

**City of Leawood
Planning Commission Agenda
February 26, 2008
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive**

CALL TO ORDER/ROLL CALL: Roberson, Jackson, Conrad, Rohlf, Munson, Elkins.

APPROVAL OF THE AGENDA: A motion to approve the agenda was made by Commissioner Elkins and seconded by Commissioner Roberson. Motion approved unanimously.

CONTINUED TO THE MARCH 11, 2008 MEETING:

CASE 09-08 - BI-STATE CENTENNIAL PARK DESIGN GUIDELINES – Request for approval of a final plan; located at 143rd Street and Kenneth Road.

CASE 81-07 - BI-STATE CENTENNIAL PARK – KIDDIE ACADEMY – Request for approval of a special use permit and a preliminary plan; located south of 141st Terrace and east of Overbrook, within the Bi-State Business Park Lot 20. **PUBLIC HEARING**

CASE 128-07 – BI STATE BUSINESS PARK LOT 17- PARS ENGINEERING BUILDING – Request for approval of preliminary plat and preliminary plan; located north of 143rd Street and east of Kenneth Road. **PUBLIC HEARING**

CASE 123-07 – AT&T SAI CABINET – Request for approval of a special use permit for an AT& T SAI cabinet; located south of 117th Street and east of Nall Avenue. **PUBLIC HEARING**

CASE 12-08 – PARK PLACE – RA SUSHI – Request for approval of final site plan for a tenant finish; located at northeast corner of 117th Street and Nall Avenue.

CONTINUED TO THE MAY 13, 2008 MEETING:

CASE 08-06 LDO AMENDMENT - SECTION 16-2-9.2 NON-RESIDENTIAL USES Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 09-06 LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-3-9 DEVIATIONS Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 53-06 LDO AMENDMENT – SECTION 16-2-5.7 (RP-4 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 55-06 LDO AMENDMENT – SECTION 16-2-5.2 (RP-A5 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 56-06 LDO AMENDMENT – SECTION 16-2-5.3 (R-1 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 57-06 LDO AMENDMENT – SECTION 16-2-5.4 (RP-1 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 73-06 LDO AMENDMENT – SECTION 16-4-5.10.1 (RP-2 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 58-06 LDO AMENDMENT – SECTION 16-2-5.5 HOME OCC. Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 66-07 LDO AMENDMENT – SECTION 16-4-5.7 PARKING LOT CONST. STANDARD. Request for approval of an ordinance to the Leawood Development Ordinance. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 115-07 – VILLAGE OF SEVILLE REVISED SIGN CRITERIA – Request for approval of a revised final plan; located at the northwest corner of 133rd Street and State Line Road.

CASE 14-08 – PARK PLACE GOBUG – Request for approval of a final plan; located at the northeast corner of 117th Street and Nall Avenue.

Commissioner Elkins requested that Case 115-07, Village of Seville Revised Sign Criteria, be removed from the Consent Agenda.

Motion by Commissioner Elkins, seconded by Roberson, to approve the revised Consent Agenda.

Motion approved unanimously

CASE 115-07 – VILLAGE OF SEVILLE REVISED SIGN CRITERIA – Request for approval of a revised final plan; located at the northwest corner of 133rd Street and State Line Road.

Staff Presentation:

Mr. Joseph: This is case 115-07, Village of Seville revised site criteria. It's a request to revise the site criteria for the development. The applicant is Henry Klover with Klover Architects. They are requesting to modify the design guidelines for Village of Seville development. The reason this is before you is that the applicant for Sprint has requested to increase the percentage of sign that's allowed from 25 percent to 50 percent to allow that logo to be installed. It's already actually installed, but they want to approve that. That is the reason this application is before you. Staff is recommending approval of this case.

Comm. Elkins: Jeff, just as a point of reference – I apologize because I did not bring my LDO book with me – can you compare in a general fashion what's proposed in these sign criteria against what the City's standards are for signs?

Mr. Joseph: In the ordinance, it doesn't really talk about logos. We usually treat logos differently and it is approved with the design guidelines. The size and everything is usually approved in the design guidelines. In this case, only 25 percent is allowed for the logo. That can go above the sign size. Right now, they are requesting that it be increased to 50 percent to allow that logo size.

Comm. Elkins: I understand that we're increasing from what the prior sign standards were for this particular subdivision, but back to the City's standards, are the City's standards 25 percent?

Mr. Joseph: Usually it's the size of the sign itself.

Comm. Elkins: But the size of the sign itself is limited to 25 percent, right?

Mr. Joseph: No, the size of the sign is the height of the letters. Usually it's like 24 inches, but in this case, the logo is bigger than the size of the sign. So, in order to accommodate the logo, the only way to increase the logo size is to increase the percentage of the size.

Comm. Elkins: Okay, I think I'm not asking the right question. Backing up a step, let's assume we have a sign without a logo. Where are the City standards for the size of a sign without a logo?

Mr. Joseph: It depends on the development. For instance, in Parkway Plaza, they are allowed a maximum of 18 inches. It depends on different developments. In Villages of Seville, I think 18 inches is the maximum sign size that's allowed, with logos.

Comm. Elkins: Is it true then that there's not a city standard, that it goes from development to development? Is that what you're telling me?

Mr. Joseph: It varies. It depends on the development.

Comm. Elkins: Do we have, as a Commission, criteria that we apply to determine what's appropriate for any particular subdivision?

Mr. Joseph: Actually, we look at the adjacent signs. That's how we compare the signage. It has to be compatible with the rest of the development.

Comm. Elkins: So then, in the example where we have a logo, you're telling me that the standard is that the logo can be no larger than what the elements of the sign are, correct?

Mr. Joseph: That's the usual standard.

Comm. Elkins: And here, because of an unusual shape of the logo, we're asking to change the previously-approved sign criteria to permit a 50 percent?

Mr. Joseph: Increase.

Comm. Elkins: Over what? I'm trying to figure out what the numerator and the denominator are.

Mr. Joseph: It's the average size of the letters. You usually measure the sign by drawing a square around it, so in this case, the letters are 18 inches, but the logo can be bigger than that by 50 percent.

Comm. Elkins: That would be nine inches, 4 1/2 inches on either side? Is that how it works?

Mr. Joseph: Correct.

Comm. Elkins: And maybe this is better for the applicant, but why is it that this is deemed necessary?

Mr. Joseph: The applicant is requesting that and it is already installed. That's the reason they gave us.

Comm. Elkins: That was my next question. Is the sign that is on the building currently, is that according to the old standard, or according to the proposed standards?

Mr. Joseph: The proposed standard.

Mr. Lambers: They were given an at-risk permit for the sign. They advised us that corporate across the street has dictated that signs will be of a certain size and the logo will be of a certain size greater. Since this came forward, I have gone to great lengths to look at other Sprint signs in other cities, and I would say at least a directive is being adhered to. What we're seeing here is what's going up in other cities as well. It's a proportional issue as to the size of the sign and the size of the logo that they have to maintain, so the sign is subject to the criteria, which then determines what the proportional increase has to be for the Sprint logo.

Comm. Elkins: Thank you.

Chairman Rohlf: Do you want to hear from the applicant?

Comm. Elkins: I don't know that I do, but my colleagues might.

Comm. Conrad: Do we have a picture of this?

Comm. Roberson: While you're looking, is there another example of that same sign in Leawood?

Mr. Joseph: Actually, it's just across the street.

Comm. Roberson: At Town Center, right? That's what I thought. That's the same size.

Comm. Conrad: Did we discuss this in a previous case?

Mr. Joseph: Yes. Actually, this was before you a couple months ago. At that time, the sign was approved but the logo was not approved at that time.

Comm. Conrad: And how was it to be approved?

Applicant's presentation:

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

Mr. Klover: I can probably add some clarification, if you don't mind. I apologize for stepping in, but there is a lot of confusion with what's being said, so I want to straighten it out. The reality of this is, we've actually been reading the criteria wrong. The criteria doesn't address the logo size at all. I actually talked to Mark, in Jeff's defense, about that. Actually what it says is, the 25 percent is an area increase allowable in the restrictions. The actual height is not addressed at all. What we've actually done is closed the loophole that was in there, because technically, it was allowing for an area increase. So, I would actually probably say the sign as installed today meets the sign criteria you actually approved already.

The reason we came back had to do with average height, and the fact that they had ascenders and descenders on the letters. And yes, we came back and we approved it. One of the things we talked about at the last meeting was the concern we had was doing a big square and saying you could have a logo this big, was that it was going to be too big. And I think the quote that Mark used exactly was, you know, somebody coming in with a big belt buckle and making a big square. We've all kind of agreed – if you draw a 24 inch box around the sign, it just barely gets above it in two places because it's a fan, so it's very light. Actually what we did, we added language in it now that basically restricts. It not only gives a height, but it also, you've got the box, and you're only allowed to have certain minor extensions out of them, such as arms and things like that. So the goal is still to control the concern we had and as was expressed at the Planning Commission meeting, that we don't want people to come in with big boxes, and we specifically can say that in the comment that it's not what we want.

Technically what you approved previously, the logo would have been approvable because all it talked about was area. It didn't have height restrictions on the logos at all. Now, we've actually kind of closed that little loop. And to Jeff's defense, and even Mark, when we read it last week, we said, well, it doesn't say anything about height; it's actually just talking about area and the allowable area. And there are graphic diagrams and stuff. By coming back to you, we've actually kind of closed off the loophole that was there. And yes, it is the intent to allow the Sprint sign. We all believe it fits very nicely, but it was how do you craft the sign criteria that allows for the extensions and arms and things like a scroll or something without getting somebody carried away. The worse thing we're trying to do when we're writing criteria is not have somebody come in and do Big Ed's, you know, just a big, massive sign that technically meets the design, but it's just massive and it doesn't fit. That's really why we're back here, and also because we wanted to let it proceed through with your understanding, and also go to city council with it being approved that way.

Chairman Rohlf: So this will now become part of the design guidelines for the remaining buildings.

Mr. Klover: Yes, ma'am. I've already told my assistant to send it to the client as soon as you approve it.

Chairman Rohlf: Any other questions for the applicant?

Comm. Conrad: Well, not to dwell on it, but should this have been brought to staff before it was installed?

Mr. Lambers: They already ordered the sign and wanted to open up for business, so we issued an at-risk permit, which the applicant clearly understood that if the change was not approved, they would have to replace the sign and logo.

Comm. Conrad: And the image we just saw on the screen, that is the as-constructed?

Mr. Lambers: Correct.

Mr. Klover: Yes, the one right here.

Comm. Elkins: One comment, Mr. Klover. You might check the second to the last sentence in the sign criteria. I think it may be a grammatical change. I'll leave that to you to make a final decision on that. You've got plural elements and a singular verb there.

Chairman Rohlf: Anything else?

Comm. Elkins: I would move that the Commission recommend approval of Case 115-07, Village of Seville revised sign criteria, request for approval of revised final site plan, located at the northwest corner of 133rd Street and State Line Road. I'm not sure it's completely within our purview, but I would recommend it with the following change: In the second to last sentence before sign criteria, the sentence that begins, "What," should be "What are not permitted are block or circular elements that just get bigger."

Comm. Roberson: Second.

Comm. Jackson: Madam Chair, if you want to clear up the language, I think there was a typo in there – "is" to "in" or something? I forget what it was.

Chairman Rohlf: In the report?

Comm. Jackson: In the added paragraph, the first long sentence there, fourth line down: "Average letter height are limited to" it reads "is mass." "Average letter height are limited in mass?"

Comm. Elkins: I'll accept that.

Motion approved unanimously.

NEW BUSINESS:

CASE 10-08 – LECLAIRE ESTATES – Request for approval of a preliminary plat, preliminary site plan, final plat, and final site plan; located north of 103rd Street and east of Wenonga. **PUBLIC HEARING**

Staff Presentation:

Mr. Joseph: The applicant is Tim Tucker with Phelps Engineering. The applicant is requesting approval of a preliminary plat, preliminary site plan, final plat, and a final site plan for a two-lot residential subdivision that is zoned R-1, which is planned single-family low-density residential. It contains 3.6 acres. This lot currently has one single-family house sitting on it. It would be demolished before the plat gets recorded.

Staff would like to draw your attention to a memo that has been placed on the dais. Staff is recommending one more stipulation, which is the Fire Marshall's comments. The Fire Marshall's comments are also included in that attachment. Public Works' comments have also been revised, so there is also a revised document in front of you.

With that, staff is recommending approval of this case with the stipulations stated in the report. If you have any questions, I'd be happy to answer them.

Comm. Elkins: Jeff, I'm not sure if this is for you or David. I would like staff to address a question. When I drove by that property this weekend, as I understand it, the egress from the property is going to be out onto 103rd Street for both of the new lots that are going to be subdivided. The lots look to be narrow, so it doesn't look to me like it's going to be curved driveway. It's going to be an in-and-out sort of driveway, I presume. Can you comment at all about the safety issues that raise themselves with that kind of an exit and entrance onto the street? I don't know if it's within our purview or not, but it certainly jumped out at me, even driving by the property this weekend.

David Ley, Public Works Department, appeared before the Planning Commission and made the following comments:

Mr. Ley: Right, there are several driveways that already exit out to 103rd Street, and it would be wise to make the driveway a little wider so you could enter it at a little higher speed. That is something that could be added as a stipulation. The egress, people would be heading to the south. There will be a circle drive up there, so they will be heading directly out to 103rd Street, so they will not have to back up.

Comm. Conrad: Did the applicant present an elevation of the stone wall? It's discussed and described as if it does exist, but I didn't see it in my packet.

Mr. Joseph: The applicant will be able to show that to you. We don't look at the walls for residential houses initially. This is something that, if the applicant has that, they will be able to show it to you.

Comm. Conrad: How is this considered to disturb less than one acre? Is it the physical disturbance of the ground?

Mr. Ley: The grading permit would have to be one acre or less.

Comm. Conrad: So that could change.

Mr. Ley: It could change, and if it's greater than an acre, then they will be required to meet the new ordinance.

Chairman Rohlf: Let's hear from the applicant.

Applicant's presentation:

Jason Meier, Matt Adam Development, appeared before the Planning Commission and made the following comments:

Mr. Meier: Tim Tucker is also here from Phelps Engineering if you have any detailed questions. I do have an elevation of the wall. In fact, that was one of the things I was going to say was incorrect. Well, staff did it correctly; it was incorrectly shown on the plat that we submitted. Somehow the dimensions got messed up and the wall in the staff report is showing the wall height at 3' 9" tall. It's actually only 2' 6" tall, so we're not creating a barrier from 103rd Street. We don't want to block views into the lot. I wanted to clarify that, that it's a much smaller stone wall than was written in the report.

We feel that this is going to be a really nice addition to Leawood. I live right down the street and we looked at doing all kinds of concepts, a cul-de-sac up through the middle, putting five or six lots around it – Just like the cul-de-sac to the east of it. We decided that it would be better for Old Leawood to just do two nice, large lots. It is deceiving when you look at the plan, on the width of them. They are actually 180 foot wide lots, which typically in the neighborhood, they're only 100 or 115 foot wide. They just happen to be 400-and-some foot deep, so they are really very large lots.

We anticipate that the homes will be anywhere from two to three million dollars that go on each of these lots. This actually shows an elevation that I rendered up. It shows you the scale of the wall.

Comm. Conrad: The wall won't be retaining?

Mr. Meier: It's just a freestanding natural stone wall. Kind of like the walls in Mission Hills.

Chairman Rohlf: Are you comfortable with the addition of the stipulation by the Fire Marshall?

Mr. Meier: Yes.

Chairman Rohlf: And what about Mr. Elkins' concern on the driveways? Is David's solution something you've looked at for that?

Mr. Meier: Yes. In fact, what we were hoping to do, I know the City has a standard on the approach on driveways. The builder actually builds the driveway for just a single lot. We would anticipate that it does make sense to have maybe a wider approach as you come in, just to make it a little safer, but I personally don't think you want the whole driveway that wide because it just doesn't feel very nice when you're driving up a 150-foot long driveway.

Comm. Conrad: Just to follow with that, it would probably not be very safe to ever have gates on those.

Mr. Meier: We don't anticipate any gates. It's interesting, the right-of-way that's currently there, we are adding another 20 feet to it. The road doesn't change. The road stays where it's at, so there's already a built-in cushion. They will be able to pull out and see both ways without interfering with traffic at all. I'm not saying they would ever put a gate on it, but if they did, if they set it back inside the property line, there should be plenty of room for visibility.

Comm. Conrad: Any particular reason why it wasn't split exactly in half?

Mr. Meier: Yeah, we actually have a buyer that wants the bigger lot. Just wanted to have a bigger lot than the other one.

Comm. Conrad: On the west lot, is that a utility easement that runs diagonally cross?

Mr. Meier: Yes. That's where we have to provide an extension for sewer, so we'll have a manhole that can access both houses there. We will be adding infrastructure, and that's basically the minimal infrastructure we're providing.

Comm. Conrad: I think one of the concerns is the trees. I know it was mentioned in the stipulations. I think north Leawood, so much of its character is the mature trees, so I would just ask that you follow the recommendation that it be pretty closely looked at before we start cutting them all down.

Mr. Meier: Absolutely, and I would tell you that as a professional landscape architect, I completely agree with you. We had a survey done of all the trees on the site, even before we knew it was a requirement. That was one of the concerns of the neighbors that showed up at the interact meeting. We completely agree – we don't want to take out any trees because it provides privacy in the back yard for everyone. And of course, we are adding probably more than what the City's going to require along the street as well. That's just how Matt likes to do developments.

Chairman Rohlf: Any other questions of the applicant? Thank you. I note that this case does require a public hearing. Is there anyone in the audience that wishes to speak?

Gentleman in audience who did not state his name: I live on Wenonga Lane, and with the addition of this here, they're bringing in, there's things I want to know. What are the price of these homes? Will the sewers be able to handle, when the rains come, the amount of water that's going to come into those sewers? We've had problems before. That's what I'm mainly interested in, so I want to know that.

Chairman Rohlf: You don't have to, but if you'd like to respond to those questions?

Mr. Meier: Yes. As far as I'm understanding, the stormwater won't actually go into the sewer. Correct me if I'm wrong, but we are actually adding some inlets on the property to help alleviate any concern for that, and when we do actually tie into the existing sewer that's there on one of the lots backing up on Wenonga, we will be cleaning that out. That was a concern by one of the neighbors as well, is that they have had issues. So, if we're in there, we're going to make sure it's all cleared out as much as possible for the people who are buying our lots, too. We want to alleviate any problems that we can while we're in there working on it.

Chairman Rohlf: Mr. Ley, do you think this will be satisfactory?

Mr. Ley: That's correct. They are adding two area inlets to collect the water prior to discharging to 103rd Street. The sanitary sewers – that's all taken care of by Johnson County Wastewater.

Chairman Rohlf: All right. Thank you. Anyone else in the audience who is here to speak about this case?

Seeing no one, Motion by Commissioner Jackson, seconded by Commissioner Munson, to close the public hearing. Motion passed unanimously.

Chairman Rohlf: Any further discussion on this case? A motion? Just note, we would need to amend the stipulations to add the one that Jeff put on our dais this evening.

Comm. Jackson: I would move for approval of Case No. 10-08, LeClaire Estates, with stipulations 1 through 9, with the changes made in the memo from Jeff Joseph.

Comm. Roberson: Second.

Mr. Lambers: Madam Chair, did you want to incorporate the stipulations with regards to the width of the approach being increased, at least initially.

Mr. Lambers: Okay. Between 15 and 20 feet.

Chairman Rohlf: All right. Ms. Jackson?

Comm. Jackson: So that would make it ten stipulations if you added one requiring additional width of both driveways to be?

Mr. Ley: Between 16 and 20 feet, in that range.

Comm. Jackson: Between 16 and 20 feet wide at the curb.

Chairman Rohlf: Anything else? If not, we're ready for a vote.

Motion passes unanimously.

CASE 13-08 – PARKWAY PLAZA WEST OFFICES #8 THROUGH #11 – Request for approval of a final plan; located at the northwest corner of 135th Street and Roe Avenue.

Staff Presentation:

Mr. Joseph: The applicant is Kelly Kerwin with Dan Henry Construction. The applicant is requesting approval of a final site plan to allow the construction of four office retail buildings within part of lots 3 and 4 within the Parkway Plaza development. The total project will consist of 26,000 square feet of construction. These buildings will be located on the west side of Briar Street, just to the south of the Demdaco building. For this application, the applicant is proposing 25 additional parking spaces, which they are requesting to be approved. If you recall from the last meeting, the parking ratio received a deviation for 4.0 parking spaces for 1,000 square feet. This addition, they are requesting 4.2 parking spaces for 1,000 square feet. The reason for that increase is that these buildings were approved for 8,000 square foot each, but they decreased the size of the buildings to 6,500 square feet. That's the reason the parking ratio went up.

The architecture of the buildings will match the buildings that were approved with the design guidelines, and all the site layout and everything is the same. Staff is recommending approval of this case with the stipulations stated in the staff report. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: I just have a few things. I didn't see a landscape plan in the packet. Did I just overlook that? I think there are some covered amenities that come into this particular phase.

Mr. Joseph: It's sheet L-1.

Chairman Rohlf: Okay.

Mr. Joseph: Staff is asking for additional landscaping around the buildings.

Chairman Rohlf: I was going to say, I'm sure that that covered it. All right. I'm just curious – how many buildings do we have left in this development?

Mr. Joseph: I can show it to you on the map. This is the Parkway Plaza plan. There is 133rd Street, 135th Street along here, Roe Avenue here, and Nall is over here. This is Briar Street. The buildings they are proposing are these four. The Demdaco building is in this area, and the Suma restaurant is going in here. This retail six building is the jewelry store. This is the dentist. This is the retail, which is under construction right now. And then, two of these are condos; they are finished construction and ready to open. Two of these residential condominiums have finished and they are opened.

Chairman Rohlf: On the side where these four buildings are proposed, are all of the ones in except for the restaurant.

Mr. Joseph: The only one that I forgot is Starbuck's; that's the only building that's there right now. The Suma restaurant.

Chairman Rohlf: What's your thought on parking, Jeff? I'm not sure this is, you know?

Mr. Joseph: The reason they are asking for the additional parking is that this is a medical use. That's why they're requiring the parking spaces. Also, the reason the parking ratio went up is that the square footage of the buildings went down, which is why the ratio went up.

Chairman Rohlf: Is that still within?

Mr. Joseph: Actually, yes. The maximum allowed is 3.5 within that district, so it's more than 3.5.

Chairman Rohlf: But didn't we grant them?

Mr. Joseph: They have a deviation that was approved for the last application.

Chairman Rohlf: When we look at this, would you put it at 4.0 to 4.2 – Is that problematic?

Mr. Joseph: Staff is comfortable with it. There's no objection to the increase.

Chairman Rohlf: Okay. I didn't think so, but I thought, well, I didn't know if we needed to put something in the...

Mr. Lambers: But again, Madam Chair, it should be looked at as 3.5 to 4.2. The incremental doesn't really count. Even though we've approved the previous deviation, when we get another applicant, they'll see 3.5 to 4.2, not the .2 that we're talking about here. That's really what should guide your decision. But I agree with Jeff – I think that because of the combination of the medical use and the reduction of the square footage, you've got two things playing here, and given that the way this project has developed, we don't see a problem with the additional parking that they're requesting.

Mr. Joseph: Also, not included in this application is a water feature that they are proposing in this area.

Chairman Rohlf: Show us that, too, because that will come in now, won't it?

Mr. Joseph: I don't know which phase that's coming in, but that's proposed.

Chairman Rohlf: All right. I know we have some other things but I think those are probably more for the applicant. We have some signage questions, I think.

Comm. Conrad: Jeff, just a couple clarifications on some of the stipulations. Number 10 says the open space for the overall Parkway Plaza shall be a minimum of 44 percent. Is there a concern or an issue as you add that stipulation?

Mr. Joseph: With the addition of the paved areas, staff was a little concerned with the open space, but the applicant has indicated that with the water feature and everything included, the open space will still be 44 percent. We just want to make sure that that's there.

Comm. Conrad: But we don't know when the water feature is going to be constructed.

Mr. Joseph: Correct. That's up to the applicant.

Comm. Conrad: Okay. Number 28 is the conditions and stipulations of the preliminary plan approval remain in full force and in effect, except to the extent expressly modified herein. Is there anything of significance that that statement is in there for?

Mr. Joseph: Yes. There are a lot of steps that a developer has to take before the occupancy permits are approved, like the building of infrastructure and streets and everything. It's all part of the preliminary plan, so that's why it's carried through with all the applications.

Comm. Conrad: But given the amount of buildings that have been built, should we review those and have some of those checked off the list, so to speak? Whatever they are?

Mr. Joseph: This is just a blanket stipulation that the Legal Department asked us to include.

Comm. Conrad: Well, I think things like water features and amenities and those things had us approve the preliminary plan, and I think we need to make sure that those follow through in a timely manner and not end up in a situation where we're in the last building, trying to construct all of these things that we've pushed off.

Mr. Joseph: Correct.

Comm. Conrad: Okay. Items 30 and 31 talk about utility boxes. It's kind of a new stipulation, I think.

Mr. Joseph: We just want to make sure that, sometimes these transformers will pop up, so we just want to make sure that they are aware of the stipulation, and when they're required to have those transformer boxes, they can come to city hall and get the necessary permits. Sometimes they have to go through the planning commission and city council to get approved. It's just a way to let them know it's a requirement.

Comm. Jackson: Jeff, what's the actual number of parking spots if it was 3.5 versus the 4.2? How many are being added?

Mr. Joseph: I need to look it up. I think the total square footage is about 6,000 square feet. Let me look it up and I can answer that question.

Comm. Jackson: Before you do that, on page 2 it says approved 105 parking; proposed 103.

Mr. Joseph: That's just for that quadrant, that area. The 3.5 is for the entire development.

Comm. Jackson: So going to 4.2 is quite a lot being added, right?

Mr. Joseph: Correct. Again, a 4.0 deviation was per last time.

Comm. Jackson: And then, on stipulation 6 and 8, they go to the landscaping and the berms. The language in there, I'm concerned about stipulation 6, additional berm shall be required adjacent to Briar Street, and stipulation 8, applicant shall work with staff on additional landscape requirements within the site. Are those enough to give you assurances that these things will be done to the City's?

Mr. Joseph: Yes, when they come back for building permit, I'll be looking at the landscape plan. At that time, we'll be looking for the three-foot berm, and also additional landscaping around the buildings and all that. I think it is sufficient.

Comm. Jackson: On stipulation 6 with the berms, is the only concern that they be high enough, or that there's enough them, or they're in the right places?

Mr. Joseph: It should be a minimum of three feet tall.

Comm. Jackson: Are they shown on this landscape plan?

Mr. Joseph: Actually, they're showing a couple of berms, but it's not along the parking area. It's where the buildings are located. So actually, we need the berms at the parking area.

Comm. Jackson: Can you show on one of the layouts where you want them added?

Mr. Joseph: This is the parking for the restaurant and the berms are shown over in this location and this location, but not here. This is where we need the three-foot berm.

Comm. Jackson: Is that the only place that it's missing on their landscape plan?

Mr. Joseph: Yes, that's the only place.

Comm. Jackson: Where exactly were they short the ten feet around the building that you felt should be added?

Mr. Joseph: Between office retail 8 and 10. There is a sidewalk that goes through there, but I think they can put in more landscaping around the area.

Comm. Jackson: Was there room for an additional ten feet? Is that ten feet on building 8 and ten feet coming out of building 9? South side of building 9, north side of building 8?

Mr. Joseph: Correct. Some of these areas, they have sidewalks, so they cannot put landscaping around there. But the west side and the east side, I think we can add more landscaping.

Comm. Jackson: Not between 9 and 8, on the south side of nine and the north side of 8? You'd like to actually have it added between buildings 10 and 8, east of 8?

Mr. Joseph: Ten and 8, yes.

Comm. Jackson: Other than the parking question, that's all I have.

Chairman Rohlf: Any other questions for staff? All right, we'll hear from the applicant.

Applicant's presentation:

Todd Lipschutz, R.H. Sailors, 14300 Kenneth, appeared before the Planning Commission and made the following comments:

Mr. Lipschutz: I would like to address the overall comment and the question about the water feature and the additional amenities within the development. The water feature is currently being improved as we speak. Given the weather conditions, we hope to be completed in less than 60 days. It is my understanding that part of the overall development, in the process of developing this property, this feature was added after the fact to accommodate some of the creation of these four buildings, recognizing that there would be medical use and require additional parking. With the building shrinking and the ratio changing, that was part of the process, by adding this amenity.

The other amenities have been approved as we developed the lots. There are circle landscape amenities throughout the development and they have to be improved typically when the building is being done next to it, to manage the grade. The balance of the private road and the thoroughfare and the landscaping throughout has been completed in a timely manner.

Chairman Rohlf: Where is the feature?

Mr. Lipschutz: There is a detention facility to the middle/west of the property, and it is located directly south of retail building 11 and future retail 17. There is a feature that includes a rock wall, fountains, and then a path that ties into the sidewalk of the private drive.

Chairman Rohlf: I'm just kind of curious. I think a lot of the landscaping is along 135th.

Mr. Lipschutz: Right. On the north end, on 133rd, Briar Street's landscaping, as well as...There's these column or patio amenities that are here, here and here. The circle amenities on both sides, as well as the walls at the entrance off Briar and 135th. This along the dentist's office has been improved. This is currently being improved. I don't know how far these features go on, but the water feature in the two condo buildings have been approved with the rock, the path and the fountain. Specifically as it relates to the exact trees, I'm not...I can't get into that detail.

Chairman Rohlf: Timely fashion?

Mr. Lipschutz: Correct.

Chairman Rohlf: Is that true, Jeff? All right. About the request to have some additional landscaping – are you comfortable submitting a revised plan?

Mr. Lipschutz: There's an applicant here as it relates to the building that I'd prefer to address that.

Chairman Rohlf: All right? Anything else?

Dan Henry, Dan Henry Construction, 9246 State Line Road, appeared before the Planning Commission and made the following comments:

Mr. Henry: Any questions that I can answer?

Chairman Rohlf: With respect to the landscaping?

Mr. Henry: Yes.

Chairman Rohlf: Are you in agreement with staff's suggestion to add some additional landscaping?

Mr. Henry: Yes.

Chairman Rohlf: And it's my understanding, Jeff, that they would need to come back with a revised plan prior to building permit?

Mr. Joseph: Correct. They'll have to submit a plan to staff.

Chairman Rohlf: Any questions for Mr. Henry about additional landscaping? Thank you. Do we have any additional questions for the applicant? I guess we should hear your perspective about the parking, if there is anything else you could add on that. I do have one about the signage, the suggestion about the wallboards, the stipulation that addresses?

Mr. Joseph: I can answer that. Initially when they came through with the signage, all these buildings have, like sign boards on them with gooseneck light fixtures shining on them. It came to our attention that when the wording is long, when there is a long name attached to it, the sign boards tend to...you know, it will be a long sign board. So, it was

not proportional to the building or anything, so staff is comfortable with just mounted letters on the walls instead of the sign boards.

Chairman Rohlf: And the applicant has agreed to that?

Mr. Joseph: Actually, the applicant is the one who requested it first, and then staff was supportive of that.

Chairman Rohlf: All right. So we really don't have a disagreement on that.

Mr. Joseph: We don't have an issue with that, no.

Chairman Rohlf: Any questions for any member of the applicant's team? All right, any discussion on this case? This is a final plan.

Comm. Jackson: Were we going to get the parking numbers?

Chairman Rohlf: That's right, sorry. Mr. Lambers, do you remember the reason why we went from the 3.5 to the 4.0, what we were looking at when we did that?

Mr. Lambers: It probably related to the restaurant. We're finding that our parking limitations on restaurants are low and it is having a chilling effect on people wanting to place restaurants in. As you know with the Price Chopper shopping center, we made an exception to that as well. They want to have between nine and ten, so that was part of it, as I recall. I don't know if that was all of it or not.

Chairman Rohlf: With respect to Sumo?

Mr. Lambers: Yes. They have a lot of seating in the Sumo restaurant.

Chairman Rohlf: Is that the parking for the overall, or just for that particular?

Mr. Lambers: I'm saying that that's where we started to get requests for the additional. At least that's what I recall, that that was part of it. It's the entire development, so we're looking at 4.2, but as I said earlier, we really need to look at the increase from the ceiling of 3.5. But again, with medical buildings, coupled with the reductions, where you've got two factors that are causing the percentage to change, we're basically gaining green space, and they still need the additional parking.

Chairman Rohlf: I'm sure we have a significant building left size-wise that we don't already have parking?

Mr. Lambers: No, I don't anticipate any further changes to the parking.

Chairman Rohlf: Except perhaps up there; I don't remember what's up there.

Mr. Lambers: That's the Demdaco office, too, and they're maxed out as to the capacity of the parking. I do not anticipate any further changes. I was trying to look up the numbers. I think there was like 1,400 total.

Chairman Rohlf: It doesn't appear that on this particular development, if we went up to the 4.0/4.2 that it would be a problem down the road with any additional parking.

Mr. Lambers: I don't think they're going to see any increase in demand. Staff would probably not support it. The parking is at 1,491, so you would take the point-five relationship to 3.5, divide that to get you down to the 3.5, which Kelly wants to know what would be at 3.5. Then go back and add the additional spaces to that number.

Comm. Roberson: Would you not multiply 3 1/2 times 26 to come up with the number?

Comm. Jackson: No, because you are not doing it just over these buildings.

Mr. Lambers: Over the whole thing.

Comm. Roberson: So we're increasing the parking for the whole development? Is that correct?

Mr. Lambers: Our ratios are based upon the whole development. We don't look at just a quadrant and say it has to meet certain numbers. It's for the overall development in its entirety.

Comm. Roberson: Well, I guess I'll ask my question a different way. For 26,000 square feet, you have about 80 parking spots, if I'm not mistaken, at 3 1/2.

Mr. Lambers: Correct, but you may have another use that has fewer spaces and has more square footage. They are allowed to capture that. Again, the Starbucks and the Sumo are the ones in this quadrant that will see more because of the restaurant activity there. They're probably drawing on some of the other retail spots. Price Chopper is what comes to mind. Remember, we were trying to work with them to justify getting additional parking. That problem was that the Price Chopper shopping center did not have interchangeable lease arrangements with their parking, so they could not count on using their parking, which we don't allow any more. There were no cross easements there, and it was really going to be a point where the project would go away, and the decision was that the additional parking was not unreasonable, given the constraints that were there as it related to that, as well as to the bank that was already in place.

Comm. Jackson: Are you seeing a larger need for parking around medical buildings?

Mr. Lambers: Yes, but nowhere near to the extent of restaurants. It's a little bit larger, so we may be looking at those parameters and probably will increase from 3.5 to 4.0 for that. The restaurant demands are so high that we feel it's better just to deal with those on a case by case basis. Parking lots are considered open space; a parking lot is not green space. We look at those on an individual basis. Again, an office space that is a good example of where we had overkill is Hallbrook. I mean, there's a sea of parking there; only a third of it is used. So, we adjust. If we do okay, fine; if we make mistakes, we admit it and try to correct it.

Mr. Joseph: When they were approved for a final plan back in February 2006, the parking numbers were 1,251 parking spaces. The parking ratio was 3.9 per 1,000. And then in 2007, they came back with another final plan that had 1,264 parking spaces with a parking ratio of 4.0, but the building square footage went down from 315,872 to 314,472. With this application, they are requesting 1,289 parking spaces. Also, the building square footage went down and the parking ratio is 4.2 per 1,000.

Comm. Jackson: And that's using the new building area.

Mr. Joseph: Correct.

Chairman Rohlf: I have one other question on the staff report, on number 33 – a detail of the new date for the cell tower enclosure?

Mr. Joseph: Actually, with this application, they are proposing to change the gate on the existing cell tower, so right now, I don't have any details for that. I'm requesting that they provide details of that gate to us.

Chairman Rohlf: It currently has something.

Mr. Joseph: Yeah, I think it currently has a gate around the other side of there. This is how they are accessing the cell tower, through this parking lot.

Chairman Rohlf: Do we have any further discussion on this case, or are we ready go forward with a motion? I think we've cleared up the parking. Do we need to include something on the parking in our stipulations? I know it's part of staff's comments. Jeff, would you prefer we put something in there?

Mr. Joseph: Right now, there is no stipulation on parking.

Chairman Rohlf: Do we need to have anything?

Mr. Joseph: If the Planning Commission agrees with the parking ratio, then we can approve the case as it is, as it's written in the comments.

Comm. Elkins: I would move that we recommend approval of Case No. 13-08, Parkway Plaza Office Retail Building 8, 9, 10 and 11, Lots 3 and 4, request for approval of final plan, located at the northwest corner of 135th Street and Roe Avenue, with all 36 staff stipulations included in the report.

Comm. Roberson: Second.

Chairman Rohlf: Any further comments?

Comm. Jackson: I'd just like to put on the record, if restaurants are causing this big of an issue with parking areas, I don't know the economics of building these and the amount that the restaurants bring in, but I would think that that would be a good opportunity to very much encourage garages being built, if they are needing 8 or 9 spaces per thousand. So, I'm going to vote against this because I just feel like the City needs to start looking at requiring garages in certain circumstances, or finding different amenities. I think sometimes when we just plop a pretty fountain in the middle of property, it really doesn't add to the enjoyment of the pedestrians, it's not always incorporated in a good place. You still have all the issues of extra water run-off and costs in that manner, and maybe the amenities either need to be a garage added or things that make the property a little more sustainable, rather than just allowing the addition of a lot more concrete. Thank you.

Comm. Conrad: To follow on that, I do think that when we look at this, maybe another solution is some two-story buildings. That would give us more real green space. I guess with regards to the parking, and if it could be possible, this 134th Street private drive, one of the things I think when the preliminary plan that was brought up in the mixed-use development was parallel parking; I think currently that's constructed for parallel parking along that drive. They're going to tear all that curb work out and put in 19 parking places. Given the fact that that is already constructed, would there be a possibility to...I think once before we talked about seeing how something worked for a year, then came back to fix it. Those 19 spots could be built in the future, if this was an issue? Keep our count down, but give us a place to put them, almost a land bank situation. Just a thought. And it's not like we have to construct something, I don't think, and then tear it back out. I think that curb is already installed, isn't it? On 134th, on the south side?

Chairman Rohlf: Would you like to have the applicant address that?

Comm. Conrad: That would be fine.

Mr. Henry: That curb is currently constructed. What I've tried to emphasize – and the owner that I represent – is that when you look at a project like this, you look at the overall parking, the use, how they're going to market the buildings, and the approval of the parking is essential to this project going in. It is a very, very essential element.

Comm. Conrad: And I certainly appreciate that, but in the beginning, when the preliminary plan was presented by the original developer, it was a mixed-use development. I mean, we're always dealing with that, how things change over time. I guess all I was trying to do was to come up with a possibility where we didn't (a) have to build something and then tear it out, but maybe we can see how this works. I mean, we land bank parking a lot. It would certainly be a possible solution toget my fellow commissioner on board. Just an idea.

Mr. Henry: I just want to make sure that everybody understands. It's a project that would be very beneficial to the area. We've taken all the comments that staff has given us and I think developed appropriate solutions to those. We have increased the green space by reducing the square footage of the buildings, and the parking – as I've indicated – is a very, very key element, and we really appreciate that being considered in this project.

Comm. Elkins: A question for Mr. Conrad. What would the next impact on the number of parking spots be with your proposal?

Comm. Conrad: Well, it would be the elimination of the immediate construction of 19 spots along 134th, which are a 90 degree pull-in. That street also certainly serves as one of the major entries and exits to all of this parking, and now we have 19 places that are going to have people backing up to get in and out of.

Comm. Jackson: It looks like the ratio would go down almost to the 4.0. Not quite.

Comm. Elkins: Well, Madam Chairman, if Mr. Conrad is proposing that as an additional stipulation to that proposal, I would certainly accept that as a friendly amendment.

Comm. Conrad: I would make that amendment, that those parking places be land banked, and that within the next year, see if they are, in fact, needed to support the businesses, and if they are, then have them be constructed.

Chairman Rohlf: For something like that to work successfully, how would we monitor that in a year? Would it be come a their word/his word/our word?

Mr. Lambers: Well, in the words of Ronald Reagan, "Trust, but verify." If they said that they were having parking problems out there, we would go out and monitor it and confirm that it was indeed the case. If that's the case, then they would have to come back and get approval, resubmitting the plan to staff. I wasn't expecting this, so I guess the plan doesn't show them being land bank, so what we'd need to do is, if this amendment goes forward, we would need to have a revised plan showing the parallel parking existing, showing the land bank. This is the first time we've ever had land banked parking on parking that exists, so this is new territory. The question is whether or not it would be appropriate to let staff make that determination so it would not have to go back through the planning process. That would be a second component to your motion – that we could approve it; if the land banking were determined to be necessary in staff's judgment, then staff would be allowed to approve the building permit to exchange the parallel parking for the 90 degree parking.

Comm. Jackson: But currently there's concrete in there, and that would not be taken away. That would be allowed to stay pending taking them out of the land bank and putting in parking as shown in the plan.

Comm. Conrad: Well, there's currently four parallel parking spots there.

Mr. Lambers: Yes, you're using parking to land bank additional parking by its configuration. Again, to me, it would seem reasonable if the staff believes that it is. If staff does not, then applicant could go through the process with this Planning Commission and its counsel that we are in error. But if both the applicant is requesting it and we agree, I think it's reasonable to allow us to approve it administratively. Again, between now and the Council meeting, we would have to have the revised plan to show the existing parallel parking, and then show the area and the number of spaces that would be banked and be allowed to be constructed, should it be determined to be necessary.

Mr. Lipschutz: May I make a comment as the developer? The spirit of the development is mixed use and trying to manage between these multiple uses and the mixed use, you know, it's an ongoing process for us. I would think that part of the user's need is to market the space to potential users, so I think it will be a challenge to define in a year or two years if there's resistance in the marketplace, to say, well, I may be concerned about parking, so I won't go there. I don't think we'll see the result of that. I think we'll impede or potentially not have a user there because of this stipulation. So, we have a user coming in and we've reduced the building size to accommodate the parking, and now we're being told that that's not good enough. And yet, we've done the step by reducing the square footage to accommodate what they believe is a true need to place their business and have the offering in the marketplace. I don't think that it makes sense for us as a developer for that stipulation to work in the marketplace. It would be a challenge.

Comm. Conrad: But the original plan came forth with 3.5 cars per 1,000 in this development. I mean, obviously there must have been a pretty good level of confidence that that would support a mixed-use development and a wide variety of businesses and those things. And we certainly have to be flexible to a certain degree, and maybe our flexibility has to be in small steps, one of which is, let's see what the demand is. Once it's built and it's paved, we know we're not going to tear it out and plant trees. It's just a suggestion.

Mr. Henry: Can I point something out on the site plan that might clarify some things? Currently the parameter has been set; all of this parking is all in. All of this parking is all in; all of this parking is in, and the perimeter is set to where there could not be any more added here. In working with staff, what we've done is reduced the size of these buildings to make it appropriate for the owners to market it to the medical profession to have additional parking, adding the green space. In the overall development, if your concern is that, yeah, we let this go, there's going to be more, because the perimeters are already set by the streets and the current parking that's in there, there isn't room to add any great additional parking. What we've done is reduce the size of the buildings in this development to get the parking that was required for marketing that for the medical use. It is a very, very key element to making this work.

Comm. Conrad: So it reduced the size of the buildings to get more parking.

Mr. Henry: And maintain or add more green space. There's no reduction at all in the green space, or adding any additional area. I just want to illustrate that, that we've already really established in most of the entire development what could be put in as part of parking. There's not anything as far as a great increase that could be added to this.

Chairman Rohlf: But you're marketing these buildings individually. There's not one owner that's coming in for all four.

Mr. Henry: These four buildings are owned by one owner. It's a project that has been carefully thought out, worked with the owner, and I think I've emphasized this quite a few times, but the parking is key. It's essential to this.

Chairman Rohlf: They have specific numbers in mind when they're looking at these properties?

Mr. Henry: Oh, yes. Yes.

Chairman Rohlf: And their knowledge is based on where they currently are? Are they new? How do they know that? How do they have these parking numbers so well in mind?

Mr. Henry: Just from the history of what it takes in the medical profession to make them work.

Chairman Rohlf: And so the land banking of these 19 spaces would be a crucial decision-maker?

Mr. Henry: As I said, it's essential, it's key, to get the parking that's proposed for this project to work.

Mr. Lambers: Actually, the banking would be for 15, because you have four existing. So, of their request for 25, this amendment would allow the construction of an additional ten net, so there would be 15 spaces that would be banked as part of the proposal.

Chairman Rohlf: It appears that if we put this type of stipulation in there, then we are jeopardizing the development.

Mr. Henry: That is correct.

Chairman Rohlf: I'm not sure we're in a position where we can do that.

Comm. Conrad: Madam Chair, we have worked so hard to try to develop large tracts as one total unit. What we have here is a proposal that is basically owned and operated by one entity, which is fine, 26,000 square feet, and they need five cars per 1,000 to operate it. I don't believe that was the spirit of mixed-use development, and I'm speaking purely from a planning standpoint. I remember when this plan came before us in the very beginning. There was a long discussion of the division between the residential and the office retail component and how, as we were planners of this concept, that that was an issue that was concerning. Because what we were looking for was real integration of residential retail office.

I think this site also then went through some pretty significant discussion with the development in the northwest corner of the two stand-alone office buildings, and how that would integrate and be a mixed-use development. And now, we have the Forest, which I think is a fine plan, and certainly medical use is good, but we lose sight of our original concept of a total development. You now have a pocket that's five cars per 1,000, it's its own internal entity, and we keep chipping away at what I think was the planning concept that we started with. We've had similar developments over time that, you know, we end up with the last building having to have numerous deviations because we just slowly chipped away at what our initial concept was. So, I guess I would say that I'm certainly in favor of providing the level of service that we need to have for our businesses, but I also think at some point, we have to ask the question: Do we test this in some way? Does it really need to be there? So, as I talk about this more, I'm maybe more inclined to want to see how this goes. We have four existing parking places there; the curbs are in place. I guess I'd like to see the need before we just decide to increase the car count on what was to be a total developed package of mixed use at 3.5 cars per 1,000.

Comm. Jackson: Madam Chair, this is mixed use, and the reason I believe mixed use was added to the zoning for the city was we wanted more dense urban-like areas. When you look at that plan, you see a lot of parking concrete, which doesn't bring to mind an urban area. With urban area you think height, you think garages; you don't see the vast expanse of parking lots. I would prefer to see that building all in one big chunk. I don't know why it needs to be in four separate phases. With the mixed use, you can go up a few stories. Then you could put a garage right there next to it. Now, the economics of that, I don't know, but that was the philosophy behind adding mixed use into the zoning for the city, as far as I understand.

Comm. Elkins: I'm still a little bit confused. If someone could clarify the 19 parking spots we're talking about. Exactly where are they?

Mr. Henry: Right there.

Comm. Elkins: Right across the street from the Demdaco building.

Mr. Henry: Right across the street.

Comm. Elkins: Thank you.

Chairman Rohlf: I believe we have a motion and a second, or at least a motion with a friendly amendment about land banking these 10 parking spaces. Based on the representation that the applicant is making this evening, if we were

to do that, and I'm not sure we would even have a viable plan. It seems like it would be jeopardizing their four buildings, and I'm not sure how we can resolve that. It's almost like it's a year later and they're saying they need the parking. I don't know if anyone accepted that friendly amendment, but was it your original motion, Mr. Elkins?

Comm. Elkins: Yes, it was my motion, and the record will show that I had accepted the amendment as a friendly amendment. I think that's what we've got pending before us now.

Chairman Rohlf: We have a shortage of commissioners this evening, where we might stand on an actual vote. It appears I've got two people who are willing to go along with the motion as long as the friendly amendment is there – Is that correct, Mr. Conrad? You would be in favor of the motion with the land banking of the parking?

Comm. Conrad: Certainly.

Chairman Rohlf: And Ms. Jackson?

Comm. Jackson: If we can land bank it, yes.

Chairman Rohlf: Mr. Roberson? I'm kind of at an impasse here; I'm not sure how we should proceed on this. I really feel like the applicant is strongly suggesting that this is not a viable position they want to find themselves in as they try to market these buildings. I don't know how far the negotiations have gone, or if this is a deal breaker.

Comm. Conrad: I guess a procedural question. If we were to approve this with the friendly amendment, the applicant could still take this to City Council and make a case, or it could be approved without the land banked parking.

Mr. Lambers: Absolutely. I would say that procedurally, in order to vote on the motion as amended, if that motion passes, it goes forward to Council and they can decide. If it doesn't, then I would assume that the next step would be for a motion without the amendment and go forward with that. So, for those people who don't support the amendment, they would just vote against the motion, let it die, and then come back. I know you're in a difficult position because you accepted the friendly amendment and maybe you're having second thoughts. You can vote against your own motion; you are allowed to do that. I mean, you're correct. Like I said, it's something the Council could consider as well, and regardless, because of the minutes, they will certainly be aware of the Planning Commission discussion of this, so they'll have it in front of them when they consider it, either way.

Comm. Conrad: I would rather the Council have it in front of them as approved with the friendly amendment, and then deal with it in that respect, as opposed to approving it without the amendment and reading.

Mr. Lambers: I'm trying, in my reading of the Council, I see very much of a split here. I think the best thing is to just add a motion and have a vote and move on.

Comm. Munson: Is it still open for discussion? How many parking spaces are serving that large office building, that diagonal office building up there?

Chairman Rohlf: The Demdaco building?

Comm. Munson: Yes. How many spaces are there, and what are their access points? And what I'm thinking of is, if 134th Street west of Briar Street is also a major access to that parking lot up there at Demdaco, how does that affect what kind of traffic is going on on 134th Street.

Mr. Joseph: They have 207 parking spaces in this area, and 90 cars are in this area.

Comm. Munson: The ones in the lower southwest quadrant, are they accessing via 134th Street? Is that open to them?

Mr. Joseph: Yes.

Comm. Munson: What I'm driving at is, if that's going to be a collector of some importance, head-in parking, 90 degree parking there is probably going to be a safety hazard, among other things, so that should be kept in mind also as we go forward. Thanks.

Chairman Rohlf: The spaces that are parallel now – why were they put in? There's nothing there. Are they there, Jeff?

Mr. Joseph: Yes. There are parallel spaces there.

Chairman Rohlf: What do they serve?

Mr. Joseph: Just two cars to park there.

Chairman Rohlf: Does anyone use them right now?

Mr. Joseph: Not right now, no. Most of the streets are in.

Chairman Rohlf: Did they go in from the previous plan?

Mr. Joseph: Yes.

Comm. Conrad: Back to the preliminary plan, if I remember the very initial presentation, parallel parking is one of the elements that urban layouts typically have, so I think that was one of the features, if you want to call it that, that made it more mixed use.

Chairman Rohlf: Okay, I think we have a motion with a friendly amendment that's been accepted by the motion-maker. I'll go ahead and call for a vote, if everyone is done discussing this at the moment. I'll ask all those in favor of the motion to please raise your hand.

Chairman Rohlf:passed. Mr. Munson is opposed. All right.

CASE 15-08 – ONE NINETEEN APPLE STORE – Request for approval of final plan; located at the southeast corner of 119th Street and Roe Avenue.

Staff presentation:

Mr. Joseph: The applicant is Simon Orchover. The applicant is requesting approval of a final site plan for a tenant finish within the One Nineteen retail development at the southeast corner of 119th Street and Roe Avenue. The applicant store tenant space will be centrally located within the main center of the One Nineteen development. The only thing that staff would like to point out is the logo they are proposing on the building. Currently the logo does not meet the requirements of the design guidelines. The maximum size allowed is 24 inches; the logo is 8' 3" in height, 6' 5" in width, and 35 square feet in area. It's only 2.35 percent of the overall façade of the building, and per the ordinance, they can go up to 5 percent. Staff is supportive of this logo because it is proportional to the façade of the building, and staff is recommending approval of this case with the stipulations stated in the report. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: This would modify the sign criteria for the overall development?

Mr. Joseph: Or it could just be approval for this tenant based on the architecture of the façade.

Mr. Lambers: That is correct. This would be just one application because of the proportionality that is involved with regards to the sign, and then the façade will go.

Comm. Elkins: Is this kind of the other side of the coin of what we just talked about with the Sprint sign? I mean, if you read it literally, as I understand the sign, there are no letters, right?

Mr. Joseph: Correct.

Comm. Elkins: So it doesn't exceed the letter height because there are no letters there, if you read it literally, right?

Mr. Joseph: Yes.

Comm. Elkins: But you've got a monster apple. So it's kind of the flip side of what we just dealt with; we've got a logo, but no sign to compare it to.

Mr. Lambers: Yes.

Chairman Rohlf: Do we have any freestanding logos like this?

Mr. Lambers: No. Logos are relatively new. Prior to about three years ago, they were simply prohibited, and quite frankly the retailers, because of the restrictions of our sign ordinance, said we need to have something so that people can identify with our stores. So, that's where we started allowing one logo on the front, you know, just so there's some distinguishing for them. And again, it's a case by case basis, and this is the first one where we've had this logo. Our LDO, when theory and reality meet, there's a collision, and this is one we've not seen before. Again, staff believes that overall, particularly if you look at the Zuma sign next to it, it certainly is proportional to that.

Chairman Rohlf: Does anyone have questions for staff?

Comm. Munson: Is it Granny Smith or a Macintosh?

Chairman Rohlf: What do you think? You answered your own question. We will hear from the applicant then.

Applicant's presentation:

Simon Orchover, representative of Apple, Cupertino California, appeared before the Planning Commission and made the following comments:

Mr. Orchover: I'm here to present our store design. My role at Apple is I'm responsible for the store designs throughout North America. We're a pioneering company, so I see that we're pioneering potentially a new signage strategy in the City of Leawood. I would just like to stress a couple of things about our store design which is inherent in our products, if you are aware of them. We do choose a very sort of modern and minimalist aesthetic. Everything about our products and our store design is very simple, but it is executed in the highest quality. The sign in this particular case is actually cast as opposed to cut. It is a one and a half inch thick acrylic face which mitigates any reading of any of the fluorescent lights behind that and just gives a very even, gentle glow during the daytime and in the evening.

The store itself, the store front is made of stainless steel that is proprietary finish. All of our materials, in fact, are proprietary. Our limestone floor is from Italy. The stretch panel ceilings are from France. The stainless steel storefront is from Japan. The glass is star fire glass, which is highest quality glass that you can get. We don't actually

shy away from using the best materials irrespective of the cost, because we do actually believe that the quality of our store fronts and our stores should match our products.

As was mentioned, we are actually less than half the allowable square footage for signage at the store front. We're actually 2.35 percent of our overall store front size. We have been working very closely with Red Development to gather proportions of the store front and the signage. We actually met with staff last month. We came out here to meet with them to make sure that we were working very closely with the City of Leawood to understand and be sensitive to the signage requirements here. This is how we arrived at this size logo.

Chairman Rohlf: Is this typically on your buildings on your store fronts?

Mr. Orchover: Yes. We don't actually use any virtual letters. I think the impact of seeing Apple Computer, Inc. would probably be a lot more impressive than the simplicity of the logo. It is iconic, and it is recognized. That's one of the reasons why we don't feel the need to put any words or our company name on there.

Chairman Rohlf: It pretty much says it all, doesn't it? Questions for the applicant?

Comm. Conrad: The apple itself, is that a white color? The acrylic is...

Mr. Orchover: Yes, it's not tinted. As I mentioned, it's a solid piece and it's actually cast. The subtle but important difference between having something cast and cut is that it doesn't allow any light bleed around the edges, and all the sides as well as the front have a polished finish and help create the glow that I was describing earlier. So it's essentially white, the acrylic is, but it does create a slight yellow hue to it.

Comm. Conrad: The glazing, is that buck glazed or are those pieces one?

Mr. Orchover: Yes. Those would be one. In each pane of the fixed glass will be one pane, and I was speaking earlier that we only use the best quality glazing. We also don't like to see marked glass because we like to keep everything as simple and as clean as possible so that there's harmony with the products that we're selling. There are no divisions or separations for the customer between the exterior and the interior, so it's a lot more welcoming when there are no buck joints or mullions.

Comm. Conrad: So it's clear glass?

Mr. Orchover: It's clear star fire glass, yes.

Comm. Conrad: Do you have a problem with people walking into it by mistake?

Mr. Orchover: We haven't had any problems yet.

Comm. Elkins: Scott directed my attention to this, but on the drawing at 85.0, I presume those are to accurate scale. I've lost track of all the tenants in this building. Is Zuma actually a tenant, or is that a made-up sign? What I'm getting at there is if the apple is to the accurate scale of the sign that's actually planned by its next door neighbor.

Mr. Joseph: Zuma is not a store. It's just a representation of the signage.

Mr. Lambers: That would be legal within the sign guidelines. That's what my point was in that.

Comm. Elkins: That's what I'm getting at. That would be the maximum under the sign guidelines, the way that Zuma is on there right now?

Mr. Joseph: Yes, correct.

Chairman Rohlf: Anyone else have anything for the applicant? Thank you. I think that takes us up to any additional discussion on this matter. It's pretty straightforward.

Motion to approve Case 15-08, subject to four stipulations, was made by Elkins and seconded by Munson. Motion approved unanimously.

CASE 16-08 – T-MOBILE WIRELESS ANTENNA – Request for approval for a special use permit for a wireless communication antenna; located at 10515 Mission Road. **PUBLIC HEARING**

Staff presentation:

Mr. Joseph: This is Case 16-08, T-Mobile Wireless Antenna located 10515 Mission Road. The applicant is Katrina Robertson of SSC, Inc. The applicant is seeking approval of a special use permit to allow the installation of cellular antenna on an existing wireless communication tower located at 10515 Mission Road. The proposed T-Mobile antenna will be located at a 116 foot level. Per the Leawood Development Ordinance, all antenna installed on towers shall be internal or shall be panel antenna of slim line design and shall be mounted parallel with the tower. This request does meet that requirement, and staff is recommending approval of this case with the stipulations stated in the staff report. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: Jeff, you may not know the answer to this. I might have to ask the applicant, but obviously there are other existing antennas on this pole. Are they all still there and being utilized as far as you know?

Mr. Joseph: Correct. There are, I think, four sets of antenna at the top of the tower.

Chairman Rohlf: Then there would be four total now?

Mr. Joseph: Yes.

Chairman Rohlf: Okay, so we probably would be reaching the max on this pole with the sizing requirements.

Mr. Joseph: That's right. It's only 130 foot tower, so that's maxing out.

Chairman Rohlf: Anyone else have any questions for staff on this case? Then we will hear from the applicant.

Applicant's presentation:

Katrina Robertson, SSC, 8500 W. 110th Street, Ste. 300, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Ms. Robertson: I'm appearing on behalf of T-Mobile. I don't have any additional testimony or evidence to present to the commission. It's simply a co-location on the existing tower, and I'd be happy to answer any questions that you might have.

Chairman Rohlf: How did you come to the decision to put this antenna on right now at this time? It appears there have been other carriers on this pole for some time.

Ms. Robertson: That decision is made by the RF engineer at T-Mobile, and it's based on other cell sites that they have. I think they're co-located on one tower here in Leawood at 9617. They have some other towers that they're co-located on around the area, so the actual decision to choose a raw land site versus a co-

location depends on what areas they have a coverage gap in as well as connecting with the cell sites in that network.

Chairman Rohlf: Anyone else have questions for the applicant? Thank you. This case does require a public hearing. Is there anyone in the audience that wishes to speak about this case?

Seeing no one, a motion to close the public hearing was made by Jackson and seconded by Roberson. Motion approved unanimously.

Chairman Rohlf: That will take us up then to further comments or discussion. Evidently we're probably ready for a motion at this point.

Motion to approve Case 16-08, subject to four stipulations, was made by Jackson and seconded by Munson. Motion approved unanimously.

CASE 17-08 – PARKWAY PLAZA GREEN EARTH CLEANERS (RETAIL 10) – Request for approval for approval of special use permit, preliminary plan, and final plan; located at the northwest corner of 135th Street and Roe Avenue.
PUBLIC HEARING

Staff presentation:

Mr. Joseph: This is Case 17-08, Green Earth Cleaners within Parkway Plaza, Retail 10. The applicant is Jeff Hortstmeier with Bell-Knott & Associates. The applicant is requesting approval of a special use permit, preliminary plan and the final site plan to allow the construction of a retail building with a drive-thru within the Parkway Plaza development. This Retail 10 building will consist of 4,500 square feet of construction. This building is located towards the east side the development adjacent to Roe Avenue. The back side of the building will face Roe. This building will be primarily constructed of stucco, stone and glass. The original building was approved for 4,500 square feet, and the applicant is still requesting the same square footage. Staff has no concerns regarding the site layout or the square footage of the building. Staff is in support of this application. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: Has this particular building, Jeff, always shown a drive-thru?

Mr. Joseph: Yes.

Chairman Rohlf: That's what I thought. We thought it might be a restaurant. Without the benefit of Mr. Williams this evening, can you explain for me your stipulation number 9 having to do with the roof penetrations? I'm not sure I understand.

Mr. Joseph: Currently the Retail 9 that's to the south of the proposed building, that building has a lot of roof penetrations, and it has come to our attention. What staff is trying to do is to have the applicant reduce the number of penetrations. The applicant has agreed to work with us to do that.

Comm. Roberson: I'm sorry, what is a penetration?

Mr. Joseph: It's a lot of pipes sticking out of the roof for plumbing purposes.

Comm. Roberson: Hole in the roof. Okay.

Comm. Conrad: Which building has a lot?

Mr. Joseph: The Retail 9 that's just to the south.

Mr. Lambers: It's one of those things you don't notice until you notice it. Does Nine have a satellite dish, Jeff?

Mr. Joseph: Yeah.

Mr. Lambers: That's what brought it to my attention. They illegally placed a satellite dish on top of the building, which you're not allowed in commercial areas. Then as part of that, we realized the number of protrusions seemed to be excessive, so we're just asking that the applicant be cognizant. They also need to comply with code, but at the same time, there are ways to minimize them.

Chairman Rohlf: Does that clear it up for you, Mr. Roberson?

Comm. Roberson: I think so. Now I understand.

Chairman Rohlf: We have an issue with signage and they have some additional landscaping required at this particular site as well.

Mr. Joseph: Correct.

Chairman Rohlf: Anyone else have questions for staff? Then we will hear from the applicant.

Applicant's presentation:

Jeff Hortstmeier, Bell-Knott & Associates, 12730 State Line, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Hortstmeier: We are in front of you tonight to talk about the project that Jeff has been talking about. We've had many discussions with them. I'm going to go through a brief presentation. I'm going to turn it over to Jim Barry, who is the owner of Green Earth Cleaners and let him talk about the concept that we're bringing to Leawood. The first site plan shows the location of the building. To the south, as Jeff mentioned, there is a dental building, and this one is just to the north. Our entrance into our drive-thru shares the two.

Chairman Rohlf: I'm sorry, shares?

Mr. Hortstmeier: The entrance into the drive-thru is in between the two buildings. It's kind of hard to see on this site plan. This is a grading plan which you probably have in front of you. It also shows a small retaining wall that is on the drive-thru, which would be the southeast corner of the property, which we've gone through with the Planning Department that is required for grading. That is showing the landscaping plan that Jeff has also talked about, having more landscaping improvements, especially on the roadside. These elevations you should have in front of you, black and white, there should be a rendered elevation, I think, in part of it. This is of the west elevation. Then included in this I have a few three-dimensional that you probably have not seen before. This would be in a sense at the tower at the front door that is looking at the drive-thru, which we consider actually a valet. I'll let Jim discuss that with you on the next presentation. This would be from the southwest corner looking at the building. We've got what we consider a porch area that is very similar to the project to the south, which is the dental building, but we've added a lot more wood, heavy timber, arbor on it that actually looks much more like the Starbucks, if you're familiar with that. This is the row side. I apologize for the three-dimensional rendering. It doesn't show much on the landscaping. Just a time thing.

Regarding the roof penetrations, Mr. Joseph brought it to our attention that they weren't going to allow near the roof penetrations that are on the dental building. So the dormers that you see along the top of the building on the roof line, that is for our air intake and air exhaust on the dry cleaning and also the mechanical side. So we're going to pull everything in through the louvers. The only requirement we're going to have is in the corner of this that's closest to us here, there's a boiler room for the steam that's required for the dry cleaning. There will be either a 10 or a 12 inch flue that will come out above that that's required by code. Then we have two bathrooms in there that will require

a small two inch pipe. That's the only roof penetrations we have. Everything else will be either pulled in or out from those louvered areas. I think that explains it. I can take questions. I'll probably turn it over to Jim Barry right now.

Comm. Conrad: To follow up on that flue, how high will that have to go above the roof?

Mr. Hortstmeier: Where it's located it should only come out I would say three feet or so from where it's located, because it's quite a bit away from the ridge line. It's very close to this corner that you're seeing in this rendering.

Comm. Conrad: I'm sure it's probably obviously dictated by code. What diameter?

Mr. Hortstmeier: It's either 10 or 12. We haven't sized it out. It looks like we're going with a 10 inch.

Comm. Conrad: So if it has to be 10 foot away from the roof at its termination, it could get pretty tall. It probably has a rain cap on it or something?

Mr. Hortstmeier: Yes.

Comm. Conrad: I think certainly, given what we've talked about with penetrations, that could become an element you want to consider. Then is there any other mechanical equipment that would be ground-mounted?

Mr. Hortstmeier: In this rendering, if you look to the right side it's more stone walls. That's the trash enclosure. We are putting everything at this point inside the trash enclosure. All of our mechanical units, condensing units will be housed behind that, and that's a recommendation by the Planning Department.

Comm. Conrad: That's where the condensers would be?

Mr. Hortstmeier: Correct.

Comm. Conrad: Okay, thank you.

Chairman Rohlf: While you have these elevations up there, could you tell me a little bit about where the 12 percent wood is going to go. We don't often see wood, and I was just curious.

Mr. Hortstmeier: It is made up of all the arbor attachments that you see. There is one that actually covers over the trash enclosure just to give it an element. It's very similar to the Starbucks. Most of the wood is on the front here as you can see in this elevation. If I go back to this one, there's also the same kind of element that is on the north side of the valet covered drive-thru. That's what brings the wood count percentages up as high as we have them.

Chairman Rohlf: Do we [*inaudible*] maintenance issue at all with that?

Mr. Hortstmeier: No, there's other locations on the development. Starbucks has it, and the small retail condos that are to the northwest of our lot also have the same kind of attachment on it.

Chairman Rohlf: I noticed one of the things that's in the staff report is the pedestrian amenities. Is that something that you're going to require before the building permit?

Mr. Joseph: Yes, before the building permit. If you recall the Retail Nine building, they have a lot of grass areas within that entrance corridor, and that's similar to what we are requesting.

Chairman Rohlf: I don't know if signage is something that we need to get into. Staff requests that you reduce one of your wall signs.

Mr. Hortstmeier: Correct. I think we're in approval with that. We have one on the west side and one on the east side which would face Roe. The signage is of the height requirements.

Chairman Rohlf: Anyone else have any questions?

Comm. Munson: Point out where the building is on the plan over there, please.

Mr. Hortstmeier: Sure.

Comm. Munson: Thank you.

Chairman Rohlf: All right, then we will hear from Mr. Barry.

Jim Barry, Chairman, Green Earth Cleaning, 3840 W. 139th Terrace, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Barry: We actually have two projects on the agenda tonight, so my comments this evening, you can actually make the apropos both projects and hopefully save us a little time as we move along. First of all, I need to take through a little bit of process to show you why this is quite different from what you normally think when you hear about dry cleaning or a dry cleaning store. Most of our preconceived conceptions about dry cleaning are based on our experiences over our lifetime of going to a dry cleaning store that we've used at one time or another. For the most part these stores have been dirty, hot, smelly, dry cleaning smells, and so on. That's what we think of when dry cleaning comes to mind.

My job tonight is basically to show you a whole new approach to dry cleaning, something that is changing the whole industry not only within the U.S., but worldwide. In order to do that, I need to first of all start with a little background. It might be helpful from my standpoint. I've spent over 25 years in the dry cleaning business. I've operated almost 400 dry cleaning stores throughout the United States. Those stores were sold back in the mid-1990's, and the reason they were sold, quite frankly, was because of the environmental issues that were associated with the dry cleaning industry. This is clean-up issues because formerly dry cleaners used a product called perchloroethylene, which is hazardous and toxic. After we sold the stores, I was called by a scientist out in California, and he said, "I've come up with something really unusual for the dry cleaning industry, and I heard that you're one of the largest dry cleaners in the United States, and I thought you might find this interesting and it might be something that would be good for your industry." I took a look at it and certainly was quite impressed with what I saw. It was based on a totally new and environmentally friendly technology. With that, those processes were patented worldwide, and it was so exciting that two large corporations, General Electric and Procter & Gamble, were so excited about it that they actually wanted to be involved in the development of the Green Earth process. We're kind of excited about the fact that this is probably one of the only privately held companies that has two Fortune 10 companies that have minority ownership in the business and sit on our Board of Directors.

Now, more directly, I want to talk about Procter & Gamble. As you know, they're a household name. They helped us optimize detergents that are part of the Green Earth cleaning process. They are a company of brands that are tied to real product technology and innovation. They actually have over 300 brands worldwide, some obviously more important than others in those brands. What I'm about to share with you now is really the nation's first prototype store based on the newest concept in dry cleaning, based on a flagship of Procter & Gamble, a symbol I think you will all relate with. It actually happens to be their most important brand and will be part of this prototype. You've probably all seen the word Tide, not associated with dry cleaners, though. So it is really something new and unique.

A little bit about Green Earth. I said we have eight worldwide patents in the dry cleaning process, and it basically encompasses any textiles that are cleaned in basically a liquid silicone process. It's revolutionary and environmentally friendly as it relates to dry cleaning. Today we have over 1,200 locations worldwide that are currently using the base Green Earth process. What's unique here is that there is absolutely no dry cleaning odor whatsoever.

It looks like water. It smells like water. You couldn't tell it form water. It is gentle on all types of garments and safe with all types of trims and applications.

This next slide is the part that really got my attention early on, this environmental friendly aspect which overcame the real obstacles that were facing the dry cleaning industry previously. Quite frankly, everybody in this room is probably using some form of our base ingredient, because it has been around for over 40 years used in such things as antiperspirants, skin care, face lotions, hair shampoos and so on. Basically what this environmental chart shows is that this product has the ability to degrade back to its base elements, nothing else but base elements of SAlO₂, which is sand, and trace amounts of CO₂ and water. That's it. That caught my attention because it's good for our communities and it's good for our industry.

Another thing we're very proud of is Green Earth and the Green Earth affiliates around the U.S. have been awarded a number of awards throughout the states, everything from the Illinois EPA to the federal EPA to our own dry cleaning industry.

A little bit about today's dry cleaning industry, because it's important to have this as a perspective. There are over 30,000 individual dry cleaning operations throughout the U.S. Today, 85 percent are still using perchloroethylene, which is the 1940's solvent that I mentioned as having hazardous and toxic implications. There are really no nationally-recognized store brands. One that might be recognized would be One Hour Martinizing, and quite frankly in the last five years, every location that they have put in throughout the U.S. has been based on Green Earth technology.

This slide shows obviously the Procter & Gamble and General Electric relationship, but it also shows something a little bit more expanded. Men's Wearhouse, again, a well-known name, a clothing retailer with some 600 locations throughout the U.S., spent \$400,000 researching the dry cleaning industry because they were looking at getting into the tuxedo rental operation. After all that research, they came across the fact that Green Earth was the best thing for them, and as a publicly held company, they could not take the chance with their name and their shareholder's investments in anything that was going to be risky for the corporation. Today, three and a half years later, Men's Wearhouse is the largest tuxedo rental operation with over 1,000 locations for the rental operation.

Next we have Johnson Service Group, which is the largest publicly held dry cleaner in the world. They're headquartered in London, England. They have over 500 locations and they have already switched over half of their stores to the Green Earth technology. Finally, Sanyo Electric, which again is a well-known name. They are Green Earth's master licensor for all Japan. Their job is to license the technology throughout the country of Japan.

A little bit specifically about Procter & Gamble. They're a \$200 billion market cap company. They're the worldwide leader in manufacturing and distribution of home care, health and beauty products. Today the consumer is boss. They do continuous research, in fact a staggering number. They spend over \$5 million per day on research and development on their technologies. They're renowned for their packaging, goods, expertise. They excel in excellent brand building and they're the world leading advertiser. Their real expertise is actually in the area of fabric care. They have some 800 research PhD's that do nothing but work in this area. Of course, Tide is one of P&G's largest and strongest brands. They don't fool around with this brand, and that's what is so important about what I'm talking to you tonight. Actually, the Tide brand represents 44 percent of the entire detergent market in the United States, which happens to be four times larger than its nearest competitor. It's a powerful brand; it's a powerful part of their company.

As I mentioned earlier, the Green Earth is a significantly better process. It's important because of its public health and safety record. It's important for its use on today's new types of garments. You can actually clean garments in this process that years ago we couldn't. If you've ever had garments damaged at a dry cleaner, most of the time it was damaged because of the solvent. So this allows us to really clean what we say is more than 110 percent of the garments that come into the store, because of a lot of those we would've rejected before as being unable to clean. Of course, we've already talked about its environmental friendliness.

The store has been researched and designed to meet the wants and needs of actual Leawood residents. In fact, we've already spent over \$150,000 locally in direct consumer focus groups, and in four different events we have listened to a lot of Leawood residents to say, what are your problems with dry cleaning? What are your issues? What things do you want to see in the future? What things are important to you as a dry cleaning consumer? This is something that Procter & Gamble really excel at.

The prototype actually represents a staple of very unique offerings never before offered in the dry cleaning industry. Some of those happen to be at-your-car valet service. You note we don't call it drive-thru, as you think of a restaurant where you're pushing something through a window. This is literally valet service at your car, in your trunk, in your back seat. This is something that a lot of young mothers talked about that they're afraid to take their children out of the car. If they're out shopping, this makes it very convenient for them.

After-hour retrieval: the ability to pick up your order 24 hours a day if need be. A lot of people that travel and so on, so this becomes a very important aspect. Fast alterations: I don't know how many of you have ever had alterations, but you take it somewhere today and you're lucky if you can get it back in a week or two. We're talking about next day turnaround. Again, this will promote a whole system of recycled and recyclable materials.

Jeff showed you a little bit of the design of the building. We're quite proud of this, and whether it was here or at 119th Street, we think the same presence is there. Inside you're going to see uniformed professional customer service representatives. In uniforms like this that say professional and people that will know their product. They will know about your garments and they know what needs to be done to take care of it, mature people who can deal with this.

Attention to detail: How many times have you gone somewhere and you pull a shirt out and it was missing a button and you're ready to go to the big ball or the big meeting, and now what do you do? That attention to detail is again something that Procter & Gamble has attended to, and these little items that will go on every garment to really show that they are looking for that attention to detail.

In the lower right-hand corner you have a reusable bag. So many people said I hate taking that plastic home and throwing it away. There's so much of it. So this is actually a bag that can be reused again and again. For those that want poly, we will be using a poly that is biodegradable and doesn't have the concerns that we currently have today.

A little peek at the inside of the store. You can see it's bright. It's clean. It's very, very efficient. Here from the counter I think you see kind of a look to the new modern, fresh approach to dry cleaning, something that we haven't seen in the past, with a whole array of services and products that again did not exist in the current environment in dry cleaning.

Lastly, let's talk about the important things, and I look at this as a lifelong resident of Leawood. Actually, one of my partners is also a long-term resident of Leawood. We care about these things. That's why we focused on Leawood because we knew it, and Leawood was not selected by accident. Quite frankly, if you look at our community, to showcase this prototype development really wasn't an accident. Leawood fit the perfect demographics of what it takes to make this concept successful. In talking to some of the various staff members with the Leawood government, they made it very clear to us that today's new shopping centers in Leawood were looking for something that was new, that was dynamic, that was different from everything else that you saw in standard shopping centers. So we were cognizant of that as this was being designed, and we wanted to make sure that this concept was something that was new, upscale, and it gave dry cleaning a whole new meaning. It also meets the whole green imperative initiation of this green concept that you're reading about and seeing everywhere. It's something that we think fits with these shopping centers because of that green initiative. Finally, this is something that really attracts a very positive media attention from the way we look at it. Remember, Green Earth cleaning, a very new and dynamic approach to dry cleaning; Procter & Gamble, one of the biggest corporations in the U.S. and their most important brand. This is literally front page Wall Street Journal news that will be showcasing our community in a way that I don't think a lot of other businesses could do. That's what we're excited about, and I hope you keep that in mind as it relates to both operations. Any questions?

Comm. Conrad: It's not a solvent, but it looks like water. How does that come to the business? Is it in drums?

Mr. Barry: It does come in drums, but it also comes in five gallon packages, and it's so safe that it can be delivered via Fed Ex or UPS.

Comm. Conrad: It's something you mix onsite? There's not 55 gallon drums that you'll have to have a storage shed?

Mr. Barry: No, there won't be any. It's stored in the cleaning machine.

Comm. Conrad: Okay. Then all of the by-product, if you will, is just sanitary sewer disposal?

Mr. Barry: No, because although it could be, quite frankly, in the State of Kansas, it is approved for disposal in the dumpster. We don't think that that's being the most responsible steward of our community, so the little bit that is sent away would still be carried off by a licensed carrier. Just to explain it to you, in a year of one of these large stores, they don't use 100 gallons of this product in the whole year, because it is recycled and filtered and so on to the point that it just doesn't use a lot.

Comm. Conrad: So it's stored in the inside.

Mr. Barry: In the base of the cleaning machine. Yes, sir.

Comm. Conrad: Then when it has to be taken off site, it's put into a container and somebody picks it up and takes it off?

Mr. Barry: Correct.

Comm. Conrad: That's not something that happens weekly.

Mr. Barry: No. Three times a year.

Comm. Jackson: Can we see a larger picture of the way the drive-thru is going to work, the valet service and how it's going to work?

Mr. Hortstmeier: Are you meaning in plan?

Comm. Jackson: I just wanted to see the traffic flow a little better than what I'm seeing here.

Mr. Hortstmeier: I think I probably only have what you have.

Mr. Barry: We actually have worked with this process before this as far as the valet service goes. One of the nice things is this doesn't happen like restaurants where everybody shows up at noon time for lunch. This is something that goes on and continues during the day. There are not stacking issues. We'll come out to the automobile, waiting on the customer in their car. They're giving us their bag of clothes, the clothes they're picking up is going into their trunk or into the back seat. It will have all kinds of unique things from candy for the kids and balloons, dog biscuits, you name it, things that will make the consumer experience unique to this operation.

Comm. Jackson: So you're rarely going to have any sort of stacking, you don't think?

Mr. Barry: No, stacking really has never been an issue in any of these that we've done.

Comm. Elkins: Back to the issue of the valet service, I'm looking at sheet C1 and C2. Is the business part, where business is going to be transacted then, on the north and the northwest?

Mr. Hortstmeier: Actually, the canopy comes straight out the north. You'll see two columns. If you go on the north side of that northern drive you'll see two large columns. It should be in the plan that you've got. That is the support for the canopy. There is room there for two side-by-side cars to pull in there, so they can actually service two valet situations at one time.

Comm. Elkins: To the extent that there's any stacking, it would be along the west and onto the south then by the trash enclosure?

Mr. Hortstmeier: Correct.

Mr. Barry: That canopy is designed where we're basically under the canopy. You could have almost six cars underneath there at any one time. This is designed to be a very fast consumer interface, because that's what the customers have asked for. We're talking about at max a couple of minutes to make the transaction.

Mr. Hortstmeier: When Jim said six, he meant you could actually get six cars. The hoods of some would be pulled out and the trunks of others.

Chairman Rohlf: Thank you. This does require a public hearing. Is there anyone in the audience that wishes to speak to this plan?

Seeing no one, a motion to close the public hearing was made by Elkins and seconded by Roberson. Motion approved unanimously.

Chairman Rohlf: Jeff, I do have one question. I don't think I see in the stipulations a length of time for the special use permit. Do we need to have that in there?

Mr. Lambers: It would be automatically 20 years unless otherwise specified.

Chairman Rohlf: Okay. I thought I really found something here.

Comm. Munson: The 135th Street design guideline requirements have three items. The last one is pedestrian amenities are to be provided along the public sidewalks and plaza area. This has not been done.

Mr. Joseph: Correct.

Comm. Munson: Is that a big deal or not?

Mr. Joseph: Actually, the applicant has agreed to put in benches and plaza areas.

Comm. Munson: Okay. Thank you.

Comm. Elkins: Just a question of enlightenment for me. What is the nature of this that makes it require a special use permit?

Mr. Joseph: Because of the drive-thru.

Comm. Elkins: The drive-thru aspect of it? Okay. It's not the nature of the business? It's just the drive-thru?

Mr. Joseph: Just the drive-thru.

Comm. Munson: And all the stacking and so forth takes place inside the property, not on a public street? Good. I like that.

Chairman Rohlf: I think we are probably close to having a motion on this case. I don't think we have any further discussion points.

Motion to approve Case 17-08, subject to 32 stipulations, was made by Elkins and seconded by Roberson. Motion approved unanimously.

CASE 11-08 – PARK PLACE CRAIG ALLEN'S – Request for approval of a final plan; located at the northeast corner of 117th and Nall Avenue.

Chairman Rohlf: The minutes should reflect that Mr. Conrad is recusing himself.

Staff Presentation:

Mr. Joseph: The applicant is James Albertson. The applicant is requesting approval of a final site plan for the approval of a tenant finish within the park place development at the northeast corner of 117th Street and Nall Avenue. This tenant space would be located towards the midsection of Building A of Park Place. Also, the applicant is proposing two signs and several logos within the awnings. Also, the applicant is proposing some paintings and writings on the wall on the outside. Staff is not supportive of those pictures and writings outside the tenant finish. Also, this application does not meet the sign guidelines of development. Staff is recommending that the Planning Commission deny this case for the stated reasons. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: Jeff, have you talked to the applicant about this and have you tried to work with them? Are they aware of the design?

Mr. Joseph: Yes, but the applicant wanted to go forward with the application.

Comm. Roberson: And I assume they've had conversations with Park Place and they also indicated that this wouldn't?

Mr. Joseph: I don't know what the developer has told them.

Chairman Rohlf: I do note that we don't have the letter that we typically have in our packets from Mr. Alpert, signing off on the tenant finish. It appears that not only are they not within the design guidelines, but they're also not in agreement with the signage.

Mr. Joseph: Per the sign guidelines, only one logo is allowed on the awning. They are proposing several logos.

Chairman Rohlf: That's what I was going to ask you; I wasn't quite clear on what was not correct about that interpretation. All right, questions for staff? All right, then we will hear from the applicant.

Applicant's presentation:

Jim Albertson, Architect for Craig Allen's Men's Fine Grooming, appeared before the Planning Commission and made the following comments:

Mr. Albertson: Also Craig Tatro, the owner of Craig Allen's, is here this evening to answer any questions. It sounds like we are not trying to conform; that is absolutely not true. I think we just simply have a difference of opinion with staff as to whether or not we are concurring with the guidelines. I have some slides. Craig Allen's Men's Fine Grooming has its first store in Wichita, Kansas, and is locating its second store in Park Place in Leawood. I heard you mentioning whether or not we had approval from the developer, and we do, in all aspects. You should have letter from Jeff Alpert.

Mr. Joseph: I haven't received that letter.

Mr. Albertson: You have not received that letter?

Mr. Joseph: I have not received that.

Mr. Albertson: I was told that that was hand carried over to your office.

Mr. Joseph: We can check on that.

Mr. Albertson: Jeff is in agreement with everything that we are proposing. I think one of the contingencies here are that tag lines are not permissible. We feel that Men's Fine Grooming, as part of Craig Allen's, is a part of that name. When they answer the phone, they say, "Craig Allen's Men's Fine Grooming." Every piece of literature, every piece of advertisement, every piece of anything they do has Men's Fine Grooming as part of that name, an integral part of the name. This is the store in Wichita. It happens to have a BMW sitting in front of it. There was a promotion going on; that's the reason the car is there. One of the other issues that I think Jeff has on staff is that there is some writing on the etched windows that we have proposed here, and at Park Place also. You'll notice that from this picture, you would not be able to discern if there's any writing on the windows, and you really can't even tell that until you get up close. You'll see that this is also in a very upper-end, high-class center. These are just a couple pictures on each side of Craig Allen, showing you the quality of the center.

One of the other issues that we'd like to convince you to be a part of this project is, we have black and white pictures. I think Jeff alluded that they are painted on or on the outside of the building, which is not true. They are a high quality part of a theme that is on the exterior and the interior of the facilities, and the black and white picture that you see next to the revolving door is what we're talking about. You see that just from a different direction. And the logos that we have on the revolving door; it's a sample of one of the logos. This is just a close-up of one of the photographs that we're talking about. This is a picture on the exact opposite of the exterior on the inside of the building. This is in a seating area. We have that same theme and pictures, and these pictures are simply applied to the inside of the glass, so they're not on the outside of the glass. This is some of the verbiage on the etched glass. As you can see if you get up close, you're able to read it and see what it says and so forth. Again, it's part of the nostalgia and the theme of an old-time barbershop.

This is the full logo – Craig Allen's Men's Fine Grooming. Our particular store has over the twice the linear footage of frontage of any of the other stores there, so as opposed to just having a black awning with nothing on it and having 30 foot of it, we thought it would be a nice detail to add a very simple, small, maybe four inches in diameter, on the face of the awning. These are side-by-side pictures of our Wichita store compared to the Learning Tree store right next to us here at Park Place, which is currently under construction, and which this Commission has approved. You will see on the bottom right-hand corner, there's been half a tree built on the outside. The point of showing this, Jeff had indicated that maybe there was a concern with his staff that this was distracting from Park Place architecture. I guess it would be our contention that we certainly blend in with our black and white photos as much as our neighbor, the Learning Tree.

That's all the slides I have. Again, this evening we would like to convince you to agree with us, or come to some compromise where we can all work together. We're certainly willing to work with you.

Chairman Rohlf: Can I ask you to put your first slide back up there? Jeff, maybe you can help me out here. I've read the specific comments that you've made. Maybe I should go backwards. You've got a lot of variance here.

Mr. Joseph: Per the guidelines, actually one logo on the awning is allowed, and it has to be a maximum of eight inches tall.

Chairman Rohlf: So essentially this logo that's above can't be there.

Mr. Joseph: Correct. That would be above eight inches. Also, if you look at the awnings, all the awnings have logos on them. That's not allowed per the design guidelines.

Chairman Rohlf: No logos, or no logos on awnings.

Mr. Joseph: Just one logo on the primary awning. That's the only thing that's allowed.

Mr. Lambers: Like Morton's Steakhouse.

Chairman Rohlf: Right. What else about this particular slide is.....The tag line?

Mr. Joseph: Yeah, that's not allowed in the guidelines. That's pretty much it, the size and the number of signs.

Chairman Rohlf: I don't think we have and writings on the outside of a building.

Mr. Joseph: Actually, TGIF came in with the same proposal and staff said no at that time. If you approve this, it will set a precedent and everybody will be asking for the same thing.

Chairman Rohlf: Do we have a restriction against that in the LDO? Or do we just not have an inclusion?

Mr. Joseph: The only thing that's in the LDO is no attention-attracting devices. This would be considered that.

Chairman Rohlf: I'm somewhat surprised that Mr. Alpert would sign off on this, knowing the sign guidelines. I know he is working to bring creativity and a mix of things, but I'm a little concerned about going against his own signage guidelines. I'll see what other people have to say.

Comm. Elkins: Do you have a slide that shows this picture on the glass that is part of the controversy here?

Mr. Albertson: Yes, the slide that I have up right now, two of those have the pictures.

Comm. Jackson: Could we see those in a bigger picture?

Mr. Albertson: This is a picture just by itself without seeing the application in the window.

Comm. Elkins: That picture would be in the window, effectively.

Mr. Albertson: Yes. On the inside of the window.

Comm. Jackson: Can we see the other one also?

Mr. Albertson: Yes. And you can see that it's a barbershop theme, which is part of the theme of what the business is. This shows it on the current facility in Wichita.

Comm. Elkins: Jeff, we don't have any other examples of this is Leawood, do we?

Mr. Joseph: No. It's also considered a window sign, and five percent of the window is the maximum that they can have as signage.

Comm. Elkins: And I assume you consider the writing on the windows as part of that?

Mr. Joseph: As part of it, yes.

Mr. Albertson: Is that where our problem is, Jeff, is that's being considered and defined as a sign? The photograph is?

Mr. Joseph: Yes.

Mr. Albertson: Jeff Alpert did apologize to Craig Tatro and myself and to the Commission for not being able to be here this evening. He had a conflict, but he assured me verbally and personally that he did support this presentation. He thought, as I did, that you had a letter with his signature on it, saying the same thing.

Chairman Rohlf: I think we have a number of items here, though, that are causing concern on this particular sign. I'm not sure we can set a precedent for the remaining buildings coming in with variances. I would have to say, I would think that the pictures and the writings are of most concern to me. I think that's something we've not seen in Leawood, and I don't think I would feel comfortable opening that door.

Comm. Elkins: I would agree with that.

Comm. Munson: I think this is a pretty radical departure from what we've approved so far, getting way beyond what we've been looking at.

Mr. Albertson: Not as an act of controversy, I'm just trying to understand. The tree and the sign and so forth next door is not objectionable, I'm assuming.

Chairman Rohlf: I don't know that we actually saw that particular tenant?

Mr. Lambers: Yes.

Chairman Rohlf: Did we see that one?

Mr. Albertson: I'm trying to understand the difference between that and a picture, of how the two are viewed differently.

Mr. Lambers: I'd say it gets to the numbers that are involved here with regards to the pictures, the verbiage, and everything else. To me, allowing the verbiage of "Men's Fine Grooming" might be something that would be acceptable because people may not recognize it as a barbershop, so certainly to allow them to comply with the guidelines of the signage, but to allow.... You know, in terms of a tag line, it's not advertising products or anything. It's obviously advertising the service. If I saw "Craig Allen's," I would assume it was a men's clothing store. So, I don't see a problem with permitting those three words, provided that they are in compliance with the guidelines in terms of their size and things like that.

Chairman Rohlf: I don't know if this is something you would prefer to go back and work on?

Mr. Albertson: Time is important to everybody. I think we'd like to see if we can't come to an agreement with the Commission this evening, something that you feel you can put your names on. With some disappointment, we would probably agree to take some of these things off.

Comm. Elkins: For my commentary here, I happen to agree with the applicant with respect to the logos on the awning. Having said that, I'm also a strong believer in consistency. I think that when Morton's came, we had the same issue with either the name or the logo or something on the awning, and I think out of a sense of consistency, while I think it does, with that length of the awning, it gets a little boring having just the one single sign/logo on it, I'm hard pressed to see how we can justify creating an exception here when we chose not to create an exception on Morton's. I think that would also probably go for the logos on the revolving door.

The thing I'm struggling a little bit with, I'm kind of intrigued by these pictures. It's certainly a radical departure, I agree with Mr. Munson on that. But for whatever reason, they kind of intrigue me. So, that's where I'm standing, pending hearing more from my fellow commissioners.

Comm. Jackson: In that regard, I just have to say it. I think there are citizens of Leawood that would find that those pictures promulgate some stereotypes we'd rather leave in the past. And maybe it's just the way I'm looking at them, and they're very small, but I have to say, I find them offensive, and I would not vote to allow them on a building in Leawood.

Chairman Rohlf: I think that you can pretty well.

Mr. Albertson: I'm getting the gist of it.

Chairman Rohlf: I think the pictures and the writings, we probably just can't open that door.

Mr. Albertson: Can I have a minute with the owner, please?

Chairman Rohlf: Sure.

Comm. Elkins: While they're conferring, Jeff, for staff, the sign itself with the logo and Craig Allen's Men's Fine Grooming, is that acceptable?

Mr. Joseph: Yes, as Scott said, that's agreeable to staff.

Comm. Elkins: Tag line aside, just in terms of, we've done a lot tonight with signs and percentages of whatever. This one satisfies Jeff Alpert's signage guidelines.

Mr. Joseph: Yes.

Comm. Roberson: The logos along the awning then, I mean, they're showing three there and four...

Mr. Joseph: On the south side, yes.

Comm. Roberson: I'm assuming we would eliminate those, that that's the concept?

Mr. Joseph: Yes. That's what we did for Morton's.

Comm. Roberson: We allowed them to have one, did we not?

Mr. Lambers: For the main entryway.

Comm. Roberson: I'm wondering if we couldn't do the same thing for this long awning, maybe allow a logo on that also, to break it up if they so choose.

Mr. Albertson: Can we get this overhead on? I've got the elevation. Each one of these are close to 30 foot in length. (*Moving away from microphone*)...I have three of them on there, which are about eight feet apart. Again, all we're trying to do is maybe give a little detail and recognition.

Comm. Roberson: And I think I'm suggesting you eliminate two of those and just leave the center one. This one right here.

Mr. Albertson: So, if we left [*inaudible*] this, and take all these off?

Comm. Roberson: I'd take the four off, leave your name and logo.

Mr. Albertson: Jeff, I did not realize that the letters can only be eight inches.

Mr. Joseph: That's what the design guidelines dictate.

Mr. Albertson: Okay. And it excludes the presence of a logo at the same time?

Mr. Joseph: No, totally it's 18 inches tall.

Mr. Albertson: So we can have a logo and letters, but they have to only be eight inches.

Mr. Joseph: Yeah, but I don't know how you can get eight inches there.

Comm. Elkins: I think we're suggesting leaving this design, leaving the logo above the name as a deviation for this.

Mr. Albertson: I think we would live with one logo on each awning and the signage over the door as is. Is that what you're saying?

Chairman Rohlf: I'm not sure we can put them above all the awnings. We've already gone through that with one of the other tenants and not allowed them to do that. In fact, did we allow them any logos on the awning.

Mr. Joseph: Just one logo.

Comm. Roberson: We're suggesting that one awning have one logo, the left side, and eliminate the rest of your logos on the awnings; eliminate the pictures, and eliminate the writing.

Mr. Albertson: The pictures, I'd like to understand, it almost sounded like you're suggesting this is a racist-type picture?

Comm. Roberson: You have an African-American man shining a white man's shoes.

Mr. Albertson: If we had a white man shining shoes, that would be ?

Comm. Roberson: No, the pictures are beyond what we would approve in Leawood. Period.

Chairman Rohlf: I don't think it really goes to content as much as it is just what they are. We just typically don't approve signs, writings. In fact, I don't think we ever have. TGIF was way before my time, so.....

Mr. Albertson: So, let me summarize again my understanding of what you said. We would have the name and the logo over the center awning, and we would have a small logo on the face of the other two awnings? No?

Comm. Roberson: No, just on the one, on the left side. We're giving you the same deal we gave Morton's.

Mr. Albertson: On the left side?

Comm. Roberson: Or pick one. I don't care. Choose.

Chairman Rohlf: One additional logo on an awning.

Comm. Munson: Total of one additional logo on an awning, and then the primary sign over the door. That's a total of two.

Comm. Elkins: Isn't there an awning on the right-hand side? Aren't there three awnings here?

Mr. Albertson: Yes.

Comm. Elkins: You said one logo per awning, and then you said two.

Comm. Munson: Total of two signs – one over the door, and one on an awning. Two signs.

Comm. Roberson: Didn't they have a blade sign.

Mr. Joseph: A blade sign, yes.

Chairman Rohlf: And that's okay.

Mr. Albertson: There's no controversy over the blade sign, correct?

Comm. Roberson: Where is the blade sign?

Mr. Joseph: It's on the south side.

Chairman Rohlf: That's all right.

Mr. Albertson: So, we take the pictures off, we have a blade sign; we'd have a primary sign over the entry with the logo, and one other logo that we can put on an awning somewhere, correct?

Comm. Roberson: And you can eliminate the writing on the lights.

Mr. Albertson: Yes.

Comm. Munson: Is staff clear on what we talked about?

Mr. Joseph: Yes.

Mr. Lambers: You did not address the revolving doors.

Comm. Roberson: I thought we eliminated those.

Mr. Lambers: Just want to make sure.

Mr. Albertson: What was that?

Comm. Roberson: The revolving door logos; they are gone, too.

Mr. Albertson: That comes under the exclusion of no more than two, right?

Comm. Roberson: Exactly.

Mr. Albertson: Is there anything else?

Chairman Rohlf: I think if that's acceptable to you, Jeff, and we're in conformance, we would so indicate these in the stipulations.

Mr. Albertson: We appreciate that.

Comm. Elkins: Just for the record, I guess I would, even though I understand the comment about enough signs, and I'm clearly the minority here, I would also agree to the small logo on the awning on the far right. I just think it looks odd to have three awnings and you have one awning that has absolutely nothing on it. To me, it lacks balance. It's an aesthetic more than anything else.

Chairman Rohlf: They can choose to put one on there. They're giving them one other choice.

Comm. Elkins: But you still have three awnings with only two markings on it. That's my point. Again, I will bow to the majority on this, but it just strikes me as odd that you would have an awning with a small sign on it, you have the middle awning with the big sign on it, and then you have an awning with absolutely nothing on it. It seems out of balance and a poor aesthetic, but I will defer to the majority.

Chairman Rohlf: I think because you had to basically redesign these, it's a little tough to know what it's going to look like. I guess we could reconsider. I know we've done that on some signs after they've gone up and they weren't proportionately correct. We would come back and modify them. All right, I think we've discussed this. Do we want to go ahead and try to make a motion and modify the stipulations? Have we established enough of a record? Do you think we're there?

Mr. Lambers: We understand clearly. The applicant understands clearly.

Chairman Rohlf: All right. Just actually, not take into consideration staff comments; we just go ahead and make a stipulation based on the record?

Mr. Joseph: Yes.

Chairman Rohlf: Is somebody ready to make that motion?

Comm. Roberson: I move for approval of Case No. 11-08 Park Place, Craig Allen's, Request for approval of final site plan, located at the northeast corner of 117th Street and Nall Avenue, subject to the stipulations in the record. I think that should cover it.

Comm. Jackson: Do we need to add anything that's?

Comm. Munson: Second.

Chairman Rohlf: Any further discussion.

Motion passes 3-1, with Commissioner Elkins voting in opposition to the motion.

Chairman Rohlf: Let's take a five-minute break, come back, extend the meeting, and get this case finished.

Mr. Conrad returned to the meeting.

Motion by Commissioner Elkins, seconded by Commissioner Roberson, to extend the meeting by 30 minutes.

Motion approved unanimously.

Chairman Rohlf: The meeting is continued until 9:30 p.m.

CASE 05-08 – ONE NINETEEN- GREEN EARTH CLEANERS BUILDING A – Request for approval of a preliminary plan, final plan and special use permit; located on the southeast corner of 119th Street and Roe Avenue. **PUBLIC HEARING**

Staff Presentation:

Mr. Joseph: There is a memo in front of you that explains that a public hearing is required with this application, and there is a revised staff report for that. The applicant is Jeff McMahon with One Nineteen Street Development, LLC. The applicant is requesting a special use permit, preliminary site plan and final site plan for a drycleaner with a drive-thru at the back of the southeast corner of the One Nineteen development. This tenant space will be located at the southeast corner of the linear retail building. Staff is not supportive of this application due the fact that the proposed drycleaners is not a compatible use within this development. Staff is recommending that the Planning Commission deny Case 05-08 for the reasons stated. If you have any questions, I'd be happy to answer them.

Comm. Elkins: Jeff, I would ask that you elaborate a little more on the staff's assessment that the use that is proposed for this spot is incompatible with the other spots. What do you mean by that?

Mr. Lambers: This shopping center is a unique, upscale, retail boutique shops with upscale restaurants. Having a drycleaner in the mix just is incompatible, in staff's opinion. The issue of the process of the cleaner is irrelevant as it relates to land use and zoning. It is really the fact that this is a drycleaner operation and staff believes that it would be the proverbial camel's nose in the tent, and it just doesn't fit here. It fits well at Parkway Plaza; staff recommended it. It does not fit here.

This shopping center is going to be the most unique shopping center in the Kansas City metropolitan area, and that with the exception of one – Apple – are not present in the metropolitan area and will not be duplicated. So, that is the basis for staff's position on this, and it is very strong.

Comm. Jackson: Jeff, if I remember right, the drive-thru is opposite the Dean & DeLuca's drive-thru, or very close to it?

Mr. Joseph: Yes, it's very close to Dean & DeLuca's. Dean & DeLuca's is just to the north of this building.

Comm. Jackson: And we certainly had concerns about the stacking on that. How would the traffic go to the Dean & DeLuca versus to the drycleaner?

Mr. Joseph: As you enter from Tomahawk Creek Parkway, you would turn right into Dean & DeLuca and you'd turn left to enter this drive-thru area.

Comm. Jackson: If you turned left, you would be at the drycleaners?

Mr. Joseph: Correct.

Comm. Jackson: And how far in from that turn is where you would stop and hand off any clothing? I want some distance measurements as to once I turn left into the drycleaners area, how far is it to where I drop it off. If there's two cars there, is it going to be an issue?

Mr. Joseph: Right now, they're showing two cars at that location, and if you have one more car, it would be spilling out of the drive-thru.

Comm. Jackson: The third car would put you over.

Mr. Joseph: Correct.

Comm. Jackson: Well, and already having issues and thinking that there's going to be stacking up at Dean & DeLuca, it looks like there would be some major issues, maybe not very often, but when they happen, they certainly would cause some back-ups and potential accidents, I would assume. That's all I have.

Comm. Conrad: I would like to follow up on that. When you do turn in, which way will you be able to go into the valet drop-off area? Could you come from either the east or the west? Is the canopy a two-way?

Mr. Joseph: The applicant would be better able to answer that question.

Chairman Rohlf: Anything else? All right, we'll hear from the applicant.

Julie Jurden, 4717 Central, appeared before the Planning Commission and made the following comments:

Ms. Jurden: I'm just going to make a quick comment about Scott's comment on the use, and then turn it over to our team to answer your specific questions about stacking, etc. I agree that One Nineteen is going to be awesome, with first-to-the market tenants everywhere, and we're really excited about the Green Earth concept because it embraces what's become kind of a focus in all aspects of life today – the whole going green concept, the nature of the valet idea, etc. And as you heard Mr. Barry describe it, it's just a completely different type of thing. We feel like, as every other tenant at One Nineteen, they're the best in their category.

Also, where they're located in the shopping center, it's helpful to us, having a location like that. It shores up a little bit from the One Nineteen frontage. Some of our tenants like to have a little more frontage, a little less depth, and it works for us for a lot of reasons. But as far as the use is concerned, we're comfortable with it as it flows with our shopping center and what we're trying to accomplish there.

With that, I'll turn it over to the rest of our team to talk about the logistics a little bit further. Thank you.

Christopher Sogas, DLR Group, 7290 West 133rd Street, Overland Park, appeared before the Planning Commission and made the following comments:

Mr. Sogas: I believe you had a question about the circulation. I think we understand that this area is in the rear of the building, what we consider the service side of the building. The circulation is intended to route inward this way or coming along the back side of the building and stacking in this direction.

Comm. Conrad: So if you come in from the east, you have to make a u-turn to go into that area.

Mr. Sogas: Make a u-turn, yes. The circulation is designed, at this point in time, to route towards the east, in this direction. So if you're coming in from this entrance and you want to come to the drycleaner, you would do a u-turn.

Chairman Rohlf: You're talking up a portion of this building, right?

Mr. Sogas: Yes, a small corner here.

Comm. Elkins: So that puts the drycleaner on the driver's side. Okay.

Comm. Conrad: Is this facility just a drop-off and pick-up, or will there also be the same store qualities and services that we had on the prior application.

Mr. Sogas: I'll let the applicant respond to that.

Mr. Barry: The question, Mr. Conrad, was, is it the same as 135th Street?

Comm. Conrad: I mean, there's actually a cleaning operation?

Mr. Barry: The answer is yes, the production facility would be exactly the same as 135th Street. And again, that goes back to a focus group. People in Leawood are saying, we want to take it where it's done. That was an important aspect.

Comm. Conrad: And will the alteration aspect be at this facility also?

Mr. Barry: Yes, sir. Full service.

Comm. Elkins: On the stacking issue, what's the maximum number of cars you can stack up here?

Mr. Sogas: We're illustrating six cars currently being able to stack within this valet area.

Comm. Elkins: Are they double-parked? Two rows of three, two columns of three?

Mr. Sogas: There's a car in the rear, there's two side by side, and one on the way out.

Comm. Elkins: Thank you.

Comm. Jackson: Then if you don't drop off your things, you might go inside. Is there parking there?

Mr. Sogas: Yes, there's parking all along this edge here and across the parking lot along this edge.

Comm. Jackson: There's a canopy off on the east side. Is that a walk-in entrance?

Mr. Sogas: That is probably a paving element you're looking at. There is a canopy along the entire east side and the entire south side.

Comm. Jackson: Is there an entrance on that east side?

Mr. Sogas: There's the ability to have an entrance there for pedestrians.

Comm. Jackson: But you're not planning to have an entrance there?

Mr. Sogas: I don't know how the final design will come out.

Mr. Barry: No, there would not be an entrance on the, I guess that's the southeast side. There would not be an entrance. It really doesn't serve any purpose for the public to have it there.

Comm. Jackson: So if you want to park and go in?

Mr. Sogas: You'd come over there to the west and then simply walk on the sidewalk .

Comm. Jackson: To the same place the employees come out to pick up from the car?

Mr. Sogas: Yes.

Comm. Elkins: I just want to make sure I've got this straight. If I'm turning into this development off of Tomahawk Creek Parkway, and I want to get into the queue to drop my laundry off, do I end up completely circumnavigating the building?

Mr. Sogas: Actually, you would take an immediate left, which would get you access into this rear paved area, and a u-turn.

Comm. Elkins: Oh, that's the u-turn that you're talking about.

Mr. Sogas: Yes.

Comm. Elkins: It seems extremely awkward to me.

Chairman Rohlf: The layout of this doesn't seem to work here. I have a hard time visualizing it on these plans. I can't seem to delineate the drive-thru.

Comm. Jackson: Well, if someone is just driving along that inner road, they're not on Tomahawk Creek Parkway but they're on that inner road behind the building, but they don't want to go to the drycleaners. How do they get out on that eastern side? Are they blocked? If someone is trying to make a u-turn to get into the valet area, do they block the traffic going northeast on that inside road?

Mr. Sogas: The idea is that there's enough quick service here that we're not actually stacking out like you would at a fast food restaurant. This is a short stack and people aren't five and six cars deep.

Comm. Jackson: But even if they're not stacking, if there's a car turning off of Tomahawk Creek Parkway and turning left into the dry-cleaning area, but there's someone going northeast on that same road just wanting to get out onto Tomahawk Creek Parkway.....

Mr. Sogas: It's wide enough to be two ways. It's a full parking lot width drive.

Comm. Jackson: But then there's parking right behind that also. From the plans we have, it doesn't look very easy to do.

Mr. Sogas: It's a bigger space than it appears with the scale and with these drawings. It's a fairly spacious turnaround in that area.

Comm. Jackson: Could we ask staff what they think of the widths in there and the ability to circumnavigate all the cars, the parking areas?

Mr. Joseph: Staff thinks that the building would definitely be a conflict there with the turnaround.

Comm. Jackson: Where you come in off of Tomahawk and try to do that u-turn into the valet?

Mr. Joseph: Correct.

Mr. Ley: The other thing I would add is, on that u-turn, if there are people stacked up on the left, you wouldn't be able to make that sharp of a u-turn to get on the right side, so you really couldn't get two people stacked side by side three deep, if that makes sense.

Comm. Jackson: Oh, they're waiting on the left-hand side, you're coming off of Tomahawk, doing the u-turn.

Mr. Ley: If you're trying to make a u-turn, you can't make it very tight. You wouldn't be able to get two cars side by side.

Mr. Joseph: You'd use the two lanes to make the u-turn.

Mr. Ley: If you were coming from the west and heading east, you could do that. The other issue is with the exit. You're going to have people backing up into that drive aisle, you're going to have people possibly entering/exiting and then also exiting the drive-thru, all that right there at that intersection.

Comm. Conrad: Back to the size of the facility and what it offers, this one appears to be about 2,400 square feet, and the previous application looked like it was about 2/3 of a 6,500 square foot building.

Mr. Barry: Let me comment to that, Mr. Conrad. The facility at 135th and Roe, some of that space will actually be training space, not production space, and it will be used for people that are coming from other places around the country to see what this process is all about. It's not needed at the other facility at 119th.

Comm. Conrad: So actually, the activity of the store takes about 2,500 square feet to serve the public.

Mr. Barry: Correct.

Chairman Rohlf: Does anyone else have any questions? It does require a public hearing. Is there anyone in the audience who wishes to speak to this case?

Comm. Jackson: Seeing no one, I move we close the public hearing.

Comm. Elkins: Second.

Motion to close the public hearing passes unanimously.

Chairman Rohlf: It seems we have some concerns about this particular site layout.

Comm. Munson: Recalling from our meeting a couple weeks ago when we were looking at a similar traffic situation on the other side of the drive-thru restaurant and our concerns there, this, to me, exacerbates that problem. Keep in mind that this is a drive that goes up six percent; there's in and out traffic; there's traffic all along this one service road that goes through the west end of the building. It would seem like with the traffic problems that are probably going to occur, this site would be obsolescent the day it opened, and it would be a failure. Therefore, I would be opposed to doing this.

Comm. Conrad: I think this whole entrance into the shopping center off of Tomahawk Creek Parkway, I had pretty significant concerns with the prior case across the street. I had similar concerns on the traffic and the stacking and some of the turning. For that reason, I don't think I can support the plan as presented. I appreciate the comment by the developer as to the appropriateness that they feel meets their needs for the shopping center, but again, for the traffic and the proximity to the entrance off of Tomahawk Creek Parkway, I'm not supportive of the site plan and probably cannot approve as presented.

Chairman Rohlf: Anyone else share that?

Comm. Elkins: I concur.

Comm. Jackson: I would certainly concur.

Motion by Commissioner Munson, seconded by Commissioner Jackson, to deny case 05-08.

Chairman Rohlf: Any further comments or discussion?

Comm. Conrad: Is it appropriate to give reasons for denial? Is that something we typically do?

Comm. Munson: Traffic concerns would be my reason.

Mr. Lambers: I would say the statements on the record indicate what the members of the commission are in agreement with, what was stated.

Motion to deny passes unanimously.

Meeting Adjourned