

City of Leawood  
Planning Commission Minutes  
October 27, 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, Rohlf, Williams, Elkins, Heiman, and Rezac.  
Absent: Neff-Brain

**APPROVAL OF THE AGENDA:**

A motion to approve the agenda was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.

**APPROVAL OF MINUTES:**

Approval of the minutes from the September 22, 2009 meeting.

A motion to approve the minutes from the September 22, 2009 Planning Commission Meeting was made by Williams; seconded by Rezac. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.

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

CASE 20-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-1 ACCESSORY USES (GENERATORS) – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

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

**CONSENT AGENDA:**

CASE 60-09 – PARKWAY PLAZA – EMERGENT CARE PLUS SIGN PLAN – Request for approval of a Final Sign Plan, located at the northwest corner of 135<sup>th</sup> Street and Roe Avenue.

CASE 61-09 – CENTENNIAL PARK CONDOMINIUMS FIRST PLAT – Request for approval of a Final Plat, located at Overbrook Road and 141<sup>st</sup> Street.

CASE 63-09 – ST. MICHAEL THE ARCHANGEL – Request for approval of a Revised Final Site Plan, located at the northeast corner of 143<sup>rd</sup> and Nall Avenue.

CASE 70-09 – RANCHMART – TOWER CLEANERS SIGN PLAN – Request for approval of a Final Sign Plan, located at the northeast corner of 95<sup>th</sup> Street and Mission Road.

A motion to approve the Consent Agenda was made by Elkins; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.

**OLD BUSINESS:**

CASE 49-09 – ONE NINETEEN – REPUBLIC OF COUTURE – Request for approval of a Final Site Plan for a Tenant Finish, located at the southeast corner of 119<sup>th</sup> Street and Roe Avenue.

**Staff Presentation:**

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Commission, this is Case 49-09 – request for Final Site Plan approval for Tenant Finish for Republic of Couture at One Nineteen shopping center, which is located at the southeast corner of 119<sup>th</sup> and Roe Avenue. This request was continued from the September 22<sup>nd</sup> Planning Commission meeting. As you may recall, the tenant space is located in the center of the main building between Mochi-Yo and Mitzi London's. An existing brick pier will be relocated from the middle of the proposed storefront to the eastern edge to make room for this storefront. The center of the main building is essentially divided into three spaces by four brick columns. One of these is the previously mentioned column that is being moved. Each of the three spaces currently has an individual canopy above the storefront. At the time you saw the plans on September 22<sup>nd</sup>, they showed two canopies over the Republic of Couture storefront, one being deeper than the other which created a mismatch and an off-center sign. This concern has been resolved since then, and the applicant has revised the plans to show one continuous canopy across the storefront with the canopy sign centered over the storefront. Both blade signs have also been revised to comply with the Leawood Development Ordinance and the approved sign criteria for One Nineteen. Staff recommends approval subject to the stipulations in the report.

Chair Rohlf: Does anyone have a question for staff? Then we'll hear from the applicant, please.

**Applicant Presentation:**

Eric Hadar, 22461 Arcadia Court, Boca Raton, FL, appeared before the Planning Commission and made the following comments:

Mr. Hadar: Like the gentleman mentioned, we would like to have continuation for the storefront. That's it.

Chair Rohlf: I was not at the September 22<sup>nd</sup> meeting, but I noticed in the minutes there was quite a bit of discussion by the commissioners. Has it satisfied the points you raised at that meeting?

Comm. Williams: I think they have taken care of the points from that meeting.

Chair Rohlf: If there is no further discussion, I'll ask for a motion, please.

**A motion to recommend approval of CASE 49-09 – ONE NINETEEN – REPUBLIC OF COUTURE – Request for approval of Final Site Plan for a Tenant Finish with the two staff stipulations – was made by Jackson; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.**

**NEW BUSINESS:**

CASE 67-09 – BI-STATE CENTENNIAL PARK – PARS ENGINEERING – Request for approval of a Revised Final Site Plan, located north of 141<sup>st</sup> Terrace and east of Cambridge, within the Bi-State Business Park Lot 17.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 67-09 – Bi-State Centennial Park – PARS Engineering. This project has come before the Planning Commission before and has been completed. I provided pictures in your packet, as well as a copy of what was originally approved. I did want to make some corrections with regard to some of the grading statements. It's actually PARS Consulting Engineering instead of Bi-State Consulting Engineering. Regarding the grading, I indicated a grade change on the driveway; it is actually on the other side of the building. A sidewalk was also recommended to be removed; the staff report indicates it was being taken out for ADA reasons. Although it is steep and could not be used for ADA, it originally provided access to utility units and was not an ADA path. You have pictures in the back of your packets. The building was supposed to be constructed of stucco and also real field stone. (*Shows pictures on the overhead.*) This is how the building looks right now. It was originally approved with alternating bands of tan-colored stucco with an indentation separating the bands to provide more definition to the façade. You can see the stone here wrapping around portions of the building to try to break it up. Staff is supportive of not making the applicant go back and create grooves and bands into the stucco. They actually will help break up the façade with the use of awnings over the windows. The awnings would be charcoal grey. Awnings are used in other parts of the development. (*Refers to photograph*) This is cultured stone, and staff is not supportive of that and would prefer the natural stone. The concern about cultured stone is that it will turn grey. You can see the aggregate along the joints. Since the project was approved with natural stone, staff is supportive of removing the cultured stone and replacing it with natural. Also, on the north side of the building, they had some utility boxes installed. Originally, there was not to be any retaining wall along there. However, due to the utility boxes, they constructed a retaining wall which uses red CMU, which doesn't match the cultured stone or the real stone that was originally approved. Therefore, staff is recommending this retaining wall be replaced with natural stone. Regarding the sidewalk, you can see where it slopes down considerably (*refers to photograph*). We talked to the applicant and suggested an alternative was to take out the sidewalk. The applicant agreed to do that and replace it with landscaping north of the ADA path from the parking lot on up to the main entry. Staff is supportive of removal of the sidewalk. Staff is recommending approval with the stipulations stated in the Staff Report and is strongly in favor of replacing the cultured stone with the real stone. I'll be happy to answer any questions.

Chair Rohlf: When did you become aware of these changes?

Mr. Klein: At the time of final inspection. Typically, the building is constructed and then they'll call for a Temporary Certificate of Occupancy to go out and start moving in to the building. At that time, we went out to check the landscaping and noticed it was constructed differently than what was approved. We talked to the applicant, and they were under the impression that real stone was installed as well.

Chair Rohlf: It seems like we had quite a discussion when we were going over the design guidelines for that project because buildings on certain streets have certain requirements.

Mr. Klein: This is in the Transitional Area, which is a little farther back. It doesn't have quite the same level that the ones adjacent to Kenneth Road do. Again, there are some other buildings that do have cultured stone within the development; however, this was to be natural stone.

Chair Rohlf: The changes to the signs that have been proposed, do those comply?

Mr. Klein: Staff is supportive of the changes in the lettering; however, we thought it was a dark bronze with non-illuminated letters, and they have indicated it is plastic letters.

Comm. Roberson: The plans that were approved basically called for the alternating colors and indentations with natural stone. Who made the decision to change the plans, and who approved those changes?

Mr. Klein: The building plans still had the natural stone. This wasn't something done by plans, but as an installation. The owner indicated he was under the impression he had purchased real stone and that it was being installed.

Comm. Roberson: Alternating colors with an indentation is pretty clear to me as to what's required. Somebody made the decision not to do that.

Mr. Klein: It would have been out in the field by whoever was constructing the building, but no plans were approved to show this construction.

Comm. Roberson: And the owner accepted that.

Mr. Klein: I'll let him answer that.

Comm. Jackson: Were they given a certificate to occupy the building?

Mr. Klein: They are moving out of another location and are on a tight time frame, so we did allow them a Temporary Certificate of Occupancy to allow them to move in the building with the stipulation that they come back and make application before the Planning Commission and City Council to get what they have proposed approved.

Comm. Jackson: How long is that Temporary Certificate good for?

Mr. Coleman: I think it was for 90 days.

Comm. Jackson: Will they be through the process in 90 days, or do those get extended?

Mr. Coleman: The goal with the 90 days was to give them time to get through the process.

Comm. Jackson: If City Council denies this application, where do they go from there?

Mr. Coleman: They would be under the obligation to conform to the original plan. If they didn't, we could end up in court. At some point, we'd be revoking their Certificate of Occupancy.

Comm. Jackson: And they could either leave or sue to try to stay in the building.

Mr. Coleman: Yes, it would end up in a court action.

Comm. Williams: Mark, you're talking about taking out the sidewalk because it's so steep. How would the handicap accessibility be achieved?

Mr. Klein: This sidewalk is not part of the ADA route.

Comm. Williams: Where is the ADA route? If they do achieve that, it's not an issue?

Mr. Klein: Correct, their ADA would still come in from the parking lot here (*refers to Site Plan*). An ADA ramp is on the west side of the building and then heads south along the main entrance that comes along here. They're also proposing to install a second railing to accommodate ADA on that ramp. They have a short stone wall located in front of the building. The ADA ramp would come up here and go up into the building.

Comm. Williams: Going back to the joints in the stucco, I'm looking at the elevation drawing they provided for submittal. I'm seeing a lot of joints, but the building wasn't constructed with the joints.

Mr. Klein: They do have some joints, but not the horizontal joints.

Comm. Williams: They're showing horizontal joints at the windows and vertical joints on either side of the windows. You're saying those horizontal joints don't exist?

Mr. Klein: Not the ones that were evenly spaced.

Comm. Williams: I understand, but do the ones shown on this drawing exist?

Mr. Klein: That, I don't recall.

Mr. Coleman: From this colored photograph, it appears that the vertical joints at the windows do exist.

Comm. Williams: Thank you. Going back to the awnings, are the colors in accordance with the design guidelines for the development?

Mr. Klein: They are.

Comm. Williams: Are the awnings open on the ends, or do we know?

Mr. Klein: I believe they are open on the ends.

Chair Rohlf: Does anyone else have questions for staff?

Comm. Rezac: Because there are considerable aesthetic changes to the building that were done and are also being proposed to mitigate what was done, did staff request new images of these changes?

Mr. Klein: Yes, the re-submittal actually shows where the awnings are. However, the applicant has indicated they do not want to reinstall the natural stone. They are proposing to keep the cultured stone.

Chair Rohlf: Does anyone else have questions for staff? We'll hear from the applicant.

**Applicant Presentation:**

Jeff Zimmerman, 5819 Nieman Road, Shawnee, KS, appeared before the Planning Commission and made the following comments:

Mr. Zimmerman: I'm the attorney for the owner. We have a written response to the Staff Report, some photographs and literature on the cultured stone we'd like to distribute. I have some samples of the cultured stone on there and will set them on the podium. The only item on which we really differ with staff is leaving the cultured stone in place. The first reason is the landscaping and the irrigation system is already installed, and it would make it difficult to remove the stone. It would damage the landscaping and irrigation system. The other reason is this was an inadvertent error. It was really a supply problem. I'll address the stucco striping for a minute. That's an EFIS system, and it didn't have those grooves in it. They decided it wasn't practical to paint the building, so the decision was made to install the system as it was. It was a similar problem with the cultured stone. Mr. Hamidpour was under the impression that the stone was natural stone and found out later that it was cultured stone. It does come with a 50-year warranty, and the brochure regarding that product is being passed around. Other buildings in this same development have the cultured stone, and our plea with the Commission this evening is that it would be a difficult task for the owner to

remove the stone, remove the landscaping and redo the building. We are of the opinion that this cultured stone is at least as durable as the field stone and aesthetically not that much different. It fooled both us and the City Building Inspector because this issue did not come up until it was completely installed. City Inspectors were on-site during construction, and this never came up prior to final inspection. If the site were highly visible or something other than a business park building, there might be other considerations. We think the aesthetics are in keeping with the development and ask that we are not required to remove the cultured stone. We have no problem with the other items in the Staff Report.

Chair Rohlf: You're fine with the retaining wall.

Mr. Zimmerman: Yes, we'll replace that.

Comm. Roberson: You say the City Inspectors were fooled by this and thought it was natural stone. Can I hear from the City?

Mr. Klein: The City Inspectors were only checking for life safety issues, so that wasn't something they were checking. Planning Staff was checking exterior elevations, and then it became an issue. You indicated this was an EFIS system?

Rafie Hamidpour, 132<sup>nd</sup> and Roe appeared before the Planning Commission and made the following comments:

Mr. Hamidpour: We submitted the drawing, and you approved it. All the original drawings were designed for EFIS and got approved wrong. None of us caught it, but Mr. Coleman caught it. We didn't know the stone was not natural stone; we were fooled. It would make no difference for us if it was caught at an earlier stage; we'd just change it. All the detailed drawings were designed for EFIS, and the city staff said we had to do stucco. The colors would change, but all the detail was wrong. We put real stucco, and it was EFIS. The drawings are now all corrected.

Comm. Roberson: I don't quite understand the different systems here. What was approved was the horizontal system.

Mr. Klein: Correct.

Mr. Hamidpour: No, that was purely paint.

Comm. Roberson: But there were joints.

Mr. Klein: Yes, what happened was in 2008, the applicant was proposing EFIS. I'm sure Commissioner Williams knows about the difference between stucco and EFIS. The LDO does not allow EFIS to be used in any manner other than an accent. At the time when this application came through, they were proposing EFIS. It wasn't approved, but rather stipulated to be replaced with stucco. However, they didn't change the elevations. We were still expecting the banding across and the grooves between the bands. When it was actually constructed, there was no banding. They indicated they would just need to paint the stucco the two different colors. However, the drawings showed horizontal notches between each band. That created a lot more cost. Staff thought a good solution would be to break up the façade with awnings as opposed to banding because there is some concern about the look of the banding. We were still supportive of replacing the cultured stone with the real stone. That's where we are now.

Comm. Pateidl: As I understand it, we ordered the field stone, got cultured stone and didn't know the difference until Mr. Coleman went out for Final Inspection. Did you bring a copy of your purchase order with the field stone listed?

Mr. Hamidpour: We have a contract based on the drawing. I'd be glad to bring it.

Comm. Pateidl: It sounds like we're looking at a situation where a vendor delivered the wrong product, you didn't catch it, and you put it on. I just want to know that they did, in fact, deliver a wrong product because to come before this Commission and ask for forgiveness rather than permission is not the right thing to do.

Mr. Hamidpour: I do have a contract that I signed. Mr. Coleman and Mr. Klein were there in front of the contractor. We said it had to be based on the drawing. When they delivered it to me, I didn't know the difference. I do have the contract and the contractor name.

Comm. Pateidl: Somebody bought the stone, and I would suggest that it would be good for us to see a copy of the purchase order that went to the vendor.

Mr. Hamidpour: We didn't purchase it; we're not the contractor. I'll bring the contract we have with the contractor.

Comm. Pateidl: I don't care about your contract. I'd like to see the purchase order to the material vendor.

Mr. Hamidpour: That would be the contractor and not us. The problem is all the utilities on the building have to come out.

Comm. Pateidl: That just makes his problem a little bigger.

Chair Rohlf: Have you looked into exactly what this would entail as far as cost? It sounds like this is a fairly large oversight.

Mr. Hamidpour: Like I said, it wasn't until Mr. Coleman pointed out the difference that we knew. We didn't do any estimation of the changes because we have a dispute with the contractor. He says that he misread the drawing, but he signed a legal contract that he has to do what is on the drawing. We did not estimate exactly how much. We know 2,000 square feet of the stone has to be changed, but how much they will charge with the new contractor is an amount I do not have.

Mr. Coleman: We were okay with the natural stone thin-set veneer, which is the equivalent of cultured stone in thickness and weight. There aren't any brick ledges on this; it's basically glued on to the concrete foundation, and then the joints are mortared around those glued-on pieces. They could remove them down to slightly below grade and would not have to dig up the irrigation.

Chair Rohlf: There is a way to avoid tearing up landscaping. Does anyone else have any questions?

Comm. Williams: Mr. Coleman, I heard what you just said, and I just happened to be looking at the elevations. They're showing brick ledges on their elevations, but they didn't get built with brick ledges?

Mr. Coleman: They aren't required for this type of construction. The exterior stairs have brick ledges.

Comm. Williams: Is the wall system EFIS or stucco?

Mr. Coleman: The wall system is stucco. They submitted drawings that showed an EFIS system at the building permitting stage, and we told them they could not do that. They re-submitted drawings that showed it as stucco. The drawing wasn't changed.

Chair Rohlf: Does anyone else have questions for the applicant? It appears that our decision needs to focus on the cultured stone and perhaps taking Mr. Coleman's suggestion into consideration as well.

Comm. Roberson: We're being asked to forgive what may be a mistake when an engineering firm came before us with drawings. It seems that this firm should have been more in-tune to what was happening with this building than a general layman. Based on the drawings and what was constructed, even I can tell it wasn't constructed according to plan. I'm not an architect or engineer, so I guess I'm having difficulty even agreeing to the stucco not being according to plan because they agreed to it. They failed to adhere to the agreement. Here we have two significant problems in my opinion.

Comm. Williams: Potentially a little of what might have happened is that you have at least two different architectural firms involved in this. You have the firm that made the initial submittal and the architect of record that completed the project, who possibly was not involved in the process of getting approval. I don't mean to offer that as an excuse, but it may have contributed. They may not have had the same sense and understanding of how important the design guidelines and this approval process are. I agree that we're being asked to forgive what ends up being substantial design changes on this building. It would be extremely difficult on a stucco building to go back and put in those bandings.

Chair Rohlf: Mr. Williams, with all the changes that have occurred, would we basically be starting the building over?

Comm. Williams: It wouldn't be a tear-down of the building. It would certainly be a tear-off of the cultured stone to do a new stone veneer as staff is proposing. To do the other staff recommendations on the stucco, we're talking about putting up awnings. The preferred approach would be control joints that serve to break the colors. I would venture to say that would be almost impossible to do. To get the horizontal coloring without the control joints would be difficult with paint.

Comm. Jackson: It seems like both staff and the applicant agree that this is a mistake. I'm willing to conclude that it was. However, I'm also with staff on this that we've had the cultured stone issue here numerous times. Staff has certainly made their thoughts clear on that. I would have to go with staff on that. As far as adding awnings on the building, in this office park, we're trying to come up with a certain system where some buildings don't need to be as refined as others. This is in the Transition Area, so in my mind, the awnings still don't meet what we're trying to do in that area. (*Elevation is placed on overhead.*) I would not be supportive of this application at this time.

Comm. Rezac: My comments are in-line with those so far. I find two things very disconcerting about this. One is that something was submitted and approved, and the approval was almost completely ignored. I have a problem with that. My second problem is with the aesthetics of the building. I think it all comes down to quality, not only in the community, but in that office park in particular and the immediate surroundings. I don't feel like this building is near the level of even the buildings within that park. With the conversations I've heard, I still don't hear a justification that would gain my support of this building.

Comm. Williams: If we do not support the staff recommendations, and I'm hearing that non-support, what does that leave us with? If we deny this case tonight, what are we left with?

Mr. Klein: If you made a recommendation to the Governing Body to deny this case tonight and Governing Body upheld your denial, the applicant would be required to construct the building as was originally

approved. If the Governing Body wanted to overrule the Planning Commission, they would need a super majority. The other option they have is to remand it back down to look at some other factors.

Chair Rohlf: It seems to me that Council would want to meet a practical solution here. Replacing everything that was not done in compliance would be a large financial burden. I know that's something we should not necessarily concern ourselves with, but I'm thinking if there is a way we can meet them halfway, perhaps we should evaluate it. I would like to see if the awnings would help with what we're trying to accomplish. I'm disappointed because I feel like we've spent a lot of time on the few buildings that have been proposed for this park. We've gone through the guidelines on several occasions. I would like to try to find a way to make this work for everyone. Could we just go with having the cultured stone replaced? Mr. Sailors, if we were to give you some leeway here – and I'm not sure my commissioners will do that – I would really want your assurances that we would never see this problem again. You don't have to speak; I'm just telling you we can't set a precedent here that will affect us with all the buildings coming in.

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

Mr. Sailors: I'm here on another matter, so I don't have any comment.

Chair Rohlf: I have the understanding that the majority, if not all, of this park is yours.

Mr. Sailors: Yes, the lots that aren't sold are ours. We have sold some that are being built on and developed. Others, we are proposing projects on. This is owned by PARS Consulting Engineering.

Chair Rohlf: I would love to ask what you'd like us to do. I know you've talked about having a quality development.

Mr. Sailors: I'm not prepared to make any comment to you.

Chair Rohlf: I won't ask you to do that. I just wanted to let you know that whether this is yours or not yours, I'm disappointed we have to deal with this. Please be careful on your buildings.

Mr. Sailors: We certainly will be.

Comm. Pateidl: Being sensitive to what Commissioner Williams said about the difficulties with the stucco and lack of practicality of correcting that aspect of it and to the judgment of the Planning Staff that awnings will present some harmonies in the business park, I believe the stipulations of staff meet the applicant more than halfway. I'd be inclined to support this application with not an inch of wiggle room against the stipulations provide by staff in this matter.

Comm. Elkins: I find myself in accord with Mr. Pateidl. I'd like to go on record saying there is absolutely no excuse for what has happened here. We have a process in this community, and the building that was approved is not the building we got. Having said that, the Chairman's comments resonate with me, and I feel we need to be practical. Principles shouldn't give way to practicality in all instances, but in this instance, the staff has given their professional opinion. I find myself supporting the Staff Report with all the stipulations, agreeing with Mr. Pateidl to allow no wiggle room. Again, I'm keeping in mind Mr. Williams' statements about the impracticality of giving us something closer to what it was we approved.

Comm. Roberson: We're being asked to approve this building with awnings, and we have no idea what that's going to look like. That bothers me that we're blindly approving this building. It has nothing to do with

staff and their competency, but we don't have a full picture of this building with awnings. I think it's inappropriate for us to approve something sight unseen.

Comm. Williams: Mark, in your report, you talk about the canopy and that it is not per the approved plans. It is in stucco and not metal if I remember the note correctly. What was that to look like in metal?

Mr. Klein: It was just a dark bronze metal canopy that extended out. The applicant indicated it is metal underneath, but they put stucco over it.

Comm. Williams: I wouldn't think that would be easy to do, and if that is the case, it's not going to be long for this world with a few winter cycles of freezing and thawing.

Mr. Hamidpour: I think the drawing wasn't detailed enough. There are several contractors. One put the steel frame on because the building is all steel. Then the stucco guy framed it.

Comm. Williams: The steel was bronze?

Mr. Hamidpour: That I do not know.

Comm. Williams: What are the window frames?

Mr. Hamidpour: Continental Steel did the steel on the entire building.

Mr. Klein: There is one issue that probably is outstanding that needs to be clarified and that is signage. The notes on the signage indicate 18" non-illuminated lettering, which we don't have a problem with. However, staff thought that was aluminum painted dark bronze. The applicant indicated they are plastic letters. Staff would recommend a stipulation be added to make clear what was being approved.

Mr. Zimmerman: Our interest is in moving this business with 14 employees into the city of Leewood. All those employees' livelihood is tied to being able to be relocated here. We want to get this problem resolved. As you can imagine, we probably have a lawsuit against the constructor of this building. If it's appropriate, we would agree to a continuance to this matter so we can explore further options with staff or bring samples of the awnings or whatever you need to see to help us resolve this problem. If there is not a Final Site Plan approval, we'll be evicted in 60 days. That's not the right way to get started with this new business to Leewood. We would ask for your indulgence in whatever it takes to work out these problems.

Chair Rohlf: We can grant a continuance, but unless you're willing to change your position on the cultured stone, I don't know that it would accomplish anything. I think we can live with staff's recommendations on the awnings without seeing them – we would prefer to see them, but I don't think it's a deal-breaker. If you think you're going to be able to negotiate or come up with something other than what staff has proposed this evening, I don't think that will happen.

Mr. Klein: Yes, staff is pretty strong as far as our opinion. We're trying to be consistent with what we've seen in the past with the cultured stone.

Mr. Zimmerman: I think we can live with one issue. I was concerned with the discussion that the Commission had that we were going to have to reconstruct this building. If that's the case, we need to have more time to try to work out the problems. If the stone is the only issue, we're willing to see what the Commission's decision is on that tonight.

Chair Rohlf: Are you in agreement with the additional stipulation that would be added about the signage?

Mr. Zimmerman: Lettering is not a problem.

Chair Rohlf: With the last conversations, I think we're moving toward an acceptance of the Staff Report.

Comm. Heiman: Are we going to be able to see something on the awnings before final approval?

Chair Rohlf: I think we would recommend they have that for City Council. It would be nice if we could see that, but I'm also trying to be practical and take into account these employees and the company. I think we can trust staff's judgment on that. If the Council disagrees, I'm sure we'll get it back.

Comm. Williams: I agree with the concern about the awnings, but it's not atypical for the body to approve a Final Site Plan on a building based on drawings. In this case, we do have drawings that show where the awnings are supposed to go and their approximate size. We had a color submitted for the record. I'm not uncomfortable with staff having that final judgment when it goes to City Council.

Chair Rohlf: Unless someone has new information, I'd like to ask for a motion.

**A motion to recommend approval of CASE 67-09 – BI-STATE CENTENNIAL PARK – PARS ENGINEERING BUILDING – Request for approval of a Revised Final Site Plan with all of staff stipulations, adding No. 6 to read, "All exterior signage lettering shall be painted metal and not plastic," with a total of 7 stipulations – was made by Williams; seconded by Elkins. The motion passed with a vote of 4-3. For: Pateidl, Williams, Elkins and Heiman. Opposed: Roberson, Jackson and Rezac.**

CASE 59-09 – PARKWAY PLAZA – BLUE FIN SIGN PLAN – Request for approval of a Final Sign Plan, located at the northwest corner of 135<sup>th</sup> Street and Roe Avenue.

### **Staff Presentation**

City Planner Melissa DeBoer made the following presentation:

Mrs. DeBoer: Madame Chair and members of the Commission, this is Case 59-09 – Parkway Plaza – Blue Fin. The applicant is Gregory Garnett with Gammon Neon, LLC and is requesting approval for a Final Sign Plan for Parkway Plaza Development. One proposed sign reads, "Blue Fin" with a maximum letter height of 36", which exceeds the maximum height for this size space in this development of 18". The sign also exceeds the maximum allowable signage area and the maximum allowable overall width. Staff recommends approval of this application as long as all stipulations are met as stated in the Staff Report and would be happy to answer any questions.

Comm. Elkins: Is the drawing in our packet what is proposed by the applicant or what's proposed by staff?

Mrs. DeBoer: This is proposed by the applicant.

Comm. Elkins: Do we have something to show us the sign in conformance to sign standards?

Mrs. DeBoer: No, we do not have that.

Comm. Roberson: Did the "Mandarism" sign conform?

Mr. Klein: I believe it did.

Comm. Williams: On the 5% issue in your first staff comment, the allowable area is over by 3.2%, so we're not talking about a lot in this case. Could you share how many square feet that might be?

Mr. Klein: The way staff looks at this is the maximum allowed is 5%, and the signage was 8.2%, which would be considerably more than the 5% allowed.

Comm. Williams: The area is actually an additional 3.2% of the façade. I assume that's the same case with the width.

Mrs. DeBoer: That is correct.

Comm. Pateidl: Is this a franchise operation?

Mrs. DeBoer: We'll let the applicant answer this.

Chair Rohlf: Does anyone have any other questions for staff? Then we'll hear from the applicant.

### **Applicant Presentation**

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

Mr. Sailors: We really like this sign, and let me tell you my logic on why I would ask you to approve it the way it is. The drawing you see is a picture of the building. The Blue Fin space that was formerly Mandarinism actually goes over 30' and takes part of that outcropping on the right side. When you figure your percentage, do you figure the entire face of the front of the space they're using, or are you just going to the outcropping? I got a different figure.

Mrs. DeBoer: I used the square footage I was given on here, which was 705 square feet.

Mr. Sailors: I may just be wrong, but that's 35.25 square feet. When you look at it, it looks right from a square footage standpoint. Then if you look at the drawing of the sign, the "F" for the "Fin" is part of the logo, and then the larger "B" and "l" and "i" being taller than 18" is all part of the logo. If you average the letters with the smaller letters, you have 18". It has a nice logo look to it, and I would argue we're within the square footage allowed. We get good visibility from the street, and it fits with other signage we've done in Parkway. I think it's great.

Chair Rohlf: Mr. Sailors, there is a temporary sign right now. How does that compare to what's being proposed? It seemed fine.

Mr. Sailors: I don't know if the lettering is the same. It's very similar.

Chair Rohlf: I could read it from the street. In looking at this, it seems proportional. I would ask staff where we would see a big change if we complied with the staff report. Would it be in the height of all the letters?

Mr. Klein: We measure signs by actual measurements and not average. We're trying to be consistent among all signs and apply the criteria evenly. Per the LDO, we draw a box around the sign, which is how we take that calculation. The sign is not in conformance with the sign guidelines on the 5%; it's also not in conformance on the height. Everyone wants to be visible, but city policy has been to hold everyone to a certain amount.

Comm. Rezac: Given the fact that all three of those components are not in compliance with the LDO, what is the reason behind the size other than the marketability?

Mr. Sailors: If you just use the box method to measure the sign and go to the farthest points, every sign has to be block letters. You then lose the punch you get with the logo being different. The way I measure it, I don't think it's over on the 5%. To get the maximum sign, we'd have to fill that up, and it would be unattractive and would not accomplish the same goal as this sign would. The city has allowed for logos to extend on height. If you look at the overall size of that sign and how it looks in that spot, it looks right.

Comm. Roberson: In the past, we've approved the logo going above the 18", correct?

Mr. Klein: We have had applications with a larger logo. It's been the direction of the city as of late with Tide and Capitol Federal that the logo would need to go on the same line as and be no larger than the text.

Comm. Roberson: We've required the letters to be the right height.

Mr. Klein: Yes, and I'd like to make clear how we're calculating the sign (*places sign diagram on the overhead*). We're taking it from the top of this "F" to the bottom of the line. We then draw a box around the area, and that's how we're calculating the area.

Comm. Jackson: Is that 5%? Is it 34.5 square feet?

Mr. Klein: 34.5 square feet is actually within the 5%; however, the 34.5 square feet might just include this. Here is an additional 3.5 square feet on top of that.

Comm. Roberson: So you're saying it's actually 38 square feet.

Mr. Klein: Yes, they basically have 3' letter height here with the "F" and then whatever the height of the line here is. We would take the bottom of this across to this point and then down.

Mr. Coleman: The Commission is allowed to make deviations if you feel it results in a higher quality sign, but you should be aware that the Photoshop drawing may not be a perfectly accurate representation of what the sign would look like on that façade.

Comm. Jackson: Mark, what did we do with the Sprint sign? Was the logo added into that 5%? I know we allowed the logo to be larger.

Mr. Klein: The logo would have been added into the 5%. You're right, that was an issue with the logo touching the top and bottom of the sign band; but it was approved.

Comm. Williams: In this development, didn't we approve a sign for a barber shop that has a moustache?

Mr. Klein: I believe so.

Comm. Williams: I'm assuming that passed Council?

Mr. Klein: I believe it did, but as you know, our direction on signage has changed over time, especially with the logos. This is something you have the ability to allow; we're just presenting the sign criteria of the overall development and trying to maintain consistency and not set a precedent.

Comm. Williams: From my perspective, to allow the upper and lower case letters and a little design feature makes the sign a little more interesting. You made the comment about maxing out the 5% and the height with a bunch of block letters, and this makes for a boring sign and development. I don't think anyone wants to see that. I'm just playing with calculations, and from an area perspective, we're not talking about that much of a difference. I'm coming up with one square foot. On the length, you must be using a different number than I am because I have a length of 21' and not 15'. That's based on their dimensions of 30', and I think you're probably taking the dimensions of the stone.

Mr. Klein: I would have to double check.

Comm. Williams: I find the sign interesting and fun, and I think it would be an asset to the development.

Comm. Pateidl: When we say the sign is 3.2% larger than what is allowed, are we saying this is 60% larger than what our ordinance has established for signage of this nature?

Mr. Klein: I'm not sure about the 60%, but it is larger.

Comm. Pateidl: From 3% to 5% is 60%, so it's over 1.5 times what we allow in our ordinance. This is a lot, particularly with setting precedent and ending up with bigger signs competing with bigger signs. The only one who loses in that is City of Leawood. I think the sign is attractive, and I think there should be some allowance for the logo to exceed some of the area. The letters are supposed to be 18" tall, and 60% of the letters are over 18". I love the concept, but I think you're pressing the edge of the envelope.

Mr. Sailors: I don't agree that it's 8.3%. If you took this sign and cut it by that amount, you wouldn't see it from the parking lot. The 34' is under the 5%, so the additional 3.2 is a questionable calculation.

Comm. Pateidl: If you're right, I think people need to sit down and figure out what you've got. This is not the place to argue over square footage.

Comm. Elkins: My concerns here are not so much on the square footage on the sign because I'm getting a little confused about what's what. With my numbers, I came up with 34.5' doing it the way Mr. Sailors did. Doing it the way staff did, I came up with 48'. For me, the issue, as with Mr. Pateidl, is with the size of the letters. I'm having trouble reconciling everything in front of me. If the ordinance for the letters is 18" in height, at least that "F" is 3' in height, which is twice what we have in our LDO. On the other hand, when I look at the picture, I agree with Mr. Sailors that it looks completely proportional and appropriate. I'm struggling with the math that tells me the letters are twice as tall as they're supposed to be. Even the small letters are 25% taller than what they're supposed to be. The picture seems like a very appropriate sign, so I'm really at a loss as to whether I support this or not.

Comm. Jackson: Just to make clear, the 18" requirement is for the design guidelines; it's not in the ordinance. I agree that the largest of the letters, not counting the "F", are 2', and you've been asked to do 18". You've gone over that by a substantial margin. In these economic times, I'd rather see businesses in Leawood have a little more visibility and certainly allow an interesting sign out there to get more clientele. I'm on the fence. I'd like to see it closer to the 18". I'm happy to allow the "F" as a logo and to be larger. I don't know I would count that as being anything greater than 5%.

Mr. Sailors: I understand the argument on the 18" letters. However, this name has few letters. If you stick with the 18" and you want to maximize the signage, you've got to come up with additional things to say about it. The nature of this name and the location on the building with a small area behind the parapet on the back create some compelling reasons to allow the deviation.

Comm. Roberson: I think we're asking for the letters to get closer to 18" with a larger "F". I would allow the swoop as an exception outside the box to give you some leeway.

Mr. Sailors: How much closer?

Comm. Roberson: A lot closer than 2'.

Comm. Heiman: I would have to concur with that. I like the logo, and I think if it is closer to what the guidelines are, I'd be in support of that.

Chair Rohlf: Does anyone have any further comments or discussion? We'll need to revise the staff recommendations. Our only concern is the 18".

Comm. Roberson: I'm not quite sure how to word this.

Mr. Sailors: (*shows an example*) That's 18".

Comm. Roberson: That's not what we're asking. We're asking to maintain your logo, get the letters a little closer to the 18", keep the swoop below and keep the big "F".

Comm. Pateidl: Staff, do you have a leeway plus or minus as far as the sign permitting is concerned?

Mr. Klein: We really don't. Just borrowing a percentage we use in substantial compliance with preliminaries, we have 5%.

Comm. Pateidl: I'm talking about the height of the letters at this point.

Mr. Klein: We don't have anything at this point. What has been done in the past on some developments that realized the sign criteria were not allowing them to do the types of things they wanted to do was staff encouraging them to re-evaluate their guidelines. Maybe the applicant could be encouraged to come back after this case and present alternate sign criteria.

Chair Rohlf: I think that's an excellent suggestion. They have enough buildings up now to get a better idea what they want.

Mr. Klein: To allow for creativity, some have allowed a certain percentage of increase for letter size.

Chair Rohlf: So we would need to figure out how to include that proportionality in that stipulation. What's the magic number between 18" and 36".

Comm. Jackson: I think you could maintain that "F" as a logo.

Comm. Elkins: The "B" is 24" right now, so there is really only one letter that's 24". If we provide a stipulation that brought that from 24" to 20" and everything else down proportionally, does that get us down to where the Commission thinks we need to be?

Comm. Roberson: I was thinking almost identical to that.

Comm. Rezac: I agree.

Comm. Elkins: That accommodates the large "F" and brings it down proportionally. Mr. Sailors, does that make sense to you?

Comm. Williams: That gets your "u", "e" and "f" probably about 9" high. I think it's too small.

Comm. Roberson: If you brought the "B" to 20", it's still 8".

Mr. Coleman: Could I make a suggestion that the sign be 5% of the façade? It may be 34" tall or 33" or 35", but it would be within the 5% criteria. The proportionality of the sign is whatever it is.

Comm. Elkins: Aren't you still left with the question of how to calculate the area of the sign?

Mr. Coleman: That is true, but the way we've calculated is what we've done consistently for all signs. That's how we would calculate it.

Comm. Jackson: Would you include the swoop on the bottom in that 5%?

Mr. Coleman: If you so desired, we could exclude the swoop.

Comm. Jackson: I would so desire.

Comm. Roberson: I agree.

Comm. Rezac: I agree. I like the idea that it's just taking the sign the way it is now, which I think is a nice design, and scaling it down somewhat. The swoop is part of the logo, in my opinion.

Mr. Sailors: If you calculate the sign the way the City does, it would be way too small to do the logo. When we came in with the Hair Saloon for men, we took the actual blocks of similar-sized letters. If we have to calculate all the area that's not signage as signage, we're back to block letters like I had shown on there. I don't disagree with Mr. Coleman's idea, but it's how you calculate it.

Chair Rohlf: Other than the "F", the "B" is the only one outside?

Comm. Williams: The "b", the "l" and the "l".

Comm. Roberson: I disagree. Keep the swoop and let the "F" be part of the logo. I think you can find a way to make the letters proportionate.

Mr. Coleman: Based on their own drawing of the façade, they'd have a sign of 31.5 square feet. It would be pretty small. If you calculate it the way they did it, it would be 3 square feet smaller than they show.

Chair Rohlf: It would be about the same as the swoop itself that they figured at 3.5.

Mr. Coleman: The Commission can make deviations on the sign if they feel that it results in a higher quality environment.

Comm. Williams: Mr. Coleman, how are you determining the area of the façade?

Mr. Coleman: I took the 21.5' by the 30' wide space. Another option would be to continue the case until we can work out with the applicant something and bring it back.

Chair Rohlf: I think that would make us more comfortable so we can see it in a proportion that works.

Comm. Jackson: Could I add that they could go back and change the design guidelines so something like this is easier to approve?

Chair Rohlf: Would you consider a continuance to rework this?

Mr. Sailors: I think revising them is a good idea. This restaurant is ready to open, so the continuance becomes an issue. We probably need to get something approved if we can. Let me just check.

Chair Rohlf: Mr. Coleman, I always come back to that Price Chopper sign. It was too small. After it was put up, it was obviously too small. We granted them the ability to increase it quite a bit. I know it would be expensive. I think the sign is in proportion, but I like to see signs when I drive by. I don't think this is uncharacteristic with some of the other signs we've approved.

Mr. Coleman: You are allowed to approve a deviation. If you want to approve the sign as presented, you could do that; or you could ask them to proportionally reduce it by 2" in height.

Chair Rohlf: Then I think we'd be giving up what makes it unique.

Mr. Coleman: I wasn't suggesting they change their logo or the design or color; I'm just saying that they could reduce the size of the overall sign proportionally.

Comm. Rezac: From what I'm hearing, it sounds like most people on the Commission like the look of the sign. Our issue is it does digress further than we feel comfortable. I wonder if I can just ask one question about the calculation. If we consider the swoop and the "F" as logo, thus excluding them from the area calculation, would we still be in the 5%?

Mr. Coleman: That would be up to the Commission as to whether they want to calculate it that way. We could also continue it to get something else worked out.

Chair Rohlf: Mr. Sailors, did you have a chance to confer?

Mr. Sailors: Are we deviating from the LDO or design guidelines?

Comm. Roberson: Design guidelines.

Comm. Rezac: I apologize. I think the Commission is uncomfortable with the extent of the deviation.

Mr. Klein: Actually it's both because the LDO has 5% in it as well. The size of the letters is in the design guidelines.

Mr. Sailors: I don't think a smaller sign makes sense for this case, so continuing it doesn't help. The design guidelines we would want to change would give more flexibility for height of letters. I think any idea we come up with here tonight is as good as we'll be able to come up with.

Comm. Jackson: I'm off the fence now and am ready to support this sign. It sounds like we are all in agreement. It's a good sign. The more I think about it, if we demand the design guidelines get changed, they will be enlarged and then the next applicant will come in and want a little bit more of that. Perhaps keeping the design guidelines where they are will prevent that. We certainly have enough comments on the

record as to why we like this sign and why we're approving it beyond the deviations. I think we can certainly justify not approving the next case that comes in based on our stated reasons.

Chair Rohlf: Thank you. Is there anything else?

Comm. Heiman: I have the benefit of seeing Commissioner Rezac's drawing over here, and I think she's got the right idea. As opposed to drawing the square around the entire logo, it's just around the letters. I don't know what the calculation is, but my guess is it would be much closer to this 5% we're looking for. I think I would be in favor of where we're headed here.

Comm. Williams: I haven't seen the drawing, but if I understand correctly, you go 2' up for the letters and 15' across, that's 30 square feet. If you take out the tip of the "F" and the swoosh, we don't have an issue here. Maybe the way to do this is to keep Stipulation No. 2 with the 5%, but further define that as the height of the letters by the width of the sign, excluding the "F" and the swoosh, which are considered the logo. Does that get us where we want to be?

Comm. Jackson: Madame Chair, I would disagree with doing it that way simply because the City has put in place a standard operating procedure as to how they measure signs. We have an ability to allow greater than 5%; I think we've stated reasons to do so here. I'd rather the City be able to maintain their standard operating procedure in measuring those signs going forward.

Ms. Shearer: The LDO, in Article IV, provides for how sign area is calculated. That's the method that Mark was referencing earlier.

Comm. Rezac: Does that typically include the logo?

Mr. Klein: Yes, and staff would agree with Commissioner Jackson. If we change how the area is calculated, we don't have a clear basis for calculating each different sign. If you want to grant a deviation, it's clearly stated as a deviation to that for the reasons you stated. That way, we know how much the deviation is, and this case will serve as a reference.

**A motion to recommend approval of CASE 59-09 – PARKWAY PLAZA BLUE FIN SIGN PLAN – Request for approval of a Final Sign Plan, removing Staff Recommendations No. 1, 2, 3 and 4, leaving Nos. 5 and 6 – was made by Jackson; seconded by Williams. The motion passed with a vote of 6-1. For: Roberson, Jackson, Williams, Elkins, Heiman and Rezac. Opposed: Pateidl.**

CASE 69-09 LEAWOOD PLAZA – BASKIN ROBBINS SIGN PLAN – Request for approval of a Final Sign Plan, located at the southwest corner of Pembroke Lane and State Line Road.

**Staff Presentation:**

City Planner Melissa DeBoer made the following presentation:

Mrs. DeBoer: Madame Chair and members of the Planning Commission, this is Case 69-09 – Leawood Plaza Baskin Robbins. The applicant is Ryan Schurle with Schurle Signs, Inc. and is requesting approval of a Final Sign Plan for Leawood Plaza Development. Three signs are proposed, exceeding the three allowed by the LDO per tenant within the SD-NCR district. Tenants with three facades often have three signs within this development. Since there are other tenants within the Leawood Plaza Development, staff is supportive of this tenant having three signs as well. Staff recommends approval of this application with the stipulations stated in the Staff Report and would be happy to answer any questions.

Chair Rohlf: Questions for staff? We'll hear from the applicant.

**Applicant Presentation:**

Ryan Schurle, 1219 East 23<sup>rd</sup> St., Lawrence, KS, appeared before the Planning Commission and made the following comments:

Mr. Schurle: I don't have comments unless you have any questions.

Chair Rohlf: Does anyone have questions for the applicant?

**A motion to recommend approval of CASE 69-09 – BASKINS ROBBINS SIGN PLAN – Request for approval of a Final Sign Plan, located at the southwest corner of Pembroke Lane and State Line Road – was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.**

CASE 45-09 – MOLLE OFF SITE PARKING FOR NEW VEHICLES – Request for approval of a Special Use Permit, Preliminary Site Plan and Final Site Plan, located at 104<sup>th</sup> Street and State Line Road. **PUBLIC HEARING**

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 45-09 – Molle off-site parking for new vehicles. This project is located at State Line and 104<sup>th</sup> Street. It has been before the Planning Commission and City Council a number of times for a SUP to park new cars for the Molle Toyota Dealership that is across State Line. The reason it comes back is the City requires that the SUP expire after one year. Part of the reason for wanting the SUP to last one year is the City is actually looking at that area in a comprehensive way, so if any changes come up, the City has the ability to take a look at the site again. Staff is recommending approval of this application with the stipulations stated in the Staff Report. The main difference this one has from the previous ones is we required the applicant to go through the Board of Zoning Appeals to make sure they received all the appropriate variances to the setbacks. The site itself has not changed. I'll be happy to answer any questions.

Chair Rohlf: Mark, as far as you know, there have been no complaints on this area?

Mr. Klein: No, actually the applicant said they have received no complaints from the Leawood Police Department and have not had any problems in the past.

Chair Rohlf: Does anyone have questions for staff?

Comm. Jackson: Frankie, is there any requirement or reason we can't approve it for one year based on the City's wanting to look at it comprehensively later – why you'd have to look at it longer?

Ms. Shearer: No, the LDO provides that a SUP may be approved for up to 20 years. It can be approved for any increment up to 20.

Comm. Jackson: Is it a valid reason to decide not to do it for more than one year that the City might want to look at it more comprehensively later?

Ms. Shearer: It's entirely up to you and the Governing Body as to the reasoning behind why it would require a shorter term. If the City does intend to review a comprehensive plan that might involve this property, it would be a sufficient reason.

Chair Rohlf: Anything else? Then we'll hear from the applicant.

**Applicant Presentation:**

Larry Wynn appeared before the Planning Commission and made the following comments:

Mr. Wynn: Anna Molle is with me tonight should you have questions. Staff comments are very complete, and I don't know there is anything I can add to that other than the question that Commissioner Jackson asked. Mark and I talked about that today. This one-year recycle comes along very quickly. We really have ten months because we start two months in advance of the expiration. It's also quite expensive. I had suggested to Mark even something as little as three years. The way it is written, we have one year; but any time the City wants us to leave, they give us six months and we're gone. We're at the City's will regardless, and it would be a little less bureaucratic for the applicant if we could get three years subject to that same stipulation. Mark did mention that the City and some future master planning might consider a CID investment district down here. The area is not very Leawood-like, but it is what it is and has been there for 30 years that way. There is some indication that maybe an opportunity would arise in the future to do something on a macro basis down there. We've always said that Leawood should take advantage of that opportunity should it arise. New car storage is maybe the nicest use down there in terms of aesthetics currently. If you can give us six months' notice to get out of there, it takes an hour and a half to move the cars off there. If you want to continue with the one year, we're pleased to have your support. If you can do three years with a stipulation the way it's written, it would save the applicant the expense of the process.

Chair Rohlf: Mark, do you have any idea how many times we've looked at this?

Mr. Klein: It was originally approved in 1999. I talked with the City Administrator as well with regard to the support for the application as far as time. He indicated that the City Council would prefer that it be held at one year for the reasons stated.

Chair Rohlf: Thank you. Does anyone have anything else for the applicant? This case does require a Public Hearing. Is there anyone in the audience that 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 Williams; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.

Chair Rohlf: I think the staff recommendations are pretty straightforward.

A motion to recommend approval of CASE 45-09 – MOLLE OFF-SITE PARKING FOR NEW VEHICLES – Request for SUP, Preliminary Site Plan and Final Site Plan for existing parking lot for new vehicles, located near 104<sup>th</sup> and State Line Road with Staff Stipulations Nos. 1-7 – was made by Roberson; seconded by Rezac. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.

CASE 62-09 – PARK PLACE – CAFÉ ROUX – Request for approval of a Final Site Plan, located at 11554 Ash Street.

**Staff Presentation:**

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Planning Commission, this is Case 62-09. It's a request for a Tenant Finish for Café Roux at Park Place, located at 11554 Ash Street, which is in Building A with storefronts facing on to Ash Street and the Via that connects the parking garage behind Building A. The storefront is proposed to be constructed of clear storefront windows, brick veneer and cultured stone veneer. Three signs are proposed, including one blade sign and two wall signs. All signs read, "Café Roux Established 2009." The wall sign on the Ash Street storefront is proposed to be reverse channel metal letters illuminated with white LED lighting. The blade sign is proposed to be attached to a black metal bracket and is proposed to be illuminated as well. The second wall sign is proposed on the north elevation, which is the elevation on the Via. It is on the east end of the north elevation, so it will be visible from Ash Street and from the storefronts along the street. That sign is proposed to be painted directly on the storefront. The LDO prohibits signs that are painted directly on an exterior building surface, so staff has a concern with that sign proposed as it is. We recommend the sign be removed or replaced with a sign that complies with the LDO and the approved sign criteria for Park Place. We're also not supportive of the cultured stone veneer for reasons stated in the previous case, including durability and long-term color. We suggest thin-set natural stone be substituted for the cultured stone. Staff also would like to have the Planning Commission provide some feedback on taglines, which are prohibited by the LDO. The language, "Established 2009" is a grey area for staff. We would interpret it as a tagline, but you are able to grant those deviations if you so choose. Other than that, staff recommends approval of the request, subject to the stipulations in the report.

Chair Rohlf: Questions for staff?

Comm. Rezac: Did staff have any issue with the columns in the Via? Are those cast stone? It looks like they are stucco of some kind.

Mr. Rexwinkle: On the Ash Street storefront, it is glass fiber reinforced concrete. Those are the main part of the structure existing before this tenant finish.

Comm. Williams: Did they submit a sample board of what the stone would look like?

Mr. Rexwinkle: Yes, I'll pass it around (*passes a sample board*).

Chair Rohlf: We'll hear from the applicant.

**Applicant Presentation:**

Jeffery Alpert, Park Place Developers, LLC, 11551 Ash Street, Leawood, KS, appeared before the Planning Commission and made the following comments;

Mr. Alpert: I am here to request approval of the storefront for Café Roux. This is a new concept that is a locally owned and operated restaurant. It is a New Orleans-style Cajun restaurant specializing in seafood. It is a casual, rustic, neighborhood concept, which we think will be a great addition to the Park Place dining scene. It seems like the issues tonight have already been widely discussed, but let me take a moment to talk about the cultured stone issue. The reason we specified cultured stone is because in the case of our storefronts, we often don't have the brick ledges built in to our foundation which are necessary to install natural veneer stone like you would on a house. In the case of the cultured stone at Park Place, we actually have three tenants who have cultured stone on their storefronts, including KC Surroundings, Envy Boutique and California Pizza Kitchen most significantly. As was mentioned before, it does come with a 50-year warranty. I think the quality of the product is significantly better than it used to be. We asked our tenant to add one element to the cultured stone installation, which would be mortared joints to give it a more natural look than what you typically see with cultured stone, which is a dry-laid installation. We would request your

consideration of the use of that product in this case. The other issue is the signs. For the signs, I would ask DeeDee Mick with Mad Dog Productions, who is the designer of the storefront, to speak to the sign issue.

DeeDee Mick, 5929 Granada Street, Fairway, KS, appeared before the Planning Commission and made the following comments:

Ms. Mick: The first issue is with the vertical sign that's painted on the end of the breezeway. We first ran into a problem with the height of the sign being restricted to 18". That means the entire sign, which is the logo for this company, is 2'2". The sign on the front that you see over the head of the door would be the exact size as the sign on the Via side, which is twice the square footage of the storefront. Considering what the pedestrian is going to go through, do we want to just say, "Roux" as big and shiny as we can get them? No, that's not going to be nice. We wanted something interesting that would catch their eye. It is painted on brick, but the craftsmanship it takes to put that old-time sign there and make it look sandblasted to make it look like this corner has been there for a long time is exactly the look we're going for. It's very unique to Park Place. The idea is to create almost a piece of art, not another metal painted blade sign that you see throughout the rest of the Park. It's less than the square footage that's allowable for that side and is a very attractive point from the breezeway. In keeping the "Established 2009," it is not a tagline, but part of the logo. When we submitted everything, I submitted extra sheets showing merchandising in which Roux uses that entire badge as their logo. I asked the owners if it was important and why they have it. The reason is they are a contemporary Cajun café. Nothing says that like today's date. It's a brother/sister team, and they plan on going forward and having more restaurants. For them, it's sort of a point of departure. It's very important to the owners. Since it is contained within the logo, it's protected by Park Place's design guidelines. That's all I have.

Chair Rohlf: Do we have questions about the signs while she's here.

Comm. Rezac: Regarding the logo, it sounds like it's used on a lot of things. So it's used inside the restaurant also?

Ms. Mick: It's on beer mugs. You can see the guys working with baseball hats and t-shirts with the logo on them. There will be a catering van with the full logo on it.

Comm. Williams: Going back to the painted sign, obviously your graphic doesn't show the brick joints. Could you share with us how you address that?

Ms. Mick: This is a brick veneer, and it will have the mortar joints. It will look like a brick column. They'll come in and paint the logo. They would paint it vertically without the outline in three colors: white, black and yellow. We might use a red on there to make sure it pops. They can either paint it digitally and heat-vacuum press it on, allowing it to be taken off, or they can paint it on there. From that point, they do the mortar a little less deep, building the mortar out a little closer to the surface of the brick. Then they give it a light sandblast and get exactly the look. We would like to do the painted method to make it look as authentic as possible.

Chair Rohlf: Were you aware at the time that your company designed this that painted signs were not allowed?

Ms. Mick: I looked in the Park Place Tenant Design Guidelines, and I found nothing about painted or vertical signs. Jeff, the developer, approved the look and feel of it, so I went forward.

Mr. Coleman: It's a prohibited sign, so it's not allowed without a change in the LDO.

Comm. Roberson: There's nothing we can do about it.

Ms. Mick: What if it was a vinyl application?

Mr. Coleman: Any signs painted or stuck directly on to walls are prohibited.

Chair Rohlf: There is nothing that would bring that sign in compliance as presented.

Ms. Mick: If we put it on a piece of dimensional metal and then did that same look, would that fall within the boundaries?

Mr. Coleman: We would have to see something submitted to rule on that.

Chair Rohlf: We will get back to the sign issue in a little bit.

Comm. Williams: This is going back to the stone portions of the façade. The sample was passed around of the El Dorado stone. There is a substantial difference between one elevation and this one and the sample. What could we expect to see?

Ms. Mick: Expect to see what you see on the colored elevation (*places elevation on the overhead*). That's the most realistic portrayal. It's an actual photograph, and I scaled it down to how big the stones would be. In this particular pattern, there is a wide variety of stones.

Comm. Williams: In that same respect, there is variation in color also.

Ms. Mick: Right, and also this particular place doesn't get a lot of sun. Of course, the breezeway doesn't get any sun at all. I heard concerns about the stone holding up, the warranty and the color. This is not going to be in the elements.

Comm. Williams: In terms of detail for the stone, does this go down to the sidewalk?

Ms. Mick: Yes, unless there is some type of construction reason why it wouldn't.

Comm. Pateidl: Staff recommendation is to replace the cultured stone with thin-set stone. Mr. Alpert made the comment that the foundations are not contemplated for stone. Will somebody clarify for me how much of a variance there is in weight between the two materials per square foot as an example?

Mr. Coleman: It depends on the type of stone the veneer is. If it was just limestone, they're very close. Thin-set is set just like the cultured stone. It's glued on to a backer, and then the joints are mortared.

Comm. Pateidl: So the point about the foundation is valid or invalid?

Mr. Coleman: It doesn't require a brick ledge or foundation.

Chair Rohlf: Anything else? Mark, did you have a chance to check on anything else?

Mr. Klein: As far as the California Pizza Kitchen, it was originally proposed with cultured stone. However, Stipulation No. 7 indicated the cultured stone would have to be replaced with real stone to match the cultured stone. I do have a copy of the resolution from the Governing Body.

Chair Rohlf: That's what is on that building?

Mr. Klein: That is what is supposed to be on that building, so I would say yes.

Chair Rohlf: We'll see if Mr. Alpert has anything else to say about the overall development.

Mr. Alpert: No, I would just encourage the Commission to consider approving the sign with the logo as presented. I think it's a unique character. It's something that we support completely. It's unfortunate that the LDO doesn't allow for the painted sign because this is the kind of unique element we're trying to encourage at Park Place to add an eclectic character to our project. If it's illegal, then what we might want to do is consider seeing if we can get the LDO changed and hold off on it.

Chair Rohlf: That's probably not in their best interests to try that; it will take several months.

Mr. Alpert: It's not a critical sign that has to be there the day the store opens. It's something I think we can go back and discuss.

Mr. Alpert: It's not an issue for debate, I guess.

Ms. Shearer: Not as the code currently reads.

Chair Rohlf: We probably should discuss the overall sign itself with the tagline and what we think of the remaining signs that are not painted.

Comm. Williams: On the sign that is running vertical, is there anything in the design guidelines or the LDO that would prevent them from running that sign vertically like they have in some other material?

Mr. Rexwinkle: No.

Ms. Mick: I think the painted expression would be the best way to go, but if it were to be pin-mounted letters, is that something that is allowed? You run the risk of someone taking the letters that way. There is no way to get a variance from this body based on that?

Comm. Roberson: No.

Ms. Mick: And there is no other material that would be appropriate?

Chair Rohlf: Nothing other than what is your standard sign material.

Mr. Alpert: It would be very helpful if we could get an indication from the Commissioners if it were allowed by the LDO, would it be something the Commission would support?

Chair Rohlf: That's a hard one. I don't think we would want to go there.

Comm. Roberson: I wouldn't say yes, no or maybe.

Comm. Jackson: I'll say yes.

Comm. Rezac: The fact that it's on the corner and not saying who they are shows it as a graphic or art, rather than a sign. Is there something in the LDO that addresses graphic or art?

Mr. Coleman: No, it's not allowed. It's obviously a vertical word and is obviously painted on the wall.

Comm. Rezac: Is there anything in the LDO that addresses graphics or art?

Mr. Coleman: We would have to get into the definition of what you consider a sign and a mural. My interpretation is that it is a sign.

Comm. Rezac: According to the LDO?

Mr. Coleman: Absolutely.

Mr. Rexwinkle: I'll provide the definition: "A painted wall sign is a sign that is applied with paint or colored substances directly to the face of a wall." That's what we used.

Chair Rohlf: So Recommendation No. 2 will stay in. That leaves us with the natural stone replacement and the overall sign with the tagline/logo. I think staff would like our thoughts on that.

Comm. Roberson: I like the signs as they are. I don't really consider it a tagline. I think we spent almost an hour arguing to have a commercial office building put natural stone instead of cultured stone on their foundation, and I agree this should be natural stone as well.

Comm. Williams: I would go along with Mr. Roberson on that.

Comm. Heiman: Same here.

Comm. Rezac: I would agree.

Comm. Pateidl: Madame Chair, I would add one other thing. We've had many discussions about the quality of materials going into the Park Place development. The thin-set stone speaks to that issue as well.

Chair Rohlf: It appears if we make a motion, we will keep the Staff Report as is.

Comm. Elkins: I agree with my fellow commissioners that the sign is fine as it is. I'm curious about Stipulation No. 2, "All proposed signage shall comply with the LDO and the approved sign criteria for Park Place." Are we making an exception for the "Established 2009" or are we just concluding that it is within the confines of the LDO and the sign criteria?

Chair Rohlf: Yes, it is within the criteria.

Comm. Jackson: I'd like to expand on that by saying that they brought in evidence that it is part of their logo. If there is an issue in the future as to what a tagline is versus a logo, we have clear evidence in this case that it is a logo.

**A motion to recommend approval of CASE 62-09 – PARK PLACE CAFÉ ROUX – Request for approval of Final Site Plan with all five Staff Stipulations – was made by Williams; seconded by Elkins. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.**

CASE 65-09 – TOWN CENTER PLAZA – MACY'S CLEARWIRE WIRELESS WIMAX – Request for approval of a Special Use Permit for a wireless communication facility for Clearwire Wireless Wimax, located at the northeast corner of Nall Avenue and 119<sup>th</sup> Street. **PUBLIC HEARING**

**Staff Presentation:**

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Commission, this is Case 65-09. It is a request for a Special Use Permit for a wireless communications facility, which is proposed to be on the rooftop of Macy's at Town Center Plaza. The facility will be operated by Clearwire Wireless Wimax, which is a wireless Internet service provider. They are proposing four antennae on top of the roof in an equipment cabinet. There are three Sprint antennae on top of the Macy's store currently. The equipment cabinet is proposed to be 54" tall and located on the south side of the roof. It will be concealed from view from the ground level by the existing building parapet, which is approximately 8' above the roof level. The four antennae will each be 42" tall. The building parapet will not fully screen these because they are located more toward the center of the building. The applicant is proposing screening, and they provided the cut sheet with the Staff Report that shows you what that screening would look like. We do not know the material or color. The LDO requires that the material and color are compatible with the building. We do recommend a stipulation requiring the applicant to provide that information prior to proceeding to City Council. The applicant did hold an Interact Meeting on October 13<sup>th</sup> and provided notice to 105 property owners within 1,000 feet of the subject property. A summary has been provided with the Staff Report. Staff recommends approval of this Special Use Permit request for a period of five years, subject to the stipulations in the report.

Chair Rohlf: Any questions for staff? Then we'll hear from the applicant.

**Applicant Presentation:**

Curtis Holland, attorney with Polsinelli Shughart Law Firm, 6201 College Blvd., Ste. 500, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Holland: With me tonight is Bob Hurlihy with Selective Site Consultants [SSC]. We also have some technical assistance here from Clearwire who could answer technical questions if you have any. Staff briefly summarized our request tonight. I've talked about wireless service here a number of times. In the case of Clearwire and the network they're deploying in the Kansas City area, of all the six sites that they're proposing in Leawood, none are new tower sites; all are co-locations. We are going to utilize existing infrastructure in the city to deploy the network. This is the first application of many that will come before you in the next few months because even co-locations require Special Use Permits, as you may recall. We are locating antennae on the rooftop of Macy's at Leawood Town Center Plaza. Sprint has had antennae up there a number of years, but you cannot see them. They are deeper in on the roof, and they are not visible, notwithstanding the fact that they extend above the parapets. Similarly, Clearwire's antennae will not be visible from the ground or from the surrounding street network because they're located off the edges. In one of the instances, you might be able to see the antenna barely on the eastern side of the building in the center. It's good for visibility, but not good for our service because you have shadowing effects from the roof. Your ordinance does have a provision that requires screening if the antennae are in excess of 12" in diameter. We do have some microwave antennae on these locations, so that would apply. We are proposing screening for all four sets of the antennae. We recently submitted information that shows we can satisfy the stipulation requiring screening. We're prepared to take it to City Council if you're comfortable moving forward with it tonight. Beyond that, I don't have much to add besides what Wimax is. It is interesting because it will be new to the Kansas City Market. Clearwire is a partner with Sprint. We're excited to bring it to Leawood and hope to turn it on next year. With that, I would say that we agree with all the other stipulations and stand ready to answer any questions if you have any at this time.

Comm. Elkins: I understand this is the first stage of the deployment of the Clearwire network in the Leawood area. Is that correct?

Mr. Holland: Yes, there will be a number of locations coming to you in the next months. They're building their network on or about the same schedule and hope to turn it on next year.

Comm. Elkins: There will be additional applications for Special Use Permits in the coming months.

Mr. Holland: Yes, you'll see them starting next month likely. They'll go through quickly because there are not very many of them and they're not very controversial. They're usually on roofs of buildings. We have two tower sites at 135<sup>th</sup> and Hall and the Monopine at the 5<sup>th</sup> tee box.

Comm. Elkins: Based on the level of detail you've given us tonight, is it fair for me to believe that the deployment plan for the network is basically complete at this point?

Mr. Holland: There are roughly 240 sites in the Kansas City area. To say that we're close on all of that is probably not accurate. Are we intending to get there and be turned on next year? Yes.

Comm. Elkins: My question is limited to the Leawood part of the network. Is that plan pretty much complete at this point?

Mr. Holland: I would say it is. I don't think we anticipate additional sites here in Leawood beyond the ones that we're going to be looking at here in the next couple months, but you never know down the road where people are demanding service and where you might want to improve coverage. For the launch, those sites are determined already.

Chair Rohlf: Do you know what the screening is for the existing antennae up there?

Mr. Holland: They were placed on the roof prior to the ordinance requiring the screening, so they don't really have any. That said, you can't see them anyway. It's a case in which there is a regulation saying what you should do, but it doesn't necessarily achieve the goal it was adopted for in the first place. We're talking with staff about maybe looking at that provision as we go forward.

Chair Rohlf: But you're willing to do that at this point if it's required.

Mr. Holland: Yes, on this one here and the rooftops in general will not be a problem. I think the one we're going to have a little more discussion about is 135<sup>th</sup> and Nall. We've had an initial meeting with staff about that and hopefully will work through those issues.

Chair Rohlf: Does anyone else have questions for the applicant? This case does require a Public Hearing. Is there anyone in the audience that wishes to speak?

## **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.**

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

Comm. Elkins: Let me begin by indicating for the record that I fully support the deployment of the Wimax network in the Kansas City metropolitan area and Leawood in particular. I will also be supporting this application tonight. I think staff is familiar with concerns I have had in the past about other telecommunications providers' approach to deploying their advanced technology networks and being put in

a position where we were planning on an ad-hoc basis for a Special Use Permit. My personal request is that staff work with the applicant, and the next time we are in line for a review of a Special Use Permit, that at least a substantial part of the Leawood portion of the network deployment plan be included as part of that presentation. This is not because I purport we should vote on it as a plan as we would a development plan, but just to provide us with some context as we consider each of these Special Use Permits in sequence so we have a sense of the network deployment plan. I think we can do our jobs better as planners if we have that context. With that request, I express my support with what Sprint and Wimax are doing here.

Chair Rohlf: Thank you. Those are good comments. If there is nothing else, I would ask for a motion.

**A motion to recommend approval of CASE 65-09 – TOWN CENTER PLAZA MACY'S CLEARWIRE WIRELESS WIMAX – Request for approval of a Special Use Permit for a wireless communication facility for Clearwire Wireless Wimax, located at the northeast corner of Nall Ave. and 119<sup>th</sup> St. with the four Staff Stipulations recommended in the Staff Report – was made by Elkins; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.**

CASE 68-09 LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-1 – ACCESSORY USES, BUILDINGS AND STRUCTURES (Daycare Uses as an Accessory Use within Church, Religious, Educational and Community Buildings) – Request for approval of an amendment to the Leawood Development Ordinance.

#### **PUBLIC HEARING**

##### **Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Commission, this is Case 68-09 – Leawood Development Ordinance Amendment to Section 16-4-1 – Permitted Accessory Uses in Buildings and Structures. This allows an accessory use of a daycare within church buildings as an accessory use. The church would have to be the primary use, and then the daycare would be allowed to operate. This has been requested regarding one of the churches; however, we know that a number of other churches are already operating daycares and probably have been for quite some time, probably before this ordinance went into effect. We just wanted to make it very clear that the daycare would be allowed as long as it is an accessory use to the church. I'd be happy to answer questions.

Comm. Williams: When you define it as an accessory use, you're looking at it as a religious facility that just has programs that are an accessory use, even though they run eight hours a day, five days a week. Define for me what "limited" gets to be.

Mr. Klein: This one is running all day long. When they originally came in, they indicated it was a preschool. Preschools were allowed as accessory uses. According to Kansas ordinances, preschool is limited to no more than three-hour sessions. No lunch could be served and no child could participate in more than one session at a time. At that point, we started looking at what exactly this was. They were also working through the state as far as being able to do this. We contacted the state as well to find out the process they were going through. They called them a daycare center and indicated they used "daycare" and "preschool" interchangeably. Currently, within the Primary Use of the LDO, commercial daycares above 11 children are limited to commercial districts and are not allowed in residential districts. There is a limited daycare with less than 6 children, which is a permitted use in all districts. This would allow any one of those types of daycares as long as it was an accessory use to a church.

Comm. Williams: You emphasize the church piece of it. The language of this includes churches, educational and community buildings. All of them are going to be playing under the same rules.

Mr. Klein: Yes.

Comm. Williams: So if a school has a before and after-school daycare program, does that fit under this ordinance?

Mr. Klein: Yes.

Comm. Williams: You could have 40-60 kids in this before or after-school program. What purpose does having "limited" in here serve? I read that as being very subjective. I'm not trying to squelch what these people are trying to do or what is being done, but I would like to provide language that is clear to everybody.

Ms. Shearer: It is defined in the Table of Uses. "Limited" is 1-6, "General" is 7-10 and "Commercial" is 11+. That's why we listed all three in this amendment to the LDO.

Comm. Roberson: Montessori Schools – where does it go up to in terms of grade level, or does it, even?

Ms. Shearer: I'm not finding Montessori Schools defined in our code. Some of these things are defined and regulated by the state.

Comm. Roberson: Are we authorizing them to have a school program as well as a preschool program?

Ms. Shearer: The reason that is included in this amendment is because in the Table of Uses, Daycare, Commercial and Montessori Schools are listed together. I guess you could take it out.

Comm. Roberson: I don't know if it should or not.

Ms. Shearer: I'll be very honest in saying that I don't know what the state defines as Montessori School or if they do define Montessori School.

Mr. Rexwinkle: I think including that is just to be consistent with the Use Table, even though they do seem different.

Comm. Rezac: Does this affect parking at all?

Mr. Klein: No.

Comm. Rezac: The accessory use doesn't require the parking; the primary use does.

Mr. Klein: Yes, the primary use is what determines the parking. Within churches, it is one space for every three seats of the sanctuary.

Chair Rohlf: Is there anyone in the audience that 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 Roberson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.**

A motion to recommend approval of CASE 68-09 LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-1 – ACCESSORY USES, BUILDINGS AND STRUCTURES (Daycare Uses as an Accessory Use within Church, Religious, Educational and Community Buildings) – Request for approval of an amendment to the Leawood Development Ordinance – was made by Roberson; seconded by Elkins. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Heiman, Elkins and Rezac.

*MEETING ADJOURNED.*