

**City of Leawood
Planning Commission Meeting
July 26, 2016
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: Walden, Pateidl, Elkins, Strauss, Ramsey, Coleman, and Block. Absent: Hoyt and Levitan.

APPROVAL OF THE AGENDA

Ms. Kriks: A new Agenda has been placed on the dais, including the addition of the item to appoint a Planning Commission Recording Secretary.

A motion to approve the amended agenda was made by Coleman; seconded by Strauss. Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

APPROVAL OF MINUTES: Approval of the minutes from the June 28, 2016 Planning Commission meeting.

Ms. Kriks: There is an amended set of minutes placed on the dais.

A motion to approve the minutes from the June 28, 2016 Planning Commission meeting was made by Block; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

CONTINUED TO THE JULY 26, 2016 PLANNING COMMISSION MEETING:
CASE 66-16 – PARK PLACE – REVISED SIGNAGE – Request for approval of a Revised Final Plan and Revised Final Sign Plan, located north of 117th Street and east of Nall Avenue.

CONTINUED TO THE AUGUST 23, 2016 PLANNING COMMISSION MEETING
CASE 58-16 – LEAWOOD ESTATES LOT 110 – Request for approval of a Final Plan for a Residential Emergency Generator, located south of 95th Street and east of Lee Boulevard.

CASE 65-16 – CORNERSTONE – REVISED PRELIMINARY PLAN WITH HOTEL – Request for approval of a Revised Preliminary Plan for the Cornerstone development and

Special Use Permit for a hotel, located south of 135th Street and east of Nall Avenue.
PUBLIC HEARING

CASE 73-16 – BRITTANY WOODS FOURTH PLAT – Request for approval of a Revised Final Plat, located at the intersection of 153rd Street and Rosewood.

CONSENT AGENDA:

Comm. Strauss: I would like to pull Case 72-16 for discussion.

CASE 70-16 – LEAWOOD EXECUTIVE CENTRE – NUEHEALTH WALL SIGN – Request for approval of a Final Sign Plan, located south of 112th Street and east of Roe Avenue.

A motion to approve the remainder of the Consent Agenda was made by Pateidl; seconded by Strauss. Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

CASE 72-16 – LEAWOOD HERITAGE THIRD PLAT – Request for approval of a Revised Final Plat, located south of 87th Street and east of Mission Road.

Chairman Elkins: Would staff like to make a presentation?

Mr. Klein: We can answer questions, or if you'd like, we can give a presentation.

Comm. Strauss: I'd like an overview.

Staff Presentation:

City Planner Staci Henry made the following presentation:

Ms. Henry: We will be discussing Case 72-16 – Leawood Heritage Third Plat. Phelps Engineering is requesting a Revised Final Plat for the property located south of 87th street and east of Mission Road. The property is zoned R-1 [Planned Single Family Low Density Residential]. The applicant is proposing to merge Lot 1 [3411 W. 87th Street] and Lot 2 [3407 W. 87th Street] into one lot with a total of 97,298 square feet or 2.23 acres. The current residence is located on the southern portion of the property. Staff recommends approval of this case, including the stipulations in the Staff Report.

Comm. Strauss: I drove by, and it looked like Lot 1 was being demolished. Once those two tracts are combined, will the extra property remain vacant, or is there a possibility that a new home could be reconstructed on the new tract?

Mr. Klein: It is my understanding that they plan on redeveloping the lot on the larger lot. Currently, the existing house has a driveway that crosses over the lot line.

Comm. Strauss: They will still have to adhere to the latest LDO requirements for the size of the house and the setbacks.

Mr. Klein: Correct.

Comm. Strauss: Those were the only questions I had.

Chairman Elkins: I'll entertain a motion.

A motion to approve CASE 72-16 – LEAWOOD HERITAGE THIRD PLAT – Request for approval of a Revised Final Plan, located south of 87th Street and east of Mission Road – was made by Strauss; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

NEW BUSINESS:

CASE 71-16 – LEAWOOD CITY PARK – ALL INCLUSIVE PLAYGROUND – Request for approval of a Revised Final Plan, located south of I-435 and east of Lee Boulevard.

Chairman Elkins: Chair notes that the applicant for Case 71-16 is the Leawood Foundation, and the chair serves on the Board of Directors. For that reason, the chair will recuse himself and yield to Vice Chair Pateidl.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 71-16 – Leawood City Park – All Inclusive Playground. The application is for the replacement of an existing playground located east of the pool and north of the shelter and maintenance building. There are existing sidewalks that will remain. One is an interior loop around the present playground, and a sidewalk also extends into the interior of the present playground. Another sidewalk has been constructed along the perimeter. The current playground has nothing beyond the first tier sidewalk; however, the proposed playground will be expanded to between the inner circle and the outer circle. The playground will have two types of surfaces: pour in place and engineered wood fiber. The wood fiber is along the perimeter and around some of the activities such as swinging and a track glide. The other surface will be around the main play structures. There are two areas: one devoted to younger children and one devoted to older children. The intent of the All Inclusive Playground is to not only make it accessible, including by wheelchair, but to do it in such a way that the children can interact with each other. The Parks Department can answer any questions. Staff is recommending approval of this application.

Vice Chair Pateidl: Does anyone have questions for staff? Would the applicant like to make a presentation to the commission?

Applicant Presentation:

Alice Hawk, Chairman of Leawood Foundation, 2841 W. 118th Terrace, Leawood, appeared before the Planning Commission and made the following comments:

Ms. Hawk: The project of the foundation is one that we're fundraising for, and it will replace the current playground in Leawood City Park. We are very excited that all children will be able to play side by side. The goal is to have the necessary funds raised and have the project completed by the end of 2016, which is rather ambitious. I would like to introduce Victoria Babb. She is here with Play for All, and she has been assisting the foundation in doing some fundraising and also coordinating the efforts with Jenny Semarole, Director of Education for Play Corps, to make sure all the necessary elements are included for the inclusiveness of all children. She has a very short flyover she will show you.

Jenny Semarole, St. Louis, appeared before the Planning Commission and made the following presentation:

Ms. Semarole: I love bringing programs like these to communities and helping to mobilize the philanthropic resources, which is what we are going to do. I have a flyover to show, but I want to show you some of the elements of play (*shows video*). In a time that so many things divide us, it is wonderful to present something that unifies, something as simple as a playground. I can be available for questions after the flyover video (*shows video*). There are two sections: 2-5 and 5-12. The berms will use the contour of the land to create passages and ramps straight to the structure. There are a lot of climbers to challenge children wherever they are and attract children of all abilities. If they master new skills, we want to be able to provide that for them as they grow. Every platform will be accessible through that ramp, but there will also be climbers, swings and slides that are so critical for play and development. Our goal is to have children playing together as well as parents who may have a disability as well. This is designed for the whole family with a large scale of playability for everyone. Any questions about the design?

Vice Chair Pateidl: Does anyone have questions? Thank you. On behalf of the city, I'd like to thank both the foundation and each of you for the efforts put forth in developing this proposal. If there are no questions of the applicant, is there discussion? I would welcome a motion.

A motion to recommend approval of CASE 71-16 – LEAWOOD CITY PARK – ALL INCLUSIVE PLAYGROUND – Request for approval of a Revised Final Plan, located south of I-435 and east of Lee Boulevard – was made by Coleman; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Walden, Strauss, Ramsey, Coleman and Block.

CASE 67-16 – BRIGHT SPACE SENIOR LIVING – Request for approval of a Preliminary Plan, Preliminary Plat for Senior Assisted Living and Independent Living Facilities, and Special Use Permit for a Senior Assisted Living Facility, located south of 137th Street and west of Mission Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: May I present Case 67-16 – Request for approval of a Preliminary Plan and Preliminary Plat for a 93,220 sq. ft. assisted living facility and a 92,593 sq. ft. independent living facility and a Special Use Permit for an assisted living facility for Bright Space Senior Living, located at the southwest corner of 137th Street and Mission Road. The overall project is proposed to be 185,813 square feet on 11.63 acres for a floor area of .37. The lot is currently a single lot adjacent to Single Family Residential to the South, Multi Family Residential across Mission Road and vacant land to the north. The applicant proposes to divide the property into two individual lots with a lot line that would connect from north to south from 137th Street to the south property line. The project is proposed to be constructed in two phases with the first phase to be the assisted living facility on the east lot and the second phase to be the independent living facility at a future date on the west lot. Access to both the assisted living facility and the independent living facility will be by a shared drive from 137th Street. At the southeast corner of the lot adjacent to Mission Road, a detention pond is proposed. Additionally, an illuminated 5-ft. concrete pedestrian path, which will be south of the assisted living facility and independent living facility, is proposed to connect from 137th Street to the west to Mission Road to the east and the assisted living facility. Seating is proposed along this path. A tree line is present along the common property line along the south with the neighborhood. The applicant and the neighborhood have a desire to protect the tree line, and the applicant is proposing to create a 25-ft. tree preservation easement to protect the tree line. The assisted living facility is proposed to be a 2-story building, which will be approximately 35 feet, 10 inches in height with 88 beds. The facility is proposed to be rectangular in shape and oriented north to south, adjacent to Mission Road. A courtyard, which will only be accessible through the building, is proposed with amenities for the residences. The amenities include pet therapy, aviaries and ping pong. Screened backup generator and trash enclosure is proposed at the southwest corner of the building. The screen for the generator and trash enclosure will be attached to the building and architecturally integrated into the design. The generator is approximately 220 feet from the residential neighborhood. A loading and delivery area is proposed on the south side of the building adjacent to the generator and trash enclosure. The assisted living is proposed to be constructed of a combination of stucco, stone and Hardie board and is proposed to have integrated lattice covers to conceal individual air conditioning units. The independent living facility is proposed to be a v-shaped 2-story building with 60 dwelling units. The main entrance into the building is located on the east elevation under a porte-cochere. Parking is proposed east of the building, and the applicant has provided covered parking for each unit underground. The independent living facility is proposed to be about 40 feet in height and constructed also in a combination of stucco, stone and Hardie board.

While signage is approved with the Final Plan, the applicant has provided a Preliminary Plan for a monument sign. A stucco and natural stone monument sign is proposed to be 5 feet, 11 inches in height and 11 feet, 8 inches in width and will be approximately 69 square feet. Section 16-4-6.13 of the Leawood Development Ordinance states that the size of a monument sign within an RP-4 zoning district are as recommended by the Planning Commission and approved by the Governing Body.

The applicant has also provided a Preliminary Landscape Plan for review. Currently, along 137th Street, a combination of Ash and Maple trees exist, but there are gaps in the spacing. The applicant is proposing to fill in those gaps with black tupelo trees. The applicant is also proposing oaks along Mission Road at 35 feet on center. As already stated, the applicant is not proposing changes to the tree line since it is to be included within a 25-ft. tree preservation easement. The applicant is also proposing to enhance the landscaping between this easement and the buildings to the north to increase the buffer. Staff recommends approval of this case with the stipulations outlined in the Staff Report, and I'm happy to answer any questions.

Chairman Elkins: Thank you. Are there questions?

Comm. Pateidl: Regarding the trees along 137th Street and the replacement of those that are missing, I may be incorrect, but I don't believe there is any irrigation to those trees at this point. Do we have a stipulation calling for irrigation of these trees?

Ms. Kriks: We can include that stipulation as part of the Final Plan. The ordinance states that irrigation is required for all landscaping.

Comm. Pateidl: In light of the fact that there is existing landscaping, my concern is that it escapes attention as a grandfathered piece of effort. I do believe we need irrigation or those trees won't make it. Thank you.

Comm. Block: Is this plat not in the 135th Street Corridor Plan?

Ms. Kriks: It is outside the plan. This area is the southern boundary of the 135th Street Plan.

Comm. Block: It wasn't clear to me on the east side along Mission Road. Is there a sidewalk there?

Ms. Kriks: There is not a sidewalk. A sidewalk will be installed with this plan.

Chairman Elkins: Thank you. Anybody else? I'm trying to understand the stipulations a bit better. For this piece of property, how many lots are included?

Ms. Kriks: There will be two lots.

Chairman Elkins: One for each facility?

Ms. Kriks: Yes, one facility will occupy Lot 1, and one facility will occupy Lot 2.

Chairman Elkins: With respect to Stipulation No. 25, which is a requirement that the project begin or be diligently pursued. It seems that either construction can begin, or if it is not diligently pursued, they lose Preliminary Plan approval. When we're talking about both pieces, they are both part of the same project, correct?

Mr. Klein: Correct.

Chairman Elkins: When we say they need to start construction, does it mean they have to start on the second facility in order to keep the application current? Let's say they finish the first facility and for whatever reason, they suspend the project and leave the second for more than two years. How does the stipulation work with the two pieces of property?

Mr. Klein: I think at that point, they would come back with a Preliminary Plan. Basically, they can come in and get the Final Plan, which has a time frame of ten years to completion.

Chairman Elkins: I'm mildly concerned because we have had other instances in which a plan was approved and didn't start for an extended period, and there was a great deal of discussion when the applicant was ready to start. The two pieces - independent and assisted - are tied together as part of the same plan, correct?

Mr. Klein: Currently, yes.

Chairman Elkins: Thank you. For staff's purposes, when the final case is published, there is a typo on Page 3 in the 5th sub-bullet that says, "A water feature is proposed within the island," and I think it is probably supposed to be "proposed."

Ms. Kriks: I'll correct that. Thank you.

Chairman Elkins: Thank you. Are there additional questions for staff? I would invite the applicant to step forward.

Applicant Presentation:

Ryan Elam, BHC Rhodes, 7101 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Elam: We have the ownership team here tonight, which consists of Greg Eccles, Ryan Preston and Mike Blue. We also have the design team, which is Jay O'Dell and myself from BHC Rhodes, Whitney Hale from RCAA Architecture and Jason Meyer from Meyer Landscaping. I wanted to touch on a few elements of the project. We have worked diligently with the neighbors. We've met with them and have discussed the tree line in great detail, and we have provided the additional buffer. There is an existing berm along the west side of the project that was left incomplete by previous developers, and we will extend that berm across and complete it all the way through Mission Road. We've worked with staff as well, and we don't have any issues with any of the stipulations that have been proposed, including the stipulation regarding irrigation along 137th Street. With that, I'll leave it open for any questions you may have of us.

Chairman Elkins: Thank you. Are there questions for Mr. Elam?

Comm. Strauss: There is talk of a generator. Can you show where that is on the Site Plan?

Mr. Elam: (*illustrates on the Site Plan*) The generator is in the enclosure.

Comm. Strauss: I assume it will meet the noise requirements for the city.

Mr. Elam: Yes.

Comm. Strauss: Thank you.

Comm. Pateidl: Without getting too detailed, I would like to discuss drainage of stormwater from this site. I see there is going to be a detention pond to slow the flow of water from the site, presumably. Then, I see from the letter from the Public Works Director that we have some questions remaining. I walked along Mission Road to look at the site, noting that currently, the field is full of vegetation and is also bermed up almost like a bowl to retain the water at this point. Yet, in the discharge area off the southeast corner in the bottom of the open trench, there are scoured areas that will go 6-8 inches deep, presumably from the stormwater that we have currently. When we replace the bean field and bowl with rooftops and parking lots, there is going to be substantial increase in flow from that site. As well as I can tell from the Site Plan, the intent is to run that down to a drainage location which is serviced by a piece of corrugated pipe that goes under Mission Road. I'm concerned about the drainage, and I'm concerned for the sake of the road and for the sake of the city, particularly noting that we have identified corrugated pipe as a problem for the city anyway. To put this increased pressure on it is another issue. I would appreciate your enlightening me on your drainage plans and studies regarding those.

Mr. Elam: We are planning on throttling the entire site through a detention basin, which will reduce the rate of stormwater flow off the site. We will also provide outlet erosion control protection at the outlet when it enters into the area along Mission Road. We have coordinated this with the elevations of the design for the Mission Road expansion. When that project is completed, the stormwater system will function as well with that. We also have stormwater quality features with the plan that are designed to help reduce the velocity of the runoff by lengthening the contact time or time of concentration associated with those. We have a native vegetative swale, bio-retention basin and a couple rain gardens. Those are all designed to help with water quality, but they also will capture and treat runoff in 95% of the storms. With the detention basin and the other protection, we are looking to improve the situation.

Comm. Pateidl: When the water has an entrance point of that corrugated pipe, where does it exit? That might be a question for the Public Works Department.

Mr. Elam: I believe it discharges to a creek.

Comm. Pateidl: Which

Jay O'Dell, BHC Rhodes, 7101 College Boulevard, appeared before the Planning Commission and made the following comments:

Mr. O'Dell: It goes through that pipe, across Mission and ends up in a farm pond in the subdivision.

Comm. Pateidl: It will go through Tuscany Reserve?

Mr. O'Dell: Yes.

Mr. Elam: That is the natural drainage path that it is currently taking. We are not altering the downstream drainage path.

Comm. Pateidl: Approximately 300 feet south of that corrugated inlet is apparently an interceptor sewer. At least given the concrete intake that I've noticed at the bottom of the trench, it appears to be. Having had some personal experience with Tuscany Reserve and noting that there has been damage and problems with the runoff as it exists already, has any thought been given to connecting this drainage to an existing interceptor, something that will direct the water away from the surface drainage?

Mr. Elam: At this time, our plan has been to reduce the runoff rate leaving the site.

Comm. Pateidl: You can see where I have a great deal of concern as it relates to the detention area being sufficient to gather all the water from this project and retain it both for the benefit of Mission Road and the flow as it goes forward and the capacity existing with that one 36-inch pipe to carry all that. I'm not sure what your calculations have been, but I would highly encourage the Department of Public Works to be extremely cognizant of the problem that exists with surface drainage downstream from this site and to be attentive to the design as it comes forth in the Final Plan. That deserves a lot of scrutiny.

Comm. Ramsey: What does Public Works require from the applicant in terms of modeling for stormwater?

Mr. O'Dell: This area was extensively modeled with the initial approval for The Villaggio with the basic stormwater study, and they are remodeling their project with that. We will look at both studies to make sure the detention facility will deliver the runoff anticipated to go through the southeast corner of the Villaggio project. In addition, regarding the flow along Mission Road, Mr. Ley has asked them to look specifically at the flow in that channel down to the pipes to see whether or not it will be sufficient capacity to carry the flow that will come downstream from the detention. If it's not, they may need to install pipes along Mission Road. Obviously, at some point when the city widens Mission Road, we will look at all the storm lines along Mission Road, and we'll upgrade on that. I believe the south part of this project will flow through Sienna and not

through Tuscany. The area north of 137th will flow east to Mission Corner and then through Milano on the way down through Tuscany. The south part should flow through the large acreage tract associated with the Oddo property on the north side. There are storm pipes that go in Sienna and then through the detention pond. It was hopefully sized for that when it was constructed, but we'll look at all that capacity when we get to the final engineering plans.

Comm. Ramsey: You'll remodel that.

Mr. O'Dell: We will have them model their things, and we will look at the downstream pipes and flows to see that the other developers accounted for the water. We'll try to verify that. If not, the design of the detention will be impacted so that we keep the runoff to the capacity of the pipes that are downstream.

Comm. Ramsey: Thank you.

Mr. Elam: We did provide a preliminary stormwater study that had a model in it that accounted for our detention as well. The detention basin is designed to carry 100-year storm event.

Chairman Elkins: Are there other questions? Because this case involves a Plat and a Special Use Permit, a Public Hearing is in order. A few of the ground rules that go along with testifying before our commission: each individual will have three minutes to speak. We ask that you introduce yourself by name and address.

Public Hearing

Jane Ross, 4004 W. 137th Terrace, appeared before the Planning Commission and made the following comments:

Ms. Ross: I don't know if this was provided to anybody, but back in 2004, this property was originally zoned with some contingencies (*provides letter to Planning Commission members*). Most of you weren't part of the Planning Commission in 2004, but I was part of the development discussions when it was the proposed Villaggio development. The reason this letter and our case were presented to the City Council by an attorney is we had a lot of issues with the developer. We couldn't come to good agreements with them. It was a contrast with what we've experienced with this development. We held an Interact Meeting with both developers. Villaggio refused to take notes. We pointed it out and they still refused to take notes. It was a red flag that our concerns were probably not important to them. Bright Space not only took notes, but they allowed us to speak with the developers individually about concerns, and they really seemed to listen. We were troubled by the fact that Villaggio had no tangible tenants for the space. Bright Space has a product that they have proven works in other areas of the country. We also raised concerns that Villaggio didn't have the financial means to support their proposed development. We were told we couldn't ask about that. I do feel better that Bright Space has a proven track record. We also appreciate that Bright Space has limited their building

heights to 2 stories with this plan. Overall, this looks a lot better than what we experienced in 2004.

Back to the letter, at the City Council meeting, the motion was made to approve the zoning with all the contingencies you see in this letter. Nos. 4 and 5, they did not agree to. The rest, we find that this plan does meet what we see here. There is a 75-ft. setback; we appreciate that. It talks about a detention pond constructed on the developer's property and located sufficiently north of the property line to construct a berm 4 feet in height. Let me point out that I understand this berm to be 3 feet in height, but we're really not complaining about that as long as there is sufficient buffering. It sounds like the city and the developer are willing to put good landscaping in to serve as buffering. My husband met with Mr. Biloux, and he was very willing to plant a row of evergreen trees directly to the north of the existing brush line. As Ms. Kriks talked about, we really want to see that brush line kept as dense as possible and as natural as possible. The landscaping in the berms referred to in No. 3 states that it shall exist along the entire perimeter of the property from east to west and shall be appropriately landscaped in evergreens and other appropriate foliage. Let me point out that the neighbors that back up to the property directly behind where this developer wants to build have a lot of water problems since the berm was finished to the west but not the east. The back yards are squishy, and water pools in them. It sounds like this developer is listening to keep that water created by the development itself on the development property. We really want to make sure it is addressed and that Public Works looks at that. The developer would install screening and buffering. Again, we ask that you hold them to this. The zoning actually called for a fountain in the retention pond. Clearly, there would not be a fountain with this detention pond, but we ask that it is maintained. In general, let me say that obviously the city is encroaching our way. We expect it. We back up to a field in a growing city. But we do ask for a nice transition to make this as unobtrusive as possible and to be good neighbors for them and them for us. We hope the city will support both the neighbors and the developer in heading that direction.

Chairman Elkins: Thank you.

Tony Ross, 4004 W. 137th Terrace, appeared before the Planning Commission and made the following comments:

Mr. Ross: I also back up to the property we're talking about. I did meet with Mr. Biloux, who has not been up here yet. I appreciate the time he took to come out. We walked along the tree line, and I showed him the problem my neighbors have to the west where the berm is barren. This is down by Fontana, where his property would be ending. The original berm was put in there with underground corrugated piping that you mentioned which you don't seem to like anymore. We don't like it at all because it traps mosquitoes. That needs to be fixed. I was shocked when they said that their building date might go for ten years. We were told at the Impact Meeting it would be six months between construction of the first building and start of the second. We need some sort of construction of that berm connection done with the main construction to save the neighbors from flooding. Also, the tree line is to stay, but it stops about two houses west of mine, as it was destroyed by the berm and underground plumbing put in there. The

plumbing goes into the corrugated pipe, and it goes into the storm sewers and ends up in Woford's Lake below. The drainage goes alongside Mission Road, and at 138th, it crosses over and does go into Sienna, not Tuscany. I don't think there is anything they can do about that now until Mission Road comes in. There is no place to hook up for quite some distance. The generator is actually only about 70 feet from our property line. We had no idea there was going to be some big generator that close. You might give consideration of where that is located. Maybe it could be closer to 137th Street rather than at the south end of the building. In my meeting with Mr. Biloux, I said four things that we would like as homeowners. We really don't want to see his building. The tree line is all deciduous, so in the winter, we have nothing. He has agreed to plant a lot of evergreen trees to protect the berm and give us some blockage all the way down to the end of his property line to the west. We would like to see you hold him to that. We don't want any lighting on the buildings or on the property shining toward our property. There is a proposed elevated walkway which is going to put people walking toward the back end of our property, and they are talking about nighttime lighting. I would like minimal lighting that will point away from our houses and actually only down on the sidewalk itself if that's at all possible. We would like the same for all their buildings and parking lot. The berm where they come out of their parking lot and go underground might even be slightly increased at the point of the parking lot to get us a block, especially in wintertime with the lights coming out of the underground parking lot. We don't want to hear it. The exhaust fans in the two kitchens could be very loud. We'd like to have you all look into that so we have a quiet kitchen facility. That means for the loading of the trucks coming in, too. There should not just be screening of trees but permanent sound buffers built and maybe screening to protect the wall. The last thing I had on the list was that we didn't want to smell it. I don't mean it in a derogatory sense, but the kitchens will have ventilators with a lot of cooking odors. If they can have filtration systems, it would keep us from getting a lot of cooking odors in our neighborhood. We'd rather not have to deal with that. So, a lot of trees, keeping it natural, removing noxious weeds and plants. History has shown us that mankind does not always know what is good to plant and what is bad to plant or what is a good animal or a bad animal. We have driven to extinction all sorts of animals. That forest we have that is 30 feet wide is slowly turning itself into a natural state. We've watched it change over the last 15 years that we've lived there. It went from a lot of weedy-type plants that have gone away as the trees have grown taller to natural Kansas and Missouri trees growing back there. I suggest that they should plant natural and not these hybrid plants, like these Sunset Maple things that grow in a round ball and then fall apart with the first storm. We should stick with natural hardwood Kansas trees, simple trees like hackberries and things like that that are hardy and are drought resistant. That little strip of trees is doing very well on its own, and I'd like to see it left natural. We also have some bee nests. They're going extinct. We're losing our bees, and we're not going to be able to have our food. Somewhere back in there, it's hidden because they come in our yards and get into our butterfly garden. If you could disturb that property back there, we probably will lose the bees and butterflies. Thank you.

Chairman Elkins: Thank you. Any other comments from the public?

As no one else was present to speak, a motion to close the Public Hearing was made by Ramsey; seconded by Strauss. Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

Chairman Elkins: Mr. Elam, would you care to respond to the public's comments?

Mr. Elam: We have met with the neighbors. We understand their concerns, and we will do everything we can to address them.

Chairman Elkins: Thank you. Any additional questions for Mr. Elam? Thank you. That leads us to discussion. If there are no comments, I will entertain a motion.

A motion to recommend approval of CASE 67-16 – BRIGHT SPACE SENIOR LIVING – Request for approval of a Preliminary Plan, Preliminary Plat for Senior Assisted Living and Independent Living Facilities, and Special Use Permit for a Senior Assisted Living Facility, located south of 137th Street and west of Mission Road – with 26 staff stipulations – was made by Walden; seconded by Strauss.

Chairman Elkins: Any comments before we vote?

Comm. Ramsey: Mark, from what I could tell, most of the residents' concerns are being met in terms of the discussion that has gone on between the developer and the neighborhood.

Mr. Klein: Staff has tried. Basically, one of the residents mentioned another plan for this property. That is true. It was the Villaggio East, and it came in for Preliminary. It never came back for Final; whereas, the west side came in for the Final with Intrust Bank and Gardens of Villaggio. I believe it had 12 condominium buildings and a pond along the south property line. At that time, they asked for a 75-ft. setback. When the applicant made the application, we went back through to see what was approved before, and we asked the applicant to honor the 75-ft. setback with this application as well, which they did. We also made them aware that there is much concern with the tree line. They agreed to put it into a tree preservation easement. When we get to the Final Plan, we'll talk more about lighting, sound and landscaping. We have indicated to the applicant that we would like to see additional buffering. They are required to meet the noise ordinance of the city. With regard to the distance, the parking lot is 75 feet away from the south property line, and I believe the generator is about 220 feet. We can definitely talk to them.

Comm. Ramsey: That is an emergency generator, isn't it?

Mr. Klein: That is my understanding. It is enclosed with a screen wall, and it is incorporated into the building architecture.

Comm. Ramsey: Thank you. I just wanted to make sure we're all on the same page.

Comm. Coleman: There are several points about the widening of Mission Road. What is the timetable for that?

Mr. Coleman: I think it's about 2025.

Chairman Elkins: Other discussion on this case? I would ask that staff be sure that the letter dated September 23, 2004, addressed to Mr. Klein, presented by Ms. Ross, be included in the record of our hearing this evening. Seeing no additional discussion, we'll vote on the issue.

Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block.

CASE 74-16 – TOWN CENTER CROSSING – SUITSUPPLY – Request for approval of a Revised Final Plan for modifications to a façade of a storefront, located south of 119th Street and east of Roe Avenue.

Staff Presentation:

City Planner Staci Henry made the following presentation:

Ms. Henry: This is Case 74-16 – Town Center Crossing – Suitsupply – Request for approval of a Revised Final Plan for modifications to the façade of a storefront. The property is located south of 119th Street and east of Roe Avenue. The property is zoned SD-CR [Planned General Retail]. The applicant is proposing to change this tenant space and the adjacent tenant space for tenant space A133 (Case 87-16) so that both facades will look the same with same materials and storefront system. The applicant is proposing to leave the brick column on the west side of the tenant space in place with no changes but to remove the center brick column and to reduce the width and wrap the easternmost column in black powder-coated steel. This column is the same column that separates the two storefronts and will be the same one discussed in Case 87-16. Staff recommends approval of Case 74-16 with the stipulations in the Staff Report: the applicant return the columns with the storefront back to the original state brick columns as originally approved with the main center. If, for any reason, both this tenant space and the adjacent tenant space to the east become vacant, the columns provide delineation between the two separate storefronts.

Chairman Elkins: Thank you. Questions for staff? You may refer me to the applicant, but to be sure I'm clear, we have two cases coming up for space A129, which is in front of us now and A133. Suitsupply is going to occupy A129, correct?

Mr. Klein: Correct.

Chairman Elkins: But there is no current tenant for A133?

Mr. Klein: That is our understanding, yes.

Chairman Elkins: That being the case, though, the façade across both tenant spaces is proposed to be changed to be consistent across those two spaces, correct?

Mr. Klein: Correct.

Chairman Elkins: I want to be sure I'm following the logic here. At Town Center Crossing, across those storefronts is a variety of storefronts. We don't have the same brick columns uniformly across the entire development. Why does staff feel that it's necessary and appropriate to retain that uniformity when we have a fair amount of variety from one tenant space to the next?

Mr. Klein: I think we're trying to preserve the columns that are part of the original center. This is one of the only 2-story portions in the development, so the columns continue up above. The thought is that it separates those two tenant spaces. Although it is the applicant's desire to have a uniform storefront at this point, down the road, it may be a nice situation to have that separation. It also grounds those columns that started up high. Staff is supportive of them removing those two center ones within each tenant space to open it up a little bit, but we would like to have it go back to its original condition once these spaces have been vacated.

Chairman Elkins: This is a little hypothetical, but sometime in the future, in the event that both tenant spaces are occupied by one tenant, what would staff's position be?

Mr. Klein: I think we would have to look at the store front as it came through at that time.

Chairman Elkins: Thank you. I would invite the applicant to come forward.

Applicant Presentation:

John Blisten, Suitsupply, appeared before the Planning Commission and made the following comments:

Mr. Blisten: I've got no comments unless you have additional questions.

Chairman Elkins: Staff has recommended five stipulations, one of which concerns the question of the columns. I'm mildly surprised you don't have a comment with respect to the front façade of the space.

Mr. Blisten: I think having uniformity across the board would be acceptable to us. I think in terms of the general aesthetic, it would be advisable.

Chairman Elkins: You have no objection to the stipulation?

Mr. Blisten: To remove the column back, no we don't.

Chairman Elkins: Any questions for the applicant?

Steven Harris, VP of Development for WP Glimcher, 180 East Broad Street, Columbus, OH, appeared before the Planning Commission and made the following comments:

Mr. Harris: I just wanted to come in and support our applicant. I was pleased to hear the comments about the column. We have been agreeable to support the replacement of the columns. At the same time, we lean toward your orientation on this. We feel that the replacement of the columns years from now is unnecessary architecturally, and we're just trying to work with staff to help out the best we can. If the Planning Commission were to remove that condition, we would certainly be in support of that.

Chairman Elkins: But you have no objection to leaving the condition as it is in staff's recommendation?

Mr. Harris: Correct.

Chairman Elkins: Thank you. Additional discussion? That should lead us to a motion.

A motion to recommend approval of CASE 74-16 – TOWN CENTER CROSSING – SUITSUPPLY – Request for approval of a Revised Final Plan for modifications to a façade of a storefront, located south of 119th Street and east of Roe Avenue – with 5 staff stipulations – was made by Block; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

CASE 87-16 – TOWN CENTER CROSSING – VACANT TENANT SPACE – Request for approval of a Revised Final Plan for modifications to a façade of a storefront, located south of 119th Street and east of Roe Avenue.

Staff Presentation:

City Planner Staci Henry made the following presentation:

Ms. Henry: This is Case 87-16 – Tenant Space A133. WP Glimcher is requesting a Final Plan for modifications to a façade of a storefront, located south of 119th Street and east of Roe Avenue in Town Center Crossing. The property is zoned SD-CR [Planned General Retail]. The applicant is proposing to change this tenant space and the adjacent tenant space, Suitsupply, Case 74-16 so that both facades will look the same with the same materials and the storefront system. The applicant is proposing to leave the brick column on the east side of the tenant space in place with no changes but to remove the center brick column and reduce the width and wrap the westernmost column in black powder-coated steel. This is the same column that separates the two storefronts and is the same one discussed in the previous case. Staff recommends approval of Case 87-16, including the stipulations in the staff report. If, for any reason, this space and adjacent tenant space to the west become vacant, the column will be returned to its original state.

Chairman Elkins: Questions for staff? Thank you. I want to make sure I'm tracking correctly. This is the flip side of the case we just heard. The façade is going to be the dark façade that is described except the brick column will remain in place. Will it still appear to be a brick column, or will it be wrapped with this black coloring?

Mr. Klein: In this case, the column that separates the Suitsupply from this case will be wrapped. That is the common column. There are three columns in each tenant space. There are outside columns on either end that will stay. Then there is a center column in each tenant space, and they will both be removed. Then there is a common column that delineates the two tenant spaces. That will be reduced in size and wrapped with the steel.

Chairman Elkins: I'm curious on your thoughts about the aesthetics of brick column and then steel column and then brick column.

Mr. Klein: The way this would work, it would just be the steel column between. It would have brick, then no columns, then the black columns and then finally brick again.

Chairman Elkins: Thank you.

Comm. Ramsey: Why not use brick?

Mr. Coleman: They don't want to use brick.

Chairman Elkins: I would invite the applicant to come forward.

Applicant Presentation:

Steven Harris, WP Glimcher, 180 East Broad Street, Columbus, OH, appeared before the Planning Commission and made the following comments:

Mr. Harris: I spoke on this matter a moment ago. We are fine with all the conditions, and we thank staff for all the time spent on it.

Chairman Elkins: Thank you. Any questions for the applicant? Thank you. That brings us to a motion.

A motion to recommend approval of CASE 87-16 – TOWN CENTER CROSSING – VACANT TENANT SPACE – Request for approval of a Revised Final Plan for modifications to a façade of a storefront, located south of 119th Street and east of Roe Avenue – with five staff stipulations – was made by Block; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

CASE 75-16 – VILLAGE OF SEVILLE – LEAWOOD MICRO HOSPITAL – Request for approval of a Final Plan and 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: Before I give my report, I'd like to call your attention to an updated Staff Report provided on the dais. After the Staff Report was published and printed, the applicant contacted staff amending the square footage of the building. Originally, the building was proposed on the plans as 16,400 square feet, and it has been amended to 16,822 square feet, an increase of 422 square feet. The Staff Report has revised plans for your review and other information such as impact fees have been amended. The floor area for the lot and development has been amended, and the square feet for the entire development has been amended. Additionally, Stipulation No. 17 was corrected to clarify staff's intent that a 3-ft. berm is required between parking and drives and the public right-of-way, which wasn't terribly clear in the original report that was sent out last Friday.

This is Case 75-16 – Request for approval of a Final Plan and Final Plat for Leawood Micro Hospital at the northwest corner of 133rd and State Line Road within the Village of Seville development. When the Preliminary Plan and Special Use Permit were approved in June, a stipulation was included that required the applicant to submit a Final Plat application, creating a tract of land for an existing monument sign for the development association to maintain. The applicant has fulfilled this requirement and has provided a 400 sq. ft. tract of land at the southwest corner of the lot for the monument sign. The lot for the project is located at the southeast corner of the development adjacent to the intersection of 133rd and State Line. The applicant is proposing a 16,822 sq. ft. single story micro hospital. Access to the lot is by an internal drive, which is connected to an internal drive from 133rd Street. Parking for the project is located north of the building and adjacent to the internal drive. The applicant has provided three rain gardens on site. One is proposed north of the building; one is adjacent to State Line Road; one is west of the patient drop-off. The applicant has provided a 1,000 sq. ft. plaza amenity at the intersection of 133rd and State Line. The building is proposed to be a single story hospital with a maximum height of 30 feet, 6 inches with a flat roof and sloped tower elements. The façade is proposed to be a combination of brick, stucco, stone and spandrel glass. A covered patient drop-off is proposed on the west side of the building. Ambulance access is proposed to be on the north side of the building adjacent to State Line Road. Over the ambulance drop-off, a canopy is proposed, which will extend approximately 12 feet from the façade. A trash enclosure is also proposed on the north elevation, and it will be 9 feet, 4 inches in height and screened by solid metal doors. A 9 ft. 1 ½ in. height screened emergency generator is proposed at the southwest corner of the building and will be constructed with brick and will be architecturally integrated within the building. Existing oak trees were originally provided by the developer at 35 feet on center along 133rd and along State Line. The applicant is proposing additional shade trees, ornamental trees and shrubs along the perimeter. Adjacent to the building, the applicant is also proposing a combination of shrubs, evergreens and ornamental grasses. Shade trees are also proposed adjacent to the internal drive from 133rd. The applicant is proposing five new parking lot fixtures which will not exceed 18 feet in height and will match those existing within the development. The applicant has proposed to use the spandrel glass, which staff does not support and has recommended the use of either natural stone or cementitious stucco. In the past, staff has not supported the use of spandrel glass because it is a false architectural

feature and does not serve as a true window. Staff has stipulated that prior to Governing Body consideration, the applicant revise the elevation plans, removing the spandrel glass and replacing it with either natural stone or cementitious stucco currently proposed on the building. Staff recommends approval of Case 75-16 with the stipulations outlined in the revised Staff Report provided this evening, and I'd be happy to answer any questions.

Chairman Elkins: Questions for Ms. Kriks?

Comm. Pateidl: I have a question related to Stipulation No. 3 regarding replacing the spandrel glass with stucco or natural stone. Is spandrel glass a permitted building material in Leawood?

Mr. Klein: It is not listed in the prohibited section of the ordinance. In the past, we have discouraged its use because it is a false element. That was direction from the Planning Commission at that time. It originally became an issue with the CVS at Cornerstone.

Comm. Pateidl: So it is or is not prohibited?

Mr. Klein: It is not prohibited.

Comm. Pateidl: But you don't like it, and the Planning Commission hasn't liked it in previous positions?

Mr. Klein: That is correct. We've had direction with previous cases that spandrel glass wasn't supported because it tries to emulate a window when, in reality, it doesn't serve the function of a window.

Comm. Pateidl: It looks to be pretty minimal in the overall scope of this project. Is that a fair assessment?

Mr. Klein: I think they have it at the tops of the windows to screen and then also at the bottom of some of them as well.

Chairman Elkins: Other questions for staff?

Comm. Block: The square footage change was just a typographical correction?

Ms. Kriks: The building footprint did not change. I believe it was a typographical error, and the applicant has since provided a new plan to staff to reflect the change.

Comm. Block: Is it a question to you or the applicant as to which of the windows will be opaque and which will be real?

Mr. Klein: We'll pull up a diagram and show you (*points out on the overhead*).

Ms. Kriks: (*illustrates location of spandrel glass*) The applicant can correct me if I'm mistaken.

Chairman Elkins: It is the top portions that are smaller?

Ms. Kriks: Correct.

Chairman Elkins: Thank you. Additional questions? I would invite the applicant to step forward.

Applicant Presentation:

Steven Kirkpatrick, Embree Asset Group, 4747 Williams Drive, Georgetown, TX, appeared before the Planning Commission and made the following comments:

Mr. Kirkpatrick: We do agree with 31 of the 32 stipulations. The outstanding one is No. 3 with the spandrel glass. We want to assure the commission that the spandrel glass does not replace any windows; it just makes the functioning windows look larger. Ms. Kriks did correctly identify the areas where spandrel glass is proposed. It does affect us the most on our west elevation, which is primarily covered by our ambulance drop-off canopy. It does give the illusion of a larger space. We note that it is shown as a different color, but it is designed to look like the exact same color. It is, in fact, the exact same glass. The spandrel glass just has a backing put on it that prevents light from coming into the building. We want to caution replacing all that area with stucco or stone because it would be a very long area with no broken up fenestration with windows or doors. I'd be happy to answer any additional questions you have.

Comm. Block: The spandrel glass is covering a structure because you can't make it a full-sized window, correct?

Mr. Kirkpatrick: That is exactly right.

Comm. Block: The option would not be to replace it with a full-sized window; the only option would be to put in stone or stucco.

Mr. Kirkpatrick: That is correct. The objects behind the spandrel glass would be above the ceiling level and would be HVAC units or piping.

Comm. Block: When she circled the lower windows, is that the same?

Mr. Kirkpatrick: Those are located where we have the larger brick elements and the tower elements, so it keeps the windows in proportion with the rest, and it also breaks up that horizontal line at the top of the windows from completely spanning the elevation. Once again, those would be above the ceiling height, and they would show something above the ceiling if they were full-sized windows.

Comm. Strauss: I was going to ask if you had a sample, but am I to understand it is the same glass as the window? Can you describe it?

Mr. Kirkpatrick: I did not bring a sample. It just has a ceramic backing that prevents light from completely penetrating the glass. All the glass is specified to be reflective glass, so it's not as though there will be a lot of light able to enter the building from the outside looking in. It will generally reflect all the light coming to it. But in the event with low light levels and when lights are on inside the building, what is behind the spandrel glass will not be visible.

Comm. Strauss: During the day, it won't look like the window because there is a backing on it, and at night, there is no light coming through it.

Mr. Kirkpatrick: During the day especially, it will look like one solid window. The untrained eye, I don't believe, would be able to tell the difference between the side with the backing on it and the side without.

Comm. Strauss: When we get to staff comments, I would ask if we have any other examples in the city.

Comm. Coleman: Is the operator going to be local, or is it someone from out of the area?

Mr. Kirkpatrick: Unfortunately, I cannot divulge that information at this time.

Chairman Elkins: Other questions? Mr. Kirkpatrick, would the spandrel glass be both the narrow rectangular and the wide rectangular space on the western elevation?

Mr. Kirkpatrick: That is correct. It is everything above the first layer of windows.

Chairman Elkins: Your comment to Commissioner Strauss has me puzzled because if the spandrel glass has a dark ceramic backing to it and regular glass or windows are presumably transparent, I'm not sure how it is I'm not going to notice the difference when I look at it.

Mr. Kirkpatrick: They're not completely transparent; they're reflective glass. Once again, it's the same material. There will be some light that gets into the building, but from the exterior, especially during the day when the sun is shining on it, it will have some reflective nature to it so it won't be a clear, obvious difference between the two.

Chairman Elkins: Thank you.

Comm. Strauss: Do you use this glass in other facilities around the country? Are there other pictures you can show us with an existing building?

Mr. Kirkpatrick: I don't have any with me, but we come across this a lot. This caught our architect off guard. This is very common and is used to achieve the look of windows for a

fenestration requirement to break up the long expanses of either brick, stone or stucco. This is a tool that is used in many places around the country and I'm sure in this area as well.

Chairman Elkins: Staff, is there not a materials board that was included with the application?

Mr. Klein: They submitted a materials board; however, it did not include the spandrel glass.

Mr. Coleman: Since they didn't supply the glass material for the window or spandrel, we might have to ask for this to be continued. Reflective glass, as the applicants mentioned, is a prohibited material. If their building has reflective glass, it is not allowed. That's an issue, and we don't have a sample of the spandrel glass.

Chairman Elkins: Reflective glass is a prohibited material. Is there a concept of a smoked glass that would be consistent with the kind of reflectivity that would come from a spandrel?

Mr. Coleman: Smoked glass wouldn't be a reflective glass. It depends. Glass has gotten a lot more sophisticated over the last decade, but the LDO says that reflective glass is prohibited.

Comm. Pateidl: To give us an example of reflective glass, there is a red glass on College by Tomahawk. Is that reflective glass?

Mr. Coleman: It is, and it is a prohibited material. That may be the reason it got into the LDO as a prohibited material.

Chairman Elkins: Additional questions for the applicant. You said you have no other objections to the other stipulations?

Mr. Kirkpatrick: That is correct.

Chairman Elkins: Let's move to discussion.

Comm. Block: I wasn't familiar with the term before reviewing the packet, so I researched it and watched a short video from someone who manufactures it. It sounds like it's really common. In my mind, it's like the Block building downtown. It's an entirely glass structure, and it's obviously got structural elements in it. When you look at the building, it looks like it is all glass. If you were to look closer, you would see that some have a backing. I don't think this is unusual. I think the term probably is, and this is a common element. I personally don't have any objection. From the city's perspective, as Mr. Klein said, it was probably not liked in the past for whatever reason.

Comm. Pateidl: Based on Mr. Coleman's comments and generic comments about reflective glass, I really wonder if we have a proposal that, as presented, is acceptable under the ordinance. I share Commissioner Block's feelings toward the spandrel glass. I also refer back to Mr. Coleman's comment about technological changes as far as glass is concerned. Accordingly, I think it is important that the applicant understands that whatever the glass material is for the basic construction of this unit, it must be an approved material. Should the spandrel glass complement or be no more visibly different than the other glass, I would think we could look at this as an application that could move forward with some work to be done between the applicant and the department before Governing Body.

Mr. Kirkpatrick: I apologize; I'm not an architect, and I may have misspoken about the true reflectivity. It is not mirrored glass, and we would have no problem making sure we have an approved material. We would love to avoid a continuance over this, and we would have no issue working with staff between now and Governing Body with the stipulation that addressed the type of glass.

Chairman Elkins: You anticipated my question about whether reflective glass being prohibited would affect your view of the plan. I heard you say it does not. Recognizing limitations that you are not an architect, is it your sense then that if we're not using reflective glass, the appearance of the spandrel and the true window will be the same?

Mr. Kirkpatrick: I believe it still will. Certainly at night, there will be differences when there is light inside the building. I believe any glass will reflect some light. This is not intended to be a mirror finish to completely prevent view into the building by any means. I misspoke when I called it reflective glass. We would be happy to ensure that we provide a material that meets the ordinance.

Chairman Elkins: To your knowledge, is the maintenance any different on spandrel glass than on regular window glass? In other words, over time, will the spandrel glass age differently than the window glass would?

Mr. Kirkpatrick: Not to my knowledge. Once again, it is the exact same material with an extra backing to it. It is also insulated on the inside so the energy loss is not that of a window. It essentially functions as a wall that looks like a window.

Chairman Elkins: Thank you. I will say from my recollection on the commission that there is a long history of objection to spandrel glass. I wish my memory would help me explain why there was general opposition. I will say that historically, it has been a given that spandrel glass, even though it was not on the list of prohibited materials, was generally objected to. To be quite frank, I can't give the reason why, and I would be the last to say we should do something simply because we've always done it that way.

Comm. Strauss: Mark, you've got a long history. Can you explain the objection? Is the stipulation in there purely for aesthetics, or is there another reason it is in there?

Mr. Klein: It is primarily aesthetics. The reason the direction from Planning Commission was against the spandrel glass is that it didn't really follow a function of the material. At one point, we had drugstores, and one wall had to be blank due to the security. At that time, a lot of people were putting up fake windows. From the outside, it was obvious it was a fake window, and it looked false. That is the direction that the Planning Commission was indicating. If it was going to be a window, make it truly function as a window. If it's not going to be a window, use some other means to break up the space. In this case, they are using the spandrel glass to make the windows look larger than they are. You haven't seen much of it because when we get applications, we work with the applicant to modify the plan.

Comm. Strauss: I wonder if the spandrel glass was proposed for the entire window, where in this application, it is more of an accent, it seems like. I've seen developments where it has been the entire window. I pulled up examples on the Internet, and in some ways, I think it looks very nice, but I'm also not an architect. I miss Len's professional opinion. I could see how you could argue it either way.

Chairman Elkins: We're getting outside the realm of what is appropriate to consider, but at the risk of that, I would note that if you look back at minutes of meetings in which this was considered, former Chairman Williams was one of the strongest objectors to spandrel glass in his professional opinion.

Mr. Coleman: I would suggest the applicant provide samples of both types of glass prior to Governing Body so that it can be shown to them, regardless of what you decide.

Comm. Pateidl: Mark, you concluded that it makes the window look bigger than it is, but the alternative is to either put stucco or stone in there. It's pretty obvious to me that this is part of an enclosure package and not an attempt to make a faux window. It does largely impact the aesthetics of the building. Given its size and functionality as an enclosure package the same as stucco is an enclosure package, I think there are valid reasons beyond just the feeling that they were trying to make a faux window. I don't think that was the intent at all.

Mr. Klein: I think the intent was to make the windows look larger with a certain fenestration. With the stone and stucco, the look of the building would change. The windows would be smaller, but there would be fill material with the potential for accents in those areas.

Comm. Pateidl: I could almost flip a coin. I'll go back to the suggestion before. I have no objection to the spandrel window, provided that it is compatible with the glass. Mr. Coleman suggested that samples be provided for consideration prior to Governing Body. I know that the applicant has stated the desire to avoid a continuance, and I would agree this is one of those areas where you need to figure out what you want to do and what the ordinance will allow people to do. We need to have better guidelines for us to make a solid decision or at least for the Governing Body to make a solid decision.

Chairman Elkins: Any other comments relative to the spandrel glass?

Comm. Coleman: I've been looking at images online that describe this particular glass. Some looks very similar; some looks different. We've talked about it matching the current windows, but it does look different on the plan. Yet, the applicant said it's supposed to look the same. I would like to see some samples as well of the difference in the glass.

Chairman Elkins: I would note that, with Commissioner Pateidl, that one of the things we're often concerned about with the building facades is that they be broken up. It does seem that the spandrel glass serves that function. I sense a consensus among the commission that if it was to be determined that the spandrel glass and the vision window glass did not look substantially different, the commission is inclined not to object. Is that the sense I'm getting? Commissioner Walden?

Comm. Walden: If they appear the same, what is the point of the spandrel glass? On the west elevation, I want to clarify here that Ms. Kriks pointed out it does label the spandrel glass above one window. I think she also said the spandrel glass goes to the right at the top of all of the windows, covering seven more windows.

Ms. Kriks: Yes, that is correct.

Comm. Walden: All in all, it does make the windows look very long. Also, since I think we have a meeting August 9th, could the developer come back and show an example of the glass at that meeting? I don't think this subject matter is going to go away. I think we need to come to a conclusion regarding spandrel glass. I think it would help if the developer were willing to come back and show an example.

Chairman Elkins: What would that then do to the approval schedule for City Council's agenda? Does it basically push it a month?

Mr. Coleman: We wouldn't have time to do the minutes of the 9th meeting for the 15th.

Chairman Elkins: It seems we have three options. We could approve the plan with the stipulations proposed by staff, over the objection of the applicant. We could modify No. 2 to provide for the applicant to provide examples of the spandrel glass and the vision window glass prior to Governing Body consideration. We could continue this and ask the applicant to provide examples of the spandrel glass before we come to a recommendation. Quite frankly, I'm in a little bit of a dilemma here in the interest of assisting the applicant in moving forward. Certainly, recommending this for approval subject to City Council review of the glass materials would assist in the process, but I'm reluctant because I feel it is part of our duty to make a recommendation to City Council. I hate to leave this without our recommendation. Commissioner Ramsey, help me out here.

Comm. Ramsey: Let me make sure I understand this. The spandrel glass is not on the list of prohibited materials, so it is legal.

Chairman Elkins: It is.

Comm. Ramsey: In terms of spandrel glass, what are we questioning? The architect and the developer apparently have an approved product.

Chairman Elkins: My understanding is that it is well within our jurisdiction to make a recommendation based on the aesthetics. Our basis for making a determination is our opinion of the aesthetics.

Comm. Pateidl: We could also strike No. 3.

Chairman Elkins: You are correct. We could basically approve the plan without the stipulation. Is there a commissioner who would like to make a motion, and we'll see where we land?

Comm. Strauss: I don't know if I'm ready to make a motion, but my feeling is I can't make a decision without having something to see. I've pulled up examples on my phone, but I would like to see physical evidence. We could either kick the can to the Governing Body, or we could delay the applicant in my mind. For the applicant's sake, I would like to keep them on track and be pro-business. Governing Body will read our concerns and pick up from there. I think our discussion demonstrates that we have no other problems with the development, and this is something they will be able to see with the examples.

A motion to recommend approval of CASE 75-16 – VILLAGE OF SEVILLE – LEAWOOD MICRO HOSPITAL – Request for approval of a Final Plan and Final Plat, located north of 133rd Street and west of State Line Road – striking Stipulation No. 3 and including the remaining 32 stipulations included in the Staff Report – was made by Pateidl; seconded by Block.

Chairman Elkins: Discussion? We know where Commissioner Strauss stands. Is there additional discussion?

Comm. Strauss: By striking it, the applicant moves forward as is, but the Governing Body has our minutes. I would like them to take the sample to Governing Body, or they're going to be in the same situation we're in. I don't know if that can be included.

Mr. Klein: We'll get the samples.

Chairman Elkins: We could amend No. 3 to say something along the lines of, "Prior to Governing Body consideration, the applicant shall provide samples of the spandrel glass and vision window glass for the building." That would require them to do it. I'm not in a place to offer an amendment.

Motion amended to require examples of the spandrel glass and vision window glass proposed for the building at the time of presentation to Governing Body – by Elkins; seconded by Block.

Chairman Elkins: Any additional discussion?

Comm. Coleman: I don't know if this needs to be in the motion, but for my purposes, I would like to see them as well at our next meeting.

Chairman Elkins: Are you proposing that as a condition for this particular case or on the issue of spandrel glass in general?

Comm. Coleman: Just as a point of information and reference for this commission.

Chairman Elkins: One option would be to include that in a work session. We can certainly request it as that.

Comm. Coleman: I think as a body, we need to discuss and make a decision one way or the other.

Chairman Elkins: Any other comments? Given that there are no additional comments, we will move to a vote.

Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

5-minute recess

CASE 77-16 – PLAZA POINTE – MID-AMERICA ORTHOPEDICS LEAWOOD – Request for approval of a Revised Preliminary Plan and Final Plan, located north of 137th Street and east of Briar Street. **PUBLIC HEARING**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 77-16 – Plaza Pointe – Mid-America Orthopedics Leawood – Request for approval of a Revised Preliminary Plan and Final Plan, located north of 137th Street and east of Briar Street. The Preliminary Plan and Special Use Permit for a 14,615 sq. ft. medical outpatient care facility was approved by the Governing Body on November 16, 2015. With this application presented this evening, the applicant is proposing to increase the floor area of the building by 1,918 square feet from the Preliminary Plan approved in November to include a basement. This increase in floor area is greater than 5%, which is defined as a substantial increase in the Leawood Development Ordinance. Because the increase is greater than 5%, the applicant is required to reapply for a Revised Preliminary Plan, which is being presented this evening. The applicant is now proposing a 15,533 sq. ft. single story medical outpatient care

facility located on Lot 1 at the southwest corner of the Plaza Pointe development. This lot is the last remaining vacant lot for the development. An existing retention basin and limestone retaining wall are located adjacent to the western property line, which is located within a private drainage easement and shared with the lot to the north. The building is proposed to be rectangular shape, oriented north to south and will be located east of the retention basin. The applicant is proposing 51 parking spaces for the facility, which will be located north and east of the building. A 1,792 sq. ft. plaza area is to be located between the building and the retention pond. An 8 ft. 4 in. screened emergency generator and trash enclosure are proposed to be located on the south side of the building, which will be architecturally integrated with the structure by a masonry wall matching the materials used for the building. Pedestrian connections are proposed to 137th Street to the south and to Lot 5 east of the project site. The facility is proposed to be a height of 26 feet, 10 inches with a flat roofline. The façade is proposed to be a combination of brick, natural limestone and cementitious stucco. Three decorative steel canopies are proposed. Two of these canopies will be on the east elevation; one will be on the west. Within the detention basin, an existing retaining wall is proposed to be increased in height from approximately 8 ½ feet to 14 feet, due to a combination of reducing slope condition and the deteriorating wall. The applicant is proposing to construct a concrete retaining wall and then reface the concrete wall with stone to match the existing stone in the retention basin. On top of the retaining wall, the applicant is installing a 42 in. black aluminum fence. There are existing trees along 137th Street and Briar, and the applicant is proposing to add additional shade trees, ornamental trees, evergreens and shrubs along the perimeter. Adjacent to the building, a combination of shrubs and grasses are proposed. Around the plaza area, the applicant is providing a combination of broadleaf evergreen shrubs, deciduous shrubs and ground plantings. Adjacent to the generator and trash enclosure, a combination of evergreen trees and shrubs are proposed. Wall signs will be administratively reviewed and approved since Plaza Pointe has sign criteria on file with the city. However, the applicant is also proposing a monument sign adjacent to 137th Street which shall be 9 feet in length and 3 feet, 6 inches in height for 31.5 square feet. The sign is proposed to include a limestone base and a non-reflective aluminum face with 5-in. letters. The sign will be illuminated by a low intensity ground-mounted light fixture. Ten 16-ft. LED parking lot light fixtures are proposed. The applicant will utilize three existing light fixtures located on the lot to the east to mount new fixtures to illuminate their parking lot. In addition, the applicant is proposing decorative wall-mounted light fixtures on the façade of the building. The applicant is requesting a deviation to the interior parking setback. Per Section 16-2-6.1 of the LDO, interior parking setbacks are a minimum of 10 feet. However, a deviation may be granted which allows interior parking setbacks to be reduced to zero. Staff recommends approval of Case 77-16 with the stipulations outlined in the Staff Report, and I'd be happy to answer any questions you may have.

Chairman Elkins: Thank you. Questions for Ms. Kriks? Seeing none, I would invite the applicant to step forward.

Applicant Presentation:

Patrick Joyce, 7101 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Joyce: First, I'd like to thank the commission. It is my pleasure to represent Mid-America Orthopedics tonight. I would like to introduce my design team. We have Christine Pafford from SPT Architecture out of Wichita, KS. We also have Jennifer Newel, architect out of Wichita as well and Jay O'Dell from my office, who is the design engineer. I'd like to give a little bit of background on Mid-America Orthopedics. They are a group of physicians that currently function in the Wichita area. They have three successful operations similar to the ones they are planning in the Leawood area. They specialize in orthopedic care, sports injuries, joint care, things of that nature. This project represents their desire to expand their operations into the Leawood area. We, as a design staff, have gone to great lengths to coordinate this project with city staff and adjacent residents. From that dialogue, I think we've gotten a very high quality development here that I'm very proud to put my name on. We've also agreed to all the stipulations from the Staff Report, and we look forward to your approval to the Governing Body and subsequent approval to bring this to the city.

Chairman Elkins: Thank you. And you have no objections to the 28 stipulations proposed?

Mr. Joyce: We do not.

Chairman Elkins: Thank you. Questions for Mr. Joyce? Then that will move us to discussion. We'll open the Public Hearing then.

Public Hearing

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

A motion to recommend approval of CASE 77-16 – PLAZA POINTE – MID-AMERICA ORTHOPEDICS LEAWOOD – Request for approval of a Revised Preliminary Plan and Final Plan, located north of 137th Street and east of Briar Street – with 28 Staff Stipulations – was made by Strauss; seconded by Block. Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

CASE 79-16 – TOWN CENTER PLAZA – HOULIHAN'S RESTAURANT – Request for approval of a Revised Final Plan for modifications to the façade of a building, located north of 119th Street and west of Roe Avenue.

Staff Presentation:

City Planner Staci Henry made the following presentation:

Ms. Henry: This is Case 79-16 – Town Center Plaza – Houlihan’s and has a revised Staff Report on the dais that modifies the stipulations. Houlihan’s is requesting a Revised Final Plan for modifications to the façade of a building, located north of 119th Street and west of Roe Avenue. The property is zoned SD-CR [Planned General Retail.] Parking is located on the south, east and west sides of the building. An existing sidewalk extends across the western half of the northern boundary of the site within the parking lot islands. However, this parking lot does not continue to the east to provide a future pedestrian connection with the pad sites within Town Center Plaza that are located to the east. The brick column on the west side of the entrance is being replaced with a natural stone column that will extend above the roofline. A new aluminum canopy is proposed to extend across the south elevation, replacing the existing black canvas awnings and gooseneck lighting. A new rectangular brick element will be added to the south elevation above the canopy over the main entry doors. The south elevation shows a strip of frosted glass illuminated in the corner. The applicant has stated that this element is being removed. New revised elevations will be resubmitted prior to Governing Body consideration reflecting the changes. Staff recommends approval of Case 79-16 with the stipulations included in the Staff Report. The existing sidewalk along the north side of the property shall be extended to the east boundary of the property to further develop the internal pedestrian connections within Town Center Plaza. The revised plans shall be submitted prior to Governing Body consideration reflecting these changes.

Chairman Elkins: Thank you. Questions for staff? Seeing none, I would invite the applicant to come forward. We appreciate your patience.

Applicant Presentation:

Kurt Thuenemann, Houlihan’s Restaurants, 8700 State Line Road, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Thuenemann: Before we begin, I have no spandrel panels on this property.

Chairman Elkins: Glad to hear it. Do you have any additional comments for us to consider in evaluating this application?

Mr. Thuenemann: No. It has been great working with staff. We have taken their comments into consideration, and we have incorporated them into the plan. Houlihan’s has been at this location for nearly 20 years. We built that building in 1995. For two decades, we have been a staple in the Town Center Plaza development, and we want to stay here. Roughly 4-5 months ago, we were charged with what to do with some of the older buildings. The proposal in front of you is what we came up with. It’s really more than just the interior and exterior remodel; it is really a full new approach to Houlihan’s and how we treat our guests. Our food profiles will see a major renovation in the menu. Our bar platform, service, hospitality protocols and programs will improve. It is really a far-reaching change that has gone into place the last 6-8 months. We’re excited, and we think our guests will be, also. Can I answer any questions?

Chairman Elkins: Questions for Mr. Tuenemann?

Comm. Pateidl: Thank you for dressing up the building. I think it's great.

Chairman Elkins: I would add our thanks. You are correct; your restaurant has been a mainstay in the City of Leawood since we expanded out in this part of the city. It's nice to have you and have you continue to be here. Any additional questions? Thank you. With that, I would open to discussion on Case 79-16, leading to a motion.

A motion to recommend approval of CASE 79-16 – TOWN CENTER PLAZA – HOULIHAN'S RESTAURANT – Request for approval of a Revised Final Plan for modifications to the façade of a building, located north of 119th Street and west of Roe Avenue – with 6 Staff Stipulations – was made by Pateidl; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

PLANNING COMMISSION: Appointment of a Recording Secretary.

Chairman Elkins: The chair notes that Section 16-6-5 of the LDO directs the commission to elect a Recording Secretary on an annual basis. We need to do this for the current year. The ordinance also notes that the Recording Secretary may or may not be part of the commission. I would suggest we would be well served if it was not a commissioner. It is directed to be an election rather than an administrative appointment.

Mark Klein was nominated to serve as Recording Secretary by Pateidl; seconded by Ramsey.

Comm. Strauss: I've been on the Planning Commission five years, and I thought Debbie was our Recording Secretary. Who has it been in the past?

Chairman Elkins: That is a good question. There is a new sheriff in town who actually reads the ordinance.

Motion carried with a unanimous vote of 6-0. For: Walden, Pateidl, Strauss, Ramsey, Coleman and Block

Chairman Elkins: It also turns out that while you purported to elect me for a three-year term, which I was pleased and proud to accept, in reading the ordinance, it appears that the direction is for a one-year term.

MEETING ADJOURNED