

**City of Leawood
Planning Commission Agenda
November 11, 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, Ramsey, and Walden. Absent: Strauss.

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES:

Approval of the minutes from the October 28, 2014 Planning Commission meeting

A motion to approve the minutes from the October 28, 2014 Planning Commission meeting was made by Ramsey, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

CONTINUED TO NOVEMBER 25, 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 137-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.4 MXD (MIXED-USE DEVELOPMENT DISTRICT) – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to required use ratios. **PUBLIC HEARING**

CASE 138-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6.13, PERMANENT SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to window signs. **PUBLIC HEARING**

CASE 146-14 – THE VILLAGGIO OF LEAWOOD – Request for a Rezoning from SD-CR (Planned General Retail), SD-O (Planned Office), and RP-3 (Planned Cluster Attached Residential District) to MXD (Mixed Use Development District), Preliminary Plan, and Preliminary Plat, located south of 135th Street and east of Roe Avenue. **PUBLIC HEARING**

CASE 147-14 – MAINSTREET ASSISTED LIVING FACILITY – Request for approval of a Rezoning from AG (Agricultural) to RP-3 (Planned Cluster Attached Residential), Special Use Permit, Preliminary Plan and Preliminary Plat, located south of 143rd Street and east of Nall Avenue. **PUBLIC HEARING**

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 Report:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 86-14 – Pinnacle Corporate Centre – Revised Sign Criteria, located north of 115th Street and west of Tomahawk Creek Parkway. The case was originally heard during the June 26th Planning Commission meeting. The applicant would like to allow illuminated signs facing residential areas, specifically pertaining to the Tallgrass Energy sign, located on the south side of Building IV, across from Tomahawk Creek Condominiums. At the June 24th meeting, the Planning Commission directed the applicant to contact the residents at Tomahawk Creek Condominiums with regard to the proposed changes. The applicant contacted the homeowners association and the managing company but did not receive positive feedback. The applicant then decided to conduct a study to measure the foot candles of the halo-illuminated sign compared to other sources of illumination in the area. The foot candles from the illuminated sign were negligible compared to the streetlights, which are actually closer to the residential area. I would be happy to answer any questions.

Chairman Williams: I don't see the illumination levels for the Pinnacle monument sign on the ground.

Ms. Brandt: The monument sign is not lit.

Chairman Williams: Questions for staff? We'll hear from the applicant, then.

Applicant Presentation:

David Dehaemers, CEO of Tallgrass Energy, 14747 Mission Road, appeared before the Planning Commission and made the following comments:

Mr. Dehaemers: I've been a proud resident of Leawood since I was 8. Your service on this commission demonstrates you are proud as well. We moved into this building in May. We have 600 employees countrywide with 20 in our corporate headquarters. The previous tenant in the space had a halo-lit sign in the same location, so it was reasonable for us to expect the same consideration for our company. I appreciate your due consideration of this proposal.

Kevin Berman, Hoefler Wysocki Architecture, 11460 Tomahawk Creek Parkway, appeared before the Planning Commission with a PowerPoint presentation and made the following comments:

Mr. Berman: The intent of the signs not facing residential property was worked out with staff, and this presentation shows the locations where the signs would not affect residents. The specific sign on the lower left building faces 114th Street. The study we did shows low light levels. The original text from the ordinance states halo-lit letters should not be visible from residential areas and has been stretched beyond the original intent of single-family residential. Many suggestions have been offered for amending the guidelines. Staff felt that your preference may not be to make an exception for this one location but rather to revise the guidelines altogether. Block Real Estate has no intention of having a sign facing The Woods or any residential property. I'm prepared to answer any questions you may have.

Comm. Pateidl: Describe the functionality of this light. What benefit does it bring to the city and citizens of Leawood?

Mr. Berman: The value primarily is for the tenants to have visibility in the evening. The design is within the city guidelines, so if it is being offered to a business that wants exposure in the city to do it in a sensitive, attractive way, the city has developed a guideline that allows companies who wish to be visible in the evening to do so in a way that is deemed sensitive.

Comm. Pateidl: How long have the approved sign requirements been in existence?

Mr. Klein: I believe they have been in existence since 2006.

Comm. Pateidl: Then it is safe to say there is not a tenant in the building that was not aware of the restrictions at the time they entered into the lease.

Mr. Klein: These have been the only Sign Criteria for the entire time, so I assume that is true. The applicant stated a sign was mounted at this location that was incorrectly permitted. Staff's position is it is difficult to draw a distinction between single-family homes and condominiums, as all are property owners.

Comm. Pateidl: We made a mistake; we tried to fix the mistake, and now we are trying to redo the mistake.

Mr. Klein: The applicant wants to strike that portion; correct.

Mr. Dehaemers: Mr. Pateidl, I am a resident of Leawood, and I think having my company with a very tastefully done sign is a benefit to me and to the city as well. Additionally, when we decided to move in that space, the tenant that previously occupied it had a lit sign for over three years. There is precedent for it.

Comm. Pateidl: Did the landlord present you with the sign requirements?

Mr. Dehaemers: I don't recall.

Comm. Jackson: Were there meetings with the homeowners across the street?

Mr. Berman: We called them a number of times and asked them to consider looking at the sign. We had a hard time getting permission from the city because everybody was afraid to get it lit. We got it lit for a week. In advance of that, we talked to them a number of times. They had a meeting and voted it down without ever seeing it lit. When it was finally lit, we made them aware that it was going to be lit. They said they had already voted on it and did not look at it.

Comm. Roberson: How many complaints did you receive from the previous lit sign?

Mr. Coleman: We didn't receive any complaints.

Comm. Walden: I realize the ordinance does not require a Public Hearing on this case, but I think it would be really helpful if we could hear from the public on this case.

Chairman Williams: Did we have a Public Hearing when we heard this previously?

Mr. Klein: No; a Final Plan application does not require a Public Hearing.

Chairman Williams: Is it possible to have one? What is the procedure other than asking for someone wanting to speak?

Ms. Bennett: I think it would be wise to determine if the commissioners want to hear from the public. If they do, you can ask if anyone is here to speak on the issue.

A motion to have a Public Hearing was made by Jackson, seconded by Elkins. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

Public Hearing

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

Comm. Walden: If the homeowners association felt they could not make a comment, why would they show up?

Comm. Roberson: I believe they showed up last time.

Comm. Walden: What were the comments?

Mr. Klein: We didn't have anybody speak as there was no Public Hearing. At that meeting, the Planning Commission wanted to hear from the adjacent residential to see if they had any issues with it. We have been in touch with the applicant throughout the process. They indicated that although they made a number of attempts, they did not receive favorable response. They then did the illumination study.

Chairman Williams: We have the vote not in favor of the project relayed to us by the applicant.

Motion to close the Public Hearing seconded by Elkins. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

Chairman Williams: Further comments, discussion or a motion?

Comm. Pateidl: While I understand the importance of illumination and recognition of a company and its stature inside a city, I also understand an obligation of a landlord to present information at the time a lease is signed. I can't find myself compelled to augment a mistake we have made previously. I recall numerous complaints about lighting from that center in general. We are only limiting lighting visible to residential areas. The greater need of the citizens outweighs the ability to illuminate a sign, which serves no other purpose other than to satisfy a desire for recognition.

A motion to recommend denial of 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 – was made by Pateidl, seconded by Jackson. Motion carried with a vote of 5-2. For: Levitan, Pateidl, Roberson, Jackson and Elkins. Opposed: Ramsey and Walden

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.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is 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. This case was continued from the June 24, 2014 Planning Commission meeting. At that time, the commission expressed concerns regarding the case, including rain screen panels made out of a prohibited material. Additionally, the live/work units lacked the detail the other buildings in Park Place possess. In response to the concerns, the applicant has proposed the following modifications to the live/work building: the rain screen panels have been removed, and masonry materials are proposed. The design has also been updated to address the four-sided architecture. Other minor changes include a request to consider the Revised Sign Criteria as a separate case. A modification of the bank drive-through to increase the lanes to 10 feet in width. The height

of the parking structure has been increase by 7 inches. The applicant has updated the plat to include an easement for the monument sign. Staff has concerns regarding two items. In the June 24th Planning Commission meeting, it was addressed that the width of the drive-through lanes were 9 feet, 6 inches. The current plan proposes an increase to 10 feet. Per Section 16-4-5.3(c)2 of the Leawood Development Ordinance, the minimum width for one-way drive-through traffic is 12 feet. Secondly, the applicant is proposing to paint the cast-stone horizontal bands on the live/work building, and staff is not supportive of the painting of natural stone materials. The applicant has proposed no other changes to the Site Plan or Plat other than these items outlined in the Staff Report. Staff recommends approval of Case 76-14 with the stipulations outlined in the Staff Report, and I'm happy to answer any questions you have.

Chairman Williams: The city minimum for drive-through lanes is 12 feet?

Ms. Kriks: Yes, for one-way traffic, the minimum is 12 feet.

Chairman Williams: I don't recall a discussion on this in June.

Ms. Kriks: It was a staff concern, and the architect for UMB stated intent to increase the width.

Comm. Jackson: On the garage, what is staff's opinion on how well the posts camouflage the garage? In reference to the AMC building, this doesn't seem to camouflage very well.

Mr. Klein: The AMC garage has vertical elements. Staff believes these will screen better because there are some that angle off. Additionally, some panels are incorporated as well. Staff had concerns when we originally met with the applicant. They increased the number of members and also added the screens. They also had to take into consideration of ventilation. Staff is satisfied with the screening.

Chairman Williams: Isn't part of the screening shown as a perforated panel?

Mr. Klein: Yes, and the perforations help with the air flow as well.

Comm. Pateidl: Is that material a permitted material under the LDO?

Mr. Klein: The LDO doesn't allow siding, and this was discussed previously as far as the definition of siding. Staff feels these are a metal panel that is not being used as siding material but rather for screening purposes. On the parking garage along 117th street, metal screens are used.

Applicant Presentation:

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

Mr. Alpert: With me this evening are my partner Melanie Mann and Judd Claussen with PEI Engineering. For the live/work building, Gary Schuberth is here with Opus Design Build. For UMB, we have Kevin Harden and Andy Meyer with Gastinger Walker Harden Architects. David Kling and Lauren Meinershagen are here with UMB Bank. Rich Muller and Leah Fitzgerald are here with Van Trust Real Estate.

We took all your comments seriously, but one in particular was that the live/work building was not very Park Place-like. We thought the best thing to do was to go to the original design source for Park Place, which is Street-Works out of White Plains, New York. Our understanding is that you have no issues with UMB Bank, and we have their representatives here to answer questions if you have any. Our focus tonight will be on the live/work building. We hoped to bring a representative from Street-Works to make the presentation himself; unfortunately, they could not come. I will make the presentation for them, and then we will answer any questions you might have.

The philosophy behind the Park Place design strategy has been to focus on the character of pedestrian-oriented streets to create an immersive and humane environment of interesting character. The primary focus of the strategy is in the execution and management of the streetscape and open space as well as the events and programs those spaces support. To that end, architecture is a backdrop of carefully controlled scale both in height and width, breaking single larger buildings into smaller, eclectic, less imposing pieces. The true character of Park Place is defined by the people who come there for large scale, organized events or just spontaneous daily life. The original intent was to allow and encourage a range of architectural design, mostly understated, as with the Phase One buildings and some brand strong as with the AMC headquarters and the proposed UMB building, creating an interesting overall pattern both familiar and artful. By design, there was to be no overt Park Place style, which is the design strategy of many Street-Works projects. To further reinforce this, the retail storefronts are not part of the base building design but an expression of the individual tenants. This creates a very fine grain of ever-changing and interesting detail. Park Place is a real neighborhood, growing organically, elegant and edgy. The live/work building's current design directly relates to the design strategy of Park Place. It is appropriately scaled in height and broken into smaller residential scale components. Because of the relatively small scale of the building, the concept of breaking the façades into smaller buildings of disparate design was not optimal and somewhat forced. The current design allows for one language for residential and another for the parking deck as elegant backdrop buildings. Many buildings in Park Place are simply detailed but feel rich in character because of the eclectic retail base. This building's architecture comes to the ground like a traditional townhouse and therefore cannot rely on brand-forward retail storefronts to provide detail. Because of this, the organic floral murals were introduced. The organic pattern provides a great foil to the hard edges of buildings. The scale is unexpected, and the pattern is whimsical, adding to a rich overall texture to Park Place. The murals will age and fade gracefully, similar to painted advertising from the early 1900s, becoming even more interesting over time. Finally, the screen to the garage is a familiar pattern in Park Place garages, made more unique and organic in its pattern but still remaining a backdrop. The overall design concept displays the building's need to be approachable while promoting variety within the same subject matter. The floral patterns relate to nature's curves, which deemphasizes any verticality or horizontality. The sticks promote the same concept of deemphasizing the horizontality of the parking garage. Both schemes have ties to the human scale, either through nature's natural curves seen in the floral pattern on the residential entrances or the rigidity of the view into the forest seen in the sticks that clad the elevations of the parking garage and tie in to all the balconies throughout.

This basically is how Street-Works came upon the design we present before you. You can see a variety of unique elements, and we think it is very Park Place-like; it is unique; it responds to the need for scale. We would request your approval this evening.

Gary Schuberth, Opus Design Build, 4900 Main Street, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Schuberth: The east elevation comes off 117th Street and into the development. The floral patterns are on the entrances to the residential portion, and the lighter-colored brick with the punched windows are on the apartment units. The design continues down on the north elevation. Near the garage, the pattern transitions to the sticks on the west elevation, continuing to the south, where the floral pattern comes back in. The stick pattern continues in painted stucco on the upper wall of the residential unit on top of the garage in addition to some brick patterning around the windows. The floor plans haven't changed since the last presentation. The stick screening on the parking garage meets open air requirements. They stand 18 inches off the face of the parking garage to allow ventilation. They are composed of aluminum tubes with a screen mesh behind to provide additional screening. I can answer any technical questions.

Chairman Williams: In the elevations of the parking garage, you have concrete spandrel that appears to be textured to pick up the pattern of the metal.

Mr. Schuberth: That is correct. They are vertical brick-clad pilasters. Between them is a concrete spandrel that is painted a dark gray color. It has recessed reveals that mimic the random stick pattern.

Chairman Williams: Talk to us about the whimsical floral pattern on the masonry. How is it achieved, and what would be the expectation of weathering over time?

Mr. Schuberth: It will be applied with a stencil pattern. The water-based spray paint has 10-15-year life span before it begins to fade. My understanding is it is not intended to flake.

Chairman Williams: For 15 years, if nothing is done to it, it gradually fades. Is it anticipated that it will fade too much and will need to be redone?

Mr. Schuberth: I don't believe so. I believe the intent is that it fades over time. Many buildings that are 100 years old still have a ghosting of the pattern that creates a nice look. That is the intent behind this.

Chairman Williams: I think that may be some of staff's concern. The ghost of the pattern is not necessarily an image that they are comfortable with, so perhaps we can discuss that more.

Mr. Schuberth: I understand their stipulation was about the painting of the cast-stone elements at the base and above the windows. We are fine with not painting those elements.

Comm. Pateidl: Regarding the screening panels for the parking garage, is it difficult to picture the end result with the rendering presented. Our experience with the AMC garage indicates that if we don't ask, we don't know what we're getting. You used the word "tubes". Does that mean these are cylindrical tubes of aluminum?

Mr. Schuberth: No, they are square tubes.

Chairman Williams: Are there any other questions? Thank you.

Mr. Alpert: Are there any questions that I can answer? Andy Meyer with Gastinger Walker Harden is here, and he would like to speak to the stipulation that addresses the UMB Bank building.

Andy Meyer, Gastinger Walker Harden, 817 Wyandotte, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Meyer: I would like to make a clarification on Stipulation No. 3 regarding the drive aisles. Staff is correct that we are providing 10 feet in width, but that is only at the drive-through equipment. The aisles leading up to the equipment are 12 feet in width. Most banks' drive aisles typically neck down at the equipment for safety. If the drive aisle is too wide, the car may not pull up close enough, causing people to leave their car to reach the equipment. If cars are not put in park when people get out to use the equipment, the cars roll. It would be difficult to find another bank in the area with 12 feet clearance at the equipment. We feel the 10 feet width is adequate. An entire drive aisle is next to the equipment as a bypass lane, and it is 12 feet wide throughout the length. We would ask for Stipulation No. 3 to be removed from the list.

Chairman Williams: Are there any questions? Thank you. It is interesting to see a substantial change from what you presented previously. I, for one, find it very interesting to say the least. Mark, could you clarify two issues? One is the drive-through lane, and what other banks in the area have 12-foot drive-through lanes?

Mr. Klein: I have not measured the bank drive-through lanes. The stipulation came from the requirements of the LDO as a requirement for one-way drive lanes. No deviation is available.

Chairman Williams: Would that stipulation have been in effect when Commerce Bank was built?

Mr. Klein: Commerce was here when I got here, and it was a previous LDO. I don't know if it had the same requirement.

Chairman Williams: I think we would be hard pressed to find 12 feet, even at a McDonald's drive-through lane.

Mr. Coleman: You might recall that Ranch Mart has one that is 12 feet. (*Inaudible comments*)

Chairman Williams: I agree with the applicant that it makes some practical sense to have the smaller lane with equipment. My other question goes to the paint clarification. I understood that it was the painted masonry and not just the painted stone.

Ms. Kriks: Over the retail unit along the east and north façade is a double band of cast stone. The applicant has proposed to paint that, and staff does not support the painting of the natural materials.

Chairman Williams: At this point, staff is fine with the patterns being painted on the masonry?

Ms. Kriks: That is correct.

Comm. Pateidl: I'm compelled to agree that, in the interest of safety, reality and common sense, the lane going from 12 feet to 10 feet just makes good sense. Apparently, we have no basis for a deviation on that. If I identified or defined the position at the piece of equipment as a parking place and it was greater than 9 feet wide, would it not be considered a valid use of that space?

Mr. Klein: I think there is probably room for interpretation as far as what constitutes the lane and what does not constitute the lane.

Comm. Pateidl: Do you see a valid, practical reason not to exclude Stipulation No. 3?

Mr. Klein: The bypass lane would be the one we would want to ensure is 12 feet all the way for circulation. I think we are fine with the other lanes as long as they don't have a radius.

Comm. Ramsey: How do we now word the stipulation?

Mr. Klein: Right now, the plan before you shows 12 feet every place except at the equipment. If you remove the stipulation and approve the plan, you are covered.

Chairman Williams: That is the simplest thing to do. Any other questions or comments?

A motion to recommend approval of 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 – with all Staff Stipulations, removing No. 3 – was made by Ramsey, seconded by Levitan.

Comm. Jackson: I still stand with my comments from the initial presentation. I don't find that UMB Bank with a drive-through is consistent with the walkability and overall image of Park Place.

Comm. Pateidl: I would like to make it clear that, on many occasions, I have taken the position that we don't have a right or responsibility to make a judgment on architecture overall. I believe that we need to live within the spirit of the LDO as it relates to the continuity of style and what is being presented within the overall development. I won't go into what I think of this architecture, but if this plan does proceed, I'll be happy to say to those who ask what I think of the building that I voted against it.

Comm. Elkins: I would commend the applicant. I have been critical at various times during the development of Park Place in terms of the way the parking structures have been treated. I congratulate the design team for the dealing with the parking garage with respect to the live/work space. It is creative and imaginative. On the other hand, I am struggling with the floral pattern. I understand Commissioner Pateidl's view with respect to architecture, but we also have a responsibility and obligation to take the long view. While today, that floral pattern may seem whimsical and will fade gracefully to give a classic look in the future, I am struggling to see the vision. Because of the nature of the application, it seems permanent. If our successors look to revitalize Park Place, the options in dealing with the painted application that we have described as whimsical could be faced with a challenge. I'm pleased with the way the design team addressed the parking; I simply struggle with the whimsy of the floral pattern. I probably will not support the plan for that reason.

Motion did not carry with a vote of 3-4. For: Levitan, Ramsey and Walden. Opposed: Pateidl, Roberson, Jackson and Elkins.

Chairman Williams: I have to say that I agree with Mr. Elkins with the exception that I think the whimsical element is interesting. I commend you for the effort to create an interesting building.

Comm. Ramsey: This is now a second time we've sent this back. The applicant has complied with everything we've ever asked him to do. When is enough, enough? How difficult are we going to make it in Leewood for a property owner to develop property? I'd remind you that art is in the eye of the beholder. What is one person's delight may be another person's anguish. I think I'm struggling now with what we need to say to the applicant so he can get his project underway.

Chairman Williams: You raise a good question. They went to a major effort to address our concerns from the last meeting. I think they've done a good job with that. At this point, it will go on to City Council, and they can maybe take a different view of the floral patterns.

Mr. Klein: There will have to be a recommendation of approval or denial to go on to City Council.

Mr. Coleman: You need a motion to recommend denial.

A motion to recommend denial of 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 Ave – was made with Elkins for reasons stated in discussion, seconded by Roberson. Motion carried with a vote of 4-3. For: Pateidl, Roberson, Jackson and Elkins. Opposed: Levitan, Ramsey and Walden.

NEW BUSINESS:

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**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Before I proceed with the presentation, I would like to bring attention to a memo regarding stipulations for 6 of the 7 cases presented as well as correspondence from the applicant that was requested to be attached for your review.

The following cases: 21-14 for Crown Castle, 22-14 for AT&T Mobility, 23-14 for Cricket, 24-14 for Clearwire, 25-14 for T-Mobile, 26-14 for Verizon and 27-14 for Sprint/Nextel are all related. Staff recommends the Planning Commission discuss these cases together. The applicant is requesting a one-year extension of Special Use Permits for the tower owner and each wireless carrier. The site is located northeast of 135th Street and Nall Avenue within the Parkway Plaza development. The telecommunications tower is currently 170 feet in height with six wireless carriers mounted at various heights. The tower and many of the antennas are currently legal, non-conforming, and they do not meet with the requirements of the Leawood Development Ordinance for wireless carriers. The tower is not an alternative structure, such as a monopine, and is not permitted with any comprehensively master-planned or existing residential area, including an agriculturally zoned district master-planned for Mixed-Use. The facility, since it is not an alternative tower structure, does not meet the minimum 500-ft. setback from any existing or master plan residential areas, including the Mixed-Use district. The tower exceeds the minimum of 150 feet required by the Leawood Development Ordinance, and several antennas on the tower are mounted on platforms and not flush-mounted to the monopole. In March, 2014, the Governing Body approved an amendment to the Leawood Development Ordinance which grants wireless carriers an optional one-year extension to allow the opportunity to continue to explore solutions to bring the tower into compliance with the Leawood Development Ordinance or remove the tower. Staff recommends the Planning Commission approve Cases 21-14 with the nine stipulations outlined in the Staff Report and 22-14, 23-14, 24-14, 25-14, 26-14 and 27-14 with the eight stipulations as outlined in the memo placed on the dais. I'm happy to answer any questions.

Chairman Williams: Any questions for staff?

Comm. Ramsey: Mark, back in March or prior, wasn't there a commitment from either the cell companies or the tower companies through their attorney to put on some type of meeting to facilitate a better understanding between the city and the technology going on with the cell towers?

Mr. Klein: The applicant put together a study, and they hired Polsinelli to coordinate the various carriers and the owner of the tower to try to come up with a study to make clear what could and couldn't be done. They investigated different sites, which the applicant could discuss. We met with the applicant a number of times with regard to the findings. They considered the city's requests. The city passed an LDO amendment to allow a one-year extension. They were trying to find a way to reduce the tower to 150 feet. Then, the moratorium on 135th Street delayed the process. The case has been continued a number of times. Now, the applicant is indicating the ability to reduce the tower to 150 feet and slimline the antennas; however, additional work is required. Hopefully, a year will be enough. We will need to determine the definition of slimline. We also have other LDO amendments the city will need to develop because even if they reduce the tower to 150 feet and slimline it, it still doesn't meet the zoning or the setbacks.

Comm. Pateidl: I have only glanced at the letter from Mr. Holland. The last paragraph strikes me as something I wonder if we can even accomplish. It is a request for a 20-year Special Use Permit for the tower once it gets done. I don't believe we currently have the opportunity to do that. This is at least the third or fourth time we have extended the resolution of this problem.

Mr. Klein: The first time, we had a two-year extension, and then we added a one-year extension.

Comm. Pateidl: That is after having dealt with it for a number of years under the original lease. Seeing this can get kicked farther down the road is a problem. Is the city part of the problem? Is our LDO part of the problem in this? Certainly, the service we have for wireless telephones in Leawood is less than pristine. I can get better Verizon coverage in the middle of nowhere on my farm than in Leawood. We have a problem

with this tower, and we're not getting to the end of it. Is it time that we suggest to the City Council that a committee of staff, elected and appointed volunteers get together and really analyze this problem to get something done?

Mr. Klein: That is the effort as far as asking the applicant to get together with the cell carriers. There are a number of challenges to get all the different companies together with proprietary information.

Comm. Pateid: I skimmed Mr. Holland's letter, and I see more excuses than I do substance in here. I fear that it's what we'll see the next year that this comes around. I'm wondering if we should kick the can down the road or recommend that we do something more proactive than what we've been accomplishing in the last couple requests.

Chairman Williams: Good comments. Any other questions?

Comm. Walden: This obviously is a nonconforming structure, and the tower can't be relocated. Apparently, the ordinance is going to be readdressed. The tower does not meet the residential setback of 500 feet. If I'm reading this right, there will be a visit of this particular ordinance to make this a lawful, nonconforming use. Developers are to reduce the maximum height and mount the antennas. I wonder why these other two points can't be considered nonconforming structures. I am guessing these modifications are expensive, and they are probably an undue hardship on these carriers.

Chairman Williams: Any other questions for staff or comments before we hear from the applicant?

Applicant Presentation

Curtis Holland, Polsinelli Law Firm, 6201 College Boulevard, Suite 500, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Holland: I want to introduce the people with me on this application. We have all the carriers represented this evening. With Crown Castle USA, we have District Manager Paul Schmidt and Real Estate Specialist Jeff Barnett. Crown Castle is the manager for the tower. The ownership is STC5, LLC, which is a Sprint entity. Jim Moore is here from Sprint. Larry Easter is here from Cricket. Corporate Counsel Mike Ostrum and Real Estate Manager Ed Mickels are here from T-Mobile. Manager of Network Real Estate Marion Crable and Principal RF Engineer Benny Ringor are here from Verizon Wireless.

This tower has been a bit of a struggle for us. Leawood's coverage is not as good as we would like it. There are areas within the city where the coverage is worse than in some of the other areas. Part of the difficulty with Leawood is its ordinance. There are three traditional communication tower structures in all of Leawood, which is striking when the size of the city is considered. Only two other structures are nontraditional tower structures. These are stealth poles that are very short in height. The structure under discussion tonight affects all the major carriers in Leawood.

The tower is on the corner of 135th Street and Nall. When the tower was first constructed in the early 1980s, it was 170 feet and operated by Cellular One, which is now Verizon Wireless. At the time, the area surrounding the tower was undeveloped. This is one of the first tower structures Sprint had approved. We were fortunate enough to get approval in the City of Leawood because in 1996, the ordinances were difficult. When we met with staff about it, we had the existing tower structure there. The problem was that back then, the towers weren't normally built for co-location. There were really only two wireless carriers: AT&T and Cellular One. Nobody knew that the FCC would sell spectrum and many new companies would become wireless carriers, creating a need for these types of structures. Staff and the city didn't want multiple towers next to each other on the same property. Sprint was allowed to construct a communication tower, given that the existing communication tower was the subject of a ground lease with the landowner. The city supported the Sprint communication tower only if, when the ground lease for the Cellular One tower term ended, the tower would be torn down and Cellular One would move equipment to the new Sprint tower,

which would be built for co-location. Sprint constructed the tower through an SUP, subject to co-location and removal of the other existing tower on the property for 15 years at that time. A year after the tower structure was approved, the city changed its rules and amended the code, making the structure nonconforming. In the meantime, a number of other carriers were born and came to the area. At that time, there were very few tower structures in the area. Naturally, they gravitated toward this structure. The city made it known they weren't interested in new towers and suggested co-location on this structure. Between 1999 and 2009, all of the other carriers added antennas to the tower. It became the single most important infrastructure component for all the carriers to provide service in this area. It is unique in that regard. The city requires a Special Use Permit for each carrier. Normally, these permits are issued for a short period of time. We have always faced the question of nonconformity. The site is hugely important for all the carriers. It serves roughly 10,000 people that live, travel and conduct business in this area every day. Multiple schools, shopping centers, golf courses and churches are served by this tower as well. We have been providing service for over 30 years without public outcry or complaint. We have heard from the Planning Commission and City Council the desire to see something different. We have been exploring possibilities for several years. The last extension was in 2012, and at that time, we were asked by the mayor to explore a monopine forest. We spent the better part of two years exploring options, and we submitted a report to the planning staff on October 9, 2013. We are here to talk about what can be done. Many don't even know the tower exists. Some of the antennas are attached to a platform structure, which was allowed when they were first attached. In 2009, Clearwire was not allowed to use a platform on the tower and that the antennas needed to be flush mounted. Their mounting at 90 feet significantly impacted the coverage they were able to provide.

Over the last few years, our instruction was to determine if the same service could be provided with another structure or modification of the current tower to improve its aesthetics. The tower structure needs to be in an area to provide service in coverage gaps. I asked each carrier how service would be provided if the tower were gone. We engaged Selective Site Consultants [SSC] to evaluate an alternative location for a structure and because of the area being predominantly residential, structures taller than 75 feet would most likely not be permitted. We searched the area where we would need structures to accommodate appropriate coverage. The boundaries are Metcalf on the west, State Line on the east, 127th on the north and 143rd on the south. This site is the anchor site, and other sites interface with it. A new location needs to continue to provide the anchor service. Other considerations were space, topography, utilities availability, zoning regulations and leasing ability. The properties were narrowed to 15 sites that could possibly meet the criteria. The sites were further narrowed to 9 sites. Of the 9 sites that could possibly meet the criteria, 4 were rejected by Blue Valley School District, Church of the Resurrection, Oxford Middle School and St. Michael's Church. Only 3 landlords expressed interest in a communications tower on their property: Lord of Life Church, Beth Shalom and Deer Creek Golf Club. All of the carriers analyzed those sites and evaluated the number of structures needed. Some carriers reported they couldn't do anything different than what currently exists. Verizon, AT&T and Clearwire indicated the site could be replaced with multiple shorter sites. We cannot do something with multiple shorter towers because the sites were not conducive. We would accept the nonconforming use designation on the existing tower and leave it alone, but we have made a very difficult decision to pursue a tower that is more in conformance but not completely in conformance. Staff suggested support of a communication tower structure remaining at this location if the height could be reduced to 150 feet and make all the antennas a slimline design. Reducing the tower height changes the location of each carrier's antennas. The antennas will be on a low-profile T-arm and would stick out about 2 feet. Currently, some are 6 feet away from the structure. Reducing the tower height will affect the center lines for each carrier, and it is costly.

My letter may seem negative. There are challenges in replacing this tower with a shorter one and improving the aesthetics. One such challenge is the need for construction easements to tear down the existing tower. There are no construction easements currently. Additionally, the project is a major construction project that will require approximately 10 temporary towers on flatbed trailers in order to not disrupt service. My point is that those challenges are out of our control. I indicated in the letter that we would like you to consider a longer-term SUP in the future. Frankly, it will cost well in excess of \$1 million to do this

project. Considering this investment, the typical term of 5 years isn't going to be sufficient. I know you may have questions for us. I am prepared to attempt to answer any questions you may have.

Comm. Pateidl: I can appreciate the history you gave us. I really appreciate the fact that the various carriers are represented here tonight, acknowledging that this is a point of contention with the city and that it needs to be addressed. While you have done a tremendous amount of work, the proposal before us is simply an extension for a year. You have a tremendous amount of logistics to get that accomplished. Do you have a schedule of who is going to do what so we can have accountability? I heard pretty much the same song two years ago as to the activities, problems and complexities. We all know that we're all held hostage by the fact that you can't do anything with the tower because the cell service is necessary. This application is a given. I am looking for solutions and for somebody to give real attention as to what it's going to take to bring all those pieces together that you just identified. You've done a tremendous amount of work, and I have a great appreciation for what you've done because that didn't happen in a day. It's what happens next, and that's what I'm not hearing in your comments.

Mr. Holland: We've already started this process. In terms of next steps, the concrete steps that need to be taken are not necessarily in our control because we depend on other people to agree. We already have people in the field talking to property owners in this area about short-term leases for the temporary towers. We have people talking to the owner of the property around us about temporary and permanent construction easements. We also need a landscape easement because Mr. Stein sold the area right up to the wall. The next concrete step that needs to be taken is the amendment of the LDO. Frankly, I don't know where that process is. Those are the two main steps out of our control: easements and LDO amendments. We are committed to getting this done. We would be happy to provide progress reports.

Comm. Jackson: Mr. Holland, how long do you anticipate construction to take?

Mr. Holland: 3-4 months.

Comm. Jackson: How many different owners have property abutting that tower?

Mr. Holland: Under 6.

Comm. Jackson: How many would have to give a construction easement?

Mr. Holland: (*Refers to diagram*) Any area that is green and that is near where the tower is presently would be a potential location. We have talked to some and have had interesting conversations with them. Some, we have not been able to contact just yet.

Comm. Jackson: Are they friendly conversations?

Mr. Holland: I haven't been talking to them myself. I would say they're cordial.

Comm. Jackson: Once you change to the new tower format, do you still need as much ground area?

Mr. Holland: (*Refers to diagram*) On the site is a masonry wall around the perimeter, and we need all of it to house the equipment. We don't anticipate needing more than what we currently have except to the extent that we will need landscaping easements around the perimeter from the property owner.

Comm. Jackson: Once the new antenna is up, do you still need as much area?

Mr. Holland: On the square space, we need all of it. We can't go with less. People will see the tower structure and not really what is on the ground around it. Nothing else can be developed around it. We don't want to take away more green space than we need.

Comm. Jackson: I just thought once you lowered the profile, you wouldn't need as much extra area around it for easements.

Mr. Holland: Do you mean construction easements?

Comm. Jackson: Once the new antenna is up, do you still need a lot of extra area outside of your physical compound for construction easements?

Mr. Holland: We need a construction easement of 20X20. We are talking to the adjoining property owner to the north, who has an internal driveway. We are talking about extending the pavement a bit farther south to provide an area for construction equipment in the future to perform maintenance.

Comm. Jackson: Thank you, and thank you for coming in and bringing everyone involved in the project. I think it helps to see that there is movement on this and that we will eventually get this problem addressed and hopefully solved.

Comm. Elkins: I would like to add my gratitude and perhaps add more context to your comments. As you know, when we first spoke almost 3 years ago, the point of the exercise was the expiration of the SUPs permitted an opportunity for you, your clients, the staff and Planning Commission to do an in-depth review of the technology that was available. As you have stated repeatedly, we are effectively still using technology that is 35-40 years old. Certainly, there has been miniaturization and additional spectrum, but the original tower is still being used to provide data and voice. I greatly appreciate the effort and feel for the first time in this process that you and your clients have made that effort to work with staff to examine what alternatives are available. I am persuaded that you have exhausted the alternatives. Quite frankly, while we can get maybe a 25-ft. shorter tower with a bit less circumference, the incremental improvement is just that, and I will address that later in comments. I do appreciate your effort.

You clearly did an exhaustive study of how we might have shorter towers and more of them in the area. I'm curious about what you and your clients have done in terms of investigating alternative technologies. The city has recently amended the LDO to assist and encourage the deployment of Distributed Antenna Systems [DAS]. I am curious to know if this technology is of assistance in addressing the issues that Commissioner Pateidl spoke to. I did not hear a discussion of alternative technologies.

Mr. Holland: I know the LDO was amended to allow for DAS networks. These antennas are placed on light poles, power poles or telephone poles. That is a design that is frankly a support. It is a tool that assists and provides coverage, but it is not a replacement of a major communication tower in the service area that's covered by this particular structure. The total design of a network starts off with tall towers along highways and arterials. Then, moving into the cities, it leads to shorter towers. This is basically building infrastructure and poles to accommodate and provide coverage. DAS is a tool that has come along in the last few years to help build a small service area that is extremely difficult, such as a purely residential neighborhood. It is significantly more costly to provide service. It is meant to complement the infrastructure.

Comm. Elkins: Did you evaluate the use of DAS to reduce the tower to 150 feet?

Mr. Holland: Yes, we are all familiar with DAS. We all understand when and where the technology is best utilized. It is just not able to replace this particular site, and it is not practical.

Comm. Elkins: Again, my question did not have to do with replacing the tower; it was to supplement what was available in order to reduce the scope of the tower. Your answer is that it was considered.

Mr. Holland: Yes, we have analyzed all of the technologies available to us in this location.

Comm. Elkins: Are there other alternative technologies that were considered?

Mr. Holland: There really isn't a lot beyond DAS to consider for an area like this. Our technology, as evolved as it has become, is still not able to provide coverage in an area like this with alternative technologies.

Comm. Elkins: You made a comment relating to current coverage issues in the Leawood area tied to the existing tower. Is it your position that whatever issues with respect to coverage in Leawood are directly tied to the existing tower?

Mr. Holland: No; it is my position that whatever difficulties we have in coverage in Leawood are directly related to the Leawood ordinance and the difficulty related to bringing wireless coverage into Leawood.

Comm. Elkins: Can you give me a brief understanding of how the ordinance is creating these issues?

Mr. Holland: Part of the problem is that more than 50% of Leawood is residential. It is not altogether unusual to have difficulties in residential areas, but specifically, with regard to Leawood's LDO, the 500-ft. residential setback requirement means essentially that a tower cannot be put in Leawood unless it is a stealth facility. The unofficial policies that stealth facilities would not be taller than 75 feet significantly impact the ability to provide coverage in these areas. Allowances for taller tower structures mean that not as many would be required. The need for more towers puts us in conflict with the residential areas and the 500-ft. setback. There are challenges with regard to the LDO and the receptivity to wireless communication tower structures by residents and by planning and City Council. It has been my experience that you don't like communication towers. There are three communication towers in all of Leawood. One, you're getting ready to eliminate at 97th and Lee.

Comm. Elkins: Thank you. What would be your ideal resolution for how Leawood should go forward with respect to the tower at 135th Street and Nall?

Mr. Holland: I'm so happy you asked me that question. A structure has been here for over 30 years, and it provides service to thousands of people. Not one person has complained about the tower in the 30 years it has been here. Your ordinance says that at the renewal of the Special Use Permit, it has to be brought into conformance with the current regulations. Most other cities have nothing like that. They recognize that what is there is there, and it is now a legal, nonconforming use. We would leave this alone and let it be forever or until the technology changes to where a tower is no longer necessary. I admit that reducing it to 150 feet and making the antennas more uniform in nature is only an incremental improvement. People are still going to see a 150-ft. tall pole with antennas attached to it. In each occasion for our permit applications, we have been required to have a neighborhood meeting. I've rented the room a dozen times, and not one person has ever shown up over the years. The public doesn't care that it's there. They would care a lot if it wasn't there. Your phones would be ringing off the hook if the tower was torn down and we weren't permitted to have something there. As a society, the people in this area rely on the tower significantly for our day-to-day lives. You wouldn't believe the number of 911 calls that come through this particular tower structure. It is a vital communication structure, and I don't know why we're messing with it. I would leave it alone and not make us come back every couple years. It has done no good in my opinion.

Comm. Elkins: Point in fact, when you have had to deal with stealth facilities, there has been a considerable amount of public input, hasn't there?

Mr. Holland: In other places, yes. In the first case of the monopines, the people were out to the door, and the media was here. I've seen some articles and quotes from people who protested that tower who now wonder why they ever complained about it because it turned out so well. We had proponents in the second application, though not as many, because we had one as an example. Certainly, a new 150-ft. tower will garner attention. That is why this particular site is so valuable to us. We have it and have built our network around it. Everybody relies on this for coverage. I don't know why we're doing anything differently, except to be good corporate citizens and to try to address what you perceive to be an issue with it. We're willing to go through the pain and spend the extra money, even though the improvement may only be incremental. If we get a longer-term SUP that makes it worthwhile, we're willing to do that.

Comm. Elkins: Indeed, the citizens of Leawood do have an interest, and your experience has shown that; correct?

Mr. Holland: They would have an interest if we tried to take this down or do anything that would impact their coverage. That would have a major impact on it.

Comm. Elkins: You've just confirmed that when we had to deal with this in the past, the citizens of Leawood have had an interest.

Mr. Holland: I wouldn't deny that. If there was no tower and I asked to build one, there would be people in the room.

Comm. Elkins: Back to the question earlier, your preference would be to leave the tower as it is and leave it that way in perpetuity, correct?

Mr. Holland: Yes, although frankly, it's not ever going to look the same forever because technology does change.

Comm. Elkins: That is the question. If we give these extraordinarily long SUP periods, where is the encouragement for us to do a reevaluation for what technology is available? If this commission sees fit to amend the LDO, where is the encouragement to your clients, rather than to take the incremental profits from additional technology, but to plow those back in to changing so that in 20 years, we're not using technology that is 45 years old? Where do we have that opportunity to hold your clients' feet to the fire to do an evaluation?

Mr. Holland: This is a hugely competitive business. We don't need the city to tell us to get creative or to improve our technology. Each one of these companies is competing with each other, and they all have to satisfy customers and shareholders. We improve technology on our own. The licenses auctioned off by the FCC and the engineering platforms that we use utilize many different technologies and antennas. If we can provide our coverage in a better manner using better technology, we don't need the government to tell us to go do that. Your concern is the aesthetics. We will update the technology with your approval. I think long-term SUPs are great; 5 years is way too short for any SUP of this type, given the amount of money involved. You can require reviews every 5 or 10 years, whatever you want. We don't want to invest \$1 million and then return in 5 years for potential reevaluation. Coming back every 5 years is a burdensome regulation. Every antenna that is improved must come back to you, and that is burdensome. Sprint asked for better antennas, and you told them they couldn't unless they took down their platform and flush-mounted it. They did that, even though it was not better for Sprint.

Comm. Elkins: The real question is whether it was better for the city, and we can debate that all day long. Your comment on the investment and having to reevaluate the investment is well taken. Mr. Holland, as we talk about this 150-ft. tower, have your clients done an evaluation on how much of a degradation of service would result in reducing the tower from 170 feet? How significant is it?

Mr. Holland: I talked about populations this tower serves. Reducing the height of the antenna, the coverage area shrinks. The lower the antennas are, the less coverage provided. People who previously had service will no longer have service. In the case of Sprint, they will lose minimal service. The carriers that are lower on the pole will be significantly impacted. The farther down on the pole, the more challenging it is and the fewer people receiving coverage.

Comm. Elkins: I have heard it is the Rule of 4, in that every unit down reduces the coverage by 4. Again, thank you to you and your clients. The level of work you have done is precisely what I was looking for 2 years ago when we started this process. We may have disagreements, but you and your clients have done the work. I'm grateful with your patience with me tonight as we explored other areas.

Chairman Williams: Are there any other questions or comments directly related to the issue tonight?

Public Hearing for Case Nos. 21-14, 22-14, 23-14, 24-14, 25-14, 26-14 and 27-14

As no one was present to speak, a motion to close the Public Hearing was made by Roberson, seconded by Elkins. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

Chairman Williams: This takes us up to discussion, leading to a motion.

Comm. Elkins: It's been no secret that I've been critical of Mr. Holland and his clients at times because of the concern about reevaluating where we are from a technology standpoint. One of the concerns I shared with Commissioner Pateidl is if this is just postponing the issue. For me, the test to determine whether or not to vote against another extension was dependent upon the presentation of the carriers in terms of making progress and doing their work. In my mind, there is no question that they have done that. I will be pleased to support this. Additionally, given the work that they have done and what I view as, at best, a modest improvement by reducing the height to 150 feet, I am inclined to leave the tower at 170 feet. I hope staff doesn't feel that the work has been for naught, and my fellow commissioners may not agree. I will hang on to, perhaps, a 10-year SUP as a compromise because I think there is value to our community in reevaluating the technology.

A motion to recommend approval of 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 – subject to modifications included in the November 11, 2014 memo placed on the dais - was made by Elkins, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

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

A motion to recommend approval of CASE 22-14 – AT&T MOBILITY CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar –

subject to modifications included in the November 11, 2014 memo placed on the dais – was made by Elkins, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

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

A motion to recommend approval of CASE 23-14 – CRICKET CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar – subject to modifications included in the November 11, 2014 memo placed on the dais – was made by Elkins, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

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

A motion to recommend approval of CASE 24-14 – CLEARWIRE CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar – subject to modifications included in the November 11, 2014 memo placed on the dais – was made by Elkins, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

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

A motion to recommend approval of CASE 25-14 – T-MOBILE CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar – subject to the modifications included in the November 11, 2014 memo placed on the dais – was made by Elkins, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

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

A motion to recommend approval of CASE 26-14 – VERIZON WIRELESS CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment , located north of 135th Street and west of Briar – subject to the modifications included in the November 11, 2014 memo placed on the dais – was made by Elkins, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

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

A motion to recommend approval of CASE 27-14 – SPRINT-NEXTEL CELLULAR ANTENNAE – Request for approval of a one year extension for a Special Use Permit for the continued use of wireless antennae and associated equipment, located north of 135th Street and west of Briar – subject to the modifications included in the November 11, 2014 memo placed on the dais – was made by Elkins, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

CASE 152-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.2, ACCESSORY USES: LOCATION AND HEIGHT OF ACCESSORY USES, BUILDINGS AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the height of playground equipment. **PUBLIC HEARING**

Staff Report:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 152-14 – Leawood Development Ordinance Amendment to Section 16-4-12 with regard to the height of Accessory Uses. Currently, the limit is 15 feet in height with exemptions in the Agricultural District. The proposed amendment includes Planned Recreation as an exemption because many recreational structures, including playground equipment, would exceed the 15-ft. height. We believe the height restriction is intended for single-family playground equipment. Additionally, the amendment would allow the playground equipment to go to a maximum of 25 feet in height, provided that it meets all US Consumer Product Safety Commission standards for playground equipment. Staff is recommending approval of this application, and I'd be happy to answer any questions.

Chairman Williams: Any questions for staff? This case requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Jackson, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

A motion to recommend approval of CASE 152-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.2, ACCESSORY USES: LOCATION AND HEIGHT OF ACCESSORY USES, BUILDINGS AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the height of playground equipment – was made by Jackson, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

CASE 153-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-5.3, OFF-STREET PARKING AND LOADING SPACES REQUIRED: DESIGN STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to site frontage. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 153-14 – Leawood Development Ordinance Amendment to Section 16-4-5.3 related to off-street parking and loading spaces required. This proposal addresses the 60/40 Rule. This basically requires that along the frontage on a public street to a depth of 90 feet, a maximum of 40% of the width of the frontage can be paved. The LDO requires plaza areas. Unfortunately, with the requirement, a paved area counts against the property owner. This has pushed the plaza areas back to areas that do not make as much sense. Staff would like to propose the amendment to allow the plaza areas to not count against the 60/40 Rule. Additionally, the amendment would address cases in which a property has 3 frontages, including Town Center Crossing and a few other properties in Leawood. The proposal is to meet the rule on 2 of the frontages but not the 3rd. Screening and setback requirements would still need to be met.

Mr. Coleman: We would like to add that this is for parcels smaller than 5 acres.

Chairman Williams: Any questions for staff? This case requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Jackson, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

A motion to recommend approval of CASE 153-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-5.3, OFF-STREET PARKING AND LOADING SPACES REQUIRED: DESIGN STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to site frontage – with the modification of the third bullet point to include that properties that are smaller than 5 acres only require 2 of the 3 frontages to meet the 60/40 Rule – was made by Jackson, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

A motion to extend the meeting 30 minutes to 9:30 was made by Levitan, seconded by Elkins. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

CASE 37-14 – CAMELOT COURT – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 119th Street and east of Roe Avenue.

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 37-14 – Request for approval of a Revised Final Sign Plan for Camelot Court, located north of 119th Street and east of Roe Avenue. The Sign Criteria has been revised to coincide with the shopping center remodel and the location of the available signage. The formulas were worked out with staff to encourage creativity in signage. In the proposed Sign Criteria, the tallest letter shall be no greater than 12 inches taller than the average letter height, nor shall the tallest letter height be 2.3 times the height of the smallest letter. Currently, the maximum letter height for all signs on buildings in the area is 24 inches. The applicant is proposing that multi-tenant buildings will have a maximum average letter height of 24 inches, while major tenants or single-occupancy buildings will be 48 inches; single-tenant buildings will be 30 inches. Logos will be allowed but must fit comfortably within the allowable signage area. The maximum width of signage will be 80% of the available signage area, and the maximum height shall be limited to 80% of the available signage area with upper and lowercase ascenders and descenders' ability to extend to 90% of the height of the maximum for 20% of the signage width. Staff would like to encourage that the signs be

centrally located within the available signage area; therefore, Stipulation No. 2 is recommended. Staff is recommending approval of Case 37-14, and I would be happy to answer any questions.

Chairman Williams: So, they are proposing an average letter height of 24 inches for a multi-tenant building, which means that some of the lettering could be larger.

Ms. Brandt: Yes.

Comm. Elkins: In the second category of Major Tenant, Single Occupancy, the change would permit an average letter height of 4 feet. Is that right?

Ms. Brandt: Yes.

Comm. Elkins: Could you describe a building for me that would have 4-ft. tall letters in its sign and perhaps greater, since that is the average?

Mr. Klein: Some of the larger facades, such as Hen House and Price Chopper, have signage that is close to that size. Some are larger than 5 feet in height. One Nineteen and Town Center have a regulation that allows 42 inches in height. We include average letter height in a number of different Sign Criteria, particularly the ones done by Klover Architecture. We are glad to see a maximum height in this application.

Comm. Elkins: The maximum would be 5 feet, then. Thank you.

Comm. Ramsey: Is it in compliance with the Sign Ordinance?

Mr. Klein: The main limitation with the Leawood Development Ordinance is a maximum of 5% of the façade. If a development has no Sign Criteria, the requirements are dictated by the LDO, and the signs are limited to 18 inches, white letters and 5% of the façade. The ordinance does allow deviations to be approved on an individual basis for each of the developments. It does not allow a deviation to 5% of the façade.

Chairman Williams: Any other questions? Thank you.

Applicant Presentation:

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

Mr. Klover: The reason we are before you tonight is the process had some complications along the way. All the signs on the renderings are in compliance with this. Hen House has a very tall, thin lettering, so the mass of the lettering is very small. This is almost exactly the same Sign Criteria you have approved twice before. We have found if we tell them they can have 24 inches, we get block letters that are 24 inches. We want ascenders and descenders. We want people to have interesting characters and logos. We also find that the 5% is the big restriction. All the signs I have recently reviewed have been governed by the 5% rule more so than the allowable heights. In deference to all the people behind me still, I will answer any questions you may have.

Chairman Williams: Any questions for the applicant? Thank you. Any comments or discussion?

A motion to recommend approval of CASE 37-14 – CAMELOT COURT – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 119th Street and east of Roe Avenue – with 3 Staff Stipulations - was made by Elkins, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

CASE 126-14 – VILLAGE OF SEVILLE – SECOND PLAT – Request for approval of a Revised Final Plat, located north of 133rd Street and west of State Line Road.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 126-14 – Request for approval of a Revised Final Plat for Village of Seville, Second Plat, located north of 133rd Street and west of State Line Road. The applicant is proposing to re-plat a total of 3.5748 acres of undeveloped land in the Village of Seville. The applicant has proposed to divide Lots 2 and 3 into 3 new lots of 8, 9 and 10. The approval of Case 112-14, which follows this case, is dependent upon approval of this case. Staff recommends approval of Case 126-14 with the stipulations outlined in the Staff Report, and I would be happy to answer any questions.

Chairman Williams: Any questions for staff?

Applicant Presentation:

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

Mr. Claussen: We are the surveyors of record for the Final Plat. I will stand for any questions. The applicant agrees with the 3 stipulations.

A motion to recommend approval of CASE 126-14 – VILLAGE OF SEVILLE – SECOND PLAT – Request for approval of a Revised Final Plat, located north of 133rd Street and west of State Line Road – with 3 Staff Stipulations – was made by Jackson, seconded by Pateidl. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

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**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 112-14 – Request for approval of a Revised Preliminary Plan and Final Plan for Discount Tires, located north of 133rd Street and west of State Line Road. The applicant is proposing a single-story, 7,487 sq. ft. building within Lot 9 for an automotive service facility within the Village of Seville. Per Section 16-2-7 of the LDO, automotive service centers are a planned use with the general retail zoning district. The building shall be located along the north end of the lot, oriented in east-west fashion. Parking shall be located south of the building, and 29 parking stalls are proposed. The building is planned to be 27 feet in height and shall be a combination of brick, stucco and natural limestone. Along the south façade of the building shall be access to the sales area and 3 overhead sectional doors for service space. At the west end of the building is proposed to be a trash enclosure, which shall be 21 feet by 10 feet in size and 6 feet in height. Adjacent to the east side of the building, the applicant is proposing a plaza amenity with a combination of decorative hardscape, landscaping and seating amenities. Landscaping in the combination of deciduous trees and shrubs shall be adjacent to State Line Road. Upright junipers are planned to screen the trash enclosure, and honey locust trees are planned within the parking lot islands. The developer has made a minor change to the Design Criteria for the Village of Seville. The developer has removed cultured stone as an approved material and added Leuders Limestone as an approved building material. No other changes are proposed to the Design Guidelines for the development. Staff had a few minor concerns regarding the following: on October 20th, the Governing Body approved Self-Propelled Leawood, a

pedestrian and bicycle master plan that encourages citizens to use active modes of transportation. It is staff's opinion that the incorporation of bicycle racks should be included in a plan. In staff's opinion, an additional shade tree should be included at the northwest corner of the lot, creating a shaded pedestrian route to the lots north of Discount Tire. Staff recommends approval of Case 112-14 with the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Chairman Williams: Any questions for staff?

Comm. Walden: In Stipulation No. 5, which corner of Lot 9 is proposed for the shade tree?

Ms. Kriks: It will be the northwest corner, where one is proposed; staff believes another should be added. It should be changed in No. 5 to northwest, not northeast.

Chairman Williams: Please explain the benefit of having the courtyard.

Ms. Kriks: The only place a plaza amenity could be located is in the northwest corner. If someone is coming in to have service done, the path would go across the service bays and over to the northwest corner. The proposed location of the plaza is right next to the retail area. Additionally, with State Line being a major route along the Bicycle/Pedestrian Plan, the location of the plaza affords pedestrians along State Line and opportunity to rest without having to go into the development.

Chairman Williams: I appreciate your comments about the bike rack. It seems inconsequential in the scheme of the project. It also seems to be unneeded at an auto service center. That said, there have been times when I have almost had to ride my bike to get my car fixed. I have no further questions.

Applicant Presentation:

Scott Fournier, Discount Tire, 20225 North Scottsdale Road, Scottsdale, Arizona, appeared before the Planning Commission and made the following comments:

Mr. Fournier: Discount Tire is a little new to the area, so if you don't mind, I'd like to give a little bit of background but keep it brief due to being in extension time. We started in 1960 in Ann Arbor, Michigan. We still have the same owner: Bruce Holly. We've grown to about 900 stores. We've grown by doing tires and wheels. We don't get involved with anything else. Our success is because of the relationships we create with the community. We offer free flat repair or free air check whether you buy your tires from us or not. It is an unexpected experience. Nobody likes to have to deal with tires, especially when you wake up and have to go to work. We try to build loyalty with customers. We are a part of the community. Our people come from within the community. We promote from within, and everyone gets hired at an entry level. As the company grows, the people have the opportunity to grow as well. As we become more successful, it opens up another dream for somebody else to become a store manager. We sometimes get classified as automotive, but to be clear, we only do tires and wheels; we don't do mechanical work at all. We don't handle any hazardous material, such as antifreeze, batteries or oil. All the work we do is within the building, which is modern and efficient. We adapt to codes as they change and try to stay ahead of the curve and implement the strictest codes everywhere. Through responsible growth, we are at 900 stores. We have a remodel program in place as well, so the building will stay fresh over time. That is in addition to the daily and weekly landscaping and building maintenance that we do. Our regional office is based in the Kansas City area, and our maintenance team has a Discount Tire badge, so there is a lot of pride in the building. Everybody tries to keep it nice, and the community appreciates it as well. Our work is not glorious, so we always try to attract the best and brightest. We are looking to create 15-20 new jobs by having a number of benefits, including retirement, medical, dental and a whole network of support. We bring people in on the entry level, and they know there will be opportunity for growth. We think this is a wonderful community to be in. We expect the store to generate about \$5 million in sales annually, which will bring tax revenue as well. We are a family-oriented

company, and we show that with the working hours Monday – Friday 8-6 and Saturday 8-5. Sundays and evenings are off to allow people to be with their families. With the stipulations set forth, we have no issues. I'm happy to implement them in our plan. I'm happy to answer any other questions. We respectfully ask for your approval.

Comm. Roberson: Thank you for coming.

Chairman Williams: This case requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Jackson, seconded by Roberson. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

Comm. Jackson: I would like to thank staff for considering the bike plan in the new proposal. The small attention to details will make that plan work.

A motion to recommend approval of 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 – with 28 Staff Stipulations - was made by Jackson, seconded by Elkins.

Comm. Walden: Should Discount Tire sell, is the subsequent owner able to provide oil changes and other mechanical work?

Mr. Klein: Any exterior changes would have to come before you. This isn't a Special Use Permit, so it doesn't have a term that runs with the applicant. For instance, another planned use allowed within the zoning district would most likely make changes. If they wanted to provide oil changes, it could require a Special Use Permit, and the business would have to come before this body and Governing Body. This use does not require a Special Use Permit.

Mr. Coleman: Any business allowed in the zoning district could come in and operate out of the building without coming before the Planning Commission or Governing Body unless they change the exterior of the building.

Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

CASE 131-14 – TOWN CENTER PLAZA – RESTORATION HARDWARE – Request for approval of a Preliminary Plan and Final Plan, located north of W. 119th Street and west of Roe Avenue. PUBLIC HEARING

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 131-14 – Request for approval of a Preliminary Plan and Final Plan for Restoration Hardware in Town Center Plaza, located north of W. 119th Street and west of Roe Avenue. The applicant would like to construct a new 46,796 sq. ft, 3-story pad site on the northeast corner of the Town Center Plaza development in the current 810 Sports Zone location. The applicant is proposing parking to the west and north of the building with main entrances to the building on the north side and a secondary entrance on the west. The applicant is proposing a total of 61 spaces in the site with a cross-access

agreement with the rest of the Town Center Development. The building itself is proposed to be 49 feet in height with mechanical screenings, elevator overruns and parapets extending to a maximum height of 56 feet. On the 3rd floor will be an outdoor space that consists of a metal terrace with awnings and a glass-enclosed area with a metal roof and skylight. The building is proposed to be made primarily of cement plaster, glass and steel. The applicant is also requesting four deviations with this project: one to the exterior setback, one to the interior structure setback and two to parking setbacks. The applicant has provided sufficient open space to allow for all of these deviations, and staff is supportive of the deviations requested. I'd like to direct your attention to the memo on the dais in which staff has outlined changes to the report. First, the property owner has changed from Block One to Leawood, Lot 2. Staff is recommending a change to Stipulation No. 23 to include a time frame for construction on the overall development in which the applicant also has the opportunity to extend the period of time in which they can initiate construction. Staff is recommending approval of Case 131-14, and I would be happy to answer any questions.

Chairman Williams: Could you clarify what you wanted to change on No. 23?

Ms. Brandt: On the memo, currently, the stipulation reads, "Prior to January 1, 2017, a Revised Preliminary and Final Development Plan for all property owned by the applicant shall be submitted that brings those portions of the development into conformance to the Leawood Development Ordinance." This is in reference to the Town Center Development as a whole, and we would also like to add on to that stipulation that construction shall commence within six months of the approval of the plan, provided, however, that the developer may request a hearing before the City Council to request an extension of that period of time. City Council may grant such extension for a definite period of time for good cause shown by the developer so that they will construct the project once it's approved.

Chairman Williams: When you refer to the applicant, you are talking about Restoration Hardware?

Mr. Klein: Glimcher is the owner and is also part of the application. This gives a definite time frame for Glimcher to come into compliance with the site characteristics, such as landscaping and lighting. We've been in communication with them about this issue for close to two years.

Chairman Williams: Can you give us some ideas that you may be aware of on Stipulation No. 24 as to the type of items that are not in compliance that they would have to address?

Mr. Klein: Landscaping is one item. Much of it was constructed considerably before the current ordinance was in effect. Parking lot light fixtures now have to be 18 feet in height; these are closer to 24-30 feet in height. Open space is another characteristic. In some regard, it would be an upgrade to the center. We have a lot of developments that are going to LEDs, so they want to change light fixtures. It could be an opportunity to update.

A motion to extend the meeting 30 minutes to 10:00 was made by Roberson, seconded by Elkins. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

Chairman Williams: Any further questions for staff?

Comm. Roberson: Back to No. 24, Town Center is going to have to expand its open area?

Mr. Klein: We would look for Town Center to increase its open space. Part of that would be in combination with providing pedestrian connections as well. There might be opportunities to expand areas into green space and run pedestrian connections. When Town Center Plaza was approved, the parking ratio was a minimum of 5 per 1,000. There was no maximum. Currently, within the SD-CR District, it is 3.5-4.5.

Changes are allowed with a parking study that validates the need. We have talked to Glimcher with regard to all of this. Some of the newer developments within Town Center Plaza meet the requirements for landscaping.

Comm. Elkins: Do you have any sense of the total vertical would be from 119th Street grade to the top of the proposed structure?

Mr. Klein: I don't have a number for you. I want you to know that we looked at the massing of this building. There are three retaining walls that work their way up, and this building sits on top of it. The building is taller than the other buildings. Staff is comfortable with the architecture, and we tried to adjust the setbacks to ensure open space.

Mr. Coleman: Finished floor is 20 feet above 119th Street.

Chairman Williams: Are there other questions? We'll hear from the applicant.

Applicant Presentation:

Brian Suiter, 180 East Broad Street, Columbus, Ohio, appeared before the Planning Commission and made the following comments:

Mr. Suiter: To help clarify, Glimcher owns Town Center Plaza and Town Center Crossing. As a sister company, we bought the 810 Zone from Block and Company and owned that under a separate entity. Based on the way we've set up our lease deal with RH, it was their obligation to the applicant to have the interaction with staff. We are the owner of the adjacent property and the property this is on but obviously wanted to be here in case there were any issues or concerns for the global property. I'll let RH talk directly to their application and architecture. I want to give a really brief introduction. Obviously, Restoration Hardware was in our center at one point in the past. They decided to leave. They went to the Plaza, and we had an opportunity to steal them back. We are excited to do that. It is something of a paradigm shift for Town Center Plaza, where now tenants that are looking at only 6-7 locations across the country are looking in Chicago, Denver and relatively large areas. When they come to Kansas City, they are now looking at Leawood and not instantaneously looking at the Plaza. That says something great about Leawood and about the retail we're drawing here. We're excited to have them as part of our tenant. I want to make sure we talk about what was referenced as No. 23 or No. 24. If it is No. 24, I'm on board. If it is No. 23, I have lost track of one.

Ms. Brandt: No. 24 is the one that we were amending tonight.

Mr. Suiter: I'm good then. If there are any questions for the landowner, let me know.

George Melara, Nelsen Partners, Scottsdale, Arizona, appeared before the Planning Commission and made the following comments:

Mr. Melara: With me today with Restoration Hardware are Rob Eddington and Robin Randall. They are here with us. I'm the architect on the project. We've been working on this project for several months. We've done several different designs for the project, and we're excited to be here today to make our presentation. This is a unique design. Restoration Hardware has changed their branding, and it is something they've been doing lately that is very unique in the retail industry. They have had great success with it. This will be the 3rd store our firm has done with them. The first one was in Scottsdale. It was a freestanding building, and it has had great success in another retail center. Restoration Hardware has created a brand where people like to come and enjoy the space. They hang around the courtyard. It is a great meeting space. This building is unique to Leawood and complies with your LDO. We have worked hard with staff, and staff does not have

objections. We hope that you also support our project. The building is a 3-story building. The architecture is quite different from a traditional furniture store, which is mostly 1-story with very few windows. The building is quite articulated. There is fenestration, Juliet balconies, canopies, and a lot of articulation as an integral part of the brand. All the mechanical equipment will be screened, as was mentioned. It is integrated into the design of the building. The design is integral to the success of the merchandising.

There is a clarification point to Stipulation No. 20. In the past, the last couple weeks before the building is completed, they work on weekends because there are certain time frames. I know that sometimes the work is done on the interior prior two weeks prior to merchandising. Technically, work will occur on Sunday; I just wanted to bring it to your attention. The first quarter of '16 will be the opening of this building. I will conclude my comments and be happy to answer questions.

Chairman Williams: Given the size, height and site with its substantial grade drop to the street, why did you choose to locate the building where you did, which accentuates the height of the building off the street versus at the west end?

Mr. Melara: Part of it is because of your LDO. We did have a different site plan orientation, but 119th is the major street, so the 60/40 rule requires that the building be faced along 119th. Therefore, no parking will go in, so the building has to be on the south end.

Chairman Williams: I don't think it would have to be on the south end.

Mr. Klein: You're asking why it couldn't be on another lot?

Chairman Williams: No, just on the other end of the lot and flip the parking and the building. The building maintains the same orientation but just at the west end of the lot.

Mr. Melara: One of the things we had to do in working with staff is line up all the drive aisles as well. As you know, there is a big drop-off from our location and Dean & DeLuca. As the grade increases, tucking it back into the area helps the circulation to work best, considering all the constraints.

Chairman Williams: I understand lining up drive aisles.

Mr. Melara: There is a sewer line easement that runs underneath on the west side.

Chairman Williams: That would change everything. Thank you. Any other questions?

Comm. Walden: Are you also a manufacturer of paint and chandeliers?

Mr. Melara: Yes, they are sold by them.

Chairman Williams: For a point of clarification, are the windows and doorways along 119th Street real and operable?

Mr. Melara: On the south side of the building, some are operable; some are not. They will be clear glass, so people will be able to see inside the store.

Chairman Williams: I was trying to get clarification because some buildings along that side make window or door statements just for show. Thank you.

Comm. Elkins: Mark, do you have a sense for scale and massing? Will the height of the spire on 810 Zone as compared to what we expect the height of this building be close?

Mr. Klein: The height of the spire is probably closer to 30-35 feet; whereas, this is 50 feet. It is a change; it is definitely different.

Chairman Williams: And it is a whole block sitting 20 feet above the street.

Comm. Elkins: Yes, I am concerned.

Chairman Williams: Any other questions? That brings us to discussion.

John Snyder, Attorney, 11912 Mohawk Road, representing the applicant, appeared before the Planning Commission and made the following comments:

Mr. Snyder: I have a quick question on No. 24 and the impact on Restoration Hardware. I understand that Glimcher, as property owner for the whole shopping center, will work with staff to work through any nonconformity for the overall project, but I am concerned for my client's perspective about the impact if Glimcher doesn't do that.

Mr. Klein: It would probably be primarily dealing with Glimcher. We will change it to landowner. Restoration Hardware is coming in under the current ordinance, which means they will meet the current landscaping and open space requirements. Restoration Hardware is coming into compliance with the ordinance at this time. The parts of Town Center that is not in compliance will be the ones that have not been recently developed.

Chairman Williams: His question has to do with the responsibility of Restoration Hardware versus the rest of the center.

Mr. Klein: We'll change No. 24 to change the applicant to landowner.

Mr. Snyder: It addresses whose responsibility it is, but as to the impact if the landowner doesn't do it on property that we're not leasing from them, it shouldn't impact our client's ability to operate; it should impact Glimcher's issues with the rest of the center. It shouldn't be a stipulation in here as much as it should be something you work out with Glimcher on the rest of the center. I don't want it to impact them. They spend all this money to open up. Glimcher is going to work with you, and they understand, but I don't want it to impact this store, who is complying with all the LDO requirements.

Mr. Klein: And that is not our intent. Our intent is to work with Glimcher.

Comm. Elkins: If, for some reason, Glimcher fails to come into compliance, will it have any impact on Restoration Hardware?

Mr. Klein: I don't believe so. I think what would happen is Glimcher would probably be out of compliance at the time that this deadline passed. A courtesy notice would be sent and then a citation. Then it goes through not meeting the stipulations, but Glimcher would be the one receiving the notice.

Mr. Coleman: I don't see any impact on Restoration Hardware. I would change No. 24 to Glimcher, the property owner, and its subsidiaries.

Comm. Ramsey: There wouldn't be any more impact on Glimcher than any other tenant.

Mr. Coleman: Glimcher is not a tenant; they're the developer.

Comm. Ramsey: We are dealing with Restoration Hardware, but if Glimcher is out of compliance on any of these issues, it is out of compliance for the whole center, so it wouldn't have any more application to Restoration Hardware than to any other tenant.

Mr. Coleman: That is correct.

Chairman Williams: Any other questions? This case requires 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 Elkins. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

A motion to recommend approval of CASE 131-14 – TOWN CENTER PLAZA – RESTORATION HARDWARE – Request for approval of a Preliminary Plan and Final Plan, located north of W. 119th Street and west of Roe Avenue – with 26 Staff Stipulations, modifying No. 24 to refer to Glimcher, the landowner and subsidiaries, rather than the applicant and No. 20 be modified so that construction shall not be allowed between the hours of 10 PM – 7 PM and not on Sundays without approval of the Director of Community Development – was made by Jackson, seconded by Elkins. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

CASE 148-14 – MISSION FARMS – PHASE III (MISSION 106) – Request for approval of a Revised Final Plan, located south of 105th Street and east of Mission Road.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 148-14 – Request for approval of a Revised Final Plan for Mission Farms, Phase III, located south of 105th Street and east of Mission Road. Originally, the Governing Body approved Case 66-13, which was a Revised Final Plan for Mission Farms, Phase III, on September 3, 2013. Additionally, a Revised Final Plan for Mission Farms, Phase III was approved by the Governing Body on April 21, 2014. With this case, the applicant is proposing minor changes to the plan, including increasing the width of the drive to the trash compactor adjacent to the parking structure, adding meter banks within the drive-through lanes and on the south side of the apartment building, the inclusion of dryer vents at various locations. The fountain has been revised. The applicant is proposing Sign Criteria for Mission 106. The retaining wall south of the parking structure has been relocated to allow for a fenced dog area. Stairs and limestone stepping stones have been proposed east of the townhomes over the spillway, and a raised concrete island with a card reader has been included near the entry of the parking structure. The new Sign Criteria for Mission 106, as already stated, has been included within this application. Some criteria include signs with "Mission 106" over the entrance of the drive-through on the west façade and over the entrance of the parking structure. Directional signs are proposed at various locations along the west façade of the parking structure and over various entrances of the apartment building of Mission 106. Per Section 16-4-6.3(b) of the LDO, a deviation to the number of directional signs may be approved by the Governing Body after recommendation by the Planning Commission if it is deemed that an equal or high quality development will be produced as a result. A monument sign has been proposed to be located south of the entry of Mission 106. The monument sign is proposed to be 3 feet, 4 inches in height and 10 feet in length. The base of the monument sign is proposed to be brick. The brick shall match the façade of the buildings within Mission Farms. The face of the sign is proposed to be a black metal with white lettering and shall be internally illuminated. Staff had concerns regarding the stairs and the limestone stepping stones east of the townhomes, which is also

referenced as Building D. The stairs lead over the spillway into the eastern section of Mission Farms. Staff doesn't support the stairs, as they are not ADA accessible and does not support public access to the drainage ditch. Staff recommends approval of Case 148-14 with the stipulations outlined in the Staff Report, and I'm happy to answer any questions you may have.

Chairman Williams: There is reference in the elevations to a dog area with a 6 ft. black aluminum fence.

Ms. Kriks: The fence they are proposing for the dog area will match the fence that was previously approved for the pool.

Chairman Williams: Where is the dog area located? Maybe the applicant can answer that quickly.

Ms. Kriks: (*Refers to plans*) The dog area is located here. At one point, the retaining wall was in a different location. They are moving it. The dog area will have an access gate with entry off the south side.

Chairman Williams: Thank you. Any questions of staff?

Comm. Pateidl: My question is related to Staff Recommendation No. 5, where it says, "Stairs leading to the stepping stone path is not approved in this application without a locked gate." If I understood what you were saying before, the problem with the path was it didn't have accessibility and didn't meet ADA standards for purposes of accessibility. What does a locked gate have to do with accessibility to a path as it relates to the ADA?

Mr. Coleman: If it's locked, the public doesn't have access to it. Ostensibly, the stairs are to allow maintenance staff to go down and maintain the drainage ditch.

Comm. Pateidl: That would bring it into compliance, then.

Mr. Coleman: Yes.

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

Applicant Presentation:

Doug Weltner, 4520 Main, Kansas City, MO, appeared before the Planning Commission and made the following presentation:

Mr. Weltner: I'm agreeable to Stipulations 1-8. I'd be happy to answer any questions.

Chairman Williams: Any questions of the applicant? Thank you. Any further discussion?

A motion to recommend approval of CASE 148-14 – MISSION FARMS – PHASE III (MISSION 106) – Request for approval of a Revised Final Plan, located south of 105th Street and east of Mission Road – with 8 Staff Stipulations – was made by Pateidl, seconded by Levitan. Motion carried with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Elkins, Ramsey and Walden.

MEETING ADJOURNED