

**City of Leawood
Planning Commission Meeting Minutes
October 28, 2008
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

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

APPROVAL OF THE AGENDA

Motion to approve revised agenda made by Elkins; seconded by Roberson. Motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins, and Heiman.

CONTINUED TO NOVEMBER 11, 2008 MEETING:

CASE 53-06 LDO AMENDMENT – SECTION 16-2-5.7 (RP-4 DISTRICT) – HEIGHT; Request for approval of an amendment to the Leawood Development Ordinance.
PUBLIC HEARING

CASE 54-06 - LDO AMENDMENT – SECTION 16-2-10 – ARCHITECTURAL STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 55-06 LDO AMENDMENT – SECTION 16-2-5.2 (RP-A5 DISTRICT) – HEIGHT; Request for approval of an amendment to the Leawood Development Ordinance.
PUBLIC HEARING

CASE 56-06 LDO AMENDMENT – SECTION 16-2-5.3 (R-1 DISTRICT) – HEIGHT; Request for approval of an amendment to the Leawood Development Ordinance.
PUBLIC HEARING

CASE 57-06 LDO AMENDMENT – SECTION 16-2-5.4 (RP-1 DISTRICT) – HEIGHT; Request for approval of an amendment to the Leawood Development Ordinance.
PUBLIC HEARING

CASE 58-06 LDO AMENDMENT – SECTION 16-2-5.5 (RP-2 DISTRICT) – HEIGHT; Request for approval of an amendment to the Leawood Development Ordinance.
PUBLIC HEARING

CASE 77-08 LDO AMENDMENT – SECTION 16-2-5.1 (AG) – HEIGHT; Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

73-08 – CVS PHARMACY – Request for approval of rezoning, special use permit, preliminary site plan, and preliminary plat; located on the southeast corner of 151st Street and Mission Road. **PUBLIC HEARING**

CASE 81-08 - LDO AMENDMENT – SECTION 16-4-9.3 FENCES AND WALLS - Request for approval of an amendment to the Leawood Development Ordinance.
PUBLIC HEARING

CASE 67-08 – ONE NINETEEN – DEAN AND DELUCA SIGN PLAN – Request for approval of a sign plan; located at the southwest corner of 119th Street and Roe Ave.

CONTINUED TO NOVEMBER 25, 2008 MEETING:

CASE 85-08 – MISSION FARMS TRASH ENCLOSURE – Request for a revised final site plan; located at approximately 105th Street and Mission Road.

CONSENT AGENDA:

CASE 86-08 – MISSION FARMS – BLANC BURGERS AND BOTTLES – Request for a final site plan; located at the southeast corner of 105th Street and Mission Road.

CASE 88-08 – IRONHORSE CENTRE LOT #8 MENU BOARD – Request for approval of a sign plan; located at the southeast corner of 151st Street and Nall Avenue.

Motion to approve Consent Agenda made by Munson; seconded by Elkins. Motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins, and Heiman.

NEW BUSINESS:

CASE 71-08 – VILLAGGIO – NEIGHBORHOODS AT SHARON LANE – Request for approval of a special use permit, revised preliminary site plan and final site plan; located at the southeast corner of 137th Street and Roe Avenue.

Comm. Jackson: Madame Chair, I'd like to recuse myself.

Comm. Munson: Madame Chair, I will also recuse myself.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 71-08. The Applicant is requesting approval of a preliminary site plan, final site plan and special use permit for a skilled nursing center; located within the Villaggio West Development at the southeast corner of 137th St. and Roe Ave. This piece of property has been before the Planning Commission once before as part of another case, and it was shown to be the location of both an independent living facility and an assisted living facility in two different buildings. On Page Two of the Staff Report, there is a table that summarizes the difference between the two plans. It has gone from two buildings at 107,000 sq. ft. to one 2-story building at 89,971 sq. ft. The assisted living had 90 beds, and the independent living had 80 units. This one has 120 beds total and has 80 above-ground parking spaces, whereas the last one had 115 above-ground, 28 land-banked and 44 underground parking spaces. There is a 75' building setback from the south property line with Leawood Meadows that was approved when the Villaggio West Development went through. This application does meet that requirement. There are two parking lots proposed: one on the north side and surrounding by the building on the south, east and west sides. There's also parking located on the east side of the building.

The one on the north side contains 38 parking spaces, and the one on the east side contains 42. There is still a berm planned along the south side, adjacent to Leawood Meadows. That berm has been constructed; however, it will be altered and actually increased in height a little bit. There's a stipulation in the Staff Report that the berm will have to be a minimum of 3' in height from the north to address comments about how the berm rises as it goes from south to north and plateaus as opposed to coming down on the other side. There is additional landscaping proposed with this application that is clustered primarily along the south elevation to further screen it from Leawood Meadows to the south. It has a mixture of evergreens and deciduous trees there. I did want to draw your attention to a couple corrections on some of the stipulations. Stipulation No. 8 is referring to FEMA publications as far as safe rooms. I have it listed as Publication 360, and it's actually 361. Then on Stipulation No. 48, I have indicated there hours of construction that would be allowed. It should say, "Not on Sunday." Then on the table, both of them are listed as being approved; and actually the third column is proposed. Staff is recommending approval of this application with the stipulations stated in the Staff Report, and I'll be happy to answer any questions.

Chair Rohlf: All right, does anyone have any questions for Staff?

Comm. Elkins: Mr. Klein, I have a couple questions on Stipulation No. 47, which is how the plan lapses if construction is not begun or being diligently pursued. Under our rules, who's the decision maker as far as "diligent pursuit" of construction?

Mr. Klein: Initially it would be City Staff's determination. I imagine if it was challenged, it would probably go to City Council for that determination.

Comm. Elkins: Can you give us some sense of what "diligent pursuit of construction" means?

Mr. Klein: Initially, after the plan was approved and everything was finalized with the governing body, they would need a grading permit to start the process. Then actually pulling the building permit, having a foundation go in and then the steel going up and continually moving forward would be diligent pursuit.

Comm. Elkins: Thank you.

Comm. Roberson: I don't believe I've seen this before. Is there a reason for it?

Mr. Klein: No, it's a standard stipulation and should be in every one that we evaluate.

Chair Rohlf: Mark, where are we with this particular development? I know there's an East and a West. What's in good standing and what's not?

Mr. Klein: As you recall, when Villaggio first came in, they had the West and East. At the time they came in for preliminary on both, they had both pieces of property under contract with Fontana as the street dividing the two. They decided to pursue the West and allowed the contract on the East to lapse, so they no longer own that piece of property over there. They got a final site plan for the overall on the Villaggio West development. Again, they didn't get a final on the other one. In fact, that plan has expired at this point. Currently with the western development, there is one project that has been constructed, which is the Gardens of Villaggio – the three office buildings

along 137th St. Only one has been constructed at this point, and it does not have a final certificate of occupancy yet. There is another building under construction right now, which is the M&I Bank on the northeast corner of 135th St. and Fontana. That's all that's constructed or in the process of being constructed at this point.

Chair Rohlf: And if I remember, the original two buildings that are now being proposed as one tonight is all that is south of 137th St. on the west side.

Mr. Klein: Correct, and I do have some plans showing what that looked like. (*Places site plan on the overhead*). This project went through a couple of different phases. Initially when Villaggio first came through on the west side along this area here at 137th St. and Roe, there was an independent living facility located here with a couple wings extending off. Here's the 75' build line that went across. Then the assisted living facility was here, also with two wings extending to the south. Again, here's the 75' build line that went along there. The Applicant came back and decided to change the plan, I think partially to allow the assistant living to move a little closer to the independent living. Also, some underground attention was put in. The Applicant could probably enlighten you a bit more. What happened with that one is the independent living facility stayed exactly the same as it was before. The assisted living facility changed shape and moved closer to the independent living facility.

Chair Rohlf: If you could leave that up and move it just a little. Can you show me where this one's fitting in? Is this one sitting in the same location?

Mr. Klein: This one is actually located more in the western portion, so it's come a little bit farther this way. You don't have this parking lot located over here anymore. There is a parking lot on the east side, but it isn't as large as these over here.

Chair Rohlf: Thank you.

Comm. Williams: Could you clarify for us the reference made to stucco colors and the manufacturer associated with those colors as an EIFS manufacturer. Are we actually getting stucco that's going to have an EIFS copy coat in that color?

Mr. Klein: I asked that same question because we are supportive of cementitious stucco and not an EIFS system. This is cementitious stucco; however, Driva is the manufacturer. I have a material board located down in front. (*Refers to material board display*) Basically the major difference on one of them is this finish here with a different look. The rest of them have a pebble look, and this one has the tops knocked off the peaks.

Comm. Williams: Thank you.

Chair Rohlf: Anyone else? Probably just to finish up, Mark, there are probably a few neighbors from Leawood Meadows in the audience this evening. I feel like you've done a pretty good job of outlining the landscaping and the lighting in the Staff Report. Are you comfortable with what they have done in terms of the barrier between this particular proposed building and the neighbors to the south?

Mr. Klein: I think so. Really what it comes down to on this application is that you now have a single building that is larger than either of the two proposed previously; however,

the overall square footage of it is smaller. There are certain houses that will be directly behind it, and I think they tried to provide as much screening as possible along that side of the building. Staff is comfortable with it in that regard.

Chair Rohlf: Some of the timing of that will step up now that they're proposing a building there. Wasn't some of that landscaping tied to a building going in?

Mr. Klein: Actually, this makes it really clear. Before this can get a certificate of occupancy, it will need to have landscaping installed. That's not to say they wouldn't be required to put in the landscaping anyway because they do have M&I Bank that's being constructed right now. The way the stipulations are written, it would be put in with that as well.

Chair Rohlf: Thank you. Does anyone else have questions for Mark? We'll hear from the Applicant, then.

Applicant Presentation:

Estel Hipp, 12601 Cedar, Leawood, KS, appeared before the Planning Commission, provided a PowerPoint presentation and made the following comments:

Mr. Hipp: We have prepared a PowerPoint presentation that will outline a lot of what Mark said, and I hope to elaborate on some of it as well. We've tried to design a project that does several things, including maintaining a 75' setback that was originally set forth in the stipulations for the rezoning of the entire Villaggio West project. Secondly, we've reduced the size of the building from 107,000 sq. ft. in two buildings to 89,000 sq. ft. in one building. At the same time, we've changed the use of the building from a combination of independent living and assisted care to a skilled care facility, which reduces the amount of parking necessary and more importantly for some of the neighbors, the amount of traffic that will be generated by this operation. As I said before, we've worked diligently with Staff, and many of their comments have been incorporated and have helped us make a better project.

To take you through the design of the project as it is sited, landscaped and so forth, I've asked Ron Reid to help with that by giving you an explanation of what's being done.

Ron Reid, 313 Seaport Circle, Liberty, MO, of Ron Reid and Associates, architect for the project, appeared before the Planning Commission and made the following comments:

Mr. Reid: *(Begins PowerPoint presentation with an aerial view of the project)* This is right at 137th and Roe, facing 137th St. and using the existing curb cuts that are on 137th St. now. The two parking lots are fairly small and will create little traffic. What we've tried to do in the design of the nursing home is to break it down into neighborhoods. We've got eight neighborhoods with four on each floor. Then in addition, we have a central common area, which we're calling the Main Street or the Town Center Area along with various activities, including an art gallery and meeting area. Reading some of the desires of the 135th St. Corridor plan is to create a sense of place, and that's something we've tried to do in this project by providing the chapel, cafeteria and meeting places the public can come into and participate with. We'd like to see the museum become a regional museum that not only includes the people living in the facility, but also invited artists throughout the metropolitan area. *(Shows slide of the model looking south)* This has worked very well in other nursing homes, such as the Shalom Center in

Overland Park. We have also the Church of the Resurrection to the west of the facility. The owners have been talking about developing a relationship with the church in terms of being able to utilize the chapel for certain ceremonies and that kind of thing. We think the site is just a fantastic site, and the location is wonderful. To the south is the Leawood Meadows Homeowners Association, and we have really endeavored to maintain the 75' setback and provide the berms and the things that will make us a desirable neighbor. If anyone has any questions, feel free to pop in with a question.

This is a three-dimensional model of the facility. Mark was saying we have three compounds, but really we have four neighborhoods on each floor. This is something that is considered by the Department of Aging in Kansas a cultural change in how nursing homes are managed and monitored. In other words, we don't have 60 beds down one corridor with a nursing station down at the end of it. We have created four neighborhoods with 15 residents in each one, providing a much more comfortable lifestyle. Harry Baum, the manager of the facility, and I toured several facilities and visited seminars. We recently were in Washington, DC at a national seminar on the cultural change in nursing homes, so we think we're going to have a nursing home unlike any in the metropolitan area in terms of how it's both designed and managed.

(Shows slide of the model looking north) This is a view looking north. You can see the berms on the south side that we've endeavored to provide. I think we really have made an effort to screen the facility and become a good neighbor. We have three courtyards in the facility, and those will become areas for people to get quiet time and participate in nature. The walking trail you see in this area here is for the rehab. This section on the east end is going to be for rehab, which will be for short-term residents who will come in for certain rehabilitation after surgery or that kind of thing.

(Shows slide of Elevations) This is the front elevation. You have the main entry here with the porte cochere here. The 2-story canopy area here is the light that comes into the main street, which is a 2-story space down the center of the building. There's a chapel there with a blue skylight there that is open to the Main Street area. The top elevation is what you would see from Roe Ave. Your Staff has been good in terms of taking us through the Tuscany and Villaggio guidelines, and we've worked to establish detail. You talked about the stucco. It's an acrylic finish on the stucco that's manufactured by EIFS and other people. We've had great success with that in the past. We have two primary colors of stucco, and then we have the stone and the trim color of the EIFS as well. The roof tile is manufactured by the same manufacturer of the existing roof here in Villaggio's first building.

(Shows slide of East Elevation) This is the east elevation. There's an entry on the side here for people entering rehab – the small door on the left. We have a very nice rehabilitation facility inside. *(Shows site plan with landscaping)* What we've done in this particular drawing is show three section cuts showing the homes to the south. You can see the addresses on the homes, and we've shown the relationship of the neighborhood to the facility. This cut line on the right is that house as it would look up there *(Shows a cross section slide showing house and facility)*. You can see the trees and landscaping and the berm we have put on the property. Then you pick up the Tuscany style of architecture of the building itself.

(Shows Landscape Plan) We've got the berms around here and the courtyards. The parking areas will be well landscaped and screened from the public areas. The trees are

conforming to the requirements of the City. The parking is really minimal in a nursing home, and it will not have much traffic going in and out.

(Shows Overall First Floor Plan) This is the schematic plan of the first floor, and you can see Areas A, B, C and D identifying each neighborhood. *(Shows "Typical Neighborhood" slide)* That's the Main Street area, a space that will be exciting to walk into. Off that will be a gift shop, bakery, meeting room, chapel, various offices and the café that creates a hub of activity. It all connects to the gallery, which is the link connecting all four neighborhoods.

(Shows Neighborhood Illustration) This will give you an idea of how each neighborhood will have its own living room, dining room, kitchen, spa and activity space. The nursing station will be here with various kinds of workspaces. Then Staff was recommending we create a spa with a safe room. We have created a safe room within this enclosed space where the spa is, which is well within the square foot limitations for this number of people. We've got eight of these safe room neighborhood spas identified in the floor plan. We talked with the State Architects Office and the State Department of Aging regarding safe rooms. There are no specific requirements for safe rooms in a skilled nursing facility in the state of Kansas, but they felt this was probably a good idea to do to create a sense of comfort and a marketing tool as well for the owners. We met with the structural engineers, and this would be a beefed-up room that meets the design standards. We'll have a concrete roof over it.

I'd like to introduce Harry Baum to briefly describe how one of these things are managed and how he intends to operate this facility.

Harry Baum, Witherby Lake, MO, appeared before the Planning Commission and made the following comments:

Mr. Baum: This will be a unique facility in the Kansas City area. We want to make this as natural as we can, and instead of a homelike environment, it would be a home environment. Segregation of staffing, for instance, won't occur. You won't have a housekeeping staff, dietary staff, etc. You'll have a homemaker staff which will always be consistent in each of the neighborhoods and will handle everything. This is a concept that Medicare and Medicaid are really pushing from the Federal Government side, and the State of Kansas is very much interested in this. At the seminar in Washington, DC, the only state with a Division of Aging secretary representative was Kansas, so they're very supportive of what we want to do here and willing to work with us within the regulations to allow this to happen.

The culture change will continue to allow more decision making on the part of the residents that live there. In addition to that, we will have a short-term rehabilitation section of 30 beds for Medicare rehabilitation. I want to go back to this particular slide *(Shows Overall First Floor Plan slide)*. If you look at the Town Center area on the right side of the screen, there's a main entrance in the middle there, and the ambulance and other entrances will be a little down from there, reducing the amount of traffic for this particular facility. Do you have any questions about the operation I can answer from there? *(Shows Typical Units slide)* This is one of the living areas for each resident. They're all private rooms of substantial size. Normally in skilled nursing facilities what you see now is semi-private rooms and a few private rooms.

Mr. Hipp: That concludes our formal presentation. I would open for questions.

Chair Rohlf: I know there are a number of stipulations with our Staff Report this evening. Have you had an opportunity to take a look at those, and are you okay with some additional landscaping and lighting in the monument sign?

Mr. Hipp: We have two issues we'd like to discuss, and we're okay with everything else. One has to do with landscaping. To discuss the landscaping piece, I'm going to ask Mike Ashley, who is our landscape architect, to address those issues.

Michael Ashley of Michael Ashley and Associates, 10275 S. Shadow Ridge Dr., Ste. 101, Olathe, KS, appeared before the Planning Commission and made the following comments:

Mr. Ashley: First, I want to say that I think this is a dynamic facility with a lot of design effort put into it, as you can see. With respect to the landscape issue, I think we're specifically talking about the stipulation that asked for additional shrubs to be placed in lieu of the trees. (*Shows landscape slide*) I would propose that we use the additional trees. I feel like this site would look better if we would just go with trees on the west side there.

Chair Rohlf: Mark, do you know to which stipulation he's referring?

Mr. Klein: Stipulation 32.

Mr. Ashley: So on the west side of the building, as you can see, the grade is sloping down. We just feel that putting a whole bunch of shrubs there is not going to add to this side. Secondly, I just wanted to point out that we've agreed to all the other stipulations regarding landscape and have a significant amount of vegetation on the berm that's going to be mixed with deciduous and evergreen trees of significant height. We will add a couple evergreen trees to the southeast corner as has been requested by one of the homeowners. We're asking for a reduction of shrubs in lieu of additional trees.

Chair Rohlf: All right, thank you. Mark, could I have your thoughts on No. 32?

Mr. Klein: Actually what Staff is requesting is that they meet the ordinance. Right now the Leawood Development Ordinance states that you have to plant ornamental trees at a rate of 1 per 12 linear feet of public rights-of-way (on the west and north sides) and then shrubs at a rate of 1 per 5 linear feet. Staff is requesting in addition to the trees they've already provided that they would meet that requirement by providing the shrubs at that rate.

Chair Rohlf: Do you have any idea what number we're talking about – ten?

Mr. Klein: Oh, it would be much more than ten. Basically they concentrated more on the ornamental trees and that kind of thing going along the west and the north sides of the property. The shrubs are clustered in certain areas.

Comm. Roberson: So I take it there's no issue on the south side of the building, then?

Mr. Klein: Actually this requirement is along the two public rights-of-way, and they are along Roe Ave. and 137th St.

Comm. Williams: What do you see as the benefit of the shrubbery over additional trees?

Mr. Klein: Actually Staff likes the trees – don't get me wrong. We aren't suggesting they remove trees to put in the shrubs, only that they add shrubs. Part of the reason for that is the shrubs provide something a little lower and mix up the screening from the public rights-of-way.

Chair Rohlf: Does anyone else have questions for the Applicant? Have we discussed the stipulations?

Mr. Hipp: I have one more. The other stipulation we would like to discuss further is No. 17: "The natural limestone veneer shall be a minimum of 3-4" in thickness and mechanically attached to the building." I've been to a number of these meetings, and one of the things I'm aware of is there have been some issues in the City of Leawood having to do with cultured stone being used on buildings as opposed to natural stone. That's a concern to us as well because our interest is to build a quality project that will not have problems with stone falling off, flaking or any other difficulties, including maintaining color throughout the life of the building. Paul Hontz, who has a company called Architectural Stone Products, with whom we've consulted about cultured stone versus real stone has helped me understand the distinction and differences and why certain applications haven't worked well. What we would stipulate is to use a quality manufacturer of cultured stone and at the same time, engage a third party to ensure the proper adhesive products are used and the installation process is properly completed. I understand there's a limit to the number of Staff Leawood has to do something like that, and so that's why we were suggesting that we engage a third-party consultant. We'd be happy to work with Staff and get their approval on who that would be. With that, I'm going to introduce Paul and ask him to share his expertise with you.

Paul Hontz, Oak Grove, MO, of Architectural Stone Products appeared before the Planning Commission and made the following comments:

Mr. Hontz: In talking with Richard Coleman, I've discovered you've had several problems out here. They all can be traced back to either poor materials and/or poor installation. There is a specific way to install cast stone veneer. (*Shows stone sample to Commissioners*) This is an actual piece of stone off one of your buildings. On the back, this is all the mortar on that piece of stone when it fell off. That's obviously not the way it should be installed. Now if you look at the back, you'll see they're attempting to scratch the back of this. The reason they're trying to do that is because it will hold much better – in fact about three times better. (*Shows another sample to Commissioners*) As you can see with the proper mortar put on the building, it's going to hold a lot better.

Chair Rohlf: Is that created in the mortar?

Mr. Hontz: Yes, actually when the stone is made, the last operation is to actually scratch the back. We're not the only company that does this, but we're probably the only local manufacturer who does. There are several good quality stones with scratched backs. It does cost more, but it solves the problem of falling off the building. The other thing that's very important is enough mortar on the back of it - completely covering it - and of the

right consistency. You can't have dry mortar. That's a common problem, and it's developed because with the popularity of cast stone, we've got more manufacturers and more installers, some of whom are not quality. Consequently, not only has Leawood had a problem, but a lot of towns have had a problem and probably will continue to have a problem until we inspect it as it's being put on. The first thing that needs to happen is a person who makes sure the stone is the correct stone and that it's being installed properly. We advocate a third-party inspection - someone else to sign off and say it has been put on right so that if it falls off, you've got someone to go back to. That would solve this problem.

(Sets up material samples) One of these is real, and one is cast. We have the detail, and we have the ability to make the color look like real stone; and it'll last. The question came up about whether the colors last in this. There are several tests being done, in which they poured some roofing tile, stone, block and set them outside with a control group in a dark room. They've checked it yearly, and they've found that over 30 years they haven't had any change at all – only weathering (mildew, moisture, etc.). There is not a problem with colors. We use synthetic iron oxide pigments, and the synthetic part is the important part because it does not fade like a natural or organic will.

(Shows cutaway model of installed stone) I mentioned proper installation. This is actually the way it should be installed. We recommend Tyvek - some type of vapor barrier or wind sealant, then the lath, which has a 30-pound builder felt vapor barrier under it, then a scratch coat and then a stone, which has mortar on it also. That seals is up, and it will stay.

Chair Rohlf: In the application you found on the ground, can you tell how it was installed?

Mr. Hontz: It was actually installed against concrete block. You can successfully install it this way, but we have found that you're much better off to acid wash the block, put a latex bonding agent on it, and then actually put mortar on the stone and put it on there. We had some in a job that we tore down, and it took a chipping hammer to get it off the concrete wall.

Chair Rohlf: Do you think it's lack of knowledge or cost-cutting measures? We've had this discussion, and we've concluded that most of the time it's an application process.

Mr. Hontz: It is, and that's why we asked for a third-party inspection. You've got good installation crews out there, but their price may be \$5-10 a sq. ft. or whatever it is. Then you've got other crews out there who come back and bid it at \$3 and get the job. The way to stop that is to make them responsible through a third-party inspection. There are some areas not around here that are starting to do that, including St. Louis. Now another problem that's been brought up is cast stone veneer shows aggregate if it's chipped. We use a jadeite aggregate to make the stone. We have that problem, but our company furnishes a slurry coat that you can actually mix with water or latex and put on it to cover it in the color of the stone. 95% of the chipping on the stone occurs at installation. Crews that aren't so good, you see this as well as mortar on the face of it and many other things.

As far as the advantage of cast stone versus actual stone on this particular project, there are many stone buildings around Kansas City, but they're not the size of the buildings

we build now. One of the reasons is at that time, all buildings were built on a cut. Now with new excavating equipment, we can build on not only a cut, but a fill. What that means is that you don't have stable ground. You still have the possibility of movement, and all buildings move when the soil dries out or there is too much moisture. If you have seen any of these stone buildings, you'll always see tuckpointing, especially at the top to fill in cracks that occurred as a result of the foundation moving. Natural stone will do that because it is stacked from the foundation up and is attached to a wall by a mechanical strip. We do not have that problem because ours is actually attached to the building itself. With the lath, there can be slight movement in the building and our surface won't crack. Natural stone should stand away about 2", which creates another situation of moisture in-between and subsequent mold. The majority of the people using natural stone will build a shed with flashing over it to combat the mold. We have a situation only if we get moisture the same as it does, but we're only 1 ½ - 2" away from the top, and we're secured to the wall. Consequently, it's easier to flash ours and avoid the mold.

There's also a weight problem. We put (*amount is inaudible due to microphone cutting out*). Natural stone will range from 3 ½ - 5" at 45-60 pounds a square foot and require a bigger foundation.

Chair Rohlf: Thank you very much.

Comm. Williams: In your cultured stone and your installation, does any water get behind the stone to potentially - in a freeze/thaw cycle that we have in this region - break the bond between that stone and mortar?

Mr. Hontz: If water gets behind anything, it's hydraulic pressure. It will push it out, so it has to be flashed properly.

Comm. Williams: I understand flashing across the top, but even with joints in your materials, there would be opportunity for moisture to get behind the product and eventually seep into the back.

Mr. Hontz: Again, if installed properly with mortar on 100% of the back of the stone when it's applied, there is no place for water to go.

Comm. Williams: What you're saying, then, is that the stone has to be applied and the pattern such that if you get water in-between the joints that it finds its way down the wall from one joint to another until eventually it dissipates out at the bottom of the wall or dries out.

Mr. Hontz: You're talking about dry stacked stone, basically stone that doesn't have a mortar joint in it.

Comm. Williams: I'm basing that on the sample you brought mostly.

Mr. Hontz: (*Shows material sample*) There's mortar 100% of the way around the stone, with no place for the water to go in. We could spray this all day long. It could be freezing outside, and I'm confident not a thing would happen. We also use air entrainment in the surface of our stones so we have microscopic air bubbles which allow it to breathe. It can get wet; the water will run out and be gone.

Comm. Williams: Okay.

Chair Rohlf: Thank you very much. Mr. Hipp, looking at the elevations, could you just briefly touch on where this decorative stone over your towers and things like that are?

Mr. Hipp: (*Refers to Elevation Slide with a pointer*) In this instance, the stone is in this area on that tower, here, and on this particular elevation. On the south elevation, it is in the area on that tower. That neighborhood is primarily used as an accent to define the neighborhoods. On the west elevation – the Roe side – it would be here on this tower and at the entrance at the porte cochere and in the area next to the chapel and then on the other face of the porte cochere. Then at the base of the building, Staff has recommended and we agreed that a 2'5" cast stone base will be put around the exterior of the building.

Comm. Williams: I'm sorry, where does this go again?

Mr. Hipp: The light-colored portion at the base of the building, and it goes around the entire exterior of the building. Any other questions?

Comm. Elkins: Can you describe briefly the difference between independent living, assisted living and skilled nursing.

Mr. Hipp: I can do it very briefly. Harry can probably do it correctly, but I'll give you my 30-second answer. Independent living would be what I would consider to be like an apartment: I can feed myself, clothe myself, take my own medicine and basically function. Assisted would mean I need assistance doing something, such as going to the bathroom or taking medications. Skilled is when I need a full-time RN because I'm either bed-ridden or incapacitated in some way, shape or form – I have Alzheimer's or that type of thing.

Mr. Baum: It's basically a level that's right below the hospital level for skilled work. Assisted living really doesn't provide anything as far as what Medicare defines as skilled, which is having an RN or LPN provide the care. In skilled, it's debilitation a lot worse than in assisted living. We give their medications as opposed to just making sure their medications are there, and we suggest to them in assisted living that they get dressed or go to the meals. In skilled care, you may have to provide help with feeding. We also do a lot of rehabilitation under the Medicare system in skilled, whether it be a hip replacement or renal dialysis or other things that need a physician, nurses and therapists. It's just a lot heavier care, and it's gotten more steadily acute in nature over the past 20 years. We're taking care of people now that used to be in the hospital for a week or ten days or longer. It is sub-acute.

Comm. Elkins: So this is a rather dramatic change in use as compared to the plan that was approved earlier.

Mr. Baum: Yes, and you'll see continuing care communities that have all levels of care, but there are very few in this area that have dedicated skilled care and rehabilitation. The people referred to us come out of assisted living, out of the hospitals and also out of homes. It's quite a difference in usage.

Comm. Elkins: Are there other skilled nursing facilities within the Leawood community?

Mr. Baum: I don't think there are any skilled nursing facilities in Leawood at all. You have a number of independent living/retirement apartments, and you have several assisted living units with those or independent of those, but no skilled nursing or rehab facilities in Leawood. It's an ideal location for that. We'll complement all those things around us there. We really want to deal with Church of the Resurrection. They're excited, and we feel that will be a great support staff and volunteers for that sort of thing, too.

Chair Rohlf: This facility is primarily for skilled, but I'm assuming there are also permanent residents there as well.

Mr. Baum: Well, they're all permanent, except for the rehabilitation area, where the stay is between 25 and 100 days, with the average of 30.

Chair Rohlf: So you'll have some beds dedicated to less than 100 days probably.

Mr. Baum: We think 30 of the beds will be dedicated to rehabilitation and Medicare usage. That's more the trend as baby boomers get up in age – they want to live independently, but they still have traumatic things that happen to them. They come in for a short Medicare stay for physical, occupational or speech therapy and then they're rehabilitated to go back to their living situation.

Chair Rohlf: I think there is a need for that in this area. They start more with the independent and the assisted living, and unfortunately they are forced to move from that facility.

Mr. Baum: That's why we're excited about it, and the new concept with the private rooms and the culture change will be perfect for the kinds of residents that are used to that kind of home life. I think it will be a wonderful addition to the community.

Chair Rohlf: Thank you, that's all I have.

Comm. Elkins: I have a couple questions for Staff regarding the cultured stone presentation.

Mr. Klein: Actually I'm glad you asked that because this has become an issue, and we've talked about it before. Initially when we saw that, we thought it was a good product and could add a different element. We started having problems with it falling off. The more we talked with developers and architects, the more concerned we became. Then the concerns grew beyond just the problems of falling off the buildings and installation. Really what the Planning Commission is asked to do is look at these projects as they come into the city because a lot of these buildings are going to be here long after any of us are here, and they need to have a certain quality and look. When I first came, it was always stated that the City of Leawood wanted a certain quality. We went down and visited Sturgis, who sells both cultured and real stone. You don't have to worry about real stone looking like real stone because it is real. It's a quality component that will look like real stone 100 years from now if the building happens to still be around. We talked to different people who had concerns. Mr. Hontz has been in a number of times, and I know he's very sincere and cares a lot about his industry. However, in speaking with a lot of different people from a lot of different trades as far as roofing and

cultured stone, we always hear stories about the superiority of their product. Then you talk to the other person who says theirs is better. It is difficult to know what is the truth and not just promotion. Hopefully most of them are sincere; however, the one thing we don't have to doubt is the real stone is a quality component that will last a long time. Leawood used to have a lot of clay-fired brick buildings, and they wanted to make sure the buildings had that quality. The cultured stone came in, and that was adding another architectural component. I think Staff is looking to the Planning Commission to decide that if we're going to have that other component of stone, it should be real stone. The Director of the Planning Department and Community Development, Richard Coleman, has a master's in architecture. He has some real concerns about the way the stone is applied as far as it being stuck on as opposed to being 3-4" in thickness and mechanically attached to the building. Mr. Hontz indicated a 30-year test, but we're concerned about things like somebody running into it and things like that. The cultured stone is not colored through, so if it chips, it's the concrete look behind it. If a real stone gets chipped, it will look like real stone.

Mr. Coleman: One of the concerns we had is the fact that the wall systems that are allowed are very lightweight. As he said, they're a single barrier to water penetration into the building. If there is a failure in any of these joints, there's really not a secondary system as there is in other types of wall construction that have real brick or stone veneer. There is an air space, as he said. There is a water barrier and a way for water to get out of the building once it gets in if there's a failure in the mortar joints of that exterior veneer. In this particular case, there really is no way. If there is a failure and the water does get behind there, it's probably not going to be recognized before some extensive damage has been done, and it does promote mold growth. One of the things we are looking at and doing some research on is dew point in these single wall systems. We need to be sure the dew point in that wall is in the exterior of it so that no moisture or condensation builds up in the wall, potentially producing mold. That is one of the concerns. These systems are relatively new. If you recall 10-15 years ago when they were starting out with EIFS systems, one of the reasons the City wasn't allowing them was all the mold problems and water handling problems these wall systems were having. This system is very similar to what you would find on any residential house. We have grave concerns about the long-term viability and maintenance of these types of lightweight building systems, especially in handling water.

Comm. Elkins: Mr. Klein, I guess I'm still a little confused. It seems to me at our last meeting we had an applicant before us who was proposing cultured stone, and Staff supported it in that particular application. Frankly I remember raising a question about why we weren't requiring actual stone.

Mr. Lambers: The reason is that was a specific material allowed for the city's business park, for which we have standards that would be considered lesser in terms of allowing more stucco and things like that. It is an allowed use right now, but as Mark said, the track record of this material is just falling apart. I'm at a point where I'm going to recommend to the Council that we need to abandon allowing cultured stone and require natural stone. There's no reason for us to keep going through this process. Third-party observer is certainly great, but that tells me there's a problem here. Why take that step when we can solve it? We gain nothing by allowing the cultured stone, and if we're consistent with the natural stone for everybody, then no one's got a beef. I think we really just need to make that decision and be done with it, quite frankly.

Chair Rohlf: Thank you.

Comm. Elkins: I noticed in the stipulations for the signage that we're talking about a monument sign that is 7' tall?

Mr. Klein: Right, I think that's the portion of the column that includes an obelisk. Even without that, the monument sign exceeds what's allowed by the ordinance.

Comm. Elkins: It seems like that's a big monument sign. Staff's obviously supporting that, so I'd like to hear additional commentary on that.

Mr. Klein: Actually one of the stipulations requires that it meet the Leawood Development Ordinance of 50 sq. ft., so they would have to reduce it. Staff doesn't have any problem with the design because it meets the design guidelines.

Comm. Elkins: I must have misunderstood the stipulation. Thank you.

Mr. Reid: The whole idea of cultured stone is something that has been getting a lot of bad press in the last few years. I did want to remind everyone that I was the architect for the Town Village Leawood over on 115th St. We used cultured stone, and it's in perfect shape today. I have a problem with putting all the cultured stone in one bag as a non-allowed material. I think if we are compelled to use real stone on a project, we'd like to have the opportunity to look at a few instances on the project, particularly at a porte cochere, in terms of some design revisions to work with the real stone.

Chair Rohlf: Thank you.

Mr. Hipp: I have one more comment as well. We've tried to design this project in accordance with the design guidelines stipulated for the Villaggio at Leawood project, which specifically allows for cultured stone. I'm a little confused that it's now gotten to be a contentious issue when frankly we were simply trying to take the necessary steps to insure a quality project and a quality product so that we wouldn't have the sort of problems that have occurred on the infamous CVS pharmacy.

Mr. Klein: I would like to address that as well as one other issue with the stipulation. The reason for the cultured stone is that the Villaggio development was approved a number of years ago. At that point, we had just started seeing a few problems with the cultured stone. We were told installation was the reason. With this project, we pushed to get real stone added so we had both of them. Since the time that those design guidelines have been adopted, we've had more problems with the cultured stone. We had a project at Plaza Point with fire-free roofing material. They brought it in and had ICC approvals and passed all the tests. Staff was impressed with it. It hasn't been more than three years, and it's turning white. He mentioned the Town Village of Leawood over here, which is the independent living facility on 115th St. It's been there ten years, but that's really nothing as far as the life of a building. Who knows what this will look like down the road? I can't answer that question, but I could tell you what real stone would look like.

Regarding the stipulation, on the plans they provided, they were showing a natural limestone veneer, so kind of a thin-set real stone veneer. If they're going to a cultured

stone, that's a change from the plan that's in front of you right now. It would probably need to be stated in a stipulation that it would be allowed if you were to approve that.

Chair Rohlf: Any more questions for the Applicant or Staff?

Comm. Williams: The Applicant made reference to providing additional trees after talking to one of the residents. Has the Applicant met with the neighbors, and are the neighbors generally supportive of this new building, particularly in light of the fact that the building pretty much runs parallel to the property line and is a long building? Even though previously you had two buildings, the larger building was situated in such a way that you didn't have a 400' face up against the residential neighbors to the south.

Mr. Hipp: I don't believe we have a 400' face up against them either because of the way the building has been configured. (*Refers to Model slide*) This is the model looking north, so this would be the south face of the building. It shows the indentations and a pretty large courtyard on the east side that breaks the two buildings apart. Is that the same as when two buildings were on the same site? No, of course, but what we've learned is that two separate buildings don't work in a skilled care facility. We tried to break up the façade of the south building and increase the landscaping to help screen the neighbors to the south. To answer the first part of your question, yes, we have met with the neighbors. I don't feel comfortable telling you they are 100% supportive because I don't know that's necessarily the case. I have not gotten any specific concerns in the past month or so. During the course of our meetings, there was discussion about the landscaping and size of the berm. I think we satisfied the questions about that.

Comm. Williams: What size are the trees going in for screening? Screening is particularly important. Are they going to start out as larger trees or the 3" caliber saplings to meet the ordinance?

Mr. Hipp: Some people don't see 3" as a sapling.

Comm. Williams: I use that description as compared to a useful screen tree.

Mr. Ashley: We have shown 6-8' high evergreen trees. I would say the standard in most cities is 5-6'. I likened it to Hallbrook, which is mature and is excellent screening as a mixture of evergreen and deciduous trees. Obviously when it first goes in, they'll be 7-8' tall on top of a 3' berm. We're going to mix the evergreens and deciduous trees a little more than what's been shown here in addition to the two maples requested. We're talking about a mix of four different types of evergreens of 6-8' height. I'll make sure the berm is built correctly to make sure we have good screening. There are a few smaller maples, and I did that on purpose to create juxtaposition on the heights of material. There's a good mixture to create an excellent screening solution in addition to the existing trees to the east, which create a large mass.

Comm. Williams: In your professional judgment, when would you anticipate these trees will get to a height where they'll serve as an effective screen for the residents?

Mr. Ashley: If you add a 3-4' berm and 6-8', you're pretty much instantaneously getting screening there. I would say within 3-5 years, you're going to have significant screening. That's what we showed on our cross sections to the neighborhood group. In ten years,

it'll be very significant. From the original approved final development plan, we have a net gain of 15 additional trees, including 7 shade trees, 8 evergreen trees and even one birch. We've actually added 15 trees to what was originally approved.

Comm. Williams: What is the rough floor elevation of the new building versus the elevation of the homes to the south, and how much taller will your building be than the homes to the south?

Mr. Reid: *(Puts a cross section slide on the overhead, then shows a larger plan)* The elevation on the first floor of the house is 988', and we're guessing the second floor is 10' with a total of 998'. The elevation of the skilled nursing facility is 1,000', so it's 12' above this house. Then we've also added a 3' high berm.

Comm. Elkins: I have a point of order. Let me preface this by saying generally I'm in support of the whole idea here, but I'm concerned about a possible procedural defect. Given the change in function, which I assume was what gave rise to the need for a special use permit, are we fine in proceeding without a Public Hearing.

Mr. Klein: We are having one, and we provided notice.

Comm. Shaw: I have a question for Staff relating to the landscaping plans. When they're submitted for the permit, you review those landscape drawings, correct?

Mr. Klein: Actually this is the time when Staff reviews the landscape plan as far as the actual trees to be planted there. After this it goes to City Council, and if approved there, they'll pull a building permit, build a building and install landscaping. At that point, the Planning Staff will go out and review the site to make sure the landscaping planted matches what's on the plan before you tonight. However, just to give you a heads-up, one of the stipulations indicates Staff wants them to redistribute some of the evergreen trees going along the south side of the building because of a heavy concentration on the western side of it with more deciduous trees at the eastern end of it. There would be a change to the landscape plan regarding that, but not to the number, other than adding the evergreen trees.

Comm. Williams: Is that in the stipulations? I see it now, thank you.

Chair Rohlf: Does anyone have anything else for the Applicant or Staff? If not, we'll move along to the Public Hearing. Is there anyone in the audience who would like to speak about this plan?

PUBLIC HEARING

As no one was present to speak, motion to close Public Hearing made by Roberson; seconded by Williams. Motion passed unanimously with a vote of 6-0. For: Shaw, Roberson, Neff-Brain, Williams, Elkins, and Heiman.

Chair Rohlf: That takes us up to our final discussion. I guess I would appreciate some comment on the cultured stone issue if anyone has thoughts on that.

Comm. Heiman: I guess I'm a little confused. I'd like to know a little more about the natural limestone veneer. Obviously that was in the original plan and then was changed.

Probably it wouldn't be what we would prefer, but I'd like to know a little more about that. I'm still not certain what we're supposed to do here.

Mr. Klein: Just to give you a little history of what you haven't seen up to this point. Initially they came in with cultured stone on the building with their first application. Staff met with the applicant, listened to our concerns about it and replaced it with a Limestone veneer 1 ½ - 2" thick rather than the 3-4" thick veneer in the stipulation. Staff still has concerns with the glued-on construction, so that's the reason for the stipulation as far as the real limestone at 3-4". Tonight is the first we've heard that they wanted to go back to the cultured stone.

Comm. Heiman: So what is in the stipulation of 3-4" thickness that is not adhered to the building in the same manner as the cultured stone? It is stacked?

Mr. Klein: It's stacked and is mechanically attached to the building. Richard could probably describe it a lot better than I can as far as being tied to the building with metal fasteners, allowing drainage to go behind the stone.

Chair Rohlf: But your stipulation and the plans are still inconsistent, correct?

Mr. Klein: Correct, right now the plans show the stick-on real-stone veneer. The stipulation states 3-4" real stone, mechanically attached.

Chair Rohlf: So if we did approve that stipulation, it would only be fair if we gave them an opportunity to go back and perhaps change some of the design or not?

Mr. Klein: This is a final site plan application, so if it is approved, it would be the last time the Planning Commission would see it before the building is constructed. It would be up to you if you would like them to come back with a continuance so you could see it again or if you wanted to allow them to go on to Governing Body and have the elevations with the revisions they're proposing. I wouldn't recommend anything less than that. I'd make sure the Governing Body at least sees the final product they're proposing.

Chair Rohlf: I don't know that they want to change that. I think one of the gentlemen alluded to the possibility that they might change the plans.

Comm. Neff-Brain: I would be opposed to any product that would show as natural-grad concrete if chipped and also to touching it up with any product.

Comm. Roberson: I'm going to have to agree with that. Natural stone is the way to go.

Comm. Williams: The applicant was originally indicating the limestone veneer. It would apply in the same manner of what they presented here. I pointed that out that you're subject to the installation. If it's not installed correctly, you've potentially got the same problem with it falling off at some time. Mechanically fastened stone, as Staff has pointed out, will stay there. There are a number of technical issues including back-up, waterproofing and drain holes that have to be addressed. They can easily be addressed with natural stone installation. We've heard before of some of these problems, but it's sounding like it's a much bigger problem than I thought. I join my colleagues over here with looking at putting an end to the problem and going to mechanically fastened stone.

Comm. Elkins: I find myself in a real dilemma here. I was surprised at our last meeting, understanding it was a business park and not something bigger or better, that we approved cultured stone. The explanation Mr. Lambers gave was part of the reason for that is it was part of the approved materials for the business park. I personally think the real stone is a better and more durable building material, but whether we like it or not, style stone was approved as a material for use in this development. There is an Applicant here who has prepared a plan according to rules set previously. I understand times change. I'm sympathetic to what Mr. Klein has to say because I have the very same concerns about the chipping and application, but nonetheless, the rules are set for this particular development. Frankly, I'm not sure how I'm going to vote because I do think the real stone is the right long-term planning decision for the City of Leawood; I'm just not sure it justifies changing the rules in the middle of the game.

Comm. Roberson: I'd like to comment on that. I think it's incumbent upon us that as we go through the planning process and learn over time what works and what doesn't work that we have the prerogative to make changes to the rules, especially when we find out a product doesn't work as well as we thought it would. I'm not as concerned as my colleague is about changing the rules. In fact, I think we ought to be strengthening the rules and be cognizant of the problems as we go forward, making sure we do what's best for Leawood.

Chair Rohlf: Thank you.

Mr. Hipp: I was going to suggest a compromise that might work. That would be for us to agree to use real stone veneer applied as Paul pointed out, including an independent third-party inspector, as opposed to pure cultured stone. That solves the chipping problem. We believe fervently we can resolve the application issue by using quality craftsman and detailing. I submit that as an idea for your consideration.

Chair Rohlf: I would ask, Mr. Hipp, have you had experience with this third-party procedure before?

Mr. Hipp: Not in this particular instance, but Ron, perhaps you have? I've used them for general construction sorts of things, which we would be doing anyway because any lender is going to ask for that. I think what we're talking about here is more specialized.

Mr. Reid: That's correct. We've used third-party inspectors for various things within the construction. While I have not used it on a veneer stone installation, it would be a common practice. I'm not sure if Paul has had any experience, but we use it for concrete testing, roofing testing and all parts of construction of the building.

Mr. Hontz: Most cities require third-party inspection on structural steel. If you want to know what the thin veneer looks like, one of these samples is thin veneer. (*Refers to material sample*) This is real stone. It normally runs about 1' and weighs about 13-15 pounds a sq. ft. That is what they're proposing.

Chair Rohlf: No, Staff is proposing 3 ½-5" thick stone, and it weighs between 45-50 pound a foot. It's not attached to the building; it's mechanically fastened, but it moves independently of the building. This attaches the same way the cultured stone does with bonding on the back. It is a single-installed system right up next to the way.

Chair Rohlf: Mark what about the buildings that have been built and the one that's being built – what did we do on those particular buildings? Is there any stone?

Comm. Williams: I believe it had cultured stone. It had granite that was part of it.

Mr. Klein: Right, several colors of granite veneer. Then I think they also had stone wrapped around the corners of tower elements there, and I believe that was also cultured stone. There are some concerns about that building, just to make you aware.

Chair Rohlf: With respect to the stone?

Mr. Klein: With respect to the construction all the way around.

Comm. Roberson: If Staff is going to make a recommendation to Council to use real stone on buildings, I guess I'm having a hard time - given the fact that they have more expertise than I do - to scream with them.

Chair Rohlf: Right, but I think we would need to take a look at what we have approved as far as design guidelines and make sure we've given the developers a heads-up.

Mr. Klein: This isn't a surprise to this Applicant because from day one, we indicated we didn't support the cultured stone. We indicated to the Villaggio developers a while ago that we were starting to feel uncomfortable with the cultured stone due to the problems we were starting to see at that time. That's the reason the real stone was added into the design guidelines. Originally we thought that it might be a good thing, but the more we looked at it and investigated, the more we saw problems.

Comm. Heiman: What experience do we have with this application – what they're proposing as an alternative?

Mr. Klein: As far as the real stone veneer that's added on, I don't know of any problems at this particular point. I know the Parkway Plaza development has real stone. The Country Club Bank that's out there is real stone; however, I believe it is thicker. I can't recall anything off the top of my head that are the veneer, but that's not to say there are not some out there.

Mr. Coleman: The other building that's built at Villaggio right now with the granite is the thin veneer that's glued on to the building.

Mr. Heiman: It just seems to me that we would have many of the same issues of water getting behind.

Mr. Coleman: That's correct – it's the same type of building system. Exterior material is different, and you avoid the chipping issue. Overall construction issues remain the same.

Comm. Heiman: It is heavier, so would it not potentially come off more easily?

Mr. Coleman: It is heavier, so you'd have to make sure it's well adhered.

Chair Rohlf: Mr. Hipp, if we decide to go with the stipulation that Staff has proposed, we've got an inconsistency in our plan drawings. I don't know if you would want to modify those in any way. If not, that's fine, but we do need to make the record clear one way or the other so that Council knows what they're being presented with.

Mr. Hipp: Could you please repeat what you said to make sure I understand?

Chair Rohlf: The stipulation that Staff has included in the Staff Report about limestone veneer is not the same as what's in your plan.

Mr. Klein: Correct, there are basically three proposals before you tonight. The first one is the original plans we received, which have original stone veneer of 1" thickness that is glued to the building. There is the one in the stipulations, which is real stone of 3-4" thickness that is mechanically fastened to the building but would not be directly stuck to the building itself. Then there's the one that the Applicant proposed tonight, which was to use cultured stone.

Mr. Hipp: No, real stone.

Mr. Klein: Ok, then there are only two – the real stone that's stuck on and the real stone that's thicker and mechanically attached.

Chair Rohlf: So if we were to go with the Staff report as written, I just wanted to know how you would present that to the Council. You would need to be consistent with what we've approved.

Mr. Hipp: That, I understood. So supposed I don't agree with that?

Chair Rohlf: Well, that's a problem.

Mr. Hipp: Please explain the alternatives.

Chair Rohlf: The plans would be inconsistent with what we've approved.

Comm. Elkins: I'll defer to City Council, but I think it would go to Governing Body with the inconsistency, basically in the same form that came tonight.

Mr. Klein: I just want to make sure I understand this right. The way the plans are right now with the real stone with stuck-on application, you would remove that stipulation stating that it be 3-4" thick and mechanically fastened to the building, making the plans consistent. If you want to have them not do the stuck-on construction and have the 3-4" thick mechanically fastened, you would leave that stipulation in. Either the stipulation would override what their current plans are or you would remove the stipulation.

Comm. Roberson: But they don't agree with the stone, so if we approve it, they don't agree. It would go to the Council with their disagreement, correct?

Mr. Klein: I'm confused as to whether the Applicant still wants to use the cultured stone.

Mr. Hipp: No, maybe I can clear that up. Cultured stone, out; real stone veneer, in.

Comm. Roberson: The point is if we approve the stipulation and the Applicant doesn't agree with it, what happens?

Mr. Klein: It goes along to the City Council with the incongruity. Basically the stipulation trumps what they have on the plans, so your recommendation is a real stone veneer mechanically fastened. That's what they'd have to show on their plans when they get the building permit. Say they don't agree and want to fight it at City Council. The City Council could override your recommendation, but it would take a ¾ majority to do that.

Comm. Roberson: Is that clear to you?

Mr. Hipp: That is clear.

Comm. Neff-Brain: If the consensus of the Commission is the real thicker stone, would you prefer to go to Council and hope to get that ¾ override, or would you prefer some redesign so you might not be using so much of the thicker stone?

Mr. Hipp: I guess I wasn't aware that the option exists for reducing the amount of stone.

Comm. Neff-Brain: I don't know that it does.

Mr. Klein: That's really up to the Planning Commission. This is a final site plan. If you want to see the final product, then it would require a continuance to change the amount of stone. Your other option would be to approve with the stipulation, add a stipulation that they would have the ability to change the mix as far as stone with elevations due back prior to Governing Body approval so the Governing Body could actually see what those elevations look like.

Mr. Reid: That makes sense, and there are some ramifications of the 3-4" stone. Our square footage of the building will increase because we're going to have to build a 6" ledge and increase our foundation thicknesses. We also think we would have some real structural problems in certain areas with real stone, which we would like to avoid and keep our long-term maintenance of the building minimized, such as areas like the porte cochere with a lot of stone around the building. If we go with structural stone, it creates a real structural problem in terms of that stone being held in place. If we go with real stone, we'd like to take the opportunity to redesign certain elements of the design, including the porte cochere. I think we still have a beautiful building, but I think there are some things we'd really have to look at. Height of the stone is another thing. We're going up fairly high in some of those towers. I think with the weight of the stone and possible cracking, we'd like to take a structural look at it.

Mr. Hipp: I think I'm okay with what Ron just said. I would like to have the opportunity to continue to move forward through the process as quickly as possible because we were really trying to start construction next spring. Our goal is to be open in summer, 2010. That being said, at this juncture it seems to me that I have two possibilities, given that you will agree. One would be to leave things the way they are and move forward to the City Council to see if we could overturn that stipulation. The second is to go with the recommendation, but then look at locations of the stone and amount of stone on the building. I'm a little unclear about if that, then, requires that I come back through the Planning Commission and lengthen the period of time, or if Staff is able to work with us and find an agreement about how the building is redesigned to allow for the stone.

Mr. Lambers: It would be the Council's decision as to whether or not the required change would be significant enough to come back. I think it's best to continue this for two weeks so you can prepare those plans, and then you'll be done with us. Then you go up to the Council, and then they've got the benefit of both. Otherwise, you would be adding a month to the process.

Mr. Hipp: That is concerning me because I don't want to add a month to the process.

Mr. Lambers: Your best option is to continue to the next meeting, and you'll be first on the agenda. We'll get it done here and go to the Council. That's the quickest way.

Mr. Hipp: Thanks for the advice. We'd like to do that.

Comm. Roberson: Are we going to provide them direction? I assume the majority agrees that they should use the real stone attached mechanically to the building.

Mr. Hipp: I understand that.

Mr. Lambers: I think for the benefit of the record, it would be good for the Commission to show a consensus for that, so the Council has that benefit as well.

Chair Rohlf: Before we then move to a continuance on this matter, I would like to have a vote on whether we would want No. 17 to stay as in the Staff Report. If I could get a show of hands on that?

Vote was 4-2, in favor of leaving Stipulation No. 17 in as stated. For: Shaw, Roberson, Williams, Heiman. Opposed: Neff-Brain and Elkins.

Motion to continue Case 71-08 – VILLAGGIO NEIGHBORHOODS AT SHARON LANE – Request for approval of special use permit, revised preliminary site plan and final site plan to the November 11, 2008 Planning Commission meeting made by Elkins; seconded by Roberson. Motion passed with unanimously with a vote of 6-0. For: Shaw, Roberson, Neff-Brain, Williams, Elkins, and Heiman.

Commissioners Jackson and Munson returned to the meeting.

CASE 87-08 – PARKWAY PLAZA – LITTLE SUNSHINE PLAYHOUSE - Request for approval of a special use permit, preliminary site plan and final site plan; located at the northwest corner of 135th Street and Roe Avenue.

Staff Presentation:

Senior Planner Jeff Joseph made the following presentation:

Mr. Joseph: Madame Chair and members of the Commission, this is Case 87-08 – Parkway Plaza – Little Sunshine Playhouse. The Applicant is Jeff Skidmore with Schlegel and Associates and is requesting approval for a special use permit, preliminary plan and final plan to allow the construction of a daycare facility within the Parkway Plaza development at the northwest corner of 135th St. and Roe Ave. The building will consist of 6,253' of construction. I would like to show you the overall plan of Parkway Plaza to give you an idea of the building location. (*Places overall plan on the overhead*)

135th St. is over here, Briar St. is here, and the site they'll be talking about today is this area. Previously two buildings were approved in this location, each 7,000 sq. ft. The Applicant is proposing a 6,253 sq. ft. building here, which less than what was previously approved. The number of parking spaces decreased, and they are also showing some of the land-banked parking spaces, which are good for increasing the open space. The Applicant has worked with Staff on most of the concerns. Staff is supportive of this project. One of the stipulations Staff would like to add is in a memo in front of you regarding the brick pavers in the crosswalks. Other than that, Staff is recommending approval of this case with stipulations. I'd be happy to answer any questions.

Comm. Williams: Jeff, you said the Applicant has worked with you on your concerns. Can you share what some of those might have been?

Mr. Joseph: Initially when they came in with the application, the building was in this location with the drive on this side (*refers to overhead site plan*). It wasn't working, so they changed the location. Right now, the drive is working well.

Comm. Williams: The site plan that is only dealing with the one building is still noting a future building.

Mr. Joseph: That's the building shown on this plan.

Comm. Williams: So that one basically stays unchanged at this point.

Mr. Joseph: Correct.

Comm. Williams: No further questions. Thank you.

Comm. Roberson: Can you put that picture back up? (*Mr. Joseph puts the site plan on the overhead*). Where is the daycare going again?

Mr. Joseph: Right in this location.

Comm. Roberson: Thank you.

Chair Rohlf: Do you have any further information on the Fire Marshall's memo? I'm not sure I understood if he was talking about the building or the playhouse.

Mr. Joseph: I believe he's talking about the construction of the building itself. He prefers a steel construction rather than a wood frame construction. There's nothing in the code that actually calls for that. That's the reason for his comment.

Comm. Williams: He's probably taking that position because this is a childcare center.

Mr. Joseph: Yes.

Comm. Williams: I apologize if I missed this in your stipulations. Do we have an issue with stone veneer on this one as we did in the last case? The question stems from the drawings that call out for a stone veneer. Are they referring to the mechanically fastened product, or are we back to the mortar back?

Mr. Joseph: It's Stipulation No. 20. We are telling them to match the stone that's on the Country Club Bank, which is the 3-4" thick and the same pattern.

Comm. Williams: Would it be prudent in the stipulation to call it out as the 3-4" mechanically fastened as you tried to do in the last case?

Mr. Joseph: We can do that to avoid confusion.

Chair Rohlf: Anything else for Staff? Then we'll hear from the Applicant.

Applicant Presentation:

Jeff Skidmore with Schlegel and Associates, 14920 W. 107th St., Lenexa, KS, appeared before the Planning Commission and made the following comments:

Mr. Skidmore: I also have with me here this evening Brad Irwin from Creative Inc., who is the project architect. Also assisting with any questions you might have concerning the overall Parkway Plaza development is Todd Lipshutz with RH Sailors, who has been involved in the development of the shopping center. I don't have a lot of additional to add over Staff's presentation. We have reviewed the stipulations and can comply with them. We'd be happy to answer any questions any of you have regarding the project. Thank you.

Chair Rohlf: That was easy. There are no deviations. I'll open up for questions.

Comm. Williams: This doesn't get in our purview necessarily, but for the sake of responding to the Fire Marshall, is this building sprinkled, by chance?

Brad Irwin with Creative Inc. Architects, Springfield, MO, appeared before the Planning Commission and made the following comments:

Mr. Irwin: Yes, we're meeting the IBC 2006 and the Kansas Daycare Regulations. The State Fire Marshall (or Leawood) has already specified this. We've addressed their concerns and have it fully sprinkled.

Comm. Williams: Thank you very much.

Chair Rohlf: Jeff, I noticed there's a comment in the signage about the logo. Is there a stipulation that talks about signage?

Mr. Joseph: Yes, that would be Stipulation No. 6.

Chair Rohlf: Is the Applicant aware of that stipulation on the logo?

Mr. Skidmore: Yes, we are.

Chair Rohlf: All right, and I did highlight one line under the site plan comments. "The plaza areas and other amenities within this lot will be constructed as part of this project." What will that include?

Mr. Joseph: That's a standard stipulation that we put on all the projects in case there are brick pavers or something like that, requiring details.

Chair Rohlf: Anything out of the ordinary here?

Mr. Joseph: Within this section, there are no plaza areas.

Chair Rohlf: And that stipulation you put on the DAIS incorporates the comment you had under the 135th St. guidelines, so we're good there.

Mr. Joseph: Right, it's for the crosswalks.

Chair Rohlf: All right, does anyone else have any questions for the Applicant. This case does require a Public Hearing. Is there anyone in the audience who wishes to speak about this case?

PUBLIC HEARING

As no one was present to speak, motion to close the Public Hearing was made by Roberson; seconded by Jackson. Motion passed with a vote of unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins, and Heiman.

Chair Rohlf: That takes us up to any discussion, hopefully leading to a motion.

Motion to recommend approval of Case 87-08 – Little Sunshine Playhouse – Request for approval of special use permit, preliminary site plan and final site plan; located at the northwest corner of 135th St. and Roe Ave. with stipulations 1-36 and modification to No. 20 to include, “The natural limestone veneer shall be a minimum of 3-4” in thickness and mechanically attached to the building” made by Jackson; seconded by Neff-Brain.

Comm. Roberson: The special use permit doesn't expire?

Mr. Joseph: It's a 20-year special use permit.

Motion passed with a vote of unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins, and Heiman.

CASE 89-08 – NALL VALLEY SHOPS – CAPITOL FEDERAL SAVINGS SIGNS – Request for approval of a sign plan; located at the northeast corner of 151st Street and Nall Avenue.

Staff Presentation:

Senior Planner Jeff Joseph made the following presentation:

Mr. Joseph: Madame Chair and members of the Commission, this is Case 89-08 – Capitol Federal Savings Bank sign plan. The Applicant is doing this with WDN Architects and is requesting a sign plan for the Capitol Federal Savings Bank logo and also two signs on the building. (*Places a logo diagram on the overhead*) When the bank came in through as a preliminary plan, this picture was in the packet. It's a three-dimensional image of the logo. At that time, it was 5'6" and didn't meet with the design guidelines, which only allow for 24" maximum signage. At that time, Staff was

supportive based on the fact that we considered that as an architectural element and not as a logo. Then when they came back through final, this was changed to a vinyl, 6' tall logo signage. At the time, the Planning Commission approved the logo. It went on to City Council, who denied it. They came back with the same sign, except with etched glass replacing the vinyl. Staff is still not supportive because it doesn't meet the design guidelines.

Chair Rohlf: What would it need to be, Jeff?

Mr. Joseph: It needs to be 24" high.

Chair Rohlf: So it's only a height issue?

Mr. Joseph: Yes.

Comm. Neff-Brain: So the etched glass is fine, just too big. And before you said the Planning Commission approved a vinyl.

Mr. Joseph: Yes.

Chair Rohlf: It was an appliqué kind of decal.

Comm. Neff-Brain: How large was it?

Mr. Joseph: It was 5'6" tall.

Comm. Neff-Brain: Did the Council deny because of the material or size?

Mr. Joseph: Because of both. City Council had concerns about both.

Comm. Elkins: Madame Chair, just a point of clarification, the Planning Commission did not approve a vinyl application. They changed the application from the time it left us until it got to City Council.

Mr. Joseph: At the time, it was vinyl.

Chair Rohlf: Did we have the same issue with the other Capitol Federal building?

Mr. Joseph: Yes.

Chair Rohlf: So we were consistent with both of those.

Mr. Joseph: At the time, they didn't apply for signage. They wanted to bring this back to be approved for both of the projects.

Comm. Elkins: I thought we approved a 3-D architectural element, and that's what was on the approved plan.

Mr. Joseph: That's what Staff recommended, but the Planning Commission approved the vinyl.

Chair Rohlf: But they've also changed the signage itself. It's gone from "Capitol Federal Savings" to "Capitol Federal".

Mr. Joseph: Yes, even the text is larger than design guidelines allow. (*Places an image of the bank on the overhead*)

Comm. Roberson: Is the Applicant aware this won't be approved by Council again?

Mr. Joseph: They are aware of that.

Chair Rohlf: Does anyone else have questions for Staff? I'd like to hear from the Applicant.

Mr. Joseph: One more thing – since they are showing the logo as additional signage, they are asking for four signs instead of two. There will be two logos and two signs.

Chair Rohlf: Any other questions for Jeff?

Comm. Williams: If the logo, which is the round element on this section of windows, was indeed a solid 3-D material, would that negate the debate on the logo?

Mr. Joseph: Again, at that time, Staff was under the impression that it's an architectural element and not signage. That's why we were supportive of one logo on the south elevation.

Comm. Williams: Thank you.

Comm. Neff-Brain: This is etched glass. Does it have that blue color?

Mr. Joseph: I have a sample I can show you. (*Shows sample*)

Mr. Coleman: It's also illuminated, which is an issue. The logo has a light that shines on it from outside.

Comm. Neff-Brain: And you don't consider that a design element, even though it's just etched glass?

Mr. Coleman: No, it's a logo and really just two signs. If the logo were incorporated into the sign with Capitol Federal, it could be considered part of one sign. They're two separate signs, partially because they're two separate materials. One is made up of reverse channel halo-lit lettering. This one is etched glass with a light that shines on it from the outside. (*Photograph of sign and logo placed on the overhead*). If this were reverse channel lettering incorporated into the same line as "Capitol Federal" as is shown on your screen, we would consider that as one sign. But it's not the same material, not in the same plane of the building, and it's illuminated differently.

Chair Rohlf: Any other questions? I would ask that the Applicant come forward.

Applicant Presentation:

Scott Bixler with WDM Architects, appeared before the Planning Commission and made the following comments:

Mr. Bixler: I do have Dwayne Nellis here, who actually submitted the plans to the City. I also have Ken Scott, who is VP with Capitol Federal here tonight. The last time we were here, we did get it approved (at least verbally) of having the large logo above the sign. It was deemed as part of a single sign, as was our request, on both the east and west elevations. We went from here to City Council where Jeff's specific objection was the vinyl on the sign. It was nothing, as I recall, that said it was a size issue. It was just about the vinyl and because it was not considered an architectural element. When I requested the definition of architectural element, his comment was that he couldn't tell me but that it needed to be more a part of the architecture. That's what we went back with and looked at to bring back. What you saw was not etched glass, but vinyl. The etched glass is actually in the box. This is what we proposed the first time, and it's 25' up in the air. I can assure you none of you will be able to tell the difference. But understanding that you don't want vinyl, we went back and have blue ford glass that will be sandblasted. Now all this shows is sandblasting – not the logo or type or anything. We tried to be more aesthetically pleasing with the logo, and I can't understand how to make it more architecturally integrated into the building than to actually fit it within the glass framework and sandblast it. You've been talking about veneer tonight. We were basically directed to use the fake veneer because at State Line, that's what you have on that particular development. We arbitrarily said we wanted to use the real stone, and you agreed. We're not trying to put up a low-quality element on this building. We're looking at it from the standpoint of trying to do something very aesthetically pleasing. The idea behind the signage change is that Capitol Federal wants to change from Capitol Federal Savings to Capitol Federal. If we take that same size and just have the two words, it is a miniscule sign on that area. Each stroke of those letters is 1'10", which is 2" less than the requirement by the City. I do understand that the tail of the "P" drops below the line, but fundamentally if we take the "P" and put it up, it's still under the 24" sign requirement. I just ask for a little bit of leeway there. We're still under the 24" height maximum. We feel that having the logo in its large state up there is much more aesthetically pleasing, and we do not look at it as two separate signs, nor did this group indicate that when we were here last time. That was the reason we wanted to come back in front of you. This building will be complete in the end of December, and I thought this was the last Planning Commission we would need to get into. We need to get a decision on our signage. (*Refers to overhead photograph of the bank sign*) If you look at that particular sign and consider that the "C" on "Capitol Federal is 1'10", you can understand what the size of that logo would be. I guess with this application, you're telling us we would have a larger logo if we put it here.

Mr. Joseph: You have to meet the 24" maximum.

Mr. Bixler: So the logo itself would be very small and would be the same size as the "C" that you have on your colored rendering we've sent to you. That was the reason we wanted to incorporate it above the signage. Regarding the lighting, it's not like it's backlit like a can sign. That was the whole idea with going away from a 3-D sign. We would like to see some lighting on it so there's an indication at night that there's a sign up there. We wanted to be very selective with how we lit it. The lighting on this is a very low-profile fluorescent fixture that is mounted on the blade canopy that you will not be able to see from the street or from the approach, I am almost 100% sure, because it's so high and right up next to the glass. The idea with the etched glass is that it would provide a nice soft light that would cut across the etched logo. It wasn't an internally illuminated sign. We're looking for signage to match the building, which is very

aesthetically pleasing. We felt we upgraded the set by going from the vinyl to the etched glass. It does state here in the Council minutes that "Mayor Dunn reiterated her concerns with the large size of the logo and suggested the Staff review the issue." The mayor actually came up to me after the meeting and was so taken by the sign she actually wanted me to bring the vinyl sign back, which is what you saw over here. She thought it looked nice. That's where I was confused.

Chair Rohlf: I think we are, too, because we approved that. What's happened between our seeing it and the Council?

Mr. Bixler: Nothing was changed from the time you approved it and the City, correct, Jeff?

Mr. Joseph: That's correct.

Comm. Roberson: Jeff, isn't there another Capitol Federal in the vicinity?

Mr. Joseph: In Leawood, the only other Capitol Federal is the Villas of Seville that was recently approved along State Line.

Comm. Roberson: That's it, so we've not faced this issue?

Mr. Joseph: No, the picture that's on the projector is the one at Metcalf and 135th St. Again, the concern is that if you look at it as an architectural feature, we can support it for elevation; but if you look at it as a sign, then it has to come under the design guidelines for the development.

Comm. Neff-Brain: So if it weren't lit, would it then be an architectural element? What's going to make it an architectural feature?

Mr. Joseph: (*Shows picture on the overhead*) In this picture, it's shown as a 3-D image that has depth to it of 3-4". It's an individual character instead of just a vinyl application.

Comm. Neff-Brain: But this would be glass and not vinyl. What was that 3-D element made of?

Mr. Joseph: I think it was glass.

Comm. Neff-Brain: So if this one had dimension, it would be an architectural feature?

Mr. Joseph: No, the way they are showing it on the preliminary plan is that it's an individual character. Even the eagle is a different character. Between the circle and the eagle is hollow.

Comm. Neff-Brain: But that one you consider an architectural feature?

Mr. Joseph: That's what Scott and Staff were looking at in the preliminary stage.

Chair Rohlf: I would ask the Applicant, is that something you were truly intending to do?

Mr. Bixler: At that particular stage in the process, that was a sign that we interpreted to be in glass of some fashion. We were looking at ways to edge light it. Jeff, I don't disagree with you, but when you talk about 3-D, what's the difference in 1" and 3"? That particular drawing was very difficult to represent as a 3-D drawing. What we've got is blue ford glass that's 1" insulated thickness, etched on the outside. So it does have three dimensions to it. It's hard to argue, but this is a concept rendering that's done in a sketch-up model.

Comm. Roberson: I'm a little curious, isn't this blue logo with the eagle the standard logo for Capitol Federal?

Mr. Bixler: That's correct.

Comm. Roberson: So why wouldn't the rendering shown that if it's the same on all their buildings?

Mr. Bixler: It's not the same on all their buildings. It can be blue; it can be white. I guess the idea here is that it's up in glass. We were trying to make it more into an aesthetic piece instead of a sign.

Comm. Roberson: But then you've gone right back into having a can sign, which is what this blue does.

Mr. Bixler: That's not a can sign; that's just etched glass.

Comm. Neff-Brain: It's their logo, but it's etched glass.

Comm. Roberson: It's the same whether the medium is glass, vinyl or whatever.

Mr. Bixler: The logo, yes, but it's not a can sign. It doesn't have lighting inside the sign.

Comm. Roberson: I'm just saying it's a standard sign.

Mr. Bixler: It was our attempt to make it something more integrated into the building, at Jeff's request. It would be like taking that round circle right up there and integrating it from an etched standpoint.

Comm. Roberson: I understand what you're saying. What I'm saying is the picture shows a totally different type of logo, if you want to call it that. In this case, I think Staff is suggesting if you followed this logo, you wouldn't be here.

Mr. Bixler: Explain to me what you would like to see because I'll be more than happy to develop something along this line.

Mr. Joseph: It had the depth of 3-4", and also between the circle and the eagle is hollow. That's an architectural element as opposed to a sign, which is why Staff was supportive at the preliminary stage for it.

Motion to extend the meeting 30 minutes was made by Elkins; seconded by Williams. Motion passed unanimously with a vote of 8-0. For: Shaw, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins, and Heiman.

Mr. Bixler: I have one other thing that could help. Initially when we were looking at this, we were thinking of a sign that would be on the inside of the glass, inside the building right up against the glass. It was still intended to be glass, and the reason for that is in that large lobby area running east to west, it is an 18' high ceiling. One of the things we wanted to see is the logo from the outside, but also the same logo from the inside. Jeff had an issue with the fact that it was not integrated into the building. That's where we went back in and made it a part of the aluminum storefront framing system and had it etched instead of vinyl.

Chair Rohlf: You can see it from the inside and outside.

Mr. Bixler: You can see it from both, and it wouldn't obstruct your view, which is what we wanted to do with the architecture.

Comm. Roberson: Jeff, I'm not an architect, so forgive me. If you had a glass front and recessed a version of your logo behind that, not only could you see that from both the inside and outside, but it would also provide a 3-D picture if I understand. Do you understand where I'm coming from?

Mr. Bixler: Yes.

Comm. Roberson: So you could have your circle, your eagle and your empty spaces set inside this piece of glass. I don't know how it would be attached, but does that make any sense?

Comm. Williams: What you're describing clearly has a 3-D feature to it. I guess part of what one has to ask is if you want something that stands out more in a 3-D manner or something that is more subtle in appearance, which would be in the etched glass or vinyl.

Mr. Bixler: The first shot you see is that plane of glass. We planned to use non-reflective glass simply because we want to see the logo and not the trees behind. Because there is another plane of glass in front of this, it would disturb it a little bit. It would be ideal if it were in that same plane.

Comm. Williams: In other cases where we talk about logos and signage and so forth, there's always a lot of discussion about them fitting within the architecture of the building. We've seen examples of large facades with lettering and squiggly lines. The architecture lives with or without it. We said this before when it was here – the position for the signage, the lettering and the logo fit very nicely with the architecture on both ends of this. It's quite handsome and speaks very well to Capitol Federal. As I said a moment ago, going with an etched glass or this vinyl (on which nobody would be able to tell a difference) would give that more subtle look. Certainly different viewing angles will show it more prominently, but it's still more subtle than going to a 3-D feature. I think it looks handsome and would be a real asset to the building.

Comm. Neff-Brain: I had a comment rather than a question. I think this is much nicer looking than a plastic logo next to the words "Capitol Federal". I agree with Mr. Williams and think it's a very nice, subtle application.

Comm. Shaw: Several months ago, I thought that we talked about this extensively. I, too, thought that it was approved. I can't say that it was exactly like this, but I remember seeing those samples.

Chair Rohlf: I think the problem we have here is that the majority like the sign, but it isn't consistent with the language of the guidelines. I think we're mincing words here. We've gone around our guidelines before if we thought the sign was a good one. We could probably argue the signage versus architectural feature. I think it's important to talk about whether we like the sign as it's presented. We're getting down to the number and height of signs, and I'm not going to quibble about the "P" in "Capitol" if that's the reason the text is too high. I think just based on the drawings, it's an appropriate fit size-wise. I like the logo and glass. I'm not sure what we need to do here, or maybe some other people would like to comment on the look of the sign. I think it's pretty consistent with what we already approved, right?

Mr. Joseph: Correct.

Chair Rohlf: If we want to approve it, obviously the Staff recommendation is not consistent with that.

Mr. Joseph: Madame Chair, we also have a concern with setting a precedent within this neighborhood and development. Basically Walgreens came in with the same request, and we denied that application based on the fact that they had the sign inside the glass area.

Comm. Roberson: Do you want to go over that again?

Mr. Joseph: I can show you a picture. *(Places a photograph on the overhead)* This is the Walgreens store in Nall Valley shops. They came in and asked for signage within this glass area the same as this application is asking for.

Chair Rohlf: You're talking about them asking for the Walgreens name.

Mr. Joseph: It was the logo.

Chair Rohlf: What was their logo?

Mr. Lambers: It's the mortar and pestle. They put it in and came back trying to get permission, and we said no.

Comm. Neff-Brain: Did they put it in etched glass?

Mr. Joseph: Actually it was denied by the Planning Commission and City Council.

Comm. Elkins: Was it not a neon sign, Jeff?

Mr. Joseph: Actually they changed that at Staff level to a regular sign. It wasn't etched glass.

Mr. Coleman: I think it's a plastic and aluminum frame like a normal outside sign would be, except they hang it on the inside.

Comm. Neff-Brain: I see this as looking much more like a subtle design element than a plastic mortar and pestle.

Mr. Coleman: They're both signs. They're both logos.

Chair Rohlf: I think it goes back to what we've been talking about on this signage issue, and it's coming up more and more.

Mr. Lambers: Before I said we need to address the issue of logos, and that was really anticipated when they're part of the sign. Does everyone get one? Do they get one on front? Do they get one on back? This is taking it to the level we said we can't support, where the logo is totally separate from the signage and constitutes another sign. In our opinion, you will have four signs on this building, which is not allowed. You can expect you're going to have a sign request identical to this at Village of Seville. That's why Staff's saying this crosses the line and we cannot support it. If the logo was part of the sign and they needed a variance to make things work, that's what we need to have some flexibility with. This goes beyond any of that.

Chair Rohlf: So if we go back to that other sign that was up there at one time, the one that's in-line, we could work with it.

Mr. Lambers: Correct, that's where we have flexibility to work with it because it's part of the line of the sign. We had the hat, eyebrows and moustache and things like that, that we've been working with. This isn't even in that league.

Comm. Roberson: Now if they were to put this logo in stone and put it up there, would that be considered an architectural design?

Mr. Coleman: If it were a single one, I think I would still consider it a logo even though it's etched into the building. If the element were small, for example, repeated through a cast stone frieze that went around the building, I would consider that incorporating it into an architectural element.

Comm. Roberson: The only reason I'm asking that question is there is another store here that has done this in the past.

Chair Rohlf: And is your preference not to have a one-line sign?

Mr. Bixler: By the time we would make it as small as it was going to need to be, it would not fit proportionately on the building. You could not read the logo.

Chair Rohlf: Even with taking out "Savings"?

Mr. Bixler: Correct, it's still a horizontal band. What Jeff was talking about was 24". Again, all we're trying to do is make an aesthetic statement here. We're not trying to break the rules, nor are we trying to put materials on this building that are not allowed. You made a comment earlier about wanting your buildings to be high quality with the materials and design, which is what we've given you. All I'm saying is I understand why you have sign codes and sign rules, but also as I'm sure Mr. Williams understands, there are some aesthetic considerations. Everything cannot be black and white. We're just

asking for a little bit of leeway here to get something that looks good in the overall aspect of the structure.

Mr. Lambers: I would disagree. "A little leeway" is asking for the logo to be larger than design guidelines – in this case, asking for 3' and a couple inches as opposed to 24". Those are decisions we've had in the past where you've made a judgment call in terms of your recommendations, and so has City Council. If they were to pursue this and ask for a deviation from the design guidelines, let's run with that. That certainly is not unlike requests we've seen in the past.

Comm. Heiman: Do we know the size?

Mr. Lambers: I just estimated it, assuming the "C" is 2', and I'm assuming it's 3' – 3'4". We've looked at the proportion of the building. I defer to the architects as to whether the proportions are such that it is a reasonable increase over the design guidelines and that it's the basis for it as opposed to just saying, "We want a bigger sign."

Mr. Bixler: We don't want a bigger sign just to want a bigger sign. I can assure you that.

Mr. Lambers: We get that request for that reason.

Mr. Bixler: I'm sure you get that all the time, but that's not what we're trying to do here. If you look at Capitol Federal on this particular elevation, we're limited by the amount of height we can put up there. 24" is absolutely the maximum we want to squeeze in. Even this particular application that's shown here, the logo is crowded to the underneath side of the soffit and the bottom. That's not aesthetically pleasing. So for us to put it up at the end of our letters, it could only be about this big around and just won't do what we're hoping and what we had approved from you the last time we were here.

Chair Rohlf: I guess my concern is when it was before us before and we approved it, wouldn't we have had these same comments?

Mr. Lambers: Staff expressed the same concerns, and the Planning Commission went against recommendation and approved what was presented, sending it to the Council.

Chair Rohlf: I didn't remember that part of it.

Mr. Lambers: Frankly I didn't either until Jeff brought the minutes.

Chair Rohlf: So we were aware of the same concerns.

Mr. Lambers: Yes.

Mr. Bixler: And one request I would have is, if by some chance it does get passed tonight or approved, I would very much like to have somebody from the City Commission write up the reason it was approved relative to aesthetics and proportion so it could also be presented at the City Council in lieu of the same Staff Report. I would very much like to see it come from someone on the Planning Commission.

Comm. Roberson: That's what the minutes are for.

Chair Rohlf: Do you know when we heard this before?

Mr. Joseph: October of '07.

Comm. Neff-Brain: I still think this is much more aesthetic than a plastic sign on the side and than a number of signs that have been approved lately.

Comm. Heiman: I believe we must be consistent. This is a big sign. I think if we were to approve this, it would need to be shrunk. The Applicant even said they're not after a bigger sign, so if that truly is the case, then maybe you can compromise to a 2 1/2' sign that's more aesthetically pleasing. I think the material is irrelevant because we won't be able to tell the difference between etched glass and plastic.

Comm. Roberson: Either we're going to have a sign ordinance, or we're not going to have a sign ordinance. If we have one, we need to stick to it.

Chair Rohlf: Are you talking about the ordinance or the design guidelines for this particular development?

Comm. Roberson: Yes.

Chair Rohlf: Do you remember what you said last time?

Comm. Roberson: I have no idea, but if we're not going to have an ordinance, then we can approve what we want.

Comm. Elkins: I guess Mr. Roberson and I are disagreeing with each other tonight because just as in the last case where I suggested we have design guidelines for a reason, I was advised that, as a Commission, we plan and look to see what's appropriate. If that means ignoring the guidelines and ordinances, then that's what it means. I would respectfully suggest that's what we've got here. We have an aesthetically pleasing sign. I don't have a master's in architect, but this looks a lot like a design element to me from looking at this piece of architecture. I think the logo fits in nicely and is displayed nicely. I would put myself in alignment with Mr. Williams' comments earlier and suggest it's appropriate. If the Governing Body thinks otherwise, then that's what they do. I'm fully supportive of the proposal.

Comm. Jackson: I think I'm going to have to align myself with Commissioner Heiman. The logo is just too large. I don't know that it's so aesthetically pleasing. If it were shrunk down, perhaps then you could somehow make that a little more within the guidelines so that you could ask for a deviance and thereby ward off some more outrageous requests that we get from time to time from some other businesses.

Mr. Bixley: Madame Chair, the only comment I would make is that I appreciate that suggestion, but with the architecture of the building, that square element we proposed up there was specifically to fit that sign. To shrink that down and put it in the middle of that would put it somewhat out of proportion. That would be the only reason that we tried to make it larger. It's 66" across.

Mr. Lambers: Excuse me, we gave permission for the building to go forward with the sign and for you to come back later fully knowing that the sign may or may not be the size that's anticipated, so that argument holds no water.

Mr. Bixler: You're absolutely right, Scott, but that doesn't mean it doesn't hold water.

Mr. Lambers: No, it doesn't hold water because the Planning Commission and City Council have the right to say, "You have to go back and redo the front of that building to do the sign that we approve." To say, "I put this up, so I can't do anything else" doesn't box us in at all.

Mr. Bixler: I'm not saying it boxed you in. I'm saying that it was designed specifically for that size of sign.

Chair Rohlf: I think there's probably a good chance that, regardless of what we do, this may not be approved at the Council level. If not, what would you propose? Would you put that logo on the same line as the sign and make it fit as proportionately as you can?

Mr. Bixler: I guess the conclusion we had after we met with the Planning Commission and then City Council was the vinyl did not meet their approval, and the 3-D sign did not meet their approval. I would still like to respectfully take it there. We have to have signage. If we separate this, the channel letters that are up there now that are 1'10" tall, Jeff is saying are too big because even though they're less than 2', the "P" drops below the line. Can I just get a direction as far as that particular signage?

Mr. Joseph: The sign that was previously approved by Planning Commission and City Council, as far as the text is concerned, is 1'9" total. That's from the top of the "C" to the bottom of the "P". What they're proposing right now from the top of the "C" to the bottom of the "P" is 2'4 5/8".

Comm. Roberson: So they've increased the size of the lettering.

Mr. Joseph: Right.

Comm. Neff-Brain: Did they take "Savings" off?

Mr. Bixler: Yes, and when we took "Savings" off, to keep it that smaller text was miniscule up there. We tried to keep it under the 2' required with the only difference being the leg of the "P". So to answer your question, if you can separate it a bit and look at it from this particular can sign, we would still like to have this can sign. If you can't go there, that's fine; we would probably revert back to the "Capitol Federal Savings" and have more text on the line. It's just a little bit easier to read as "Capitol Federal".

Chair Rohlf: With no logo then?

Mr. Bixler: No, I would still like to see the logo. In the old set where it says, "Capitol Federal Savings", that logo would only be about this tall.

Chair Rohlf: Right, but what about using the "Capitol Federal" lettering and then putting a logo out to the left that would be proportionally a little larger than it was when it said "Capitol Federal Savings"?

Mr. Bixler: I think that's a possibility.

Chair Rohlf: I think that's what we would like to see and what would be consistent with the guidelines of this particular development.

Mr. Bixler: So that particular logo could be bigger than the 2'?

Chair Rohlf: We might have some flexibility if we get it up on the same line as the text.

Comm. Williams: That looks so out of place.

Chair Rohlf: That's what we're faced with. With the way the guidelines are set up, they can't have a logo underneath their sign. That's what I'm hearing. You're interpreting it as a logo. That would mean two lines of text. They can't have four signs.

Mr. Lambers: That is correct.

Chair Rohlf: So the only alternative is to put the logo on that same line as your lettering.

Mr. Bixler: Other than you approved it the first time.

Chair Rohlf: That's right, unless we go back to what we did, but I already hear some inconsistencies tonight with what we did before. Without looking at the minutes, I can't tell what we said and who said it and who approved and who didn't. We now have a couple different ideas, including making the logo smaller and having it on the two lines. I mean, we can deny it obviously. We can approve it with modification. I'm not sure we would all agree to the modifications that two of the Commissioners have mentioned. Then it gets us back to really being in disagreement with what Staff wants as far as design guidelines. It's their interpretation that this is a logo and not a design feature. We can say it is a design feature and go ahead and approve this. I really feel like we've got almost five or six different ways to go. I'm not sure where that leaves us.

Mr. Lambers: I think the first thing would be a motion to approve the applicant's request. If that goes forward, we're done. If not, at least we know that what has been requested is not, and then we've got to decide what to do after that. Let's have a vote.

Chair Rohlf: We've got two that have said, "Not at that size."

Mr. Lambers: Let's have a motion to that effect so we find out. If there's not a majority supporting the request, then we know that and go to Plan B, whatever that might be.

Motion to approve Case 89-08 – Nall Valley Shops – Capitol Federal Savings Sign – Request for approval of sign plan as presented with the "Capitol Federal" lettering and the 66" sandblasted logo in blue glass in an aluminum frame made by Williams; seconded by Neff-Brain. Motion passed with a vote of 5-4. For: Shaw, Neff-Brain, Williams, Elkins. Opposed: Roberson, Jackson, Munson, Heiman. Including a favorable vote by Rohlf.

MEETING ADJOURNED.