

**City of Leawood**  
**Planning Commission Minutes**  
September 28, 2010  
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:** Jackson, Neff-Brain, Williams, Elkins, Heiman and Rezac. Absent: Pateidl, Roberson, Rohlf.

**APPROVAL OF THE AGENDA:**

Mr. Klein: Case 92-10 is requesting a continuance to the next Planning Commission meeting.

A motion to approve the agenda as amended was made by Elkins; seconded by Rezac. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.

**APPROVAL OF MINUTES:**

Approval of the minutes from the September 14, 2010 Planning Commission meeting.

Chairman Williams: I do have one question. Perhaps my colleagues and staff can help me out. On Case 83-10 – Town Center Business Park, on the friendly amendment that I proposed, I don't recall that there was a second and thus did not go forward.

Comm. Elkins: The friendly amendment does not require a second.

Chairman Williams: I guess I recall opposition to that amendment.

Mr. Klein: The comment was made, not seconded and just went on from there.

Chairman Williams: So the record is good; very good.

A motion to approve the minutes of the September 14, 2010 Planning Commission meeting was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.

**CONTINUED TO OCTOBER 26, 2010 MEETING:**

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**

CASE 56-06 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – Section 16-2-5.3 (R-1 District) – HEIGHT – Request for approval of an amendment to the Leawood Development Ordinance pertaining to the maximum permitted height of residential structures in the R-1 District. **PUBLIC HEARING**

CASE 57-06 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-5.3 (RP-1 District) – HEIGHT – Request for approval of an amendment to the Leawood Development Ordinance

pertaining to the maximum permitted height of residential structures in the RP-1 District. **PUBLIC HEARING**

CASE 72-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-5.3 – R-1 DISTRICT FRONT ENTRIES – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 73-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-5.3 – RP-1 DISTRICT FRONT ENTRIES – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 92-10 – PARK PLACE – PHASE 2 – SITE FURNISHINGS & SIGNAGE – Request for approval of a Final Site Plan, located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue.

**CONSENT AGENDA:**

CASE 84-10 – IRONHORSE CENTRE – TRENDZ – FINAL SIGN PLAN – Request for approval of a Final Sign Plan, located at 5409 W. 151<sup>st</sup> Street.

CASE 88-10 – PARKWAY PLAZA OFFICES – MOHN & SMILEY DENTAL – Request for approval of a Revised Final Sign Plan, located at 13430 Briar.

CASE 90-10 – TOWN CENTER PLAZA – DR. DEB'S – FINAL SITE PLAN – Request for approval of a Final Site Plan for a Tenant Finish, located at 4817 West 117<sup>th</sup> Street.

CASE 93-10 – TOMAHAWK POINTE – EURONET WORLDWIDE– Request for approval of a Final Sign Plan, located at 3500 College Boulevard.

**A motion to recommend approval of the Consent Agenda was made by Elkins; seconded by Neff-Brain. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.**

**NEW BUSINESS:**

CASE 47-10 – RANCHMART NORTH – FAÇADE AND SIGNAGE REMODEL – Request for approval of a Revised Final Plan, located at the northeast corner of 95<sup>th</sup> Street and Mission Road.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Mr. Chairman and members of the Planning Commission, this is Case 47-10 – Ranchmart North façade, signage and remodel. This is located at the northeast corner of 95<sup>th</sup> Street and Mission Road. The applicant has a proposal for Design and Sign Criteria for the development as it moves forward. The applicant is proposing to create a parapet brick wall that rises above the shed roof that is currently there. The signage would be placed on the wall. They are also hoping to replace the wood shake shingles with the DaVinci tile to match, as closely as possible, the existing concrete tile used over Price Chopper. The applicant has agreed to a stipulation to ensure it doesn't develop one tenant at a time. The center will be divided into three different phases. One is on the east side of Price Chopper and around toward the north. The second phase is located on the west side of Price Chopper. The third phase is the portion that turns the corner and aligns toward Mission Road. If any tenant space goes in requiring new signage or if the façade is changed, then the entire section would have to be done. This would keep the look consistent and complete. Staff is recommending approval of this application with the stipulations stated in the Staff Report and would be happy to answer any questions.

Comm. Neff-Brain: The area that used to be the bowling alley, is that not going to be improved?

Mr. Klein: At this point, that would have to come in as a future case. The applicant indicated uncertainty about the plans for that area. I should probably let the applicant speak to that.

Comm. Neff-Brain: If this is approved, they will be allowed to do one phase at a time?

Mr. Klein: Yes, on the west side, they would do the entire portion from Price Chopper to Hallmark.

Mr. Coleman: They are proposing these guidelines, in some respect, at the behest of the city because of the zoning of the Ranchmart property. They are not necessarily required to do the entire center. We've been working with the applicant on these Design Guidelines for the past seven months and have come up with a phasing plan. It makes it more financially viable to remodel the center.

Comm. Neff-Brain: So the applicant may be able to inform us as to the expected time frame.

Mr. Coleman: Yes, and concerning the bowling alley, even though it is not on the drawings, any changes or development would be similar to what you see in the packet.

Comm. Neff-Brain: You don't feel like it will look hodge-podge if only one phase is done for several years?

Mr. Coleman: We discussed that, and we understand that it may look a little off for a while, but the overall benefit of the center redevelopment was the overriding issue. Concerning the zoning, we're still working on additional plans to help these older areas redevelop. Under our current zoning ordinance, most of them do not meet many of the criteria. This is the first step.

Comm. Rezac: Did you say the city went to the applicant, or the applicant came forward with some of these changes?

Mr. Coleman: The applicant actually came in with a storefront he wanted to do without any Design Guidelines because the center is so old that it doesn't have any. We've been working to come up with some, and we expanded from that one application to be designed for the redevelopment of this center.

Chairman Williams: The drawings call for new brick sign areas. This says that the brick shall match the existing brick. Is the existing brick a full-course brick and the new brick, a veneer brick?

Mr. Klein: I would leave that to the applicant.

Chairman Williams: Do you know if they are able to match the brick, or will they be changing color?

Mr. Klein: My understanding is they would match the brick.

Chairman Williams: That can be hard to do with 40-year-old brick walls. If there are no other questions, we'll hear from the applicant.

**Applicant Presentation:**

Otto Westerfeld, 20190 Dearborn, Stillwell, KS, 66086, appeared before the Planning Commission and made the following comments:

Mr. Westerfeld: I brought Henry Klover, my architect, with me. This originally was born out of a meeting regarding an IHOP where the old Leawood Post Office was. I believe it was Dr. Peppes and Mr. Rawlings at the Interact Meeting with the neighbors who brought up difficulties with Ranchmart North and securing tenants. As I'm sure you're aware, we had that beautiful red banded signage that can't be seen, and that has been problematic for me over the last twelve years in securing good tenants. I have good tenants now, but to significantly change the tenant mix for the shopping center and to draw tenants that can pay rent, which enable us to spend money on improvements, we really need better signage. At that Interact Meeting, we began to discuss what the city would do. They encouraged Henry and me to put together a plan, come before staff and work on this in a manner that made sense and was still affordable. For the last three or four months, we have been discussing different options and plans regarding zoning, design guidelines, the city's desires and our abilities. That brings us here tonight. Henry has elevations and drawings if you have questions about that.

Henry Klover, Klover Architects, 10955 Lowell, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Klover: *(Places photo of brick sample on the overhead)* We actually were very successful at matching the roof tile. Glengarry has a full brick and a thin-tile brick, which is necessary because we're going above the existing roof structure. It was an interesting process because one of the owners is an architect and an architecture professor at USC. He got involved with the design and helped adjust the height, cornice and molding to ensure we came close to matching what was in the grocery store. We also modified the base of it as well because originally we were going to leave it with a skirt board, but we're modifying it. The primary goal is to get signage identification for the tenants and not lose the national tenants as we go into this. With that said, we would stand for questions.

Comm. Neff-Brain: As far as phasing, do you have a general idea of time? I'm concerned that the place will look very strange if the time between the phases is great.

Mr. Klover: It's not going to be too different because Price Chopper is already different.

Comm. Neff-Brain: Do you have any idea of the timing?

Mr. Klover: We came in initially because we had a tenant, which we lost because of timing. We have had a couple opportunities to get tenants in there, and it's a better environment. I should let Otto speak to that. A lot of it is because of the time it takes to get the approval.

Comm. Neff-Brain: You have a couple now?

Mr. Klover: No, we don't anymore. We started the process because we had two tenants interested on the Seasonal Concept side.

Mr. Westerfeld: In years past in a different market, we all saw a lot of money being thrown at projects being done in totality. In this market, we simply can't afford to throw \$6-\$8 million into that shopping center and not have the right tenants and rents. This is an exercise by us, knowing that we were hurting ourselves in the current configuration.

Comm. Neff-Brain: Who owns it?

Mr. Westerfeld: Bob Regnier and Vick Regnier, Jr. own it. My task over the last twelve years has been to improve their portfolio and try to get the right tenants in these shopping centers. We're in a market now with Zona Rosa up north as a gem of a place, and they're doing net-only deals. Developers and owners of

shopping centers are reducing rents everywhere to try to keep tenants. I'm fortunate that, with the strength of our real estate and God's grace, out of 140 tenants, I've only got ten that are struggling. Looking at the facts, we've got to recognize that we're not going to get it leased and it's not going to get better unless we do something to the shopping center that will get a return on our money and enable us to continue to improve to where it becomes a draw for tenants in a market that is difficult to find tenants. We looked at the Seasonal Concepts building. I need to divide that building into four tenant spaces; it's easier to lease the smaller spaces: 2,500, 3,000 and 5,000 sq. ft. buildings. We'd like to revitalize Ranchmart North. The desire to do it is not lacking, but the desire to do it sensibly is equally as great. I have a lot of activity, which I don't understand because my peers are starving. I feel confident that I will be able to secure tenants. Once we get one phase done, I hope to attract interest by the brokerage community by showing that we're willing to invest in the property. I understand what you're saying. I spent \$5.5 million on the south side, and it looks great. The east building sits in its current configuration, looking a little weird, but I had 26,000 sq. ft. of a former CVS store empty. Now with a 21,000 sq. ft. tenant in there, I will be able to do something with that building. We have to be more sensible and careful. We actually use our own money for a lot of these projects.

Comm. Neff-Brain: When O'Neills went in, was there any improvement to that façade?

Mr. Westerfeld: Very little; they wanted black doors. We put a single-pane glass with wood framing in the last '60's, so obviously we had to change that and put some decent glass in so that the aluminum matched the rest of the center. The city was kind enough to let them use the brick fascia above there. On that Mission Road side, there are a couple sections with a brick parapet. They were allowed to put their sign on it. Cupini's that was in the old Pumpnick space wanted desperately to have the same type of signage. They were stuck with that red band signage with nothing above it to be able to do that. We understand we can't come in and just put a section of brick up where we feel like it. We're trying to address this old shopping center and make some headway here; we're just asking for the help of the city to understand that this is not a typical market. If we can proceed the way we've proposed, it will be helpful; otherwise, I don't see how we can do it. The risk is too great to remodel all at one time.

Comm. Heiman: In terms of the total time frame, do you know that?

Mr. Westerfeld: I can't answer that. If I get leases on 6,000 of the Seasonal Concepts building, I'll spend the money. That building is not only problematic with cost of improving the fascia, but also needs a \$150,000 roof and a new \$150,000 air conditioning unit. Just to get it ready to lease, I've got to spend \$300,000 - \$400,000. Then I've got to demise it, put in the separate electrical systems and all that entails. That building will be close to \$1.5 million to get it ready for tenants. I've got enough interest in the building, and we're marketing it aggressively with the brokerage community. I'm getting a lot of interest and showing it a lot. I'm hopeful. Once that building is completed, I am hopeful to have momentum and continue to improve the tenant mix from Price Chopper to Hallmark or Hallmark to O'Neills. On the Mission Road side, unfortunately, I'm going to lose a couple tenants..

Comm. Heiman: After seeing Ranchmart South go through a complete remodel, frankly, I think doing it in stages is a good thing. It is very disruptive.

Mr. Westerfeld: That side was unique because we had to relocate ancient storm and sewer pipes in order to accommodate CVS.

Chairman Williams: Any other questions? That brings us to discussion or a motion. Any comments?

**A motion to recommend approval of CASE 47-10 – RANCHMART NORTH – FAÇADE AND SIGNAGE REMODEL – Request for approval of a Revised Final Plan to establish design criteria, located at the northeast corner of 95<sup>th</sup> Street and Mission Road – was made by Elkins; seconded by Rezac.**

Comm. Elkins: As a matter of comment, I think this is a good compromise. I agree with Commissioner Neff-Brain that there is a risk for the appearance of a really haphazard development. Given the current economic environment, the solid plus is that we are establishing design guidelines that will cross the entire development. It feels like a good bit of planning to me in taking this opportunity to get those criteria in place.

**Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.**

**CASE 64-10 – TOWN CENTER PLAZA – LOT 9 – WALGREENS – Request for approval of a Special Use Permit and Preliminary Site Plan, located at 4701 Town Center Drive. PUBLIC HEARING**

**Staff Presentation:**

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chairman and members of the Commission, this is Case 64-10 – Request for approval of a Special Use Permit and Preliminary Site Plan for a 14,285 sq. ft. Walgreens store with a drive-thru pharmacy, located at the southwest corner of Town Center Drive and Roe Avenue within the Town Center Plaza Development. Approval of this SUP is required for the proposed drive-thru, and approval of a Preliminary Site Plan is necessary for the overall development. The applicant is proposing demolition of the existing building and construction of a new building for Walgreens. This building would be located at the northeast corner of the site, adjacent to the intersection of Town Center Drive and Roe Avenue, with a parking lot located to the south and west of the building. The building will be oriented such that the public entrance is located on the northwest corner of the building, facing the parking lot with the drive-thru, trash enclosure and delivery areas on the south side of the building adjacent to Roe Avenue. The applicant is seeking two deviations for the proposed plan. The first is a deviation from the minimum internal parking lot setback from 10' to 7.5' along the south property line. The second deviation request is from the minimum front yard building setback from 40' to 30' along the north property line. Upon a recommendation of the Planning Commission, City Council may grant the proposed deviations only if the applicant compensates for the open space lost at a minimum 1-1 ratio. The proposed plan does meet this ratio. Elevations and signage are approved at the time of Final Site Plan; however, the applicant has provided preliminary elevations and signage information for your review. The majority of the building exterior will be constructed of red brick with cast-stone trim. Storefront windows are proposed along the west and north elevations, but not elsewhere on the building. The applicant is proposing one wall sign located on the East Elevation and a monument sign located at the northeast corner of the site. Staff has concerns with the area of the site and its impact on the proposed plans. Out of thirteen Walgreens stores surveyed throughout the area, the proposed site is the smallest at 58,645 sq. ft. The average site area out of these thirteen sites surveyed is 92,770 sq. ft. The relatively small area of the site imposes constraints to site design, resulting in inferior parking lot design and internal traffic flow and the need for deviations, as discussed in greater detail in the Staff Report. For these reasons, staff is recommending denial of Case 64-10. If the Planning Commission were to recommend approval, staff recommends Stipulations 1-23 contained in the Staff Report.

Chairman Williams: Any questions for staff?

Comm. Rezac: Regarding open space lost, you have a comment that, even though the requirement is only to fill the 1-1 ratio, staff feels that since it does not exceed the limit, there may be an issue. Can you explain why there would be an issue if they have met the ratio?

Mr. Coleman: They met the minimum requirement for Governing Body to approve the deviations. If you decide you want to recommend those deviations to the Governing Body, they could act on that recommendation. If they hadn't met the ratio, they couldn't even ask. There is no place in the ordinance that requires the Planning Commission or the Governing Body to grant those deviations. As the Staff Report pointed out, this site is 40% less than the average site of other Walgreens in the county. Also, there are traffic issues posed by this site constraint. In the drive-thru, the customer has to do a u-turn and come out at the entrance, which is not optimal in our opinion. This will increase traffic at the site. If this remained a restaurant, there would be no need for traffic improvements on Roe or 117<sup>th</sup>. Because they have doubled the square footage on this very small site, the Public Works Department has had to ask for those improvements to lengthen to turn lanes on both streets. After we added up all the different things in the plan and the deviations required, the aggregate brought staff to the conclusion that this is not a good site for this particular use. If it had been a larger site without deviations with better internal parking and drive-thru, we would have approved. This has been manipulated so many times to get to this point, but we still feel that it is not in the best interest of the city.

Comm. Rezac: Technically, some of the requirements have been met, but the city feels that comprehensively, it is an issue.

Mr. Coleman: We're looking at the site and whether these deviations should be granted for this particular development. Staff's opinion is that they shouldn't.

Comm. Neff-Brain: What size building would you be comfortable with?

Mr. Coleman: It would be about 40% less than what they are showing. Their average Walgreens is a little over 14,000 sq. ft. Their average lot size is 92,000 sq. ft., and this one is 54,000 sq. ft. Looking at that, you can see it poses its own constraints. They do meet the parking ratio with 50 parking spaces, but they had to ask for deviations on the setbacks internally and on 117<sup>th</sup> Street because the site is so small.

Comm. Neff-Brain: So the drive-thru is what creates the problem with the u-turn?

Mr. Coleman: Correct, but they still would need at least one of the deviations on 117<sup>th</sup>.

Comm. Jackson: Could you put the Site Plan up and show me where the vehicle traffic will go on the drive-thru and where the service vehicles go?

Mr. Rexwinkle: (*Places Site Plan on the overhead*) The service area is located right here on the site, and the drive-thru traffic would come through here, turn and then go out this way, circulating back through the parking area. The service vehicles would also have to go through this portion of the parking area to get to the service yard.

Comm. Jackson: How does a service vehicle get through?

Mr. Rexwinkle: The applicant might be able to answer that better.

Comm. Jackson: Where are the traffic issues? Is it going on to Roe?

Mr. Ley: (*Refers to overhead diagram*) The traffic study indicated increased traffic for the eastbound left on Town Center, the northbound left on Roe and then the southbound thru on Roe at Town Center. Public Works stipulated they should extend the eastbound left on Town Center by 90' and then the northbound left turning bay. The island currently widens out, so there is room to make the island 4' continuous between those two driveways to increase the storage length.

Comm. Jackson: You don't think a light is necessary?

Mr. Ley: No, those are right-in, right-outs.

Comm. Jackson: So you're making it so you couldn't turn left there?

Mr. Ley: Currently, both those access points are right-in, right-out, so there are no left turns. We would just have them extend the storage for the eastbound left and the northbound left.

Chairman Williams: The comment was made that the area of this proposed Walgreens is twice as big as the existing restaurant. Do we have numbers on what that restaurant is because it would appear that the building is 40%?

Mr. Coleman: The restaurant is approximately 7,500 sq. ft, and the Walgreens is 14,200-some sq. ft.

Chairman Williams: Based on the applicant's drawings, it would appear that the north wall of the current restaurant is at or really close to that 30' setback mark, which is where they're looking to place this new building. There is already a deviation on that side, correct?

Mr. Klein: I went back to the plans that approved Yahoos, which was approved in 1997. At that time, we were under a different LDO that didn't call out the deviations as it does now. I went to Staff Reports to look for discussion, and I didn't find anything.

Chairman Williams: Though it has a longer façade, it isn't necessarily changing any of the setbacks currently in place.

Mr. Klein: Correct.

Chairman Williams: Do you know how many parking places are currently there now versus the 50 provided in this project?

Mr. Klein: No, I don't.

Chairman Williams: After the discussion of the traffic study, since there is a bigger parking lot there today, one would assume there are more parking spaces. Is the need for the turn lane adjustments a direct result of this building or just inadequacies of the situation that already exists?

Mr. Ley: It is from their traffic study. They identified how many vehicles they were adding to the roadway network.

Chairman Williams: Thank you. It was a good point that this is a smaller facility than what Walgreens typically has throughout the counties. Why are we concerned about this being smaller? I think we would welcome a smaller building.

Mr. Coleman: It's not a smaller building; the site is smaller.

Chairman Williams: So they have more parking at these other facilities?

Mr. Coleman: Correct, and more green space.

Chairman Williams: But they are meeting the requirements for parking for this building, and they meet the green space requirements per the LDO.

Mr. Coleman: They do.

Chairman Williams: We would just like to see them do more.

Mr. Coleman: It is just the aggregate and this site's being too small for this use.

Chairman Williams: On the issue of circulation for the drive-thru, how is the u-turn exit through the drive-thru any more of a problem than somebody parking back in that section of the parking lot?

Mr. Coleman: You essentially double the conflicts by having to do a u-turn and go back through the same aisle.

Chairman Williams: I think that addresses my questions for staff at the moment. Any other questions?

Mr. Klein: (*Refers to plan*) I'd like to explain a bit more about circulation. A previous plan for this lot had a drive-thru that exited out, causing a problem with the driveway being too close to Roe. A solution was to place an island to make it a right-in, right-out. There must have been some sort of problem with that, but I'm not aware of it. They came back and closed off that driveway located there. Our concern is that now there is a drive-thru, which could be busy, doing an acute turn and making things difficult for cars in the parking lot to see. Also, both sides could potentially have cars coming in and out. This is a significant part of the parking lot. Additionally, a number of people will walk across the drive-thru, creating potential conflicts. We would like to see them go through the drive-thru, come through and exit the site without having to circulate through a parking lot.

Chairman Williams: What is now CVS at 135<sup>th</sup> and Roe had issues with the drive-thru and access point similar to the conflicts you are discussing. Maybe it had fewer pedestrian issues because of where parking was placed. Have there been any issues at that facility?

Mr. Klein: I have not heard of any issues. I don't remember exactly how that site was laid out. I know they did have some parking that was located on the south side and the west side. I know the drive-thru wraps around and goes along Roe and then 135<sup>th</sup> Street. That portion, where the cars are queuing, is away from any parking conflict and pedestrians. I'm not sure if there is a break when they exit the drive-thru to allow them to pull out directly to the west, or if they actually have to cycle back around to that internal drive.

Chairman Williams: Likewise, there is a Walgreens at 151<sup>st</sup> and Nall. I recall similar discussions with that as well. Are there issues there?

Mr. Klein: Typically when staff sees these, we usually are concerned about potential conflicts between pedestrians and vehicles, allowing enough warning for cars to see traffic circulating through the parking lot. It is not just on these cases. Generally, drive-thrus raise a number of circulation issues because of the increased traffic in the parking lot.

Chairman Williams: Any other questions?

Comm. Neff-Brain: If the drive-thru lane was flipped to go west instead of east, you'd have a right turn in, but then you would go thru and could exit either of the drives. I think that would eliminate some of the conflict.

Mr. Klein: It would create a little bit better situation in which you actually are driving this way and can see a little bit. You aren't immediately doing a u-turn. It probably would be better than what they have. It would require them to put a pneumatic tube or something like that because the driver would be on the wrong side. We've had a number of discussions and have indicated concern throughout the process. A lot of our problem with this is the way it is currently laid out. Unfortunately, what seems to keep coming up is the fact there is really not a lot of room on the site. They have gone through a number of iterations to address the concerns.

Mr. Ley: To clarify, it was Public Works that did not allow another driveway cut. On the original plan, they did have an access close to Roe, and Public Works was not supportive of that.

Comm. Neff-Brain: I can understand why you wouldn't want that cut.

Chairman Williams: Any other questions? Then we'll hear from the applicant.

**Applicant Presentation:**

Fred Logan with Logan, Logan and Watson, LC, 8340 Mission Road, Suite 106, Prairie Village, KS, appeared before the Planning Commission and made the following comments:

Mr. Logan: I would like to introduce our team today. I think you will only hear from me; from the developer, Doug Henzlick and from Tom Fulton, our traffic engineer about some questions you have raised. We also have Nick Slutter, Jamie Mercline and Brett Laretson. Let me start out by noting the use. Walgreens would, by almost any judgment, be considered to be an outstanding corporate citizen. It won two big national awards last year for providing career opportunities with people of disabilities and another from the American Cancer Society for its support of cancer research. I mention that because when we speak about this project, it is not just in the hypothetical; this is a corporate citizen with a great track record. I'm going to take up a number of things here. First, this is a proposal that, in every respect, complies with the Leawood Development Code. There is nothing about this proposal that is not in compliance. The staff has a preference that additional site space be offered, but this entire project is consistent with your ordinance. Secondly, it is very important to note that in terms of the actual footprint of this building, this is smaller than the usual Walgreens project. The first floor of this building has 11,785 sq. ft. It has about 2,500 sq. ft. in the basement. That's an important point to note. It is correct to say that this is a proposal of about 14,200 sq. ft., but in terms of the smaller lot size, the simple fact of the matter is that the building footprint is smaller. Again, staff has obtained that information for you, but it is not covered in the ordinance. I want to talk for just a moment about traffic flow because we have worked with the staff quite a bit on this. If you have questions about the traffic flow, those are best directed to Tom Fulton. This has obviously come up before. It is very important, when we talk about the drive-thru at a pharmacy, that we recognize the number of trips generated by that drive-thru is a relatively small number, even at the peak hour. One study I have shows an average of nineteen trips for the drive-thru at the peak hour. There is never stacking in the drive-thru because there is parking, and people go inside. There is no record anywhere of problems created by a drive-thru at a Walgreens. This is, in no way, a drive-thru in the sense that a McDonalds is a drive-thru. With respect to the deviations, all I can say is the 1-1 ratio on open space has been met; that is what your ordinance specifies. The plan before you is entirely consistent with the ordinance. I want to note that this is a proposal that is embraced by the neighbors of the proposed project: Heartland Bank and Town Center Plaza. They welcome the use and the quality of the project. The library across the street has no objection. I would like to let you hear from Doug Henzlick about the quality of the project.

Doug Henzlick, Manor Road Partners and Henzlick Oliver Real Estate Companies, 13356 Metcalf, Overland Park, KS, 66213, appeared before the Planning Commission and made the following comments:

Mr. Henzlick: I want to thank staff. This has been quite a production as it relates to the manipulation of this site, and they have been very accommodating in the sense of having meetings to get us where we are. Walgreens has worked tirelessly, trying to accommodate what staff wants to see out of this site. This is six month's worth of work and 15-20 different Site Plans. Even though I'm disappointed in the recommendation, I still thank them for their effort. We've been doing this 22 years, and I've had my company for fourteen years. We've been a preferred developer for Walgreens for about five years and really have done most of our development work with them in the last three. This is a very small store based on the site, and Walgreens has been very accommodating to come up with an 11,785 sq. ft. Walgreens has taken the smaller site into consideration. In addition, they have allowed us, in our budget, to design a much higher-quality Walgreens. (*Refers to overhead elevations*) What you see in these elevations is not typical of a Walgreens prototype. In all the ones I've done, we've never deviated substantially with materials. We have a lot of cast stone and the brick that we're matching to Town Center Plaza. We budgeted 30% more, based on what the end product will be here as far as building materials. We've tried to do everything we can to meet staff's expectations. We welcome any opportunity to do that. At the end of the day, this is a great project for the site. We are very open-minded as far as building materials. As Fred mentioned, it's important to understand the trip generations and how low they are. At the peak hour, we're talking about sixteen cars. If you study how the traffic flows in and out of these properties, you will see that most of the parking that will be utilized will be on the west and north sides of the parking lot. I'm not saying the south will never be utilized, but predominantly, it is the west and north portion that will be used.

Chairman Williams: You talked about doing other work for Walgreens. Have you been involved in the developments along 151<sup>st</sup> Street in Olathe? I only ask because it is a very nice one. I think if you are going to do the same thing here, it would be good

Mr. Henzlick: I have not. I was aware that was a change, and I agree that it does look very nice.

Chairman Williams: When you talk about parking on the north side, are you referring to the three parking stalls on the north end of that drive?

Mr. Henzlick: Yes, the north, with the majority being the west.

Mr. Logan: At this point, I would like to introduce the traffic engineer, Mr. Tom Fulton, for a brief presentation addressing some of the questions.

Tom Fulton, 7301 W. 133<sup>rd</sup> Street, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Fulton: I'd like to touch on some of the questions that have come up and see if I can add some light to what has already been said from a traffic engineer's point of view. I'll start with the circulation issue. From the studies I've done, typically I would expect to see a queue of four or five cars. What really happens is it usually takes anywhere from two to six minutes to get the transaction done before the cars leave. Therefore, the interaction with cars turning in that parking lot will be minimal. An example where it would not be a good idea is the situation across the street with the Sprint Center, where the very back aisle backs right into the main turnaround for the whole shopping center. There, you have a lot of interaction. In this case, it's a lot less. David indicated the site is going to generate some trips on the eastbound left turn lane and the northbound left. That is correct, but the level of service between what is happening now and what will happen is negligible. I look at the normal operations. Typically for the eastbound left, you can expect 30 of these trips to use that eastbound turn lane in an hour. Based on the cycle length, you can expect one car every time the cycle goes around the intersection for the eastbound left. That's pretty minimal. For the northbound left, we're expecting thirteen cars to do that during the PM peak hour, which means every two cycle periods, you could expect one car coming through that intersection. With traffic from other

developments, there may be concerns, but when you break it down to this development, it is not that much. Any other questions?

Comm. Neff-Brain: You talk about peak cycles. What about parking? I've never noticed too many people in a pharmacy parking lot. Is there an average number of cars that would be using the parking lot, or has that ever been calculated?

Mr. Fulton: I can't give you quantity, but from a user's viewpoint after work, if there are cars in the drive-thru, I'll park and go in. I've never had an issue of finding a parking space.

Comm. Neff-Brain: Of the 50 parking spaces, will half of them be occupied most of the day?

Mr. Fulton: I could not answer that without running an analysis. Another consultant did a study that compared several sites and trip generation, focusing a lot on the drive-thru and its comparisons. Some of that information I was sharing with you was the result of that study, but it's not as much regarding the parking places.

Comm. Neff-Brain: Staff brought up potential conflict with traffic on both sides with the u-turn. That would be the last place I would park unless I wanted to walk. What would be the thought of cars parked in those spaces that might have a u-turn conflict?

Mr. Fulton: Exactly, that would be the least desirable parking space. The number of situations with interaction would be minimal. It exists, but any parking places will have that conflict. They will do a u-turn, and we did run auto-turn on that, and a car can make that maneuver easily and at a low speed.

Comm. Jackson: How about the traffic pattern for the service vehicles?

Mr. Fulton: We did not look at that. My understanding is they would come at night.

Mr. Henzlick: We obviously worked with Walgreens on this, but for certain stores such as this, they have a smaller delivery truck, called a PUP truck. Their plans are to do that in the off hours.

Comm. Jackson: Can you be more specific about what you mean by a smaller truck?

Mr. Henzlick: I don't have the answer. I know it's a smaller truck than what they normally use.

Comm. Rezac: It looks to me like the parking on the south side is what I would call a dead-end parking lot. If you turn in and go east and all those spaces are taken, how do you get out without doing some kind of three-point turn?

Mr. Fulton: It would be similar to what the existing facility is. If a person made that move, he would need to back out. It is no different than it is now.

Comm. Rezac: My second concern is just safety because of the location of the entrance being at the northwest corner. I realize it is because it is different than a typical Walgreens with an entrance at the corner of two lots.

Mr. Fulton: It is, and we looked at all the safety factors. We also looked at other alternatives with access. From that, we decided it is better of where we have it.

Comm. Rezac: To have the entrance pushed up to the northwest corner, rather than the southwest?

Mr. Fulton: Yes, it removes the pedestrian from the traffic on Roe.

Comm. Neff-Brain: For Yahooz, the entrance was on the south corner?

Chairman Williams: It was on the southwest corner, and they are proposing the northwest corner now.

Comm. Neff-Brain: Right, but people that would park on the south area would have to walk across that path when it was a restaurant, too, right?

Chairman Williams: Yes, and the restaurant had the dead-end parking, too.

Comm. Rezac: It seems to me that this use would possibly have more traffic than a restaurant at peak hours. That's why I was asking that question.

Mr. Fulton: They could. (*Inaudible comments*).

Chairman Williams: Any other questions? Anything else from the applicant?

Mr. Logan: I will just close and thank you for your attention. I also want to thank staff for being helpful throughout this process. Let me close by reminding you that Walgreens is an outstanding corporate citizen that almost any citizen would want. It is also worth noting that it is not unusual to have a Walgreens on a site like this in an upscale shopping center. Walgreens is part of a very upscale shopping center in South Carolina. We think it is appropriate. I am happy to answer any questions.

Chairman Williams: 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 Jackson; seconded by Rezac. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.**

Chairman Williams: This leads us to discussion, leading to a motion. Ms. Rezac, you talked about concerns on the amount of parking. I don't have an exact number of parking spaces that existed with the restaurant, but if you look at the overlay of their building and parking lot, they are taking out parking spaces that existed for the restaurant. Finding parking was difficult when it was a restaurant. My feeling is there would be less concern about the lot being full for Walgreens. I'm not a routine shopper at Walgreens, but when I have gone, I have not found 50 cars in the parking lot. I am less concerned about the lot being full to the point that it forces people to park in that corner, exposing them to danger. We all have concerns about people walking through parking lots, but it's no different than what was there or what we have in many other lots in the city. This project does meet the requirements of the LDO. I think that is a factor in its favor. As the applicant pointed out, the footprint is larger than the existing building, but maybe not as large a footprint as was previously shared by staff. I think that is important. I have concerns about the number of trips through the drive-thru. I, for one, don't have an idea one way or the other how many trips go through these. The fact that the project, as proposed, is supported by other retail members of that community is something important to take into consideration. Regarding the concern about u-turns, I recall a project with a u-turn situation at the bank at Mission Farms. At that time, we discussed the issue of u-turns for that bank, similar to our discussion tonight. That project went through with no significant changes. That has been open for a few years.

Mr. Klein: That was the Arvest Bank, and it was a retro-fit. Staff had concerns because it was retail at that level with parking directly in front of the building. They decided to modify the building and put in a drive-thru at that side of the building. That one was different because traffic could head through the drive-thru, continue east and go to the other side of the building. I was considering that most would not do the u-turn when I looked at the case. The traffic concerns are ones that staff has called out a number of times. I actually live by a Walgreens and use it all the time. My experience with drive-thrus varies, and I have seen the one by my house right after work being backed up four-deep in two lanes. It may be a busier one than what they are expecting here. The drive-thru does not go through the parking areas until the exit, but the parking on that side of the building is nowhere close to the entrance. The parking on this one is fairly full on the east and south side of that particular store. It does seem fairly busy. In this particular case, you have the potential of a car exiting the drive-thru, making an acute-angle turn and then going into that mix. That is why we were concerned. We also prefer not to see dead-end parking.

Comm. Elkins: The point has been made that the requirements of the LDO have been met, particularly with respect to the deviations that have been requested. From my perspective, satisfying the 1-1 replacement for the open space effectively creates discretion for us. Absent that 1-1 requirement, we would have no discretion and could not approve the deviation. We have the discretion whether to approve the deviation or not. From my perspective, the fact that the applicant met the 1-1 exchange on the open space in no way requires us to grant the deviation; it merely gives us the opportunity to do so. I'm still struggling with this, given the totality of the development. My second observation is another one I am struggling with because I'm not sure that it is a reason for me to vote against it. I am concerned about the aesthetics of the South Elevation. I have been trying to picture the Town Center Shopping Center. One of the things that makes it unique and appropriate for our community is the way it has been designed, the developer has been very clever so that there is a minimum of backs of buildings. The pad sites have all been developed such that we do have these large parking lots with a lot of discussion over whether there is too much parking. There is a sense of community around Town Center in that the pad site space in the parking lot and the main part of Town Center, both on the side that faces 119<sup>th</sup> and what faces 117<sup>th</sup> street, face into the parking lot as well. Unless I'm confused, what we have here with the South Elevation is all the other pad sites along that line of pad sites have a South Elevation that is a building façade that is not the back of the building, if you will. I can drive in and go to any one of four sides to be the front. This sticks out as contrary to that. I want to compliment the developer because it's not just a plain brick façade, which would give me great concern. At the end of the day, it's a bunch of brick without any glass. If the Commission does recommend this for approval, I would ask the developer to look at that elevation. I realize it is odd to have glass facing a drive-thru, but it gives Town Center a sense of community, and suddenly, we're looking at a building that turns its back on that. I have some concerns for those reasons and still am not sure how I'm going to vote.

Chairman Williams: I share your sentiments about that façade and appreciate how they tried to break it up with details, but how it relates to the area is a concern that I didn't bring up earlier because primarily what we are dealing with tonight is the Preliminary Plan. Certainly, if this were to come back to us in its current form, I think we'd all be jumping on that.

Comm. Neff-Brain: I believe I will be supporting the application because I believe it is in conformity with the Golden Criteria, and I think the Commission has to regard the Golden Criteria in making their decision.

Chairman Williams: That is an excellent point, and my review of the criteria, with the exception of staff's denial, it is in compliance with the Golden Criteria.

Comm. Jackson: To vote for this, I have to assume that the drive-thru is not going to be used that often and that no cars are going to be parking on the south side that often. I'm not convinced by the applicant that it will happen. I think they are going to be used. I just don't think it's safe in the manner it is designed. I think

it is too confusing for pedestrians crossing the road from the south side through the drive-thru to get to the entrance of the store, and also for cars backing up. I will not be supporting the application.

Comm. Rezac: I find myself in the same position as Commissioner Elkins. I have concerns about the site layout, but I don't know if they are significant enough to deny the application because they have met the LDO. Regarding the aesthetic comments, because of where the entrance is located and also the fact that this building is on the corner of a major intersection, a conscious effort needs to be made to make the back of the building look good. I agree with Commissioner Elkins about wanting to have it face toward Town Center, also. At this time, I'm leaning toward approving the application because what usually happens in instances like this when there are potential conflicts when people use the place over and over, they tend to know where those conflicts are and are more cautious.

Chairman Williams: Any other comments or a motion?

**A motion to recommend approval of CASE 64-10 – TOWN CENTER PLAZA – LOT 9 – WALGREENS – Request for approval of a Special Use Permit and Preliminary Site Plan, located at 4701 Town Center Drive with all Staff Stipulations – was made by Rezac; seconded by Neff-Brain. Motion passed with a vote of 3-2. For: Neff-Brain, Elkins and Rezac. Opposed: Jackson and Heiman.**

CASE 77-10 – ONE NINETEEN – RASPUTIN RESTAURANT AND VODKA BAR – Request for approval of a Final 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: Mr. Chairman and members of the Commission, this is Case 77-10 – Request for approval of a Final Site Plan for a Tenant Finish for Rasputin Restaurant and Vodka Bar, located at the southeast corner of 119<sup>th</sup> Street and Roe Avenue in the One Nineteen shopping center. The proposed tenant space consists of an 8,292 sq. ft. restaurant and bar located on the second level of the main center above the Soho One Nineteen tenant space. The proposed tenant would have ground-level access just east with an elevator and stair access to the second level. Plans identify an existing first-floor rooftop area on the south side of the tenant space. The applicant has indicated this area may be used in the future for an outdoor patio space by the tenant; however, such use is not proposed at this time. Future use of the space shall first require approval of the Final Site Plan by the Planning Commission and City Council. The applicant is proposing one wall sign on the north elevation above the entrance that reads, "Rasputin." The sign will measure 3'10" x 5'10" for a total area of 22.7 sq. ft. It is below the 5% requirement. Additional signage is limited to applied vinyl graphics on each of the two entry doors. Each of these signs is considered a window sign and is allowed by the LDO without approval of a Sign Plan, as long as the signs do not exceed 5% of the window area. Each sign is less than 5%. The plans also propose red neon tube lighting along the top perimeter of the storefront. This lighting is proposed to be a continuous tube emitting a red color and consistent glow. Section 16-4-6.9(N) of the LDO prohibits signs whose source of illumination is visible from off-site. Staff considers the tube itself to be the source of illumination; therefore, at the request of staff, the applicant is proposing to conceal the tube with a painted shield. Subject to the stipulations stated in the Staff Report, staff is recommending approval of this Final Plan.

Chairman Williams: The restaurant on the second level would have no windows; is that correct?

Mr. Rexwinkle: Correct.

Comm. Neff-Brain: When we were discussing the red awnings on La Bodega, we discussed the fact that we wanted a unified, calming plan. I wonder how the red light around that restaurant top plays into that.

Mr. Rexwinkle: In the La Bodega case, the Design Guidelines for the center were changed to allow more of the awning colors. Since that criteria changed, staff did not suggest that the color change.

Chairman Williams: Do the Design Guidelines address building lighting like this?

Mr. Rexwinkle: No.

Comm. Rezac: They are proposing a neon piece that will be applied but only visible from below?

Mr. Rexwinkle: The LDO says that the source of illumination should not be visible from off-site. With the shield, the only way to see the tube would be from directly below it. This is at the top of the building, so that would be likely.

Chairman Williams: Any other questions?

### **Applicant Presentation**

Britney Littleton, Director of Development Design with Doyle Restaurant Group, 1123 Margaret Place, New Orleans, LA, appeared before the Planning Commission and made the following comments:

Ms. Littleton: I'd just like to address the comments you are making. There are a couple things that have concerned us. To address the neon tube at the lighting at the top of the space, the concept was to have a downward glow to give a little bit of framing out of our space. With it being more of a nightclub feel with lower lighting in the space and a DJ, we do not want windows. We didn't really want any natural light coming in; we wanted to control all that. The side is quite bland. (*Refers to overhead photo*) I'm going to show you the three open bays. Our concern was that it is just bland space. With sticking to the guidelines the city has set, we still want to make sure we continue our concept. I would like some feedback to see what the opinion is. Another issue brought up was the size of our channel letters. We did get them to be a maximum of 46" high. This was our original proposal that would not be approved, but it provides great visibility from the street. However, by meeting what would be approved, the visibility has dropped to pedestrians within the development (*Shows overhead photo*). We lose visibility from a distance. I'm trying to see what the Commission would say about a situation like this, and if you have any additional questions about the red lighting on the top. (*Shows plan on the overhead*) The tube would run across and downwash enough to give that glow. We'll put a shield over it so you won't actually see the bulb. It would be painted red. This is following our concept.

Chairman Williams: The height of the lettering, is that per our ordinance or the center's Design Guidelines?

Mr. Rexwinkle: The Design Guidelines.

Chairman Williams: So for them to have a larger sign, the center would have to change the guidelines.

Mr. Rexwinkle: The guidelines were changed this year to increase the height to 46" in the case of a unique sign or logo.

Comm. Neff-Brain: How large would it be allowed if it were just city guidelines?

Mr. Rexwinkle: The city doesn't have guidelines on the actual letters; it would be the 5% area, which I don't believe it is close to exceeding that. It is 22.7 sq. ft in total, and the façade is obviously relatively large.

Comm. Neff-Brain: If the center did not have the Design Guidelines, that sign could be larger.

Mr. Rexwinkle: Yes.

Chairman Williams: Likewise, one photograph you showed us with the banners on it, that is again a guideline issue with the center.

Mr. Rexwinkle: Right, the photo she showed you had a larger wall sign with pendants. The LDO does not allow those. That was an ordinance issue. I cannot recall the size or if it exceeded the 5% rule, but they far exceeded the height allowance for the Design Guidelines.

Comm. Heiman: I'd like to know the origin of the name of the bar.

Ms. Littleton: Unfortunately, I don't have my CEO, who is the one who came up with the brand. It does have a Russian story behind it. I apologize for not knowing it off the top of our head; it is one of our new concepts. The original was in New Orleans and exists no longer.

Mr. Coleman: If you want, I can tell you.

Comm. Heiman: I have a pretty good knowledge of this concept, and I want to read a little about this character: "Rasputin became a controversial figure in Russia, becoming involved in a paradigm: a sharp political struggle involving mono-Christ, anti-mono-Christ, revolutionary and other political forces of interest. He was accused by many eminent persons of various misdeeds ranging from unrestricted sex life, etc." This is not a character we want to put in our city. Frankly, I'm a little disturbed by it. I will not be for this application, and I would strongly recommend that we take a pretty good, hard look at this individual. It appears that not only is there a name, but a face in the glass that is portraying this individual.

Chairman Williams: So your issue is with the name and not the business itself.

Comm. Heiman: I have no issue with the business, just the name and the glorification of a very controversial figure that I happen to know a little bit about. I don't know that I can iterate all the issues, but if you look into his death and what surrounded his death, you will see that this was not a wholesome character.

Mr. Coleman: I would just comment that there are other establishments that have used controversial figures in history for the title of their business, like Attila the Hun and other despots.

Comm. Neff-Brain: I think that becomes an issue we need to talk to our legal counsel in Executive Session.

Chairman Williams: Any other questions? Thank you. I'll ask my colleagues if we want to recess for consultation. Do you feel we need to do that?

**A motion to recess into Executive Session for a period of 15 minutes to discuss attorney/client-privileged information was made by Neff-Brain; seconded by Jackson. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.**

Chairman Williams: We'll reconvene Case 77-10 – Rasputin Restaurant and Vodka Bar. When we left off, the applicant was at the podium and was open for questions. Are there any more questions? Do you have any other comments before we move on? Thank you. If I understand from staff correctly, the size of the sign is restricted by the Design Guidelines of the development.

Mr. Rexwinkle: Correct.

Chairman Williams: There is nothing we can do with that. The lighting has been addressed, so that's not a problem. Again, the applicant's rendering with the pendants is not an issue because that is not allowed by the LDO or the Design Guidelines.

Mr. Rexwinkle: The plan you're being asked to consider this evening is the one in the packet and not the one she showed on the overhead.

Chairman Williams: I'd like to ask about the graphics on the glass. We've gone over this, particularly in this center before with some reference to West Elm where we deleted some of the signage that was applied to the glass. We've done that in other locations as well. The Capitol Federal bank buildings wanted to have vinyl logos on their windows, and we denied that. I didn't understand whether staff had any issue with this particular vinyl graphic. If there is no problem, why is this acceptable and others were not?

Mr. Rexwinkle: All of the signage meets the requirements of the LDO.

Chairman Williams: Maybe the issue with Capitol Federal was size. Is that why those were rejected?

Mr. Klein: Those were the Capitol Federal logo at each end of the building, and it was determined they were signs because they identified the business; therefore, the number of signs allowed was exceeded. The solution to that was that they went back and tried to make the signs more of the architecture of the building.

Comm. Neff-Brain: I'm fine with the red lighting and the sign. I'm not fine with the decal. It just does not seem in keeping with the One Nineteen area to have a huge decal of someone's face.

Comm. Heiman: Does it fall within the LDO to have a window decal like that? I know we've had these discussions many times about signage and promoting through multiple locations on the front of a building.

Mr. Klein: We've actually had this discussion a number of times as far as signage applied to the window. A couple of times, it was actually the name of the business located at the bottom of the windows. The LDO allows signage within the window as long as it doesn't exceed 5% of the window area. When this application came forward originally, the face was much larger. At that point, the applicant shrank down the size to meet the 5%.

Comm. Neff-Brain: It looks like 2/3 the size of the door.

Chairman Williams: It is supposed to be 5" high. Any other discussion?

Comm. Elkins: Has the owner of the development expressed any opinion?

Mr. Klein: RED issued a letter indicating that they had received the application and approved it, subject to various comments; however, I don't believe any of those had to do with that.

Chairman Williams: Doesn't make any direct reference. Comments, discussion or a motion?

Comm. Jackson: Mark, if we decide we don't like the aesthetics of the face in the window, we could just write that in to Stipulation No. 3.

Mr. Klein: Yes, you would have to modify the stipulations to indicate it was not part of the approval.

Comm. Neff-Brain: I could support the motion with that written in.

A motion to recommend approval of CASE 77-10 – RASPUTIN RESTAURANT AND VODKA BAR – Request for approval of a Final Plan for a Tenant Finish, located at the southeast corner of 119<sup>th</sup> Street and Roe Avenue with Stipulations 1-5, altering No. 3b to read: “Window signs as shown on the plans and as permitted by the LDO, excepting the face on the front window shall not be permitted” was made by Jackson; seconded by Neff-Brain. Motion passed with a vote of 4-1. For: Jackson, Neff-Brain, Elkins and Rezac. Opposed: Heiman.

CASE 87-10 – ONE NINETEEN – SULLIVAN’S STEAKHOUSE – POWER SCREEN – Request for approval of a Final Plan, 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: Mr. Chairman and members of the Planning Commission, this is Case 87-10 – Request for approval of a Final Plan for a power screen surrounding the outdoor patio at Sullivan’s Steakhouse within the One Nineteen development. The screen is proposed to surround the existing patio on the south side of Sullivan’s Steakhouse and will consist of a Sunbrella tweed material that is a mocha color. The plans were reviewed and approved by the Fire Marshal for compliance with fire codes, and he has added a stipulation to the Staff Report. Staff recommends approval of this case, subject to the stipulations in the report.

Chairman Williams: I think I understand how this particular screen will work. Is the purpose to totally enclose that area?

Mr. Rexwinkle: The screen would totally enclose the patio, but it would be movable. They could raise and lower it.

Chairman Williams: Do we know if the screen is fixed in the down position?

Mr. Rexwinkle: I do not know that.

Mr. Coleman: I think it has tracks on the side.

Chairman Williams: So there would be physical tracks. It does look like there are tracks. Any questions for staff? Then we’ll hear from the applicant.

### **Applicant Presentation**

Chris Rockwood, Del Friscos Restaurant Group, 930 South Timble, South Lake, TX, appeared before the Planning Commission and made the following comments:

Mr. Rockwood: The purpose of the screen is to use the patio during inclement weather. It would be a semi-permanent structure which we could close. The stipulations from the Fire Marshal would comply with all codes and regulations.

Chairman Williams: So it does have a track system to hold it in place?

Mr. Rockwood: Yes, it could move, but once it is down, it is not something that would flap or move.

Chairman Williams: So this is more to be used in the wintertime. Is this something that you would remove the support elements in the summer months?

Mr. Rockwood: Yes.

Comm. Neff-Brain: How will you keep it heated?

Mr. Rockwood: There is a patio area, and the part that is covered is only half of it. There is an area on the outside that will not be covered. There are heaters already fixed underneath that roof on top of the patio.

Chairman Williams: Any other questions? Thank you. I'll open for discussion or a motion.

**A motion to recommend approval of CASE 87-10 – ONE NINETEEN – SULLIVAN'S STEAKHOUSE – Power Screen – Request for approval of a Final Plan for the property located at the southeast corner of 119<sup>th</sup> Street and Roe Avenue to include the three stipulations in the Staff Report – was made by Elkins; seconded by Rezac. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.**

CASE 89-10 – PLAZA POINTE – CROSSFIRST BANK OF LEAWOOD – Request for approval of a Special Use Permit to allow the installation of a temporary bank building, located at the southwest corner of Roe Avenue and 135<sup>th</sup> Street. **PUBLIC HEARING.**

### **Staff Presentation**

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chairman and members of the Commission, this is Case 89-10 – Request for approval of a Special Use Permit for a temporary bank building for Crossfirst Bank, which is located at the southwest corner of Roe Avenue and 135<sup>th</sup> Street. The applicant is seeking approval of a Special Use Permit for a term of one year to allow the operation of a temporary bank out of a 1,848 sq. ft. temporary trailer. The proposed building would be located south of the permanent bank building and would be used while the interior of the building is being remodeled. The proposed location of the temporary building allows for use of the existing drive-thru lane through the use of a temporary vacuum tube connection to the temporary building. It also allows the existing drive-thru traffic pattern to continue during operations from the temporary building. The proposed building will be set upon concrete block piers and footings to minimize damage to the parking lot, and the area between the base of the building and the parking lot will be covered with wood skirting to match the building. Staff is recommending approval of Case 89-10, subject to the stipulations provided in the report.

Chairman Williams: I have a question about the date for the SUP. You mention one year, which I certainly think is reasonable. In light of their potential schedule of 150 days, barring weather and delays, would it be reasonable to say that it expires in one year, but that the trailer is to be taken down upon the opening of the completed building?

Mr. Klein: That is a stipulation that can be added. Currently, we don't allow the permanent bank facility to get a Certificate of Occupancy until after the temporary bank is removed.

Chairman Williams: If we've got that covered elsewhere, that's fine with me.

Mr. Klein: They want to get out of there as fast as possible.

Chairman Williams: Any other questions for staff? Then we'll hear from the applicant.

### **Applicant Presentation**

Mike Maddox, CEO of Crossfirst Bank, 3404 W. 93<sup>rd</sup> St. Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Maddox: Thank you for considering our proposal. To address the timing, we have bids back from contractors now. We believe construction will take approximately 90 days. It is absolutely our goal to have the new facility open and the trailer gone by the middle of February. We're pretty confident with our schedule. Most work is inside the building, so weather is not a real issue. The facility is being placed in the same position. The original trailer was placed when the bank was built back in 2001. We're consistent with traffic, and we hope it's the least disruptive it can be and will allow us to get construction done as quickly as possible. I'd be happy to answer any questions.

Chairman Williams: Any questions? Thank you very much. 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 Jackson; seconded by Elkins. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.

Chairman Williams: That brings us to discussion and a motion. Any comments?

A motion to recommend approval of CASE 89-10 – PLAZA POINTE – CROSSFIRST BANK OF LEAWOOD – Request for approval of a Special Use Permit to allow the installation of a temporary bank building, located at the southwest corner of Roe Avenue and 135<sup>th</sup> Street with all six staff recommendations – was made by Rezac; seconded by Heiman. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.

CASE 91-10 – ONE NINETEEN – FO THAI RESTAURANT – Request for approval of a Final Site Plan, located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue.

### **Staff Presentation**

City Planner Melissa DeBoer made the following presentation:

Mrs. DeBoer: Mr. Chairman and members of the Planning Commission, this is Case 91-10 – One Nineteen – Fo Thai Restaurant. The applicant is James Sullivan with Sullivan Palmer Architects and is requesting approval of a Final Site Plan for a Tenant Finish. A walk-in cooler is proposed at the back of the tenant space near the existing trash enclosure. The enclosure is 18'2" by 28' and measures 9' in height. The enclosure will be faced with brick to match the trash enclosure screen wall. No existing landscaping is being removed, and eight burning bushes are proposed along the south side of the walk-in cooler. One canopy sign and one blade sign, both of which meet the sign criteria, are proposed on the storefront. Staff recommends approval of this application and would be happy to answer any questions.

Chairman Williams: Any questions?

Comm. Elkins: Is this going in next to the La Bodega space?

Mrs. DeBoer: Yes, that is correct – to the west.

Chairman Williams: Any other questions? Then we'll hear from the applicant.

### **Applicant Presentation**

Jim Sullivan, Sullivan Palmer Architects, 8849 Long Street, Lenexa, KS, appeared before the Planning Commission and made the following comments:

Mr. Sullivan: There is one small space between La Bodega and our space. It's one bay.

Chairman Williams: I appreciate the clarification.

Mr. Sullivan: I'd be happy to answer any questions you have.

Comm. Neff-Brain: Do you pronounce it Fo?

Mr. Sullivan: Yes, it means "Buddha."

Comm. Neff-Brain: Hence the Buddha pond?

Mr. Sullivan: Yes.

Comm. Elkins: I assume it is a Thai symbol on the sign. Could you tell me what that is?

Mr. Sullivan: It is the symbol for Buddha as a written character.

Comm. Rezac: With the cooler on the back, is there a condensing unit on top of that?

Mr. Sullivan: It will be a remote condensing unit on top of the building.

Comm. Rezac: So we don't need to worry about screening. Thank you.

Chairman Williams: Thank you. Any comments?

Comm. Elkins: Can staff refresh my recollection on the LDO? Is there no issue with this symbol being on the sign?

Mr. Coleman: You could consider it a logo. It's like a chop mark that they use in Asia.

Comm. Elkins: Can you give me the short version of the rule on logos on signs?

Mr. Coleman: We've allowed them if they're on the same line as the rest of the sign.

Comm. Elkins: And it just counts toward the 5%.

Mr. Coleman: Yes.

**A motion to recommend approval of CASE 91-10 – ONE NINETEEN – FO THAI RESTAURANT – 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 with the seven staff recommendations – was made by Jackson; seconded by Neff-Brain. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.**

**CASE 94-10 – CITY OF LEAWOOD – PARKS MAINTENANCE FACILITY EMERGENCY GENERATOR – Request for approval of a Final Site Plan, located at 2008 W. 104<sup>th</sup> Street.**

### **Staff Presentation:**

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chairman and members of the Planning Commission, this is Case 94-10 - Request for approval of a Final Site Plan for a new emergency generator located on the south side of the parks maintenance facility located on 104<sup>th</sup> Street just west of State Line Road. It is an emergency generator that will be a maximum of 4'7" in height by 9'3" in width by 3'1" in depth. It is proposed to be mounted on a 1'6" tall concrete base for a total height of 6'1". The new generator will be equipped with a silencer package engineered to keep sound measurements below 60 db at the property lines. The existing generator is not equipped with such a silencer. The generator is located on the south side of the parks maintenance building and therefore is screened by the building itself from view from the north and northeast. Screening from the south is provided by an adjacent wood privacy fence. Screening from the west is accomplished with considerable vegetation; however, staff is recommending a solid row of upright junipers be planted along the west property line in front of the existing vegetation in order to provide continuous year-round screening. Staff is recommending approval of Case 94-10, subject to the stipulations in the Staff Report.

Chairman Williams: Questions for staff?

Comm. Elkins: I'm curious, what are the conditions where there is a need for an emergency generator? Is it for the maintenance facility itself? What purpose does it serve?

Mr. Rexwinkle: Howard Mann with the Public Works Department is here. You might recall we worked with one at the fire station on Lee Boulevard a little over a year ago. He was involved in that project as well, and I think he can answer that question better than I can.

### **Applicant Presentation**

Howard Mann, Fleet and Facilities Manager for the City of Leawood, Public Works Department, 14303 Overbrook, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Mann: There is an existing generator on the facility now, and it supplies power to keep the building from freezing in the wintertime by keeping the natural gas heating intact. There is minimal lighting provided by that generator inside the building now. That generator was originally installed in 1985 when the building had a serious upgrade. The building was originally the Public Works Maintenance Facility and has since become solely the Parks Department Maintenance Facility. We also view that facility as a back-up facility, should we have an emergency or some type of natural disaster that affects the Public Works Maintenance Facility. That facility also services our wintertime snow removal operations up north. The existing generator is incapable of supplying power for the fuel systems and for the exterior lighting; whereas, this generator would be capable of providing power for the fuel systems so, in a critical emergency, we wouldn't lose one of our fueling sites.

Chairman Williams: When you talk about emergencies, would those be something like an ice storm that brings down power lines?

Mr. Mann: That is correct. That site has had extended power outages in the past, and that generator has supplied minimal usage to keep the building from freezing or sustaining damage as a result of weather. We also have summertime outages.

Chairman Williams: Any other questions? Anything else?

Mr. Mann: No, we're in full agreement with what staff is requesting. The junipers along the back will provide screening year-round. There is substantial vegetation in place now that is actually part of the residential property owners. We have no problem.

Chairman Williams: Any discussion or a motion?

A motion to recommend approval of CASE 94-10 – CITY OF LEAWOOD – PARKS MAINTENANCE FACILITY EMERGENCY GENERATOR – Request for approval of a Final Site Plan for the replacement of an emergency generator, located at 2008 W. 104<sup>th</sup> Street, including three staff stipulations – was made by Heiman; seconded by Rezac. Motion approved with a unanimous vote of 5-0. For: Jackson, Neff-Brain, Elkins, Heiman and Rezac.

*MEETING ADJOURNED.*