

**City of Leawood  
Planning Commission Minutes  
February 24, 2009  
Meeting - 6:00 p.m.  
Dinner Session – No Discussion of Items – 5:30 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive  
Leawood, KS 66211  
913.339.6700 x 160**

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

**APPROVAL OF THE AGENDA**

**Motion to approve the agenda was made by Elkins; seconded by Munson. Motion passed unanimously with a vote of 6-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson and Elkins.**

**CONTINUED TO MARCH 24, 2009 MEETING:**

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 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 04-09 – TOWN CENTER BUSINESS PARK LOTS 4, 5 AND 6 – Request for approval of a revised preliminary site plan, located at the northeast corner of 117<sup>th</sup> Street and Roe Ave. **PUBLIC HEARING**

**NEW BUSINESS:**

CASE 11-09 – VILLAGE OF SEVILLE – ZEPi’S PIZZA & PUB – Request for approval of a revised final site plan, located at the northwest corner of 133rd St. and State Line Road.

**Staff Presentation:**

City Planner Melissa Cownie made the following presentation:

Ms. Cownie: Madame Chair and members of the Planning Commission, this is Case 11-09 – Zepi’s Pizza & Pub. The Applicant is Matthew Haggerty with Zepi’s and is requesting approval for a tenant finish within the Village of Seville development. Staff is recommending approval of this application with the stipulations stated in the Staff Report and would be happy to answer any questions.

Chair Rohlf: Does anyone have any questions for Staff?

Comm. Neff-Brain: If the patio has the tables and chairs, what happens to the sidewalk from one side to the other?

Ms. Cownie: There will still be a 5' sidewalk.

Comm. Neff-Brain: Thank you.

Chair Rohlf: Does anyone else have questions? If not, we'll hear from the Applicant.

**Applicant Presentation:**

Matthew Haggerty, 13164 State Line, Leawood, KS, with Zepi's Pizza and Pub appeared before the Planning Commission and made the following comments:

Mr. Haggerty: We are requesting approval for a patio outside our restaurant. I apologize – this is the first time I've been involved with this.

Chair Rohlf: We will probably have some questions here for you, but perhaps you could tell us a little bit about why you decided to have a patio.

Mr. Haggerty: We decided to have a patio for a number of reasons. Number one, the square footage on our place is about 2,400 sq. ft. That's fairly small, and we felt this would be a way for us to generate extra revenue within the restaurant. Obviously it will be a seasonal patio due to the weather in the area. Everybody really likes a patio in the springtime. We're hoping it will draw traffic in as well.

Chair Rohlf: And so you're proposing about five tables?

Mr. Haggerty: Yes, it's five tables consisting of four seats, so roughly about 20 seats.

Chair Rohlf: And it has a fence around it, correct?

Mr. Haggerty: Yes, it would have a black, rod-iron fence with a gate.

Chair Rohlf: So your people come into the restaurant to be seated on the patio, but then they can leave by the gate?

Mr. Haggerty: Well, the City requires an alarm on the gate, so it's more for emergency exiting. We'd like the patrons to exit through the restaurant under normal circumstances.

Chair Rohlf: You're proposing to relocate a lot of the plantings that are currently there.

Mr. Haggerty: Yes, there are four bushes and a small tree. We're proposing to pay for the cost to relocate them in the strip center.

Chair Rohlf: Is it 5' between the railing and sidewalk?

Mr. Haggerty: Yes, we're going to leave that per the City's requirements. It will not affect any walkway whatsoever.

Chair Rohlf: Then what about your signage?

Mr. Haggerty: Yes, we went through KC Sign, and they originally got a permit for a sign that we had put up. When we put it up, it was fairly small. We went back and asked them if they could redo a larger sign. We were under the impression that all the

paperwork was processed with the City. They put the sign up, and then we received a letter from the City saying the new sign was not approved. The owner of KC Sign was diagnosed with Stage 4 throat cancer right after the sign was put up, so we didn't understand the proper protocol to get approval until after it was put up. We were under the impression he'd take care of it because he did on the first one. I did talk to him, and he said the sign fits the parameters and dimensions required.

Chair Rohlf: It just needs to come before us to make sure it does. Unless I've misread the Staff Report, it appears it's in compliance with the guidelines.

Ms. Cownie: That's correct.

Chair Rohlf: The pictures in the Staff Report are of the current sign?

Mr. Haggerty: Yes.

Chair Rohlf: Does anyone else have questions for the Applicant? Thank you.

**Motion to approve Case 11-09 – Village of Seville – Zepi's Pizza & Pub – Request for approval of revised final site plan with Staff Stipulations 1-7 made by Roberson; seconded by Neff-Brain.**

Comm. Jackson: I'd like to ask a question. Staff Recommendation No. 2: "Sign permit must be obtained prior to erection of any signs" – we're not going to make them take it down and put it back up, are we?

Chair Rohlf: No, I think this is probably just getting everything corrected. Anything else?

**Motion passed unanimously with a vote of 6-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson and Elkins.**

CASE 03-09 – ZIPZ CONVENIENCE STORE WITH GAS STATION AND LIQUOR STORE – Request for approval of special use permits for a convenience store with gas station and packaged liquor sales, located south of 135<sup>th</sup> Street and west of Roe Ave.

Chair Rohlf: There's a supplement to the Staff Report on our DAIS this evening. It appears to be a gasoline dispenser.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Actually it's the signage on the pumps that they proposed. This application is Case 03-09 – Zipz Convenience Store and Retail Center at Plaza Point. The Applicant is requesting approval of two special use permits. The reason for the request is special use permits go with the Applicant and not the land. The ownership is changing, and the special use will no longer exist. The first one is a special use to operate a convenience store with gasoline pumps, which is currently in operation out there right now. The previous use also has Zipz Spirits, which was a liquor store at the north end of the convenience store. That business went out, and I believe a sports memorabilia place has moved in; however, they're indicating they would like to have a liquor store at that location. The second special use permit is to allow packaged liquor sales. No changes

to the site plan, elevation or landscaping are being proposed. They would be changing out the signage on the pumps themselves. The name of Zips would remain as well as the monument sign. The only change is going from Conoco to BP, which is the exhibit before you. Staff is recommending approval of this application and would be happy to answer any questions.

Comm. Roberson: Item No. 4 says the building is limited to 12,886 sq. ft. The building is built; why is the stipulation in there?

Mr. Klein: It's just to make it clear that they are not going to be expanding.

Comm. Roberson: Shouldn't we say that?

Mr. Klein: We certainly could. I tried to include that in the first stipulation that I added. You can take out those you feel are not relevant.

Comm. Roberson: How about No. 5?

Mr. Klein: We just wanted to make sure they weren't adding any power or phone lines.

Comm. Roberson: What about No. 6 – aren't the utilities already in?

Mr. Klein: The utilities are there, but I'm not sure if any new ones would go in with the new business.

Comm. Roberson: You just indicated nothing was going to change except signage. How about No. 7?

Mr. Klein: Again, we can take it out if you want. It's just to be clear they're not to be viewed from the public street.

Chair Rohlf: I don't think it hurts to have them in there.

Comm. Munson: The original approval of this special use permit specified there were not to be any merchandise boxes stored outside the store. Are they aware of that?

Mr. Klein: That's actually a city ordinance, so that's across the board.

Comm. Pateidl: Right now, there are two distinct properties there. There is a walkway between the convenience store and the proposed liquor store. Is this proposal to combine those two entities into one unit, or is that even allowable under State of Kansas liquor laws?

Mr. Klein: I think the liquor sales area is located on the north side of the convenience store, and I believe it's the same building.

Comm. Pateidl: It's separated.

Mr. Klein: There are two sections of it. I do have a site plan I can show you.

Comm. Pateidl: I drove by it yesterday, and the convenience store has one entrance with a separate entrance to go into the liquor store.

Mr. Klein: We may be talking about the same thing; I just want to clarify that. (*Places a site plan on the overhead*) This is north, and here's the building that we're talking about right now. There's a canopy out in the parking lot with the gas pumps. This is the convenience store portion of it, and the Zipz Spirit store was on the north side of that. They had this one entry vestibule in here that could split and go to the liquor store or the convenience store. This area here was a separate multi-tenant retail center that was located here, and then they had this trash enclosure between the two.

Comm. Pateidl: Are the employees of the service station and the liquor store one and the same?

Mr. Klein: I'll probably let the Applicant answer that.

Comm. Pateidl: I'm sorry. I noticed in No. 11 that the hours of operation shall be from 4:00 a.m. to midnight, Sunday through Thursday; to 1:00 a.m. on Friday and Saturday.

Mr. Klein: Correct, that was a carryover from the current use. That was a discussion point the last time this business received a special use permit, and the hours were decided at that time. We kept it the same.

Comm. Pateidl: So the special use prior to this was with those same hours?

Mr. Klein: Correct.

Comm. Pateidl: In my experience, if somebody is looking for liquor at 1:00 in the morning or certainly 4:00 in the morning, it's because they've run out. It's not because they've got a real necessity for it. Going through the code, the special use permit carries two criteria: 1) That the proposed use will not be detrimental to the public safety or general welfare of the city and 2) That the proposed use will be operated in a manner that will be compatible with the surrounding uses. Candidly, with working hours as stated in Stipulation No. 11, I find that to be literally contrary to everything those two criteria stand for. We're inviting intoxicated people into our city to find liquor after-hours, which is hardly beneficial to the general safety of our public. Secondly, I don't see any other business in that area that's going to be operating within those parameters. How do you reconcile those two items?

Mr. Klein: I'm sorry - I'm going back to the original SUP for the Zipz Spirits.

Comm. Pateidl: That special use permit is not transferrable as I understand it.

Mr. Klein: I'm not saying it is. I'm just pulling it because that stipulation is referring more to the fuel sales. I'm going back to the original SUP to see if they limited the hours on the Zipz Spirits. I don't see they had a limitation on that. I certainly understand your point of view. It may be good to have the Applicant indicate the hours he intends to operate the liquor store to give a general idea of what they're proposing. If that's something you find reasonable, it could be added into a stipulation.

Comm. Pateidl: Certainly welcome to do that.

Comm. Neff-Brain: Have we had any complaints or problems at that location?

Mr. Klein: Not that I'm aware of.

Chair Rohlf: Any other questions for Staff? All right, we'll hear from the Applicant.

**Applicant Presentation:**

Tom Swafford and Ben Larsen, 4821 W. 135<sup>th</sup> St, Leawood, KS (location of Zipz Store) appeared before the Planning Commission and made the following comments:

Mr. Swafford: We're here to answer questions. To address a few things mentioned, the state liquor laws dictate hours. The stipulation really is regarding the convenience store being open until 1:00 a.m. and open back up at 4:00 a.m. The liquor store has its own specific requirements, which would include closing down at midnight. The second point about separate entrances is also included in state law. A liquor establishment in the state of Kansas cannot have the same entrance as another establishment. We will, as employers, be operating both; but there are separate cash registers, POS systems and separate employees.

Chair Pateidl: You will have them separately staffed?

Mr. Swafford: Correct, they will be separately staffed.

Chair Rohlf: What's the current signage on that northern portion? It used to say Zipz Spirits, and I just haven't noticed if it's still there.

Mr. Swafford: It still is the same sign, even though it was occupied by this sports memorabilia operation. We'll keep the name.

Chair Rohlf: Is the sports memorabilia gone now?

Mr. Swafford: Yes.

Chair Rohlf: Does anyone else have questions for the Applicant?

Comm. Pateidl: Can you site the hour requirements for the liquor store, please?

Mr. Larsen: The opening hours of the liquor store are different from the convenience store. We'll be opening at 10:00 a.m. and shutting down at midnight. Sunday hours are different.

Mr. Swafford: No liquor sales on Sunday.

Mr. Larsen: You can sell liquor on Sundays after noon, but the hours are not as long as during the week.

Chair Rohlf: I think it's noon – 5:00 p.m. on Sunday. Is that all you had, Mr. Pateidl?

Comm. Pateidl: Simply a recommendation to Staff with respect to stipulations.

Chair Rohlf: We'll wait for that. Are there any more 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, a motion to close the Public Hearing was made by Jackson; seconded by Roberson. Motion passed unanimously with a vote of 6-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson and Elkins.**

Chair Rohlf: That takes us up to our discussion. Mr. Roberson, are you comfortable with leaving the stipulations in?

Comm. Roberson: I'm fine.

Chair Rohlf: I actually flagged No. 4 as well. If there are no other comments or discussion, I would ask for a motion, please.

Comm. Pateidl: The only recommendation I would have is that Staff incorporate the intended hours of the liquor store operation into the stipulations so there is clarity of intent not only of the convenience store, but also the liquor store.

Chair Rohlf: Do you think we could modify No. 11 to include those hours?

Mr. Klein: Staff has no problem with it. The Planning Commission has to make the motion to modify the stipulations.

Comm. Neff-Brain: Aren't those based on state law, though?

Mr. Klein: I believe so.

Comm. Neff-Brain: So it's going to happen anyway.

**Motion to approve Case 03-09 – Zipz Convenience Store, gas station and liquor store be approved subject to stipulations 1-12, incorporating into the special use for the liquor store that it follow state requirements for operating hours made by Roberson; seconded by Neff-Brain. Motion passed unanimously with a vote of 6-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson and Elkins.**

CASE 07-09 – VILLAGE OF SEVILLE – CAPITOL FEDERAL UTILITY BOXES – Request for approval of a revised final site plan, located at the northwest corner of 133rd Street and State Line Road.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 07-09. The Applicant is requesting approval of a revised final site plan for Village of Seville Capitol Federal with modifications. The Applicant is requesting to allow screening of three utility boxes. One is a transformer on the north side of the building just a little bit south of the sidewalk along that private drive that enters into the Village of Seville

development off State Line Road. There is also sectionalizer at the northeast corner of the property that is 24" in height, and the Applicant is proposing to screen it as well. There is also a transformer on the southeast corner of the site in a landscape island that has 6-7 evergreen trees located on the east and west sides of it. The Applicant is proposing to screen the one on the north with a series of Arborvitae that are about the same height as the transformer. They have a single row planted along the north side between the sidewalk and the transformer itself because it's a fairly small piece of space. On the State Line side to the east, they've staggered them to provide more screening. The sectionalizer is 24" high, and the Applicant is proposing to surround it with Gold Coast Junipers that are also 24" high and then incorporate them into the landscaping around the building. The transformer in the southeast corner in a landscape island is 48" high. The Applicant has a previous plan that shows the current screening was approved here. We can work with them if this is the case. Staff is recommending approval of this application with the stipulations in the Staff Report. I'll be happy to answer any questions.

Chair Rohlf: Did we have an overall landscaping plan for this development?

Mr. Klein: We do. It goes along the perimeter. This development has a main center to the west. Currently, I would say more than half of that main center has been constructed as the Office Max, Sprint and Zepi's Pizza. Then they had Building OP5, located right along 133<sup>rd</sup> St. facing the interior. Capitol Federal is being constructed right now at the north end of it. The landscape plan showed perimeter landscaping along State Line Road, but the landscaping in each pad site would be approved as each of the buildings came in.

Chair Rohlf: Does anyone have questions for Staff?

Comm. Pateidl: Mark, in addition to the landscaping, I believe there was a change in a walk signal light at this location. Is that correct?

Mr. Klein: I'm not aware of that.

Chair Rohlf: It's on the bottom of Page 2 of the Staff Report, and then I believe there are some attachments showing different details.

Mr. Klein: I'm sorry, a pedestrian light bollard – I was thinking a streetlight fixture in there. Yes, there is a light bollard they are proposing to change. It is basically a little more than 2' high. It has real stone veneer exterior to match the building. It has a lantern-style light fixture on top of the stone pedestal. The one that's currently approved with the application is more of an obelisk. It was more of a cast stone, and they had lights in a little vented section around the top of it. Staff is very comfortable with the application they have as far as changing out the light fixture since it uses more of the materials that are on the building.

Comm. Munson: Have you seen a picture of the new light fixture?

Mr. Klein: We've seen pictures, but not the actual fixture.

Comm. Munson: I wonder if that would have been helpful if it had been added here.

Comm. Roberson: There's a drawing in there.

Comm. Munson: I've got it.

Comm. Elkins: Mr. Klein, is the change of the landscaping plan from the overall plan for Village of Seville, or is it specific to the Capitol Federal site plan?

Mr. Klein: This is more specific to the Capitol Federal site plan.

Comm. Elkins: What are the differences between the screening we approved earlier and the proposed screening here?

Mr. Klein: The reason for the application is that these boxes appeared on the site, but weren't shown on the previous site plans. By ordinance, if they aren't shown on the previous site plan, they have to come back before the Planning Commission and City Council if they're over a certain size.

Chair Rohlf: Do we have anything else for Staff? All right, we'll hear from the Applicant.

**Applicant Presentation:**

Scott Bixler of WDM Architects, 105 North Washington, Wichita, KS, appeared before the Planning Commission and made the following comments:

Mr. Bixler: I really don't have anything to add, other than at the time we submitted the preliminary site plan, we did not get confirmation from KCPL on the location of the boxes; so it was a bit difficult for us to show it. When they indicated locations, Mark contacted us about additional screening, which we have no problem doing. The light was basically an aesthetic call. The facility has a little more of a Tuscan craftsman look with broader overhangs, and it just made a lot more sense.

Chair Rohlf: Mr. Bixler, are these the photos of the various pieces of equipment?

Mr. Bixler: Yes, they are.

Chair Rohlf: These seem large.

Mr. Bixler: They're actually standard for the facility that we have. We certainly wanted to keep them as small as we could. KCPL decides location, size and the criteria. The photographs may be too close to provide scale to judge.

Chair Rohlf: So these are just for your building?

Mr. Bixler: The sectionalizer on the northeast corner and the one that is farther southeast are already there. They don't work with our structure. Even the one on the southeast corner is half on, half off our property. We found a Henry Clover plan that we think was approved that has existing landscaping around it in the way it was planted. I would just as soon get rid of all transformers, but we're at the mercy of KCPL. We would have loved to show it in the previous plan, but we didn't know where they would be.

Chair Rohlf: Just to follow up with Mark, who maintains all of this? Is that part of the overall maintenance of the landscaping?

Mr. Klein: Actually the landscaping is on their site, so they'd be responsible.

Mr. Bixler: Anything that's on our site, we definitely will take care of.

Chair Rohlf: Does anyone else have questions for the Applicant? Just out of curiosity, Mr. Bixler, how's the design of the logo going?

Mr. Bixler: That's a great question. We opened Nall Valley at 151<sup>st</sup> and Nall, and we ended up not putting it up there. We could not agree with Staff, so I'm sorry to say we ended up with a smaller logo.

Chair Rohlf: Thank you. Does anyone have other comments or discussion points?

Comm. Elkins: Madame Chair, I would note for the record that I drove by Monday night after dark, and it was noticeable that there was a big blank window with a light shining through it. Certainly, I would express my preference for some sort of artistic work to go in there.

**Motion to recommend approval of Case 07-09 – Village of Seville – Capitol Federal Utility Screening Plan – Request for approval of a revised final site plan, including Stipulations 1-6 in the Staff Report was made by Elkins; seconded by Munson. Motion passed unanimously with a vote of 6-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson and Elkins.**

CASE 10-09 – LDO AMENDMENT – SECTION 16-2-7 TABLE OF USES – Request for approval of an amendment to the Leawood Development Ordinance.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 10-094 – LDO Amendment to Section 16-2-7 Table of Uses. It specifically states what uses are allowed within each zoning district. We noticed that “kennel” was located in both the neighborhood retail and the general retail; however, it was not permitted in the Business Park section. We felt that it was probably more appropriate in a Business Park, especially with potential issues with noise, odor, lights, hours of operation and that kind of thing, especially if an outdoor run is associated with it. Staff felt it would be more appropriate to limit it to the Business Park section and take it out of the neighborhood and general retail. I put a revised memo on the DAIS today to indicate this. Staff is recommending that change to the Table of Uses and would be happy to answer any questions.

Chair Rohlf: I guess we didn't do that the last time we had a kennel before us. I

Mr. Klein: Right, and as you can see on your agenda tonight, there's actually an application for that same site. This would have to be approved first..

Comm. Neff-Brain: Is there a definition in the code for “kennel” vs. “veterinary clinic”?

Mr. Klein: There is a definition of “kennel” but not “veterinary clinic”; however, there is “animal care” which is listed in the Table as animal care/veterinary clinic. I’ll go ahead and read those for you. “A kennel is boarding, breeding or training facilities for three or more dogs that are more than six months of age, including dogs owned by the occupants of the property.” The definition of animal care is “A use providing animal care, grooming, boarding and/or veterinary services for household pets with no outside animal runs” so it excludes outside animal runs in animal care.

Comm. Neff-Brain: So that’s the difference between the two, plus the breeding.

Mr. Klein: Right.

Comm. Jackson: The only other place with an outside area I know is the State Line Animal Hospital. I don’t know which zoning district they fall into.

Mr. Klein: They’re actually in BP. They were there before this ordinance took effect, which was in December, 2002.

Comm. Jackson: And when we take out the SD-NCR, what areas would that be?

Mr. Klein: One Nineteen, Town Center, portions of Town Center court, and the northern half of the Villaggio development with the M&I bank would be SD-CR. The SD-NCR includes Camelot Court primarily with a couple SD-CRs including the McDonald’s and another corner, Town Center Business Park (the three properties going along 117<sup>th</sup> St.), 151<sup>st</sup> and Mission, with the CVS application, Camden Woods Center at 143<sup>rd</sup> St. and Kenneth Rd. and Somerset Shops.

Comm. Jackson: So you don’t see a kennel being a good fit in those areas.

Mr. Klein: We’re thinking it might be more appropriate to limit it to the BP. We also discussed tightening up the definitions at a later time.

Comm. Pateidl: Mark, on 137<sup>th</sup> and Roe is Syndey’s Pet Spa. I’ve never frequented the place, but I assume they offer boarding for animals as well. Apparently that facility was approved at one point in time, but what you’re proposing with these revisions would be to limit or exclude those from future activities. Is that correct?

Mr. Klein: Correct, if they do boarding, what that would do is if they’re located in SD-CR or SD-NCR, they would become legal non-conforming uses. Again, we were thinking of tightening definitions of kennel and outdoor runs.

Comm. Neff-Brain: They don’t have an outdoor run, so they wouldn’t be involved.

Comm. Pateidl: Under the definition of kennel, if you board three or more dogs –

Comm. Neff-Brain: And have an outdoor run.

Mr. Klein: Actually the animal care excludes outdoor runs, which is probably tighter than what the kennel is right now. That’s why Staff wanted to make the kennel definition clearer as far as what would be allowed. It seems like an outdoor run might be appropriate in Business Park, but not in general or neighborhood retail.

Comm. Neff-Brain: But the places within the SD-NCR do not have outdoor runs now.

Mr. Klein: No, none that I know.

Comm. Neff-Brain: So they all fit within the veterinary clinic definition.

Mr. Klein: More of the animal care, right.

Comm. Neff-Brain: So you wouldn't have non-conforming issues.

Mr. Klein: Correct.

Comm. Pateidl: I don't know if I agree with the non-conforming issues on that simply because of the definition of a kennel. Mark, the other thing is do we really have two issues here? One is a problem because this type of facility is not authorized in a Business Park. So part of the purpose of this revision is to incorporate that into a use for the Business Park.

Mr. Klein: Correct.

Comm. Pateidl: The other issue is the exclusion of future potential facilities or needing to tighten the definition in the balance of the deal. How many Business Parks are there?

Mr. Klein: There are only two right now – one at 143<sup>rd</sup> St. and Kenneth Rd. and 103<sup>rd</sup> and State Line Rd. with State Line Animal Clinic.

Comm. Pateidl: So we have one animal clinic in one of these Business Parks, and we have an application for an animal clinic in the other. End of animal clinics in Leawood.

Comm. Neff-Brain: No, they don't have to be in a Business Park.

Comm. Roberson: We have other clinics.

Comm. Pateidl: Well, end of kennels for the city of Leawood.

Comm. Roberson: Do we have any kennels in the city of Leawood?

Mr. Klein: It really gets to the definition. I'll read it again. "Boarding, breeding or training facilities for three or more dogs more than six months of age, including dogs owned by the occupants of the property."

Comm. Roberson: Period?

Mr. Klein: Period, and that's all there is to the definition at this point.

Comm. Roberson: So a pet store would be considered a kennel if it has dogs.

Comm. Neff-Brain: If they're older than six months.

Comm. Roberson: How about Paws at Village of Seville.

Mr. Klein: James Canine?

Comm. Roberson: Yes, thank you.

Mr. Klein: I believe that's more of a grooming, but that's something we would have to check out more to see if they're boarding or not.

Mr. Coleman: I just wanted to clarify a little bit. We do need to do some work on the definitions, but part of it was to allow kennels in the BP district, which it doesn't right now. We were trying to accommodate the Applicant because of their time frame. The intent is that kennels that board, train, breed and have outdoor runs for a large number of dogs would fall under the "kennel" definition; whereas, the "veterinary care and animal care" would be the grooming and veterinary care that have a limited number of dogs boarded there primarily for the purpose of overnight stays for observation, etc. The Applicant's kennel is really unique to the city and probably to the area in that it is a very large kennel that can accommodate, I believe, over 100 dogs. The BP district seemed most appropriate for that. I don't know if that helps, but the kennels would be in the BP district.

Comm. Neff-Brain: I understand what you're trying to say, but all these Vet clinics in town board dogs for 2-3 weeks as people go on vacation. You need to watch out where you draw your definition, or you're going to get those folks in a bind.

Mr. Coleman: That's true. If the Commission wanted to, we could leave the SD-NCR and SD-CR alone and simply allow it in Business District until we come up with more specific definitions.

Comm. Pateidl: My only objection is to have the two tied together. If you bifurcate these issues, we look to the Business Park and take care of that this evening. Then the revision of your definitions and revisiting the code is another.

Mr. Coleman: That's basically what I'm suggesting.

Comm. Elkins: This may not be the right forum for this, but as long as we're talking about kennels and animal care, I am struck by the size of the facility we're going to be talking about later on in the docket. As Staff looks at these changes to the LDO, one question that jumps to my mind is if there ought to be a top-end limit in terms of the number of kenneled animals. That would seem to be an appropriate consideration.

Chair Rohlf: Does anyone have anything else? This case requires a Public Hearing.

## **PUBLIC HEARING**

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

Comm. Elkins: With the discussion we just had, is Staff proposing to withdraw the current case for the time being?

Mr. Klein: What we're proposing at this point is we ask for approval to add the kennel use to the BP section, and we'll leave it in the SD-NCR and SD-CR and come back to you at a later time with that.

Comm. Elkins: Thank you.

Chair Rohlf: Is there any other discussion? If not, then I would ask for a motion.

**Motion to recommend approval of Case 10-09 – LDO Amendment to Section 16-2-7 Table of Uses, striking “remove from the SD-NCR Planned Neighborhood Retail zoning district” from the amendment made by Elkins; seconded by Munson. Motion passed unanimously with a vote of 6-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson and Elkins.**

CASE 09-09 – BI-STATE/CENTENNIAL PARK – MAXWELL HOTEL AND SALON AT THE RESORT – Request for approval of a preliminary and final site plan, located at the southeast corner of Overbrook and West 143rd Street.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 09-09. The Applicant is requesting approval for preliminary and final site plan within the Bi-State/Centennial Park Development to construct a 16,261 sq. ft. kennel on 1.49 acres for an F.A.R. of .25. Staff has outlined a number of criteria on the Applicant's deviations. Some of those are regarding the front surface parking setback, which is typically 25' within the BP district. Section 16-3-9 in the Leawood Development Ordinance does allow a deviation to allow 75% of the regular requirement, which would be 18.75' from the property line. Also the typical interior setback is 40'. Per the deviation section of Leawood Development Ordinance, the Applicant is asking for a deviation of 34', which is the maximum deviation permitted. The rear setback is the same – the normal requirement is 25', and the Applicant is requesting the maximum deviation allowed under the Leawood Development Ordinance of 21.25'. As part of those deviations, the ordinance does require additional compensating open space be provided on a ratio of not less than 1-1, which the Applicant is providing. They're stating the open space to meet the deviation requirements is located within the large parking lot island on the north side of the building. Staff does have some concerns regarding that because it's in the middle of the parking lot. The Applicant also is requesting that the building be set back on the south over to the west property line with an outside dog run located at the southeast corner. Staff does have a number of concerns with the application due to a number of deviations. We'll be happy to answer any questions.

Chair Rohlf: Which one of the deviations causes you the greatest concern? I know we've looked at a couple different proposals for this lot, and it's a tricky lot with some easement issues. Is this the one that has the pipeline easement?

Mr. Klein: This one does not have the large pipeline easement along Kenneth Road, but it does have some open drainage ditches that are located along the south and east property lines. One of the stipulations is that they would have to provide bio-engineering for filtering the water as it goes into those open channels. The Public Works Department has also included a revised list of stipulations for this project. The primary difference in

those stipulations is that it accounts for the dog waste going into those channels. The main concern Staff has is the size of the project the Applicant is proposing. Staff isn't arguing the fact that this is an appropriate use within the Business Park zoning district. We discussed that with the last case we had. Staff has concerns with the fact that they're at the maximum F.A.R. allowed and are asking for a number of deviations to the setbacks. They meet the 60/40 (no more than 40% of the area being paved along a public street frontage) requirement along the west property line but not along the north property line. Staff's concerns are the cumulative effect of the number of deviations.

Chair Rohlf: Thank you. Does anyone have questions for Staff?

Comm. Neff-Brain: Will you tell me what veneer stone is?

Mr. Klein: Veneer stone tends to be thinner. They're proposing a cultured stone made of concrete cementitious stuck-on material. I'll let the Applicant describe how it looks.

Comm. Neff-Brain: That's what we've had problems with before?

Mr. Klein: We have had problems with it before.

Comm. Neff-Brain: But we've allowed it in this district.

Mr. Klein: Yes.

Comm. Neff-Brain: I don't know if you have any experience with proportion, but the size of the dog yard seems small to me.

Mr. Klein: We didn't really discuss that. We were leaving that up to the Applicant as far as what they felt would meet their needs.

Comm. Neff-Brain: Is that the area that will be fenced in by the vinyl privacy fence?

Mr. Klein: Correct, and they also have a freestanding tent-like structure to provide shade in the middle of that.

Comm. Neff-Brain: I asked before, but we're fine with those vinyl fences?

Mr. Klein: I think in this case within the Business Park zoning district and its location, Neighborhood Services would go out and make sure it was in repair and maintained; so we're comfortable with it in this particular development.

Comm. Neff-Brain: I know with the wood fences, there are problems with maintenance; with metal fences, little dogs could get out.

Mr. Klein: Originally they requested a wood fence, and Staff was not supportive of that because we've had so many maintenance issues with wood fences. We were also concerned with durability with the number of dogs running around on the inside.

Comm. Neff-Brain: Aren't the vinyl fences not terribly durable either?

Mr. Klein: We figured the vinyl fences would be a bit more durable and a little more attractive as far as weathering and wear. The wood fence would probably tend to grey down and start to deteriorate a bit more quickly. We did talk about a chain link fence with the PVC coating, but the Applicant requested the vinyl fence.

Comm. Neff-Brain: Thank you.

Comm. Pateidl: For a buffer to the adjacent building, the code calls for 10', and this has 4.7'. What building is adjacent to this, and how do we feel about that? It's on Page 7.

Mr. Klein: Yes, this refers to a landscape buffer that goes around the building. The ordinance requires a minimum of 10' in depth of a buffer area that's adjacent to the building. They have one on the north side of the building, but it varies from 4-7' in width. They're also a little tight on the north side of the building as well because not only do they not have the 10' green space buffer, but they also have a 5' sidewalk and head-in parking against that sidewalk. The adjacent parking will have overhang of cars approximately 2' in width, only leaving about 3' in width for pedestrian traffic. This doesn't meet ADA as far as wheelchair access, which is a minimum of 5'. That's another area of concern for Staff.

Comm. Pateidl: Is it within the confines of the code that you can recommend a deviation to it?

Mr. Klein: We've had deviations before for a 10' buffer area. Staff is more concerned about the overhang of the cars on the sidewalk. Part of the problem is that the tightness of the site seems to be more north to south because they already have a maximum deviation for the surface parking against the north property line. They don't have a whole lot of parking with this development anyway. Typically within an office, you'd have 3-4 parking spaces per 1,000 sq. ft. There really isn't a set requirement in the BP district, but they're only requesting 1.6 parking spaces per 1,000 sq. ft. Then they really don't have much room to fit in too much going on in the north/south direction to allow that. They even have some parallel parking spaces on the north side of that island.

Comm. Pateidl: The car pulls up to the end of the parking zone, overhangs the parking, and we no longer have enough space to meet ADA requirements.

Mr. Klein: So they're going to have to find a way to meet that requirement. At this point, the only way I could see that occurring would be to make the building more narrow (which they did from one of the original options), to shrink the center island of their parking lot with the pergola running through (which they're using for their compensating open space) or to reduce the green buffer even more. It just gets down to one of the reasons that Staff has concerns with all the deviations associated with it. It just seems like the project they're proposing might be a little too tight for this particular site. Maybe it would be more appropriate to move to another lot, re-plot the property or reconfigure the building.

Comm. Pateidl: Given the use of the area down there, the deviations don't particularly bother me. Obviously this can't be recommended if it will not meet ADA standards.

Mr. Klein: Right, it would have to meet the ADA standards to do that.

Comm. Jackson: Mark, I hate to do this to you, but can you put up a picture of this and point out all these deviations?

Mr. Klein: *(Places site plan on the overhead)* This is 143<sup>rd</sup> St. along here. This is Overbrook along here. Facing 143<sup>rd</sup> St. is the property line. The first deviation is the surface parking lot along here, which should be 25' from their property line; they're requesting 18.75', which is the maximum deviation allowed by the ordinance. This parking is closer to their north property line than what it typically would be.

Comm. Jackson: Now in that picture, the grey is all of the building?

Mr. Klein: Actually no, this area right here is the building. This is the dog yard right here. The grey is actually the parking lot. Then there's a porte-cochere that extends out into this parking lot and terminates within this island they have located along here that also contains a pergola that runs through that island. Another deviation is from the south property line. By ordinance within the zoning district, that's supposed to be 25' in width; however, they're requesting 21.25', which is the maximum deviation allowed by the ordinance. So they're fairly tight in this north/south direction. Another deviation is on this interior setback over here. That is supposed to be a minimum of 40' from the structure over to the property line, and they're requesting 34' – again, the maximum deviation allowed by the ordinance. We just discussed the 10' buffer area that's adjacent to the building. This is the building right along here. There are some areas here between the building and the sidewalk that runs right along the south side of the parking lot that are supposed to be 10' in width, and they vary from 4-7'. The sidewalk runs directly adjacent to the parking lot between these green areas, the building and then the parking lot. It's proposed to be 5' in width; however, they have head-in parking that's adjacent to that sidewalk as it faces into the building, so the parking spaces face south. The overhang of the front of a parked car over that sidewalk would be approximately 2'. This leaves the sidewalk here that runs right in front of the building to be 3' in width, which doesn't meet ADA. They're looking for less green area here, but they still have the problem as far as the sidewalk and the overhang.

Comm. Jackson: And where is the main entrance?

Mr. Klein: The main entrance is right here in the center, and again there's kind of a porte-cochere that extends out to the north.

Comm. Jackson: That helps a lot. Thank you.

Chair Rohlf: What's all that white area – their open space?

Mr. Klein: Unfortunately the building here is white as well, but the open space would be just along this perimeter. The open drainage ditches we were indicating before run along the south and east property lines and tie into an existing open drainage ditch that heads off to the southeast. These areas slope down this way, and that's where they'd have to do some bio-engineering.

Chair Rohlf: Why are those there?

Mr. Klein: They're drainage swales.

Comm. Munson: Mark, how many lots are developed there?

Mr. Klein: I know you have the two Heartland buildings that have been located there for a while. The Public Works facility is there. I think the developer, Sailors, has a building there as well that's a littler farther north, adjacent to the pond.

Comm. Munson: Has the child care facility been built next to that pond yet?

Mr. Klein: I don't believe the child care facility has actually been constructed yet; however, it has been approved.

Comm. Munson: In your discussions with the Applicant, did you discuss the possibility of finding a lot more suited to their purpose so there wouldn't be so many deviations?

Mr. Klein: We raised the concern that we felt it was a little too tight.

Comm. Munson: Was there discussion about going to a different lot?

Mr. Klein: I don't remember specifically. I know we've had that discussion with them on other projects, but I don't know specifically on this one.

Comm. Munson: You said re-platting. It doesn't look like you have the right dimension to re-plat, particularly with the rear yard setback deviation. In other words, if you re-platted to the east, it still wouldn't resolve their current problem of the minimum setback from the Leawood yard there.

Mr. Klein: They'd have to do something with this drainage ditch to the east.

Comm. Munson: Right, they'd have to cover that up.

Comm. Neff-Brain: The only lot I can see that's maybe developable that's not across a street is the one directly to the east.

Mr. Klein: Just to the east of the subject property is another lot. I'm not sure what the dimensions are. I believe it was Albers Medical Building that was approved there a number of years ago that just got final approval.

Comm. Neff-Brain: Is there a setback deviation on the east side, too?

Mr. Klein: I don't know if they had deviations on that building or not.

Comm. Neff-Brain: My only concern is that dog walk area if that other lot to the east is going to be developed.

Mr. Klein: I'm not really sure about this. I'm sorry - I thought you were talking about the one to the west.

Comm. Neff-Brain: That's going to have Overbrook between the two. I'm talking about the one to the east. That is a developable lot to your knowledge?

Mr. Klein: As far as I know, yes.

Comm. Munson: Where's the 100-year flood plain in here?

Comm. Heiman: It's located where the open channels are.

Chair Rohlf: Within the design guidelines, we've designated transition areas. Where does this one fall?

Mr. Klein: This is just outside of the transition areas, which were along Kenneth Rd.

Chair Rohlf: Does anyone have anything else from Staff? Thank you. We'll hear from the Applicant then.

**Applicant Presentation:**

David Suttle, Suttle, Mindlin Architects, St. Louis, MO, appeared before the Planning Commission and made the following comments.

Mr. Suttle: It's interesting to hear all the discussion because it's making everything work at the end of the day. In the early days, we talked about platting this to reclaim a more up-to-date character more interesting than the assortment of buildings that have landed here over the past years. Certainly the City of Leawood Maintenance Facility has not added to the attractiveness. It's nice for what it is, but it doesn't help make this site attractive, even though it has a wonderful corner view from Kenneth. We'd like to come in and provide something wonderful and attractive to embrace that corner with a large courtyard. I don't like to call it a parking lot because it is parking in the lot, but it's more of a courtyard. We have a stone wall all the way around the edge filled with plants and gardens and roses and trees and a gate to the main street there and so forth. It has a completely different quality than any of the buildings in the development and perhaps even in the city because of this commitment to hospitality to the street and to the corner. So with that in mind, what we tried to do was push the building around so we could embrace that. When you drive in, there's sort of a sense of a gateway. On the site plan that you've been looking at, the actual parking is a lane that's closest to the street, but you're going through a highly developed and beautiful garden courtyard.

I think perhaps the site plan is what I want to talk about first. This is a project in which the front elevation is almost worthless to me because there are so many things happening, you can't even see beyond it. Because of the courtyard, the pergola and all those things, it's hard to see the rather elegant building that's sitting behind it. I want to try to do the best I can to do that. (*Refers to site plan*) This is what I'm referring to because of the street, the sidewalk and the low stone wall of 24", 36", 24", 26". That gives you a real edge when you drive through here. It's not the normal long parking lot situation you normally see. There's a gate with pylons along the side that allows a center walk up to the front door. There's a sort of elegance and yet very casual kind of quality about the overall building that we're creating here. When you come in the single lane just inside the wall with dwarf trees and all the landscaping that comes around to the front, the porte-cochere is very large and prominent, so you see that when you come up in either direction. It's a strikingly different front garden to which we have added pergolas or trellises that are walkways with a garden path inside that with heavy landscaping and vines of varying species to break from the street to the low wall edge to the pergola to the porte-cochere to the front of the building. All the layers are then embracing this large courtyard. It's kind of hard to show all those features, but they are

there. We think if we can make this work for everybody, it will probably be one of the most beautiful front doors of any facility in the city.

*(Refers to plan on the easel)* Now I'll talk about the specifics of the building itself. I think I'll look at the elevations and just try to relate that. This is the wing that comes out. This is the back façade. As you can see it's broken up by slightly recessed stucco panels. This is the stone. This is the porte-cochere. Then the front entry is in black iron and metal and features the front parlor or lobby as you go in with a large fireplace and clearstory windows. There's a nice sense of balance with the large windows here. Then this is the trellis line, rather low-hugging, so it's down at a very nice scale. This is the wall that goes from 3' down to 2' and ties into the building. Here you see from the west side, the front portion of the building. This is set back, and you'll notice on the landscaping we have a ton of evergreens and wonderful massing so that it recedes. What really is pronounced is the stone front building here and then across here. This is the trellis pergola that runs all the way along the courtyard. This is the low wall that comes up, and this is the entry piece with dwarf trees along there. There's a lot of liveliness, but it's clean, modern and also rustic in terms of the stone and stucco and earthy colors of it. A garden building is really what it is.

The back that faces the city facility is modest. It's all stucco panels with just light for windows that come into here. This is the back yard, as we would call it, with a canvas tent canopy that we thought would be very attractive and interesting – something that looks like a garden feature even though it's providing shade and rain protection. That truly is the back portion of the building with almost no visibility from anybody except the city facility. This is the front courtyard again with the layers and the entry. The palette is consistent with the guidelines. We're excited that this building with good lighting and all the features it has will be a very beautiful building that we'd all be proud to show our friends who come to town.

The issues that we're dealing with, I certainly want to address. We're not trying to get away with anything, but rather to define it to our advantage so we can do this good building which reaches out and has this wonderful front image to the City. You may have questions about the specifics, or I can try to lead that effort now at your pleasure.

Chair Rohlf: I think it would be helpful if you would go ahead and address some of the concerns of Staff.

Mr. Suttle: All right, one of the things we've been discussing is the sidewalk in front of the cars. Actually I don't feel that sidewalk is even necessary, and I would just as soon eliminate it and put it in the landscaping. *(Refers to site plan)* If you come up here next to the building, you have to go back and around because the front entry is a little building sitting under the porte-cochere that you can't go directly in if the front door were here. So the front area is here, and it's very comfortable to simply get out of your car and walk under the porte-cochere like a big porch. It's very gracious and not unsightly in any kind of way. The other thing is that our handicap spot is here with zero access right into there. What we would portend to do is come through and add three stepping stones because we'd have a little garden of porches in these corners with chairs and lighting and flowers and so forth. We'd like to keep those as amenities to the garden aspect, but it's not necessary to have all that concrete along there. We'd like to suggest turning it into landscape and planting because this is not a store-front building; this is a building with a front door. We don't need to have all that access along there. It's not part of this

particular building type. It would be more planting and open space. If there is ever a problem with overhanging that, which there shouldn't be, we could always put tire stops at the front. There are other things about the way the whole project runs from an internal standpoint. There are the specific percentages and givebacks. What would you like to discuss so we know how to approach it?

Chair Rohlf: I would say probably the north and east setbacks are of most concern to Staff.

Mr. Suttle: If the setbacks are 75% of what the original calls for, I would suggest the issue then becomes giveback. If you're going to do that, how are you giving back, and is it a fair return of open space and attractiveness? Those go together as part of the deal.

Jeff Skidmore, 14920 W. 107<sup>th</sup> St., Lenexa, KS, with Schlagel and Associates appeared before the Planning Commission and made the following comments:

Mr. Skidmore: A couple of things Mark covered briefly in his presentation, I'll try to redefine a little bit as far as the deviation areas and how we've calculated what we're compensating for. (*Places plan on the overhead*) This is a little bit of a rough graphic we've put together here, but this plan is showing the areas that are being deviated from the setbacks. There are three specific areas. The first is this north area, which is the pavement setback required to be 25'. We reduced that to 18.75'. That basically consumes 1,045 sq. ft. on the north side of the property. The south building setback is required to be 25', and we reduced it to 21.25' across the full width of the building, basically consuming 789 sq. ft. On the east side, we have a very minor encroachment, and we've even played a little bit with the trash enclosure and how much we could shrink it if we had to get around it. It's basically a 6 x 9 encroachment that sticks out into that 40' setback. We reduce it to the 34' in just that very minor location that's a 54 sq. ft. encroachment. The total deviations we're asking for is basically 1,188 sq. ft. I've also developed this graphic, and it's not going to show up well on this overhead (*Places plan on the overhead*). What we have calculated is our interior open space. Per the zoning ordinance, we're required with our tract of land to have 8% of interior open space to the property, which equates to 64,966 sq. ft. It requires that we have 5,197 sq. ft. of open space. Our total interior open space that we're providing is 7,290 sq. ft, which is in excess of what's required and of the 1,188 that we're deviating from. That's how we've compensated for those deviations in a 1-to-1. I'd be happy to answer any questions.

Comm. Roberson: Can you explain to me where that open space is?

Mr. Skidmore: Yes, and it's hatched on this plan, so I know it doesn't show really well. It's basically the areas that are inside the building setbacks and interior to the property. They'll be landscaped areas – anything that's outside the pavement.

Comm. Roberson: Outside the grey pavement?

Mr. Skidmore: Correct, and the grey pavement doesn't show up really well. There's actually a hatching in there.

Chair Rohlf: Are you talking about the perimeters of the building?

Mr. Skidmore: Yes, these areas right here (*Continues to refer to plan on the overhead*). This entire area in here is calculated as our open space area. These areas adjacent to the building are calculated as our open space areas.

Comm. Roberson: Are you counting your parking lot as open space?

Mr. Skidmore: No, sir, only the landscaped areas outside of the pavement setbacks.

Comm. Roberson: So the landscaped area where that low wall is in the middle of the parking lot, you're counting as open space?

Mr. Skidmore: Yes, where the pergola is, we are counting that as open space.

Comm. Roberson: That counts, and then the rest of the open space around the building.

Mr. Skidmore: Correct, but not the open space within the building setback area.

Chair Rohlf: Mark, is that consistent with how you calculated your percentages?

Mr. Klein: Yes, Staff agrees. It's not the fact that they don't have enough open space. The way the ordinance reads under setbacks as far as deviations, "Subject to the general requirements for deviations, the following deviations to required setbacks may be granted only when compensating common open space not less than a 1-to-1 ratio is provided elsewhere in the project and where there is ample evidence that the deviation will not adversely affect the neighboring property." We've run into this on a number of other projects as well, where they had the deviation. Park Place has a deviation to have a 30' setback from both 117<sup>th</sup> St. and Nall Ave. We've also seen this deviation with a number of other projects. At that time, the Planning Commission discussed requiring that the areas being provided to compensate for open spaces are quality areas. They focused more on the common area and if it was open space of value. In reading the Interact Summary the Applicant has provided, they were making the argument - especially in the median in that north parking lot - that it has a pergola located there that ties to the entrance of the building and added to the quality of the open space. Staff isn't saying that the pergola isn't valuable and nice; it's just that we didn't think that counted as open space someone would use. Again, that's something the Planning Commission would have to evaluate to determine whether the open space they're proposing as compensation for the deviations meets the criteria of the LDO.

Chair Rohlf: Mr. Suttle, is it back to you?

Mr. Suttle: If we could just talk candidly, the compensation, including expensive pergolas with lighting and beauty, has a really generous quality once we get through the technical aspect of it. That is, in my mind, a fair deal, and hopefully you would see that as well. There's just a tiny thing I'd like to fuss about a little bit. The canopy porte-cochere has to have a clearance sign. Since it's a one-way designated drive, it's obvious you have to have it when you approach it from the drive. The reason I keep thinking we need to have it on both sides of the canopy is to provide a safety net. There are times when this place is not going to be open, and landscape trucks might go the wrong way because they do it all the time. It doesn't seem like one sign would be detracting. I would think it would be nicer to have the safety net. We agree with the other signage outlined in the recommendations.

Comm. Munson: So you're asking for another deviation?

Mr. Suttle: We're asking for "as presented", and the Staff commented about only wanting one sign that a "normal customer" would see upon approach.

Chair Rohlf: I think there are a few stipulations and comments in the Staff Report that could be discussed, including the signage and the landscaping particulars. I think we really need to discuss a little bit more among the Commission, too, to determine if this is an appropriate use of the site and if we are looking at too many deviations. I think from reading the interact notes that this is considered a prototype building, a unique type of design. How did this building get started? What are the requirements of the actual kennel itself – the size, the way it's laid out, the dog yard? I'd like to know how this is going to be used.

Mr. Suttle: Essentially this is a fancy version of a warehouse with a nice office in the front. It doesn't necessarily look like that, but that's what it is. The vast majority of the interior of the building is very nice, but with very precise dimensions of the latest enclosures for the dogs. Those are in modules with dimension requirements. We looked at it many, many times to make sure we hadn't wasted a single inch. The dimension of that building is a product of the care of the stalls and kennels for each dog and other circulation areas that go with that. The north-to-south dimension is based on that requirement. That really establishes the layout of the building itself.

Comm. Neff-Brain: Is this for dogs only?

Mr. Suttle: There is a small but separate cat facility.

Comm. Neff-Brain: And it's to house up to how many animals?

Todd Lipschutz, 2045 W. 141<sup>st</sup> Terrace in Leawood, KS, with RH Sailors and Co. appeared before the Planning Commission and made the following comments:

Mr. Lipschutz: The facility would house up to 150 dogs and have an area for a limited cat stay, including 15-20 cat kennels, which are different than dog kennels. Just to bring a little clarity, this is not that unusual to competitors around the market as far as size and number of kennels. Pete and Max is probably the one people have heard of because they have branded it not only in this market, but in others.

Comm. Neff-Brain: I'm concerned with the dog yard size versus that many animals.

Mr. Lipschutz: That's a good question. When managing dogs, it's important they're in a contained area because they're managed through a daily schedule and not just let out to hang outside for the whole day. Typically what would happen, especially in a heavier use, would be a programmed schedule that would allow dogs about two hours in the morning and up to two hours in the afternoon if it's a longer stay. This would cycle them through an indoor play area that's about the same size as the outdoor area and is divided into three separate areas for small, medium and large dogs. Probably 12-13 per cycle would be allowed in these different areas to interact and do what they need to do during the day. It actually is very similar to many facilities around the country as far as the programming in the two areas.

Mr. Pateidl: With the potential concentration of the dogs and various animals, I'm a bit concerned about waste disposal. Can you give us more detail?

Mr. Lipschutz: I'm not an expert, but I feel more than confident we'll meet requirements. The biggest issue as a facility will be the odor. As customer-centric as it is for people bringing in their dog and their dog, we don't want an unappealing situation. I've visited close to a dozen of these facilities in the Midwest, and I've never smelled or seen an issue when it's managed properly. I just don't know the details of how that happens.

Mr. Pateidl: I don't know that I share your concern about the odor because just the sheer nature of a good businessman will take care of that. My concern is large amount of waste to be disposed and the burden it could put on the sewage disposal or treatment facilities that service our community. It's incumbent upon you, the developer or the owner of this project, to satisfy us to some degree that you've contemplated that problem and its solution. Mark, are there EPA or other regulatory requirements regarding this?

Mr. Klein: Personally I'm not aware of EPA requirements regarding this. The Public Works Department did add a stipulation to address this issue.

Mr. Lipschutz: It really related to the outdoor area and the water channel adjacent to it. We understand that needs to be addressed, but I don't have the exact answer. Waste from these types of facilities seems to be accommodated in Johnson County. I'm sure there's a waste-approval process in place already.

Mr. Pateidl: But at this time, you do not have a specific resolution or process designed for this facility.

Mr. Lipschutz: Correct.

Comm. Roberson: I'm going to have to express my concern, too, about not having information. How often is the dog area cleaned? Is it after every cycle? How do you dispose of it? Is it on a daily basis? What happens if it's raining? There are all sorts of issues I don't have the answer to at this point. In addition to that, there are a lot of disease issues, and how do you control that? I don't know that you have those answers, either. You have to disinfect the yard frequently, if I'm not mistaken.

Mr. Lipschutz: Yes, and the yard will be a turf with the right drainage system that will have the ability to disinfect and clean.

Comm. Roberson: After the solids are picked up, we're really just dealing with a liquid stain on the mat that will go through the sanitary connection through the building.

Comm. Neff-Brain: I also can't support this issue until I have more information on the disposal of the sewage. That really bothers me. There's a subdivision across the street, and I sure wouldn't want to live that near unless I were comfortable with knowing how you were going to dispose of both the solid and the liquid waste.

Chair Rohlf: You have visited several facilities, correct? What about the noise level? I know the kennel I take our dog to is just incredibly loud. It's off on an incredibly large tract of land so no one hears it, but this one seems close to homes and businesses.

Mr. Lipschutz: Sure, there will be dogs barking. When they're inside the building, it will be fairly muffled. I would say it competes with the fairly substantial noise of the Public Works buildings with the truck traffic and salt loading.

Chair Rohlf: We really don't know what's going to go in around the surrounding lots yet.

Comm. Jackson: My concern with the waste is how are you going to maintain the courtyard? I know when I take my dog somewhere, the first thing it needs to do is urinate somewhere.

Mr. Lipschutz: We actually planned for that (*Refers to site plan*) There's a mulch area with directional signs to take the dog there. It will be very easy to clean and keep the appearance up and the odor away. That's our plan for the dogs when they arrive.

Comm. Elkins: I think this question is actually for Mr. Suttle. You addressed one of the setback issues with the suggestion of removing the sidewalk completely. Would the proposal be that movement from your car to the front door of the facility would be through the parking lot?

Mr. Shuttle: Yes, it's the same as it is on the other parking space just to the north. They come in, park and walk in the same as they would on the north.

Comm. Elkins: I sometimes struggle to read these drawings, but on the north-facing parking, there's actually some sort of a sidewalk or island.

Mr. Shuttle: Are you speaking of under the trellis?

Comm. Elkins: Yes.

Mr. Shuttle: (*Refers to site plan*) Yes, but no one is going to park here, walk this way, over and down, particularly in a design that's more upscale. It's not a big Sam's lot. The other thing is that we have an entry glass-and-door vestibule building that sits out here. The actual coming into the front door is more direct here than coming up here and over. At least it's no more indirect. If you don't have a sidewalk, you don't know you missed it. These people up here will certainly take advantage of walking here under the porte-cochere. It's not a problem from a design and planning standpoint to not have that.

Comm. Elkins: I'd be interested to hear you expand a little about the safety factor. I understand as a practical matter that I'm as bad as anyone else about not using the sidewalks provided to me; but I guess as responsible City Planners and Developers, don't we have the obligation to give the public a safer route through a sidewalk?

Mr. Shuttle: I wouldn't think so necessarily. If you can do it and not cause problems, so be it, but I just see it as completely optional. These people are no less valuable than these people, so where does the honor come in to do for some and not all? I hear what you're saying, but I kind of think it's a toss-up at this point.

Comm. Elkins: Thank you.

Mr. Shuttle: The idea that the operator of this is not going to be absolutely crazed to keep it clean visually by the front and back doors is not good business at a place like this, which is depending on the affluent dog and cat-loving person. That's within the maintenance and operational purview to do that. We've given the spaces. They have the layout and know how to do that. I'd just say I know nobody's going to let that get out of hand because they'll lose business. Also, the reason for the porte-cochere is any time that you care to, as a patron or an owner, you can use the valet pick-up service.

Comm. Roberson: This is a beautiful facility, and I'm sure it's first-class and first-rate and is an interesting concept. Unfortunately there are some details that are lacking that need to be presented to the Commission. That's what we're asking for.

Mr. Shuttle: Oh yes, those are fine and very good issues to deal with. I'm sure there's an answer to all those things.

Comm. Roberson: That's what we need.

Mr. Shuttle: That's an easy thing to do at this level or at staff level.

Comm. Munson: I've got mixed feelings here. I'm impressed and taken by the architect's concept and approach, and I'm really impressed with his poetry. The thing that concerns me is in planning as a systematic concern for the future. If this building goes in with all these deviations and the enterprise doesn't prove to work and goes vacant, we've got a building that is too big for the site. Now, what do you do? I'm very concerned about the deviations, including the size of the building on the site, etc. From a functional standpoint, the fact that it backs up to the Leawood Yard is probably a plus because that keeps it from bothering some people. Somebody else pointed out a subdivision across the road, and that might be a factor. My feeling is it's a good project, but it needs to be on a bigger piece of ground. I would suggest at least looking at some of the other parcels out there that might be more conducive to satisfying the concerns about setbacks.

Chris Sailors, 2045 W. 141<sup>st</sup> Terrace, of RH Sailors and Co. appeared before the Planning Commission and made the following comments:

Mr. Sailors: I would like to address that comment. I can assure you that all of the lots were evaluated and considered, understanding we're trying to put a lot of building on that particular lot. However, this type of use only creates so much revenue, and there's only so much opportunity. A great deal of thought has to be given to where to spend the money to make it look like it needs to look, create that 5-star experience, maintain a pricing structure that works and guarantee the success of the project. Of all the lots in the development, this is the one that creates that opportunity with backing up to the maintenance facility and starting a progression of how the architecture and the value of the project work. We're really dealing with a site that backs up to a very basic type of construction there that we have to overcome. We think even though there are some deviations with this, we've done our best job of putting together something that is beautiful, that will work and that is located in the right spot for visibility for success of the business. As far as the waste, that will be handled with Johnson County Wastewater. I assume all the particulars with how that gets handled will go through the process and be approved. We'll be watched very closely by our wastewater permitting process. I guess the details weren't brought at this point because they will be so closely regulated. That

reality, along with what we're trying to accomplish with the building, as well as the aesthetics of the building entry really address the concern there.

Chair Rohlf: Mr. Ley, are you familiar at all with any of the requirements for this type of facility? Is this something that your department would be able to monitor?

Mr. Ley: Actually the County Health Department would monitor it, but the EPA's concerns would be for the feces getting into the creek and polluting it. The information I read is that the preferred method is to dispose of the waste into the sanitary sewer system so it can go down and be treated.

Chair Rohlf: They would be responsible for testing the water and checking levels?

Mr. Ley: If there were a complaint, the Health Department would go out and test the water downstream in the channel.

Chair Rohlf: How would we know? Who checks that?

Mr. Ley: It probably would come as a complaint by a citizen or somebody who observed something going on at the kennel.

Chair Rohlf: I guess I'm not sure who's responsible for what regulations. If this were to go in, what would happen?

Mr. Ley: They would contact Johnson County Wastewater and discuss waste disposal. I'm sure they'd probably have a fee set up for that.

Chair Rohlf: Would there be a report prepared and submitted to the Public Works Department?

Mr. Ley: That goes to the Building Department under Richard.

Chair Rohlf: The facility on State Line is a fairly large veterinary clinic. Do we know what they do?

Mr. Klein: I don't know at this time.

Chair Rohlf: There's also interior waste with the inside kennels. It seems like we might have a couple different issues here. I'm not sure we've reached any agreement about whether we'd be willing to grant the deviations on the site problems. We didn't talk about the parking, which is one of Staff's concerns, and if the building were to change hands. What would the parking be for this type of building size? You'd have more parking spaces, correct?

Mr. Klein: Correct, right now they're offering a 1.6 parking ratio. With an office or mixed-use district, it's typically 3-4. Retail is typically 3.5 – 4.5.

Chair Rohlf: And there would be no way to add any parking to this site with the building size the way it is, right?

Mr. Klein: With the way they have it laid out, they'd have to do something different to add more parking in, which again would get into open space.

Chair Rohlf: It's unfortunate. I like this proposed use, but it is difficult as I sit here to consider all the deviations necessary to make it work. I think clarification on the waste handling could be supplied. How do my fellow Commissioners feel about this use on this land, waste disposal notwithstanding? Is it too many deviations?

Comm. Neff-Brain: As far as the parking, if it weren't used for this, you'd eliminate that dog park. Wouldn't that give you enough parking?

Mr. Klein: You'd have the dog park. I'm not sure if they could extend parking along the side of the building.

Comm. Neff-Brain: No, say someone wanted to transform it to another use. If you took down that fence and paved over that dog park, wouldn't that give you enough spots?

Mr. Klein: You'd have to have a driveway that would access it. I'm not saying it isn't possible; you'd probably have to rearrange some of the green space to create a design that allowed the parking to be there.

Comm. Jackson: Is the courtyard within the parking lot a required piece of open land, or could that all be paved?

Mr. Klein: No, it's not required open land. Your minimum parking dimensions would be 9' x 18'. You'd have to have a minimum for two-way traffic of 24' for a drive aisle. For one way, which is what they're proposing, it's 12' according to the LDO; however, 15' is more typical. You also have to insure that some sort of service or delivery trucks can maneuver through the parking lot. It would be for whoever is taking over the building to determine how much parking was necessary, and then to figure out the calculations for meeting dimensions of the drive aisles, the parking spaces and types of parking. It would probably take some sort of reconfiguration of the site because the way it's laid out right now is the only way it can be done, especially keeping that center aisle. They're already pushed out as far as the deviation into the front setback, so they can't go any farther that way. The building is already at the maximum deviation to the south property line. Really you're looking at the parking and the open spaces for reconfiguring.

Comm. Jackson: If you take out that center island, you're saying you'd have to put some other dividers somewhere per the LDO?

Mr. Klein: Typically we don't see a single row of parking in Leawood where you head in and pull straight out. I think it was proposed on the CVS at 151<sup>st</sup> St. and Mission Road at one point. We'd also require end caps. I'm really not prepared to answer because I'd have to do the calculations as to whether there were enough linear feet there to accommodate that and still have a drive aisle as well.

Comm. Jackson: If we're counting that as extra open space to allow for the deviations, I want to make sure it is extra green space.

Mr. Klein: As far as square footage on the site, they have the open space they need. I believe they're probably even close if you eliminate that one island, according to their

calculations. However, it gets to what you consider a fair trade-off between the requested deviations and the provided open space. The Planning Commission has always had concerns about allowing a deviation with the developer providing something that doesn't have any amenities that could be enjoyed by somebody walking by.

Comm. Jackson: When you're encroaching on some of these boundaries, it's because your building and parking lot are larger than normal. If you put more concrete, you're decreasing the number of areas water can seep into the ground, so you have more run-off into other areas. That's especially critical when you're thinking of how much waste is going into the mulch area, the dog yard and who knows where else on that site. To me, you almost need more open area in something like this, where it's critical to control that water run-off.

Mr. Skidmore: As far as creating more paving, we are generally overcompensating for that with our open space on this project. Only 30% is required, and we're providing almost 50% open space and open landscape area. To mitigate storm water run-off as a quantity, we're also treating it in a quality format with the vegetated swales on both the east and south sides of the property.

Comm. Jackson: So is the area in the hatched markings your swales?

Mr. Skidmore: Exactly, those are what we would design as bio-retention basins. Vegetative swales will treat in both quantity and quality.

Comm. Jackson: What does that mean – tall grass that keeps the water in?

Mr. Skidmore: Exactly - native grasses, areas you don't have to mow, non-treatable areas that will filter storm water run-off and sediment.

Comm. Jackson: That's reassuring to hear you have that around two sides there.

Mr. Sailors: Regarding the parking, we've had a few other buildings in the development with this issue. We had an application that had a basement with a question about the parking relative to the potential if that use didn't exist or changed. We batted this around, perhaps at Council. In essence, a lot of these uses would be office warehouse use; so by having the warehouse area and not necessarily an office area, we could limit the amount of office allowed and keep this 20' clearstory building as a warehouse, taking care of the parking ratio, which is close to 2' for warehouse.

Comm. Pateidl: I really do like the concept. I like the design. I'm in favor of this particular usage, particularly for this space. Lacking any definitive regulatory body I can have confidence in with respect to the waste treatment and management, as a Commissioner, I have a problem with approving the project. The project is prototype and concentrated. It does have some potential problems. I don't hear the answers, and to me the answer is that it's going to be Johnson County Wastewater's responsibility to be the policemen. I don't believe in that either.

Mr. Lipschutz: We would be willing to stipulate that we'd provide all that information to Staff, Public Works and the Building Department. Like any other facility in Leawood or Johnson County that has waste, we're going to handle it. This is not a prototype use; it's a prototype building. We'll want to do it exactly like everyone else has to. There's

nothing new in terms of what we're doing for animal care. We'll meet all those requirements and satisfy Staff. I agree, it has to be done.

Comm. Neff-Brain: I agree with Mr. Pateidl. I think it's a good use for the property. It's tough to find something that will back up to a Public Works maintenance facility. I also want to see how the waste is going to be disposed, and I don't want to just stipulate that to Staff approval. I'd like to maybe hear somebody from Johnson County Wastewater if that's the body that will be regulating it.

Comm. Roberson: I'd agree with that, too.

Chair Rohlf: Mark, I note this is a preliminary and final site plan. That seems pretty ambitious to be both.

Mr. Klein: We did discuss that with the Applicant. You're correct that this would be your only chance to see it.

Chair Rohlf: I think just from the comments I've heard already, I'm not sure we're going to be able to get approval on either a preliminary or final until we get some guidance on the regulation of the waste. Is that where this side is?

Comm. Munson: That's one issue. The other issues are the inadequate parking, open space we don't typically see, numerous variances, etc.

Chair Rohlf: I think I would probably ask that we have some discussion on that because the waste handling is really secondary to whether we would allow this building to be there with this type of use and the requested deviations. Other than the waste issue, are you comfortable with it the way it's presented tonight?

Comm. Jackson: I'm not so sure, especially if we have an ADA violation on the sidewalk. I don't know that you can just get rid of a sidewalk.

Mr. Klein: I would have to check that out honestly. Typically we prefer a sidewalk because as Commissioner Elkins stated, it's the responsibility of the Planning Commission in doing the planning that it provide safe paths of ingress and egress. Removing that sidewalk tells people they would have to go back out in the parking lot and walk along it, as opposed to being able to use a sidewalk.

Comm. Munson: If another use did come in needing more parking with no way to get it, I have a hunch they'd be parking on the street; so that becomes another factor of safety and congestion.

Chair Rohlf: Some additional comments?

Comm. Neff-Brain: Was the sidewalk removed from this plan?

Mr. Klein: No, I think the Applicant was suggesting that as a potential solution to avoid the ADA violation.

Comm. Neff-Brain: But the sidewalk is in the plan.

Mr. Klein: Currently it is in the plan.

Chair Rohlf: I would ask the Applicant, there's no way to reconfigure the building in any way? This is it as it's proposed, and this is what it needs to be for the use that it is?

Mr. Lipschutz: Yes, and the idea was to put the use back where it was previously approved. That weighed into our thinking as well because there was a reason it was approved. I understand the parking and setback deviations. I would argue strongly that that our rear setback deviation is only 3 1/2'. I understand we have an ordinance, but in terms of the quality of the giveback along the back of that building against that maintenance facility, we're taking a 3 1/2' strip back there in what is not a quality space by any stretch and making it beautiful. I think from a practical standpoint, it's a great trade-off. On the east side, we don't have to put the trash facility out there. If we do, it's actually aesthetically better because there's less fence to build. Technically there is a lot, but on a practical basis, we're planning for success for this site. I would like to stipulate that whatever every other kind of facility does with these animals, we'll do. There's nothing new here. We'll meet all the requirements.

Comm. Neff-Brain: In Leawood, this is something new because we don't have a facility like this with this number of animals in one place. Maybe they do it somewhere else in Johnson County, but in Leawood it is new.

Mr. Lipschutz: The number is new, I'm sorry.

Chair Rohlf: We might have already discussed this, but could we discuss the deviation of the paved areas on the right-of-way?

Mr. Klein: They meet along Overbrook Road but not along 143<sup>rd</sup> St. It is a deviation that has been granted before in this Business Park.

Comm. Elkins: I've not commented yet. Frankly, I'm not troubled by the deviations with one exception I'll go into in a moment. I agree with my fellow Commissioners who've commented that this seems like a good solution to a difficult problem regarding what kind of use can be put in right next to a city maintenance yard. You've got to view the plan in the context of what's going on around it. The difficult thing is that we don't know what's going to go in on either the west or east sides. What's on the south is unlikely to move in the foreseeable future. It's difficult to see other uses going in to that particular spot. My concern on the setbacks really has to do with the issue of the sidewalk on the front. I'm still not completely convinced it's appropriate from an ADA regulatory standpoint to resolve the problem by just taking the sidewalks out altogether. There may be topographical issues preventing this from working, but I would be in favor of granting an even greater deviation on the back – what I would see as the south. The City is the neighbor on the south, and I don't see us being terribly offended by them putting their building even closer to us. It's not my call, but that's one neighbor we do have some familiarity with. In order to restore those sidewalks in an ADA-compliant fashion, it would seem that it might be a possible solution. As to the waste disposal issue, it's a valid issue. As responsible planners, we need to take a look at that. I think the issue for the Applicant is that it's a larger number of animals than we've ever dealt with in Leawood before. I would look to Staff for help on this. If the facility is lawfully disposing of its waste, is that sufficient for us as a Commission, or do we even have the ability to say it's not sufficient? Do we have the authority to supersede what's lawful in terms of disposal?

In this case, we may well have. I don't know what's stored in that round container. If it's street salt, I don't know that we felt compelled to get proof that the street salt wasn't going to find its way into the sewer and storm water. This is unusual, but I would hate to penalize the developer simply because they have a use that's unusual for Leawood. I wish they would have had an explanation other than disposing of waste just like everyone else does it. Again, as long as they're in compliance with EPA, State Waste Water and Public Department of Health standards, I'm struggling to superimpose something greater than those requirements on them. To the Chairman's question on setbacks, I think I'm generally comfortable, recommending consideration of a greater deviation on the south side by moving it back. I am leaning toward approval with the caveat of the waste water issue being resolved.

Chair Rohlf: I guess I would ask is that possible on that south side?

Mr. Klein: According to the ordinance, the maximum deviation allowed is the 75%, or 85% in this case on the south property line. The City Council doesn't have the ability to vary more than that.

Mr. Shuttle: If we have enough allocated space in front of the building, all we have to do is put a wheel stop so the car won't overhang. I'd just hate to see 8' sidewalks like a city downtown area around a little building like this. I'd rather see a few wheel stops there.

Comm. Elkins: Thank you.

Chair Rohlf: Does anyone have anything else at this time? This case does require a Public Hearing.

## **PUBLIC HEARING**

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

Chair Rohlf: That takes us to our discussion.

Comm. Elkins: Could you explain what the options are for us?

Chair Rohlf: This is basically a preliminary and final site plan. I'm not sure I'm comfortable with approving this as a final without having the benefit - even if you did get all the EPA requirements and waste handling figured out - of seeing it again. It would go on to the City Council. I would have some concerns about whether you'll get that approval. Have you started that process? Is there anything you've had to do before you could consider putting this on the site?

Mr. Skidmore: No, and from our years of being in business, I don't think it's a matter of approval, but rather if we have the details of how we treat both the one that goes into the sewer system and the one that's bagged. I think I could get that answer from Waste Water, Public Health and whoever does waste disposal to confirm that process in detail. For us, if the deviations are too much for the Planning Commission, we won't do that.

Chair Rohlf: Right, I think we're all over the map on some of the deviations. I don't know if there's a constant that runs through it. I'm not sure if I can tell you how that's going to fall out without a vote. I think this body would want to see the recommendations and how the waste would be disposed. I think we'd like to do that before we could approve it. Is there any way we could grant a continuance for you to get that information, bring it back to us and look at accommodating this sidewalk issue? Is the sidewalk the main deviation, or do people have problems with everything?

Comm. Roberson: I don't have a problem with the other deviations.

Chair Rohlf: Rather than take a vote, it would be your option to take a continuance so we could hear this again fairly quickly and get a couple of those things resolved.

Mr. Lipschutz: We'd be open to that.

Chair Rohlf: Hopefully we wouldn't have to revisit all the issues we discussed tonight. We'd have to talk about the sidewalk and the waste. Mr. Suttle, you did indicate that you were in agreement with the remainder of the stipulations as far as the signage and landscaping? We didn't really touch on those tonight. Are there any we need to discuss this evening?

Mr. Suttle: There is an issue about gutters. At this point, we're not going to have gutters on the building. It can fall from the back end of the swale area and take advantage of that, which is perfectly legal and orthodox. If we were not able to do that, we would propose to have exposed gutters on the backside only. We don't think we're going to have to go that direction. I forgot to mention that. It's in the design guidelines that gutters on the back wall are acceptable.

Mr. Klein: Madame Chair, we could have the meeting on March 10<sup>th</sup>. We'll have audio.

Chair Rohlf: So we don't have any other outstanding issues?

Mr. Suttle: I'd like to see a second sign for safety on the porte-cochere.

Chair Rohlf: I think that's why we need to come back because we didn't get to those details. If we are going to present this as a preliminary and final, we would need to.

**Motion to continue Case 09-09 – Bi-State Centennial Park – Maxwell Hotel & Salon at the Resort (Kennel) – Request for approval of preliminary and final site plan; located at the southeast corner of Overbrook and W. 143<sup>rd</sup> St. - to March 10<sup>th</sup> at 6:00 p.m. made by Munson; seconded by Roberson. Motion passed unanimously with a vote of 6-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson and Elkins.**

*MEETING ADJOURNED*