be helpful, but I think it is still extremely problematic. Do we have any real analytical information?

Mr. Noll: What we were looking at for this area is the 2,500 sq. ft. of this building that would make it GreenEarth cleaners. If you were to address the *ITE Trip Generation Handbook* for that 2,500 foot, you could expect an average of 27 vehicles coming and going during the p.m. peak hour. Since there is very little information about dry cleaners in the *ITE Trip Generation Handbook*, what we did is went to a similar location at 123rd Street and State Line Road and did an actual count of cars coming and going on a Thursday. That is where we came up with the total of 28 in 1½ hours. If you take this down to one hour, you get our count of 19.

Comm. Conrad: Was that information given to Staff?

Mr. Noll: No, just at this particular meeting. I don't believe it was provided to Staff before.

Comm. Conrad: I think that makes it pretty difficult to fully understand the impact of the facility.

Mr. Patterson: Since we're talking about the use that would be in the store, I wanted to say that we do know one thing. This rounded out end-cap will be retail. It was approved as retail and it will be retail. The question is what type of retail. We think that the cleaners with an admittedly low trip generation in the mornings, noons, and afternoons is the best option for this site. This south elevation area on the east side will be retail space. I didn't want you all to think that we're asking for that because we already have it. The question is what type of retail will go in there.

Comm. Roberson: I have just one comment. Perception of uniqueness is just that, one person's perception is another person's reality. This is a drive-thru cleaner. We can argue that point all day long, but cars go through a circle. It's a drive-thru. To sit here and try to deny that, quite frankly is not a very good argument. Secondly, you're arguing both sides of the coin with one being a retail establishment and yet being a very quick transaction oriented process. I don't think that is a very unique store either. You have dry cleaners all over the place and they do the same thing. From that standpoint, it is not a unique issue at all. From my standpoint, I'm still waiting to hear the argument that would at least change my mind in this situation and I haven't heard it tonight.

Comm. Conrad: We may have asked this question before, I don't recall. Are there any other deliveries of garments or anything to this facility from other drop locations?

Mr. Barry: All of the work is done at this site. Everything is done right there, which makes it unique in some respects to other cleaners because the majority of cleaners haul their stuff offsite to an industrial place to perform the work. I guess I'm confused a little bit and I wonder if you could help me out. This location is approved for a retail site. If we were putting our unique dry cleaner there and were not asking for the valet line, we wouldn't be here, right? We would be putting the location in and would have exactly the same traffic turning left and right. If it's another retail establishment there, it would be the same. The only thing I pointed out was that the majority of our traffic is from 7:00 to 9:30 in the morning when the shopping center isn't open anywhere else, except possibly Dean & DeLuca. I just don't understand what the issue comes down to if you have the same number of cars turning into a facility. Would you rather have a young housewife with kids in the car, pull in, come inside, get her garments, and then back out into the possible traffic lane; or, would you rather have them pull in, stay in their car, and pull out where they have full view both to the right and left? I think it is a fairly obvious and clear distinction as far as what is safer. If it is going to be there anyway, I think that is the decision that has to be made.

Comm. Elkins: This is a question for Mr. Barry. In my experience as a resident of Leawood, the dry cleaners that I have seen where any part of the process is done on site, the issue is not so much an issue of smell or anything like that but is one of heat. Especially in the summertime on a very hot Saturday, almost without exception, the dry cleaner employees working inside the establishment have the doors propped open. The people who work there oftentimes are high school age kids with cut-off jeans and the most minimal of T-shirts. I am curious about the comfort you can give me that this won't happen in the dry cleaning establishment that you perceive for this space on a hot Saturday afternoon.

Mr. Barry: I think that is a great question. First of all, remember that 80% of the transactions for this facility take place outside, so the customer isn't going to come in. Inside, this is a totally air conditioned facility. I don't think there is another one in Kansas City that is air conditioned. It is something that Proctor & Gamble recognized when they were doing all of their focus groups. Not only did the customers notice the heat if they walked into the store, but it's not good for your employees. If you're really trying to build employee morale and say that you are different, you have to treat the employees different.

Chair Rohlf: This case does require a Public Hearing. Is there anyone in the audience that would like to speak about this case?

As there were no individuals present to speak on the matter, a motion to close the Public Hearing was made by Roberson; seconded by Jackson. The motion was approved unanimously.

Chair Rohlf: The Public Hearing is closed.

Comm. Conrad: I would ask Staff, do you have handy the last approved preliminary site?

Mr. Klein: I can show you what the site plan looked like without the drive-thru facility if that is what you're asking?

Comm. Conrad: As we focus on this intersection, I'm trying to go back and remember what the overall site layout was at the time. I know there have been some changes. Originally, I believe, there was a condominium at this intersection.

Mr. Klein: Actually, the condominiums were withdrawn.

Comm. Conrad: They were withdrawn, but there have been a lot of changes. I just have to admit that I don't recall the past site plan.

Mr. Klein: (*Referring to overall site plan drawing on overhead*). This is the one that Dean & Deluca is coming forward with. The only difference is the drive-thru and the building is a little bit differently shaped. It is generally the same layout that was approved for the overall development. There is Crate & Barrel, which has already been built. There is Sullivan's, which is currently going up. The main center that was approved basically has a service drive that comes around and was 24-ft. in width. There was some parking located off the service drive. The applicant is now coming back and requesting a drive-thru. Staff has a number of concerns regarding general turning movements. You basically have a situation where you have the drive aisle/service drive at the back of the building and now you're carving out a little bit to extend a drive-thru around. Now you will have cars that are going to be potentially backing up. There will be cars heading east and west that don't want to use the drive-thru. Also, cars will be cycling around this. You have two lanes exiting the drive-thru, so now you have two cars that will be trying to get into what was the service drive before.

Comm. Jackson: Where was the storefront supposed to be for the retail area in the back?

Mr. Klein: Originally there wasn't a retail storefront located on this side of the building. It is a change that they want to adopt to wrap the end-caps of the building. When they first came through, they indicated that they wanted to wrap the end-caps and I think the Planning Commission was open to that. Now they are extending it down to come around the south side of the building with the addition of the circulating drive-thru for this particular site.

Comm. Jackson: On initial approval, how many parking spots were shown back there? How much traffic was estimated to go behind this building?

Mr. Klein: I would have to pull the original report, which I don't have with me right now. I can get that. There weren't a lot of parking spots back there.

Comm. Jackson: I don't remember contemplating a storefront on that side. Is that correct?

Mr. Klein: Correct. This is a change that they have made. The first one you saw was the Elizabeth Salon with GreenEarth now to wrap the other corner.

Comm. Jackson: On the last one that we approved, were there supposed to be two lanes coming out onto Tomahawk Creek Parkway? Were there supposed to be two drives so that you would have a right turning lane and a left turning lane?

Mr. Klein: I think it was approved the way this drawing is without the drive-thru. When I talked to David Ley, the City Engineer, he indicated that if the two drive-thrus were contemplated, the intersection should have been changed and possibly even moved further away. It probably wouldn't have been possible to do at that point, but that was the conversation that I had with him.

Comm. Conrad: I think whether it's a drive-thru or just an increased retail traffic flow, you need to have the counts and understand when the peak times are going to be. Do you remember if the intersection originally had a drive to the northeast, which is now the Dean & Deluca drive-thru entrance? You indicated that the amount of traffic that went left was probably anticipated to be maintenance at the back of the building.

Mr. Klein: Correct.

Comm. Conrad: Do you recall if a drive going to the right was anticipated?

Mr. Lambers: No. As you may recall, as we went through the preliminary discussions of this plan, there was a concern raised by several commissioners that this one building would be offset by itself and not tied into the in-line center. Their desire was to move it as close as reasonable and have landscaping, brick pavers, and pedestrian connections to try and draw it in. The answer is no, the drive was not part of the original concept.

Comm. Conrad: From the final preliminary that we approved, we have really created a significantly different four-way intersection very close to Tomahawk Creek Parkway.

Mr. Lambers: Correct.

Comm. Conrad: One of which we really don't know what the car counts or timing will be.

Mr. Lambers: That is correct as Dean & Deluca does not have one and they cannot provide us any actual experience from their store.

Comm. Conrad: I think we had a long discussion about that at the time.

Mr. Lambers: Again, that is why we have the two-year SUP.

Mr. Klein: There are some questions as to why Staff required the SUP. Basically, the Leawood Development Ordinance has a Table of Uses that are allowed within the various zoning districts (*places table on overhead*). This one is zoned SD-CR, which is planned general retail. There are two types of dry cleaners proposed within the Table of Uses, one is with a drive-thru and one is without a drive-thru. The one with the drive-thru is required to have an SUP with the reason being that if it has a drive-thru, it may be a unique situation that really has to be looked at on an individual basis. According to the Table of Uses, if it has a drive-thru, it requires an SUP, which is the reason behind Staff's requirement. In addition, the LDO under Dry Cleaner/Laundry states, "The use shall also include storefront type or drive-thru establishments that accept and deliver garments to the customers but do not provide the actual cleaning services or have cleaning equipment on site." I think that is pretty much what they are doing. They are bringing clothes to and from the cars so that someone doesn't have to come in the store. It fits the definition of what is anticipated for a drive-thru dry cleaners. Again, that is why Staff required the SUP, because it was shown in the Table of Uses and again in the definitions.

Comm. Elkins: As I understand Mr. Ley's letter, at some point in the process, there were two egress lanes out onto Tomahawk Creek Parkway. When did we lose one of these lanes? Is this something that has been recent?

Mr. Klein: I would imagine it would have been during the final site plan for the overall development. I would have to research that.

Comm. Elkins: Is the final site plan something that we would have approved?

Mr. Klein: Correct. You definitely would have seen the final site plan.

Skip Johnson with BHC Rhodes, 6363 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Johnson: As many of you are sitting here, I have also had the pleasure of being here since the beginning of this. I was part of the original traffic study. There was a comment made by Mr. Noll that Mr. Lambers questioned. If everyone remembers, we actually had the existing gas station at 119th Street and Roe Avenue. When that was removed, the original intention was to move that down to where Dean & Deluca is right now. When we did the original traffic study, there was a proposed gas station for the use of this lot with about eight pump stations. I don't think that I need to tell anyone here what kind of traffic we were looking at from that standpoint and what it would generate to this development regardless of whether Dean & Deluca came in with a drive-thru or if there is a valet drop-off at the dry cleaners. The thing is, with that, the original traffic study was approved.

I want to speak now to the dual lanes out and the single lane in. In the original traffic study, two lanes out and one lane in was proposed. Rather than having a median placed to handle the dual out and single in, striping was proposed. Actually, the lane is currently wide enough and big enough to still be able to do that. I understand that on the similar exit out onto Roe, we actually have an island on the west side of the development. This was required, and we put it in there. Mark, we could go back and look at the notes to make sure, but I don't think that was a medium proposed at any time for the exit out onto Tomahawk Creek Parkway.

Commissioner Conrad, I know you are concerned about analysis and studies and it is true that Staff did not get a chance to look at we did because most of it was put together on Friday and prepared for this presentation. We would be more than happy to sit with Staff and go through some of this. Even with that point, we are showing that there is enough queuing and stacking in the entry way onto Tomahawk Creek Parkway that will not block the entrance into a left-hand turn westbound over to the dry cleaners. That is some of the background information from the original study and some of the uses that were proposed versus where we are at now.

Comm. Jackson: Are you stating that if there is an additional left-turn lane added, then the queuing won't be a problem.

Mr. Johnson: When we had the queuing lanes for the original study with dual lanes out, one was 30-ft. and one was 25-ft. with a total of 55-ft. of stacking. We currently have 57-ft. of a single stacking lane.

Comm. Jackson: I guess that I can't visualize what you mean by that.

Mr. Johnson: When I'm talking about stacking or queuing length, it is the amount of cars that can stack in here (*referring to display board of site plan drawing, Mr. Johnson examples the length of stacking with the current single 57-ft. lane versus the original double lanes at 30-ft. and 25-ft.*). How it is different, is that when we did the original study with that amount of stacking, it actually worked. Let's say that we decide to put striping in today and make it dual outs with a single in, we would actually have 100-ft. of stacking.

Comm. Jackson: When you did your study, did you anticipate Dean & Deluca's highest times also at 7:00 to 9:00 in the morning with everyone getting their coffee?

Mr. Johnson: Yes, we did on the most recent study.

Comm. Jackson: How many did you decide that you needed to stack?

Mr. Johnson: Let me rephrase that, the stacking we had on the study was based on an eight pump gas station. They are going to have a lot more traffic generated than a Dean & Deluca. What I am getting at is that the interaction and everything worked with a much higher traffic generator than a Dean & Deluca.

Comm. Jackson: It just seems hard to imagine that you're going to have all of those cars in there with just the two lanes and that everyone is going to be patient and not get frustrated.

Mr. Johnson: Part of it is a timing issue. Most of the traffic generated for the cleaners is going to be 7:00 to 9:30 in the morning. Dean & Deluca will have some traffic generated during that time as well, but this will probably be a complementary as people will drop of their cleaning and go get a cup of coffee. Let me show you the plan that was previously approved. We were calling the building that is now Dean & Deluca, Building D (*referring to the original site plan drawing*). We had a similar type intersection where we had full access both ways. We had Building D and both entrances onto the drive.

One of the reasons we have the exhibit showing all of the different traffic flows is because the way the center is laid out, there is a lot of traffic flowing from different ways. There is traffic from Roe Avenue, 119th Street, and Tomahawk Creek Parkway. Not everyone will come into the center at this particular location, they will also come in at the other two locations as well.

Mr. Lambers: Would you not estimate that the people wanting to come in to Dean & Deluca or the dry cleaner would generally use the Tomahawk Creek Parkway access? It is the closest one to it. Doesn't traffic go the path of least resistance?

Mr. Johnson: Generally, yes.

Comm. Heiman: I wasn't sure if there was such a thing as an upscale dry cleaner until today. I was convinced of that and you guys did a nice job with your presentation. I think that technically it is probably appropriate for the center, however I can't get my arms around the traffic issue. From your own admission, 7:00 to 9:00 a.m. would be the majority of the business in addition to the peak time for coffee. I think there is another issue as this is a delivery area and most of them would come to these locations in the morning. Not only do you have traffic with the coffee and dry cleaning drop-off, you also have deliveries doing in and out of there in the morning hours. I just think it is going to be a very difficult situation. To address Mr. Barry, I know you have obviously looked at this but as a proprietor, the last thing you want is for this thing to fail. If traffic is an issue, it may potentially do just that. That is what is going through my mind. I am not convinced that the traffic issue has really been resolved.

Chair Rohlf: I think there are some concerns about the traffic at many points within this end of the development. In looking at the circular pattern, if anything was stacking up and someone was trying to go left back to Tomahawk Creek Parkway, they would have to wait for oncoming cars coming in from that area. I just see a potential for a lot of problems, not only at that circular area but just within the whole set up. I just don't think this is an appropriate place for this drive-thru from what we now know. Perhaps in two years we would know more, but that is not a satisfactory answer.

Bart Owen with RED Development appeared before the Planning Commission and made the following comments:

Mr. Owen: From the get go, when Jim and Ron came into our office with this concept, we were open to it for all of the reasons they have spelled out tonight, and we still are. This going to be a great tenant, not just for this project but for the location they are doing down the street as well. They are also going to do it through the nation. We're behind it 100%. I guess the question that I have is in regards to the traffic and the use. The way that I understand this, a dry cleaner is permitted. What is not permitted and has to go through an SUP is a drive-thru dry-cleaner. I have to ask the question of if we didn't have the drive-thru here, would all of the concerns with traffic and the users still be an issue? Is it all about the drive-thru approach? I need some clarification.

Comm. Conrad: For me, it would still be a concern because it has to do with when those peak times are and how you're going to load that intersection.

Mr. Owen: I want to make sure that we all understand. It is clear to me through the reiterations that we have come to Staff with that we are going to do a retail space on the back of the south side of this building. It just happened to be a month or two after we starting conversations about making this a retail space that GreenEarth came to us with an opportunity. The traffic movements for a retail space on the south side of this building are going to happen nonetheless whether it is a dry cleaners, ice cream parlor, etc. No matter what it is, we are still going to have these movements. We have ordered steel that is sitting at the project site right now. We're going to build this portion of the building.

Chair Rohlf: I think the one thing you need to take into consideration is that this south storefront is relatively new to this plan. I think even if you come forward with another retail plan for this space, we are still going to have some concerns. We will be looking at its impact on the overall area as well.

Mr. Owen: That is the misunderstanding that I guess I need clarification on because we have had meetings with Staff on this building. We made a modification to the depth of the original building and created the retail space back there. Correct me if I'm wrong, but we have drawings submitted to the City right now to get a permit for the shell space. Not for GreenEarth, but to build the shell to put a retail space in it. Again, we've ordered steel to build the shell as well. The question of GreenEarth is a secondary comment. My real question is, are we going to be able to do a retail space at the back of this building or not? We are under the assumption that we are.

Chair Rohlf: Mark, I would look to you to tell us at what time and at what stage during the planning process did we look at a retail storefront on the south side? What did we approve? How did this come to be?

Mr. Klein: On the last plan that you looked at, I don't think there actually was a retail space located at that south end. Again, there was always discussion that they wanted to wrap the corners. It was indicated even when they first came through on the preliminary and was reiterated on final. I don't think other than seeing the One Nineteen Salon (Elizabeth Salon) that you had actually approved anything at that point.

Chair Rohlf: If we went back to the final plan, there is nothing definitive that we approved for that space.

Mr. Klein: Right.

Chair Rohlf: If it had been called out and they really anticipated doing retail back there, wouldn't we have needed to see a revised preliminary? Wouldn't that have been considered a major change to the overall development given the fact that they are now going on the back side?

Mr. Klein: As far as a major change, you have to be in substantial compliance. Substantial compliance deals with 5% of the gross square footage. Would you have seen it? Yes. Every plan that comes through as a final site plan goes back to preliminary if there is a substantial change. You would look at it as a preliminary and then as a final. If it is substantially compliant, then it can go forward as a final site plan. You would still see it.

Chair Rohlf: It goes back to City Engineer David Ley's memo in that Staff is not supportive and hasn't been supportive of storefronts on the south side. I would have thought that once this was proposed that we would have discussed it at length because it would change the overall traffic flow, parking spaces, and compatibility with the rest of the center. It is in a pretty unique location.

Mr. Klein: This is really the first application we have seen on the backside, which would be the south side of the east side of the building to the main center. This is the first application that we have seen with a drive-thru, which is part of the concern. Again, you basically just had a service drive for the back side of the building for service traffic. All of a sudden you have the drive-thru that has more or less been added onto something that looked like it wasn't originally designed for that. That was part of Staff's concerns. As far as having no retail space back there at all, I think that is certainly something the Planning Commission could look at. I don't know that Staff would have closed the door automatically if it were another retail space to wrap that south side. You would have to look at the use, the size of the space, and that kind of thing. It would be something that the Planning Commission would have to take into account.

Chair Rohlf: The last line in David's memo of, Staff is not supportive of storefronts on the rear of the main center at this time," does this refer to cumulative Staff or engineering Staff?

Mr. Lambers: David was concerned that this might lead to a proliferation into the back of it. As Doug and I talked, you could have a storefront – back of the building – storefront. I don't think that is possible, but David is concerned that this could happen and then you would have a conflict of traffic movements throughout. From our perspective, we would have a real difficult time supporting that because the idea is to have four-sided architecture. Moving to the west, Doug asked at what point this store would reach David's concern. I told him it was probably there right now and if he proposed going another 100-ft., we would probably start having problems with it. If the Elizabeth Salon starting moving to the east, we would have problems with that too. If you read it, I think David is concerned with at what point it does become a problem. He is letting everyone know that he see's a potential problem there.

Comm. Jackson: For the developer's benefit, my position is that I feel like I need more Staff support in order to support any sort of change in the traffic pattern behind that building where you would substantially add a lot of parking and have a storefront. I would need to see Staff in support of that with their numbers suggesting that is it feasible. In looking at it through my eyes of someone who goes to a lot of shopping malls, it just doesn't look like it would work. Without Staff's support telling me otherwise, I would not be in support of putting something back there. I don't have a problem with this dry cleaners going into this development. That is not my issue. My issue is the traffic pattern at that intersection.

Comm. Elkins: The principal issue is the one we finally got to at the end, which is whether there is going to be anything back there. The information I have heard tonight from the traffic survey, etc., seems to suggest that the dry cleaners use is going to generate less traffic than a full scale retail space in that spot. For me, the issue is whether there is going to be anything back there. I appreciate the developer putting that question to us crystal clear.

I think it is unfair to compare the traffic generated by this dry cleaner with what goes on at McDonald's on Roe Avenue. That would be apples and oranges. When you look at the space, it may be the same but common sense tells you that you may generate that volume out of Dean & Deluca, but you're not going to generate that volume out of a dry cleaners. I am disappointed that we don't have more communication between the applicant's consultants and the City Staff. It is unfortunate. Even if they agreed to disagree, it would be nice to have everyone playing off of the same page. Given that, all I am left with is my common sense. My experience over the last five years, as I get to do the dry cleaning duties for my family, is that I have yet to see more than one car besides mine at any one of the three dry cleaners that we use. While I think it is a theoretical issue and I agree that it looks awful congested there, from a practical matter, unless this is going to be the most wildly successful dry cleaners of all times, I just don't see 7-9 cars lined up to drop off their dry cleaning. I may well be in the minority, but I am supportive of the application.

Comm. Munson: What conditions would you apply to your support? If Staff gives us a recommendation for something, they have the reasons listed. If you are supportive of this, do you have a list of reasons that you want to include in your support?

Comm. Elkins: That's a great question. I guess the reasons that I would add for my support are: 1) Based on what I have heard tonight and in my own common experience, I don't see the traffic as an issue. 2) As near as I can tell from looking at the LDO, Mr. Patterson and the applicant are correct that a dry cleaner in this space is an appropriate use for this zoning. Notwithstanding what the applicant may have thought about my questions regarding the appearance of the people working there, I am not convinced that it would have even been before us to approve or disapprove had the drive-thru not been a part of it. The particular use of a dry cleaner is not a reason, in my view, to deny it. 3) We haven't talked about this issue much at all, but I like the idea of Leawood supporting a green business. As dry cleaning businesses go, this seems to be the greenest of the green and a groundbreaking one. These are not conditions of my approval, but they are three reasons why I would give my support.

Comm. Williams: I would like to raise a question to Scott or to other Planning Staff. The project before us is a dry cleaners that is going to be a green business, and I support Commissioner Elkins's statement in that regard; but, if we approve this plan under the pretext that this business is going to be here, and it may be there to start with, let's say that five years down the road this cleaners sells to something else. Do we reexamine this? What if it is a non-green cleaning standard dry cleaners? By approving this, we are approving the plan, traffic flow, and parking, but we are not necessarily approving the tenant itself. We have no control over the tenant.

Mr. Lambers: The only thing you would have control over is that the SUP for the drive-thru would expire in twenty years.

Comm. Williams: I will add support to a lot of what Commissioner Elkins has just said. I have had similar experiences. When I look at this site, I do not see that the traffic will be as large of an issue. I think if we have retail back there, from what has been shared with us tonight and by looking at other retail centers, it will be equal or more traffic issues. What we are calling drive-thru is probably a safer way to approach this than a backing-in/backing-out, standard, double-loaded driveway configuration. I was really caught by the comment that this has always been presented to us as a service drive.

We will have deliveries for the other tenants. We will have trash pick-up in the mornings unless they schedule it late at night, and I don't know if we have control over that. We have on other projects put in stipulations where deliveries were at a certain times in the morning before there is any store activity. A classic example is the now CVS at 135th Street. The drive-thru on that conflicted with the service drive, and we said no deliveries after the store opens. I don't know if they have adhered. I think that when we do start adding the service traffic in additional to the retail traffic, it concerns me. We have already opened Pandora's Box at the west end. I don't think it is just the traffic of the cleaners. If you compare the cleaners with another retail operation, I don't see this as being any worse. I am really torn on overall support at this point. I think that more information, some of which Commissioner Conrad referred to, and giving all of Staff a chance review the new information would helpful to clarify some of the questions that some of us may still have.

Chair Rohlf: Would you be suggesting that they come back and do some further studies through a continuance?

Comm. Williams: I would say yes in simple terms. We are not the experts on the traffic as our Staff would be. We should give them all an opportunity to look at the new data, examine it, and come back to us with a recommendation based upon the current data. I was particularly taken by the gentleman's comment regarding the traffic study. With this Dean & Deluca site potentially being an eight-pump gas station, the amount of traffic it would generate with having access to the intersection would produce far more traffic than the Dean & Deluca and the dry cleaners combined. I would see that as a horrendous traffic problem at this particular location. The gas station that was at the opposite corner was enough of a problem as it was. I was glad to see it go in that regards.

Comm. Roberson: But, you didn't have queuing into the street at the gas station. In this situation, if you look at Dean & Deluca, you have single car file leading into the drive-thru and out again. At an eight-bay gas station, you have cars going in but you don't have the queuing issue. It's a different issue altogether.

Comm. Williams: I agree with you in some respects. There was queuing that took place at the Phillips 66 when it was there, but not out onto Roe Avenue. There are other filling stations around the metropolitan area that are big stations and similar in size to what we are talking about. You would have traffic backing up within the property, there's no question, but you usually could accommodate that. I don't have the traffic concerns on the cleaners itself. I think you do have to look at the entire back strip and if you add it all together, I think there is potential for problem. If you say that, then we have to say that no retail gets access off this backside. Otherwise, I think it is unfair to the cleaners because I think they are going to be a lesser impact than some other retail business.

Comm. Roberson: But, we've already approved the customer pick-up area back there for at least one of the stores. We know we're going to have at least one store and probably multiple stores with customer pick-up.

Chair Rohlf: I don't think we did.

Comm. Williams: We approved the pick-up. It was the signage we had issues with.

Comm. Roberson: Exactly.

Comm. Williams: In that regard, are other stores going to have pick-up here as well that we haven't seen because there weren't issues with signage? All of these stores are going to have deliveries that I assume will off the back and not off the front. All of these stores are going to have trash pick-up in various locations based upon the diagram.

Comm. Roberson: Employee parking is back there too.

Chair Rohlf: I guess I would need an indication of if we think putting a retail site on this backside is an appropriate use for this center before we move forward with any other recommendations for the dry cleaners specifically.

Comm. Williams: If the developer is under the impression that he has approval to do retail and the Staff is saying there is no approval for retail, actually where are we on this? Staff is saying that they haven't approved retail. I guess maybe some of the difference in this discussion would be if it is retail that is accessed on this back drive, or if it is retail that is part of a larger store that wraps around that corner. Those are two different issues. You have the storefront back there and have the architecture wrapped around but as long as you don't have the traffic generated on that corner, then it is not a traffic issue.

Comm. Roberson: I would agree with that.

Chair Rohlf: I'm not exactly sure how we need to proceed on this particular plan. It would appear that if we don't resolve one issue, then we can't resolve the other.

Comm. Munson: One issue that is still up in the air for me is whether there will or will not be a wraparound building? The developer says "yes" while Staff says, "no, we don't want that." That has to be resolved. The issue of traffic won't go away; it is going to be there. There are a lot of vehicles going in and out whether there is a cleaners or not. How much this adds is up in the air. There might be other issues also.

Mr. Patterson: I agree. The question of whether we can build on the south side is a heck of a thing to be addressing tonight. I think given the fact that we have a traffic study that shows that this use is less impacting than other uses, we would like to confirm that this are not transferable. We all have some homework to do. We would prefer that you not make a decision but rather let us go back and do some homework. We support a continuance of this until the next available date.

Chair Rohlf: I think we need some guidance from Staff as to what has really been approved there and what you need to come back and do. Should we go back and revise the plans to get this retail option on paper and not talk about a specific business? We are doing this in the context of this dry cleaners and I'm just not sure if we have ever discussed it in just a general context for this center. Mark, you're indicating that we have not.

Mr. Klein: Just to give you a little bit of history of how this whole thing started, the Planning Commission heard the original preliminary for the One Nineteen development on September 13, 2005. It was called Shops at One Nineteen at that point. The pushing factor at that point was the Crate & Barrel store. That is pretty much what you see for the final that went along with that on November 22, 2005. It typically focused in on the Crate & Barrel. There was then the question of adding the condominiums on top, which was basically redrawn. At that point, they were asking for a rezoning and revised preliminary plan to allow the condominiums. They were trying to go to a mixed-use. Then, back on November 27, 2006, they came forward with the final for the overall development, including the main center. I don't believe that it included this retail. Staff will certainly go back and check to make sure. After that, you started seeing tenant finishes for West Elms, Z Gallerie, Sullivan's, SoHo, North Restaurant, Dean & DeLuca, and Elizabeth Salon. GreenEarth has now come in.

Chair Rohlf: This is quite different from a tenant finish.

Mr. Klein: It is quite different from a tenant finish. I believe the first time you really saw something on the south side where you actually saw the site layout was with Elizabeth Salon. I remember Commissioner Conrad indicating that he wanted to see more of the site on the Elizabeth Salon. He wanted to see how the landscaping worked and how the hardscape interacted with Elizabeth Salon at one point. Those would have been discussions as well if you would have seen something on this side. That is why I don't think you have seen anything except with this first application for GreenEarth.

Comm. Roberson: I'm not sure that I got an answer at this point,

Chair Rohlf: I think we need to continue this to go back and really figure out where we are with the overall plan.

Mr. Patterson: My point is, at this time, we have the opportunity to address this since we are on a revised preliminary anyway.

Chair Rohlf: Does that seem appropriate for everybody at this point? Do we really need to look at this issue again, this storefront on the backside.

Comm. Roberson: I think that is the issue. I don't think the cleaners is the issue.

Comm. Williams: I agree, it's not the cleaners.

Chair Rohlf: I think one of the reasons we didn't go into this further at our least meeting is because we denied it, so we just didn't really think about that. I think that is really the heart of the matter, we need to resolve whether this is an appropriate use on the backside regardless of whether it is a cleaners or other retail. If you can agree to a continuance, then you can work with Staff and see at what point we lost perspective

Mr. Patterson: I'll consider that our homework assignment.

A motion to continue Case 05-08, One Nineteen, Building A, request for approval of a special use permit, preliminary site plan and final site plan, located at the southeast corner of 119th Street and Roe Avenue, to the June 24, 2008, Planning Commission meeting was made by Elkins; seconded by Williams. The motion passed unanimously.

Chair Rohlf: I would ask that we have some understanding of how the applicant would need to move forward to present this storefront on the backside. I don't think it is necessarily appropriate to bring it in through the cleaners again. I think it could stand on its own.

Comm. Elkins: I don't disagree with the Chair's approach at all, but my thought in moving for the continuance was to use GreenEarth as a platform for assessing and evaluating any sort of retail use on that backside. It leaves Mr. Patterson's client carrying the load, but I certainly hope to hear from the developer about why it is that there should be retail operations back there at all.

Chair Rohlf: With a drive-thru? I think that adds another element.

Comm. Elkins: I think we have to consider it all, in my view, and this is only one Commissioner's view, out of fairness to GreenEarth. Procedurally, I wasn't quite sure how to split it up so that we just consider retail space or no retail space and then depending upon that decision, ask GreenEarth to come back again. There is a chance that we may say no, strictly on principal, that we don't want retail back there. If we should say yes, it gives GreenEarth a chance to go right along with the flow.

Chair Rohlf: I think that is fair. We've given all the direction we can at this point and will look forward to June 24th.

NEW BUSINESS:

CASE 29-08 – MISSION FARMS – MULBERRY & MOTT – Request for approval of a final site plan; located at the southeast corner of 105th Street and Mission Road.

Staff Presentation:

Assistant to the Director Mark Klein provided the following presentation:

Mr. Klein: Madam Chair and members of the Planning Commission, this is Case 29-08, Mission Farms, Mulberry & Mott Bakery. The applicant is requesting approval of a final site plan for a tenant finish within the Mission Farms development. The reason why Staff requested that this be removed from the Consent Agenda is that after speaking with the applicant, they had an alternative that they wanted to do regarding signage. It is basically how they are going to locate it over the tenant finish. Right now, if you look at the plans that were submitted, it looks like the signage takes up almost all of the tenant space. The stipulation in the Staff Report basically states that they put "Mulberry & Mott" on two lines that would be in line with "Natasha's" and then center it over the tenant space. The applicant has talked with the landlord and has an alternative that they would like to discuss.

Chair Rohlf: Have you seen the alternative?

Mr. Klein: They have told me about it, but I haven't seen a diagram yet.

Comm. Williams: I have a question separate from the signage. The drawing of the elevation, with it not being up to typical graphic standards, didn't really describe much about what is happening with the windows. We have discussed windows at great length on many projects throughout the City and I would like more information as to what these windows are, both in terms of materials and if they are a style that is compatible with other businesses within the center. Do they meet the design guidelines of the center?

Mr. Klein: They meet the design guidelines of the center. Basically, within this development in addition to Park Place and One Nineteen, we have been allowing them to have more individual identity for each of the storefronts. In this case, the applicant is proposing two bay windows that are located on either side of the entrance. They will be constructed of wood that will be painted brown. With regard to the style, it would probably be better to allow the applicant to elaborate.

Comm. Williams: The key is that these will be wood windows? Are they going to be more of a residential style and grade of a window versus what we have discussed here as more of a commercial style and grade?

Mr. Klein: I believe they are more or less a fixed window. Again, the applicant might be able to answer that question better. They are more of a commercial grade.

Applicant Presentation:

George Goeliner, 10573 Mission Road, appeared before the Planning Commission and made the following comments:

Mr. Goeliner: Yes, they will be a commercial grade window. We did want to have the windows so that they would open. They will be tempered glass and it will look like they have small panes as this is a bakery with a European flair. We had the windows designed to open just enough to let air come in.

Comm. Williams: Based on the design, they were referred to as casement windows.

Mr. Goeliner: Yes.

Comm. Williams: When you say that these are commercial grade, do you know what product or brand of window you are actually putting in?

Mr. Goeliner: That is really up to you because we have a variety of windows that we can get. I have a manufacturer that I work with on other projects. Whatever you or Staff determines that we need, we will comply.

Comm. Williams: Are these indeed wood windows that you are going to paint?

Mr. Goeliner: Yes.

Chair Rohlf: You may move forward with your sign proposal.

Mr. Goeliner: This is Doug Weltner, who had called me to talk about the original location of the sign. (*Displays color rendering of storefront with proposed signage and original signage on overhead*). This is what we came up with. As you can see, the original sign is architectural to the right with the double colonnades on each side. The building to the left, which is Imagery, takes two full bays and it has its own entrance. Doug and I talked and he indicated to me that, in his opinion, it would look more architecturally correct to put the sign in the middle instead of to the far right. The sign for the building to the left is in another section of the building, so it did look off center. Mark wanted to narrow the sign and have "Mulberry & Mott" stacked on each other, but that would have made the sign only 4-inches tall as the main letters are 12-inches tall and you have 22-inches of space. To put a 4-inch sign up, we might as well not have the last two names up as it really would be difficult to read. We wanted the change because it will look much better architecturally in the middle. It is just not appealing over to the right. That was Doug's point too when he suggested to scoot it to the left.

Chair Rohlf: Mark, now that you have seen this, do you have any concerns?

Mr. Klein: Staff would agree that it does have a better presentation than being shoved all the way over to the right. There is a stipulation that specifically calls out for stacking and centering, so this would need to be struck if you decide to accept the applicant's request.

Chair Rohlf: So, we need to revise Stipulation No. 2?

Mr. Klein: I think just totally remove it.

A motion to approve Case 29-08, Mission Farms, Mulberry & Mott Bakery, request for approval of a final site plan with a revision in the sign placement as presented by the applicant this evening and deletion of Stipulation No. 2 was made by Williams; seconded by Elkins.

The motion passed following a unanimous vote.

CASE 35-08 – LEAWOOD PUBLIC LIBRARY ADDITION – Request for approval of a preliminary site plan, final site plan, and final plat; located at the northwest corner of Roe Avenue and Town Center Drive. **PUBLIC HEARING**

Staff Presentation:

Senior Planner Jeff Joseph provided the following presentation:

Mr. Joseph: Madam Chair and members of the Planning Commission, this is Case 35-08, the Leawood Public Library addition. The applicant is Rick Wise with Clark Enersen Partners. The applicant is requesting approval of a preliminary plan, final plan, and final plat for an 8,605 sq. ft. addition to the library. This building is located just to the east of the City Hall building. The applicant is also proposing five additional parking spaces to the south of the building. Four of the existing parking spaces will be removed, so there will be just one additional parking space for the overall development. The addition is proposed just to the east of the existing library building. It will be constructed primarily of brick, cast stone, and glass with most of the main materials matching the existing building.

Staff has one main concern regarding the trash enclosure. Right now, they are proposing this at the southeast corner of the site, detached from the building. Staff is recommending that they attach the trash enclosure either to the building or to another enclosure that is just east to the addition. With that, Staff is recommending approval of this case with the stipulations listed in the Staff report. I would be happy to answer any questions.

Comm. Roberson: Would you point out the trash enclosure?

Mr. Joseph: (*Referring to site plan drawing on overhead*). The enclosure that they are proposing is located at the southeast corner of the site, close to Town Center Drive. Staff is recommending that they move the enclosure further towards the building, either attached to the additional enclosure or attached to the main building.

Comm. Roberson: Right now, that is where the book drop-off is?

Mr. Joseph: Correct.

Comm. Roberson: If I'm not mistaken, it is also the employee entrance?

Mr. Joseph: I believe it is also on that side.

Comm. Roberson: So, there really isn't any room for a trash enclosure against that wall.

Mr. Joseph: Or, it could be inside the island where the other enclosure is located.

Comm. Roberson: That would probably make more sense.

Mr. Joseph: Yes.

Comm. Williams: Jeff, would you envision if they put the trash enclosure in that location, would it be facing towards the main parking lot generally south and also have to have a driveway/paved area coming off of the entry to the circle drive?

Mr. Joseph: Correct. They would have to access the enclosure. There would be a concrete pad or something.

Comm. Williams: As one would approach the book drop-off area, the first thing they will see is the trash enclosure?

Mr. Joseph: Yes.

Comm. Williams: But, they will see a trash enclosure someplace or somehow in driving in or out of the library.

Mr. Joseph: Staff looked at that and there is no other location to provide the trash enclosure. This is the only area where it could be accessed.

Comm. Williams: I agree with you, it would be difficult.

Mr. Joseph: Staff is also concerned that it is closer to the drive, so it will be the first thing you see as you enter the drive to the library.

Comm. Williams: It seems odd to have a trash enclosure that far away from the building.

Mr. Joseph: Staff has had other experiences where if it is moved away from the building, it isn't maintained very well. If it is attached to the building, it gets attention and is maintained very well. It also looks nicer architecturally if it is attached to the building.

Mr. Lambers: We do see a lot of initial applications where the developer tries to put the trash enclosure as far away from their building and as close to their neighbors as they can.

Comm. Williams: Seldom do we seem them at the entrance drive of the parking lot.

Applicant Presentation:

Rick Wise with Clark Enersen Partners, 15412 W. 91st Terrace, Lenexa, KS, appeared before the Planning Commission, provided a presentation via PowerPoint, and made the following comments:

Mr. Wise: I also have with me County Librarian Donna Lauffer as well as Georgia Gavito and Lindsay Kenkel, both with Johnson County Facilities. We are here today to talk about an addition to the library. It is just next door, so you are very familiar with the site and the building. What we want to do is add an addition to the east side of the existing building to provide more space for the library collection; to provide more space for the youth, young adult, and children areas; and to help increase the functionality of the library. We also want to correct some problems in the library with roof leaks and mechanical systems that don't work. The plan is to completely gut the existing library and essentially rebuild it from the inside out and add the addition.

Here is the addition that is occurring on the east side. As you can see, it is not as big as the existing library. It is about 8,000 sq. ft, as Jeff pointed out, and the existing library is about 11,000 sq. ft. The total library building will be a little over 19,000 sq. ft.

Now we will go through some images. This is the view from the south looking back at the library entrance. The major change is between the two columns as you enter the library. We will place a bench seat in between those. There has been concern with the wall that is right there because as children are leaving the library and running out to the parking lot, sometimes you can't see them. To help prohibit that and improve that situation, you will actually go around those columns. This will force traffic to slow coming out of the library and into the parking lot. As you can see, we are adding the brick pavers that were requested by the Planning Department as part of their comments.

This is the view looking from the south as you are coming off of Town Center. You can see on the right-hand side the mechanical enclosure and the canopy for the book drop-off. This is a view from the south looking at the addition with the existing building directly to the side. The intent is to have the architecture as compatible as possible with the existing building and not stand out too much, but to also to give it its own character.

This is the staff entry that is part of the addition. The current staff entry is off to the side of the building by the book drop-off. This would be putting it on the front of the building.

This is looking at the book drop-off and the canopy that is being provided as well as some of the architecture. Here is a view from the north looking at the back of the building. Here is a view from the north looking directly at the addition. The existing building has a sloped, gabled roof and we are trying to bring that character into the addition with a smaller sloped roof.

The next two shots are just elevations of the building that we have already covered in the perspectives.

Staff has asked about the trash enclosure. We have looked at several alternatives as far as the appropriate location for that. The current location that we have is shown in the southeast corner in the parking lot. We looked at a location right in front of the building and Staff had concerns, so we wanted to look for another alternative. It wasn't to get it as far away from the building as possible. It was really a way to get it on site and compatible with trash removal/pick-up. We have talked to Deffenbaugh and reviewed the options with them. Deffenbaugh is in agreement that this is an acceptable solution. As you can see with traffic flow going into the drop-off, we are concerned that if we put the trash enclosure on the front of the mechanical enclosure, we are going to have more conflict traffic-wise with people using the book drop-off and with Deffenbaugh. Deffenbaugh's pick-up is generally going to be early morning. Book drop-off is going to occur throughout the day, but it is also going to occur during the early morning hours. We are just concerned that if we put it on the mechanical enclosure that we would have potentially more conflicts. So, we did put it further out in the parking lot. The library is willing to maintain the trash enclosure and to take trash to it. It is not a food service establishment and the trash is generally paper that is bagged. We think it will be a cleaner trash enclosure. We are concerned that if we were to put it closer to the building as part of the mechanical enclosure, it would not be a good solution to have the swinging gates be the first thing you see as you drive in. I drove up this evening and pulled into the library parking lot, and this would be the first thing you see as you come up. You will see the trash enclosure and the gates with the building off to the west.

In the current layout, we have bicycle parking near the staff entrance. Another thing about the building is that we are trying to make it as green and sustainable as possible. We are planning to take it through the LEED [Leadership in Energy and Environmental Design] certification process, so having space for bicycle racks is important. This is just a view of the current location for the staff entrance.

This is our earlier plan that we first brought to the Staff. This puts the trash enclosure right by the staff entrance. This is what we are proposing that it look like. Again, we don't want that look of swinging gates on the front of the building facing out to the public. In this solution, the trash would all be behind the screen wall and could be slid off to the side and out into the drive lane. This solution wasn't something the Staff approved, so we looked for another. We again looked at putting the trash in front of the mechanical enclosure but still feel it would not be a good place because of the conflicts we have already noted. The current location, even though it is a bit remote, is a good location that doesn't detract from the site, doesn't hurt any of the neighbors, and doesn't reduce site lines for people entering or exiting onto Town Center Drive.

Chair Rohlf: Have you had an opportunity to look at the stipulations recommended by Staff?

Mr. Wise: Yes.

Chair Rohlf: You are in agreement with all of them except for the trash enclosure?

Mr. Wise: The trash enclosure is the only one that I am finding exception on.

Georgia Gavito, representative of Johnson County Facilities, 111 S. Cherry, Olathe, KS, appeared before the Planning Commission and made the following comments:

Ms. Gavito: I think it is item Nos. 2 and 3, which are the impact fees. It amounts to about \$23,000. Just to let you know, we don't typically pay the impact fees or assessments. I am checking with our legal department right now and feel comfortable that we can come to some agreement with Staff over the next couple of week on these items.

Comm. Roberson: I have a question going back to the trash enclosure. The last drawing that you showed where it was actually attached to the building, you said that Staff objected to that?

Mr. Wise: Yes.

Comm. Roberson: Mark or Jeff, can you tell me why?

Mr. Joseph: I'm sorry, I haven't seen that drawing. Can you put it up on the overhead.

Mr. Wise: It's a little small, but it is directly to the east of the staff entry. If I am remembering correctly, I think there was concern about having a trash enclosure that close to a staff entry. That was the concern that I was told.

Comm. Roberson: From City Staff?

Mr. Wise: Yes.

Mr. Joseph: I haven't seen that one.

Comm. Roberson: Would you object to that one? I don't mean to put you on the spot.

Mr. Joseph: We would need to take a look at it.

Mr. Lambers: It would be preferable to the detached facility. I don't remember this one being proposed. I do remember one that was proposed internally, which was withdrawn. I don't recall this one.

Mr. Wise: What I think we brought up was that the existing trash enclosure is internal to the building. It is actually part of the book drop-off. It is right behind and just to the north of the book drop-off. There is a pair of doors there and it is actually built inside. Typically in buildings, we don't want to do that anymore especially with concerns of fire. I think we would be accepting of this solution if you all and Staff would be.

Comm. Williams: To continue that conversation, where might you locate the bike racks?

Mr. Wise: We do have space just to the east of the main entry where we could install bike racks. Obviously, as part of a building that we want to get LEED certified, we will need to conserve that. We will have those along the front of the building.

Comm. Williams: It would be east of the entrance?

Mr. Wise: East of the main entrance, not the staff entrance.

Comm. Williams: I would think that would probably look as pleasant as the bike racks on the east end of the building.

Mr. Wise: We will make it as pleasant as we can.

Comm. Elkins: I would just like for you to comment a little on your design thoughts. You have what I would call almost a pyramid on the existing building and then one on a much smaller scale. The difference in size and mass of the two roof lines is striking to me. I would just be curious as to your comment about this aesthetic and the thought process that was there.

Mr. Wise: There are two spaces that will be underneath those vaulted areas, the one for the existing building will be the main adult collection as well as some computers while the addition will include the children's area. We wanted to have a vaulted area in both. The intent would be that we don't want to diminish where the entry to the building is. We don't want to make the staff entry feel like a main entry. Intentionally, the scale of the additional vaulted area is smaller. We don't want to make the addition feel like the main entry.

Comm. Elkins: So, the concern was if you made the second vaulted area of relatively equal mass, the entry to the building wouldn't immediately stand out?

Mr. Wise: I think that would be one component and budget is also an issue. We wouldn't want to drive up the cost of the building for that.

Comm. Munson: On the main sign that faces Roe Avenue that says "Johnson County Public Library," would it be possible to add "Leawood Pioneer Branch" in smaller sized lettering below that?

Mr. Wise: I don't see any problem with that. I'll let Donna Lauffer answer.

Donna Lauffer with Johnson County Library, 9875 W. 87th Street, Overland Park, appeared before the Planning Commission and made the following comments:

Ms. Lauffer: We have a standard that we use on all of our buildings that say, "Johnson County Library." We had planned to put additional signage at the entrance of the parking lot that distinguishes "Leawood Pioneer Branch," but we don't put those on our main library building signs.

Comm. Munson: Could you make an exception?

Ms. Lauffer: We would prefer to put them on the parking lot signage so that we could be standard throughout the whole County. I do have one other thing that I would like to address. The library has been a partner with the City now since 1994, when we opened the Leawood facility and we were building it at the same time you were building City Hall. We have had a very good relationship and partnership. We do joint programming with your Parks & Recreation Department. There was some concern about the parking spaces. If we do change the trash enclosure, that would free up some parking spaces. We have had an understanding as well as an Inter-local Agreement that sort of outlined our relationship at the very beginning, which is still in place now, that when we do joint programming, we have often used your plaza for summer children's musical events. During these, we draw a pretty large crowd of probably 200 or more. We have used each other's parking and it is something that has worked very well. I know that we all have concerns about parking. I just wanted to point out that this is something that has been our practice from time to time over the last several years, and we hope to continue our partnership in every way possible.

Comm. Elkins: This is really a question for Jeff. I am mildly concern when I hear the library staff express question about whether they are subject to either of the assessments for the park or public arts. I wonder if it were to pass with the stipulations and the legal staff for the library would conclude that they are not subject to the impact fees, where do we go at that impasse? Can we approve this if the library hasn't concluded that they are willing to go forward with the assessments?

Mr. Lambers: I would say that is a legal issue. I do not believe that there are any exceptions to governmental entities, but we will have to do research. The other question is if there is an ability to waive. I don't think so because we haven't gotten any requests. I would say to leave the stipulations in place and let it be handled at the next level.

Comm. Elkins: There are occasions when equally qualified lawyers see those issues differently. I'm not sure you'll get a consensus among the lawyers.

Comm. Williams: I see that on the new vaulted section, you are proposing a synthetic slate roof. Mark or Jeff, is the submitted product an approved product? I thought we have had issues with some synthetic slate.

Mr. Joseph: It has been approved in other buildings. Camden Woods Center used the same type of roof as well as Plaza Pointe.

Comm. Williams: Are you re-roofing the existing roof so that it is the same material:

Mr. Wise: Yes. If you are aware of the existing building at all, there are roof leaks everywhere. We are going to completely replace the flat roof areas as well as the sloped areas. We will have one simulated slate shingle on the addition sloped area as well as the existing. It would be throughout the entire project.

Chair Rohlf: This case does require a Public Hearing. Is there anyone in the audience who wishes to speak about this case? If so, please raise your hand.

As there were no individuals present to speak on the matter, a motion to close the Public Hearing was made by Jackson; seconded by Roberson. The motion passed unanimously.

Chair Rohlf: That takes us up to our final discussion, hopefully leading to a motion with knowing that we need to revise Stipulation No. 4 if we feel like the proposed trash enclosure attached to the building is a viable option.

Comm. Williams: I know the issue, but could you explain what you just said.

Chair Rohlf: Stipulation No. 4 is the Staff Comment about being moved to the mechanical enclosure. I think we would need to change this if we believe that the rendering showing the trash enclosure attached to the building is a viable option. Staff indicated they hadn't seen it, but would be willing to look it. Mr. Lambers indicated that it would be preferable.

Comm. Williams: If Staff looks at it and agrees that it is viable, then do we need to look at it again?

Mr. Lambers: If you amend the stipulation to say that the trash enclosure will be attached to the building as presented by the applicant, they can change the plan prior to presentation to the City Council.

Chair Rohlf: I believe this is our normal stipulation anyway for trash enclosures.

Mr. Lambers: Our requirement is that they need to be attached or architecturally attached, unless it is proven impractical or unfeasible.

A motion to recommend approval for Case 35-08, Leawood Public Library addition, request for a preliminary plan, final plan, and final plat with Stipulation No. 4 amended to read “the trash enclosure shall be relocated to be architecturally attached to the building” and to include Staff Recommendation Nos. 1 through 31 was made by Jackson; seconded by Roberson.

The motion passed following a unanimous vote.

CASE 46-08 – ONE NINETEEN- DEAN & DELUCA (BLDG D) – Request for approval of a revised final site plan; located at the southwest corner of 119th Street and Tomahawk Creek Parkway.

Staff Presentation:

Assistant to the Director Mark Klein provided the following presentation:

Mr. Klein: Madam Chair and members of the Planning Commission, this is Case 46-08. The applicant is requesting approval of a final site plan for the construction of a 15,577 sq. ft. one-story retail building with a drive-thru located at the southwest corner of 119th Street and Tomahawk Creek Parkway. The currently approved plan was approved by the Governing Body at the March 3, 2008 meeting. The applicant is coming back with a revised site plan for Dean & Deluca located at the northeast corner of the development. The changes they have made are to the architecture of the building. There used to be an operable garage door system that they could open up for an outdoor seating area, similar to the Cheeseburger in Paradise restaurant. That has been removed. In addition, they have also removed the trees going along the west side of the building that provided shade for that area. Currently there is no outdoor seating proposed.

They have also extended the canopy over the drive-thru on the south side of the building. They have also removed three parking spaces on the south side of the building that were located within the median to which the drive-thru lanes curved around. They have modified the drive-thru slightly taking into consideration comments that the Planning Commission and City Council made to allow more stacking than the previous plan. Staff is recommending approval of the application with the stipulations stated in the Staff Report. One of the concerns that we do have is the removal of the outdoor seating area and the trees along the west side of the building. Staff would be happy to answer any questions.

Comm. Williams: All of the trees and all of what appears to be landscaping has been removed from the west side?

Mr. Klein: Basically, right along the west side you had a series of trees. You had the plaza area and the operable doors that you could open or close the patio and trees along there. The trees have been removed. The plaza area has actually been expanded. The applicant has indicated that it provides more of a pedestrian friendly atmosphere, but Staff has some concerns regarding the reduction of trees in that location and also with not having the outdoor seating.

Comm. Williams: Along with that is the issue of not having any landscaping along the west side. As you go from parking lot, to pavement, to building, the trees were a nice touch in that it began to address this issue as a courtyard plaza affect. Now it is stripped bare. It is unfortunate that they lost the unique concept of the overhead doors and patio seating. I would be very interested in the applicant's presentation to explain why they did that. Just to clarify, it is the west façade and the stacking for the drive-thru that are the primary changes?

Mr. Klein: The architecture for the building has also changed a little bit. Before, they had kind of horizontal metal canopies that ran around a lot of the building. Now, they have added the canvas canopies instead.

Applicant Presentation:

Jose Rangel with RED Development, 4717 Central, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Rangel: Thank you for your time this evening. I'm just going to give a quick overview of what the changes are. As Mark mentioned, we have enclosed the patio component. We have Josh Hodat, a representative from Dean & Deluca here this evening. I'm going to let our architect, Bob Carlson with DLR, give more of the specifics as to why we have since enclosed the area as opposed to maintaining the open overhead door feature. Along with that, we are introducing one or two new materials to the project, which are represented on the material board, as well as the incorporation of some of the signature design pieces that Dean & Deluca is accustomed to. We can get into the specifics of that as well. With that said, I would like to turn this over to Bob Carlson. We also have Steve Winslow with Oschner Hare & Hare to talk about any landscape issues that you may have as well as Andy Noll to address any civil items.

Bob Carlson with DLR Group, 7290 W. 133rd Street, Overland Park, appeared before the Planning Commission to provide computerized images of the project and make the following comments:

Mr. Carlson: As Jose mentioned, we are adding some new materials to the palate. One is the green awnings that are over each window, which are a signature element for Dean & Deluca. The second is a cast stone plaster in between each of the canopies. Again, it has a decorative pattern to it that is part of Dean & Deluca's identity program. We are adding real lime stone on some of the areas over the main entry and the other entry on the north side. The drive-under canopy has been enlarged for the drive-thru. It is actually supported by two brick columns on the outside. Here is the west elevation showing the two main entries on the north and the south with the line of green awnings over the windows and the doors into the dining area.

Comm. Williams: Green awnings are over the windows?

Mr. Carlson: Yes.

Comm. Williams: You said a moment ago that they were plaster.

Mr. Carlson: I'm sorry. There are plaster columns engaged in the building between each of the awnings. There are glass windows underneath each awning.

Comm. Williams: The white panels that I'm seeing on the elevation are actually glass?

Mr. Carlson: Yes, they are.

Comm. Williams: Are you going to provide something that tells us what the glass and framing is going to look like?

Mr. Carlson: Right. To the point about the outside dining and the trees, we agree to add the trees back. Dean & Deluca will also put bistro tables to the outside to restore that activity on the main façade of the building. As far as the dining goes, part of Dean & Deluca's store experience is really that diners can experience the inside of the store and the cooking atmosphere. They have exposed cooking lines kind of like a display kitchen. With the previous design of the roll-up doors, you get into Health Department concerns about insects and the indoor/outdoor relationships. The important relationship is that the diners have the experience of being part of the store, which is why we enclosed it. We agree that the trees along the west façade will add shade and we can also add bistro tables along the plaza area to soften and enliven the area.

Comm. Williams: How wide is the plaza area?

Mr. Carlson: It is 15-ft.

Comm. Williams: That should be big enough for bistro tables lined up against the building?

Mr. Carlson: Right. This view shows the corner from 119th Street and Tomahawk Creek Parkway. Again, it shows windows along the north façade. They are large windows to allow you to see the activity in the store. The other Staff Comment was about the amount of stucco on that façade. We will reduce that and increase the amount of brick on the east façade to get within the suggested ratio of brick/stucco.

Here is a view of the south side of the building. Again, there is a large amount of glass to be able to see in. You can see the two brick columns supporting the canopy over the drive-thru. We also have gates that enclose and screen the service area. This is showing the west façade and the drive-thru from the end of the main building.

We think we have a nice amount of detail. We have added some signature elements with the limestone and the cast stone plaster column covers and the awnings that really make this building part of Dean & Deluca's image. The overall palate of materials matches and fits in very well with the overall development. You can see the material board – we've added the limestone, the awning, and cast stone. I don't see the frames on here, but the window frames will match the rest of the development.

Chair Rohlf: Mark, would we need to add these materials to the design guidelines?

Mr. Klein: Yes, they would need to be added.

Mr. Carlson: Any other questions about the architecture?

Comm. Williams: Going back to the windows, they are going to be in an aluminum frame to match the center. I am unclear from the renderings that you showed, which were nice renderings, but there were some areas where there appeared to be a horizontal window member and then in the bay next to it, there wasn't. How is this actually going to shape out?

Mr. Carlson: The elevations are accurate. The model has not been updated. These are the elevations that have been submitted.

Comm. Williams: I guess what I'm seeing is that you have three sections of glass within a plastered area? There are glass fronts from the ground up to where it stops?

Mr. Carlson: Yes. We do have some information about landscaping and Steve Winslow will address those.

Steve Winslow with Oschner Hare & Hare, 2600 Grand Street, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Winslow: As you can see on the landscape plan, very little has changed from the previous plan that was brought before you. The perimeter landscaping has maintained the same configuration as the approved site development plan. When the building was moved towards the corner, we basically just pulled the plant material to be used as screening in the parking lot and used it as foundation plantings. As you have already heard this evening, we are going to be adding back the three trees along the west side of the building. We will have that all taken care of. We will continue to use the same hardscape materials and finishes that you find throughout the entire development to create a very consistent uniform appearance - for both hardscape and landscape.

Again, we are using the same plant materials throughout the whole development so that it will continue to have a strong continuity that you have expressed desire to maintain.

One thing that was omitted from this plan on the north side of the building are some bicycle racks that we were asked to add the last time we were before you. I accidentally omitted those from the plan. We are planning on adding the bicycle racks. We will add a small slab of pavement to the north of the north doors. The landscaping will also slide to the north to screen the racks from view of 119th Street. Thank you.

Andy Noll with BHC Rhodes, 6363 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Noll: From a civil standpoint, some of the minor changes include the moving of the building just a little bit to the south. We removed the three parking stalls that were in the island just to the south of the building that make up the drive-thru island. This actually will provide more setback from the entrance drive into the shops at One Nineteen and also provided more stacking for the drive-thru area. That is the limits of the changes on the civil plan from the approved site plan.

Chair Rohlf: I have one question for Staff. Is the fact that they are willing to add back in the trees and tables on the west side enough for Stipulation No. 26? I don't know how you would define an outdoor eating area, but you mention this as "currently approved."

Mr. Klein: I think the stipulation would probably have to be revised if the Planning Commission were willing to accept that.

Chair Rohlf: Do you feel it is satisfactory?

Mr. Klein: Staff is definitely supportive of getting the outdoor eating area back as well as the trees to provide shade. It adds something to the site and the restaurant.

Chair Rohlf: I believe they have addressed all of the comments that you had with regard to stucco and ornamental trees.

Mr. Winslow: Madam Chair, Stipulation No. 22 asks for six additional ornamental trees. We had a discussion with Mr. Klein prior to the meeting and discovered that he had rechecked the calculations for the landscape ordinance and determined that we were short the six trees because he had looked at the area just north of the Dean & Deluca building. When we did the original landscape plan and it was approved, we actually did a net calculation for the entire frontage along 119th Street and we do meet the requirements of the landscape ordinance. I would ask that Stipulation No. 22 either be eliminated or revised to state that if it is not installed per the approved development site plan, that the owner would gladly come back and add those six trees. Again, we do meet the code and it was approved based on the entire frontage rather than just the Dean & Deluca section, which is where Mr. Klein derived his calculations.

Mr. Klein: I didn't have a landscape plan that showed their entire frontage along 119th Street, therefore the only calculations I could come up with for this landscape plan was for the exact frontage. They have to meet the qualifications as far as the number of trees and shrubs along 119th Street. I would say that if it met that requirement along that frontage, they are probably okay. They would need to provide me with a landscape plan showing the entire frontage so that I could verify this. It should include what has already been installed and what needs to be installed, so that I can recheck the calculations.

Chair Rohlf: We could revise Stipulation No. 22 to basically indicate that they need to bring back a revised landscape plan for the entire frontage of 119th Street?

Mr. Klein: Right.

Comm. Williams: Since we are not given a layout for what is happening inside, I am just curious as to the relationship of dining to the west windows.

Josh Hodat, site manager with Dean & Deluca, 4700 W. 119th Street, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Hodat: I have a preliminary inside layout that I can show you (*placed layout on overhead*). Here is the west elevation. The trees will go back in and the tables will be along here. On the inside, it is basically going to be an enclosed atrium/courtyard/patio so that all of the seating will be enclosed per health code controlled environment. The espresso bar will be on the south elevation as part of the drive-thru area.

A motion to extend the meeting until 9:30 p.m. was made by Jackson; seconded by Elkins. The motion passed unanimously.

Mr. Carlson: I have one clarification. In the building plans that were submitted on the floor plans itself, the actual square footage of the building is 16,473 sq. ft. I believe the 15,577 figure was a mistaken note on one of the site plans.

Mr. Klein: Yes, I actually pulled it right off of the site plan.

Mr. Carlson: The floor plan shows 16,473 sq. ft. and that is the accurate square footage of the building.

Chair Rohlf: That takes us to our final discussion, leading to a motion. Just to note, there is no signage with this application. They will be back. As Commissioner Conrad pointed out to me, I think this is an important element to this building. I think it will be good to see it after all of these other changes have been made. We would need to revise Stipulation Nos. 22 and 26.

Comm. Williams: Is the change on Stipulation No. 26 from "approved" to "as presented?" How did you want the wording for No. 22?

Chair Rohlf: I think basically that the applicant shall provide a landscape plan showing details of the full length of frontage along 119th Street.

A motion to approve Case 46-08, One Nineteen, Building D, request for approval of a revised final site plan, located at the southwest corner of 119th Street and Tomahawk Creek Parkway, within the One Nineteen development with a change to Staff Stipulation No. 22 to read “the applicant shall submit a landscape plan for the entire length of 119th Street and comply with the landscaping requirement of the Leawood Development Ordinance”; to revise Stipulation No. 26 by eliminating “is currently approved” and adding “as presented”; and to revise the square footage in Stipulation No. 1 from 15,577 sq. ft. to 16,473 sq. ft. was made by Williams. The motion was seconded by Munson.

The motion passed following a unanimous vote.

Chair Rohlf: Mr. Lambers, is it appropriate that we proceed even though it will be a new matter? I believe our bylaws state that we are not to take up an additional case.

Mr. Lambers: You can take up additional cases until 10:00 p.m.

CASE 41-08 – ONE NINETEEN – REVISED SIGN CRITERIA – Request for approval of a final site plan; located at the southeast corner of 119th Street and Roe Ave.

Staff Presentation:

Assistant to the Director Mark Klein made the following presentation:

Mr. Klein: Madam Chair and members of the Planning Commission, this is Case 41-08. The applicant is requesting approval of a final plan to modify the signage criteria of the One Nineteen development. In addition, West Elm, a tenant finish within the One Nineteen development, is requesting a transom sign above the main store entrance to be approved. There were two different sized tenants wherein one tenant used to be classified as 0-14,999 sq. ft., which is a small shop tenant, and they also had a sub-major tenant that was classified as 15,000 sq. ft. and above. The applicant would like to change the classifications to allow more sub-major tenants. It would change from 0-14,999 to 0-9,999 sq. ft. The sub-major classification would change from 15,000 sq. ft. and above to 10,000 sq. ft. and above. In addition, they are proposing to increase the maximal allowable letter size from 30-inches to 40-inches. Staff is supportive of allowing an increase, however Staff feels that it would be better to hold it at 36-inches as opposed to 40-inches. That is Staff's recommendation.

In addition, on the West Elm tenant finish, there is a transom sign that they are proposing just above the doorway that would continue as far as the wood slats. It was more or less a box sign that had “West Elm” on it. At the time that it went through the Planning Commission, there was some discussion; however, it was not approved with the application. Staff is still recommending that it not be approved with this application since the West Elm did get a number of signage including a wall sign that went along the front of the building, some blade signs, as well as some additional signage that went along the back of the building. Staff will be happy to answer any questions.

Chair Rohlf: Initially this was a Consent Agenda item just because of the changes in the square footage requirements, but we pulled it in order to look at the transom sign again?

Mr. Klein: I apologize. It should have been just a regular case.

Comm. Williams: What is the sign they are asking for?

Mr. Klein: For the West Elm, it is a transom sign. If you recall within that development, they had horizontal wood slats along the entrance that lined the storefront. There are some pictures in the packet, A-210. Just above that, they have a box sign that indicates "West Elm" that they want to get approved as well.

Comm. Williams: That is the sign that they want to get approved?

Mr. Klein: Yes.

Comm. Williams: The one that is 2'10" lettering?

Mr. Klein: Correct.

Comm. Williams: Is a sign like that typical of the tenants in this development?

Mr. Klein: Transom signs are allowed signage within the development, however they had a number of different signage that was allowed. They have a blade sign and the façade sign. At that time, they were also proposing a canopy sign. They are also proposing signs on the back of the building regarding customer pick-up and service pick-up. That was in the last application you saw for the West Elm development. One of the stipulations specifically stated what signage would be allowed and not allowed. It also stated that no other signage would be allowed. The transom sign was not approved with that application. The applicant feels that they want to reapply for this. They felt that they had approval before and wanted to get it approved.

Comm. Williams: Back to my question, is this signage untypical of other tenants in the development?

Mr. Klein: No, it is possible that other tenants may have a transom sign. Staff was looking at it from the standpoint that signage for tenants are typically limited to one sign per storefront. The applicant was proposing the one above the façade and the blade sign, which Staff typically goes along with as the blade signs are something that we see all of the time and it makes it easier for customers to see as they are walking down the sidewalks in the development.

Comm. Williams: The blade signs are part of the overall development guidelines?

Mr. Klein: The blade signs are allowed. There are a number of things that are allowed under the development criteria, but that doesn't mean that they can have every single sign that is allowed. It just means that they get some sort of combination. Park Place is exactly the same way. They have a whole range of different types of signage that they can have, but each tenant doesn't get every single one of them.

Comm. Conrad: Is this the one that had signage on the glazing too?

Mr. Klein: Yes. They have the vinyl letters stuck on the windows.

Comm. Williams: The vinyl letters that are the same type of lettering on Crate & Barrel already and on more than 80% of the shops at Town Center Plaza.

Mr. Klein: I have seen some out there, but I can't tell you the exact count.

Comm. Williams: For them to get the transom signage that they are asking for, what would you say they would have to give up?

Mr. Klein: I guess I would leave that up to the Planning Commission. Right now, Staff feels that what they have currently approved is appropriate. I doubt that they would be willing to give up the wall sign on the façade as this is the major identification sign. I doubt they would be willing to give up the blade sign as this will identify them as you are walking along the storefronts in that direction. Staff feels that you can repeat signage too much. You see this at Town Center Plaza sometimes with a façade sign, a sign on the awning, and a transom to where you basically have three signs one right over the other all saying the same thing.

Comm. Williams: As I look at the elevation on A-210, we've got signage right above the door. I can't read the height, is it roughly 8-inches?

Mr. Klein: I believe it is 8-inches tall with push-through white acrylic letters.

Comm. Williams: On that front entrance, they have that signage and the blade signage currently approved. So, this will be a third sign on the store?

Mr. Klein: Correct. On this façade.

Comm. Williams: You are saying that we have not allowed similar signage for this development at this point.

Mr. Klein: I am saying that we have not seen any other applicant come forward with as much signage in this particular development or any other than I can remember.

Comm. Williams: We haven't approved and you have not seen any other tenant at One Nineteen come in with three signs at the front entrance?

Mr. Klein: I would have to go back and check. Staff feels that the already approved signage is appropriate for what they have. It is up to the Planning Commission if they would like to approve otherwise.

Comm. Roberson: I think we have more than just the three signs. Each window has a sign too, right?

Mr. Klein: Actually, those were not approved.

Comm. Williams: The transom sign is the 2'10" letters?

Mr. Klein: It would be the 8-inch push-through acrylic sign.

Comm. Williams: That is the transom sign?

Mr. Klein: I believe so.

Comm. Williams: So, they do have the large 2'10" sign on the front?

Mr. Klein: Correct. And, they have a blade sign. They are requesting the transom sign.

Comm. Williams: What they are asking for in this regard is signage over their entrance that basically is typical of their corporate identity in all of the other locations.

Mr. Klein: I would assume so, those are the photographs that they submitted.

Applicant Presentation:

Jose Rangel with RED Development, 3717 Central, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Rangel: Let me clarify some items to make sure we are on the same page. We are here tonight to present three different issues. The first issue is the ability to increase or modify the sign criteria to reflect what Mark mentioned regarding the sub-majors as well as the small shops. We are asking to reevaluate some of those numbers in order to modify the heights of two particular tenants. In this case, it is Z Gallerie and West Elm. I have some sketches here and I think you probably have them in front of you as well (*Displays pictures of currently approved and proposed signage on overhead*). The original sign criteria stated that the maximum height of the letters is 24-inches. Looking at the elevations in more detail, for these facades, it just makes more sense. What we are proposing now is to increase the letters to 40-inches. From a proportion standpoint, we would like to increase the size of the lettering for the sub-major tenants.

West Elm had the same scenario where they were restricted by a maximum of 24-inch high letters. They are not asking for the full 40-inches such as Z Gallerie, however they are asking for the 2'10" dimension increase. That was their scenario prior to this submittal this evening. In addition to that, they are also asking for the overhead transom sign. I was a little bit confused because I was here that evening as well and was under the impression that the transom sign was liked. It is a single unit that fits within the frame and will take on some of the characteristics that you see here. It is self-contained. The letters are within the actual framing of the wood slats. Those are the three items that we are requesting tonight: Z Gallerie, West Elm, and the overhead transom.

As Mark mentioned, the signage criteria allowed for a blade sign, a façade sign, and an overhead transom sign. This is the first tenant coming forward who is requesting the overhead transom. You are correct on that. I have not seen anything from any other tenants to date requesting the transom signage.

Chair Rohlf: I believe that Staff has made a recommendation to take the height of a sign such as for Z Gallerie to 36-inches. You are indicating that you would like to take it to 40-inches?

Mr. Rangel: Correct.

Chair Rohlf: Mark, do you have a particular reason why you chose 36-inches?

Mr. Klein: Staff just thought that 36-inches is in better proportion. We took a look at 24-inches and at 40-inches. We agree that the 24-inches did appear small. The 40-inches looked better, but we thought it was little too big and scaled it down to 36-inches.

Chair Rohlf: We need to decide what we think should be the allowable maximum height for the sub-major tenants and then whether we should allow this transom sign or not. Mark, you are suggesting that it would not necessarily be all three signs, it could be a combination of two.

Mr. Klein: The reason that I say that is because we have seen this on a number of different developments where they have proposed a number of signage. One that comes to mind is Park Place where they basically had the transom, an awning sign, a façade sign, and a canopy sign. They even expressed that it wasn't their intention to allow every tenant to have every one of those as one tenant may have 2-3 of them while another tenant would have a different 2-3. Again, it is up to the Planning Commission to take a look at it and see if they think it works for that individual tenant space. In Staff's opinion, we just felt that the signage above the façade and the blade sign was enough, particularly for this tenant because they also have the additional signage on the back.

Mr. Lambers: We were also counting the signs on the back. If you are going to favorably consider this, the design guidelines needs to limit the maximum number of signage to three for the front side. If you approve the three here and you have the signs in the back, someone else will come in say that they should be allowed five signs. I think we need to clarify that the maximum is three signs for the front façade to be evaluated on an individual basis. You may have a very small store front to where it doesn't fit right.

Comm. Williams: The signage on the rear of the building is for customer pick-up?

Mr. Klein: Correct.

Comm. Williams: What are the other currently approved signs?

Mr. Klein: They had one that was "Ring Bell for Customer Service" that was adjacent to one of the doors. The customer pick-up is an awning sign located over the service door and an overhead door on the back of the building.

Comm. Williams: So, they repeated customer pick-up?

Mr. Klein: I believe so.

Mr. Lambers: One was for the door and another was for where they actually go to pick it up. Regardless of where they are at and what they say, I guarantee that someone will count those signs. There are six signs there, and someone will point to that. I think if you incorporate this, it should be a maximum of three signs on the front façade. It will save us a lot of future discussions.

Comm. Williams: By doing that, you're not necessarily advocating reducing the number of signs on the back at this point?

Mr. Lambers: No. Basically we are saying that there is only to be a maximum of three signs on the front façade. If someone comes back and needs signage on the back, we will evaluate that on an independent basis. My concern is that someone will say this is precedent for approving 5-6 signs. The three signs that are specifically listed, makes it clear as to what they are supposed to be. We didn't envision this happening, but they can only ask for three. Who knows what future requests will be.

Chair Rohlf: You are saying that it would be appropriate for the transom sign to be included as their third sign?

Mr. Lambers: Yes. I'm saying that the guidelines need to reflect that the tenants are entitled to a maximum of three signs: the façade sign, the blade sign, and the transom sign. It is to be evaluated on an individual basis for each application.

Comm. Williams: Do we need to add that as a stipulation?

Mr. Lambers: Actually, we are going to incorporate this into the design guidelines. It will approve the transom sign for this particular application, but the design guidelines will be amended to allow a maximum of three on the front façade.

Comm. Conrad: Mark, do we have very many signs that are 40-inch letters or taller?

Mr. Klein: We don't have a whole lot. We occasionally see 3-feet, which isn't all that uncommon.

Comm. Conrad: I guess my concern is that when we try to make them as pedestrian proportion as we can, we have always had discussions about whether you needed to see them from 400-ft. away when you're driving down the main artery.

Mr. Klein: There are some that are a little larger. I know that the AMC sign is larger, but it is much higher up on a building.

Comm. Conrad: I think we have always said that a lot of signage really becomes an integral part of the architecture. The case we saw before, Dean & Deluca, without the signage on it, it will make a significant difference when they put three signs on that. I guess I would say that if we can have short discussions to change it for proportional reasons, I would try to keep it at 36-inches to begin with and go above with good reason. I think that 40-inches is a pretty big sign and if you have a lot of letters, it will get real long.

Comm. Williams: I agree with Comm. Conrad in that regard. The one example that they showed is not too bad, but what if you get someone else with a different letter style. If it was reading with the same number of characters but with a different letter style, it could be a big sign.

Chair Rohlf: Price Chopper.

Comm. Williams: Price Chopper is a good example.

Chair Rohlf: Didn't we change that to about 40-inches?

Mr. Klein: It actually went to 3-feet. It was 2-ft. at one point and their argument was that it needed to be larger to be read as they were far away from the road.

Comm. Conrad: I would keep them smaller.

Comm. Williams: We've had this discussion on other sign issues before and I can't remember the ratio, but the LDO has a percentage of the façade or wall that it sets on. That stays in place, so we have that to work with in addition to the size of the lettering.

Mr. Klein: Correct. It is 5% currently.

A motion to extend the meeting for another 30 minutes, until 10:00 p.m., was made by Elkins; seconded by Williams. The motion passed unanimously.

A motion to approve Case 41-08, One Nineteen revised sign criteria, request for approval of a final site plan located at the southeast corner of 119th Street and Roe Avenue, with Staff Stipulation Nos. 1, 3, and 4 as written and the removal of Stipulation No. 2; and to amend the design guidelines to allow a maximum of three signs on the front façade was made by Williams; seconded by Munson.

The motion passed following a unanimous vote.

CASE 27-08 – PARK PLACE – BUILDING G – Request for approval of a preliminary site plan and final site plan; located at the northeast corner of 117th Street and Nall Avenue.
PUBLIC HEARING

Commissioner Conrad recused himself from this item. He left the meeting at 9:35 p.m.

Staff Presentation:

Assistant to the Director Mark Klein provided the following presentation:

Mr. Klein: Madam Chair and members of the Planning Commission, this is Case 27-08. The applicant is requesting approval of a preliminary and final site plan for the first phase of Building G within the Park Place development. The applicant is proposing that this first phase be a two-story, 15,514 sq. ft. building that will have retail on the first floor with office above. This portion of Building G was originally approved as a one-story, 8,965 sq. ft. retail building, which is why it is coming back as part of a preliminary plan rather than just a final plan. Generally, the footprint and location of the building are the same as what it was before. They have made it a little bit more rectangular than it was. They have sidewalks along the north, south, and west that are 20-ft. in width. This is pretty much what was approved before with some plantar islands in there. They plan on having pavers around this building to add a design element. Staff does have concerns regarding the amount of stucco on the building. It is primarily stucco, however it does have some design features in it such as tile. It also has a masonry base along the bottom of the building. Staff is recommending denial of this application for reasons stated regarding the amount of stucco on the building. The applicant has indicated that this is a direction of design style that they would like to continue with and, again, Staff has concerns.

Chair Rohlf: I have a question on the change in square footage. Is this a plan where we have in place gaining and losing square footage, where it needs to come from, etc.

Mr. Klein: Yes. Originally on the preliminary, this was a three-story building. This portion became a one-story when it went to final. The next phase was showing a two-story, so the square footage really isn't all that different except for during this phase because they added the second floor.

Chair Rohlf: So, we're not concerned about this small of an impact on the overall development?

Mr. Klein: No.

Applicant Presentation:

Jeff Alpert with Park Place Developers, LLC, 11551 Ash Street, Leawood, KS, appeared before the Planning Commission and provided the following presentation:

Mr. Alpert: First of all, thank you for staying late to get this done. I appreciate that very much. Let me first walk through more detail on the building and then I will address the stucco issue, which seems to be the key issue tonight. On the overall site plan you see here, all of the buildings in light green have been constructed and completed or are currently under construction (*referring to display board of overall site plan*). We have the Aubrey building, which wraps around the parking structure, and the Becker building that are completed. California Pizza Kitchen is completed. Building F is in the final stages of preliminary construction. This is the Aloft Hotel site with Morton's and Ra Sushi in this location. The dark green building is Building G, which is the subject this evening. I highlighted in orange the extensions of both Buildings F and G. We call them F-2 and G-2. They are continuations of the initial buildings and will be built in phase II of the project. They are similar to the Aubrey and Becker buildings in that they will both be first floor retail with one or two additional levels of office above. This is particularly important with regard to Building G because when completed, this is really designed to look like one building. We added a second floor of office onto Building G, but it will not be used until G-2 is built because the lobby for the office portion will be part of G-2. We felt that it was important to add the second floor, first of all because our office leasing is going very well and we wanted the additional office space, and we also thought that the mass of the building was important to have the second floor in order to frame this part of the development. Because of the finish on California Pizza Kitchen to the north side, Building G pretty much gets finished on all three sides and will have storefronts on all three sides as well. Once you get past this point going east, this really becomes service drive. We anticipate that the backside of this building will be finished much like the Aubrey and Becker buildings, which have a little bit of different finish on the rear because they are service areas.

In terms of the design, this building is designed to have much the same character as the Aubrey, the Becker, and Building F. I think that is evident when you look at the design of the elevations. In terms of landscaping, the intent is to continue the pattern of landscaping that we have created up and down Ash Street. It will be consistent with what we already have in terms of street pavers, large street trees, and additional street amenities. Unless anybody has any questions about that, I would like to address the issue of the stucco.

These are the elevations of the building (*referring to display boards*). They are primarily stucco elevations. Stucco is the predominant material of the shell portion of the buildings. We have added ceramic tile accents and cast stone accents at the bottom. We have a metal canopy over this area and, of course, the second floor windows for the office. It is pretty consistent with the north, south, and west elevations. The east elevation is pretty much solid stucco because this will be totally hidden when G-2 is constructed.

I would like to refer to the Staff Comments at this time. I want to read this paragraph again because I think it is pretty important.

“Staff is not supportive of this application due to the large amount of stucco that is being proposed. This is a departure from the type of architectural quality originally presented with the Park Place development, which incorporated significantly more masonry. The applicant has indicated that this departure is intentional and is the design concept that they wish to follow for the remainder of the development.”

Firstly, I am not sure where that came from. We don't believe that what we are doing is a departure. It has always been our design philosophy to concentrate the highest quality materials where they affect the pedestrians, which is on the first 16-20 feet of the building. It primarily relates to the storefront design, the streetscape, and the related landscaping. Just to remind you, it is very important to us that we put as much money as we can into the quality of our store fronts. (*Begins PowerPoint presentation of storefronts.*) The storefronts that we have up so far, Trezo Vino, Annabelle's, Envy Boutique, and Park Place Gallery, are all examples of quality storefronts. As you can see with the Gallery, the finish above the storefront line is primarily stucco with some brick. I know that Staff has requested that we maintain a maximum of 25% stucco on our buildings. The fact of the matter is that we actually went and calculated the stucco percentages in the Aubrey Building, the Becker Building, and Building F, because up to this point, we had not been subject to the 25% restriction and didn't really know what those percentages were. What we found was that the Aubrey Building was 32%, the Becker Building also 32%, and Building F was 42%. The subject building this evening, Building G, is actually 37%. It falls kind of the middle of the range of the stucco percentages that we have in the other buildings.

Looking at these photos, you can see how the stucco has been incorporated. This is the north end of the Aubrey Building and you can see primarily stucco with a little bit of brick on the left side of the picture. On the Becker Building, the upper level is primarily stucco with some GFRC accents. The specific material percentages have not been a part of our design guidelines up to this point. To our knowledge and after our review of the previous zoning and final development approval documents, they were not included as stipulations. To my knowledge, they are not a part of the Leawood Development Ordinance.

Another point regarding the brick that we have in the buildings, primarily the largest expanses of brick that we have are on the service sides of the buildings. That is installed as a durability issue with deliveries, trash pick-up/removal, and all of the other things that go on in the service drive. It was a conscious design effort to make those facades as durable as possible.

Just to summarize, we do believe that what we are presenting with Building G is totally consistent with what we have been doing. We don't really see it as a change in our design but just a continuation of the design we have already established. It would be our request that you approve Building G with the intent that this type of design style will continue through the next phases of the development.

Mr. Lambers: The LDO identifies stucco as an accent material. Up until recently, the Staff had advised applicants that this should be between 20-25% with our target being 22% on average. The Capitol Federal building at the Village of Seville went above those limitations. The Council agreed that it should be increased, therefore they increased the standard to 25% on average with no more than 28% on any single wall. Those are the standards that Council directed the Staff to represent in terms of what is defined as an accent material as it relates to stucco. That is where we are at today.

Chair Rohlf: Would that take into account this particular development since it has been in process.

Mr. Lambers: Yes.

Chair Rohlf: If Mr. Alpert's percentages are correct, then they haven't met that on the buildings that he talked about.

Mr. Lambers: That is why Staff has to take the position that it does as those percentages were just reaffirmed by the City Council less than six months ago.

Chair Rohlf: Would that be true for a façade that is not even visible? Obviously, the east elevation is extreme, but no one sees it.

Mr. Lambers: When you say that no one sees it, does the wall just disappear or is it just not visible to the general public? We look at it as four-sided architecture and all four sides have to count. If there were to be a wall put next to it or something like that and it were a temporary covering, that would be fine. But, we are not aware of that.

Comm. Williams: In essence, I understood Mr. Alpert as that it will be a temporary wall and there will be a building built up against it during a later phase of construction. Is that correct?

Mr. Alpert: Correct.

Mr. Lambers: We would just look at the other three sides and those would be the percentages applied.

Chair Rohlf: I think we would be inconsistent then with what we have allowed in this development. Mr. Alpert, those were the percentages that you gave on other buildings?

Mr. Alpert: Right.

Chair Rohlf: This would be in the middle range. You've had them all the way from 20-40%. Is that right?

Mr. Alpert: Yes. The Aubrey and Becker buildings are 32% and Building F is 42%.

Mr. Lambers: Are those averages?

Mr. Alpert: Those are over the whole building.

Mr. Klein: Do they include the glass windows?

Mr. Alpert: The entire façade.

Mr. Klein: So, glass would be a percentage, stucco would be a percentage, and masonry would be a percentage?

Mr. Alpert: Exactly. I assume that is how you calculate it.

Comm. Jackson: On this one, do you take out the east elevation?

Mr. Alpert: In the cases of Buildings F and G, they are calculated on just the three sides that will be visible when the buildings are totally finished and the second phase is built.

Comm. Jackson: It was over 30% on this one?

Mr. Alpert: Yes, 37%.

Chair Rohlf: It doesn't look it.

Comm. Williams: Of course, that doesn't count the storefront areas?

Mr. Alpert: Correct, because we don't know what the storefront areas will be finished as.

Chair Rohlf: Considering the fact that I have actually seen this development and walked it, with what we have approved, I think it is one of the finest developments that we have with the overall use of materials. I can't help but think that this will be compatible with what is already built. If it weren't, you wouldn't even put it up, I'm convinced of that. I think there are some others that have actually seen this development and know what we have approved. Now that we have had a chance to see this, unless there is something specific left on these three facades, I don't see the problem.

Comm. Munson: Is your recommendation driven by the City saying "this is what is has to be and that's it," or is it driven by another concern?

Mr. Klein: When the Park Place development originally came through, you saw it as kind of this overall development with a lot of different materials and a lot of different components. If you go along Building A, for instance, you do have a lot of stucco on that building; however, you also have a very large central area that is brick. To me, when you walk down that street, that feature is what really stands out and adds something to it. You do have the masonry there, but when you saw the overall development, and I know a lot of you weren't here when it first came through, you also had Meridian, which was an all brick and cast stone building that was between 5-8 stories in height. This was repeated three times in a row and added a rich palate of material. I think that is part of the concern. When the Aloft Hotel came in, I think it changed the design concept a little bit. Originally, it first had a lot of stucco and metal.

The Planning Commission had some concerns about that and wanted to break up the façade by adding more masonry and brick, which was done as part of the stipulations for approval. That is part of Staff's concern. If we are going completely to buildings that don't have very much masonry, then you lose some of the texture and detail. The City has been going more toward a percentage to ensure that you have a lot more masonry, which is where that comes in.

Comm. Williams: I think we have gotten into these discussions before on past projects, but it gets to be a question of how big of a stucco area have and what is the detail of the stucco. Is it just a solid mass or is there detail and fenestration to the stucco and shadow lines that it helps to create? When I'm looking at this, I see a lot of things happening with the stucco and there is a lot of glass to help balance out the stucco. It would be interesting to see the percentage of glass to stucco. With that said, you don't have big areas of solid, uninteresting, plain stucco. I think they have done a nice job trying to create patterns and shadow lines that gives the building the character and quality that you are trying to achieve with a masonry product. If there were a brick band, for example, placed above that storefront, it would be brick but it wouldn't be any better looking than what they have here. You could add to it to give it more quality, but I don't think that brick alone would do it.

Mr. Alpert: We actually have the percentages of glass. The window area on the second floor is 18.8% of the façade. The storefront area, of course we don't have specific material identified, but it is 26.6% of the total façade.

Comm. Williams: What is the stucco again, not counting the east wall?

Mr. Alpert: It is 37%.

Comm. Elkins: It doesn't look like it.

Comm. Williams: That's where I come in by saying, if it doesn't like it is 37%, I don't see it as a problem. I would have a problem with the east wall if it were to be a freestanding building, no question. As far as the other sides and the way it is currently presented in detail, I don't see where masonry would enhance this except to maybe put masonry on the column points that are currently stucco. Again, I'm not sure it would achieve a whole lot except to put brick on it.

Comm. Munson: The question is, do we want to cut the developer some slack on this issue? Based on what he has done so far, I would say yes. He has performed well, and I would not be worried about it, but that's me.

Chair Rohlf: Me too.

Comm. Shaw: I would too.

Comm. Williams: Maybe another way to approach this, and this could tie the hands of future tenants, is to pass this with the stucco as shown but not allow other tenants that come in to add anymore stucco to the facades. They would have to do something creative.

Comm. Munson: Can you live with that or is it going to pin you in?

Mr. Alpert: I would rather not have a stipulation like that if given the choice.

Comm. Williams: For the tenants that you have currently, how many of them have any degree of stucco?

Mr. Alpert: Not a lot, to be honest. Trezo Vino has some stucco on their storefront, but they also have cast stone. Annabelle's is actually all ceramic tile. The Envy Boutique is all ceramic tiles and stone, they don't have any stucco. The Park Place Gallery is all travertine, so they don't have any stucco. It's a mixed bag as far as what you get.

Comm. Munson: Maybe a compromise might be for the developer to adhere to their requirements in terms of us being more flexible when your tenants come in. Not real flexible, but more flexible.

Chair Rohlf: This case does require a Public Hearing. Is there anyone in the audience who wishes to speak on this matter. If so, please raise your hand.

As there were no individuals present to speak on the matter, a motion to close the Public Hearing was made by Williams; seconded by Roberson. The motion passed unanimously.

Comm. Jackson: Could we pass this without any Staff Stipulations attached and ask that they be attached when it goes to City Council?

Chair Rohlf: There would be some standard stipulations added, right?

Mr. Klein: There would be some stipulations that Staff would want attached to it.

Comm. Williams: Beyond your normal stipulations, what might you want attached to it?

Mr. Klein: At this point, given what the Planning Commission has discussed, I would be more concerned with the standard stipulations for landscaping, making sure the pavers match, making sure there is no wall pack lighting, and making sure that we have the details that we need.

Chair Rohlf: But, consistent with other buildings that we have passed in final. Nothing unique to this particular building.

Comm. Williams: Probably consistent with other buildings that have been passed in Park Place.

Mr. Klein: Sure.

Mr. Alpert: Which we would certainly be agreeable to.

A motion to approve Case 27-08, Park Place, Building G, request for approval of a preliminary site plan and final site plan, located at the northeast corner of 117th Street and Nall Avenue with the addition of Staff Stipulations that have been typical of other buildings within the Park Place development was made by Williams.

Mr. Klein: I just want to make sure that the public art impact fee would be one of those standard stipulations.

Comm. Williams: Very good.

The motion was seconded by Elkins.

The motion passed unanimously.

MEETING ADJOURNED.