

**City of Leawood
Planning Commission Minutes
August 28, 2012
Dinner Session – 5:30 p.m.
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

SWEARING IN OF NEW COMMISSIONER:

Mike Levitan was welcomed to the Planning Commission.

CALL TO ORDER/ROLL CALL: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss and Ramsey. Absent: Roberson and Rohlf.

APPROVAL OF THE AGENDA:

A motion to approve the amended agenda was made by Elkins; seconded by Strauss. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Levitan, Elkins and Strauss.

APPROVAL OF MINUTES:

Approval of the minutes from the July 24, 2012 Planning Commission meeting and the August 14, 2012 Planning Commission work session.

A motion to approve the minutes from the July 24, 2012 Planning Commission meeting and the August 14, 2012 Planning Commission work session was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Levitan, Elkins and Strauss.

CONTINUED TO SEPTEMBER 11, 2012:

CASE 107-12 – PARKWAY PLAZA – KIDDI KOLLEGE – Request for approval of a Special Use Permit, Preliminary Plan, and Final Plan, located north of 135th Street and west of Roe Avenue. **(PUBLIC HEARING)**

CASE 77-12 – PARKWAY PLAZA – SPRINT ANTENNAE AND ASSOCIATED EQUIPMENT – Request for approval of Special Use Permit, located north of 135th Street and west of Roe Avenue. **(PUBLIC HEARING)**

CASE 122-12 - LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6, SIGN REGULATIONS, - Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CONTINUED TO SEPTEMBER 25, 2012:

CASE 52-12 – RANCHMART NORTH – LOT 3 – Request for approval of a Zoning to SD-CR (Planned General Retail), Preliminary Plan and Final Plan, located north of 95th Street and east of Mission Road. **(PUBLIC HEARING)**

CONSENT AGENDA:

CASE 97-12 – MISSION FARMS – FUSION FITNESS – Request for approval of a Final Sign Plan, located at 10551 Mission Road.

CASE 100-12 – BMO HARRIS BANK – Request for approval of a Final Sign Plan, located at the northwest corner of 89th Street and State Line Road.

CASE 101-12 – LEAWOOD COMMONS – BMO HARRIS BANK – Request for approval of a Final Sign Plan, located north of Town Center Drive and east of Nall Avenue.

CASE 103-12 – PARKWAY PLAZA – MIO AN ITALIAN TRATTORIA – Request for approval of a Final Sign Plan, located north of 135th Street and west of Roe Avenue.

CASE 105-12 – NUETERRA – Request for approval of a Final Sign Plan, located south of College Boulevard and east of Roe Avenue.

CASE 111-12 – PARK PLACE – REVISED OFFICE TENANT SIGN CRITERIA – Request for approval of a Final Sign Plan, located at the northeast corner of 117th Street and Nall Avenue.

CASE 109-12 – PARK PLACE – PARISI ARTISAN COFFEE – Request for approval of a Final Plan for a Tenant Finish, located at the northeast corner of 117th Street and Nall Avenue.

CASE 110-12 – PARK PLACE – BENJAMIN F. EDWARDS & CO. – Request for approval of a Final Sign Plan, located at the northeast corner of 117th Street and Nall Avenue.

CASE 112-12 – PARK PLACE – DOUTHIT, FRETS, ROUSE, GENTILE & RHODES – Request for approval of a Final Sign Plan, located at the northeast corner of 117th Street and Nall Avenue.

CASE 113-12 – PARK PLACE – ARCHER FOUNDATION – Request for approval of a Final Sign Plan, located at the northeast corner of 117th Street and Nall Avenue.

CASE 114-12 – MISSION FARMS – TAVERN AT MISSION FARMS – Request for approval of a Final Sign Plan, located south of 105th Street and east of Mission Road.

A motion to approve the Consent Agenda was made by Elkins; seconded by Strauss. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

NEW BUSINESS:

CASE 106-12 – PARK PLACE – PIG & FINCH GASTROPUB – Request for approval of a Final Plan for a Tenant Finish, located at the northeast corner of 117th Street and Nall Avenue.

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: Mr. Chair and members of the Planning Commission, this is CASE 106-12 – Request for approval of a Final Plan for a Tenant Finish for Pig & Finch Gastropub, a new tenant within the Park Place development at the space formerly occupied by Trezzo Vino. The applicant proposes to modify the existing storefront for a new tenant. The entrance will remain on the southeast façade. The entrance façade is proposed to remain constructed of the same materials and will be repainted for the new tenant. A light grey color will be used as the primary color with accent colors being dark grey and purple. Decorative aluminum inserts will be placed into the existing recess on either side of the entrance and painted dark grey in color. The east elevation will maintain the existing materials as well and will be repainted. The existing stucco material will be painted light grey in color with dark grey and purple accents. The existing overhead cantilevered wood trellis will be removed and replaced with new purple awnings. Outdoor seating will be

placed on the sidewalk between the street trees. Six tables will be provided with seating for 24. The patio furniture will be existing furniture purchased from Trezzo Vino. On the west elevation, a new window system will be installed with new purple awnings above these windows. The existing doors are proposed to be removed, and a window will be added in the location of the door. An existing menu area will be filled in. All of the materials will remain the same and will be repainted the same color scheme as the other elevations. On the south elevation, new folding glass windows will be installed to replace the existing windows. The walls on either side of the windows will be removed and replaced with two new doors. As with the east elevation, the overhead wood trellis will be removed and replaced with new awnings, which will be placed over the proposed doors as well. The outdoor seating area south of the building will provide seating for 40 and will also be the same furniture used at Trezzo Vino.

The applicant is also proposing signage. The proposed wall sign will be placed above the entrance on the southeast façade and will be constructed of 12-inch purple backlit letters with an 18-inch ampersand and illuminated with white LED. The overall sign will measure 1 foot, 11 inches in height by 8 feet, 4 inches in length, for a total area of 16 square feet or 4.5% of the façade. The proposed blade sign will be constructed in the shape of a pig and will be purple in color with 5-inch white lettering reading "Gastropub." The signage proposed meets the requirements of the LDO and the approved sign criteria for Park Place. Staff recommends approval of Case 106-12, following stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Chairman Williams: Questions for staff? Then we'll hear from the applicant.

Applicant Presentation:

Jeff Hall, H2B Architects, 1800 Baltimore, Kansas City, MO, 64108, appeared before the Planning Commission and made the following comments:

Mr. Hall: I just wanted to walk you through the plan. (*Refers to PowerPoint presentation throughout*) The existing location is Trezzo Vino. We have the existing façade, and we are adding a façade. We are taking off the wood trellis elements located on the windows and adding an awning system, trying to give a new look to the building. We also have new signage over the front door. On the southeast corner, we wanted to add some doors going into and out of the space for circulation. Eventually, we'll be relocating the bar at that location to have better circulation. We are maintaining circulation along the building for the outdoor seating area on either side. We are also adding a round planter and a rectangular planter at the very end, trying to conceal the outdoor area. The blade sign would be located near the entry to the garage, trying to draw attention to the space from the garage. Do you have any questions?

Chairman Williams: Do you have any samples of the awning materials?

Mr. Hall: It would be a fabric. I do not have them on hand, but I could provide them.

Chairman Williams: I ask because it's a pretty strong purple color on our monitor. Could that be provided for Governing Body?

Mr. Hall: Yes.

Chairman Williams: Are there any comments or discussion? Seeing none, I'd ask for a motion.

A motion to recommend approval of CASE 106-12 – PARK PLACE – PIG & FINCH GASTROPUB – Request for approval of a Final Plan for a Tenant Finish, located at the northeast corner of 117th Street and Nall Avenue – was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 62-12 – PARK PLACE – MESTIZO VESTIBULE AND PERMANENT TENT – Request for approval of a Final Plan, located at the northeast corner of 117th Street and Nall Avenue.

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chairman and members of the Planning Commission, this is Case 62-12 – Request for approval of a final plan for the addition of a vestibule and rooftop tent at Mestizo in Park Place. The plan shows a vestibule at the main tenant entrance on the ground level to be constructed of putty-colored vinyl roof and walls with clear vinyl windows. The vestibule will measure 9 feet, 6 inches wide by 6 feet deep, leaving about 5 feet, 11 inches of paved clear space for pedestrians and handicapped persons. The applicant is proposing to replace the existing rooftop tent with a new permanent tent structure. The new tent is proposed to be constructed of putty-colored vinyl roof and walls with clear vinyl windows which will match the materials proposed for the vestibule. The tent will be supported by an aluminum framing, and the walls are proposed to consist of a motorized retractable panel. The walls will retract to open upward. The plan proposes use of two existing fire pits on the rooftop. In order to continue their use, stainless steel chimneys will be added for ventilation. The fire marshal has reviewed and approved the plans and, subject to the terms of the memo provided with the Staff Report, is supportive of them. Staff has been supportive of the existing seasonal rooftop tent that is currently in place, primarily because its use is limited to 150 calendar days per year, after which it should be taken down or removed. The proposed tent, though it may not be used on a daily basis year-round, would be a permanent structure that would not be removed seasonally. While staff understands the intent of the applicant and is supportive of the general use of the rooftop, we do have some concerns with the long-term durability of the materials used in its construction. In reference to this concern, we are recommending a stipulation which requires the applicant to work with staff to identify a more durable material prior to Governing Body. We are also not supportive of the proposed vestibule, due to the materials used in the construction. The materials are the same as those proposed for the tent; however, the vestibule is at ground level, adjacent to a glass storefront with detailed material such as tile, and we don't feel that it's consistent with the material it's surrounded by. Subject to the stipulations proposed with the Staff Report, we are recommending approval. I'm happy to answer any questions.

Chairman Williams: The vestibule would be up year-round?

Mr. Rexwinkle: That would be my understanding.

Comm. Jackson: There weren't any chimneys in the old one, right?

Mr. Rexwinkle: I don't believe there was. The applicant can clarify. They're not using the fire pits while the tent is up.

Comm. Strauss: I know that it was originally approved for temporary use, but was the building designed for rooftop usage?

Mr. Rexwinkle: The building was designed for a restaurant and for rooftop use; it was the tent or the covering of the rooftop that came later.

Comm. Pateidl: I noticed in one of your stipulations that you're opposed to the roofing material being proposed and suggested something more akin to that used at Sullivan's restaurant. Could you expand a bit on what, if any, structural members would be necessary for the roofing material that you envision?

Mr. Coleman: The live load and snow load would be exactly the same as the tent roof. The actual material of Sullivan's is an architectural standing seam metal roof, so the dead load would be slightly higher than the vinyl. They might have to beef up some of the members slightly for that.

Comm. Pateid: Your reference to the Sullivan's location piqued my interest to drive by and see it. You can see structural columns holding up, essentially, a metal roof. Is a structural system of that nature required for the roof that you envision or the material that you would move forward to the governing body?

Mr. Coleman: It would be similar.

Chairman. Williams: The roof would require a building permit, correct?

Mr. Coleman: Both the tent structure and any other structure require a building permit.

Chairman Williams: So in that respect, it would have to meet building code requirements, so the plan reviewers would pass judgment on that.

Mr. Coleman: Yes, and we've already done code review on it, and it is compliant.

Applicant Presentation:

Judd Claussen, Phelps Engineering, 1270 N. Winchester, Olathe, KS, appeared before the Planning Commission and made the following comments:

Mr. Claussen: I'm typically up here answering civil engineering questions, but I was asked to assist on this project to help get through the process, working with staff, the applicant, the architects and the contractors. We have several folks who would like to speak and tell you a little bit more about this project and answer questions. The first is Tim Sinclair, the owner. Also, Brandon Gibson with SPT Architecture is the architect of record and can answer those types of questions. He also has examples of where this type of product and installation has occurred, specifically here in Kansas City for your use. Jerry Grimaud is with Lawrence Fabric Structures. He is the manufacturer's rep and the contractor for this, so he can specifically answer the questions about the differences in his type of installation and a metal roof. Jeff Alpert is also here. I'd like to ask Brandon to come up and share some architectural items with you.

Brandon Gibson, SPT Architecture, 412 Lincoln Street, Clay Center, KS, appeared before the Planning Commission and made the following comments:

Mr. Gibson: Due to how well the use of the temporary tent was received by users, we wanted to propose a permanent structure as more of a canopy for Mestizo for year-round use for gatherings and corporate functions. (*Refers to overhead*) You can see the chimneys for the fire features, and then retractable walls are on the sides. I have a few examples of other properties. The first is a fabric canopy with retractable side walls on the Plaza. You can tell it's done very well. The fabric gives the look and feel we're seeking for Mestizo. It shows the tasteful theme we are trying to accomplish. The last example is a canopy in St. Louis that is a fabric canopy with a metal structure, similar to what we would like to do.

Chairman Williams: Is the last one an actual steel structure, or is it aluminum?

Mr. Gibson: This looks like a steel structure. We are proposing an aluminum frame structure. It will actually be rectangular aluminum members.

Chairman Williams: How big?

Jerry Grimaud, Lawrence Fabric Structures, 3509 Tree Court Industrial Blvd, St. Louis, MO, 63122, appeared before the Planning Commission and made the following comments:

Mr. Grimaud: I do have a fabric sample, but I'd like to talk about the structure first. *(Refers to overhead)* This is a similar product in St. Louis made out of the same fabric and framework that we propose for this project. This one is a rooftop canopy that we did in St. Louis, also, that has clear vinyl windows, fabric walls and fabric structures. I will show one that has the interior framework.

Chairman Williams: What we need to see is something a little more applicable to this project. Several of the side walls that you have shown are very nice projects, but it provides the entire wall. What we have at this restaurant is an existing wall that is about 36-42 inches high and then your tent structure. I would like to see how that integrates with the existing construction.

Mr. Grimaud: *(Refers to example)* This one has the structure before the side walls are on. The ones I showed earlier have side walls that are seasonal, so we take them up and down. On this particular project, we have retractable electrical side walls that roll up and down and get stored in a cassette at the top of what we call the valence. It will be out of sight once rolled up, and they will be rolled down only for inclement weather.

Chairman Williams: Do they roll down in a track?

Mr. Grimaud: They roll down in an enclosed track on each side, so when the wind blows, it stays intact.

Chairman Williams: The metal supports the roof and goes down to the floor? They don't attach to the current decorative wall?

Mr. Grimaud: The aluminum rafters would attach closer to the wall and come down to what we call the top of the valence or the top of the box. Then we do use steel support columns that come down to the concrete floor.

Chairman Williams: So what you're seeing is approximately how much of that weather protection above that?

Mr. Grimaud: Above the wall? It's approximately an 8-foot clearance, so it looks like 2 ½ - 3 feet.

Chairman Williams: The top of the valence is how high? Is it 8 feet?

Mr. Grimaud: It is actually 6 feet 10 inches.

Chairman Williams: So it's pretty low.

Mr. Grimaud: It's pretty low, but then it projects over the wall, so when it's 6 feet 10 inches above floor height, it's actually not where you're going to be standing, where it will be over 7 feet.

Chairman Williams: I see a little discrepancy in your illustrations. In the drawing you just put up, the overhang has what appears to be a very short height on that valence. The illustration within the existing construction would show something that's a little more like maybe 1 foot. How much of a valence do you have there?

Mr. Grimaud: We will put a valence on there that will compromise and hide the cassette. We can bring it down. If the cassette is 8-10 inches, we will bring the valence down that low. This was our initial proposal to

the customer, but I see your concern there. The fabric that we intend to use is made in France. It's called Ferrari. It's an 18-ounce polyester with vinyl coating. One of the reasons we were brought into this project is we have a heat-sealing system where you don't have to use stitching. When you stitch the seams together, you actually puncture the material and have leakage problems. The first thing that deteriorates in an awning is the stitching. We have the proper machinery that we can weld the seams together, which makes it more watertight and will last longer. This material has a warranty through the manufacturer for eight years, and we have continually seen this fabric go from ten to twelve years in its lifespan. After that time, you get the fabric recovered and use the frame as it is. Typically, the vertical panels will last much longer than the top will just because of the direction it faces the sun.

Chairman Williams: This appears to overhand the deck from the illustrations we just saw. I don't recall what's below that area. What is going to catch the runoff if we don't have a gutter on this thing?

Mr. Coleman: An outdoor dining patio.

Chairman Williams: So if it is pouring rain or melting snow, probably nobody will be out there.

Mr. Coleman: Probably not.

Comm. Ramsey: What's the difference between this and Sullivan's?

Mr. Grimaud: Sullivan's is a standing seam metal roof; this is a fabric vinyl.

Comm. Pateidl: The staff has made a recommendation with stipulations, No. 2 stating, "Prior to Governing Body approval, the applicant shall provide revised plans replacing the roof of the permanent tent structure with a more durable permanent material." While we've seen what your material is, it's not for us to make the judgment as to durability, and there is a recommendation made by the staff that something would have to be done before this went before the Governing Body. What are your plans, or are you saying you disagree with that stipulation?

Tim Sinclair, 2210 North Rosemont, Wichita, KS, appeared before the Planning Commission and made the following comments:

Mr. Sinclair: We've been through several scenarios as far as pricing, aesthetics and functionality. We believe that the metal roof structure itself such as what is at Sullivan's looks like a project still under construction. It doesn't feel as comfortable; it is not as Euro-style; it is not as inviting as what we are proposing. We didn't like that idea originally, so we sourced out vendors across the country and found Lawrence Fabrics out of St. Louis to come up with the system they have. If we were to do a metal roof, the metal itself, when we condition the space, will condensate in the winter because of the temperature differences inside and outside. That means we would have to insulate the bottom of the structure and the roof. With that, there is not a good way to make it look nice. For most people that are going to see that place, they will see the upward view of the canopy system. We have good warranties on the awnings we have around the building right now. When we found the eight-year product with the comfort that it brings, we went in that direction because it is a lot more appealing. Does that answer your question?

Comm. Pateidl: If I understand what you are saying, you do not accept No. 2 in the staff recommendations and are instead presenting an alternative to take to the Governing Body.

Mr. Sinclair: That is correct.

Chairman Williams: You have two fireplace units to heat this space. Is that all you will have?

Mr. Sinclair: No, we are looking at two different options for conditioning the space. Right now, we have nine electrical heaters on the covered area. The new space out under the canopy would be the two fire units, but those are more primarily for aesthetics. They do provide heat in the winter, but it is more aesthetics. We are either going to put split systems back behind the space and duct work through so it can't be seen from the street. That would provide heat and cooling. The intent is not to condition the space 100%, but if it is 105 or 110 out, we can get it down to maybe 85-90 degrees.

Chairman Williams: You will not have the propane units.

Mr. Sinclair: No, we will eliminate all that. I'd like to go back to the whole process. I was in front of the Planning Commission about a year ago on the tent we had up there. We had \$7,000 in that tent. It was kind of a "try and see what we can do" project. We had great success with that. Although it met all approvals, it was kind of an eyesore when it came down to it. We are in agreement with stipulation No. 3. We do believe that, after going through the whole process, the vestibule doesn't quite meet what we want the looks of the development to be. That was a temporary fix. In the winter, we have wind howling down between the aloft and California Pizza. We're going to look to address that inside because it just looks like a temporary vestibule. The only thing we are asking for is No. 2 to be adjusted. We went from the tent that we had up there, which fixed it for winter. This overall investment is going to be about \$150,000. The reason we want to do that is it will increase our revenues by about \$500,000 per year, we think, mainly in with corporate parties and functions. We have a big need right now for private functions, and we have no space to guarantee when it rains. Once we get this up and running, it won't be used every night, but it will always be available for a party that comes in. The second thing we have heard a lot of feedback from is the festive atmosphere. We do have the awnings downstairs. We feel if we do the metal structure, it will be more of an industrial look and not quite as festive upstairs for what we're looking to accomplish in that space.

Comm. Ramsey: If we go forward with the fabric, can we turn this into a Special Use Permit style of approval so that, in five years, they have to come back for renewal? That way, if there is a problem with the fabric, we can deal with it at that time so that this does not keep going on?

Mr. Coleman: I guess you could stipulate a time frame for it to be up. It would be like the other tent structure they had up for 150 days.

Comm. Ramsey: If they're going to make it into a fabric like a tent, I'm not inclined to give permanence to that with no guarantee that, if it gets raggedy, it is going to be fixed and repaired. I know it's in their business interest to do that, but I've been in the game 30 years.

Mr. Coleman: I think you could probably put a time frame on it.

Chairman Williams: Would the city's inspection cover this?

Mr. Coleman: If there was a structural issue with it, then the building department would deal with it. If it was merely aesthetics, it is your area.

Chairman Williams: Like with any awning that is on any window or canopy to an entrance, if it gets raggedy, don't we have the ability to go out and say, "Fix this"?

Mr. Coleman: Yes, if it had tears in it or was deteriorating to the point that the inspectors thought it was a structural hazard, we can do that. If it simply looked old and saggy, it is not the codes department.

Chairman Williams: That wouldn't completely take care of your concerns.

Comm. Ramsey: And that is where I am.

Mr. Sinclair: I believe our lease with Park Place dictates what Jeffrey would have us do. I'm not sure the language of that, but I believe it is identical to the awnings that are everywhere in there. I think his requirements are more stringent than what yours are. If there is something that is not per his requirements, we have to replace it anyway.

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

Mr. Alpert: Mr. Sinclair is correct; we have provisions in our leases that require a pretty significant level of diligence to maintaining storefronts and exterior improvements. This would absolutely come under those provisions. We would be the first line of defense in making sure it was maintained appropriately.

Chairman Williams: Would it be appropriate to have a copy of the lease terms dealing with the maintenance before it goes to Governing Body?

Mr. Coleman: We don't get involved in the agreements between the tenant and the landlord. We would deal with it based on the existing city codes. I do have a question about something that you brought up concerning the roof structure. The cross supports are at 6 feet, 10 inches and appear to go all the way across the patio space in the side elevation. The awning appears to terminate at the top of the parapet wall; whereas, the rendering shows it terminating on the side of the parapet wall. I'm not sure if it's really drawn accurately to represent what is happening. If you look at the thick heavy lines in the plan view, is it the bottom cord of the roof truss system that goes all the way across at 6 feet 10 inches, or are those only the side panels?

Mr. Sinclair: (*Referring to plan*) This is just the end wall on the left end and all the way on the right end. That must just be a double line. I don't believe it is underneath. The intention was to match the height of this low wall here, so this is shown a little low. We wanted to get as much drainage from the parapet wall down. From this point, it does go straight across. We do angle back, so the high point will hit the parapet in the corner, so we will be underneath the parapet all the way across about 4 inches, I believe. Does that clarify it?

Chairman Williams: You are saying that the top of this framing is going to be below the parapet?

Mr. Sinclair: The top of this framing will reach in the corner right into the parapet, identical to what the other tent was doing. This corner goes right to the middle of the parapet.

Chairman Williams: Even though all three cross sections show the framing going above the parapet line, as well as the canopy mounting detail at the bottom of the sheet and then the aluminum framing going above the parapet?

Mr. Sinclair: That is not correct. I would say that is a detail used for a different project. We will not be taking the parapet cap off the existing structure; we are going underneath that.

Chairman Williams: So for the record, the top of your tent structure is not going to go above the canopy, with the possible exception of the corner?

Mr. Sinclair: Nothing will go above the existing parapet all the way across the structure.

Chairman Williams: Does that take care of your concerns, Richard?

Mr. Coleman: Yes, it answered the issue.

Comm. Jackson: Mark, how much of this do you see from the ground?

Mr. Klein: It depends on where you are located. If you are in that plaza area where they have the ice skate rink and things like that, you can see more or less halfway up to the top. If you are farther away, you could see a little bit more of it. You would be within the Park Place development for the main part once the residential is constructed.

Comm. Jackson: You wouldn't consider a different color, would you? I'm struggling with it, and I think it is mainly just because the color of the material isn't too pleasing in my mind?

Mr. Sinclair: We would. The intent was to get something that matched the stucco as well as we could in an earth tone. I'm not sure what options we have at this point.

Comm. Jackson: It looks old and worn to me already just because of the color.

Mr. Sinclair: It has gone through the process internally with us, but I don't know if there is another color we could use.

Comm. Jackson: It might not be the biggest issue.

Chairman Williams: Does this color match your other awnings?

Mr. Sinclair: No, the other awnings are maroon. I see what you're saying. I will add one thing. The roof deck is the roof deck; this has nothing to do with the drainage or the whole system up there. It is all internally drained as it sits right now.

Comm. Elkins: Mr. Sinclair, it appears to me that staff has challenged the issue of the vestibule here. I wondered if you wanted to comment.

Chairman Williams: They've taken that out.

Comm. Elkins: Then I will withdraw my question.

Chairman Williams: Going back to the stipulation No. 2 on the material, hearing what you've heard tonight, are you thinking there is a more durable tent material out there?

Mr. Klein: Part of why we had some concerns about it is that they originally came through with a permit for a temporary tent structure to allow the outdoor space. The materials they have here are very similar to that tent structure. These seem very temporary to us as far as the vinyl we have seen in other temporary tents. I know a lot of the pictures that they showed to you looked attractive. It seems like they maybe had more exposed decorative metal. We had concerns with regard to the fire pits that are vented through the roof material; we have made the fire marshal aware of that. We are also worried it will sag a little bit as the heat hits it and the material possibly stretches. We are concerned about how it will age over time.

Chairman Williams: In the pictures they showed, some of the structures were seemingly sagging between their members. It might have been a different material, but it is still something that can happen. Any other questions or comments? Any discussion?

Comm. Pateidl: One of the items that concerns me a great deal is that this is a request for a permanent change in this building, and all the additions we saw in the examples to prompt us to consider this as a change for this building added to or amplified. What we are seeing here just changes the entire profile of this building. I hearken back to not very long ago to when the application came for this restaurant. One of my senses and feelings toward the anticipation of Mestizo opening and the value to the community was the upstairs openness, the fire pits, the inviting nature that it was going to have as it complemented the structure that was there. This structure is a focal point of Park Place. It is right next to the common area where the ice skating takes place in the wintertime. We are changing that dramatically, not only with the enclosure that is proposed but also with the protrusion of some steel stacks, which, quite frankly, from an aesthetic point of view, concerns me a great deal that this is being proposed in this fashion. Had this been proposed at the time that the initial application was made, I feel quite certain that I would not have approved this particular architectural treatment to that building in conjunction with this enterprise. I realize that's not exactly what the applicant wants to hear, but those are my feelings toward this proposal.

Comm. Jackson: I would have to agree with Commissioner Pateidl; it just doesn't add anything to the building and detracts quite a bit from it. It is, in no way, an attractive addition, and it's not a temporary structure anymore. Now, it is permanent and completely different to have that large of a vinyl fabric up there. In my mind, it would really take away from that area of Park Place.

Comm. Strauss: I might add a different viewpoint. I think the view we are seeing is not a normal pedestrian view. I think we're looking at those smokestacks at not the ground level. I'm curious what you would see. I don't think you would see the full ventilation. I like the fabric aspect because it does seem more casual to me, and I think that's what they're going for with the festive atmosphere. I like that. I'm also having a tough time visualizing it, but I don't have a problem with the fabric. I feel like there are enough stipulations in place and requirements that, if it becomes worn, we could address it. I feel more comfortable with the awning than my fellow commissioners.

Comm. Jackson: Your proposal would be to change the stipulation because the staff didn't want the vinyl awning.

Comm. Strauss: Yes, I am fine with the awning. I don't know if it is a fire code with how high those ventilations rise. I don't know if they can be reduced or modified, but I just think that the view we are seeing, at least in the picture I am looking at, is not a normal pedestrian view. We are above the treetops, and I don't think pedestrians are going to see them. I am fine with the awning because I've seen it on the Plaza and in other environments, and I think it is appealing.

Chairman Williams: The height of the stacks would be governed by the building codes. They are showing it at 2 feet from the top of the structure or what would be the top of the parapet. The cross section that addresses shows the framework going above the parapet. In that regard, since they are saying that the framework will not go above the parapet, do they need to revise these drawings before they take them to Governing Body?

Mr. Coleman: It would be preferred that they revise them so we have a clear indication of what the actual structure is going to be, rather than having to back through this same discussion.

Chairman Williams: We can address that, I assume, in a stipulation?

Mr. Coleman: Yes.

Comm. Ramsey: Like Kip, I like the idea of a structure like this, but an awning, in my mind, is something that can be temporary in nature or at least be removed. I agree that if they brought this forward with their first application to make it permanent, we would have all said to build it to be permanent. To me, permanent is not eight years. I am all for them doing this, but I just have a problem with the vinyl being permanent. If they want to put it up and remove it, which they don't, that would be fine; otherwise, I tend to agree with staff that it ought to be of a more permanent material.

Comm. Jackson: I would just have a short discussion over whether to have a motion which would recommend approval as staff is recommending. In my mind, we would recommend complete denial. I think we're abdicating our duties if we just leave it to staff and the petitioner to determine the structure. You're going to have to change it to something else. If it's metal and still not quite acceptable to the commission, we have no more input.

Mr. Klein: Another alternative would be to continue the case to allow the applicant to come back before it went on to Governing Body.

Comm. Jackson: That would make more sense in my mind.

Comm. Elkins: I am just summarizing what I have heard everyone else say, and that is there are two issues. One issue is the question of the vinyl versus a more durable roofing material that staff has recommended, and the second is a question about the structure at all. The applicant has expressed a desire to go forward with the vinyl material, and at least one of the commissioners has indicated he is interested in that. My thought is that the applicant ought to have an opportunity for a vote on the vinyl material. I think I know how it is going to come out, but I also think it would be good to have a record of it. Then perhaps, once that vote is taken, the applicant might want to reconsider whether we go as Mark suggested for a continuance to talk about the specifics of a more durable material than the vinyl or not. Again, given the applicant's expression of interest in going forward with the vinyl, I think we owe him at least an up or down vote on that and see where it takes us from there.

Comm. Ramsey: If we do a vote, does that mean it has to go to Governing Body?

Comm. Elkins: I am prepared to submit a motion to remove stipulation No. 2. I suspect my colleague will second that. We can have a vote as to whether or not we remove it, and then we are back with the case before the commission.

Ms. Shearer: The way this is sounding to me, I think you have voted on the case as a whole.

Comm. Elkins: I disagree because my motion would be limited to removing stipulation No. 2 and not a motion on the case as it's presented; it is simply a motion to amend the case.

Ms. Shearer: I am fine with that.

Chairman Williams: Any other questions? Then I would ask for a motion.

A motion to remove stipulation No. 2 from staff recommendations in Case 62-12 – was made by Elkins; seconded by Strauss. Motion denied with a vote of 2-4 For: Elkins and Strauss. Opposed: Levitan, Pateidl, Jackson and Ramsey.

Comm. Elkins: Just to clarify, my motion failed by vote. Thus, No. 2 remains in the case. At this point, I would inquire of the applicant as to how they would desire to move forward.

Mr. Sinclair: We would love to ask for a continuance.

A motion to continue CASE 62-12 – PARK PLACE – MESTIZO VESTIBULE AND PERMANENT TENT – Request for approval for a Final Plan, located at the northeast corner of 117th Street and Nall Avenue to the September 25th Planning Commission meeting – was made by Elkins; seconded by Strauss. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 75-12 – CITY PARK – SPRINT WIRELESS CELLUAR ANTENNAS – Request for approval of a Special Use Permit, located south of I-435 and east of Mission Road. **(PUBLIC HEARING)**

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: Mr. Chairman and members of the Planning Commission, this is Case 75-12 – Request for approval of a Special Use Permit to replace existing cellular antennas and associated equipment for Sprint Wireless, located south of 435 and east of Mission Road at City Park. The plan proposes three new Sprint antennas at the 65-foot level, replacing three existing antennas at this location. The antennas will be flush-mounted to the monopole. New RRUs [Remote Radio Units] will be installed above and below the new Sprint antennas. A new GPS antenna for Sprint will be installed atop the existing equipment room, and two new cabinets will be installed, replacing those inside the equipment room. Staff recommends the Planning Commission approve Case 75-12, subject to the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

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

Applicant Presentation:

Pete Akers, 810 North Michigan Circle, Lawrence, KS, 66044, appeared before the Planning Commission and made the following comments:

Mr. Akers: I represent Sprint, and this is part of their ongoing nationwide network upgrade, Sprint Network Vision. I'll be coming back up here a little bit later for another site as well at Leawood South Country Club. As staff explained, it is simply changing out and upgrading, enabling them to go to faster data speeds, as we all have little computers in our pockets now. It is the LTE speed and data upgrade. This one is pretty simple. They are flush-mounted antennas, so they will be snug up against the pole, as mandated by Leawood. I'd just like to say that Mark, Joe and Justin have all been really great in helping me get across the finish line with these projects.

Chairman Williams: The antennas will be flush-mounted. In the pictures in our packet is a photo that says "before" that is looking northwest and one that says "after," and I don't see a difference in the pictures.

Mr. Akers: There is not a whole lot of difference in the pictures. Basically, this is a swap-out. The only difference is that these remote radio units will be mounted at the top and bottom of the antenna, so the aesthetic impact is negligible.

Chairman Williams: The antennas that are there today are flush-mounted, also?

Mr. Akers: Yes.

Comm. Elkins: Mr. Akers, as I understand the application, it is for a Special Use Permit with a five-year term. Is that right?

Mr. Akers: Correct.

Comm. Elkins: That would take us through 2017. Do you know the current term of the cellular tower?

Mr. Akers: I don't. I know in a case about a month ago, we had one with the stipulation that the antenna SUP would run basically in conjunction with the underlying pole's SUP. We are certainly willing to accept that stipulation as well. If they don't exactly match up, certainly, they understand that their right to use the pole is not going to supersede the underlying SUP.

Mr. Klein: I believe this tower was renewed last year. However, it would probably be better to change that stipulation so it terminated with the tower to make sure the dates are exact.

Mr. Akers: That is just fine.

Chairman Williams: Any other questions or comments?

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Jackson, seconded by Elkins. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

A motion to recommend approval of CASE 75-12 – CITY PARK – SPRINT WIRELESS CELLULAR ANTENNAS – Request for approval of a Special Use Permit, located south of I-435 and east of Mission Road – with five stipulations proposed by staff, modifying No. 2, such that the Special Use Permit is limited in duration to a term that is equal to that of the tower upon which the applicant proposes to mount the antennas that are the subject of this case – was made by Elkins; seconded by Strauss.

Comm. Jackson: Are the SUPs longer than five years?

Mr. Klein: No, they're shorter.

Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 99-12 – SIENA – UTILITY BOXES – Request for approval of a Special Use Permit and Final Plan, located approximately at the southeast corner of 137th Street and Mission Road. **(PUBLIC HEARING)**

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: Mr. Chair and members of the Planning Commission, this is Case 99-12 – Request for approval of a Special Use Permit to place three utility boxes at the southeast of Mission Road and 137th Street. All three utility boxes will be located behind a wrought iron fence that will circumscribe the adjacent apartment development and provide service for these apartments. The applicant is proposing to further screen the equipment with landscaping. The two sectionalizers are proposed to measure 41.25 inches wide, 43.5 inches deep and 42.5 inches height. The proposed switch carrier between the two sectionalizers will measure 75 inches wide, 49.5 inches deep and 45.5 inches in height. All three of these utility boxes will be green in color. The plans show the three proposed utility boxes to be fully screened with landscaping. A

series of evergreens, ornamental trees, shrubs and grasses will be used to screen the utility box from all angles. All landscaping is proposed to be a minimum of 4 feet in height at the time of planting, with mulch beds surrounding all plants. Staff has concerns that some of the landscaping to be planted on the west side of the iron fence may be too close to a future sidewalk along Mission Road and will overhand the sidewalk. Staff recommends that all landscaping should be planted on the east side or interior side of the fence. Staff recommends approval of this case, subject to the stipulations in the Staff Report. I'd be happy to answer any questions.

Comm. Elkins: I just want to make sure I'm following this. We have three utility boxes being proposed. Again, I am no electrical engineer. Do two of the boxes hold sectionalizers and one holds a switching gear, or do all three of them hold switching boxes?

Mr. Klein: It is my understanding that the larger one is a switch gear and the other two are transformers.

Comm. Elkins: Are there technical or engineering reasons these three boxes need to be located right on Mission Road?

Mr. Klein: That might be a better question for the applicant, as they've worked with KCP&L.

Comm. Strauss: If I understand right, you are recommending only landscaping on the east side with no landscaping on the west side.

Mr. Klein: We are recommending the landscaping currently shown on the west side be moved to the east side on the interior of that fence. All of the landscaping currently shown would be planted; however, it would have to be moved to the other side of the fence.

Comm. Strauss: From Mission Road, you would see the full utility box.

Mr. Klein: Currently, on the east side, the utility boxes are screened by evergreen shrubs and grasses. This would primarily affect some other shrubs and trees.

Chairman Williams: It would be the plan you see here. There is a bit of a discrepancy between a few of the drawings we have in our packet, where it looks like the plantings are on the outside of the fence versus the inside. Staff is clarifying that all the plantings would go to the inside.

Comm. Strauss: They would then go completely around the utility box; I understand.

Applicant Presentation:

Rick Oddo, president of Oddo Development, appeared before the Planning Commission and made the following comments:

Mr. Oddo: *(Refers to display board throughout)* This should be pretty easy. We have a power line running down Mission Road, and we are burying it. That is why they are where they are. This is where KCP&L says where it goes. It is a stipulation for construction to bury the power lines. The question at hand is what landscaping to put around them. The sectionalizers are at the corners. The bigger one is 4 inches taller and about 1 foot longer. We went to staff and asked how to landscape them because we are very open. We built the plan that I thought we understood they wanted. We are happy to change it to any way they want it, so make the stipulations any way you want, and I am happy to do it. My only concern is we are running right up against the fence line, so I am a bit concerned about putting large shrubbery on the inside of it. I am happy to put it on the outside of it; we will have it sprinkled either way. The backside of these to be grasses, and

the thought process was, should they ever need to service it, we could cut the grasses down. With that, I'll put the plants and shrubs where you would like me to place them. Any questions?

Comm. Jackson: It seems like we always have these come back and KCP&L puts them in anywhere. Are these very set locations?

Mr. Oddo: We have a very limited line we can put them in. Right now, the power poles are already out. We are moving it in about 15 feet from the current location and dropping them down. They do need to run pretty straight. We did have the ability to move one to try to hide it more behind the monument. The other one they wanted was on the front corner. I was able to talk them into pulling it back a bit to get behind the monument.

Comm. Jackson: Perhaps you could give classes, then, to some of the other applicants on how to talk to KCP&L.

Mr. Oddo: If you show them what you are doing and why you are doing it, they are fairly flexible with the movement. We had a range from here to here to put the box with the switch gear, and we tried to center it between the two townhomes.

Comm. Jackson: That is reassuring to hear. Mr. Elkins?

Comm. Elkins: It is the best I've heard yet. I do have a couple of additional questions. Mr. Oddo, I understand you have an existing overhead power line you are burying, and it is being buried in the utilities right-of-way, as opposed to your property.

Mr. Oddo: It is our property.

Comm. Elkins: Utilities have the right-of-way in any event. How far away from the power line can this be and still be functional?

Mr. Oddo: I'm civil, so I don't know off the top of my head. I know in their easement lines, we have put three 6-inch conduits all the way down there. They are very big cables and don't bend well, so we are not trying to snake through anything; they try to run it pretty straight.

Comm. Elkins: For technical reasons, this equipment needs to be associated right with that transmission line?

Mr. Coleman: Yes, and they have located the boxes about as far back from the right-of-way that they can stay within the utility easement and still provide the landscaping around them. The only thing we were asking is not anything to do with the actual plant material around the utility boxes, but there is Forsythia and a berry tree landscape design that we would like to see moved behind the fence so that it ultimately didn't interfere with the sidewalk.

Comm. Elkins: I understand that is what staff is asking. My question goes beyond that to see if there is any innovative way. As everyone knows, I have always been concerned about the boxes along Nall. I am ecstatic the developer actually came to us, and maybe that was because of the landscaping issues. As Commissioner Jackson noted, this is the best we've had from a developer in the years we have been on the commission. I am just looking to see if there is anything more that could be done. Between the wrought iron fencing and the landscaping, we've gone a huge step beyond what we had on Nall, and I appreciate both the staff's and Mr. Oddo's efforts in that respect.

Mr. Oddo: I did have to go in and talk to a couple people here about getting this from the corner to behind the monument site. I actually have another site in Overland Park where Southwestern Bell decided to just plop one down without my permission. It ticked me off to no end, so I knew what to look for. This will have a 2X2 corner post that will be somewhat behind that. It won't show that much. I am landscaping it for my own purposes as well. That is why I'm open to what you want.

Comm. Elkins: Thank you; I am very appreciative to your efforts in that respect.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Elkins.

A motion to recommend approval of CASE 99-12 – SIENA – UTILITY BOXES – Request for approval of a Special Use Permit and Final Plan, located approximately at the southeast corner of 137th Street and Mission Road, to include the five staff stipulations – was made by Elkins; seconded by Jackson. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 102-12 – LEAWOOD SOUTH COUNTRY CLUB – MONOPINE – Request for approval of a Special Use Permit, located north of Sagamore and west of Pembroke Circle. **(PUBLIC HEARING)**

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chairman and members of the commission, this is Case 102-12 – Request for approval to renew a Special Use Permit for the existing monopine wireless communications tower on the golf course at Leawood South Country Club. No changes are proposed to the tower or site surrounding it, other than the antennas proposed with Case 78-12, which follows this case. According to the applicant, one tree and several shrubs are dead, and staff can confirm this is the case after inspection yesterday. The applicant requests that the city permit additional time to replace the dead landscaping due to the current drought and recent heat. The applicant suggests that all landscaping would be replaced by November 15th. Staff is supportive of that request. We are also supportive of the application and recommend approval, subject to the stipulations in the report.

Applicant Presentation:

Paul Wrablica, Telecom Realty Consultants, 3864 W. 75th Street Prairie Village, KS, appeared on behalf of Tower Co and SBA 2012 acquisition LLC and made the following comments:

Mr. Wrablica: We are in agreement with the Staff Report and all of the recommendations.

Comm. Elkins: At the time that we approved the monopine, there was considerable concern expressed by the public about the aesthetics of it. One of the questions that was unanswerable at the time was the way the monopine might weather. Does staff or the applicant have anything to show us tonight as to the appearance of the monopine as it exists now?

Mr. Coleman: They still look pretty much exactly the same.

Comm. Elkins: It would have been helpful for our record if we had a photograph to show, but I will take it on staff's representation that it hasn't changed much in the five years.

Public Hearing:

As no one was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

A motion to recommend approval of CASE 102-12 – LEAWOOD SOUTH COUNTRY CLUB – MONOPINE – Request for approval to renew a Special Use Permit for an existing wireless communication facility, located north of Sagamore and west of Pembroke Circle – was made by Jackson; seconded by Strauss. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 78-12 – LEAWOOD SOUTH COUNTRY CLUB – MONOPINE – SPRINT WIRELESS ANTENNAS – Request for approval of a Special Use Permit, located north of Sagamore and west of Pembroke Circle. (PUBLIC HEARING)

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chairman and members of the commission, this is Case 78-12 – Request for approval of a Special Use Permit for Sprint Wireless antennas on the monopine wireless communications tower at Leawood South. The applicant is proposing to replace five existing antennas at the 66-foot level with three new antennas and is proposing three new antennas at the 55-foot level, for a net gain of one new antenna. No other changes are proposed to the tower. All other existing antennas are proposed to remain as is. This case is associated with the previous application, and staff recommends that a stipulation be included in this report to recognize that the SUP will expire coinciding with the tower. We recommend approval of the Special Use Permit, subject to all the stipulations in the report.

Applicant Presentation:

Pete Akers, 810 North Michigan Circle, Lawrence, KS, 66044, appeared before the Planning Commission and made the following comments:

Mr. Akers: We agree with staff's recommendations. Again, this is just part of the network upgrade for Sprint. Obviously, all the new installations and any new equipment will be hidden accordingly. It will be consistent with all the requirements in place for the monopine.

Comm. Elkins: Included with our packet are some photographs that had the same before and after look. I appreciate that you were going for the difference in appearance, given the installation of your antennas, but I am curious if this is actually a picture of the monopine in question.

Mr. Akers: I don't believe so.

Mr. Klein: It is.

Comm. Elkins: Is it a current picture?

Mr. Rexwinkle: I was out there yesterday, and it looks like it. I have a picture on my cell phone.

Mr. Akers: I know those pictures for the photo simulations were taken a few months ago; that is why I wasn't sure if it was an accurate representation. I don't know if anything has been added outside of what Sprint did. I would add one more thing. At the new installation at the 55-foot level, Sprint does these

particular upgrades. Basically, there are two phases: the existing and then the temporary configuration. They are trying to get rid of Nextel and blend down their equipment. That is why you see a net reduction at the top of the structure. They are making them all support multiple technologies. At the 55-foot level, we will keep the stealth material, keeping the visual impact to a minimum. For the final configuration, it will just be the radio unit at that level. Instead of a 4-foot antenna, what you will have is approximately 4 feet and then two radio units with 8 inches of separation between them. It will be even easier to stealth and make visually negligible than a full-on antenna would be. That final configuration won't have antennas at both; it will just have the radio units, which will have less of a visual impact.

Public Hearing:

As no one was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

A motion to recommend approval of CASE 78-12 – LEAWOOD SOUTH COUNTRY CLUB – MONOPINE – SPRINT WIRELESS ANTENNAS – Request for approval of a Special Use Permit, located north of Sagamore and west of Pembroke Circle, with the six stipulations proposed by staff in the case – was made by Elkins; seconded by Strauss. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 104-12 – TOWN CENTER PLAZA – MACY'S - SPRINT WIRELESS CELLULAR ANTENNAS – Request for a Special Use Permit, located south of 117th Street and east of Nall Avenue. **(PUBLIC HEARING)**

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: Chairman and members of the Planning Commission, this is Case 104-12 – Request for approval of a Special Use Permit to replace existing wireless antennas and associated equipment for Sprint Wireless, located on top of the Macy's building at Town Center Plaza. Sprint currently has a total of three existing antennas on the roof of the building, along with the associated equipment. All three are proposed to be replaced. Each antenna is located on the corner of the roof and set back from this corner. Two microwave units will be installed toward the center of the roof. A GPS unit will also be installed for tracking and communication purposes. The parapet wall of the tower element on the Macy's building will screen those proposed cabinets. The parapet on the remainder of the roof of Macy's is approximately 2.5 feet tall. The proposed antennas will be approximately 6 feet tall. The applicant is proposing to screen the wireless microwave antennas by locating them toward the center of the building a minimum of 30 feet from the edge. The GPS unit will be located approximately 23 feet inward. Staff recommends approval of this case, subject to the stipulations outlined in the staff report, and I'd be happy to answer any questions.

Comm. Elkins: I'm just curious. This microwave antenna will actually stick up above the current screening material on the roof of the building; is that correct?

Mr. Klein: That is correct. Staff actually talked with them about that because we want that screening to be at least as high as, if not taller than, what it is supposed to screen.

Comm. Elkins: In fact, doesn't the ordinance require it?

Mr. Klein: It is required to be screened from public view. It doesn't get into quite the detail. We just figured it was safer to make sure the screening was at least as tall with no question, even if it's being viewed from

straight on. We have had a couple instances with the cell towers when they indicated that they couldn't put them down below the wall because it wouldn't get the signal. What we've done in the past is try to get them to move those antennas more toward the center so they could be out of sight. The applicant agreed to move it back more into the center of the building, so it should not be visible.

Comm. Elkins: Staff is satisfied that it won't be visible from ground level, then?

Mr. Klein: Right.

Applicant Presentation:

Cheri Edwards, SBA Network Services, 12431 Cambridge Circle, Leawood, KS, appeared before the Planning Commission and made the following comments:

Ms. Edwards: This, again, is part of the Sprint network upgrade. One clarification is that the Staff Report says there are two microwave antennas; there is only one microwave that is 2 feet tall. Other than that, we agree to all the stipulations.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

A motion to recommend approval of CASE 104-12 – TOWN CENTER PLAZA – MACY'S – SPRINT WIRELESS CELLULAR ANTENNA – Request for a Special Use Permit for a cellular antennas and associated equipment, located south of 117th Street and east of Nall Avenue on top of the Macy's building within the Town Center Plaza development, with six staff recommendations – was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

MEETING ADJOURNED