

**City of Leawood
Planning Commission Meeting
January 24, 2017
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: Belzer, Levitan, Elkins, Strauss, Ramsey, Coleman
Absent: Hoyt, Pateidl, Block

APPROVAL OF THE AGENDA

Ms. Kriks: There are no changes to the agenda.

A motion to approve the agenda was made by Coleman; seconded by Ramsey. Motion carried with a unanimous vote of 5-0. For: Belzer, Levitan, Strauss, Ramsey and Coleman.

CONTINUED TO THE FEBRUARY 28, 2017 PLANNING COMMISSION MEETING:

CASE 01-17 – CITY PARK – WIRELESS COMMUNICATION FACILITY – Request for approval of a Special Use Permit for a Wireless Communication Facility, located north of Lee Boulevard and east of Mission Road. **PUBLIC HEARING**

CASE 05-17 – PARKWAY PLAZA – HUNTER FAMILY VISION – Request for approval of a Revised Preliminary Plan and Final Plan, located north of 135th Street and west of Roe Avenue. **PUBLIC HEARING**

CASE 08-17 – THE RESERVE AT MISSION WOODS – Request for approval of a Zoning to R-1 (Planned Single Family Low Density Residential), Preliminary Plan and Preliminary Plat, located south of 103rd Street and east of Mission Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 02-17 – BUKATY COMPANIES MONUMENT SIGN – Request for approval of a Final Sign Plan, located south of College Boulevard and east of Roe Avenue.

CASE 04-17 – PARK PLACE – TOM TIVOL JEWELS – Request for approval of a Final Plan for changes to the façade of a tenant space, located north of 117th Street and east of Nall Avenue.

Ms. Kriks: I wanted to call attention to a Revised Staff Report for Case 02-17 with a correction of a printing error.

Chairman Elkins: Does that change anyone's view to pull the case from the Consent Agenda? If not, the chair would entertain a motion to approve the Consent Agenda.

A motion to approve the Consent Agenda was made by Ramsey; seconded by Coleman. Motion carried with a unanimous vote of 5-0. For: Belzer, Levitan, Strauss, Ramsey and Coleman.

NEW BUSINESS:

CASE 65-16 – CORNERSTONE DEVELOPMENT – THE ELEMENT 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

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 65-16 – Request for a Revised Preliminary Plan and Special Use Permit for a hotel for the element Hotel, proposed within the Cornerstone of Leawood development, located at the southeast corner of 135th Street and Nall Avenue. A Preliminary Plan, Preliminary Plat and Rezoning from Agricultural to Planned General Retail for Cornerstone was approved by Governing Body on November 18, 2002. The development was approved for 356,827 square feet of construction on 34.39 acres for a Floor Area Ratio of 0.24 and consisted of a mix of retail and office uses. A Final Plan and Final Plat were later approved February 3, 2003, which included the first phase of construction for 101,152 square feet of retail and 60,130 square feet of office. The applicant this evening is proposing a 72,819-sq. ft. rectangular shaped hotel to be located within Lot 16 of the development. The hotel is proposed to encroach into Lot 15 to the west, which will require the applicant to submit for a revised Final Plat to adjust the lot line between Lots 15 and 16 at the time of Final Plan, which will then create Lots 17 and 18 and enable the hotel to be located on a single lot. Currently, Lot 16 is approved for a 2-story retail office building with a total square footage of 62,663 square feet. The lot proposed for the hotel is centrally located within the development on an irregular shaped lot. The proposed site of the hotel is surrounded by surface parking to the south, vacant lots to the north that are approved for retail and existing restaurant uses to the north, east and east. West of the site is an existing retail furniture and home good store. The main entrance for the hotel is proposed to face south onto an existing internal circulation drive directly adjacent to the main center. The internal drive is proposed to be realigned to accommodate a porte-cochere, and adjacent to the building along the internal circulation drive, head-in parking is proposed that will back into the circulation drive. Staff does have concerns with the head-in parking, which include the potential of people unloading cars into the circulation drive, creating the potential for an obstructed circulation route and an increased potential for vehicular and pedestrian conflicts by the porte-cochere. Because of these concerns, staff has stipulation that, prior to Governing Body

consideration, the applicant revise the plan to remove the head-in parking. The applicant is proposing to finish a portion of the pedestrian corridor located within their lot with decorative hardscape and will connect to existing circular plaza areas east and west of the hotel within this pedestrian corridor that extends through the main center. An outdoor patio is proposed on the north side of the hotel, which is proposed to be separated from this pedestrian plaza by landscaping and a knee wall, which is approximately 4 feet in height. On the north side of the building, an indoor pool is proposed adjacent to the plaza. On the east side of the building, a 6-ft. trash enclosure is proposed, which will have a stone finish to match the façade of the hotel and is proposed to be located adjacent to an existing outdoor dining patio for Gaslight Grill and a pedestrian access into the main center. Staff does have concerns regarding the proposed location of the trash enclosure, as it is near outdoor dining. Staff's concerns rise from the potential negative impact a trash enclosure could have on an existing amenity for the development. Because of this concern, staff has stipulated that at Final Plan, the applicant will relocate the trash enclosure to a location which will not impact this existing outdoor dining. The hotel itself is proposed to be 4 stories, 110 rooms, with a height of 56 feet, 8 inches. The hotel is proposed to have a flat roofline with elevator overruns, which will extend above the roofline to a maximum height of 55 feet, 4 inches. On the south elevation over the main entrance, and ornamental architectural tower is proposed to be constructed of metal composite wall panels and is proposed to extend an additional 8 feet over the height of the parapet. Section 16-2-4.7 of the Leawood Development Ordinance states that parapets, elevator overruns, and ornamental towers are excluded from the calculation of the height of a building. The hotel is proposed to be a combination of cementitious stucco, metal composite wall panels, simulated wood panels, natural veneer, natural linear stone, and clear glass. Louvres for individual air conditioning units are proposed on the façade of the building and are planned to be painted to match the adjacent color of the façade. The applicant has provided a preliminary plan for a monument sign, proposed to be located at the southwest corner of the lot, adjacent to the internal drive. The monument sign is proposed to be internally illuminated, 8 feet in height and 5 feet in width for a total of 40 square feet. The monument sign is proposed to have an aluminum face with white push-through letters. Staff does have concerns regarding the monument signs for two reasons. First, the Sign Criteria for Cornerstone Development does not address monument signs for individual tenants and therefore, it is not currently permitted within the development. Secondly, the monument sign that is proposed does not meet the current requirements of Section 16-4-6.13(a) of the LDO, which does set a limitation on the size of a monument sign in an SD-CR zoning district and illumination standards. Staff has included a stipulation stating that, at Final Plan, the applicant will be required to revise the Sign Criteria for Cornerstone, addressing monument signs which comply with the Leawood Development Ordinance. The applicant has also provided a Preliminary Landscape Plan for review, which includes a combination of deciduous shrubs, evergreen shrubs and evergreen trees directly adjacent to the hotel. Along the internal drive, the applicant is proposing a combination of Honey Locust, Elm and Maple.

The Cornerstone Development was originally designed and approved as a lifestyle center, with the main center of the development organized around and integrated with a central pedestrian corridor onto which primary entrances of the surrounding businesses were provided to create a pedestrian friendly, walkable environment. Surface parking was

provided around the main center with pad sites along 135th Street and Nall Avenue. Additional direct access to some of the perimeter tenants within the main center was also provided from this parking lot. The pedestrian corridor itself was to be a rich pedestrian environment that included hardscape plaza, open spaces, enhanced landscaping, benches and other amenities. Portions of the pedestrian plaza have already been constructed, as some of the buildings within the main center are approved. Staff has concerns regarding the layout of the hotel, which include three items. First, the pool encroaches into the pedestrian corridor on the north side of the hotel. Staff has concerns the pool will obstruct the view of the corridor, leading through the main center. Secondly, the main center of the hotel faces south, and little activity will be encouraged within the pedestrian corridor plaza. Finally, the proposed patio on the north side of the hotel, is proposed to be segregated from the pedestrian plaza by a knee wall and landscaping. With these matters related to the layout of the hotel, it is staff's opinion that an area of little activity will be created around the hotel within the pedestrian plaza, which does not follow the original intent of this amenity. The building currently approved for this site is bent to the southwest, which flows with the layout of the plaza and encourages high activity around ground-level retail. Due to these concerns, staff has stipulated that, at Final Plan, the applicant will work with staff to revise the layout of the hotel to flow and interact with the approved design and layout of the original concept of the pedestrian plaza. Staff is recommending the Planning Commission approve Case 65-16 with the stipulations outlined in the Staff Report, and I'm happy to answer any questions.

Chairman Elkins: Questions for staff?

Comm. Ramsey: I want to make sure I understand. The original concourse or what is causing staff to ask for an entrance onto the internal drive was part of the original plan?

Mr. Coleman: It was a retail spine, so retail shops and restaurants fed into the internal pedestrian way. Now, there won't be retail at ground level for that length of the hotel. That was part of our concern. It's not as active an area now as it was before. The pool and some of the terraces are elevated. There may be some things added to make it a bit more inviting.

Comm. Ramsey: I'll wait for the applicant to make a presentation to clear up some questions I may have.

Comm. Strauss: 356,000 square feet was previously approved, and then on Page 10, the staff recommendation says that the overall Cornerstone development shall have a total of 371,856 square feet. Will this project increase the total square footage of what was previously approved?

Ms. Kriks: That is correct. If approved, with the 72,819 sq. ft. hotel, the overall square footage of Cornerstone will be increased to 371,856, which is a little over 15,000 sq. ft. increase from what was originally approved in 2003.

Chairman Elkins: Are there any other questions for staff? I'd invite the applicant to the podium.

Applicant Presentation:

John Petersen, Polsinelli Law Firm, 6201 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Petersen: I'm appearing tonight on behalf of Robinson Development, who is the proposed owner and developer of what is now called The Element Hotel at Cornerstone. Brian Robinson, president of the company, is here with us this evening along with Judd Claussen with Phelps Engineering who has served as our civil engineering consultant. We filed this application eight months ago, and this is our first opportunity to present to the Planning Commission. The delay speaks to what I think will be the driving conversation tonight about this application. We are trying to take a plan that was perceived as a good idea in 2002 that clearly hasn't met expectations in terms of implementation. We're trying to find a way to respect some of the elements of that plan as conceived 15 years ago, but at the same time, enter the world of reality with what it takes to bring a significant development to the City of Leawood, and in this case, one that is in the hospitality space, which I hope all realize is a great add, not only to this piece of property but to the corridor and the city. No disrespect to the owners of Cornerstone or the businesses that have been developed, but this project clearly needs a shot in the arm. It needs reconfiguration to allow it to move forward. That's a bit of what we'll talk about this evening along with great components, design and operational features of the proposed hotel. We currently have staff support, and we are in agreement with 26 of the 29 stipulations. All those stipulations are critical to moving this project forward. Stipulation No. 5 is the crux of the matter. Staff recommends approval in terms of the use of a hotel, but Stipulation No. 5 does not support the design and how the hotel is laid out. It asks for a changed proposal for Final Plan, and that is a deal-killer. There are other issues we are able to address before Final Plan regarding architecture and signage. We have no intention of changing the design of the hotel. We either get through with our plan today with normal refinements, or we will have to look for another location for this project.

The plan before you is from 2002 before any portion of the site was developed. It had traditional pad sites lining Nall, but what becomes the rub in 2017 is the central portion. In 2002, we were all starting to think more about Mixed Use, pedestrian orientation, maybe even a thought in the suburbs of maybe having a use on top of another use. The idea was to create a sense of place where people could stroll and shop. This plan called for every retailer's front door to face the pedestrian plaza. The parking would be in the rear, and while some retailers could function with a front and back door, it is not a common principle with all retailers. The existing pad sites have done relatively well. Four components would have attempted to take this concept and operate within its parameters. The first is Lot 17. Even in the best development time, it had steel in the air for 4 ½ years. The user left, and the project started in 2004 and sat until it had to be torn down. Lot 9 is Gaslight Grill, and Lot 10 is Bonefish, I believe. They liked the concept, but when their plans came to fruition, they asked for their front doors to face the parking while honoring the pedestrian area to the best of their ability. Finally, Lot 13 has the Seville Home Store.

There was an inviting door to the pedestrian way, but the primary function is an ingress and egress to the parking lot to the north.

Our plan includes a parking field that will be shared with Church of the Resurrection and other users within the Cornerstone project to the south. As we indicated, it is a 4-story, 110-room facility. It will have a design and culture to it with an operational personality that we think will fit well within the market here and generate the type of activity that will not only make it successful in the area but also help activate the existing restaurants and probably will also elicit other restaurant and entertainment activities in the development. We will drill down further in the area north of the building, which will interface the pedestrian way and plaza, which we are proposing to continue and construct. It is slightly modified from the original plan, but it will still provide the same function of the ability of the patrons to leave the facility and have an outdoor activity. It will be designed to create activity and a point of entry into the hotel. Even though there is a knee wall, there will be a very clear and inviting opportunity for people to leave the hotel, stroll the pedestrian way, visit area restaurants and vice-versa. It will be interactive with the pedestrian way by design and by reality with a significant financial investment. The vision picking up from the property on which the hotel would be developed is to continue the walkway. Some of the ground-level activation is evident in the design and operation of the hotel as it interfaces the trail. The buildings to the right will potentially be built if the owners adhere to the current concept of having retail with a front door facing the pedestrian way. We feel we will promote that opportunity to be accomplished. I still think it's a challenge with buildings interfacing primarily there. Maybe the dual point of ingress and egress would be an opportunity. Probably encourage more restaurants to have their front doors to the parking lot, which many patrons typically like better. This would create the kind of district we think makes sense in this area. On its face, Stipulation No. 5 comes across as rather benign. It expresses support of the use but a need to reevaluate concept and layout at Final Plan. This is not a position that will have details worked out because this is a fundamental difference of opinion. We would like to discuss a concept we think will work and with which this developer will invest millions of dollars. I direct your attention to Page 9, and two paragraphs explain what staff means. It includes what they feel we should be doing as we move to Final Plan. They feel the hotel should face north. I don't know if I have to go much further than to say a hotel with a main point of entrance in a pedestrian way and the importance of a porte-cochere and the culture, element and feel to create vibe will not be built if this requirement stands. Staff also makes the point that the proposal emasculates the idea of a pedestrian way or amenity such as what was originally contemplated. I would suggest that it emphasized that in 2002, the buildings on the plan were a concept. The staff speaks about buildings in 2002 that were bent around the corner and that we should bend our building. I don't mean to be dismissive, but hotel buildings are not bent. Instead, the design pulls the building façade off to where the original façade was. Instead of a building along the walkway, there would be an outdoor activation area with one element that protrudes to the same building line with the swimming pool. This can be done in a way that still provides the width of the originally contemplated pedestrian way. The report comments that the building at the end is not as visible as the original plan. There is a corner, and it was supposed to be an entire line of buildings. This is a pedestrian way. There are more things to see. There are

amenities along the way. Activity is being implemented along the way. That was a basic concept in 2002. It is the basic concept being implemented today, only slightly different.

I'd like to address Stipulation No. 6, which goes to the issue of the head-in parking stalls. I know typically if there is a major drive aisle in front of a retail center, the design goal is to try to eliminate as much interference as possible in terms of cars parking and then pulling out into a drive aisle that is heavily used. As the plan shows, the porte-cochere was designed to protrude out from the building into the drive aisle. It becomes a traffic-calming device. Cars will pull in and unload in front of the hotel. The plan calls for a handful of parking spaces flanking the porte-cochere for two reasons. One is that the goal of ADA compliance is to bring accessible parking close to the front door for convenience and safety. Hotel staff can assist at these spaces, also. There are also a few spaces for the momentary picking up of guests or a quick drop-off. This is not a primary perimeter drive for the entire center. That is the one that runs on the back of the pad site to the west and along the northern edge. It should not create an unduly unsafe condition. In fact, this should be a safer and more efficient approach. This would not be the first in the development to have parking adjacent to the main drive aisle. I have not heard of safety concerns regarding the existing parking. We would respectfully request to have those parking spaces.

Stipulation No. 10 addresses the trash enclosure. The separation between the enclosed trash structure and Gaslight Grill's outdoor dining is the pedestrian way from the parking lot area. This is a great hotel with limited food service. There are no grease traps. The type of trash being produced is not the level of a full-service restaurant such as Bonefish. This should not be a situation causing a negative experience for patrons at Gaslight Grill. The trash enclosure for Bonefish is close to the outdoor dining, but it is screened well and does not cause problems.

We are excited about bringing this project forward. We appreciate all the work to get the application here tonight. We had to jump through a myriad of procedural steps to bring a quality plan to you tonight. I would respectfully ask for your recommendation of support, to include the elimination of Stipulation Nos. 5, 6 and 10, as I outlined in my presentation.

Chairman Elkins: Thank you. Are there questions for the applicant?

Comm. Coleman: On your plans, is there any entrance to the north to the hotel?

Mr. Petersen: Yes, there are. The entrance is to the right of the trellis. Next to that is the outdoor seating area where people can enjoy the outdoors from the hotel. There is also access to the pool as well. Typically, in hotels, non-guests can enter the hotel during certain hours without a key card, but after a certain amount of time, it would be restricted to guests only.

Comm. Coleman: Instead of parking in the front, would parallel parking be an option?

Mr. Petersen: Usually, parallel parking, particularly for disabled spaces, is frowned upon because it is even more difficult to navigate. We just feel that front-end parking removes

them a bit more off the drive aisle to add protection from the protrusion of the porte-cochere. Parallel parking in the suburbs is a challenge sometimes.

Comm. Ramsey: How many rooms are in this hotel?

Mr. Petersen: 110.

Comm. Ramsey: The 8 spaces are in terms of what you need. You didn't speak to any parking issues. I presume the shared parking meets the requirements.

Mr. Petersen: By code, we need 122 spaces. That works for us operationally. We take off the disabled count and a couple extras. The rest will be in that parking field, which is predominantly used today on weekends and during other events at Church of the Resurrection. When the project was first being discussed, we met with Reverend Hamilton and the Board of Directors with Church of the Resurrection and spoke about peak parking compared to church peak parking. It works well together. We also talked about making sure the building would work with the line of sight for the church and the new facility being built.

Comm. Ramsey: You are meeting the requirements, then. The 8 stalls are not required to meet the requirement?

Mr. Petersen: They are in our count. We have a certain number of disabled parking stalls as part of the ratio. This placement satisfies that count. The additional 3 spaces count as part of the 122 spaces.

Comm. Ramsey: Speaking to your coordination with the church, I noticed from the transcript of the Interact Meeting that there was follow-up information. Was all of that provided to the individuals that requested it?

Mr. Petersen: It was. The Interact Meeting was on-site at the church. I had a follow-up meeting with Adam and the Board of Directors to discuss line of sight. I am here tonight with the support of the church.

Comm. Strauss: Can you describe the Element Hotel? Does it have a star rating?

Mr. Petersen: I'll turn that over to my client, Brian Robinson

Brian Robinson, Robinson Development, 5994 South Holly Street, #147, Greenwood Village, CO, 80111, appeared before the Planning Commission and made the following comments:

Mr. Robinson: The star rating is generated after a hotel is up and operating. It varies depending on responses from the guests. The Element Hotel is a brand that used to be under the Starwood Family of hotels. As you know, Marriott recently purchased Starwood, so now it is Marriott brand. The Element Hotel was designed with the business

traveler in mind but also has amenities for families and whatnot. It is very contemporary and has all the bells and whistles in terms of internet connectivity. When people come down to the lobby, things are readily accessible to accommodate those in a hurry. In the evening, it gives the business traveler the ability to relax in the lobby and have a drink or something like that. One of the reasons we selected Element Hotel is because hotels have a prototypical design. It is like McDonald's in different cities. They all look and feel the same wherever they are located, keeping in mind that local elements have to be applied such as stone or metal. We know the rear pedestrian activation was important. Most hotels are not attractive from the rear. Element Hotel has a more activated back side. It is designed as an outdoor continuation of the lobby so that when the weather is nice, people can go outside easily. This really bodes well with what the city wants to do with the pedestrian corridor.

Comm. Strauss: This is part of the Marriott Family. Also in that family is the Fairfield Inn, which is for the business traveler, too. How does it compare on the inside to a Fairfield Inn?

Mr. Robinson: A Fairfield Inn is more what I would call homey than The Element. Warren Buffet would probably like to stay at a Fairfield Inn, where Elon Musk would rather stay at an Element.

Comm. Strauss: Thank you. I meant to research it, but I didn't get around to it.

Mr. Petersen: This is comparable to the Aloft.

Comm. Strauss: I have a question about the head-in parking. Can you describe some sight lines around there? I know the landscaping comes in the final design, but regarding the safety of backing up, do you have any idea about the sight lines?

Mr. Petersen: Other than access to the main parking lot, activity on that drive in front of the hotel is interfacing with anything on the southeastern component of the project. In terms of landscaping, it would include foundational landscaping. Nothing will be planned that would impede a line of vision of the drivers.

Comm. Strauss: The pedestrian crossing is hatched a little darker in the drawing.

Mr. Petersen: There will be demarcation in the pavement for the pedestrian way. That point will be centered off where the cars will back out for that very reason.

Comm. Strauss: It seems like I read that the pool was encroaching 2 feet beyond what was originally planned.

Mr. Petersen: I read that, too, and I don't totally understand that. The original plan was a Final Plan, but it is more of a concept plan. Some calculation could show that the sidewalk was going to be 2 feet narrower, but the reality of the situation is different. As the buildings to the north come in, they will interface their own sidewalk. There will be a

wide pedestrian walkway when the other buildings come in. I don't follow the calculations for the pool.

Comm. Belzer: You mentioned there was head-in parking at the Gaslight Grill. Could you show that?

Mr. Petersen: (*Refers to overhead*) It isn't head-in directly pointing toward the building, but it is across the drive aisle. It is similar parking. To the northwest, it is the same concept. Some will back out into a drive aisle. They have not proven to be a safety concern.

Comm. Levitan: I have a couple questions for staff. It was called out that staff would like the north entry to be the main entry.

Mr. Coleman: That is not correct. He said he thought that is what it meant, but that is not what it meant.

Comm. Ramsey: You're not asking him to change the footprint?

Mr. Coleman: Of course not.

Comm. Levitan: The south side would be the main entry.

Mr. Coleman: Yes.

Comm. Levitan: That makes sense. Where would staff like to see the head-in parking go?

Mr. Coleman: Public Works and Planning both agreed that parallel parking along there would eliminate the bump-outs, and it would be a zero-curb layout. It would allow for handicapped spaces as well as regular spaces. Other parts of the shopping center have head-in parking, but that was 2001. Now, we ask that they don't do that.

Mr. Petersen: Those were built quite a bit later than that.

Comm. Levitan: Is there any consideration given by staff to the fact that this is an older plan that was contemplated at a time when the world was different?

Mr. Coleman: Yes, which is why we are supportive of having the hotel here. We think it could be better with some tweaks.

Chairman Elkins: To be quite frank, I read the report and understood staff's comments initially to be as Mr. Petersen understands them. Mr. Coleman, what is it that staff wants?

Mr. Coleman: We had concerns about where the pool pinches down. It's right up very close to the property line. There's a vacant lot there now. Their rendering shows the

building set back from the potential rear lot property line. Somebody might want to come in and build much closer than that, and then all of a sudden, you have a very narrow corridor for people to walk through. Visually, you wouldn't be able to see beyond where you're going, and it is a security issue. People want to see beyond where they're going. We thought there might be some way to make the pool narrower and drop it down where it's more on the pedestrian corridor level as in the outdoor seating areas, too. All that in the back is elevated several feet above the actual pedestrian corridor.

Chairman Elkins: Staff is comfortable with the design for the entrances for the hotel?

Mr. Coleman: Yes.

Chairman Elkins: Mr. Petersen, we have had general conversations in the past about getting pedestrians from parking fields to wherever they need to go. Can you speak a bit to what the plan is? A personal frustration when I go to hotels is I feel like I take my life in my own hands when I'm going from the hotel's parking lot to try to get to the front entrance. Can you talk about the design?

Mr. Petersen: We've got a fairly limited area just by the nature. Lot 18 is where the hotel will lay.

Chairman Elkins: How do I get to the hotel from the parking lot?

Mr. Petersen: The hope is to focus people to cross that driveway. We don't think it's going to be a busy traffic lane. Through different materials on the driveway areas, it will focus people to cross in the middle of the porte-cochere. Sidewalks flank both sides.

Chairman Elkins: The hotel does not own the parking.

Mr. Petersen: No, it is part of the overall center and a different tract that is utilized by everybody in the center.

Chairman Elkins: I've noted before that I think Church of the Resurrection has been creative in the ability to manage the space and get people from the parking lot to the sanctuary. I think it's not probably within your ability, given the property you have. As the city goes forward, I hope that we can be more creative about the way we get people from parking lots and parking fields to the building.

Mr. Petersen: Compared to the church with the focused rush of activity, hotels tend to meter ingress and egress a lot more.

Chairman Elkins: As Commissioner Ramsey noted, there was conversation in the Interact Meeting about the line of sight from the church to the north. Do you have those with you?

Mr. Petersen: I don't, but they were provided to the church. The line of sight depends on the vantage point. We even got to topographical conditions. We hit about the concrete base of the church as it sits on the hill. The church is comfortable with it.

Chairman Elkins: As you mentioned, a lot of time has passed, and we've gone from single-owner development to multiple owners. From a planning perspective and the overall development we have here, do you have comments or suggestions for us about how we arrive at a consistency of approach. As you already noticed, one of the current tenants doesn't really have an entrance onto the pedestrian way.

Mr. Petersen: Obviously, outdoor activity areas are an amenity, and they will attract certain kinds of retailers. I think the fact that you have the commitment here to really implement this, and connect Seville you will see a market reaction to that. It will just be more natural to do that. Sometimes, if a center goes on like this, it is hard to work out of them. There's nothing you can do as a city to prevent that. One reaction is to say that it has to be the way it was in 2002. I'm glad to hear I maybe over-interpreted what staff was saying. I think you're going to have difficulty in finding classic, small shop retailers that will want to turn their front door internally into a pedestrian way. People have tried it, and it hasn't worked well. Ranchmart tried to do a mini strip center, and it didn't work.

Chairman Elkins: It seems more realistic to have a dual-entrance approach where there's an entrance from the parking lot and one from the pedestrian way.

Mr. Petersen: You need a certain type of retailer and a big enough store that you can attract a retailer that will operate with two doors. I think we'll get more opportunities to find some users that will make sense by implementing at least a portion of the pedestrian area.

Chairman Elkins: I was encouraged by Mr. Robinson's comments about a secondary entrance and recognizing the difference between a fire escape and an entrance that encourages people flow. I don't know that it is evident from the plan in front of us; perhaps it is a matter for the final plan, but I would be interested in your thoughts about how you and your client could provide assurances within the plan that the concept doesn't change. This is an important point to staff and this commission.

Mr. Petersen: Our footprint shows the outdoor patio area and the adjacency to the pool concept, which creates the whole recreational piece and some elements of interest. I would also say that our submitted building elevations will be refined in terms of building materials, and they reflect the entrance.

Chairman Elkins: I saw the reference on the Interact Meeting list to the trustees and the directors from Church of the Resurrection, but I didn't see representation from Gaslight or BRGR. Have you had conversations about their view of this, and can you represent the reaction of those businesses?

Mr. Petersen: Over the last eight months, we were required through interpretation of the code to reach out to each and every owner within the center. Save one because of a different configuration of the parking lot, we received affirmative indication of support for our plan.

Chairman Elkins: Thank you. Are there other questions for the applicant? If not, I note that this application requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Ramsey. Motion carried with a unanimous vote of 5-0. For: Belzer, Levitan, Strauss, Ramsey and Coleman.

Chairman Elkins: That moves us to a discussion of the application. Are there comments?

Comm. Coleman: To the developer, thank you very much. I think this is a great option for South Leawood. The only hotel I can think of closest is the one behind Hen House on Metcalf. The area is underserved, so I think this is great. For Commissioner Strauss, the closest Element Hotel I could find was in Omaha, and on their website this afternoon, there are a lot of hotels in the process of being built throughout the country. This is a new concept for them as far as I can tell. The description that I did find was: "Upscale lodging offering modern rooms and suites with sleek kitchenettes, free breakfast and Wi-Fi." It has 3 stars. In the three stipulations, I can see that it's a pinch point in the back where the pedestrian area gets narrowed. I can see staff's concern with the pedestrian area freefalling through because of what looks like the pool jutting out. In terms of the parking, I think all of us have traveled to enough cities around the country. I can see where the traffic could be an issue with cars coming in and cars coming out. Also, to be consistent with our development throughout the city, I definitely see that as an area of concern and agree with staff on that. Regarding the trash enclosures, I wish Gaslight Grill could give us their opinion on the location. To me, during a July evening, that could be a detriment to the other property owners. All in all, I think it's an excellent project, and I'm interesting in what my fellow commissioners say about those three stipulations.

Comm. Ramsey: I, too, think it's a welcome addition to Leawood. I really am not sure where they could move the enclosure. After having been in the business 35 years, I can tell you there is no good place for a trash enclosure. I'm fine with staff working with the applicant about the issue of their concerns. I think they're just doing their job looking into the future about the access and the pinch-down. I'm not sure anything can be done, but if the stipulation is nothing more than to meet and confer, I think it serves a purpose. On the head-in parking, I would be fine with giving them the handicap parking, but I would limit it to the three handicap spaces right there. If we don't allow that there, I don't know where they go except out into the back parking lot, and that seems a long way to go for a handicapped person.

Comm. Strauss: I really appreciate the project. Like Mr. Petersen said, it needs a shot in the arm. I'm thrilled that we have this project. Like Mr. Petersen said, I hope we get ancillary developments. I can understand the size of the lot. I'm sure they've looked at how to configure this. I can sympathize on how it might be tough to meet the 2002 requirements. That's why I would like to see us be a bit flexible. I understand if you can't see all the way through. I think you see far enough to feel safe and meander through. We didn't talk much about the trash enclosure. The other enclosures are much closer to Gaslight Grill's outdoor seating. I think the southeast corner is about as far as possible from future lots 11 and 12. The head-in parking, I can sympathize with staff's comments. I agree that it's not ideal, but I can understand a hotel likes to have its premium parking. I don't think the inside circulation is going to carry as much traffic or as much speed as the outside traffic. I would do something to let drivers on that outside circulating road know that there are pedestrians crossing from the larger lot and there might be cars backing up with the pavers for crosswalks. There is a jolt while driving. This is a different environment, so I would hope to see some of the landscaping amenities that would let people know. For that reason, I would be okay with those head-in parking spaces. My final comment is I asked about the Element Hotel, and I'm not familiar with the brand. I hope that this will meet the standards of Leawood and will be a hotel we're proud of when it's built. We have a high standard on purpose. I feel like we'll be proud of it.

Comm. Belzer: I believe that this is a great proposal, and I am personally excited about another hotel opportunity. I echo some of the comments about the sight line. I'm not as concerned about it. I feel like the sight line from the back is more a function of the curve in the actual pedestrian walkway. I see how the pool juts out, but you're talking about additional footage for the pedestrian walkway. I think because of that curve, you're not going to see all the way through, regardless. As far as the head-in parking, I see why there is concern there. I know that peak hours of Church of the Resurrection may not coincide with peak hours of the hotel; however, I would certainly support having just handicapped parking there as well. I think a parallel parking situation might be a better option. I don't know if Commissioner Strauss mentioned a speed bump flanking the parking area. This might alleviate some concerns about people going through quickly.

Comm. Levitan: I'll echo Commissioner Ramsey's thoughts on staff. They always look at this stuff really thoughtfully, and they did the same thing here. We're dealing with a plan that was designed a long time ago with inward-facing retail. It looks a little like the Legends, but it's successful because there was one developer developing at the same time with one effort on the leasing. In this case, it will be many disparate owners and different types of businesses. It's a difficult plan to work with. I think the developer did a nice job laying this out as well as they could, given the site. In terms of the encroachment of the pool, there are not many limited-service hotels that are anything more than just a rectangular, uninteresting box that is put up quickly. I think the bump-out with the courtyard and pool gives it a little bit more of an architectural interest element that is not typical. I'm not as concerned about the encroachment, and it gives the backside a little more character. There was a comment about the patio not interacting with the plaza and that it wasn't designed as something that is inviting. I'm not sure it was meant to invite passersby; it is meant for hotel guests only. I don't necessarily agree with that comment.

As far as the trash enclosure, there isn't a good place to put trash. I would probably like to see what they're going to do with the enclosure, but my guess is it's going to be nicer than anything there now. I'm not as concerned about that. With respect to the head-in parking, we took on a challenge with the Mission Farms expansion. I think we had some parking issues where with the roundabout at the far-east end. I think it was a bit riskier than this head-in parking here. It's not as much of a concern. I don't perceive that this hotel will be as busy as a full-service Marriott would be, so I don't think traffic will be a huge issue. I think it's a good addition. If anything, I think the area is a little blighted, to a certain extent, because of the failed plan. This will be a good start to get the site reinvigorated.

Chairman Elkins: Thank you. I would echo the comments about the plan generally. I think it's a great addition, and a great way to jump start this development, which is a pretty significant area for the City of Leawood, given the church's presence and other businesses. I think the approach the developer has taken with respect to having a primary entrance and exit out to the parking lot but preserving the idea that the concept is maintained through the Final Plan stage. It's a way of activating and driving traffic for those businesses, including Gaslight. Unfortunately, the BRGR space doesn't have an entrance or exit on that pedestrian way. It is unfortunate because over time, I think hotel guests will walk up and down that area looking for places to eat. I am sensitive to and appreciate the thought of providing ADA parking at the hotel and not having those people in need of that type of parking getting across the parking lot. Frankly, this may be generational, but my experience currently with people from Leawood and their ability to parallel park is that it would be safer to have head-in parking and take their chances with interactions while backing out. Overall, I think it's an excellent plan and excellent approach to the space. Are there any additional questions or comments?

Comm. Strauss: I have a question on Recommendation 11C. The 135th Street Impact Fee of \$1.95 for retail means per square foot, I assume. Is there any charge since this is hospitality and not retail?

Ms. Kriks: I don't believe the requirements of the Impact Fee make a differentiation.

Mr. Coleman: It doesn't differentiate.

Comm. Strauss: We could add in "for retail or hospitality."

Chairman Elkins: We want to make it clear.

Comm. Coleman: I would like to reiterate about the handicap parking stalls. I think those would be appropriate in front. The others, I don't think are necessary with the parking lot.

Chairman Elkins: Given the circumstances tonight, I would like to take a different approach. I would like for the commission to vote on each of the challenged stipulations individually and see where we are, then moving on to a comprehensive motion. Staff, do you have any additional comments?

Mr. Coleman: No.

Chairman Elkins: First, taking up Stipulation No. 5, the chair would entertain a motion to either retain No. 5 or delete it.

Comm. Ramsey: I'd like to ask staff a question. Richard, what is the purpose of No. 5?

Mr. Coleman: It was to see if there was some way to address some of the issues on the backside with the pool and the bump-out. I don't know if the pool shape could be slightly reconfigured or not. They've said it can't. Apparently, there is a drop between the front and rear elevation. We want to make sure there is ADA access. It is what we would look at when we go to Final Plan.

Chairman Elkins: The ADA access is a legal obligation, so I don't know that it needs to be stipulated.

Mr. Petersen: If the stipulation is meant to be the added layer of detail between Preliminary and Final, I have no opposition. My point is that our footprint is our footprint. I don't want to leave here with the idea that we'll continue to talk about the footprint.

Chairman Elkins: The pool seems to be the issue here and the subsequent reduction in the width of the walkway.

Mr. Petersen: The width of the sidewalk will remain what was contemplated and beyond once other parts come in. We have no way to change that pool. It has to be a certain size. Doorways have to be a certain size to meet ADA requirements.

Comm. Belzer: If we vote to keep the stipulation in, could we make it more specific so we're clear and everyone is on the same page?

Chairman Elkins: I think so, but I think the applicant has made their point clear. If the issue is the dimensions of the pool, all we're doing is putting off an impasse. I would prefer for us to weigh in on it before Governing Body takes it up for consideration.

Comm. Strauss: I was going to make a motion to delete No. 5. I understand staff's point that it doesn't meet the 2002 plan, but that's 15 years. I feel like we need flexibility. I don't know where else the pool could go. I still think it is meeting the intent of the 2002 plan. Like Mr. Coleman said, the Final Plan will take care of the details.

A motion to delete Stipulation No. 5 was made by Strauss; seconded by Levitan. Motion carried with a unanimous vote of 5-0. For: Belzer, Levitan, Strauss, Ramsey and Coleman.

Comm. Strauss: I'd like to move to remove No. 10. I don't see a better location for the trash enclosure. It is certainly farther away from the existing Gaslight Grill seating than existing trash enclosures. I think it keeps it from future outdoor seating.

A motion to delete Stipulation No. 10 was made by Strauss; seconded by Ramsey. Motion carried with a unanimous vote of 5-0. For: Belzer, Levitan, Strauss, Ramsey and Coleman.

Chairman Elkins: That takes us to No. 6.

Comm. Strauss: Ideally, I would like to see some traffic control devices put up to warn motorists that this is a slower environment. We want slower traffic because of pedestrians crossing from Church of the Resurrection parking into the hotel. Like Mr. Petersen said, the geometrics of the drive slow it down. Pavers could be a warning as well as a 15 MPH sign. I can appreciate staff's concerns, too.

Chairman Elkins: Are those details we could consider when Final Plan comes to us?

Comm. Strauss: I think so. I would like to see those details added. I'm hearing a lot of people say that the handicap spots are best there. I feel like we're talking about the remaining five spots. I'm sure the owner will say that those spots go first. Even for the sake of just the handicap, I would like to look for ways to slow traffic down and keep the sight lines open.

Chairman Elkins: Those spots could also be designated as limited parking for loading and unloading.

Mr. Petersen: Understanding the comment about traffic calming treatments, we would be willing to consider that. The non-handicap utilization is usually the 15-minute limit. If you would give us the privilege of leaving the option there for us to bring appropriate elements back at Final Plan that speak to traffic calming, we would appreciate it.

A motion was made to revise No. 6, to require the applicant to provide traffic calming solutions at the time of Final Plan.

Comm. Ramsey: You are proposing to give them all the parking spaces?

Comm. Strauss: Yes.

Chairman Elkins: Is there a second?

Seconded by Levitan.

Chairman Elkins: Here is what I have: "At the time of Final Plan, the applicant will address traffic calming devices relative to the nine head-in parking spaces adjacent to the hotel."

Comm. Strauss: That is exactly what I meant.

Comm. Coleman: I still would just like to see the spots in front for the head-in parking be handicap only. I'm concerned about traffic, people crossing the street, people backing up.

Chairman Elkins: Have we heard testimony about what that would do to the total parking requirement? The handicap spaces are subtracted from the total. Would the parking requirement be satisfied if they are all changed to handicap?

Comm. Coleman: In this case, it would be only three handicap spaces.

Chairman Elkins: It's already indicated, I believe.

Mr. Petersen: If we're going to limit it to three spaces, it really just gets to the point that the cost of traffic calming devices is not justified. I would ask for the privilege of showing you nine spaces, temporary and handicap. We'll bring that burden back at Final Plan. My request would be to give us the chance to show you it will work.

Chairman Elkins: Your request is to leave the handicap parking but remove the rest, Commissioner Coleman?

Comm. Coleman: Yes.

Comm. Strauss: I would just point out that the applicant pointed out some head-in parking on the drive already. I haven't heard anything about safety problems with those. From an engineering standpoint, it is not an ideal situation. We certainly want to limit it and not do it the whole circulating route, but I think in select locations, it seems to be working.

Comm. Ramsey: Those are standard driveways, though. Those are not on a street.

Comm. Strauss: It is the same internal circulating drive.

Comm. Ramsey: No, it is not. This is a street that has access out. What they are talking about is the internal drive for the parking lot over here. It's not a major point, but it is no different than the rest of the parking lot at Gaslight.

Comm. Coleman: The Gaslight ones are on the opposite side of the street. They're not in toward the actual building.

Comm. Levitan: To me, this is no different than the Hen House at 119th with the stalls that pull up right to the store and the drive lane. If they heed your advice about traffic calming, we can have faith in our fellow drivers that they are not going to come through at 35 MPH.

Chairman Elkins: Thank you. Are there other comments? Seeing none, we will move to a vote on the motion to modify No. 6 to provide for the applicant to address traffic calming effects on the nine head-in parking spaces adjacent to the hotel at the time of Final Plan.

Motion carried with a vote of 4-1. For: Belzer, Levitan, Strauss and Ramsey. Opposed: Coleman.

Chairman Elkins: Do I hear a motion for Case 65-16?

A motion to recommend approval of CASE 65-16 – CORNERSTONE DEVELOPMENT – THE ELEMENT 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 – including modifications to Stipulation 11C, clarifying the impact fee is \$1.95 per square foot, prior to the issuance of building permit, modifications to Stipulation No. 6 to require traffic calming solutions prior to Final Plan approval and removal of Stipulation Nos. 5 and 10 – for a total of 27 stipulations – was made by Ramsey; seconded by Belzer. Motion carried with a unanimous vote of 5-0. For: Belzer, Levitan, Strauss, Ramsey and Coleman.

CASE 07-17 – CHURCH OF THE RESURRECTION COLUMBARIUM/ MEMORIAL GARDEN – Request for approval of a Special Use Permit for a Mausoleum/Columbarium, Revised Preliminary Plan, and Revised Final Plan, located south of 137th Street and east of Nall Avenue. **PUBLIC HEARING**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Before I start with my presentation, I would like to call to attention a memo placed on the dais this evening adjusting the number of recommended stipulations for this case. Staff is requesting to delete Stipulation No. 6, which addresses size requirements for this project. The total number of stipulations for the Planning Commission to consider would be 14 instead of 15.

Chairman Elkins: Thank you.

Ms. Kriks: This is Case 07-17 – Request for a Special Use Permit for a Mausoleum/Columbarium, a Revised Preliminary Plan and Revised Final Plan for Church of the Resurrection. The project is proposed to be located on Church of the Resurrection campus on the southeast corner of 137th Street and Nall Avenue. Currently under construction is a new sanctuary, which was approved by the Governing Body on October 6, 2014. The applicant is proposing a 19,434-sq. ft. memorial garden with a columbarium to be located at the northwest corner of the new sanctuary, adjacent to 137th Street. A columbarium is a place for the respectful and public storage of cinerary urns,

and can be approved with a Special Use Permit within the Agricultural-zoned district. An existing columbarium is present within the courtyard of the original chapel, which has 496 niches or vaults and is fully reserved. The new columbarium is proposed to have 3,120 niches available once fully constructed, and at full buildout, the church will have 3,616 niches available. The overall garden is arrow-shaped and is proposed to wrap around the northwest corner of the new sanctuary and point to 137th Street to the north. The garden will be gated with three access points. Nine structures are proposed as a columbarium, which create the outer walls of the memorial garden. The structures are proposed to be constructed of grey limestone, which will be 8 feet in height and connected by a 6-ft. metal ornamental fence panel and will full enclose the memorial garden. Eight of those structures are L-shaped, creating the individual garden rooms. At the apex of the garden, the columbarium structure is circular in shape, which will encompass a portion of a proposed water feature, or rill, that extends to the southeast. The rill is proposed to be a total of 64 feet in length and a maximum of 8 feet in width and will flow from the southeast and northwest. At each entrance adjacent to the sanctuary, 6-ft. limestone walls are proposed. The sidewalks within the memorial garden are proposed to be 6 feet in width and will be concrete. The sidewalks will also propose access through the memorial garden and columbarium, along with 4-ft. access pads to and within each garden room. Outside the memorial garden, there are 14 bicycle racks adjacent to the parking lot. Other amenities for the memorial garden have been provided, such as seating, enhanced landscaping and pedestrian-scale lighting. Staff recommends the Planning Commission recommend approval of Case 07-17 with the stipulations outlined in the memo placed on the dais this evening, and I'm happy to answer any questions you may have.

Chairman Elkins: Thank you. Questions for staff?

Comm. Strauss: I realize the applicant could expand on this, but it looks like this could be built in phases. I was curious if you know anything about the timing of the phases.

Ms. Kriks: The applicant might be able to go further into detail, but I believe it is as the niches are reserved that they will continue construction.

Mr. Coleman: They're looking at this being built out over 25 years. The first part will be the circular part with the fountain in the middle. Then the sides will be added as required.

Comm. Strauss: That's a long time. I'd be curious to hear from the applicant how those other areas get landscaped in the interim.

Comm. Coleman: On Page 5, the staff comments mention the 4-ft. concrete pedestrian paths. Even though it is in a private development, it doesn't have to be 5-ft. wide. Do they have to be ADA compliant? Does it not matter because it is private?

Ms. Kriks: They will have to comply with ADA requirements regardless. We talked with the building official, and for every 200 linear feet, they have to be able to provide a 60-in. by 60-in. turnaround area for those individuals with mobility aids. They would be

required to comply with ADA requirements, even though they are proposing 4-ft. pedestrian paths.

Mr. Coleman: Our concern is just that it is difficult for someone in a wheelchair to turn around on a 4-ft. sidewalk.

Comm. Strauss: Are there state requirements for mausoleums or columbarium?

Mr. Coleman: It is more financial. They have to register, but religious organizations are exempt under Kansas law. Kansas is fairly lax as far as niches and things like that.

Chairman Elkins: Are there any other questions for staff? Ms. Kriks, as a follow-up on ADA requirements, are those requirements enforced by our building codes team at the time the inspections are done on the property?

Ms. Kriks: They look at it at the time of building permit. The applicant will be required to submit building plans, and that is when they really evaluate ADA compliance.

Chairman Elkins: So, our codes enforcement folks also enforce ADA requirements?

Ms. Kriks: That is correct.

Chairman Elkins: This is probably a question for Mr. Cooper as well, but I note that the period for the Special Use Permit is 20 years. I'm just curious about staff's thoughts about how to decommission a columbarium if, for some reason, our successors decide not to renew the Special Use Permit.

Mr. Coleman: I can't imagine the reason for it.

Chairman Elkins: Something may change in 20 years.

Mr. Coleman: The maximum time for Special Use Permits is 20 years.

Chairman Elkins: I'm not questioning the 20 years, as I realize it is the maximum. I'm curious about the practicalities of decommissioning a facility like this in the event that it is not renewed and whether or not any thought has been given to it.

Mr. Coleman: If an individual were to open a columbarium, the state would require financial documents that shows it can be maintained in perpetuity. I think that's the idea. You can speak with the representatives of the church, but generally, they have the financial wherewithal to keep these things going forever.

Chairman Elkins: Keeping it going is not so much my concern; it is terminating it at the end that is the concern. I'll take it up with Mr. Cooper when the time comes.

Mr. Coleman: I'm not sure why they would ever terminate it.

Chairman Elkins: If the Planning Commission or City Council said they can't continue with a Special Use Permit, they wouldn't have any choice. It would be like a cell tower that they would have to tear down.

Mr. Coleman: Perhaps.

Comm. Belzer: What happens if the church leaves?

Chairman Elkins: That is part of my question, too. Are there any other questions for staff? I'd like to ask the applicant to step forward.

Applicant Presentation:

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

Mr. Cooper: I'm on staff with Church of the Resurrection. We don't have a formal presentation. I brought Robert Whitman with me, who is our lead architect. He is with Gould Evans. I thought I could address the operational components of a columbarium, and Robert can absolutely speak to the design components. We thought we would have a question and answer presentation if that works.

Chairman Elkins: Questions for Mr. Cooper?

Comm. Strauss: It doesn't look like there is any lighting in this plan. Is that correct?

Mr. Cooper: Let me introduce Robert to answer that.

Robert Whitman, Gould Evans, 4041 Mill Street, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Whitman: We have bollard lighting throughout the garden itself.

Comm. Strauss: What is the height of those?

Mr. Whitman: Those are simple bollard lights in the 4-ft. range.

Comm. Strauss: Is that the tallest lighting?

Mr. Whitman: It is. It is adjacent to the parking lot, which has area lighting nearby. We are using the same bollard lighting in other locations in the project.

Comm. Strauss: There's no access to this area from the inside sanctuary, correct?

Mr. Whitman: That is correct.

Comm. Strauss: Can you speak about the phasing and how it will occur and how the landscaping will work over time?

Mr. Whitman: For Phase 1, we will basically have the circular wall at the end. The garden will be built with the water feature and access walks. We will fence it in. As we move on to Phase 2, we will add a set of walls, flanking that circular wall. Phase 3 would add another set of walls. Phase 4 would add the last set of walls. From a landscape standpoint, we are showing prairie-style landscaping on the outer parts of the garden. For the interim plantings, it is what we would use in those areas.

Comm. Strauss: What kind of fencing is it?

Mr. Whitman: It is metal fencing with a decorative pattern to it. (*Shows pattern*) It matches a pattern that is used inside the sanctuary today.

Comm. Strauss: Was Mr. Coleman correct in that this could span out over 25 years?

Mr. Cooper: I suppose it could. We provide these based on demand, which sounds odd. The way we do these is we have a waiting list because we haven't been able to expand. I'll tell how it works. We have reserved or sold out all our current ones. In our current memorial garden, we have had 5-6 different expansions where we have built wall niches. People will be able to buy their niches. There is a big demand for them. We use those proceeds to build. We won't wait until we're totally sold out; we will wait until we are 75-80% sold. Then we will fund the next group. I can't say with any degree of certainty if it's 20 or 25 years. There are a little over 3,000 niches. We looked at the average usage in the church, and we projected it out, but that could change. Our congregation is getting older. It is hard to speculate.

Comm. Strauss: How many congregants do you have?

Mr. Cooper: We have 24,000 churchwide. That includes all our locations. We have about 19,000 in Leawood.

Comm. Strauss: I was just thinking about how you match the materials. Is that hard to do when you're 20 years in?

Mr. Whitman: I would say that it isn't. I am currently working on Liberty Memorial doing restoration of stonework. We are working with stone that is 90 years old, and we are replicating it and patching in different stone. It is basically a dead match. It is just a matter of the fact that we are specifying a specific stone here. We may be in a different vein in the quarry, but a match could be right on track.

Chairman Elkins: Are there other questions? Mr. Cooper, I trust that the church has no objections to the 14 stipulations.

Mr. Cooper: That is correct. Ms. Kriks mentioned that No. 6 was removed. We have no concerns with the stipulations.

Chairman Elkins: Is there any plan to transfer the urns from the current memorial garden to the new memorial garden, or will the old memorial garden stay in place?

Mr. Cooper: That is having some discussion right now. It is being discussed with families who have loved ones in the current memorial garden. There is the cost difference between the old niches and new niches. There seems to be some agreement that if someone would like to move, the difference would be paid. We can't move the urns without family approval.

Chairman Elkins: This anticipates a highly unlikely event, but I'm curious if you have experience with respect to if something should happen to Church of the Resurrection or this commission decides it is an inappropriate use to extend the Special Use Permit, does the church have contingency plans or a thought about what would happen in that event?

Mr. Cooper: We don't. When I was listening to that tonight, I realized a future commission could decide against this. That would be really problematic. We don't have a plan. I can't even speculate what that would look like. It would be like moving a cemetery. We're not a cemetery, but we are still dealing with remains and contacting of the families. That would be troublesome.

Chairman Elkins: Do you see any challenges or issues with respect to this ADA issue that we discussed?

Mr. Cooper: We do not. We certainly will do whatever we have to do with respect to code. Robert may be able to address some of that. It is absolutely vital. We are a multi-generational organization. We are trying to create some intimate rooms, but we will do what we need to do with respect to the code.

Chairman Elkins: Thank you. Those are all my questions. Are there any additional questions or comments? Seeing none, we will move to the Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Ramsey; seconded by Coleman. Motion carried with a unanimous vote of 5-0. For: Belzer, Levitan, Strauss, Ramsey and Coleman.

Chairman Elkins: That takes us to discussion of Case 07-17. Are there additional comments?

A motion to recommend approval of CASE 07-17 – CHURCH OF THE RESURRECTION COLUMBARIUM AND MEMORIAL GARDEN – Request for approval of a Special Use Permit for a Mausoleum/Columbarium, Revised

Preliminary Plan, and Revised Final Plan, located south of 137th Street and east of Nall Avenue – with 14 Staff Stipulations – was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 5-0. For: Belzer, Levitan, Strauss, Ramsey and Coleman.

MEETING ADJOURNED