

City of Leawood  
Planning Commission Minutes  
November 22, 2011  
Meeting - 6:00 p.m.  
Dinner Session – No Discussion of Items – 5:30 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive  
Leawood, KS 66211  
913.339.6700 x 160

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

**APPROVAL OF THE AGENDA:**

**Chair Rohlf:** If there is time tonight, there will be one item added: a staff report from the assistant attorney.

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, Neff-Brain, Williams, Elkins and Strauss.

**APPROVAL OF MINUTES:**

Approval of the minutes from the October 25, 2011 Planning Commission Meeting

A motion to approve the minutes of the October 25, 2011 Planning Commission meeting was made by Neff-Brain; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.

**CONTINUED TO JANUARY 24, 2012 MEETING:**

CASE 114-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-6 – Permanent Sign Regulations – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

**CONSENT AGENDA:**

CASE 99-11 – PARKWAY PLAZA – REVISED SIGN CRITERIA – Request for approval of a Final Sign Plan, located at the northwest corner of 135<sup>th</sup> Street and Roe Avenue.

CASE 100-11 – CAMELOT COURT – GLITTERS FINE JEWELRY – Request for approval of a Final Sign Plan, located at 4520 W. 119<sup>th</sup> Street.

CASE 120-11 – PARKWAY PLAZA – WOW'S FLORAL HARDSCAPES – Request for approval of a Final Sign Plan, located at 4800 W. 135<sup>th</sup> Street.

CASE 121-11 – TOWN CENTER BUSINESS PARK – DISCOVER VISION CENTERS – Request for approval of a Revised Final Sign Plan, located at 11500 Granada Avenue.

CASE 129-11 – PARK PLACE – TRAQ 3D FITNESS – Request for approval of a Final Plan for a Tenant Finish, located at 11614 Ash Street.

CASE 135-11 – PARKWAY PLAZA – MARQUETTE PHYSICAL THERAPY – Request for approval of a Final Sign Plan, located at 13400 Briar Street.

CASE 138-11 – TOWN CENTER PLAZA – REVISED SIGN CRITERIA – Request for approval of a Final Sign Plan, located at 5000 W. 119<sup>th</sup> Street.

CASE 124-11 – TOWN CENTER PLAZA – MADEWELL – Request for approval of a Final Plan for a Tenant Finish, located at 5000 W. 119<sup>th</sup> Street.

Chair Rohlf: I would like to remove Case 130-11 – PARK PLACE REVISED OFFICE TENANT SIGN CRITERIA. Would anyone like any other cases be removed for further discussion?

Comm. Strauss: I would like to request that Case 118-11 be removed for discussion.

Mr. Klein: If we pull those cases, we also need to pull Case 106-11 and Case 123-11.

A motion to recommend approval of the amended Consent Agenda was made by Jackson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.

**NEW BUSINESS:**

CASE 118-11 – CHURCH OF THE NATIVITY – MONUMENT SIGN – Request for approval of a Final Sign Plan, located at 3800 W. 119<sup>th</sup> Street.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 118-11 – Church of the Nativity – Request for approval of a Final Sign Plan. The applicant is requesting two monument signs to be located along 119<sup>th</sup> Street. One will be at their western entrance; the other, at the eastern entrance. Both monument signs use materials similar to those used on the church. The face of the signs is a metal panel with a stucco appearance, and the tops will have concrete tile shingles similar to what are used on the church itself. The main difference between the two monument signs is the size. The sign on the western driveway is larger at 6 feet high by 10 feet wide. The other is 5 feet by 8 feet, 8 ½ inches wide. Staff is recommending approval of the application, and I'll be happy to answer any questions.

Comm. Strauss: I was curious, first of all, about what our sign ordinance says about the number of monument signs for this type of land use, and then I also am interested in knowing if there is a possibility that these monument signs could cause a sight obstruction for motorists coming out of the driveway.

Mr. Klein: The signs would have to be located outside the sight triangle. There are many easements along 119<sup>th</sup> Street, and the applicant would have to get permission from the utilities in order to do this; however, some of those easements actually have to do with overhead, which will typically not be an issue with placement of monument signs. Regarding the number of signs, this piece of property is zoned Ag with a Special Use Permit for a church and ancillary uses. There really is no guidance within the Leawood Development Ordinance with regard to the number of monument signs located in the district.

Comm. Strauss: Can you tell me the distance between the two driveways?

Mr. Klein: I would have to check a larger set of plans. Typically, we require separation of curb return to curb return of about 250 feet.

Comm. Strauss: Will the signs have the same wording on them?

Mr. Klein: Yes.

Comm. Neff-Brain: Is the applicant present?

**Applicant Presentation:**

Ross Jensen, Acme Sign, appeared before the Planning Commission and made the following comments:

Mr. Jensen: I am also a parishioner of the Church of the Nativity. The main purpose for the second sign showing on Mission is there are a tremendous number of people who think it is a thru street, even though it states that it is not. During morning and afternoon school, it is impossible sometimes to get in and out of there. People are constantly coming in and making u-turns within the church facility. We've designed these signs to go with the church. We've worked with the planning staff on the size and setbacks. We've tried to do everything we can to make this very attractive.

Comm. Neff-Brain: I had children there for eleven years, and I know it is tough getting in and out, but that is because of the way it is all configured. It just seems like the signs are awfully close and awfully large.

Mr. Jensen: Size-wise, they are within the code. As far as the distance between them, I can't tell you exactly what it is. We have a Site Map that may be in your packets. These are for different purposes. At 119<sup>th</sup> Street, you don't know what the facility is. If you've been to St. Michael's, you would see two signs there, also. They aren't any farther apart, I doubt, and they are as large as these. For the copy to be large enough to read from a driver's perspective, the letters need to be a certain size. These letters are not that large. We have downsized them from what we started with.

Chair Rohlf: Is it my understanding, then, that you are in agreement with the first two staff recommendations about what needs to be done before Governing Body?

Mr. Jensen: Yes, we sent that back to them.

Comm. Strauss: You mentioned an issue with motorists not understanding Mission Road is a thru street, so people are turning into the driveway. I can understand that. What would be the issue with the driveway to the east that is not connected as a thru street?

Mr. Jensen: As you go down 119<sup>th</sup> Street, if there were only one sign, you would never see the other one. That is why we wanted to have two signs. Also, it shows the entry there. At one time, there was a consideration of doing an entry sign, but it was so small, and we couldn't say the name of the church, per the code. On 119<sup>th</sup> Street, it is very important to show the name of the church.

Mr. Klein: We checked on the distance between the driveways, and it is 350 feet.

Chair Rohlf: Thank you. Is there anything else for staff or the applicant? Then we're ready for a motion, unless someone has further comment.

**A motion to recommend approval of CASE 118-11 – CHURCH OF THE NATIVITY – Request for approval of a Final Sign Plan – Located north of 119<sup>th</sup> Street and west of Mohawk Lane – with five staff stipulations included in the Staff Report – was made by Elkins; seconded by Williams. Motion approved with a unanimous vote of 5-1. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams and Elkins. Opposed: Strauss. Abstaining because of being a parishioner: Neff-Brain.**

CASE 130-11 – PARK PLACE – REVISED SIGN CRITERIA – Request for approval of a Final Sign Plan, located at 13400 Briar Street.

Chair Rohlf: I am basically looking for clarification on how this came about and what the impact may be as we move down the road with new tenants and that sort of thing.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This particular application has to do primarily with two amendments to the Park Place Sign Criteria. The first one has to do with the number of signs the office tenants are allowed. Currently, the Sign Criteria for Park Place limits office tenants to one single sign. A few months ago, Generali came through with their building and had a sign approved on one façade. They are the major tenant in that building, and they would also like to have a second sign on the east elevation. The amendment to the Sign Criteria would allow up to two signs per office tenant; however, it would maintain limitations as far as the number of signs allowed on an individual façade (three) and the total number on the building (five). It would still allow one per façade for an individual office tenant, so they would not be allowed both signs on the same façade. The other change within the Sign Criteria is a request to allow the size of the signage for office to increase. Currently, it is a limitation of 24 inches, which is what Generali is. This would allow the developer to be more flexible and allow a larger sign. It still maintains the 24 inches, which will keep most of the office signage at that level; however, this would address tenants with larger facades. This does affect the case with MBB Advertising, who currently has a sign that is 4.78 feet in height. This Sign Criteria is for the height of the overall sign and not the letter height. A multi-line sign would all have to fit in the 24 inches in height. The third change is to add a color to be used within the Sign Criteria for Park Place.

Chair Rohlf: All the existing signs are in compliance prior to these three revisions, correct?

Mr. Klein: This only deals with office tenants, and I believe the office tenants are in compliance. The ALoft sign is larger; however, it is not considered an office, and it did come through the Planning Commission and City Council.

Chair Rohlf: That is partially my fault; I did not realize it was pertaining to office tenants.

Mr. Klein: Staff has discussed this quite a bit to take into account not only the signs that are there, but also the ones that we may be seeing.

Comm. Roberson: In the Sign Criteria, it says, "Signs should be a maximum of 24 inches tall," and then in red, it says, ". . . unless approved by landlord." In your staff comments, it says, "approval of landlord and the city." My concern here is that there is no maximum height.

Mr. Klein: Yes, and we talked about providing a maximum height. We had conversations with the developer as well. The thought was, if there were a maximum height, everyone would want to immediately go for that maximum height. The intent with this was to maintain the 24 inches as much as possible and just keep anything over that as an exception.

Comm. Roberson: I believe "and the city" needs to be added to the statement, ". . . unless approved by landlord."

Mr. Klein: Yes, it would be fine to add a stipulation that stated that.

Chair Rohlf: Anything else for staff? I don't know that the applicant needs to speak, but you may if you have anything to add.

Comm. Pateidl: Mark, this may not be directly on point with your discussion of revision to the Sign Criteria, but since Case 123-11 – MBB Plus Advertising is impacted by this, is MBB Plus Advertising the corporate name, or is this a reflection of their product? This goes back to issues we have had on applications before.

Mr. Klein: This is something we have struggled with, you as you know, and we'll probably want to address it with some changes to the Sign Code. Currently, we require it to be the legal name. The LDO does not specifically state that, but it is our way of ensuring they actually use the name of the business. In this case, as in many others, they have used a DBA or Doing Business As and made it the MBB Plus Advertising. Technically, it is their name.

Chair Rohlf: Anything else? Then I would ask for a motion.

**A motion to recommend approval of CASE 130-11 – PARK PLACE – REVISED SIGN CRITERIA – Request for approval of a Final Sign Plan, located at 5000 W. 119<sup>th</sup> Street – subject to staff comments and recommendations, which would include “approval by the landlord and the city for any sign in excess of 24 inches” – was made by Roberson; seconded by Strauss. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.**

Chair Rohlf: With respect to the other cases on the Consent Agenda that deal with Park Place and Final Signs, would we need to just approve these?

Mr. Klein: You need to vote on each one since they were pulled off the Consent Agenda.

CASE 106-11 – PARK PLACE – GENERALI USA – Request for approval of a Final Sign Plan, located at 11625 Rosewood Street.

**A motion to recommend approval of CASE 106-11 – PARK PLACE – GENERALI USA – Request for approval of a Final Sign Plan, located at 11625 Rosewood Street – with three staff stipulations – was made by Jackson; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.**

CASE 123-11 – PARK PLACE – MBB ADVERTISING – Request for approval of a Final Sign Plan, located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue.

**A motion to recommend approval of CASE 123-11 – PARK PLACE – MBB ADVERTISING – Request for approval of a Final Sign Plan, located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue – with three staff stipulations – was made by Jackson; seconded by Neff-Brain. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.**

CASE 136-11 – ONE NINETEEN – REVISED SIGN CRITERIA – 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: Madame Chair and members of the Planning Commission, this is Case 136-11 – Request for approval of Revised Sign Criteria for One Nineteen. The applicant is proposing revising the criteria to

allow three new sign types not currently permitted within the development. These sign types are signs with push-through letters, signs with sign backers and signs with individual channel letters. Signs with push-through letters typically consist of a sign cabinet where the letters are pushed through the panel. The letters are usually translucent, while the panel is opaque. Sign backers are typically metal panels mounted directly to the building wall with the letters mounted to the backer. Signs with individual channel letters typically consist of individual letters mounted directly to the way with translucent letter faces and opaque returns. All three types are found in Leawood, with individual channel letters being the most common. Staff is supportive of the revisions to add individual channel letters and signs with sign backers; however, we have concerns with allowing signs with push-through letters because of the panel looking as though it is a box or a cabinet. Staff does not believe this style is consistent with One Nineteen's overall design. We shared that concern with the applicant since the Staff Report was released, and they have agreed to change their criteria. That criteria change will be presented to the City Council, so we recommend retaining the stipulations that were suggested in the report. Staff is recommending approval, subject to the stipulations.

Comm. Neff-Brain: What is push-through lettering?

Mr. Rexwinkle: It is basically with a panel or a cabinet and a three-dimensional quality. It has a light inside. Essentially, the letter shapes are cut out, and the letters are pushed through those holes. You might remember Gordon Biersch, which is an example of push-through lettering.

Comm. Neff-Brain: Is it lit behind?

Mr. Rexwinkle: Yes, there are lights within the cabinet, and it shines out through the faces of the letters.

Chair Rohlf: If there are no more questions for staff, we will hear from the applicant.

**Applicant Presentation:**

Bart Lowen, RED Development, 4717 Central, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Lowen: We agree with the comments from staff to remove the push-through letters. We were trying to comply with a request from a tenant, and they have since changed their signage.

Chair Rohlf: Does anyone have any questions for the applicant on this issue?

**A motion to recommend approval of CASE 136-11 – ONE NINETEEN – Revised Sign Criteria – Request for approval of a Final Sign Plan, located at 5000 W. 119<sup>th</sup> Street, with the one staff stipulation – was made by Williams; seconded by Neff-Brain. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.**

CASE 122-11 – ONE NINETEEN – HOT MAMA – 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: Madame Chair and members of the Planning Commission, this is Case 122-11 – One Nineteen – Request for approval of a Final Plan for a Tenant Finish for Hot Mama, a proposed new tenant within the One Nineteen Development between La Bodega and Fo Thai Restaurant in a space that has never been occupied. The applicant is proposing a new aluminum storefront with clear glass windows and two new signs, one wall sign and one blade sign. All other materials on the storefront currently exist. The

proposed wall sign would be a halo-illuminated pink aluminum sign backer with white halo-illuminated reverse channel letters. The sign will measure 15.68 sq. ft, or 1 1/2% of the area of the tenant façade. The plans also propose a blade sign consisting of pink aluminum white push-through internally illuminated channels. This sign is proposed to measure 3.59 sq. ft. Both signs comply with the requirements of the approved sign criteria and the LDO.

Chair Rohlf: Questions for staff?

Comm. Neff-Brain: Did you say one of the signs is push-through?

Mr. Rexwinkle: Yes, any letter type is allowed on a blade sign.

**Applicant Presentation:**

Bart Lowen, RED Development, 4717 Central, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Lowen: I am here on behalf of the tenant. I'd be happy to answer any questions I can.

Chair Rohlf: Does anyone have questions for the applicant? Then that takes us to any further discussion, perhaps leading to a motion.

**A motion to recommend approval of CASE 122-11 – ONE NINETEEN – HOT MAMA – 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, subject to staff recommendations 1 – 4 was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.**

CASE 125-11 – LEAWOOD ELEMENTARY SCHOOL – Request for approval of a Final Plan, located at 2410 W. 123<sup>rd</sup> Street.

**Staff Presentation:**

City Planner Justin Peterson made the following presentation:

Mr. Peterson: Madame Chair and members of the Planning Commission, this is Case 125-11 – Request for approval of a Revised Final Plan for Leawood Elementary School, located at 2410 W. 123<sup>rd</sup> St. The applicant is proposing to replace the existing brick windows and doors as outlined in the scope of work detail plans for the west, east and north elevations. Modifications to the school will include replacing the brick veneer with new brick veneer which appears browner in color than what currently exists and insulated pre-cast panels, replacement of aluminum windows with clear anodized aluminum windows, replacement of exterior steel doors with new steel doors, replacement of steel entry doors with new clear anodized aluminum doors, replacement of existing wall pack light fixtures with new down-facing lights. Also, seven shrubs will be planted on the south side of the building to screen the existing transformer from view. The applicant has stated that the plans require the contractors to work around all existing landscaping; however, during the construction phase, if any landscaping is damaged or removed, they will replace it per the LDO. In 2006, the Leawood Middle School underwent similar modifications. The elementary currently has a number of unscreened mechanical units on top of their roof. The middle school's 2006 approval included a stipulation giving them to the end of 2010 to install the screening on the rooftop. With this case, staff is recommending that the screening be provided at the time of construction. The applicant has been made aware of this and has agreed to provide the screening of the rooftop facilities, which is not on the current plan but will be provided prior to Governing Body approval. Staff recommends approval of this case, subject to the stipulations outlined in the report, and I'd be happy to answer any questions.

Chair Rohlf: The applicant has agreed to screen both schools at this time?

Mr. Peterson: Just the elementary.

Chair Rohlf: Questions for staff? Then we will hear from the applicant.

**Applicant Presentation:**

**Burke Kitchen, HTK Architects, 9300 W. 110<sup>th</sup> St., appeared before the Planning Commission and made the following comments:**

Mr. Kitchen: Regarding the screening, most of the units were removed about two years ago. The ones that did remain were screened at that time, so there is no need to include the middle school at this time.

Chair Rohlf: Is there anything else you would like to add?

Mr. Kitchen: I don't believe so. We mentioned the brick color is browner than what is there now; it is very subtle. Most people would probably not realize we changed it.

Chair Rohlf: These are just upgrades to the building?

Mr. Kitchen: It is all an effort to stop water infiltration through the exterior walls.

Chair Rohlf: Questions for the applicant? Thank you. Does anyone have any other comments?

**A motion to recommend approval of CASE 125-11 – LEAWOOD ELEMENTARY SCHOOL – Request for approval of a Revised Final Plan, located at 2410 W. 123<sup>rd</sup> Street, with all eight staff stipulations – was made by Williams; seconded by Neff-Brain. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.**

CASE 128-11 – PARK PLACE – THE RESIDENCES & 8<sup>th</sup> PLAT – Request for approval of a Final Plan, located at the southeast corner of Town Center Drive and Ash Street.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 127-11 – Park Place – the Residences and 8<sup>th</sup> Plat. The applicant is requesting approval of a Final Plan and Revised Final Plat. The development is proposing 730,409 square feet of commercial and 521,716 square feet of residential for a total of 1,252,125 square feet for the overall development. I want to bring your attention to the fact that there is a revised Staff Report in front of you that includes corrections regarding typos and modifications to Stipulation No. 23, in which “perpendicular” parking should be “parallel” parking. Additionally, Stipulation No. 23 should have been changed to, “Prior to Building Permit,” as opposed to, “Prior to Final Plat.” The reason for that is to be in agreement with the Public Works comments.

As you recall, this application came before you as a Preliminary Plan in Case 69-11. The applicant is proposing two six-story buildings to be centrally located along Town Center Drive. The buildings will have a 2 ½-story garage located in the very heart of the buildings, and those will be wrapped on the lower two levels by townhomes, above which will be apartment buildings for an additional four stories and a total of six stories. A park will be located between these two buildings, also located along Town Center Drive. This park will have an oval-shaped sidewalk with access from the townhomes. Along the southwest side of the park are some perpendicular parking spaces. Staff would like to recommend that they be changed to

parallel parking spaces to create a better traffic flow and to reduce headlights' shining directly into the park. Regarding the units themselves, there is a requirement with the LDO that a minimum of 80% of the units have to be 1,000 square feet or more. These two buildings do not quite meet that; however, that is for the overall development of Park Place. With the Axis Lofts, which will also be constructed just to the south of the buildings, the development meets the requirement. With regard to the type of building, there was much discussion at the time of Preliminary about how the building would look from Town Center Drive. The applicant is dealing with that with undulations from the façade and has also changed materials there as well. The building is located at the 30-foot setback along Town Center Drive, which was actually an approved deviation with the original approval of the Park Place Development. Even though the building sits at that level, it quickly pushes back about 10 feet and then beyond that, to over 20 feet. They have also included a series of windows within the elevation to try to break up the façade and have changed materials. The building uses a variety of different materials, including a dark red brick and a light tan brick, stucco in several colors and a faux sandstone material. The applicant is also proposing to break up the building on the east and west sides. The building steps back considerably after the two first floors, and it steps back to the central portion where the apartments extend the full height. There are large patios located there. The rooftop units will be located on the top floor, and they will also be located on the top of this second floor that goes above the townhomes and creates a large patio for the apartments on the third floor. All of the rooftop units will be screened with parapet walls that will be at least as tall as the units they are proposed to screen. Additionally, the applicant has also provided a number of balconies and entryways located on the east and west elevations to add depth to the façade. I would also like to draw your attention to the north elevation facing Town Center Plaza, where you'll see a stairwell as a central element that runs the full height of the building. They have one set of real windows, and, in order to create symmetry, they have decided to use spandrel glass to hide structural elements to pair up with the real windows. Each building has a garage which will be accessed off 115<sup>th</sup> Terrace. Building R1 has a trash enclosure located with it. The applicant has proposed that everyone will bring trash to that location, which is accessed off 115<sup>th</sup> St. and 115<sup>th</sup> Terrace. Staff has concerns about this trash handling, and we have included a stipulation that they would provide a trash enclosure within each of the buildings and that, additionally, a trash chute would be provided that would be accessible from the interior of each of the units in the hallway. Staff is recommending approval with the stipulations stated in the Staff Report, and I'll be happy to answer any questions.

Comm. Neff-Brain: Speaking about the trash, how would the townhomes handle it?

Mr. Klein: I believe the townhomes would be the same; the concept they are using is that each of the residents would be responsible for the trash by bagging it and taking it over to the trash enclosure.

Comm. Strauss: Do I understand that there is a letter in the packet from the fire marshal, who brings up a concern about the construction material? How is that addressed in your recommendations?

Mr. Klein: I included a stipulation that they would have to meet all building codes. I have talked with the applicant several times regarding this issue and indicated there could be issues with wood. If they construct it out of steel, they could probably construct it the way it currently is. In speaking with the building department, we have some concerns that it may not be possible. I have urged them to get together, and I know that they have been working with a building code consultant to address that issue as well. As of tonight, the building official has not heard anything. I am sure they are working on this.

Comm. Strauss: Would it be appropriate to have a pedestrian crossing at Town Center Drive and Rosewood Street connecting over to the other side?

Mr. Klein: If you're referring to connecting Edgewood to the Park Place Development, we talked about it at the time of Preliminary, and I understood that we did not want it because it was close enough to either existing crosswalk.

Mr. Ley: Yes, there is a crossing at 115<sup>th</sup> and 117<sup>th</sup>, which is where we would like them to go. In the future, if pedestrians are using it as a crossing, we would look into it.

Comm. Strauss: Is it anticipated in the future that a traffic signal could come in at this location?

Mr. Ley: The only traffic signal along Town Center Drive that is anticipated is at 117<sup>th</sup>.

Chair Rohlf: Are there any other questions for staff? Then we'll hear from the applicant.

**Applicant Presentation:**

Jeffrey Alpert, Park Place Village, LLC, 11551 Ash Street, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Alpert: With me this evening are members of our development team Bill Prelogar and Nicole Anderson with NSPJ Architects, the architects of record for this project; Judd Claussen, our civil engineer with Phelps Engineering and Chris Dring with Young and Dring Landscape Architecture, our landscape architect who has been in that role since the inception of the project. In the interest of time, since the project we're presenting before you tonight is significantly the same as what you approved at the preliminary stage, I will ask Bill Prelogar to come up and walk you through the changes. After he has gone through that, I will come back and discuss specific issues relating to some of the stipulations. Before that, I would like to take a minute to thank the planning staff for the cooperative nature in not only this project but also in the one that is following this one tonight. It has been a lot of work, and they have done a great job of being helpful in getting us to this point.

Bill Prelogar and Nicole Anderson, NSPJ Architects, appeared before the Planning Commission with a computer presentation and made the following comments:

Mr. Prelogar: (*Refers to computer presentation throughout*) In the overall plan for Park Place, our two buildings will be built in conjunction with the Axis Loft building, which was previously approved, to make a three-building residential component of Park Place. The plan is generally the same as what you saw at the Preliminary Plan level. Our two new buildings are east and west of the central park, and the Axis Loft building is centered on the park itself. This three-building tripartite is a fairly formal arrangement that we think will fit nicely in Park Place.

The plan up now is the Young & Dring Landscape Plan for the project. Again, in keeping with the overall formal scheme, this plan is very formal. We have not only street trees along Town Center Drive, but also a secondary row inside the public sidewalk along the right-of-way that will screen those buildings and the park. That formal Landscaping Plan proceeds into the elliptical sidewalk. At the four corners of the park, one of the changes we have made is, in order to deal with storm water detention and B&P treatments, we have incorporated four large rain gardens there that I think will be a very interesting and very ecologically sound way to deal with storm water. The roof drains from the buildings will, in fact, drain into those gardens as well.

Next, I'd like to give you a fly-around demonstration of what the two buildings look like. (*Guides through a computerized three-dimensional view of the project*) This gives you a sense of the overall feel of the project, the scale and scope of the buildings. On the still rendering of the intersection of Ash and Town Center Drive, I would like to bring your attention to the fact that Ash goes in and intersects with the main drive down Park Center Drive. The street façade there is primarily articulated as a two-story element. These are two-story townhouses, and we have edged them up close to Ash so they have a very urbane feeling. The entry to each one is set on a very short podium that is 2 ½ feet high. The entry and outdoor space for each of those townhome residents will be slightly elevated above the street and public sidewalk to

create a bit of a sense of separation but also a fairly strong sense of connection. It is a very pedestrian-oriented space.

Within the central park space, what I would like to draw your attention to specifically here is the entry points to the townhouses that are off the central park itself and the elliptical sidewalk that circulates around it. Again, we wanted to address the park with some people living there actively engaged in their lifestyle with the park itself. We want the scale to be of a two-story enclosure of the park. What has happened with the way we've designed this is the townhouses front the two-story parking garage, and our apartment block sits on top of it. That block is substantially narrower than the parking garage, which creates a considerable setback from the facades of the townhomes to the facades of the four-story apartment block that is atop the parking garage. That gives a sense of a truncated view of the taller building. The park will then have a fairly intimate feel.

From the north looking south, you can see the central park, how our townhouses front it and how it relates to the Axis Loft building that will be built immediately south of the park. At the northwest corner looking southeast, you can see the scale of the buildings and how much more articulation we have provided on the north façade so it is not just a solid block. There is considerable setback as you move away from the street.

This elevation shows the previously approved Meridian Development. At the 30-foot setback from Town Center Drive was a five-story element, which is articulated with the windows and the façade definition. As you went south, away from that façade, the building turned into an eight-story building that was both wider and taller. This gives you a sense of what was previously approved for this site.

This shows the façade of the building as it was proposed at our Preliminary Plan submittal. We felt it was a well-articulated façade, but a number of the Edgewood neighbors expressed some concerns about it, so we have done a lot of things to it to try to further break down the scale of it. First, you will see the elements of the building that are at the 30-foot setback. This is a very small percentage of the overall elevation of this building. The next slide shows the elements at the 30-foot setback, and then we have added a few elements that step back about 5-6 feet from that point. We have put elements into the building that poke out from the façade at the 40-foot point. Some of those are taller; some are shorter, but the idea was to give the building a lot more volumetric change on the façade. The next elevation shows the 40-foot setback. Again, you can see the outline of what we previously approved at the 30-foot point. The last slide gives you the overall elevation, including elements of the building that are sitting back as far as 40 feet or more and some even farther back than that because the east and west facades are highly articulated with a lot of components that move in and out so that the building is very live and very active. Again, we have added the outline of the eight-story version of the previously approved plan so you can compare the bulk of what was previously approved with what we are proposing instead.

I will articulate a few of the major, significant things we have done. We have revised the unit mix and have included substantially more two-bedroom units than previously and have reduced the number of one-bedroom units, still leaving 150 units total. We still have 30 townhouses and 120 apartments, but there are more of the larger units than there were previously. When we revised the units at the end of the building, we made them smaller to get the articulation working and enlarged some of the other units farther back in the building, which lessens the impact on the north façade. This gave us the ability to do even more movement in and out of articulating the east and west facades. We slightly revised the corner of the R2 building because staff had concerns about site triangle and incursions. We further developed the FEMA storm shelter provisions and designed those such that the townhome occupants will have storm shelters in the corridor that is immediately between the townhomes and the garages. Their shelter is immediately adjacent to their townhome residences. The apartment dwellers will have access to storm shelters in each of the two buildings that will be in basements underneath the resident amenity centers and leasing center in the buildings. We revised the townhome entry and the outdoor terrace at the northeast corner of Building R1 to accommodate a rather large number of existing utility boxes. We have also developed a landscape plan that will significantly screen those existing utility facilities. Staff has made a comment about two small ground-level patios that open off townhomes on the north façade that encroach into the 30-foot setback. Staff has asked that enclosure walls for those patios be no more than 24 feet long and 3 feet high, and we

have agreed to revise the plans to reflect that. Unless you have questions of me, this concludes my presentation.

Chair Rohlf: Could you put the slide back up that shows the final north view? I think it might be helpful to have you go through where the materials are that we have on the display board.

Ms. Anderson: (*Refers to display boards*) We'll start with the brick material because we want them to be an accent and a predominant part of the building. What we call the field brick is here, here and then also on the surroundings of all the townhomes. Our accent brick is less predominant but no less important and is on the west and east elevations and then on the top portion of the stair tower. We did that as a way to visually break up this façade. We have two different shades of stucco, which we are using as a way to pull out elements of the building. We are using the darker stucco as cap pieces that will wrap around the corners with the lighter stucco in the center. Both of those will have the same trim color, which is meant to emulate stone. Those are the main façade elements. We have a couple pieces we are utilizing as accents, the main being the Nichiha panels, which were discussed earlier. A stone panel will be inset on these areas of the garage. This is basically a rain screen seamlessly attached to the façade. The Nichiha panel is a smooth texture with a similar composition to the sandstone. We will also have some cast stone for the cornice and window trim at brick locations and also as a thin panel around the windows and in the townhome units. We are also looking at utilizing two different windows. On the first and second floors of the townhomes, we would like a richer feel, so we are looking at a bronze-clad aluminum window. We would use a tan vinyl window on the upper floors.

Chair Rohlf: Thank you. Do you have anything that shows the outdoor recreational area or the rooftop terrace?

Mr. Prelogar: The screen on your monitor now depicts the roof plan of R1 and the roof terrace area on the plan north is to your right; south is to your left. At the south end of the building at the top of the elevators and stairs, you'll then open out to a roof terrace that is defined by that irregular-shaped thing. There is a trellis depicted there that would be over an outdoor catering kitchen. There is a fire pit and several smaller areas for intimate seating. Around the fire pit is banquette seating, and surrounding several of those spaces are some raised planting beds. That entire area will be surrounded by an 8-foot high screen wall. All of the components are set well back from the façade. From the ground, it is highly unlikely that anybody will even know these exist.

Chair Rohlf: So there is nothing above it that looks down onto it?

Mr. Prelogar: That is correct. When you're up there, you won't be able to look down on the rest of the world, either.

Comm. Neff-Brain: Where, exactly, is it located?

Mr. Prelogar: It is above the roof at the south end of each of the two buildings of the apartments. If we were going to number it on the elevator, it would be Floor #7. We will probably call it Roof Terrace.

Chair Rohlf: Is it the same for both buildings?

Mr. Prelogar: The concept is the same, but each one has a slightly different character to it. This one is meant to be a bit more socially oriented. The other one is on the top of R2, and the resident amenities of R2 will be a bit more along the lines of exercise and perhaps an indoor swimming pool. In the basement will be something that might resemble a sports bar. We are thinking of a golf driving simulator in there and a number of TV screens with sports games and perhaps a computer gaming facility. It is meant to attract the

residents who are interested in a bit more active life. That rooftop terrace will have some things like hot tubs and also some gathering spaces that are fairly intimate in scale.

Chair Rohlf: Will both buildings get to use these?

Mr. Prelogar: Yes, and we expect the folks at Axis Lofts will be able to use them as well.

Chair Rohlf: How will you handle that accessibility through the buildings?

Mr. Prelogar: Throughout the project is going to be an electronic key system. Both of these rooftop terraces are accessible by the main public lobby by taking the elevator or the stair.

Comm. Neff-Brain: Are all of these units leased, or are any of them owned?

Mr. Prelogar: They are all intended to be leased. There is a wide variety: one bedroom, one bedroom / den, two bedroom, two bedroom / den and two-story townhouses with two bedroom, two bedroom / den and three bedroom units. They range in size from 800 square feet to a little over 2,000 square feet in some of the townhomes.

Chair Rohlf: Do the buildings have lobbies, per se?

Mr. Prelogar: Yes, each of the two buildings has a lobby that visitors would come into. Access to the building beyond that would be by electronic access. There would be a callbox for visitors to call residents.

Chair Rohlf: But you could enter into the lobby through a regular door?

Mr. Prelogar: Yes; the garages will also be controlled access.

Comm. Strauss: Is the townhome patio area open for people to put patio equipment, or is it restricted?

Mr. Prelogar: We will probably have restrictions on what they can put out there as far as quality. The concept is each of the townhomes has a small outdoor living space that is what we call assigned open space. It is separated from the park and elevated about 30 inches. That raised wall will have planting space behind it and in front of it, and we plan to plant it with shrubbery that will further define the separation.

Comm. Strauss: It seems like there should be some restrictions because it really is a grey area between the open space and private space, but it is all visible. Thank you.

Mr. Prelogar: The landscaping will all be maintained by the property management. Also, one of the things Young & Dring has attempted to do with the landscaping is a large elliptical open space that is very heavily planted along the edges so that the pedestrian circulation is along the open park. That system is separated from the private entrance walks and those private patios with a very heavily landscaped space with ornamental trees and shrubbery. We have tried to create a natural dichotomy between the public park space and the private open space for each townhome resident.

Comm. Jackson: Are the rain gardens very deep? Is there anything around them to keep people from going through them?

Mr. Prelogar: They are depressions. They aren't terribly deep, but they are heavily landscaped, such that I don't think anybody would want to walk through them. The idea is that it looks intensely planted to dissuade people from going in.

Chair Rohlf: Anything else for this part? Thank you.

Mr. Alpert: At this point, I would like to address some of the specific stipulations, specifically Nos. 10, 26, 27, 32; and then I would like to discuss Nos. 14 and 18 separately. No. 10 reads, "Each building, both R1 and R2, shall provide a trash enclosure and shall have a trash chute easily accessible to the residents of the building via an interior path located on the floor of their residential unit." As you can see, we designed the project with a single large-scale trash compactor to serve the entire development. We actually have three trash compactors like this on the Park Place site, and they seem to work very well. It has always been our intent to provide a high level of service for these units. We'll be charging the highest rents in the entire metropolitan area, probably matched only by the Country Club Plaza. Developments of this type traditionally, or at least in the last 10-15 years, have really been moving to this single point of trash collection, even in large-scale garden apartments. Mr. Prelogar can attest to that. The projects he has been designing for the last 15 years have all been handled this way. The most recent example is the Briarcliff development up north, which has 263 units in a hybrid setting which is served by one compactor. Having said all that, we are happy to agree, even in a stipulation, to this higher level of service. What we don't want to do is install trash chutes in the building. In our experience, trash chutes pose severe hygienic issues; they get dirty; they get clogged; they are just a constant source of issue and maintenance problems. What we are proposing to do is to install trash closets on each floor that the residents will have access to, which our maintenance people will empty and put into the compactor on a scheduled basis. We would like to request either the elimination of the stipulation or an amendment in a manner to reflect this proposal.

Comm. Jackson: Are these closets currently in the plan?

Mr. Alpert: They are not in the plans. Originally, we were just going to have the porter pick them up at each person's door. This was an issue that we really hadn't resolved fully, but it was brought to a head by virtue of the stipulation. We decided we had an opportunity to insert these closets on the floors, and this is our preferred approach.

Stipulation No. 26 reads, "The perpendicular parking spaces provided along the southwest side of the park open space shall be reconfigured as parallel parking spaces." Staff's concerns were not written in the report, so we weren't sure what the issue was. We are hearing that the headlights are a concern. To make these into parallel spaces becomes a problematic issue. First, it would reduce the number from 12 to 4 because we would only have them on the north side of the street; there is really no place to put them on the south side, as that project has already been established. We need those spaces for prospective renters and visitors to the project. If we did have the parallel spaces, they would only be accessible by people traveling west on 115<sup>th</sup> Street. If people entered from the east, they would have to turn around, which could become much more unwieldy than pulling in and out of the perpendicular spaces. We have already established some perpendicular spaces with the Axis plan on the south side. We would request these spaces remain as designed.

Stipulation No. 27 reads, "Construction traffic shall only be allowed off 117<sup>th</sup> Street and not off Town Center Drive." This stipulation has been in place since the inception of the project, and it has been certainly respected up to this point. (*Refers to display board*) As you can see, the fact of the matter is we can keep traffic from entering and exiting along here. What we are proposing is this spot, which already has a curb cut on Town Center Drive, be the entrance and exit for construction traffic. It becomes much more practical than bringing some kind of temporary road around this way, which ultimately becomes pretty problematic. The next case we'll be talking about is the AMC building, and there is really no way we can honor that stipulation when we build it. Any questions on that?

Comm. Strauss: What is the duration of construction?

Mr. Alpert: We are projecting approximately 15 months.

Comm. Roberson: I don't understand why you can't come off Nall. There is a road right there next to the parking garage.

Mr. Alpert: (*Refers to display boards*) We could come back and forth right here. This is one of our major entrances into our parking garage. We would be mixing construction traffic with our retail and restaurant patrons, as well as our office tenants. We will use this when we build AMC, but we didn't want to prolong that. We wanted another option. It is very likely that we will be building the apartment buildings and AMC simultaneously, so mixing that traffic could be somewhat of a problem. We will be staging for these buildings, so the traffic would have to come all the way through the project in order to service this area. The most efficient way is certainly right here.

Comm. Roberson: But who will repair the damage done to Town Center Drive made by the heavy construction equipment?

Mr. Alpert: As a practical matter, I'm not sure we would be damaging Town Center Drive any more than we would be damaging 117<sup>th</sup> St. We have to come in somewhere, and 117<sup>th</sup> St. would carry the traffic. Trucks would still be coming in off Roe, as they do now. You're talking about a relatively short distance to get from this point to this point.

Chair Rohlf: Anything else on this?

Mr. Alpert: Stipulation No. 32 is more of a semantic issue. "The conditions and stipulations of the Preliminary Plan approval of the original Park Place Development shall remain in full force and effect except to the extent expressly modified herein." We were thinking that actually should read, ". . . except to the extent previously amended and expressly modified herein" because there have been ongoing amendments to the plan with a variety of stipulations that have taken place over a number of years.

The other two stipulations: No. 14 and No. 18 give us the ability to address these prior to achieving a final Certificate of Occupancy, so we could come back on those, but I thought we might as well address them tonight. No. 14 reads, "Prior to a full Certificate of Occupancy of Buildings R1 and R2, if the proposed landscaping proves to be insufficient to screen utility boxes along Town Center Drive, a Revised Final Plan shall be submitted as a separate application to be recommended by the Planning Commission and approved by the Governing Body, which shall screen the utilities via additional landscaping and/or a masonry architectural structure that matches the materials used in the buildings." (*Refers to Landscape Plan*) Along Town Center Drive, we are continuing the established pattern of trees and shrubs on the north side of these buildings. This is a significant amount of landscaping. In addition to that, we have added an additional layer of landscaping around those utility boxes as they exist. I can give you an example that shows the problem we have with this. Along Nall, you will recall a number of transformers, sectionalizers and a variety of other equipment on the west side of the Aloft Hotel. At staff's request, we looked at a variety of methods of screening those boxes, and we agreed on and installed landscaping after you approved it. You will now see a number of areas where Power & Light has ripped it out because it doesn't meet their specifications. We are just concerned with the word "insufficient." That is a subjective term, and we are not sure how it is directing us. We are concerned about this ongoing issue with Power & Light. We are concerned about putting masonry walls in front of these units, which is in direct conflict with Stipulation No. 6, which states that we cannot put a masonry wall that is more than 3 feet tall outside the building line. This really comes down to concerns that this could delay our Certificate of Occupancy and potentially affect our ability to close financing and satisfy lender's requirements. This is a very serious concern of ours and is an issue that is probably bigger than just this project and one that is being dealt with citywide.

No. 18 reads, "Prior to final Certificate of Occupancy, a separate Revised Final Plan shall be submitted for review of the Planning Commission and approval by the Governing Body that shows the area on either side of Rosewood, a private street within the development, designed in such a manner that

incorporates a water feature similar to what was originally approved with the Final Plan for Park Place or develops other equivalent amenities within this area, such as water features, fountains, enhanced landscaping and statuary." The area in question is along Rosewood, primarily where Rosewood intersects with Town Center Drive. There was a very conceptual drawing of some water on either side of the entrance of that street, and it goes back to a time when that street actually split and was divided significantly, which has all been changed since the original plan. We're concerned that a water feature like the one that is shown there is a bit more suburban in character than what we would like for the entrance. We don't think it is consistent with other entrances. In addition, there are practical issues with water in that location. The grades have somewhat changed there and have created a 5-foot rise from Town Center Drive up to the building. In order to get water in there, it would have to be at the low point, which means that the banks of any water would be really high, and the water itself would be really deep into the ground, which we don't think is ultimately the way you would want to see it. In addition, we actually have a roundabout that was approved as part of the Generali building, and it actually will be built with the apartments. We have identified that as a focal point for a major sculptural piece. We have been in discussion with the Leawood Art Committee about putting a piece there that we think would serve the purpose. We did a sketch to show you what that would look like. (*Shows sketch*) We feel a feature like this would be far superior to anything right at the Town Center Drive entrance because it would be more accessible to the pedestrians walking through the development, and it would also be highly visible from Town Center Drive. I would also like to point out a number of amenities that have been built into the Park Place Development that were not part of the original plan, including the ice rink and the fountain in Barkley Square. We feel like there is a lot going on, and we don't want to be bound to this specific water feature. That completes my review of the stipulations, and I'm happy to answer any questions, as would any of my team members.

Chair Rohlf: Questions for the applicant? Mark, would there be anything you would like to add with respect to the stipulations he has pointed out?

Mr. Klein: Sure, and Jeff and I have talked about these as well. I can let you know staff's perspective on these. With regard to the trash chutes, our major concern was someone having to carry the trash to a single trash enclosure in another building. The closets are new, so we probably need a chance to talk about them. There are two components to that stipulation: the trash chutes, which would be replaced by a closet in his proposal, and the trash enclosure in each building. I believe he is proposing to locate it in one; they would just have staff collect it out of the trash closets and take it to the single enclosure. With regard to No. 14, Jeff is absolutely right; this issue with utilities has been going on for a long time. We have had six or seven meetings with KCP&L with a room of over twenty people trying to figure out the issue. They want access to these boxes and do not want them blocked with landscaping or a structure. They want to be able to access them out of the range of the arc of electricity coming through, and I can certainly understand safety issues. We thought we had worked out the issue with grasses that would be cut down if they needed to access the boxes. Jeff has indicated they are not willing to do that, so we probably need to go to KCP&L and have more conversations about screening. The main intent was recognizing the utility boxes and their proximity to Edgewood and Town Center Drive. As Jeff indicated, KCP&L could always rip out landscaping. This would allow us to have that discussion again. I realize it is a subjective issue. Jeff is correct that many of the units are higher than 3-foot wall would screen, but there are shorter ones that could use a combination of a wall and landscaping.

Chair Rohlf: Could we put some language in there to reflect something to do with the utility companies? I can understand the applicant's concern about putting in extensive landscaping or architectural treatment only for KCP&L to come in and remove it. I know they move these things and change them.

Mr. Klein: The stipulation allows for that discussion. Right now, we are allowing them to screen them the way it is proposed; it is simply asking for them to submit a revised plan if it turned out to be insufficient. I imagine, if that happened, we would have to have conversations with KCP&L.

Comm. Roberson: Why would we hold up the Certificate of Occupancy?

Mr. Klein: The city has certain times before a project is released and control is relinquished. This is an effort to allow them to get a temporary Certificate of Occupancy so it wouldn't hold up that part but to put in a deadline instead of dragging it out for an undetermined amount of time.

Chair Rohlf: So the insufficiency is up to the city?

Mr. Klein: Yes, we would be the ones who would determine that with a site inspection.

Comm. Elkins: As I understand it, the utility company is operating off a right-of-way, but their use of that easement is still subject to the reasonable regulation of the municipality, correct?

Mr. Coleman: Normally it would be in our franchise agreement.

Comm. Elkins: This is an issue that has come up regularly before us: the utilities that service our community seem to think that they are the final say in the way their right-of-way and real property in our community is used. I want to make sure I understand correctly that it is the municipality that has the final say about how the utility uses the right-of-way within structures of safety and state regulations. Does the city have any enforcement mechanism available? Mr. Alpert talks about the utility ripping out the landscaping that has been approved by this body, approved by the Governing Body, put in, in good faith, by Mr. Alpert. I understand Mr. Alpert doesn't want the city to talk to him about replacing that. Can the city go to KCP&L and say, "You're using your right-of-way, but it is subject to regulation, and if you rip out landscaping, you've got to replace it"?

Mr. Ley: Before they get a Right-of-Way Permit, they have to show a landscape plan, and they are required to maintain that landscaping. In this situation, they are in a private easement. That is why Mr. Alpert was bringing forward the landscaping plan for your approval. I don't know if KCP&L is aware of the landscaping that is going to be done around their facilities. When they are within the right-of-way, KCP&L has to provide a landscape plan.

Comm. Elkins: Do you have any way of enforcing that after the fact? It seems to me that they just ignore all of us.

Mr. Coleman: It would probably depend on what was stipulated in the private easement with Mr. Alpert.

Comm. Elkins: This seems to be a recurring theme in a lot of the plans we look at. I'm sympathetic to Mr. Alpert's situation, but at the end of the day, if the utility rips out landscaping, it seems like the utility ought to replace it.

Mr. Coleman: I think it is much like Mark said: we met with them and had come to an agreement with the people we talked to. We saw the grasses as a good solution because they can just cut them down and they grow back. Apparently, they changed their mind.

Comm. Elkins: It does seem like a good solution, but at the end of the day, it seems like you've got the tail wagging the dog. Thank you.

Chair Rohlf: Anything else on that?

Mr. Klein: With regard to No. 18, it was taken from the Preliminary Plan of The Residences. It reads almost the same outside of the deadline for it being accomplished. The applicant came back and tried to enhance the landscaping located in that area and added river birches along there, street trees along Rosewood and evergreens along the townhomes. Staff is looking for a bit more. We also have concerns about landscaping with the river birches. This was to allow for additional time for them to come in with a Revised Landscape Plan that would show something more enhanced and different landscaping with maybe an art feature or something like that. The applicant was concerned about a water feature, but this does not limit it to that, as is stated with, "equivalent amenities." We are looking for the applicant to come forward with something we feel is equivalent. The applicant has talked about the circular area with statuary, which will be very nice. This part of the stipulation, however, has more to do with the area adjacent to Rosewood on either side.

Regarding No. 26 with the parking spaces, it had to do primarily with traffic circulation and number of parking spaces there, as well as the head-in parking and the lights shining into the park. The applicant has talked about the landscaping in the area, including the bio-detention areas that will block some of the headlights. I think there are a couple spaces where the headlights will shine quite a bit farther and bypass the landscaping. It also has to do with the number of cars and traffic circulation.

With regard to No. 27, this is a stipulation we have included on most development projects that are adjacent to residential areas. I certainly understand the applicant's point of view on construction going on right across the street from Edgewood. Obviously, the construction will take place there; however, staff feels there is a difference with traffic coming off Town Center Drive, where people will be mixed in with them. Also, rain could cause issues with mud tracked on the streets. The applicant is absolutely right with regard to AMC; there is no way to avoid Town Center Drive. However, with this project, staff feels there is still an opportunity to come off 117<sup>th</sup> St., which is more commercial.

Stipulation No. 32 is something the legal department had us put in a number of years ago on these to ensure we were not losing stipulations that were approved with the original Preliminary Plan. Before I change the wording on that, I would prefer to make sure that it meets everything they intended.

Comm. Elkins: I have a couple questions on No. 27. With respect to the construction traffic, could you comment about staff's thoughts on the fact that we may well be having both the AMC headquarters being constructed at the same time as these two buildings and the idea of the relative burden of having construction traffic on both streets at the same time as opposed to all the traffic on one street? It seems like there are pros and cons to both.

Mr. Klein: That is a good point. With regard to AMC, it is located closer to Nall and is located across from Leawood Commons, which is commercial and does not have the same impact for residents. It is also a fairly short street before turning on the site. The main entrance with the curb cut is considerably farther along Town Center Drive. We feel that coming off 117<sup>th</sup> St. to access The Residences and then having the other one come off Town Center Drive for that short distance wouldn't be that incompatible. I definitely see your point about construction traffic coming in two different areas.

Comm. Elkins: Also, 117<sup>th</sup> St. serves both Town Center and Park Place, correct?

Mr. Klein: Yes.

Comm. Elkins: We need to be sensitive to the impact on the residents who use Town Center Drive, but from the commercial standpoint, is it fair to say that it primarily serves the Park Place commercial development?

Mr. Klein: 117<sup>th</sup> St. probably does serve both developments fairly equally; it is just that typically, when a residential is adjacent, we try to have the commercial development come off the commercial street and

away from the residential. We have done this on other projects as well. The stipulation right after it limits the time of construction in another effort to protect the residents in the area.

Comm. Elkins: Could you comment on staff's perspective on the safety of combining construction traffic with patrons of both Town Center and Park Place if the traffic were on 117<sup>th</sup> versus combining construction traffic with traffic from Park Place and the residents on the other side of the triangle?

Mr. Klein: Both streets are fairly heavily traveled. Most of the construction traffic for Park Place has been off 117<sup>th</sup> St., so we're used to doing that. It seems like it has worked fairly well. The hard part for the applicant is that it is a longer distance across the site, but it would be traversing on their property outside of traffic. We just feel that adjacent to commercial is preferable to adjacent to residential.

Mr. Ley: Also, next year, Public Works is going to mill and overlay Town Center Drive, so we don't want a lot of construction traffic out there because of redoing the curbs and asphalt. All the construction traffic so far has used 117<sup>th</sup> St., so we didn't think it would be much of an issue. We understand it is different for AMC, but because there is also a construction access along 117<sup>th</sup> St. and a gravel parking lot, we felt it would not be an issue.

Comm. Strauss: A compromise could be that The Residents and AMC use Ash St. as a construction entrance off Town Center Drive because then it doesn't get down in the front door of the residential area and stays at the north end, but it could still serve The Residents at Park Place well and AMC.

Mr. Klein: Given the choice between directly across Edgewood's main entrance and the western entrance, that would certainly be preferable. I can see a lot of advantages in that. I think the applicant had concerns about mixing traffic of patrons of the development with the construction traffic coming off Nall. That particular entrance is probably going to be used more heavily as far as cars coming into Park Place. I agree that the entrance serving both of those projects makes a lot of sense as opposed to using the one that is farther to the east.

Comm. Neff-Brain: I would agree with either using the entrance off Nall or the most westerly entrance on Town Center Drive if you're going to be constructing both projects at the same time, it makes sense to use the same street as construction entrance.

Comm. Pateidl: Would the applicant like to address those thoughts?

Mr. Alpert: We would have to go back and think through the implications of bringing construction traffic on off the Ash Street entrance because so many of our commercial patrons are retail and restaurant patrons who use the entrance. We'll manage with whatever we have to do; it is just that the one Town Center Drive entrance would be the most practical for us. If we can't have it, we can't have it. A lot of it is the time of day, too. Town Center Drive hardly carries any traffic except when Sprint gets out in the afternoon. I don't know that it is that disruptive to the traffic. We can certainly make adjustments to try to restrict traffic during that period when it carries the most traffic from the west. This is a short-term issue and is not as significant to us as some of these other things that we will have to live with for the life of the project.

Comm. Neff-Brain: Have you been involved with building the trash closets? It just seems like the way people throw trash, there would be trash spilled out all over in the closet.

Mr. Alpert: I don't think there is a perfect system. Dragging a heavy trash bag down a hallway, down and elevator and to a trash compactor has its own set of issues. There is no perfect solution. We specifically wanted to avoid the trash chute because it's so hard to maintain. We can clean out a closet and fit it out so it's fairly watertight. We can put a drain in the middle and hose it down. There are a lot of things you can do

with something like that that you just can't do with a trash chute. That is why we specifically wanted to get away from that option.

Mr. Coleman: We don't have any objection to not having a trash chute; we just saw that residents would have to haul the trash the length of a football field down the hall and a down a few flights of stairs. Trash could easily leak down the hallway. This shorter distance to get trash into a container is better.

Comm. Roberson: When would you start this is approved?

Mr. Alpert: We anticipate starting early March, hopefully.

Comm. Roberson: For both AMC and The Residences?

Mr. Alpert: Probably. The Residences could start sooner because we would probably start construction of the Axis Lofts, for which the plans are already done. These two buildings would probably start in March; it will be a function of the weather, to some extent.

Comm. Roberson: If approved, when would the AMC project begin?

Mr. Alpert: We're talking about March.

Comm. Roberson: So in essence, the two would be built together, and you wouldn't have a problem with a stipulation saying that the two had to be built together?

Mr. Alpert: They are totally different projects with different groups of people involved and potentially different financing. I couldn't impose that kind of a restriction on the project. We have issues in terms of AMC's timetable, so we are on a very fast track there.

Comm. Roberson: One of the stipulations we have made in the past is that we were not going to approve any more commercial buildings until residences were constructed. Do you remember that conversation?

Mr. Alpert: Yes, and we have been in with two different projects and spent a lot of money to get them to the point where they were, only to not be able to build them because economic conditions didn't allow it. Because these units are not intended to initially be sold, but rather rented, we see an opportunity to do them successfully.

Comm. Roberson: What kind of price point are you looking at to rent these units?

Mr. Alpert: We are looking at somewhere between \$1.25 and \$1.50 a foot.

Chair Rohlf: Anything else for the applicant or staff? Thank you. Mr. Alpert, I have a question on the parking issue. What is the parking for Axis Lofts? Is it underground?

Mr. Alpert: It is primarily underground. We do have some overflow parking around the perimeter of the site. We are way over-parked on this project. There is a requirement of two cars per unit that we are meeting on all of our residential that is significantly more than we will ever need. We have a certain number of one-bedroom units that will have one resident with one car. There are all kinds of statistics that point to this, and I believe a lot of municipalities have a requirement of one car per bedroom, which probably makes a lot more sense in the long run.

Chair Rohlf: I haven't added up all the units, but what would be the approximate count of residents in total for both buildings? There is not a lot of on-street parking for these buildings for visitors.

Mr. Alpert: The total number of units between all three buildings is 176 units.

Chair Rohlf: I don't see any other place on the plan for visitors to park close by.

Mr. Alpert: No, we are looking into somehow allowing visitors to use extra parking underground as part of the parking garage. We're not sure exactly how that's going to work, but, for example, if somebody had overnight guests, they could reserve a parking space on a temporary basis within the parking structure. We may figure out a way to move the security back from the actual overhead door to allow a little visitor parking. These are things we can evaluate. We also have the public parking for the commercial and, in some instances, apartment visitors will use that because maybe they'll be meeting somebody for dinner and then going back to the apartment. There are different dynamics working with this parking situation, which is why we really feel like we need those twelve perpendicular spaces between the two buildings.

Chair Rohlf: Thank you. Mark, I know there may be some follow-up on the water feature, but how many of these amenities were factored in to the bonus calculation. Was this bonus part of that?

Mr. Klein: The entire development was the first time we experienced the MX-D District, and it was really the reason the district even exists. We have an F.A.R. of .25, which is allowed within the district, as well as other commercial districts. When they came through for approval, bonuses were added to allow for higher F.A.R. They were allowed to go to a .84, and they did that by using bonuses in the development, so we always look at the additional amenities. They have provided quite a few: storm water improvements, stream improvements, structured parking, landscaping of an additional row of street trees, the ice rink and some statuary. We feel all those are the way they are earning the F.A.R. increase. To clarify, in your Staff Report, it says .76. The reason for that is the F.A.R. calculation changed after the project was approved. When the development ordinance changed, it required the residential to be reduced by .25.

Chair Rohlf: In essence, you believe that the bonuses are where they need to be?

Mr. Klein: We have looked for additional amenities within each of these projects, and that is part of this request.

Chair Rohlf: So we need something there.

Mr. Klein: That is the reason the stipulation was there.

Chair Rohlf: Not necessarily a water feature but something of substance.

Mr. Klein: That is correct.

Chair Rohlf: That takes me down to No. 32 and what Mr. Roberson touched on. I'm not sure where we've left off with the revision to the language of the Preliminary Plan for the overall development. I know we've had discussions about it. If we had to go back and construct an argument, where would we be?

Mr. Klein: With regard to the residential, Commissioner Roberson was completely right that 20% of the development had to be constructed residential with the first phase of the development. It didn't happen because of market instability, and it came to a critical point at which we needed to know when the residential would be built. The stipulation stated they had to show a plan for the residential and a general timeline. They did that with Case 69-11, which was the Preliminary Plan that included the residential component.

Chair Rohlf: It was basically to bring back plans.

Mr. Klein: That is correct.

Chair Rohlf: If we approve this Final Plan, then we also have a Final Plan in place for Axis Lofts.

Mr. Klein: Yes, they met that stipulation by coming back with the Revised Preliminary Plan. Now, we are happy to see them back with a Final Plan, which shows intent to construct.

Chair Rohlf: The key issue is the construction.

Mr. Klein: It is; that is what we would like to see.

Chair Rohlf: Does anyone have anything else for staff or the applicant? All right, we have a number of stipulations to discuss.

Comm. Elkins: I would suggest that we go through them one at a time to see if there is a consensus.

Chair Rohlf: We would start with No. 10, which is the trash collection.

Comm. Pateidl: I might have some amendments to that stipulation that could be sufficient: "Each building in R1 and R2 shall provide a trash service to the residents of the building via an interior facility located on the floor of their residential unit, along with the use of maintenance personnel." That captures the essence.

Comm. Roberson: I have no problem with it.

Comm. Jackson: Sounds good to me.

Comm. Neff-Brain: I'm fine with the trash closet.

Comm. Williams: Same here.

Chair Rohlf: Moving along to No. 14. This is tricky.

Comm. Pateidl: I worked on that as well. I think part of the importance of tying this to the Certificate of Occupancy is the fact that there have been agreements on items of landscaping and other things within the development that seem to have found their way back to the Planning Commission on numerous occasions. I concur that we should have some enforcement capacity to be certain that this landscaping is done. I grant there are problems with the public utilities, but I think the stipulation, as stated, including, ". . . as allowed by public utilities in question" may resolve the issue of the unknown as far as public utilities are concerned and still provide the enforcement capacity the planning department has deemed to be appropriated.

Comm. Elkins: I appreciate Commissioner Pateidl's approach to that, but I am really concerned about it because it expressly puts us all at the mercy of the utility. I continue to have a real issue in my mind that the utilities are driving the bus here. I don't want to put it up to the utilities' judgment.

Comm. Pateidl: There has to be some consideration for the safety aspect and allowing them to have the judgment for that. I certainly concur with your position and your frustration as far as the utilities are concerned. In the words of the law, there is a difference between de facto and de jure, and we are de facto at the mercy of the utilities. I don't know how you can get around that until such time as either the

Governing Body or some other unit addresses the situation with the utilities and gives us more enforcement capacity.

Comm. Neff-Brain: The utilities require these private easements and put anything they want into them. If you don't like it, you don't get the service. It is really a problem for developers and the city.

Comm. Elkins: I appreciate that. I certainly agree with safety concerns and to pull out the landscaping that is appropriate, but I think it should be incumbent upon them to replace it.

Comm. Neff-Brain: That is not how they write their easements.

Comm. Elkins: They have a guaranteed profit that we, as citizens of the state, give to them. I've asked several times to see them in here, and we haven't seen them yet.

Comm. Roberson: One of my issues is we are holding this project hostage for this landscaping project around the utility boxes that none of us has any control over. They put the landscaping in; it is ripped out and not sufficient at that point. Holding the project hostage is a bit much for me; I think there are other methodologies by which planning staff can enforce landscaping issues without causing this bump in the road for somebody trying to get financing for a project.

Comm. Elkins: I tend to agree with that as well. What this does is conditions the Certificate of Occupancy upon an approved plan and not actual installation or maintenance of the landscaping. To that extent, while I am sympathetic to Mr. Alpert's plight generally, I am not sure that issue is really joined by this stipulation. If we all agree to grass and they get their Certificate of Occupancy, the judgment day comes down the road. I am not certain there is a need for a change.

Comm. Roberson: Does staff agree with the fact that he doesn't need to plant; he only needs a plan?

Mr. Klein: That is what it says. It does allow flexibility for them.

Comm. Roberson: Would they get their Certificate of Occupancy with a plan?

Mr. Klein: They would be required to have a plan, and then the plan might have stipulations with time limits, but bottom line, yes.

Comm. Roberson: Then I am fine with this then. I would hate for this to be held up.

Comm. Elkins: I agree 100%.

Comm. Williams: Is there not a Landscape Plan as part of this submittal?

Mr. Klein: Yes.

Comm. Williams: If we approve the project, they have an approved Landscape Plan.

Mr. Klein: Yes; and the stipulation doesn't come into effect at all if the plan screens the utilities without any problems. If there is an issue almost immediately before they get their Certificate of Occupancy, it would require them to come in with a Revised Landscape Plan and get it approved before they get their Certificate of Occupancy. That plan could have stipulations attached that could include time limits, but it also would allow us some time to talk with the utilities and ensure that whatever is approved addresses the issue.

Comm. Neff-Brain: Do you not know what utility boxes will be in there now to be able to say that, based on this plan, it is fine?

Mr. Klein: Actually, utility boxes are mostly there. I don't know which is which between sectionalizers and transformers. There may be additional ones in the future. What they propose might be perfectly fine, but a lot of it has to do with the size and type of the plant material.

Comm. Jackson: To that, I think Mr. Alpert didn't like the word "insufficient" because it was too nebulous. It is dependent upon what the city finds once the plans are there. I don't know how to rewrite it to make it a bit more certain.

Comm. Pateidl: I think Commissioner Elkins' position that the stipulation stand as it does in recognition of the fact that we are looking only at a plan to tie the approval to a Certificate of Occupancy does not create undue hardship on the applicant. I withdraw the other comments I made with regard to amending this stipulation.

Comm. Jackson: I could certainly go along with that.

Comm. Strauss: One idea is to take out "insufficient" because I think the intent is that it becomes insufficient when it is not inconsistent with the plan. I think you could say, "If the proposed landscaping proves to be not consistent with the landscaping plan to screen the utility boxes along Town Center Drive . . ."

Mr. Coleman: It is just that we don't have a Landscaping Plan right now that shows the screening of those utility boxes because it is in the future. As written, all this does is to ask the applicant to come back with another plan if necessary.

Comm. Williams: Theoretically, this could be done well prior to the completion of the project once they have worked with the utility companies and found out where any utility boxes will be going or what may change.

Mr. Coleman: And it may never be necessary. I anticipate that the final Landscape Plan will be fine. One other point of clarification on the No. 10 was the words "trash enclosure" were struck, and that is where the compactor is. I didn't think your intent was to eliminate that.

Comm. Williams: I think the issue on that was that it should read as a trash compactor for each building.

Mr. Coleman: If they had the maintenance service that carried all those carts to the trash compactor rather than the individual tenants, then it is probably sufficient to have just one.

Comm. Williams: So the stipulation should add that there would be one trash compactor.

Mr. Coleman: There is one compactor shown currently.

Comm. Pateidl: Is it sufficiently enclosed currently?

Mr. Coleman: I believe it is.

Comm. Pateidl: So a stipulation would not be necessary regarding that particular aspect. Then going back to this modification, if we go to a service for the residents, including an interior facility and maintenance personnel and move the chute, it would be fine.

Chair Rohlf: Then I think we are moving along to No. 18, which is similar to No. 14 in intent.

Comm. Pateidl: Mr. Alpert's primary concern with a water feature as presented in the Preliminary Plans seemed to be whether it was appropriate at this stage in the game. Secondly, it is important to point out that, while a Certificate of Occupancy is tied to this stipulation, it, once again, is tied to a Revised Final Plan for the next phase of this project. I would change, ". . . that incorporates a water feature similar to what was originally approved with the Final Plan for Park Place," or I would strike those words. To put it into context, I would have the stipulation read to the effect, "Prior to the final Certificate of Occupancy, a separate Revised Final Plan shall be submitted for review of the Planning Commission, approval by the Governing Body that shows the area on either side of Rosewood, a private street within the development, designed in such a manner that further develops amenities within the area, such as water features, fountains, enhanced landscaping and statuary."

Comm. Williams: I think that sounds good.

Comm. Pateidl: Once again, it is tied to a plan and does not have to have final construction. It is to ensure the compliance with the stipulation by tying the Certificate of Occupancy to it.

Comm. Williams: That improvement could be on either side of Rosewood?

Comm. Pateidl: Yes.

Chair Rohlf: Any concerns with that?

Comm. Neff-Brain: Where is it to be located? Is it at the corner?

Comm. Roberson: It doesn't say that.

Comm. Neff-Brain: It could be halfway down the street.

Comm. Roberson: They are already talking about putting a statue in the circle, which would be part of this transaction and looked neat to me.

Comm. Williams: I liked it, too.

Comm. Neff-Brain: If you are going to have added amenities, I think they need to be at the corners.

Comm. Roberson: Are there amenities on Ash Street on the corners?

Comm. Williams: No.

Comm. Neff-Brain: Isn't that where these fountains were going to be?

Mr. Klein: They were going to be on either side of Rosewood. In actuality, I didn't intend it to be either side; I intended it to be both sides since water features are shown on both sides and there are open areas.

Comm. Neff-Brain: If our intent is to have something on both corners, we need to indicate that.

Mr. Klein: We were looking at the open space on either side of Rosewood as opportunities to provide the enhanced amenities. Our intent was not to strictly limit it to the corners, but rather to the large open areas on either side.

Comm. Williams: Does any entrance into this development have water features, statuary or enhanced landscaping that would meet the criteria you're talking about? Why just this one?

Mr. Coleman: *inaudible comments.* There are giant lanterns on either side of the entry off Nall.

Comm. Roberson: But there is nothing off Ash Street, off the parking garage at Nall or off 117<sup>th</sup> Street.

Mr. Coleman: The fact remains that these two water features were shown on the original approved plans.

Comm. Jackson: It was part of getting the additional F.A.R.

Mr. Coleman: We are not in favor of eliminating them for some river bushes. They are at the corners to enhance the public view of the development, which is important. That is why those monuments are at Nall and 117<sup>th</sup>.

Chair Rohlf: Where are we with that particular stipulation? Ms. Neff-Brain, are you uncomfortable with it?

Comm. Neff-Brain: It has changed so much from the first plan to the second plan, and there was so much more space at the corners in the old plan. It is really a different animal now.

Chair Rohlf: I think the importance of this stipulation as it has been revised by Mr. Pateidl indicates that we are expecting something of substance there and not just trees or bushes.

Comm. Strauss: Perhaps instead of saying, ". . . either side of Rosewood," we could say, ". . . both corners of Rosewood and Town Center Drive" to clarify that.

Comm. Roberson: What would you propose putting in there?

Comm. Strauss: The end of the stipulation states that it could be a water feature, fountain, enhanced landscaping or statuary.

Chair Rohlf: Is it possible that there could be utilities there?

Mr. Coleman: I assume it is possible; we would hope that they wouldn't be located there.

Chair Rohlf: At this point, we're not sure what is going to be on the other side of Rosewood.

Comm. Strauss: The plans already show monument signage.

Comm. Neff-Brain: The old plan didn't include the circle with the statue in it, so that is a different amenity than what was on the old plan.

Mr. Coleman: We would be in agreement with Commissioner Pateidl's changes.

Comm. Neff-Brain: They don't indicate where the enhanced landscaping is going to be.

Mr. Coleman: We would work with the applicant on that and would take our cue from the existing amenities shown on the plan, which were the two water features. I assume they would go back in this similar location.

Comm. Neff-Brain: But that whole plan is a totally different configuration.

Chair Rohlf: We have another approved plan in place since then. I think this pins it down enough that, between staff and the applicant, they should be able to come up with a resolution that would be satisfactory. We need to extend our meeting this evening.

**A motion to extend the meeting to 9:30 was made by Williams; seconded by Elkins. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.**

Chair Rohlf: Mr. Coleman, what is your feeling about our last case this evening?

Mr. Coleman: I don't think we're going to have time to address it this evening. My recommendation would be to continue it because we won't get through it and will have to start all over again. It has a Public Hearing, and I don't think we can get through it in 45 minutes.

Chair Rohlf: What can we do for the applicant, given the time of year and notice requirements?

Mr. Coleman: We can continue to the meeting in December, which we will have if we need to.

Chair Rohlf: Do you want him to come up and have him move for the continuance now?

Mr. Coleman: We can wait until this case is finished.

Chair Rohlf: I just don't want to keep people here. We know we're not going to reach it this evening. We will conclude this case and discuss how we will handle the last case this evening. Are there other thoughts on No. 18, or can we be satisfied with the language as revised by Mr. Pateidl? All right; Ms. Neff-Brain, are you satisfied with the language?

Comm. Neff-Brain: Not particularly because it could go anywhere up and down Rosewood.

Chair Rohlf: But they would have to bring it back before that could happen.

Comm. Neff-Brain: That is true.

Comm. Roberson: Let them be creative, come back and see what happens, whether it's planting or water; although, I'm not a big fan of plants.

Chair Rohlf: I think water would be great. So then we have No. 26, which talks about the parking spaces.

Comm. Elkins: For some reason, staff's response went over my head. Could I ask Mr. Klein to respond again on the parking issue?

Mr. Klein: Staff's concerns are regarding the number of parking spaces along there and how they affect the traffic circulation, as well as the headlights shining into the park.

Comm. Elkins: So you are standing firm on your thought that it ought to be straight-in parking. Do you agree with Mr. Alpert that it reduces it from 12 to 4? It seems like a dramatic change to me.

Mr. Klein: The standard parallel parking space is 9 feet by 22 feet, whereas, the width of a perpendicular parking space is 9 feet. I haven't done the calculation, but it would seem reasonable to me.

Comm. Jackson: I would be in favor of deleting No. 26. I like the perpendicular parking better than the parallel, and I think the park is not going to be used that much at night unless there is lighting in the park, anyway, and then, headlights would not cause that much of an issue.

Comm. Neff-Brain: I would agree with that because we were talking about the need for more parking for guests and visitors anyway. I hate to reduce it anymore.

Comm. Strauss: If the concern is the headlights, what if we added that a berm or some landscaping needs to be added to block the headlights?

Comm. Roberson: Mr. Alpert addressed that and said there would be planting in front of the parking spots.

Comm. Jackson: Berms would probably interfere with the rain gardens on either side somehow.

Comm. Roberson: And the sidewalk, too.

Comm. Neff-Brain: Headlights are on for a minute and then are off. If it shines into a unit, people don't have to lease the unit the next year. It seems to me that people will know what they're getting into when they see those spaces.

Chair Rohlf: If they really are for potential renters, they will be there during the day for the most part. All right; I think deleting that is a good option. Then we need to discuss construction traffic for just this plan.

Comm. Neff-Brain: My feeling is it should come off one of the two streets nearer Nall.

Comm. Roberson: I have trouble understanding why they can't continue to use 117<sup>th</sup> with the temporary parking lot there. I can understand the other project.

Comm. Jackson: I agree that you need a little consideration for the residences in Edgewood, too.

Comm. Williams: So keep this one as written.

Comm. Jackson: I would.

Comm. Roberson: I think this one is okay; I think Mr. Alpert makes a good point on the other one.

Chair Rohlf: Does anyone have strong feelings otherwise? Then I'm not sure if we need to discuss No. 32. Mr. Klein mentioned he would visit with Ms. Shearer on that one.

Ms. Shearer: I think the question was if legal would be okay with the addition of that language, and it is fine with me. It would say, ". . . except to the extent as previously amended and expressly modified herein."

Comm. Elkins: Shouldn't it be, ". . . or expressly modified herein" as opposed to ". . . and expressly modified herein"?

Chair Rohlf: Could you explain the intent again?

Ms. Shearer: The Park Place plan has been amended several times. The original plan is no longer the current plan. I agree with that.

Comm. Neff-Brain: Couldn't you just say, ". . . the original Park Place development plan as amended"?

Ms. Shearer: Yes.

Comm. Elkins: That works for me.

Chair Rohlf: Could you read the stipulation, then?

Ms. Shearer: "The conditions and stipulations of the Preliminary Plan approval of the original Park Place Development as amended shall remain in full force and effect except to the extent expressly modified herein."

Chair Rohlf: Does anyone else have questions about the stipulations?

Comm. Roberson: I have a question for Mr. Alpert. Are pets allowed in these units?

Mr. Alpert: Yes; typically, they would be limited to around 25 pounds.

Comm. Roberson: That park is going to get well used.

Mr. Klein: We still want to make sure we understand No. 10. Is that requiring a trash enclosure in both buildings or just one trash enclosure total?

Chair Rohlf: It is just one enclosure.

Comm. Pateidl: One enclosure of the compactor.

Mr. Klein: One enclosure of the compactor and one in the building.

Ms. Shearer: I think it would be great if we could read that stipulation again as it is meant to be worded because I don't think it is clear on the record.

Comm. Pateidl: "Each building, both R1 and R2, shall provide a trash service to the residents of the building via an interior facility located on the floor of their residential unit and use of maintenance personnel."

Comm. Williams: The trash compactor stays where it is and is unaffected by this stipulation.

Chair Rohlf: Anything else? Then who would like to make an attempt at a motion? Mr. Pateidl?

**A motion to recommend approval of CASE 128-11 – PARK PLACE – THE RESIDENCES AND 8<sup>TH</sup> PLAT – Request for approval of a Final Plan, located at the southwest corner of Town Center Drive and east of Nall Avenue, subject to the conditions made by the staff with the following amendments:**

- No. 10 would read, "Each building, both R1 and R2, shall provide a trash service to the residents of the building via an interior facility located on the floor of their residential unit and the use of maintenance personnel."
- No. 18 would read, "Prior to the final Certificate of Occupancy, a separate Revised Final Plan shall be submitted for review of the Planning Commission and approval by the Governing Body that shows the area on either side of Rosewood (a private street within the development) designed in such a manner that further develops amenities within this area, such as water features, fountains, enhanced landscaping and statuary."
- No. 26 will be struck.
- No. 32 to be amended as recommended by assistant city attorney.

was made by Pateidl; seconded by Elkins. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.

Chair Rohlf: We have decided we will not be able to complete the last case this evening, and it is Case 132-11 – Park Place – Building M – AMC and Parking Garage B. We would need to continue this matter to a date set in the future.

Mr. Coleman: I recommend we move it to December 6<sup>th</sup> at 6:00 p.m.

Comm. Roberson: That would be fine.

Mr. Coleman: We would then have a Work Session on the 13<sup>th</sup>.

Chair Rohlf: Mr. Alpert, does that work for you?

Mr. Alpert: Would we be the only case?

Mr. Coleman: Yes.

Mr. Alpert: We'll take it.

**A motion to continue Case 132-11 – PARK PLACE – BUILDING M (AMC) AND PARKING GARAGE B – Request for approval of a Revised Preliminary Site Plan, located at the southeast corner of Town Center Drive and Nall Avenue – to the December 6<sup>th</sup> Planning Commission meeting – was made by Williams; seconded by Jackson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Elkins and Strauss.**

Ms. Shearer: I have a brief, informal report that Mayor Dunn asked me to give to you this evening. I believe it was Case 134-11 that went forward to the Governing Body regarding the extension of SUPs for cell towers that was heard last night. The City Council decided to extend the time the SUP could be extended to 24 months instead of 12 months. The reason for that is, after careful consideration, with help from the city administrator, a timeline was constructed wherein we realized the tower and antenna owners would need to first apply for their extension, after which it would take approximately six months or so for the owners to provide information on alternative sites, usage, designs and coverage. The city will then most likely retain a consultant to help us review the information and develop our own report and assessment on those items. The Council and Planning Commission will need to make decisions as to whether we want to change our LDO. The changes will then need to make their way through the planning process, including all publication timelines that need to be followed. The tower and antenna owners will then need to make their choice about how to proceed and whether they want to move forward with a new tower design if need be, make an application and get approval, construct a new tower and remove an old tower. This timeline also provides enough time that hopefully there will not be any interruptions in service. Mayor Dunn and the City Council wanted me to communicate with the Planning Commission that they heard your concerns on the record, carefully thought them out, appreciated them and wanted to make sure that this is not viewed as disagreeing with anything that any of you had to say. Subsequent to that meeting, when we sat down and really thought out how much time would be needed to complete the process, 24 months was deemed to be the least amount of time we would need to get through all those steps I just outlined. If you have any questions, feel free to let me know. I was not at the meeting, so I'm going through some notes I made with the city attorney today. If you have any questions, please let me know. Thank you.

Chair Rohlf: Thank you.

Comm. Neff-Brain: This is the one that had five years, and now we are giving them another two years.

Chair Rohlf: Generous. Then we are adjourned.

*MEETING ADJOURNED.*

DRAFT