

**City of Leawood
Planning Commission Agenda
August 26, 2014
Dinner Session – 5:30 p.m. - No Discussion of Items
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins, Strauss and Walden. Arrived after roll call: Ramsey

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Elkins; seconded by Roberson. Motion passed with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss and Walden.

APPROVAL OF MINUTES:

Approval of the minutes from the August 12, 2014 Planning Commission meeting

A motion to approve the minutes from the August 12, 2014 Planning Commission meeting was made by Elkins; seconded by Roberson. Motion passed with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss and Walden.

CONTINUED TO SEPTEMBER 23, 2014:

CASE 135-13 – IRONHORSE GOLF COURSE CLUBHOUSE EXPANSION – Request for approval of a Revised Preliminary Plan and Revised Final Plan, located approximately at 146th Street and Mission Road. **PUBLIC HEARING**

CASE 21-14 – CROWN CASTLE CELLULAR TOWER – Request for approval of a one year extension for a Special Use Permit for the continued use of a wireless communication tower and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 22-14 – AT&T MOBILITY CELLULAR ANTENNAS – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennas and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 23-14 – CRICKET CELLULAR ANTENNAS – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennas and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 24-14 – CLEARWIRE CELLULAR ANTENNAS – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennas and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 25-14 – T-MOBILE CELLULAR ANTENNAS – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennas and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 26-14 – VERIZON WIRELESS CELLULAR ANTENNAS – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennas and associated equipment , located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 27-14 – SPRINT-NEXTEL CELLULAR ANTENNAS – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennas and associated equipment, located north of 135th Street and west of Briar. **PUBLIC HEARING**

CASE 76-14 – PARK PLACE – UMB BANK AND WORK/LIVE UNITS – Request for approval of a Final Plat and Final Plan, located north of 117th Street and east of Nall Avenue.

CASE 112-14 – VILLAGE OF SEVILLE – DISCOUNT TIRE – Request for approval of a Revised Preliminary Plan and Final Plan, located north of 133rd Street and west of State Line Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 116-14 – LEAWOOD FOREST ESTATES 4TH PLAT – Request for approval of a Revised Final Plat, located north of W. 126th Street and west of Sherwood Street.

A motion to approve the Consent Agenda was made by Elkins; seconded by Roberson. Motion passed with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss and Walden.

OLD BUSINESS:

CASE 86-14 – PINNACLE CORPORATE CENTRE – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 115th Street and west of Tomahawk Creek Parkway.

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 86-14 – Pinnacle Corporate Centre – Revised Sign Criteria. This case was continued from the June 24th Planning Commission meeting. The applicant is proposing to revise the Sign Criteria for Pinnacle Corporate Centre to allow the Tallgrass Energy sign to be halo-illuminated. It is located on the south façade of Building IV. Staff was unsupportive of this change due to the impact on the adjacent residential units of Tomahawk Creek condominiums. At the June 24th meeting, the Planning Commission requested the applicant gain input from Tomahawk Creek condominium residents. The applicant has reached out to Tomahawk Creek but did not receive the support the Planning Commission was looking for. Staff remains unsupportive of the change to the Sign Criteria and recommends denial of Case 86-14. I can answer any questions you have.

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

Mr. Klein: In light of the applicant not being in attendance, the case could either be continued until later in the meeting or to another meeting or it could be voted on as it is presented.

Comm. Elkins: Mr. Klein, did you say you thought you saw the applicant earlier?

Ms. Brandt: I saw her earlier.

Comm. Elkins: In light of that, I would be in favor of us continuing this to the end of the docket.

A motion to continue CASE 86-14 – PINNACLE CORPORATE CENTRE – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 115th Street and west of Tomahawk Creek Parkway – to later in the meeting was made by Elkins; seconded by Strauss. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

NEW BUSINESS:

CASE 69-14 - TOMAHAWK CREEK PARKWAY – PUBLIC ART – “VARIANCE” ART PIECE AND REVISED MASTER ART PLAN – Request for approval of a Revised Final Plan, located north of 115th Street and Tomahawk Creek Parkway.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Chairman and members of the Planning Commission, may I present Case 69-14 – Tomahawk Creek Parkway – Request for approval of a Public Art Piece, the “Variance” sculpture by artist Albert Paley, which is proposed to be located north of 115th Street and Tomahawk Creek Parkway and a Revised Master Art Plan for the Tomahawk Creek Parkway corridor. This case was originally presented before the Planning Commission in 2013 with Case 40-13. The initial location of the art piece was proposed to be north of the first pond, located approximately at Town Center Drive and Tomahawk Creek Parkway. The Leawood Arts Council is proposing to modify the location of this art piece and place it within the median of Tomahawk Creek Parkway at 115th Street. The piece shall be located approximately 35 feet from the northbound lanes of Tomahawk Creek Parkway and 61 feet from the southbound lanes. The sculpture is proposed to be constructed of stainless steel and shall be 15 feet, 4 inches in height, 12 feet, 6 inches in width and 4 feet in depth. It shall be placed on a smooth concrete pedestal, which shall be approximately 13 feet, 6 inches in length and 8 feet in width. The applicant is proposing six ground-mounted light fixtures to illuminate the sculpture. The proposed location of this sculpture is within the 100-year floodplain; therefore, staff is recommending the base of the sculpture be raised out of this floodplain. Additionally, the applicant is proposing changes to the Master Art Plan for the Tomahawk Creek Parkway corridor. These changes include:

- Previously identified locations for public art within the ponds have been retracted due to the high cost of installation.
- Several locations have been identified as possible locations for public art but currently remain open.
- The placement of the “Variance” sculpture, which was originally located by the first pond, has been relocated within the Tomahawk Creek Parkway median.

Staff recommends the stipulations outlined in the Staff Report for your consideration regarding Case 69-14, and I’m happy to answer any questions you may have.

Chairman Williams: We’re just reviewing the “Variance” location and not the other changes?

Ms. Kriks: No, they are both incorporated. This is regarding the relocation of the “Variance” piece within the median, and they have also revised the Master Art Plan for Tomahawk Creek as well.

Chairman Williams: So, we’re seeing both pieces of that tonight?

Ms. Kriks: Correct.

Chairman Williams: One of the submittals in our packet is an aerial photograph with a 1,000-ft. radius from the sculpture. What is the significance of the distance?

Ms. Kriks: That is information the applicant provided. There is no significance regarding any ordinance in the case.

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

Applicant Presentation:

April Bishop, 13200 appeared before the Planning Commission and made the following comments:

Ms. Bishop: We originally came with a site for the sculpture that we thought was a lovely spot. After further examination and plans from engineering, we discovered a need for a better location that was more financially responsible. The changes to the Master Plan came after we found that the rise and fall of the lake was over 8 feet. It became nearly impossible to install a piece there that would fluctuate with the rise and fall of the water. Some of those spots become inappropriate for our needs. The "Variance" piece is one we feel is very important. It is by a really outstanding artist. The move not only makes it much more financial responsible to install in this location, but the water does not run quickly, so even though it would get to it, it wouldn't damage the piece. Also, visibility from traffic traveling southbound on Tomahawk Creek Parkway was limited by shrubbery and trees in that area. The new site in the median is much more desirable from both lanes of traffic in each direction. I also wanted to say Chris Claxton, Director of Parks and Recreation and Brian Anderson, Parks Superintendent are here, as is Continental Engineer Brett Haugland, all of whom can answer questions.

Chairman Williams: My question ties to Mr. Ley's memo that states the location and size of the sculpture don't impede any sight lines of traffic turning.

Ms. Bishop: It does not. A Site Plan study showed visibility for traffic, and the median is so wide in that area. It really will not block traffic.

Comm. Walden: What is the weight of this piece?

Brett Haugland, Continental Engineers, appeared before the Planning Commission and made the following comments:

Mr. Haugland: I believe it is 9,000 pounds.

Comm. Strauss: I have a question on the material and if there is a concern on the reflectivity into drivers' sight.

Ms. Bishop: The finish is dull. It has a bead finish that has been ground, so it is not reflective at all. It is more like the pole the flag sits on.

Comm. Strauss: I'd like to continue on the safety aspect, which is my only concern. There is a 4-ft. concrete base.

Mr. Ley: There is ground filled around to the top of the concrete footing, so it will be a gentle rise up to it.

Comm. Strauss: At the top of the ground is an additional 4 feet?

Mr. Ley: No, they will build the footing and then fill in around the footing and then set the sculpture on top of the footing, which will be at ground level.

Comm. Strauss: Have we ever looked at the accident reports in the area? Have there been errant vehicles that have ended up in the median?

Mr. Ley: No, there are several trees in the area. We haven't had any issues with errant vehicles.

Chairman Williams: If there are no other questions, I'd ask for discussion or a motion.

A motion to recommend approval of CASE 69-14 - TOMAHAWK CREEK PARKWAY – PUBLIC ART – “VARIANCE” ART PIECE AND REVISED MASTER ART PLAN – Request for approval of a Revised Final Plan, located north of 115th Street and Tomahawk Creek Parkway – with all five Staff Stipulations - was made by Jackson; seconded by Ramsey. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

CASE 73-14 - LEAWOOD SOUTH GOLF COURSE – SPRINT – Request for approval of a Special Use Permit for a Wireless Communication Facility, located north of Sagamore Road and west of Pembroke Circle. **PUBLIC HEARING**

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 73-14 – Leawood South Golf Course – Request for approval of a Special Use Permit to allow installation of wireless antennas and associated equipment on an existing alternative tower structure located north of Sagamore Road and west of Pembroke Circle on the Leawood South Country Club Golf Course. The property is currently zoned Recreation, which allows wireless facilities with a Special Use Permit. The tower is an existing alternative structure with a storage building adjacent to it. The foliage on the monopine has faded to a blue color since its installation in 2007, and also, some of the branches at the top were removed during antenna installation in the past. The applicant is proposing to refurbish the existing branches by replacing the needles in addition to replacing branches that were previously removed. The applicant is proposing to relocate an existing antenna from the 66-ft. elevation to the 45-ft. elevation. The antenna will extend 1 foot beyond the face of the pole. Existing remote radio units will also be relocated to the 55-ft. elevation, where three new antennas will be added. The applicant is proposing U-shaped branches and screening socks to screen all of the current and proposed antennas. Further, all equipment located on the tree will be painted to match either the bark or the foliage. The applicant has also proposed a timeline for how long the pole will be bare during the refurbishment of the branches from removal of the branches to reinstallation. Staff has included a stipulation that this should not exceed eight weeks, which does not contradict the applicant's timeline. Staff recommends approval of Case 73-14 with the stipulations stated in the Staff Report, and I can answer any questions you may have.

Comm. Elkins: I am inferring from the stipulations that the original Special Use Permit was in 2012. Is that correct?

Ms. Brandt: For the original monopine, the Special Use Permit was issued in 2007. They expire after five years, and every time they add antennas, they have to apply for a new Special Use Permit.

Comm. Walden: Page 3 shows Stipulation No. 7 and should be No. 5.

Ms. Brandt: That is correct.

Comm. Strauss: If there is an 8-week stipulation, is it important to tie it to a time of year? When more people are outside at the golf course, we don't want it bare then.

Mr. Klein: This could be a good question for the applicant. Our understanding is they would like to get this done as quickly as possible. If the recommendation goes through tonight, the case would go to the Governing Body in September, and they could then submit for a building permit.

Applicant Presentation:

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

Ms. Edwards: We're here tonight to say that we agree to all the stipulations given by staff. We had been working closely with the Leawood South Country Club. We met with them a week and a half ago. The way everything seems to be working out is we take the branches off somewhere near the end of November and then have them refurbished and sent back. We hope that the ground will be frozen enough to withstand the truck traffic. We also anticipate fewer golfers in the winter. They prefer for us to do the construction Monday-Thursday. I have brought several people tonight to answer questions. We have Jay Chadwick with Sabre, who was the original manufacturer of the tower. He has worked with us on the pricing and the refurbishment of the different branches. Ivan Blanco is the RF engineer for Sprint, and Matt Prow, construction manager for Sprint. Stephanie Lyle is here as well.

As far as the recommendations, in No. 4, it says, "Prior to the installation of additional antennas, the monopine shall be refurbished to its original condition." We would really like to move the antennas. We have to move the Clearwire antennas from the 66-ft. level to the 45-ft. level. If those branches are off the tower, it makes it much easier for us to get that done, and it's less likely that we'll damage any of the branches once they're put back up. We think it will look a lot better. That was our only comment.

Chairman Williams: Are you anticipating moving the antennas just prior to the reinstallation of the branches?

Ms. Edwards: It would depend on the weather, but we would like to get them moved before we go back and put the branches back on. We'll take the branches off. We'll schedule with Leawood South to move the antennas. When everything comes back, they'll put the branches on, put the socks around the antennas and put on the U-branches. That way, we don't have to worry about people climbing the pole or hurting any of the branches that are already on there.

Chairman Williams: This would all take place within the 8-week time schedule?

Ms. Edwards: Yes; that was one of the reasons we want to move them. If we wait for the branches to come back, we have to do construction after that on the antennas.

Mr. Klein: Maybe we could modify it to state that the antenna could be installed prior to the starting of the removal of the branches to be refurbished and would have to be restored to its original condition within the 8-week period. That would give them the ability to install the antennas while doing the branches.

Chairman Williams: So, all work on the antennas would be done within eight weeks.

Comm. Pateid: If we just strike the stipulation, don't we get to the same place?

Mr. Klein: I think that might be possible.

Comm. Walden: Are these branches of any better material than the original branches installed?

Jay Chadwick, Sabre Industries, 7101 Bridgeport Drive, Sioux City, IA, appeared before the Planning Commission and made the following comments:

Mr. Chadwick: They have made some advances in the materials since 2007 when the initial monopine was installed. UV inhibitors have been added to increase the lifespan of the pine needles. As far as I know, we are going to refurbish the existing branches in their textured state, so they would be the same branches again with new foliage.

Chairman Williams: With the UV protection you are referring to, if the current branches had only six years of life before the color changed, what is the anticipation for the new product going forward?

Mr. Chadwick: The lifespan is 7-10 years.

Chairman Williams: Sprint would then potentially be back to refurbish the foliage at that point. Thank you.

Ms. Edwards: That tree is owned by SBA, so we will actually be back.

Comm. Elkins: Ms. Edwards, to clarify, during the 8-week construction period, I take it that, with the exception of the period when the antennas will be moved, they will continue to operate.

Ms. Edwards: Yes.

Comm. Elkins: There should be no impact upon your tenants' customers during that time, then?

Ms. Edwards: We'll have to do some work overnight, especially on the Clearwire ones because they are being moved down. There may be a small outage, but it will not be significant.

Comm. Elkins: I have a vague recollection that ownership of the monopine has shifted over the years, but I'll ask you since you own it today, was it surprising that the foliage deteriorated during this period of time, or was this the expected useful life of the foliage?

Ms. Edwards: It was the expected life. We thought it might last a little bit longer, but this is about right.

Chairman Williams: Are there any other questions? This case requires a Public Hearing.

Public Hearing

Bob Pollock, President of Leawood South Homes Association, 12300 Mohawk Lane, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Pollock: I have a question of the engineer from Sabre. What is the cost of just replacing the branches relative to removing them from the pole and then reattaching the new polymer material? I am assuming this is not the only monopine you manufacture.

Mr. Chadwick: That is correct. In fact, there are two monopines at the Leawood Country Club. We have provided a quote for both of those options. The existing branches are textured and give the appearance of bark. The new branches being produced are not textured, which, I believe, is what led them to consider the refurbishment. It is a rubberized spray-on texture like you would find in the liner of a truck bed.

Mr. Pollock: Is it a metal alloy?

Mr. Chadwick: No, it is poly.

Mr. Pollock: How does it attach?

Mr. Chadwick: It is glued on in the factory in California. Sabre is primarily a steel company. We manufacture all the steel components of it. The cost of the refurbishment in the replacement branches is pretty negligible. The refurbishment was a little less.

Mr. Pollock: Are the branches on this monopine unique? I'm trying to figure out why this pole is different to one in another state?

Mr. Chadwick: The welded receptors are laid out in a particular pattern to give the look of the foliage for the branches. Before the branches are placed into the receptacles, those receptors are all laid out in a very specific pattern, conducive to a pine tree.

Chairman Williams: Is there a specific concern about the material being used?

Mr. Pollock: I don't like the idea that these things are going to be bare for eight weeks. I was concerned about the service, but you addressed that. I appreciate that because it was a very close vote to even put this thing in. I think the thing that pushed it over was that we would have better service, and I wouldn't want to be out of enhanced service for eight weeks. I question the whole refurbishment relative to new branches. It doesn't make sense to me. I come from the technology industry. It doesn't make sense to go through this process and try to replace the pines. Then, we're going to do it again, and how many times can you reattach to a polymer-based branch?

Mr. Chadwick: The receptors are steel, and the polymer is coated.

Chairman Williams: Again, unless it has a real bearing on the application as it's being made here, we have a monopine in place, and I understand your concern about the 8-week repair process. Could you wrap it up, please?

Mr. Pollock: Again, I just wanted to address the service, but I also think you maybe need to look more closely at replacing the things versus refurbishment. I don't understand; there should be hundreds of these branches lying around. Each one of these branches is custom-designed for that particular monopine? It just doesn't make sense that it would take eight weeks to do it. If you just brought in all the branches, it wouldn't take eight weeks. I do like the recommendation of coinciding with the winter.

As no one else was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Pateidl. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

Comm. Elkins: I want to commend SBA Network Services for their corporate responsibility and being willing to come forward with a proposal to refurbish or renovate the monopine, but it does speak to be maybe a weakness in the old Special Use Permit and one that we now have an opportunity to talk about. That is whether or not we should build some stipulation in here that addresses the ongoing quality of the branches that are there. It strikes me that the current situation is that I don't know that SBA had any duty under the old SUP. I guess this Special Use Permit will expire in 2017, and they have suggested that they expect the useful life of these branches to be 7-10 years. Presumably, we'll have a chance in 2017 to evaluate again. I think staff should consider this, going forward, that if there is a chance that the quality of the branches will deteriorate before the expiration of the SUP, we could address it. Is there a way to require SBA Network Services to maintain the materials?

Mr. Coleman: The approval of the monopine and the color and sample materials are approved under the SUP. Should those materials change, they would be required to come back to the state they were originally approved as.

Comm. Elkins: In that case, my concerns are addressed.

Chairman Williams: Are there other questions or comments? I would ask for a motion.

Mr. Klein: We can strike the stipulation we discussed, but we would like to modify No. 5. We just want to make sure the antennas don't go up and then delay the monopine. We would like to add, "Installation of additional antennas or modification to existing antennas may not occur until the first branches are removed to be refurbished . . ." and then would continue on, "The monopine must be returned to its original condition within 8 weeks of the removal of any branches to the time that all branches are reinstalled."

A motion to recommend approval of CASE 73-14 - LEAWOOD SOUTH GOLF COURSE – SPRINT – Request for approval of a Special Use Permit for a Wireless Communication Facility, located north of Sagamore Road and west of Pembroke Circle – with the removal of Stipulation No. 4 and modification of No. 5 as suggested by Mr. Klein – was made by Elkins; seconded by Jackson. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

CASE 102-14 - TOMAHAWK CREEK OFFICE PARK – KANSAS CITY ORTHOPAEDIC INSTITUTE (KCOI) – Request for approval of a Rezoning, Preliminary Plat, Preliminary Plan, Final Plat, and Final Plan, located south of College Boulevard and west of Tomahawk Creek Parkway. **PUBLIC HEARING**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Before I begin my presentation, please be advised that a memo has been placed on the dais tonight regarding this case. After packets were sent out, staff received a letter from a neighbor of KCOI regarding their concerns about this case. A copy of the letter has been attached for your review. Additionally, staff has included 4 new stipulations to the report, bringing the total number of recommended stipulations to 30. A revised list has been included.

This is Case 102-14 – Kansas City Orthopaedic Institute – Request for Rezoning, Preliminary Plat, Preliminary Plan, Final Plat and Final Plan, located approximately at the southwest corner of College Boulevard and Tomahawk Creek Parkway. Presently, KCOI is an existing 56,637 sq. ft. facility on 4.3 acres adjacent to College Boulevard. The applicant also owns two smaller un-platted lots bordering the south of this existing lot, and the applicant is proposing to re-plat all three lots into one, expanding their lot for a total of 5.84 acres. Currently, 1.2 acres of the lots are zoned Agricultural. The applicant is requesting that this lot be rezoned to Planned Office [SD-O]. A change of a zoning classification is consistent with the surrounding zoning of Tomahawk Creek Office Park and is consistent with the Leawood Comprehensive Plan. As previously stated, the existing facility for KCOI is a 56,637 sq. ft. building and the applicant is proposing to expand the facility by 21,014 square feet to the south of the existing building. The new addition shall be constructed of a combination of brick and cast stone with vertical elements of green metal panels and green glass, all of which matches the façade of the existing facility. At the east end of the new addition, a new entry door shall be constructed, which shall be covered by a canopy. At the southwest corner of the expansion, a trash compactor shall be placed enclosed by a brick wall, which is approximately 8 feet in height. New rooftop-mounted utilities are also planned, which shall be screened by an 8 ft., 8 in. metal screen with acoustical backing. Presently, there are 321 parking spaces for KCOI. The applicant is proposing to reduce the overall parking by 9 spaces with this expansion. The totally parking count once completed shall be 312. Regardless of the decreased parking, however, the facility will still satisfy the

parking requirements of the Leawood Development Ordinance for facilities within a Planned Office District. The applicant is proposing a combination of shade trees, ornamental trees, deciduous shrubs and evergreen shrubs around the perimeter of the expanded parking lot. Adjacent to the new addition, there shall be a plant bed with a combination of ornamental trees, deciduous shrubs and evergreen shrubs. Staff recommends the Planning Commission approve Case 102-14 with the modified stipulations outlined in the memo placed on the dais. I'm happy to answer any questions you may have.

Chairman Williams: I will start with a question. Has the applicant received the new stipulations?

Ms. Kriks: Yes.

Chairman Williams: One of the staff comments was concerning the keystone wall and the desire for it to be natural stone. Don't we have other CMU retaining walls in the city?

Ms. Kriks: Staff is fine with modifying it to the one they are proposing to use.

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

Applicant Presentation:

Greg Musil, Polsinelli Law Firm, 6201 College Boulevard, Suite 500, Overland Park, KS, appeared on behalf of KCOI and made the following comments:

Mr. Musil: Present for questioning tonight are members of the KCOI team: Dr. Charlie Rhodes on behalf of the ownership, Paul Kerens as a senior executive officer, and Director of Materials Management and Facility Ken Kuse. In addition, Sam Beckman is here from ACI Boland, the architectural team. Brian Kubicki with Acoustical Design can address issues that have been raised by neighbors. In 1998, the project was rezoned and approved by the City of Leawood with the anticipation that there would be two phases that would total about 78,000 square feet. It was constructed in 2000 and open to patients then. Since then, almost 80,000 patients have been seen since then. That success and the amount of demand for that have led to the need to finally do Phase Two. We've been working with staff since April about design considerations. We're pleased that we come to you tonight with staff recommendation. I have a few comments about them. I appreciate the retaining wall material flexibility, as that was a question.

Phase Two is about half of what is there now. It will take us to 77,651 square feet, smaller than what was approved in 1998. As Michelle pointed out, the materials, design, elevations and architecture are all designed on the new phase to match the original phase. The orientation is helpful in that they moved the patient drop-off from the south end of the building, where they are visible from the residential neighborhoods, around to the east side of the new phase. It has a drop-off canopy that is blocked by the building. We've reduced the total number of parking stalls and will install 23 new porous concrete parking stalls as part of the storm drainage. Parking lot lights will be lowered by 3 feet each and will be LED fixtures with better directional targeting. Code requires 35 trees in; we are providing 58. The LDO requires 44 shrubs, and we are providing 57. The distance from the property line of residential neighbors to the west on the existing building is about 40 feet; on the new building, it will be over 100 feet.

We have had some discussions over the last several years with our neighbors to the west in The Woods subdivision. When we were designing this with staff, after the Interact meeting on the 14th, we did some more tweaks. Some of these are the result of the Interact; some are the result of our planning before that. The first one I want to highlight is trash collection. On the existing plan, the trash dumpster is located at the far southwest corner of our parking lot, close to the home of Mr. and Mrs. Travers, who sent the letter that is on your dais. There are 20-30 trips a day across a parking lot with a rolling bin to take trash to that dumpster. That has been an issue. We have worked with quieter wheels on the trash bins, with rubber gaskets on the dumpster to quiet the closing process. Every day, a trash truck picks up the dumpsters, which does make noise. We think the new system is going to be significantly better for everybody because

we will have a trash compactor in a large enclosure basically attached to the building. Our original plan showed the walls that are about 8 feet tall. Our walls will be closer to 10-11 feet high. They will be concrete with bricks on the outside. Somebody will come out of the building, dump the trash in the hopper and then push the button to compact. This will eliminate the 20-30 current trips across the parking lot. In addition, instead of a daily trash pickup, it will be once a week. We think the trash situation will be much better and much less intrusive. There was concern expressed at the Interact meeting about the noise by the trash compactor. Mr. Kubicki went to AMC's headquarters and measured sound from their compactor. He said it was 68-71 decibels from 3 feet, and then he measured at 60 feet away, which would translate to the property line. He can answer questions about that.

Questions have been raised about the HVAC units on the roof. There will be four new units on the roof: three with the new phase and one on the old phase. They are especially important because of the operating rooms that will be used there. They will be consistent with the new units you see on other office buildings in town. As a result, we know we have to screen those visually. They are taller than HVAC units created in 1998. They need more space beneath them for air flow. We intend to increase the parapet walls to 8 feet, 8 inches tall, which is about 2 feet taller than they are today. In addition, because of the concerns of the neighbors with respect to noise from those, the parapet wall on the west side, which currently has a gap in it, will be a solid wall all along the existing building's western roof. The parapet wall will visually screen the new HVAC units. There is reference to sound attenuation inside the parapet walls. You can put material substances inside the walls that will help dampen the sound to ensure that it is contained within that structure. Those parapet walls will be intended to be robust enough to do that, and to the extent necessary, they will include sound attenuation. Staff requested us to provide a report from a qualified acoustical engineer. Mr. Kubicki will demonstrate that we meet the LDO as far as noise at the property line. We don't have a structural design yet, so we don't know precisely where these units will go on the structure. We don't have the mechanical engineering done yet to determine the size of the units. We have not sent out specifications for what we need to heat and cool the unit. Before we do that, Mr. Kubicki will be involved to make sure that when we're doing that, we're looking for specifications that will ensure we meet the LDO requirements. We meet them today, and it is our intent to meet them in the future.

The concern that Mr. and Mrs. Travers have is the 15 parking spots that point to the back of their house. The retaining wall is 36 inches tall. I looked at the National Highway Traffic Safety Administration regulations, and the highest allowable headlight is 42 inches. I assume some vehicles are large enough to be that high. That area will have a much more limited use during headlight hours. The retaining wall and lines of shrubbery around it should shield any headlights. Another concern they presented was about adding more trees. We have relocated trees to the area along the west corner. There are six new evergreen trees that will go along the property line, and that is the Travers' lot to the west. In addition to the existing trees, we will add six more. If you approve the revised plan to relocate the trees, we could skip Stipulation No. 29, which says, "Prior to Governing Body's consideration, we would submit a revised plan." We'll do it either way, but we wanted to show you that we responded to that.

Construction schedule was another thing discussed with neighbors next door. I wish we could get this done in eight weeks, but I can't. The best I can get from my architect is 12-15 months for the exterior construction. There is renovation within the existing building, and then there's the completion of the new building. There will be construction there and demolition of the old parking lot. Construction to the south, I think you would understand it is in everybody's best interest to get that done sooner rather than later. When the contractor for structural and mechanical are selected, we will make sure they know it needs to be done as soon as possible. I'd be happy to answer any questions, as would our team.

Chairman Williams: I'd like to hear more from your acoustical engineer about the sound attenuation.

Brian Kubicki, President of Acoustical Design Kubicki, 6351 Locust, Shawnee, KS, appeared before the Planning Commission and made the following comments:

Mr. Kubicki: For the trash compactor, you have a copy of my report involving the measurements that we made of an identical model trash compactor that's in use at AMC's support center. That has a concrete wall that is slightly taller than the compactor itself. I measured noise levels at 3 feet from the end of the compactor during a compacting cycle with the doors open. There is a flat terrace to the south from the side of the compactor, and it allowed me to measure off a distance equivalent to the distance from the compactor being proposed for KCOI to the property line. I measured noise levels again, and they were at or below 60 dB. At no point during operation of the compactor did the noise levels go over 60 dB. There was also a lot of other noise at the site. The wall that will be put around the proposed compactor is a combination of brick and concrete 12 inches thick at least, and it will be taller than the compactor.

Chairman Williams: You're measuring the compactor through its cycle. How would the noise of its operation compare to the noise when the trucks come to pick up and drop off the containers?

Mr. Kubicki: During the time of my measurements, there was no truck; it was just the operation of the compactor.

Chairman Williams: In your judgment, would you see the noise of the truck picking up and dropping off containers to be comparable, or would there be a moment with noise levels going slightly higher?

Mr. Kubicki: My direct experience with this type is pretty limited. Most of the ones I'm familiar with are the ones that we see in most commercial parking lots where a smaller truck comes up with hydraulic arms and they dump it over the cab of the truck. That makes a lot of noise. I've measured those before, and they are considerable.

Comm. Jackson: It's the same compactor, same size, same brand as AMC.

Mr. Kubicki: It's not a complex operation. It's a hydraulic press that squeezes the trash down to a smaller volume. Would you like me to address the rooftop units?

Chairman Williams: Yes, please.

Mr. Kubicki: Part of the work I did for KCOI in the past involved analysis of the noise levels from existing rooftop units on the property line. We also had the opportunity to go on some of the residents' property and inside their homes with open windows to measure sound levels with the existing rooftop units. One of the residents hired another consultant, and we were in the room at the same time. At no point did the noise levels on the residents' property exceed 60 dBA. The existing rooftop units have always been in compliance. With the expansion, I will look at the rooftop units with a screen wall that most rooftop units have. It is designed with absorbing material to reduce the noise that comes off the rooftop unit. The intent is that more noise is not created than what already exists, which meets the noise requirements for the City of Leawood.

Chairman Williams: Can you give us an example of what might represent 60 dB?

Mr. Kubicki: Me talking in this microphone is probably 65-75 at least. If I talk loud, it's probably 85. I've been on this site on a number of occasions. With everything shut off, it will measure 55-75 dB. There are birds, cicadas, traffic noise and other noises. The one doing the measuring has to be careful about what the noises are when making notes.

Chairman Williams: Mr. Musil, the location of the rooftop units relative to the neighbors to the west is what relative elevation relationship? Is it sitting right at living room level? Are the units above the house?

Sam Beckman, ACI Boland, 19 W. 66th Terrace, KC, MO, appeared before the Planning Commission and made the following comments:

Mr. Beckman: I haven't studied a cross-section to the west, but in estimation, the rooftop units would be level with the elevated decks on the properties to the west.

Mr. Musil: We would appreciate an opportunity to respond to questions raised in the Public Hearing.

Chairman Williams: All right; this case requires a Public Hearing.

Public Hearing

Janet Agron, 11105 Alhambra, Leawood, KS, appeared before the Planning Commission and made the following comments:

Ms. Agron: I live about 40 feet from the back of the building. I was a member of the Leawood Planning Commission in the late '80s and early '90s in a different building. I am very sensitive to your task. I realize a lot of things can change, but I am not familiar with a plan submittal that encompasses a Rezoning, Preliminary Plat, Preliminary Plan, Final Plat and Final Plan approval all on the same night. Maybe there was less development in the '80s and '90s and we didn't do it that way. The neighboring properties still have issues and a lot of things were said by the representative of KCOI that they don't have yet, such as materials, specs, rooftop unit specs and since all those things could significantly impact the use of our property, all who have significant investments in our homes. We feel we have the right to quiet enjoyment of our premises. We're very concerned about all this being rushed through in one evening. We didn't know if everything would be addressed tonight or if it will extend because it's a lot to approve in one evening. I appreciate the time.

Alan Agron, 11105 Alhambra, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Agron: We were contacted literally two weeks ago by KCOI about this expansion. We have had ongoing battles, frankly, over a number of issues that involve landscaping, noise and everything. You're being told that everything is at 60 dBA level. All those measurements were taken at the ground. The roof height is approximately 32 feet on the existing building. I'll have our acoustical engineer speak shortly after me. Where we realized nobody at the property line had ever taken measurements of the noise level, and we have an additional concern that the existing units on the roof have absolutely no sound attenuation whatsoever to anything, and they are totally open at the bottom. He will tell you in his report, being only 14 feet up, he got a reading over 60 dBA. I'm going to pay for a lift that you see all around town. We're fully confident that if you have a lift even 24 feet up, we're going to get readings of 63-65 from the existing building, and they're talking about adding a brand new unit on the roof of the existing building directly across from our bedroom. If you came into our home, the minute you walk in, you would hear a sound. If you walked into our hearth room, our great room and particularly our bedroom, you're going to hear a constant hum. They took a measurement, but we're 100 feet away at 58 dBA. Interestingly enough, every other city that we're aware of but Leawood, in the evening, has a different requirement of 55 dBA. The City of Leawood is more lenient, frankly, in the evening than all the other communities. If Leawood had a policy commensurate with Overland Park, Kansas City or whoever, then they would have automatically been in violation of the noise ordinance. I think one of the problems we're facing is the fact that this is a unique situation in the entire City of Leawood. To the best of our knowledge, there is no commercial building within 40 feet of residential. The residential was platted at the time they built the building. What is more interesting is when everybody talks about 60 dBA, we're talking about 24 hours a day, 365 days a year. It is constant with no relief. If any of you have gone to a restaurant and somebody next to you was on a cell phone and an

hour later, they're still talking on the cell phone, I don't know about any of you, but to us, that can be very distracting. The problem we're facing is there is no relief. This goes on all the time. But we were most distressed at the meeting with KCOI, which we appreciated going to, was when I specifically asked the architects and engineers what arrangements were being made for sound attenuation to give us relief on it. The bottom line is that no one had any answers. Nobody has thought it out. Well, "we'll just be in compliance with city code." The problem we're having is that the current city ordinance doesn't take into account the uniqueness of the location of this property to the single-family residences. They're very nice homes. We've worked very, very hard to create what we have in The Woods. I don't know if any of you have driven through our community, but I think you'll find it's a very nice spot. The bottom line is we immediately set to work to ask what could be done. Our acoustical engineer, Mr. Robinson, will attest that we have continually submitted ideas to KCOI for relief from this 24-hour-a-day problem. As we speak, none have been incorporated except one tiny thing that got done. We have come up with 13 submittals for relief. Mr. Robinson also will tell you about what he has calculated that needs to be done. Based on the current height of the current rooftop units, 8 ft., 8 in. parapet wall will not suffice to give the relief on the sound because there will be spillover. That parapet wall, at least facing the west and south, needs to be 10 ft., 6 in., not 8 ft., 8 in. He has also spec'd out what would be effective in sound attenuation and what should be added, which would give relief. With that done, the other things he had suggested on the existing units would be taken care of with a properly built and properly attenuated parapet wall. We have also addressed a couple things on the ground that we think can effectively deal with the problems coming from that because we have issues coming from both the ground and the roof. At the end of the day, we're guessing maybe \$7,000 for the ground. We would like a copy of the stipulations that the staff has come up with, which we've seen none of, which would be helpful if we could see them because maybe some of those things have been addressed that we're concerned about. Right now, this is our problem.

Chairman Williams: Is some of this going to be addressed by your consultant?

Mr. Agron: Yes, and I have an aerial photograph that does a wonderful job of showing what I'm talking about.

Chairman Williams: We have that aerial photo.

Mr. Agron: The bottom line is to the best of our knowledge, nowhere in the City of Leawood do you have this proximity repeated anywhere ever with the commercial that close to single-family residents. We are getting all of it from the rooftop and some of it from the ground. All we're asking for is some relief. We're coming up with ideas that we think will work. We have tried repeatedly to work with KCOI. We're delighted with their success. We're delighted they're able to expand. We do appreciate what they've done with the trash compactor. I will tell you, when they pick up the trash now, it's loud. I think this is a huge improvement, so there are a lot of things they're doing that we appreciate.

Chairman Williams: Let's move on to your consultant so we can hear what he has to say.

Mr. Agrin: Could we get copies of the stipulations?

Mr. Klein: We'd be more than happy to provide them copies, but it would be better after the Planning Commission recommends them so they are the ones that are actually approved.

Jim Robinson, Manager of Acoustical Services for Avant Acoustics, 14827 W. 95th Street, Lenexa, KS, appeared before the Planning Commission and made the following comments:

Mr. Robinson: We've been working with Alan and Janet Agron for quite some time now on this project. Basically, it boils down to several mechanical pieces of equipment that are creating noise issues at the

residence and at the property line. There is a condensing unit and a chiller at ground level and then five rooftop units, four of which are really a concern on the west side of the roof of the existing building. We submitted quite a few reports to Alan, who passed them on to KCOI. In each case, we recommended a variety of options to improve the situation. The heart of the issue is the property line issue and the noise level at the residence. Part of the issue is topography. The roof of the institute is approximately 32 feet above ground level. The property line is 32 feet below, and then the Agron residence is about at the line of sight with the roof. As far as background noise measurements at the property line, a typical measurement has been 49 dBA. We've never measured anything higher than 60 at ground level. Our measurements differ with the previous consultant. The 60 dBA level, even though it may not exceed the city code, is controlled by the two pieces of equipment at ground level and noise from the rooftop units. In speaking of the rooftop units, last Wednesday, we finally got a ladder out at the property line and took a measurement at 14 feet above ground level. I think you would agree that a property line extends vertically. We measured over 61 dBA at that elevation. We've been measuring 60 dBA at the property line for the last several months. Due to the fact that it is below the façade of the building, the rooftop unit noise at the elevation is somewhat reduced by the corner of the building. At a higher elevation, you pick up more of the noise coming from the roof. In the very near future, we plan on coming out and taking a measurement even higher. The reason for this is the line of sight between the Agron residence and the rooftop units. If you have line of sight, you will hear it. Due to laws of physics, everyone would admit that at a higher elevation, the reading will be higher than 60 dBA. We did some calculations using existing noise levels from the rooftop units that are there now. As I pointed out earlier, the visual barrier around those units now does not perform acoustically. There is a very thin sheet metal liner on the outside and some insulation on the inside. These rooftop units are 8 feet high. If the new proposed perimeter wall is 8 feet, condensing fans will be at the top; therefore, there is no barrier around the fans. In our report, we used current data to recommend that any new construction be 10.5 feet high for the perimeter wall. The calculations we made were based on the new unit being located where we see it on the drawings today. It may not wind up in that location, and that affects how high the barrier wall needs to be. The new unit will also be higher than the units today to create more air flow. The wall needs to be higher as well to create an acoustical barrier. Brian pointed out that the design is not finalized, and that is fine. They mentioned the barrier wall will have sound absorption on the inside, which is a good thing to reduce sound reflections bouncing back to the east. The new unit sound will hit the barrier wall, and reflective noise will possibly hit the unit. That sound will bounce over the top of the barrier wall. Height is important. What is really critical in the sound barrier wall is the mass in the wall. The sound absorption isn't going to stop sound from going through the barrier wall to the residences to the west. Sound absorption often gets confused with sound barrier materials. Behind all these fabric panels in this room is fiberglass sound absorption. That reduces sound reflections bouncing off the wall. That improves the acoustical environment in this room. There is no mass in fiberglass, so imagine if you took bad insulation and tried to use that as a sound barrier material. The sound would go through it because it has no mass. What is critical in this perimeter wall is the construction that utilizes mass. What gauge of sheet metal is going to be used? That's the most critical thing if they're going to use metal panel. The perforated liner on the side facing the noise is helpful to reduce reflections that may bounce back over toward the west, but it's the rest of the construction of the panel that is important, and the height is important. We are recording 61 dBA now at 14 feet above ground at the property line. We expect that noise level to be even higher when we take measurements higher at the property line. The fact that we don't know the sound level coming from this new unit means it could be even louder than the units up there now. We don't know at this point.

Comm. Roberson: Have you measured the sound at their house?

Mr. Robinson: Yes; at their bedroom window, it was 57 dBA pretty consistently.

Comm. Roberson: Did you do it on their deck, too?

Mr. Robinson: Yes; that was roughly the same, maybe even a little less.

Chairman Williams: Relative to that, what were the other conditions, such as time of day and street traffic?

Mr. Robinson: We've taken measurements in the morning, late in the afternoon, any day of the week, at all times. The noise levels we've measured have been pretty consistent. The noise levels on the property line went to 49 the day all the equipment was shut off. We measured in the front yard, where the house blocks most of the sound coming from the institute; it was in the 49 range. I think 49 dB is a good level to say is the background noise level in that area. It is true that crickets, locusts, birds and such all affect measurements, but we've never measured above 60 at the property line because we're standing right next to the condensing unit and the chiller that are running all the time.

Comm. Walden: Is this your drawing?

Mr. Robinson: That is actually taken from the manufacturer of a typical panel. It is a type of panel we would recommend for construction on the perimeter wall, except that drawing assumes a 5-in. thick panel. We are recommending 2-in. thick panel, but the construction is the same.

Comm. Walden: So, the perforation of the wall would be inside.

Mr. Robinson: It would be facing the noise source, and there are local contractors we've worked with in the past who can build the same thing.

Comm. Walden: What height are you suggesting on the wall?

Mr. Robinson: It is kind of unknown at this point because of the new unit. We don't know where it is, how loud it is and how high it is. The new unit apparently is going to be directly across the property line from the Agron residence in the middle of the roof. We recommended the wall should be 10.5 feet high based on the units that are there now.

Comm. Pateidl: If my math is correct, you are saying the barrier wall should be approximately 2.5 feet higher than the unit.

Mr. Robinson: It also depends on the distance of the unit to the wall.

Comm. Pateidl: How about minimum/maximum?

Mr. Robinson: It is based on a calculation. The closer the wall is to the noise source, the better it performs. Sound operates a lot like light. Imagine at nighttime, with a wall between you and headlights. The closer you are to the wall, the harder it is to see the lights. The light bends and refracts over the top of the wall. Sound does the same thing. You need to have the wall high enough that it not only removes the line of sight with the noise source but will also reduce sound that will bend over the top of the wall.

Kent Sunderland, 11109 Alhambra, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Sunderland: My property is directly behind KCOI. I'm not a sound engineer, so I won't ask you to make a decision on heights of sound barriers and materials. My opinion is that is why we have city engineers and codes in place to design these things. As an adjacent property owner, I am certainly concerned with noise and light issues. We have had some help from KCOI recently. They covered the windows and did some things with the trash pickup. I would just hope that, as we go forward, we can continue to work with KCOI as issues maybe arise during the construction period. I know it will be a long period, and I'm certain issues of

noise and trash will come up. I'm not here today to oppose permits or anything, just to let you know, as a concerned neighbor, I do hope that we can continue to work with KCOI in a good manner to address problems or issues.

As no one else was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Elkins. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

Chairman Williams: Mr. Musil, you asked for an opportunity to respond to public comments.

Mr. Musil: I think I'll simply say that we heard a lot about what critical issues are. The critical issue is that we comply with the city code once this building is designed and built. There are some unknowns now that we brought to the attention of both staff and you. We have to submit a report from a qualified engineer that indicates it will meet your ordinance, and we will do that. If it doesn't meet the ordinance, we know that your staff will be talking to us. I think we have every incentive to do it right. I can't tell you what height the wall will end up or if there will be attenuation on all four walls or only two walls. I don't know where the units will be or how high they will. We will come to staff with the report of our professional acoustical design engineer. We are unwilling to let somebody else design our project upfront for us. We hope that by having your staff recommend this with the stipulations that you have, it makes you comfortable in your role as Planning Commission to approve this and send it on to the Governing Body, where I suspect we will have additional discussions.

I would like to request that in No. 5, we say something about another acceptable material as opposed to the natural stone. In No. 28, it limits the compactor hours from 8:00 AM – 9:00 PM. We fully expect that won't be a problem. I would appreciate consideration of something that gives us an opportunity, on a rare occasion when there is an emergency circumstance, that if we run it once every four months, we are not automatically in violation of code. I would suggest something that says, "Emergency use is not prohibited and will be kept to a minimum" or something to that effect.

Chairman Williams: Mark, with respect to the last request on the use of the trash compactor, do you have suggestions on how we might address that?

Mr. Klein: We talked with the applicant with regard to this issue. We originally proposed an earlier time and tried to find a compromise. They seemed to think the 9:00 time would work with what they could foresee. I think they are concerned about extenuating circumstances. It is not unusual for staff to put in a stipulation, especially if it is adjacent to residential, that will limit noise- or light-producing equipment use. Staff would like to keep the stipulation as it is currently written.

Chairman Williams: He commented that if the compactor goes off at 9:01, it will be a municipal citation.

Mr. Klein: A lot goes into a situation such as this. The time is to protect the residents, and it is also to help them draw a line to know when they can operate it.

Chairman Williams: In terms of the time for construction, I don't recall us allowing construction to go as late as 9:00 PM, especially this close to a residential development.

Mr. Klein: I believe that is out of city code. You certainly have the ability to restrict that more if you wish.

Chairman Williams: There are roughly two phases of construction: interior construction to build the shell and the interior finish. Does this time frame apply to the interior construction as well?

Mr. Klein: It doesn't specify which, so it would probably apply to both.

Chairman Williams: In response to how the sound gets measured to meet city code, a comment was made that the property line goes up to some reasonable point.

Mr. Klein: As that discussion was occurring, I looked through the ordinance to see how it is defined. Basically, it states that the 60 dB is at the property line, which is the legal boundary of the property. It doesn't specify the height.

Chairman Williams: If it gets to be a nuisance at 14 feet above the ground when it is in eyeshot of a bedroom window, I would think it could be problematic.

Mr. Klein: It seems like there could be an argument there.

Chairman Williams: A reference was made that this expansion was part of their original proposal.

Mr. Klein: That is correct. They actually had thought about this phase in 1998. At that time, they were approved for the Floor Area Ratio. That actually was before the current ordinance was in effect. There was no sunset on the Preliminary Plan at that time.

Comm. Roberson: Which is the reason we have a Final Plan, then, correct?

Mr. Klein: Correct; and we did have them go back to a Preliminary because they were doing other things as well. They had the rights to the Floor Area Ratio at that time. There is one issue that came up during the presentation that we didn't realize. They talked about the trash compactor being 60 feet from the property line. That is required to be 75 feet as a residential setback, so we would like to add a stipulation that states, "Prior to Governing Body consideration, the applicant shall move the trash compactor to a minimum of 75 feet to meet the required residential setback."

Chairman Williams: Any further questions?

Comm. Strauss: I have a concern with No. 27, that the applicant provide a sound study. I'm just getting the sense that there is a little bit of a grey area from consultants on noise analysis. I wonder if we can have an impartial sound study that the city hires but is paid for by the applicant.

Mr. Coleman: That is possible. It could be an acoustical consultant chosen by the city.

Chairman Williams: Does that put the city in a bad spot if it doesn't perform once it is built?

Mr. Coleman: I don't think so. The ordinance still requires the 60 dB maximum level at the property line. The other option would be to request level readings before occupancy permits are issued to make sure the noise is 60 dB at the property line.

Chairman Williams: Given that we have a stipulation that it will meet the 60 dB, do we need to modify that to address the comment?

Mr. Coleman: That just requires them to meet it. The others are trying to show prevention of it exceeding the 60 dB. Hopefully, their mechanical and sound engineers would design the units, the baffling and parapet to ensure the sound doesn't exceed 60 dB at the property line. If we measure it at 65 dB after the construction, they'll have to retrofit it to bring the decibel level down. It behooves everyone to be sure it is designed properly at the beginning.

Comm. Ramsey: Do you typically go after it has been constructed and do a sound test?

Mr. Coleman: No, we typically don't. This particular situation arose from the fact that we have had an ongoing issue with KCOI's emergency generator, and it went on for quite a while. Sound has been an issue for quite some time. This is an atypical situation.

Comm. Jackson: Would it be appropriate to put in the stipulation that the measurement is at roof level at the property line?

Mr. Coleman: You could add that. I think your property line extends in real estate terms from below ground to out into space, except for FAA regulations.

Comm. Jackson: I just don't want a legal argument over the language in the ordinance.

Mr. Coleman: It just says "property line," so you would then be looking at the legal definition of property line and how it's used in real estate terms.

Comm. Jackson: Ideally, it would be wonderful if the applicant would get with the neighbors and discuss what goes on before it happens so that they're reassured and that perhaps some extra could go around what is currently on the rooftop so that noise level comes down, also.

Mr. Coleman: Over the past two years, the neighbors and KCOI have been in conversation. There have been a number of things KCOI has done over the past year to help mitigate the effects of the building on the residents, including blinds to reduce light, a sound attenuation barrier to enclose the emergency generator, hoods on the ground-mounted HVAC units, additional trees along the property line. They are also reducing the lighting in the parking lot. I think KCOI has made an effort to try to help mitigate some of those impacts. The stipulation is just more to make sure that we're not hopefully dealing with the issue after the fact.

Chairman Williams: Any other questions, comments or discussion? There are a couple potential stipulations. Shall we discuss those further?

Comm. Strauss: I see No. 5 changing to allow other city-approved materials. I would like to propose No. 27 asks for the city to perform an independent sound study. I also would delete No. 29 because a Revised Landscape Plan has been submitted. I also would add No. 31 to require the trash compactor to be 75 feet from the property line.

Chairman Williams: Along with No. 27, there was discussion of a test after the construction. Do you want that to be part of the motion?

Comm. Strauss: I think so because that's the only way to assure that it meets the decibel level. I guess the applicant could wait until after, but that seems to increase the risk.

Chairman Williams: I am not saying to replace the study; I am asking about requesting an additional study. I suggest that because of the neighbors' concern for the sound. Mark, relative to current No. 29 without the add-ons, which is the Landscape Plan, is what is presented on the board sufficient for a submittal, or should they revise their plans and submit them to the Governing Body, as you are proposing here?

Mr. Klein: Submitting it tonight allowed the Planning Commission to see and approve the plan, and that is fine.

Chairman Williams: We could then strike No. 29.

Comm. Pateidl: With respect to an independent study for the sound attenuation, I'm a little concerned with that at the point that is being discussed prior to the issuance of a building permit. The contractors pull together their team of consultants and equipment vendors and suppliers. They have responsibility for it. They will have to do this anyway, and we will have them duplicate that for what is not a lot of value in my opinion. Mr. Coleman made a recommendation with respect to occupancy permit. I think the inclusion of a test to verify by an independent consultant prior to the issuance of an occupancy permit should give everybody the assurance and confidence that everything that is possible is going to be done as far as the sound attenuation is concerned. I like this more than a building permit because I think we are interfering with the lines of commerce that get really important in a dispute. I'm not sure we want to be there.

Chairman Williams: I agree with Mr. Pateidl. I think it's a good idea to have that independent analysis, but instead of it being in the initial study prior to the building permit, maybe it could come at the end to verify what was supposed to happen did happen.

Comm. Strauss: I like that comment, too.

A motion to recommend approval of CASE 102-14 - TOMAHAWK CREEK OFFICE PARK – KANSAS CITY ORTHOPAEDIC INSTITUTE (KCOI) – Request for approval of a Rezoning, Preliminary Plat, Preliminary Plan, Final Plat, and Final Plan, located south of College Boulevard and west of Tomahawk Creek Parkway – with the following changes to the stipulations:

- **No. 5 to read, "Prior to Governing Body consideration, the applicant shall provide a Revised Elevation of the retaining wall proposing approved city materials."**
- **No. 27 to read, "Prior to the issuance of an occupancy permit, the applicant shall provide the funds for the city to perform an independent sound study, demonstrating the new rooftop utility units meet Section 16-2-9.1(a) of the Leawood Development Ordinance."**
- **No. 29: delete because the applicant submitted a Revised Landscape Plan.**
- **New No. 29: indicates that the new trash compactor will be set back at a minimum of 75 feet from the property line.**
- **was made by Strauss.**

Chairman Williams: I understood that we would keep No. 27 so that the study can be presented and verified to city staff during construction but then add another stipulation that, prior to the occupancy permit, they provide the funds for verification.

Comm. Elkins: I don't see what a first sound study accomplishes. The bottom line is they have to be below 60 dB when they build it. I don't care what it is before they start building it. Is there a reason I should care? Why spend the money to do a study?

Chairman Williams: I would view that as something for city staff when they review the plans and specifications.

Comm. Ramsey: But if we're saying they have to meet 60 dB and we will have a verification test, it is an outcome-based requirement.

Chairman Williams: I am coming at it from a professional in the field, where we have to provide calculations and specifications for a building permit, and yet it still gets tested after construction or during construction, depending on the situation.

Comm. Strauss: I think the risk is on them with the occupancy, so they may want to do their own study, but I don't think we would need to require it.

Comm. Pateidl: That is where I'm coming from.

Chairman Williams: Do you see a problem with that?

Mr. Klein: No; I just would like to clarify that what is being discussed is a measurement taken prior to certificate of occupancy.

Chairman Williams: Yes, and it would be done by an independent consultant at the cost of the applicant.

Comm. Strauss: That muddies the water. In my opinion, people don't live at 14 feet at the property line, but I know this is an area of discussion. You might live at the edge of your property line at your height, and your bedroom window or deck might be at that level. I think those are the appropriate locations to be measuring the decibel level. I'd like to open it up for discussion.

Comm. Pateidl: The only discussion I would have on that is I don't know that it's our purview to set guidelines of that nature. I would say it would need to be a test by industry standards and then rely on what is common in the industry and settled in courts of law so we don't have questions.

Comm. Roberson: I think the LDO already specifies this, and we can't change that.

Comm. Ramsey: What we're doing here is already stated in the LDO. The 60 dB requirement is the statute, and we cannot change it. As I understand staff's comment, there is no height definition. However, it is my understanding that we could put another stipulation in that said it was the intent of the Planning Commission for the applicant to work with the residents in a diligent manner to meet the concerns of the noise attenuation issues so that there is no question. Our concern is for the property owners' noise issue. They were just in here on the generator issue not long ago. We went all the way through this at that time. I'm wondering what the next issue will be on noise. I don't know if there is a way for us to make a statement very clearly to the applicant that we are willing to abide by all of the requirements of the code in that they only have to meet 60 dB at the property line but that we're concerned about how they go about doing this and trying to meet all diligence in going forward. Before it's over, the applicant ought to understand this is a serious issue with that neighborhood.

Chairman Williams: I get the sense that they know that.

Mr. Musil: We have spent hundreds of thousands of dollars on fixes, some of which already met the LDO. We are trying and will continue to try. We understand there are concerns. I can't guarantee we will satisfy everybody, but we will continue to try. We first have to meet their code.

Chairman Williams: Mr. Strauss, would you like to continue?

Comm. Strauss: I think we decided to leave it the way I stated it.

Chairman Williams: Does anyone want him to restate it?

Mr. Klein: Just for our records, it would be good to do so.

Comm. Strauss repeated the portion of the motion related to No. 27:

- **Stipulation No. 27 to read, "Prior to the issuance of an occupancy permit, the applicant shall provide the funds for the city to perform an independent sound study, demonstrating the new rooftop utility units meet Section 16-2-9.1(a) of the Leawood Development Ordinance.**

Motion seconded by Ramsey.

Comm. Elkins: I think the motion is fine and we ought to vote on it. I come to a different conclusion than Mr. Ramsey does with respect to the LDO. The LDO does say, "60 dB at the property line," but it doesn't define where the property line is. As staff has appropriately pointed out, the property line goes from beneath the surface of the Earth to a reasonable height above the Earth. As a practical matter, what is impacting the residents here is something that is 30 feet above the ground. I applaud and am in concert with my fellow commissioners in trying to address the concerns. I am just concerned we fall a little bit short by not measuring it at this 30-ft. level. My sense is that there is a consensus among the commission that we ought to go forward.

Chairman Williams: I think you make a good point, but if the LDO does not specify at what point the measurement is taken, it leaves it open to measure at 30 feet if that is, indeed, the problem area.

Comm. Elkins: That is true, but without guidance from us, it leaves it equally appropriate for it to be measured at ground level, which doesn't practically address the concern.

Mr. Coleman: We would request that the sound be measured at multiple locations along the property line and at multiple heights along the property line. It wouldn't just be one measurement.

Comm. Elkins: That addresses my concern.

Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

CASE 111-14 – ST. PAUL'S SCHOOL OF THEOLOGY – Request for approval of Special Use Permit for a Seminary, located east of Nall Avenue and south of 137th Street. **PUBLIC HEARING**

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 111-14 – St. Paul's School of Theology Special Use Permit. The applicant is requesting a Special Use Permit to operate a seminary within the existing United Methodist Church of the Resurrection, located east of Nall Avenue and south of 137th Street. A seminary is a permitted use in the Leawood Development Ordinance with a Special Use Permit. The seminary will use the existing buildings and parking within the church. No changes to the site are proposed with this application. The seminary runs during regular business hours with a few night classes that will not run later than 9:00 PM. Classes and activities are held in a traditional classroom setting and will not use any hazardous materials. Staff is recommending approval of Case 111-14 with the stipulations stated in the Staff Report. I'd be happy to answer any questions.

Chairman Williams: Any questions of staff?

Applicant Presentation:

Laura Snow, CFO for St. Paul's School of Theology, 4370 W. 109th Street, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Ms. Snow: Thank you to staff for all the help provided in putting this together. We have no concerns or questions. We agree to the stipulations, and I'm happy to answer any questions.

Chairman Williams: Any questions of the applicant? This case does require a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Ramsey. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

A motion to recommend approval of CASE 111-14 – ST. PAUL’S SCHOOL OF THEOLOGY – Request for approval of Special Use Permit for a Seminary, located east of Nall Avenue and south of 137th Street – with five Staff Stipulations – was made by Jackson; seconded by Elkins. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

CASE 114-14 - LEAWOOD SOUTH COUNTRY CLUB MAINTENACE FACILITY SITE – SPRINT MONOPINE AND WIRELESS ANTENNAS – Request for approval of a Special Use Permit for Wireless Communication Facility, located south of W. 123rd Street and east of Mission Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 114-14 – Leawood South Country Club Maintenance Facility Site. The applicant is requesting a Special Use Permit to allow installation of wireless antennas and associated equipment and the continued use of an alternative tower structure located south of 123rd Street and east of Mission Road. The property is currently zoned Recreation, which allows wireless facilities with a Special Use Permit. The tower is an existing alternative tower structure. Again, the foliage on the monopine has faded to a blue color as shown. The applicant is proposing to refurbish the existing branches by replacing the needles and also to screen all existing equipment. The applicant is proposing to relocate existing antennas from the 67-ft. elevation to the 56-ft. elevation. Existing remote radio units will also be relocated to the 56-ft. elevation. Three new antennas will be located on the 67-ft. elevation. All the antennas will be within the radius of the branches, and the applicant is proposing to further screen the antennas with U-shaped branches and screening socks. All equipment on the tree will be painted to match either the bark or the foliage of the monopine. The applicant has proposed a timeline to indicate how long the pole will be bare during the refurbishment of the branches. Included in the stipulation, it will not exceed eight weeks. Concern about the landscaping within the site has been raised. The applicant has agreed to replace all dead and dying trees and will irrigate the area to ensure the continued growth of the new and existing landscaping. Staff is recommending approval of Case 114-14 with the stipulations stated in the Staff Report, and I will be happy to answer any questions you may have.

Chairman Williams: I know you have already addressed this, but I'll ask for clarification. We are dealing with the same issue as the last monopine.

Ms. Brandt: Yes, they are doing the exact same thing.

Comm. Elkins: Looking at the staff comments and noting the timeline, you know the existing tower was approved in 2008 with an expiration of 2013. Do I correctly assume that we, as a commission and then the Governing Body, then extended that Special Use Permit so it currently expires in 2018?

Ms. Brandt: This application already expired, so they are applying now for the monopine and the antennas.

Comm. Elkins: When was this application filed?

Ms. Brandt: This application was filed two months ago.

Comm. Elkins: Effectively, this facility was being operated without the benefit of a Special Use Permit for about 7-8 months.

Ms. Brandt: Correct.

Comm. Elkins: What remedies does the city have in the event that a Special Use Permit expires and operations continue?

Mr. Klein: A bond is provided as a requirement of 20% of the construction value for the purpose of removing the antennas or dismantling the tower. We have not had that situation yet, but the intent is to be covered in that regard.

Comm. Elkins: Have any enforcement activities been initiated by the city relative to the unlawful use of the site?

Mr. Coleman: Not on the expired permit, no.

Comm. Roberson: Did the city know about it?

Mr. Klein: We became aware of it as we were going through the application process for the other monopine you heard earlier today. We have installed something on the software that reminds us when the expirations continue; however, the older ones were approved prior to that installation. Now, we have a much better ability to track the SUPs when they expire.

Comm. Roberson: You're saying we have old SUPs out there that may be expired?

Mr. Klein: We have gone through the list. You have to remember the SUPs are more than for just wireless antenna use. There is a standard requirement that all SUPs expire after 20 years. There are some SUPs issued prior to the current ordinance being in effect that did not have any expiration dates listed at all and were prior to the current LDO. We are trying to match those up. The ones that renew now are in the system, and it will then tell us when they are expired.

Chairman Williams: Any other questions?

Applicant Presentation:

Justin Anderson, SSC, 9900 W. 109th Street, Suite 300, OP, KS, appeared before the Planning Commission and made the following comments:

Mr. Anderson: As staff has pointed out, this application is basically a rerun of what you had earlier this evening with a few differences. This particular site is for a Special Use Permit renewal as well as the addition of the three antennas, the refurbishment of the branches and the addition of three additional RRUs. Also, we are aware that some of our landscaping has died. Irrigation is in place now. We are omitting certain types of trees that are not as hardy. We have also entered into a maintenance contract with Leawood South Country Club. Since their maintenance facility is in eyeshot of this, that responsibility falls on a company that is a bit more professional about taking care of landscaping. I'm happy to answer any questions. I don't have a lot of new information, but I wanted to point out that information and also that at our Interact meeting last Wednesday, 178 people were notified and we had no participants.

Comm. Elkins: I'll pick up where I left off with staff. How is it your company came to let a Special Use Permit expire without seeking renewal before you decided you needed to refurbish the tree?

Mr. Anderson: Being a large national company, I wouldn't have a better excuse than to say to you that we typically depend on those notifications coming from the jurisdiction. There are other jurisdictions that provide those notifications. These applications are only good for five years. We typically do modifications within those five-year periods. If you'll recall, recently, I was before you for the tower off 435 and Lee and the Macy's building. That is an overlapping situation in which the SUP hasn't expired yet but we are installing new antennas.

Comm. Elkins: I'm concerned from a city standpoint that we are not monitoring, but I think that you are using the facility at the discretion and pleasure of the city; that is why we require a Special Use Permit. I'm not sure that I'm reassured by the fact that you are relying upon notice from the city, especially in light of the fact that you are a large national company that has monopines and towers all around the country. Do you have functionality in place to track your properties so you know when your leases are expiring?

Mr. Anderson: The carriers have software that tracks when the leases expire. I can't speak to if they have it for their specific Special Use Permits. We do upgrade our bonds every time we come in for a Special Use Permit renewal for any kind of modification. In this case, we're renewing that bond to take into account all of the refurbishment of the tree, the landscaping and the modifications, so bringing those bonds up to the current construction value of the site and not just leaving them at their original cost in 2008.

Comm. Elkins: Let's be clear here. This Special Use Permit is for the tower, correct?

Mr. Anderson: Yes, and it is Sprint's tower.

Comm. Elkins: So, it is not the carriers who have antennas on your tower; they have a separate Special Use Permit. This is your Special Use Permit to maintain.

Mr. Anderson: This is Sprint's Special Use Permit to maintain for not only the tower but for their modifications. They have two Special Use Permits on each site if they own the tower.

Comm. Pateidl: In light of this being a rerun of what we did earlier this evening and the issue of the 8-week cycle on this, there were sound reasons for construction on the first request that we had. Are you fine with Stipulation No. 7 as it relates to this 8-week cycle?

Mr. Anderson: Yes; SBA did the first case, and Sprint continues to own this tower. Sprint, being the common client for these improvements on the tower, has a goal to make them as mirrored as possible. That way, it is easier to track when the CUPs are approved and everything else.

Comm. Pateidl: My point was they were going to lower an antenna and put new antennas. In the way it was worded with the 8-week cycle, it gave them some problems in the construction. Before we move forward, I was trying to clarify if you had any difficulty with Stipulation No. 7.

Mr. Anderson: I think my stipulation number is different for this case than the last case. I'm looking at Staff Recommendation No. 6, but we would ask for that same common goal of moving the antennas down before reinstalling the limbs.

Mr. Klein: I would basically strike No. 6 and then modify No. 7 the way we modified No. 5 on the last one.

Chairman Williams: Any other questions? Thank you. This case requires a Public Hearing.

Public Hearing

Bob Pollock, 12300 Mohawk Lane, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Pollock: The initial approval was in 2008, and there was a Staff Report that Richard forwarded to me, which detailed some landscaping both there at the site with the tower and on a berm that was to be built, irrigated and populated with trees which would serve as a barrier for a couple nearby residents. We have two issues. Sprint leased a 50X50 piece of ground from Leawood South Country Club. That's all they have. Right now, there is no sufficient ingress or egress to that tower. As a consequence, you have large trucks driving on mud, and the maintenance building in and of itself looks pretty bad, but when you compound it with their land that they own that Sprint has to use for ingress/egress to get to this stamp of ground in the woods, it is not being maintained. Before this happened in 2008, the City of Leawood should have provided for ingress/egress other than a mud trail because it looks like hell. Secondly, Sprint did agree to do the tress around the building, which is probably 25X25 on a 50X50 lot. They did that, but the overgrowth has taken it over, and it's just basically a mess. The berm that they agreed to put in, irrigate and put trees on has trees that have all died and been replaced at least once. If you look at the two neighbors adjacent to the trees, you will see 15-ft. trees planted in 2008 versus trees much shorter. I have sent those pictures to Richard because they have not been properly irrigated. The reason for that is in 2008, Sprint agreed to do it but never decided who would maintain it. I understand you're going to contract Leawood South to maintain it. That doesn't make me very excited because they don't do a very good job of maintaining. That is evidenced by the trees they put on that berm and the condition of the trees around the building. When I contacted Mr. Coleman's office to go and inspect the trees on the berm to ensure that Sprint and Leawood South, that gets lease money for that 50X50 piece of ground, adhered to everything on that Staff Report, I was told that he could not enter that property because it was private property. I don't get it. How can you have a condition of an SUP but not have the right to inspect? I just want that addressed before you approve this thing. Beyond that, I still don't understand why we're not putting new branches on and eliminating the 8 weeks. I got a chuckle out of one of you. That's fine; you'll see in 3-4 years. The landscaping is an issue, and I'm not excited tonight. There needs to be some accountability for maintaining that landscaping. They need to get the little 3-ft. trees out there and invest in some trees equivalent to what was planted by the neighbors in 2008. The problem is Leawood South doesn't want to pay the water bill to water the trees, and they have died and have been replaced at least once. It sounds like it's already approved, but we certainly hope to get some better cooperation from Sprint and the Country Club of Leawood South. I would encourage any of you to drive down 123rd and look at the maintenance building property that they own that Sprint has to drive through to get to that building. The grass is over 1 foot tall right now. The other thing is I was enlightened by the 60 dB comment. The country club runs a wood chipper right on the property line that is probably 200 dB on a regular basis, but I can't get Richard's department to do anything about that, either. It's just normal golf course operations. There has been no enforcement of restrictions on any of that property.

Alan Todd appeared before the Planning Commission and made the following comments:

Mr. Todd: I live directly behind the maintenance facility. I'm also on the Leawood South Homes Association board as a 5-year volunteer member. I've gone through this from the beginning. I was promised the moon and the stars. Mr. Pollock helped. The trees that are there now really don't look good. They are a bit taller than what he said, but we're getting away from what we agreed to with white pines. I've planted about half a dozen, and they're all close to 20 feet tall. White pines do grow in that area. Another suggestion would be juniper evergreens. They are big and green. They stay green year-round, and we get height on the berm. I'm supposed to be on a golf course lot. (*Shows photo*) This was taken today from the corner of my property.

Chairman Williams: How does this relate to the Sprint property?

Mr. Todd: The berm would be at the south end of my property, going north.

Chairman Williams: Is the material a result of the Sprint property?

Mr. Todd: This is a result of the golf course property.

Chairman Williams: So, that doesn't apply to the Sprint property.

Mr. Todd: No, it does not. I just wanted to make a few comments about the landscaping and what needs to be done. I've talked to Mark about it. Their comment that white pines don't work isn't true because I have some, and they look good. They put some blue spruce up there. That doesn't work in this climate. We need to open the spectrum of what could be planted on that berm. It hasn't been maintained. That's really all I have. It needs to be maintained on a more regular basis.

As no one else was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Strauss. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

Mr. Anderson: At the end of the day, we're happy to plant whatever trees you determine you would like to have planted. We are going to do our due diligence on keeping them better maintained. That will come at the tail end of the maintenance agreement with Leawood South Country Club. I'm not going to speak to the golf course's operations or the maintenance shed, as that is not part of our project. The berm is there. There is an approved ingress/egress there that is paved. I was out there probably six times in the last week. I didn't drive on grass. A contractor was out there yesterday with a big truck, and he seemed to be able to make it out fine, too. I would ask for your approval and would be happy to answer any questions, take comments or suggestions.

Comm. Pateidl: You mentioned you have put in an irrigation system that was not there previously.

Mr. Anderson: It was there previously.

Comm. Pateidl: Functional?

Mr. Anderson: That is where the maintenance is coming in. At one point, it was functional. There is some overgrowth on the east side of the compound. It runs from the south side of the berm all the way to the northeast side of the Sprint compound. I believe there has been some overgrowth around the heads, and it has basically been drowning out instead of spraying where it needs to.

Comm. Pateidl: It sounds like the city maybe has an obligation to maybe slap your hand once in a while to make sure your maintenance is done. As my fellow commissioner said, you do have this opportunity or right at the pleasure of the city. Take that message back.

Mr. Anderson: I appreciate that and understand your concerns 100%.

Chairman Williams: Thank you. I'd like to have staff address the issue of the maintenance and how it's been allowed to slide with no comment from the city.

Mr. Coleman: We've been out there and have asked them to replace the dead plant material. They have replaced it. That is pretty much where it stands. Some of the area is a natural area and is not lawn. It is undergrowth as you might find in the woods, and part of that is helping to screen things. We had a little

conflict with Mr. Pollock who was saying they didn't want white pines and that they wouldn't grow in there. Mr. Todd is saying they do grow in there. We had them replace what was approved on the original landscape plan, which we feel is adequate if it is maintained. As he indicated, I think they had a breakdown in their irrigation system, and some of the trees died.

Chairman Williams: Is there an issue getting access to the property?

Mr. Coleman: He's talking about another issue. Our inspectors can only inspect what they can see from the roadway. We're not technically allowed to go onto people's private property to look for a violation. That is state statute.

Comm. Elkins: I noticed the stipulations include one that reinstates the conditions and stipulations from the original Special Use Permit. You made the comment about the Landscape Plan. Does it specify species or groups of species?

Mr. Coleman: It does.

Chairman Williams: Any other questions or comments? I'd ask for a motion, then.

Comm. Elkins: My position on Sprint's corporate responsibility with respect to their use of the property under the provisions of their Special Use Permit is of great concern to me. I tried to make that point in my questions, and I make it now by way of comment. Beyond that, I share the residents' concerns about the landscaping here, and I share their frustration because I recall sitting here in 2008 and having this very conversation about the landscaping around the monopine. I also recall the assurances that Sprint gave to us, to staff and ultimately to the Governing Body about the way that property was going to be maintained and landscaped. I am at a little bit of a loss as to what we can do because here we are six years later, not five as we should be, having that conversation. I'm very concerned that we're going to be sitting here five years from now, having another conversation with, perhaps, a different management company that is managing the property for Sprint, around this landscaping issue. I'm at a loss as to how to approach it. We're using all the tools that are available to us, and they just don't seem to be getting the job done. Frustration noted and recorded. With that, I will nonetheless be supporting the application.

Mr. Coleman: I would like to add one thing. It is not uncommon for even the landscaping in all of our commercial properties to have a certain percentage of the plant material die. That is probably in the range of 10-20% that needs to be replaced. Some do it on a voluntary basis, and some don't. Sometimes, we have to send notices and ask the property owners to replace the dead plant material. We also do an annual development report to City Council on Landscape Plans throughout the city, so certain plans that have been previously approved are re-reviewed with a landscape inspection. We're the only city in Johnson County that I know of that does that. The staff is very diligent about following the plans.

Comm. Elkins: I appreciate that, and to clarify and make it absolutely clear, nothing in my last comment should have been construed as a criticism of the city with respect to enforcement of this landscaping. The criticisms were of the applicant with respect to the way they've dealt with the privilege that we have afforded them to have a Special Use Permit. My intent was not to be critical of the city.

A motion to recommend approval of CASE 114-14 - LEAWOOD SOUTH COUNTRY CLUB MAINTENANCE FACILITY SITE – SPRINT MONOPINE AND WIRELESS ANTENNAS – Request for approval of a Special Use Permit for Wireless Communication Facility, located south of W. 123rd Street and east of Mission Road – with ten Staff Stipulations, striking No. 6 and modifying No. 7 in exactly the same way as the corresponding stipulation in Case 73-14 was modified – was made by

Elkins; seconded by Roberson. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

A motion to extend the meeting for 30 minutes until 9:30 was made by Roberson; seconded by Elkins. Motion passed with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Elkins, Strauss, Walden and Ramsey. (Commissioner Jackson stepped out)

Five-minute recess

CASE 113-14 - CHURCH OF THE RESURRECTION – CHURCH EXPANSION – Request for approval of a Revised Final Plat and Final Plan, located east of Nall Avenue and south of 137th Street.

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 113-14 – Church of the Resurrection expansion. This is a request for approval of a Revised Final Plat and Final Plan, located east of Nall Avenue and south of 137th Street. The applicant is proposing a 141,438 sq. ft. expansion for a new 3,500 seat sanctuary and 12,411 sq. ft. interior expansion, which will result in a total of 445,226 square feet on the church's campus. Currently, the property is platted into one lot. Tract A was formerly public right-of-way for 137th Street. The alignment for 137th Street was changed, and the applicant is proposing to plat Tract A and Lot One into one single lot. The property is currently zoned Agricultural with a Special Use Permit for a church. There are currently two existing buildings, and this application includes one new building, the sanctuary, new parking and landscaping. With this application, the church will have 52.7% overall open space. I have a correction for the Staff Report: the interior open space will be 53% instead of the 86% listed in the Staff Report. Both the overall open space and interior open space are well over the ordinance requirements. The new sanctuary will be attached to the southwest corner of the existing sanctuary with an additional closed quarter to connect the two buildings. The new sanctuary is being proposed to be constructed primarily out of Kansas limestone, stainless steel, precast concrete and painted metal. The building is oval-shaped and has a roofline that progresses upward toward a stainless steel glass window on the northwest side of the building. The sanctuary is proposed to be 85 feet, 3 inches in height at the lowest point, angling up to 104 feet, 6 inches at the highest point. Stainless steel panels are proposed to surround the building, while the lower 24 feet of the building will be made of the limestone. Metal louvers are proposed to surround the stained glass window area. Below the window, the louvers will be silver. Another correction for the Staff Report: On either side of the window, the louvers will be grey, not the stated white. The applicant is proposing to enlarge the existing service area adjacent to 137th Street. The applicant is proposing concrete covered with stucco and metal louvers to accomplish this. Staff recommends the concrete be faced with stone to match the sanctuary as stated in the stipulations instead of the proposed stucco. The applicant is proposing five parking lots that radiate out from the new sanctuary to the southwest. Including these parking lots and the existing parking lots, there will 2,004 total parking stalls with 910 being new. Pedestrian walkways will extend out between the parking lots, connecting back to the sanctuary and also to Nall Avenue and 137th Street. A new driveway is also being proposed extending Birch Street to connect 137th Terrace to 138th Terrace. The applicant is proposing landscaping which consists of shade trees, ornamental trees and shrubs around the sanctuary, within the parking lot islands and along 137th and Nall Avenue. The applicant has agreed to update the proposed trees and shrubs along Nall Avenue and 137th to meet the Leawood Development Requirements. A tall grass/prairie mixture is proposed around the parking lots. The applicant is proposing leaving the open fields to the west of the new sanctuary along Nall Avenue to be left as grassland. Staff recommends that this area be planted with the same tall grass mixture as between the parking lots to create a cohesive landscape area. The applicant is proposing lighting to highlight the architectural features of the sanctuary. The majority of this lighting will be mounted on the roof and hidden from view. Two of the lights will be on 16-ft. poles and placed on either side of the stained glass window. The lights will not be hidden from view, and staff has

some concerns about the source of illumination being visible and also the ambient light that the lights will generate. There is a stipulation in the Staff Report that they should either screen the lights or remove them altogether. Staff recommends approval of Case 113-14 with the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Chairman Williams: You do mention the future phase of the chapel, and that meets the original plan in terms of F.A.R.?

Ms. Brandt: Yes.

Chairman Williams: I know it's not an issue tonight, but I wanted to confirm. On the wall in question that they propose stucco and you propose natural stone, does that have public view?

Mr. Klein: It does. It is located directly along 137th Street. There is a service area that will be expanded farther west, so that wall is visible from 137th Street.

Chairman Williams: Are there other questions for staff?

Applicant Presentation:

Dick Cooper, 13720 Roe Avenue, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Cooper: I'd like to thank you for extending the meeting tonight. I am the Director of Facilities for the church. We were here approximately a year ago to present the Preliminary Master Plan. We are excited to be able to seek approval for this next phase. We have assembled an important team of professionals here tonight. We are here for your pleasure. We will reserve any kind of formal presentation, and we really want to address very specifically your questions and concerns. We thought it might help a little bit to see a scale model of the building, just to give you a sense of its height. Our team tonight is HGA, our architectural firm. John Justice, Laura Knowles and Todd Kraft are all very intimate with the project. We have Olsson Engineering, who can address any of our civil concerns on the site, and we have Chris Gaith with McGowan Gordon, who can address concerns or questions you may have with respect to the actual construction. With all of that in mind, we appreciate this long-term relationship with planning staff. This has been going on for years, literally. Our first planning meeting on this project was last April. What we would like to do is discuss three of our hot buttons that you have hit on, Mr. Chairman. We might as well just talk about those, and we clearly want you to drive the questions you have about our building. We have a material board here and the architects who have designed this and can tell you what was driving their particular motivation in terms of how we ended up where we are. Of the 29 recommendations, we are struggling with two of them. We will address the lighting question as well.

We'd like to talk about No. 3. This relates to using limestone as material for the screen wall. The screen wall was built 11 years ago, and we are adding to that. What we're trying to do with the stainless steel and with the limestone is to reserve those architectural materials for the sanctuary. The sanctuary is a special place, and we've struggled with trying to figure out if it makes sense to put limestone in a screen wall area when we're really trying to preserve a very special architectural feature for the building. We can address that some more. We think our architects have really come up with a great solution, and we continue to believe that's the direction we should go. We can talk more about this with images. It's really difficult to look at this in two dimensions because there are elevation changes from street to the building. There is landscaping already out there. There are already trees along 137th Street. It is not just some barren space that shows the service drive. We have found that it's a difficult area. We've talked about screening mechanical equipment with a prior project here tonight. We feel like we're coming up with a great solution.

No. 4 relates to the staff suggestion that we remove our current western prairie and replant. We planted these 11 acres of land 12 years ago. It is well established. We all know that to reestablish prairie

takes 3-4 years. The church has agreed to install significant landscaping along Nall Avenue. We have agreed to put in irrigation, and we think that will act as a screen to those fields. We just see that it is spending money to be spending money to replace 11 acres of existing, thriving prairie. We would like for some consideration on that. We really want our project to honor God. We want our neighbors and the city to be proud of it. We are proud of what we're trying to do here. This is a very special project. We recognize that we clearly want it to be a special place. With that in mind, we believe we have delivered plans that do that, and we really want to spend time talking about the specific things that are on your minds rather than just talk about the project so we can get through that and hopefully move forward. We are open for questions.

Chairman Williams: I have one regarding No. 4. What is the difference between the two grass areas? Could you give us more description of the different grasses?

Mr. Cooper: The landscape architect develops a mix of variety of grasses. In that might be Indian switch. We don't use tall bluegrass. There is a variety of grasses that fills our entire site and berm. Those were all put in as a mixture, and you get percentage of those species in there. That is what this is representative of. We are using a mixture of grasses. What happens in real life is some grasses will thrive; others don't, but it all ends up becoming pretty monolithic. We have a lot of switch grass on site, but that doesn't guarantee that's what we'll end up with because we're using a mixture. That is our concern. It is 11 acres and is a whole lot of money to replace that.

Chairman Williams: Between the parking areas, the grass mixture you will be using will have a similar effect?

Mr. Cooper: Yes. We have the areas between the parking areas, and that is a mixture. My understanding is you can't go in with just one species because it might not take well. You will find a variety of little blue and mostly switch in that area.

Comm. Elkins: I'm still not quite tracking. What is the difference in mixture between what staff is recommending and what you already propose for the space between the parking and the existing prairie grass out there. The way I understood it is you expect what is between the parking lots to be the same as what is in that 11-acre plot.

Mr. Cooper: It may or may not be. It is the same mixture of seeds and species, but we really don't know what will come in and be predominant.

Comm. Elkins: So, what you're proposing is to plant a mixture of seed between the parking lots that is the same mixture that you planted in the 11 acres.

Mr. Cooper: It is similar to the same. The mixture is what the city has asked us to put in there, and it is the similar grasses we know will survive out there. We know that we can't put certain mixtures of grass there because it will not survive. Our landscape folks have designed a mixture. You can't put down just bluegrass.

Comm. Elkins: I appreciate that. What I'm trying to understand is that staff would prefer for you to plant the 11 acres with the same mixture that you intend to put in between the parking lot, and I hear you say that you already intend to do that. I'm trying to understand where the disconnect is between the church and staff is.

Mr. Cooper: I'm not sure I understand. We are using a very similar mixture. I do not have the percentage of grasses. It very well may be a part of your plans. I'm saying it will be part of the same mixtures of grasses that are already planted that are out there because we just know certain grasses will survive in this area, and some don't.

Comm. Elkins: We'll take it up with staff a little later and see if we can get a better definition of the distinction.

Comm. Strauss: I want to thank you for bringing a beautiful building to Leawood. I think it will be a great focal point. I want to understand what will be visible of this building from Nall Avenue.

Mr. Cooper: The building is oriented northwest, so straight ahead is almost the intersection of Nall and 135th Street.

Comm. Strauss: From Nall and 135th street, we'll see the glass front.

Mr. Cooper: Nall is to the far west, and this building is facing the intersection of 135th and Nall.

Comm. Strauss: Is it visible from 135th and Nall? Does it sit up a little higher? Do you have a rendering that shows what it looks like from the street?

Mr. Cooper: (*Shows illustration*) You will be able to see the building unless someone builds a 5-story building in front.

Comm. Strauss: That brings me to my next question of what is planned on those outparcels that we were talking about. Is that owned by the church?

Mr. Cooper: No.

Comm. Strauss: If someone is a new visitor, what is the main entrance?

Mr. Cooper: We have a really intuitive way-finding system. If we were to invite you onto campus today and you wanted to come to the sanctuary, we would say to come to Building B off 137th Street. Our buildings have tags on them. You will see letters on our buildings right now, and then once you enter the campus, you will have other way-finding cues that will get you to the right parking lot. Our buildings have a couple of front doors. I don't know if I can articulate well enough our current building, but there is a door right off 137th Street.

Comm. Ramsey: I think he's asking about the front door of the new structure.

Mr. Cooper: The primary entrance is going to be out of the parking lot. There is a circular drive that people will be able to pull underneath in severe weather. You can enter the campus off Nall.

Comm. Strauss: If you want to drop someone off at that front door, it seems like if they came in on 137th, they would have a tough time finding the front door. They would either have to go through the parking area somehow to get there. It seems like 138th Terrace is your front access. That's one area that seems awkward to me.

Mr. Cooper: There are almost seven accesses into the campus.

Comm. Strauss: Is that a concern that you hear from people? That is my concern with seven accesses. How do you find the front door? Maybe the way-finding will help that.

John Justice, 420 5th Street North, Minneapolis, MN, appeared before the Planning Commission and made the following comments:

Mr. Justice: I am the architect, and the building has seven entrances and seven ways to get out. One of the things we brought a year ago that you liked was the way the parking was configured in that it was very pedestrian friendly. There are many ways of getting into the building and numerous ways to get out. The site really is oriented toward the parking and the entrances. There is a formal entrance in the middle of the site. That is where the circle is. At that location, there would be a canopy and a covered way of getting formally into the worship space. There are multiple entrances so people can get conveniently from parking, which is spread around the entire site. People come into the gathering space and can enter the worship space from five different locations. We spread out all the entrances to get people to gather around. Does that help?

Comm. Roberson: No. If I'm handicapped and need to be dropped off, where am I dropped off, and how do I do that?

Mr. Justice: There is accessible parking at five locations.

Comm. Roberson: Can you show me the traffic pattern if I need to be dropped off?

Mr. Justice: If I come in from Nall to 137th, I can turn into the parking area, drive down, drop someone off and park. (*Demonstrates on model*) The lot that is especially for accessibility has a covered drop-off and walkway that goes into the gathering space and accessible parking, which is convenient.

Comm. Roberson: So, the traffic pattern for drop-off currently is coming up the access road to the east. Quite frankly, I don't see an easy way for anybody to get anywhere to be dropped off unless I'm coming up 138th and wind around and go wherever.

Mr. Justice: There are five convenient drop-offs with accessible parking adjacent to it.

Comm. Roberson: I'm not interested in parking. I'm interested in old people needing to be dropped off and picked up.

Mr. Justice: It can occur in five locations.

Comm. Roberson: So, I have to drive through the parking lots, turn around and come back out the parking lot?

Mr. Justice: You could drive in the parking lot, drop someone off and immediately find a parking place if it was available.

Comm. Roberson: I'm not interested in parking. I want to drop somebody off and come back and pick them up later on. How do I do that? Do I go in the parking lot and then come back out again? Apparently so.

Mr. Justice: You would drive into one of the parking lots, drop someone off and then drive out.

Comm. Roberson: That seems like a traffic nightmare.

Comm. Levitan: The four lots aren't connected.

Mr. Justice: There are small connection points. You could drive through, also.

A motion to extend the meeting 30 additional minutes to 10:00 was made by Roberson; seconded by Ramsey. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

Mr. Justice: Do you have further questions about the drop-off method?

Comm. Roberson: I'm just surprised there is not easier methodology. Traffic is a nightmare now.

Comm. Ramsey: It is such a large site, and you're dealing with so many people that what's happening is you're utilizing your parking lots for travel ways. From a safety standpoint, you're asking people to use those parking lot drives as streets to drop people off. I've been in that southeast corner where the roundabout is, and you have no idea where you're going from that point on because you can't see the buildings from that location. As was pointed out earlier, if you are new to the area and this is your first time visiting, I understand you're going to have signs and everything, but if you were trying to drop off your family for the first time, it looks like it would be pretty confusing.

Mr. Justice: The concept of a parking area is to have good circulation for the vehicles and safe circulation for pedestrians. The pedestrians move into the grass areas between the parking areas so that we avoid the conflict as much as possible between the vehicle and the family walking in the sidewalk. Those grassy areas we talked about between the parking lot are for getting people from their vehicles to the front doors. In many ways, this is designed to be a safe area for pedestrians and to separate the vehicle from the pedestrian.

Chairman Williams: Approximately how long are the parking lots?

Mr. Justice: The longest one is 300-400 feet, and the shortest one would be maybe 150 feet. Of those four parking lots, the goal is to bring people closer to entrances.

Comm. Jackson: My guess is you're going to have to run shuttles in your parking lot.

Mr. Justice: I don't know if they'll be running shuttles, but they do have a parking ministry that directs people. They're very effective. They spread people around, and they are designated guides to get people to parking places. They do have a peak hour when parking is at a premium. The rest of the time, parking is not as big of a problem. They have tried shuttle systems, but I think they prefer the human designated guide to get you from the street entrance to a parking place into an entrance. Does that answer your question?

Comm. Jackson: I'm trying to picture this. The longest parking lot is the length of a football field.

Mr. Justice: It is about a city block long, but it is not different than the lots on the right side of the property that don't have a clear pedestrian pathway to the front doors. Those are just lots where you walk through parking stalls like you do at any other suburban shopping or retail center. This is a very thoughtful plan to separate and get people from their vehicles to a safe walkway.

Chairman Williams: I don't think anybody on the panel would dispute the separation of pedestrian and vehicle. I think you've done a nice job in that respect. I think the issue is going back to the size of the parking lots and the fact that if you're just dropping off, you have to use the parking lot as your street when you've got all the pedestrians going from their cars to those pedestrian walkways and dealing with other cars trying to get in the parking lots. I assume the traffic is in one direction.

Mr. Justice: It is a 24-ft. wide drive lane. I think they'll load the parking lots with the parking ministry and then move on and open up the next one. There will be a very disciplined approach to how the parking is accomplished. I don't know how many people are in that ministry, but it is a number that handles it. I don't know what percentage of people get dropped off and which ones just park and walk, but a certain percentage would get dropped off like you mentioned.

Chairman Williams: In terms of the max on the parking usage, we're talking primarily a couple times a week?

Mr. Cooper: It would be Sunday mornings, and the biggest challenge we have is when people are at church that are leaving and people coming to the next worship. That happens only on Sunday mornings. Saturday evenings, it is one in, one out. I don't know if we can bring this back up, and I don't really want to belabor this, but people are parking here now, and they're already walking. We have people parking off Roe and are walking over. The distance is not the issue, and shuttles do not work. Shuttles have to compete with cars coming and leaving. We've been doing this for 11 years and I know it is complex, but I can assure you that parking is probably the one thing that generally might keep a nominally or non-religious person. We work really hard at making sure that parking is not a reason people don't come. This is really important to us. That's why we provide way more parking than is even needed. We don't want people to feel the place is packed and that they can't get in.

Comm. Elkins: Off to the east on the southeast corner of the formal entryway is a trapezoidal area that looks to be the intended place for the drop-off because it looks like traffic flow is intended to go counterclockwise around that trapezoidal space. It is in the center of the total acreage. Instead of going through these parking lots, it looks like you take 138th Terrace around the side, go north and go around that trapezoid, drop people off and come back out the way you came without interrupting or interfering with the parking traffic that is taking place in the four parking lots. Again, I'm not the architect, so there may be something I'm missing in the way that is planned. I just noticed it is a one-way, counterclockwise circle, which looks like a natural drop-off progression.

Chairman Williams: Any other questions?

Comm. Jackson: What are the changes from the original plan?

Mr. Justice: There are none. I can't think of anything we changed. The changes that have occurred would be the additional landscaping along Nall and along 137th.

Comm. Jackson: Can you show a picture of the wall that is in contention? Is that on the north edge of the property?

Mr. Justice: (*Shows picture*) The white is existing wall, so it springs off what is called B Building, which was built 12 years ago. It is poured concrete. Behind that is a cooling tower. The wall will be extended with a new gated entrance and some additional concrete wall that meets the new sanctuary building at the entrance. The wall is uniform in height, and then above that are louvers. The concrete is poured concrete, and we are suggesting that a skim coat cover the existing and the new to blend into one architectural material.

Comm. Jackson: How much of that is staff asking to be limestone?

Mr. Justice: I think staff is asking that the lower portion be clad in the limestone. Is that correct?

Mr. Coleman: Essentially, yes. This is where the cooling towers, HVAC, trash and everything is handled. It is directly on 137th Street. It has very large metal panel mechanical screen walls that sit on top of a poured concrete wall with a skim coat. We don't want it to compete with the main building, but we felt the area was getting a little bit short-shift. The wall is 30 feet tall and is made of concrete. The metal mechanical panels will be very prominent on 137th Street. We had aesthetic concerns about how it will look. We thought the stone would not necessarily be the same as what is on the sanctuary but could help dress up the portion of the building that is utilitarian but still important because it faces 137th. In some ways, it is dominant because

of its height. There is a concrete wall behind that wall that has a concrete form. I don't see any reason this lower wall couldn't also have that or something to add to it. It was just a concern.

Comm. Jackson: Could you put up the actual photograph?

Mr. Justice: (*Refers to photograph*) The existing B Building is precast concrete. In the foreground is poured-in-place concrete. We are not changing the top of this wall. It will continue to be another poured section with metal louvers that will hide the taller cooling tower. There is landscape right up to it. There is a berm that rises up from the street elevation up to the base. The same will be true as we extend it.

Comm. Jackson: As the architect, you don't see that as taking away and diminishing from this gorgeous building you're presenting?

Mr. Justice: We don't want, in any way, to compete with this wonderful sacred building. The sacred building has its own identity in terms of form and materials. The material on the base of it is special, and we don't want a utilitarian area to have the similar message as the sacred building. There is a metaphor to this stone. Not only is it part of a concept of a special material, but it represents the living stones of the people that are in this building. To mix that metaphor with the utilitarian cooling tower would be the wrong message. We have tried to tie the cooling tower area and its screening back to Building B, which has a different expression architecturally than this new sacred space. That is the idea.

Comm. Jackson: Is there something you could add to it that wouldn't take away from the sacred space but might make it look a little better?

Mr. Justice: I think it's going to look great.

Comm. Ramsey: We know you think it's going to look great, but work with us.

Mr. Justice: The metal louvers that are surrounding the cooling tower are going to have frames that are behind the louver. It will be a nice continuous appearance of louver. There won't be vertical modulation. It will look clean, simple and continuous. The color will match the adjacent B Building. I think it will be cleanly detailed and will have a sense of elegance even though it is a utilitarian area. It is going to be different than the worship building.

Comm. Ramsey: Richard, if I understand this correctly, it faces out to 137th Street, and isn't that in the vicinity where it looks out into the parking lot and all those businesses to the north?

Mr. Coleman: Correct.

Comm. Ramsey: I think the point that staff is trying to make is that we understand it is a utilitarian area, but also, this is an area that has a lot of exposure to the public, not just for the congregation but for the whole community of Leawood. I think that's why staff is being so particular here in trying to work this area because it has such public exposure to areas beyond the church.

Mr. Justice: it is a challenging area of the site. Every building of this type is going to have a loading dock service area where things go in and things go out. It just happens on every project, every performing arts center, every theatre, every church. Because of the way the site is configured, this is the best location for that activity, and up to 50% of this activity has been in existence for 12 years as the service area to facilitate their existing buildings. We thought it would be a natural spot to accommodate the same service function for the new building and consolidate it into one location. When you build a new building and increase the air conditioning load, you need larger equipment. We've heard a lot about that tonight. We wanted to put it in a

location that already exists. We're making it larger but not that much larger. The heights that are in this diagram are not 35 feet. You can see that they are midway up the façade where the horizontal line connects with the midpoint of the B Building. Is that line about 15 feet up the façade? Remember that you're falling away, and the base of the building is probably 10-15 feet above grade. There is opportunity for landscaping that doesn't show up on these drawings. We are going to do everything we can to mitigate this very necessary function. We think we've done a good job to deal with a challenging area.

Comm. Levitan: What I think everybody is getting at is it needs to be softened up, and I think you hit it. I think it's landscaping. I think that needs to be further proved out that it can be softened.

Mr. Justice: If it's landscaping, we would be pleased to work with staff on further development of landscaping. What we're proposing is to not have to include the additional limestone on the base of the area because it would compete with the main sanctuary space.

Comm. Strauss: I need to ask my question again. Is the vacant land between 137th and 138th Terrace just east of Nall owned by the church?

Mr. Justice: Those are owned by the church. The church owns all the way up to Nall.

Comm. Strauss: Are there future plans for those parcels?

Mr. Justice: When we presented the Master Plan 10 years ago, the build-out was all the way to Nall. Then we cut back about 20%, and that is undesignated development for the future. It is not known, but I have not heard of any plans other than open space. If there was to be future development, they would come back with that at a later date. Right now, this is build-out.

Mr. Cooper: That's not true. We're looking at a future chapel and a west wing.

Mr. Justice: Yes, but the area along Nall is open space.

Comm. Strauss: This plan will include landscaping along Nall.

Mr. Justice: It does. This is all new landscaping along Nall, including ornamental trees and shrubs, all irrigated. Mr. Cooper is requesting that we leave the prairie grass as it is in that 11-acre area.

Comm. Roberson: I assume the grassy spots between the parking lots are irrigated also.

Mr. Justice: They are fully irrigated.

Comm. Pateidl: That's going to make a huge difference on the variance of the grass.

Comm. Roberson: So, your grasses will have a tendency to grow there more likely than they would have in the 11 acres.

Mr. Justice: In order to establish, it took 3-4 years, and it was irrigated in order to get it established.

Comm. Roberson: I know these are just drawings, but it appears you have prairie grass similar to what is on the Sprint campus growing between the parking lots. The picture you showed us of the lots shows a lot of scrawny grass and a lot of bare spots. There is no comparison.

Mr. Justice: Yes, sometimes we're a little optimistic in our renderings, and it may not look that way the first year. It's a fair comment. Might take a few years to get those trees that large, too.

Chairman Williams: I'd like to ask a different question altogether. On your metal panels, you have a description of angel hair finish. What is that?

Mr. Justice: We have a panel here. It diffuses the light.

Comm. Jackson: Is there something on the material board that shows the wall we're talking about?

Mr. Justice: The louvers on the B Building will be white; the louvers on either side of the large stained glass window are tied more into the color of the stainless steel.

Comm. Jackson: What is the concrete?

Mr. Justice: (*Shows examples*)

Chairman Williams: I have one other question on the metal panels. Approximately what size are the panels, and what are the seams?

Mr. Justice: The seams are an overlapped flat seam, and the panels are about 2X8 and are staggered. They run vertical.

Chairman Williams: I know there is contention on the utility area, but hearing you describe it, I fully understand and respect the desire to have the limestone for the sacred space. I, for one, do like the simplicity of the wall area and the way it ties with the horizontal louvers, particularly in light of the contrast to the sacred space and to the metal panels. I have faith in what you've described that it will look fine. You talked about softening with landscaping, and I think it probably will work out just fine. Are there any other questions?

Comm. Roberson: We didn't get the two lights that staff wanted covered or removed addressed.

Chairman Williams: Could you quickly address those points?

Mr. Justice: There are seven shapes that surround the buildings. There is one location in the most northwest corner where there is not an adjacent roof structure like a narthex or gathering space underneath the element.

Inaudible comments

Mr. Justice: There are two poles that illuminate this façade because all the other ones can be lit from roof structures. It just has to do with the form of the building. They are intended to be a narrow angle to provide a wash on those facades.

Chairman Williams: I don't know if this is an issue of staff, but I'll ask it anyway. With the location of these lights, in no way will they shine back to the neighborhoods to the south and east?

Mr. Justice: They will not. We will make sure they have the right aperture. We can follow up with more detail on that, but I am confident that we can really keep it right on the sail material.

Mr. Coleman: I hate to interrupt, but we have about 30 seconds. You need to take action to continue, and we have another item moved to the bottom of the agenda that needs to be continued.

Chairman Williams: Is there further discussion on this case?

Mr. Klein: I don't think it's possible to finish this case. If we could continue this to the September 9th meeting, it might be best to allow them to be first on the agenda as Old Business.

A motion to continue CASE 113-14 - CHURCH OF THE RESURRECTION – CHURCH EXPANSION – Request for approval of a Revised Final Plat and Final Plan, located east of Nall Avenue and south of 137th Street – to the September 9th Planning Commission meeting – was made by Jackson; seconded by Elkins. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

A motion to continue CASE 86-14 – PINNACLE CORPORATE CENTRE – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 115th Street and west of Tomahawk Creek Parkway – to the September 9th Planning Commission meeting was made by Jackson; seconded by Elkins. Motion passed with a unanimous vote of 8-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Strauss, Walden and Ramsey.

MEETING ADJOURNED