

**MINUTES
CITY OF OLATHE
STAFF REPORT**

CASE # PR-11-015

The meeting was called to order by Chairman Jon Campbell, with the following members present: Nedra Locke, Mike Rinke, Greg Harrelson, Jeremy Fry and Mike Kohler. Absent were Paul Ling and John Almeida.

Chairman Campbell read the standard *ex parte* statement; no commissioners reported any *ex parte* communications.

Motion by Commissioner Rinke, seconded by Commissioner Fry, to approve the Consent Agenda. Motion passed 6-0.

Case Planner:	Sean Pendley	Planning Commission:	June 13, 2011
Request:	Final site development plan for Jack in the Box drive-through restaurant.		
Location:	Vicinity of 119 th Street and Lennox Street		
Owner:	RMPL Development Company, Inc., Peter Levy		
Applicant:	Jack in the Box, Brock Boyett		
Engineer:	Shafer, Kline & Warren, Inc., Chad Porter		

Acres:	<u>0.976±</u>	Proposed Use:	<u>Drive-through restaurant</u>
Current Zoning:	<u>CP-2</u>	Building Area:	<u>2,797 sq. ft.</u>
Parking Spaces:	Required	Proposed	
	<u>26</u>	<u>33</u>	

Platted: No. A final plat for Ridgeview Falls, Ninth Plat is on this agenda.

1. Comments:

The following is a request for a final site development plan for Jack in the Box drive-through restaurant. The site is located on a pad site fronting 119th Street in the Ridgeview Falls shopping center. A zoning amendment (RZ-11-003) and revised preliminary development plan was approved by City Council on May 17, 2011.

2. **Utilities:**

The property is located in the City of Olathe water service area and Johnson County Wastewater district. Utilities are currently available to the site.

3. **Access/Streets:**

Access to the site will be provided from a shared right-in/right-out drive on 119th Street. In addition, there will be a new private drive extension from Lennox Street on the north side of the site. The private drive will be constructed by the owner of Ridgeview Falls prior to occupancy of the restaurant.

The existing private drive for Ridgeview Falls, Lennox Street, will need to be improved to accommodate delivery trucks for the proposed development and other sites within the existing shopping center. A stipulation was approved by City Council for the improvements for Lennox Street to be completed prior to certificate of occupancy for Jack in the Box. The owner for Ridgeview Falls has submitted a letter agreeing to complete the required improvements to Lennox Street and the new private drive (see attached).

Truck templates have been submitted indicating truck type WB-50 (large semitrailer) for east bound and westbound traffic on 119th Street and through Lennox Street. The templates show truck movements running over existing curbs and the median. Therefore, modifications are required for Lennox Street as stipulated.

4. **Parking/ Drive-through:**

The site plan includes a total of 33 parking spaces and the minimum parking requirement for the proposed restaurant is 26 spaces. This complies with *Unified Development Ordinance (UDO)* requirements for minimum parking as well as the *Guidelines for North Ridgeview Road Corridor* for maximum parking. There are also two accessible parking spaces per requirements for disabled parking.

A photometric plan has been submitted in accordance with lighting requirements for developments adjacent to residential properties.

The site plan identifies a total of eight (8) vehicle lengths for drive-through stacking with four (4) vehicles behind the window and four (4) vehicles behind the menu board per *UDO* requirements for drive-through stacking.

5. **Stormwater/ Drainage:**

There is an existing stormwater detention basin on the Aberdeen Village property to the north. Minor modifications to the basin will be required to accommodate detention for the proposed development. A final stormwater management report was submitted for the project and Public Works has indicated that the report complies with the City's stormwater management requirements.

6. **Pedestrian Access:**

The site plan identifies a pedestrian connection from the existing sidewalk along 119th Street leading to the entrance of the building. The sidewalk shall comply with ADA requirements for accessibility. In addition, a sidewalk will be provided along the new private drive from Lennox to continue the existing private sidewalk within the shopping center. The section of sidewalk on the property to the west will be constructed at the time of development for this lot.

7. Landscaping:

There are existing deciduous shade trees to the east of the site along the existing private drive for Aberdeen Village. The proposed landscape plan identifies additional trees and shrubs around the perimeter of the site to comply with the landscape requirements for non-residential developments. The proposed landscaping also follows the *North Ridgeview Road Corridor Guidelines*.

8. Architecture/Design:

The restaurant is a one-story building with a pitched roof over the dining area and drive-through. The building includes faux windows on the top of the south and east elevations to give the appearance of a second story. The exterior building materials consist of brick, stone veneer and simulated slate roofing and awnings. The applicant has submitted colored renderings and building material samples for the brick, stone and slate roofing.

The restaurant includes a patio with decorative metal fencing for outdoor dining. The proposed building complies with the architectural design criteria for the *North Ridgeview Road Corridor Guidelines*.

9. Staff Recommendation:

Staff recommends approval of PR-11-015 with the following stipulations:

- (a) Lennox Street shall be improved to meet current access requirements and the required modifications and new private drive leading to the restaurant site shall be constructed prior to certificate of occupancy.
- (b) The outdoor patio shall include decorative black metal fencing.
- (c) The trash enclosures shall consist of brick and/or stone walls to be compatible with the building.
- (d) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- (e) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with

landscaping or an architectural treatment compatible with the building architecture.

- (f) All on-site wiring and cables shall be placed underground.

Motion by Commissioner Rinke, seconded by Commissioner Fry, to approve PR-11-015, subject to the following stipulations:

Staff recommends approval of PR-11-015 with the following stipulations:

- (a) Lennox Street shall be improved to meet current access requirements and the required modifications and new private drive leading to the restaurant site shall be constructed prior to certificate of occupancy.
- (b) The outdoor patio shall include decorative black metal fencing.
- (c) The trash enclosures shall consist of brick and/or stone walls to be compatible with the building.
- (d) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- (e) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- (f) All on-site wiring and cables shall be placed underground.

Motion passes 6-0.

**MINUTES
CITY OF OLATHE
STAFF REPORT**

CASE # P-11-022

The meeting was called to order by Chairman Jon Campbell, with the following members present: Nedra Locke, Mike Rinke, Greg Harrelson, Jeremy Fry and Mike Kohler. Absent were Paul Ling and John Almeida.

Chairman Campbell read the standard *ex parte* statement; no commissioners reported any *ex parte* communications.

Motion by Commissioner Rinke, seconded by Commissioner Fry, to approve the Consent Agenda. Motion passed 6-0.

Case Planner:	Sean Pendley	Planning Commission:	June 13, 2011
Request:	Final plat for Ridgeview Falls, Ninth Plat.		
Location:	Vicinity of 119 th Street and Lennox Street		
Owner:	RMPL Development Company, Inc., Peter Levy		
Applicant:	Jack in the Box, Brock Boyett		
Engineer:	Shafer, Kline & Warren, Inc., Chad Porter		

Acres:	<u>0.976±</u>	Proposed Use:	<u>Drive-through restaurant</u>
Lots:	<u>1</u>	Current Zoning:	<u>CP-2</u>
Streets and Right-of-way:	<u>119th Street</u>		
Existing	<u>75' (½ street)</u>		
Required	<u>75' (½ street)</u>		
Proposed	<u>n/a</u>		

1. Comments:

The following is a request for a final plat for Ridgeview Falls, Ninth Plat. The plat includes one lot for 0.976 acres. A related final site development plan (PR-11-015) for Jack in the Box restaurant is on this agenda.

2. Utilities:

The property is located in the City of Olathe water service area and Johnson County Wastewater district. Utilities are currently available to the site.

There are no new public utility easements or street right-of-way being dedicated with this plat so City Council approval is not required.

3. **Access/Streets:**

Access to the site will be provided from a shared right-in/right-out drive on 119th Street. In addition, there will be a new private drive extension from Lennox Street on the north side of the site. The plat identifies an access easement for the shared drive on 119th Street and there is an existing access easement for the private drive connecting to Lennox Street.

The final plat shows the required street right-of-way for 119th Street. A portion of the required right-of-way was dedicated previously by separate instrument. The final plat submitted for recording shall show the recorded street dedication.

4. **Excise Taxes:**

The final plat is subject to a street excise tax of \$0.215 per square foot of land area. Based on the net plat area, 0.976± acres, the required street excise fee is \$9,140.63.

The final plat is also subject to the traffic signal excise tax of \$0.0576 per square foot of land area. Based on the net plat area, the required traffic signal excise fee is \$2,448.84. The required excise fees shall be submitted to Planning Services prior to recording the final plat.

5. **Staff Recommendation:**

Staff recommends approval of P-11-022 with the following stipulations:

- (a) Prior to recording the final plat, the required street excise fee of \$9,140.63 shall be submitted to Planning Services.
- (b) Prior to recording the final plat, the required traffic signal excise fee of \$2,448.84 shall be submitted to Planning Services.
- (c) The final plat submitted for recording shall show the recorded street dedication for 119th Street.
- (d) Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to Planning Services.

Motion passes 6-0.

consistent with the area, and the proposed setback would not substantially alter the setback pattern in this existing neighborhood.

II. ANALYSIS

A. Utilities: The properties are located in the City of Olathe water and Johnson County Wastewater service areas. Utilities are existing to the site.

B. Access/Streets: The lots will have existing access from Caenen Lane and 148th Street.

C. Excise taxes: The replat is exempt from excise taxes.

IV. STAFF RECOMMENDATION

A. Staff recommends approval of P-11-024 subject to the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- (2) Designate the location of the 100 year floodplain on the final plat, and indicate the floodplain elevation.

Motion by Commissioner Rinke, seconded by Commissioner Fry, to approve PR-11-024, subject to the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- (2) Designate the location of the 100 year floodplain on the final plat, and indicate the floodplain elevation.

Motion passes 6-0.

**MINUTES
CITY OF OLATHE
STAFF REPORT**

CASE # P-11-025

Case Planner: Sean Pendley **Planning Commission:** June 13, 2011
Request: Approval of a minor plat for Scottdale, 3rd Plat.
Location: 417 N.Rawhide Drive
Owner: MRE-JCK, LLC, Megan Edwards
**Applicant/
Engineer:** Land Partners One, LLC, Robert Youness

Acres:	<u>1.08</u>	Proposed Use:	<u>Commercial</u>
Lots:	<u>2</u>	Current Zoning:	<u>CP-2</u>
Streets and Right of way:	<u>Rawhide Drive</u>	<u>Spruce Street</u>	
	Existing	<u>I-35 Right-of-way</u>	<u>60' (total)</u>
	Required	<u>n/a</u>	<u>60' (total)</u>
	Proposed	<u>n/a</u>	<u>n/a</u>

I. COMMENTS

The following is a request for a minor plat for Scottdale, 3rd Plat, a replat of Part of Lot 19, Scottdale. The owner is proposing to subdivide the existing property into two lots. There are currently two buildings on the site and no changes are proposed for the existing buildings or parking lots.

In 2009, a special use permit (SU-09-001) was approved for the subject property for Credit Masters Leasing & Sales. The building was never occupied by Credit Masters and they located in another building on Rawhide Drive. Currently the buildings include commercial uses and vacant retail space.

II. PLAT REVIEW

A. Utilities:

The property is located in the City of Olathe water and sewer service areas. Utilities are currently available to the site.

B. Access/Streets:

There are existing access drives on Rawhide Drive and Spruce Street. The plat identifies cross access easements to allow ingress/egress for both Lots 1 and 2 and for the lot to the south.

C. Street and Signal Excise Taxes:

The property is currently platted so the replat is exempt from excise taxes.

III. STAFF RECOMMENDATION

Staff recommends approval of the minor plat with the following stipulation:

- (1) Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the Planning Services Division.

Motion by Commissioner Rinke, seconded by Commissioner Fry, to approve PR-11-025, subject to the following stipulation:

- (1) Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the Planning Services Division.

Motion passes 6-0.

**CITY OF OLATHE
STAFF REPORT**

CASE # PR-11-012

Case Planner: Sean Pendley **Planning Commission:** June 13, 2011

Request: Final site development plan for two office/warehouse buildings for FSDA Associates.

Location: Vicinity of northeast corner of College Boulevard and K-7 Highway/
Monticello Terrace

Owner: FSDA, LLC, Kenneth Block

Applicant: Polsinelli Shugart, PC, Curtis Holland

Engineer: Shafer Kline & Warren, Joel Riggs

Acres:	<u>30.0+</u>	Proposed Use:	<u>Office/Warehouse/Distribution</u>	
Current Zoning:	<u>MP-2</u>	Building Area:	Lot 1:	212,798 sq. ft.
			Lot 2:	<u>259,973 sq. ft.</u>
			Total:	472,771 sq. ft.
Parking Spaces:	Proposed	Required	<i>* warehouse distribution centers allow parking to be determined by Planning Commission</i>	
Lot 1:	<u>211</u>	<u>283</u> *		
Lot 2:	<u>284</u>	<u>348</u> *		

Platted: Lot 3, Distribution Associates. A replat for FSDA Associates is on this agenda.

1. Comments:

On May 9, 2011, the Planning Commission considered the request for a final site development plan for two office/ warehouse buildings for FSDA Associates. There was discussion regarding traffic impact, the proposed building design and landscaping/screening (see attached minutes). The Commission continued this application to the June 13, 2011 meeting and requested that the applicant revise the building elevations and landscape plan to address certain design concerns.

Following the Planning Commission meeting, staff met with the applicant to discuss potential revisions to the building design and landscaping. The applicant submitted revised building elevations and landscape plans to address some of the recommended comments and stipulations. There have been some improvements to the building design but staff continues to recommend additional features to comply with the *K-7 Corridor Design Guidelines*.

2. Landscaping/Screening:

Staff recommends preserving some of the existing trees on the southwest corner of the site, in Tract A, to provide screening for the trailer parking area on Lot 2. The revised landscape plan shows the existing trees on west side of the detention basin will remain to provide the appropriate natural screening.

According to the rezoning, the loading docks and other service areas facing the street or other public spaces shall be entirely screened from view. The applicant has submitted two cross section drawings showing the line of sight from two points on Monticello Terrace and K-7 Highway. The cross sections show that the loading docks are below the line-of-sight from K-7 Highway due to the higher grade for Monticello Terrace.

The applicant has also provided additional evergreen trees at different points along the west property line to fill in gaps for screening the entire loading dock area. The only location staff would recommend changes to screening would be at the north end of the loading area on Lot 1 because the finished grade of the loading dock sits at a higher elevation and the dock doors will likely be visible from K-7 Highway. There are currently deciduous and ornamental trees in this location but staff recommends three (3) evergreen trees in lieu of deciduous trees to provide year round screening.

3. Architecture/Design:

At the last Commission meeting, staff recommended additional architectural features to be consistent with the preliminary development plans and to comply with the *K-7 Corridor Design Guidelines*. According to the *Guidelines*, “*architectural styles and themes shall remain similar and harmonious throughout the development area. This does not mean that all buildings or complexes must look identical, rather each should have similar qualities and architectural elements*”. The Aldi warehouse building and Honeywell building both have windows on the second stories of the elevations facing K-7 Highway.

The building design approved with the rezoning for the subject property identified clerestory windows on all elevations, vertical ribbing in the precast concrete and architectural light sconces. Some of the Commissioners supported the recommendation to incorporate clerestory windows and suggested alternatives for colors, textures and other features to add architectural interest to the buildings.

The applicant has submitted four different options with two basic building designs and two color schemes. None of the options include clerestory windows, as staff had recommended, but two of the designs (Options 3 and 4) incorporate a blue color tilt-up concrete on all elevations to provide a visual effect of windows on the warehouse portion of the buildings. These options also use a darker color scheme which minimizes the contrast of the blue tilt-up and the darker colors are more compatible with

the Aldi warehouse building. Options 1 and 2 use a lighter color scheme but do not include any colored tilt-up to resemble windows.

Another difference is that Options 2 and 4 have extended parapet walls at the corners of the buildings to help break up the façade and screen the rooftop mechanical units. These options allow for tenant signage on the office areas to minimize signage on the warehouse areas. In addition, these options include a TPO roof, flat membrane surface, as opposed to standing seam metal. However, according to the architect, due to the height of the buildings and gradual slope, the roof should not be visible from the street or highway. All of the options include various horizontal bands and reveals in the tilt-up concrete to provide additional façade articulation. The buildings also include wall-pack fixtures with down lighting to create a “sconce effect” at night.

The applicant has provided colored renderings for all the options and has also submitted photos from other warehouse buildings with similar colored tilt-up (Global building) and architectural reveals (College Crossing building). In addition, the applicant has submitted a 3-D image of the proposed warehouse building with a view of the southwest corner of Building B.

Staff supports the proposed changes for extending the parapet walls at the corners of the buildings and providing banding and reveals as identified on Option 4. However, staff recommends the use of clerestory windows on all elevations as previously noted. Due to the visibility from K-7 Highway and proximity to other buildings with similar features, staff recommends the highest quality design and building materials, including clerestory windows. The proposed buildings will be located closer to K-7 than the Aldi warehouse building. Although the proposed changes improve the appearance of the buildings, staff believes the windows are an important element to the appearance of the buildings.

4. **Staff Recommendation:**

Staff recommends approval of the final site development plan with the following stipulations:

- (1) A sanitary sewer easement shall be obtained for the required sewer main extension prior to issuance of a building permit.
- (2) Prior to issuance of a building permit, an existing conditions drainage map and mapping of the off-site drainage area shall be submitted for review and approval by Public Works, Planning and Environmental Services.
- (3) The building permit plans shall identify the required number of accessible parking spaces for disabled persons per *Unified Development Ordinance (UDO) 18.60.050*.
- (4) A parking lot lighting plan, in accordance with *UDO* requirements, shall be submitted and approved with the building permit plans.

- (5) The building permit plans shall identify the existing trees on the west side of Tract A to remain as shown on the landscape plan.
- (6) The building permit plans shall identify three (3) additional evergreen trees in lieu of deciduous trees at the north end of the loading area on the west side of Lot 1 to provide better screening for the loading docks.
- (7) The proposed buildings shall incorporate parapet walls at the corners of the buildings, TPO roofing, reveals in the tilt-up concrete and wall-pack light fixtures with down lighting.
- (8) The proposed warehouse buildings shall incorporate clerestory windows on all elevations to provide consistent architectural design per the *K-7 Corridor Design Guidelines*.
- (9) Sign permit applications shall be submitted and approved prior to installation of any wall signs and/or monument signs.
- (10) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- (11) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- (12) All on-site wiring and cables shall be placed underground.

Following staff presentation, the Chairman opened the meeting up to questions from commissioners:

Chairman Campbell: Any questions for staff at this time? Mr. Rinke.

Comm. Rinke: Sean, with regard to the windows, I know on the Consent Agenda tonight we approved a Jack in the Box that has some faux windows. Was there any consideration for faux windows?

Mr. Pendley: Staff had mentioned faux windows or any type of spandrel glass; it doesn't have to be a true window. We would support that. The applicant did not agree to that. The issue is not about having natural glass or natural daylight in the building. It's more conflicts with signage, potentially. They are going to be speculative. You're going to have different tenants but not necessarily know the size and number of tenants. There will be consideration for signage and the signage at the higher levels of the building. That could conflict with where windows could be. That was the number one thing, I think. They'll also mention the maintenance concerns with the windows, potentially. But again, staff is recommending this to be consistent with the existing development in the area

and with the previously-approved plans. I don't think it mattered whether it was real glass or faux glass. It conflicted with their design.

Comm. Rinke: Okay, thank you.

Chairman Campbell: I have a couple questions. Can you go back to the location map and show us in relationship to that, where is the Kansas State Innovation Campus going?

Mr. Pendley: The Kansas State Innovation Campus is further east. It's closer to Lone Elm. It's about half a mile east. It's in the K-7 corridor. It's not immediately adjacent to the site.

Chairman Campbell: I think it was in the packet last time but I don't see it this time – Do we have a picture of what was approved in 1999?

Mr. Pendley: Yes.

Chairman Campbell: Let's look at those side by side, if we can.

Mr. Pendley: This is the original elevation. If you want to just look at one particular area, you can look to the building south of here, where they have a different size of clerestory windows. But that's essentially what there was. If you look at the upper elevations that show the entire façade, you can see they had clerestory windows throughout the upper bands of all elevations. Again, that was a critical design element that staff felt made this much more of an office-type looking building as opposed to a standard distribution warehouse building.

Comm. Fry: I understand that it was that way back when we originally approved this plan. Can you tell me again, why are we stuck on this? What is the true benefit? I know we want to keep the corridor the same everywhere, or at least the same guidelines. Are there locations where this is the case? Why are we stuck on this issue?

Mr. Pendley: As far as a warehouse building goes, staff would not feel as strongly about this one, let alone the windows, if it weren't in this location. If you look at 95 percent of the industrially zoned sites in the city, this building would be great and exceed all expectations. The reason our staff feels so strongly about the clerestory windows in this location is because it is so visible. It is certainly visible from K-7. You have a frontage road in between, but the upper levels are going to be more visible. They've done a good job of showing how the loading docks are mostly screened. That's great. However, it's the upper elevations that you're going to see the most, and I think you'll see that even with the animation that they'll show. So, that's one thing – You will see this building the most. And, again, it's consistent with other buildings already in the area. It's more that office look again. Yes, there are some large warehouse buildings, and that design from 1999 is certainly outdated, in some respects. Some things like treatments with sponces maybe don't make sense in an industrial building, and what the applicant has done with the revisions is they have improved it with the horizontal banding and reveals. They certainly have made those improvements to cover those areas. But the reason why we feel so strongly about the windows is because of that one architectural element that we think did the best job of breaking up that tilt-up or precast concrete design element.

Comm. Kohler: Sean, maybe this a question better put to the applicant. I was trying to capture, is there anything else besides the windows? You talked about adding evergreens in two spots. Is the applicant okay with that?

Mr. Pendley: I don't know about the landscape stipulations. The applicant will have to answer that. I think we can probably come to an agreement, you know, shifting some trees around here and there, and we may need to pick up a couple of evergreens in lieu of the deciduous. I think we can come to an agreement on that. It's really going to come down to a disagreement on the building design, the windows. That is really it. We feel that all the other changes with option 4, which shows the extended parapets and the additional architectural treatments are great. We feel we can agree to all of those changes. The one thing we cannot agree on is the actual windows as opposed to the color precast.

Chairman Campbell: Any other questions or comments? Thank you. Mr. Holland?

Curtis Holland, Polsinelli Shugart, PC, 6201 College Boulevard, Suite 500, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Holland: Good evening. I'm going to be sort of the Master of Ceremonies, but a bulk of the presentation is going to be handled by Allen Johnson, who is the architect and designer for the buildings, as well as Ken Block, who I believe you know well. He is the owner and developer of the proposed project. I would also like to introduce Joel Riggs with Shafer, Kline and Warren, our civil engineer who handled a lot of the site design elements.

We were here about a month ago and had a really long conversation that night. Following that, with your recommendation, we visited more with staff to see if we could come to a compromise, which we attempted to do. Tonight, we want to show you what we have done. As indicated in the staff report, we have suggested some alternatives, after visiting with staff pretty extensively about it, to try to take into account some of the comments that we heard from you all that night and make improvements to the building. I think if you read the staff report and listen to Sean, we have made improvements to our building. Hopefully you will be satisfied with those. We are very proud of the design, the colors, and the elements of the building that we incorporated into the design, and we think it's going to be a fantastic-looking building there along K-7,

I would back up a second and talk about a couple issues before we get into a design discussion. There was some mention in the staff report about some additional landscaping that staff is suggesting be incorporated in order to do a better job of screening some of the dock doors that staff feels may be visible. We are in agreement with staff to do those extra trees and shifting some of the trees around to help screen those dock doors. We've said from Day One that the dock doors themselves are not very visible at all, particularly from K-7. As I mentioned last time, Mr. Block, one of his highest qualities in terms of development is the attention he pays to the landscaping items, so we don't have any issue with adding extra trees here or there to fill in some of those so-called gaps.

The other item that staff mentioned are the trees along the south part of the property that we are going to retain down near the storm detention area. In fact, we're going to go a step further than most developers do. As you'll recall, most of the time we'll just have a note on the plat that says this is a tree

preservation area. What we are intending to do is dedicate that as a conservation easement that will be maintained by the developer, but it is in an area that would be conserved, and therefore, as a conservation easement, we would be even further restricted from doing the kinds of things that a property owner could do, even under a tree preservation easement. So, we're going to maintain all of those trees and conserve that area, doing it through a conservation easement, which, again, is even more restrictive than what a normal landowner or developer would do. So, we feel good about the landscaping and addressing some of the issues that we talked about last time.

With regards to the architecture – and again, I'm going to let Allen talk about the changes that we have proposed. Again, we have several alternatives. We did a lot of thinking in trying to come up with something we thought would be pleasing. We essentially have two main alternatives to the design of the building in terms of the color schemes, the bandings, and the elements that we put on each of the buildings. We have the original version, and then the newer version that Sean told you tonight, but frankly, the picture really doesn't do it justice. And then, with respect to those two different designs, we have discussed at length the opportunity to put up a parapet wall at the top to help screen the rooftop units, but it also does a lot for the overall design of the building in terms of what it will look like and gives us more flexibility to move some of the signs around, add some back lighting onto the building. I'll let Allen speak to a lot of that.

There was some discussion about the K-7 design guidelines. I respect what Sean says about it, but there's nothing in there that talks about clerestory windows or the requirement to have clerestory windows in the K-7 guidelines. I think the main goal is what he did say, and that is, in this area, there is some greater visibility. We want high-quality, great design, good-looking buildings that fit in with the area, and we certainly think that we achieved that with our original proposal. However, after we had a second chance to look at it and make additional changes, we think that the other alternative that we proposed, and that you will see here tonight, might even do a little bit better job of doing that. And I think staff agrees, and you'll read in their staff report that they say it is an improvement over what our original plan was. But there is no mention of clerestory glass. The buildings that are there, if you look at the Aldi distribution center, Honeywell across the street – Do they have glass? Yes. Can you tell that it is glass? No. Not really. Not from the distances, and not going 70 miles an hour down K-7. And they are completely different buildings if you look at the two buildings across the street from each other. They are way different. We think our building complements those buildings. We also think it will complement the K-State bio center and education center to our east. It's about a half mile away and there will be some large development between the two sites. But you'll see here that the color schemes that we are trying to implement into the design of the building should match and complement what's going on, both around us and what will ultimately be developed to our east.

With that said, I'm going to turn it over to Allen and have him walk through the different elements, the different designs that we've talked with staff extensively about. Hopefully tonight we can walk away with an agreement.

Before I leave, we wanted to really show you what this would look like. As you saw in the pictures that were up there, it's hard to, you know, if the copy machine has bad color that day, then you're not really going to see it. So, we hired a professional imagery company, Arnold Imagery, who is the top in Kansas City. We had them put together some renderings for us and spent thousands of dollars having this done, and also putting together some video. So, you can see what it will really look like, or as best as we can simulate what it will look like in

true life. So, we appreciate your patience as we walk through some of those items.

Chairman Campbell: Thank you. Any questions for Mr. Holland before he sits down?

Comm. Fry: I have one. As I read the report, I continue to hear the term "clerestory" windows. I see the kind of blue painted areas, which I think are meant to signify what I call "clerestory" windows. But in the original zoning drawings that accompanied that rezoning, I would call those more punched openings. I didn't see any what I call "clerestory" openings on that plan. Was there any discussion about punched openings versus clerestory? I know that structurally, clerestory is very difficult to build, but small punch openings, it sounds like would satisfy the City. I also think it would be much simpler for you. Has there been discussion about that?

Mr. Holland: Punched windows were not discussed. We've mainly been talking about clerestory windows and whether or not the clerestory material from a design perspective really provides the benefit that staff thinks that it does from an aesthetics standpoint. So, we did not have a specific discussion on those types of windows, but had a significant discussion about the clerestory, the visibility or lack of visibility of them, what they do in terms of the design of the building, maintenance of the building, the functionality of the building, and what can we achieve today now using tilt-up versus what tilt up could do ten years ago, which we couldn't do this stuff. We think that ten years have passed, and windows may have been shown on this building, but honestly, we do not like it. We don't like the look of that building. We think that the building design that we're showing you tonight is far superior to that building. When we're done here with the pictures and videos, I'm hoping you will get a better sense and appreciation for what we're trying to do. I think staff agrees that it is a great-looking building. We're just stuck on windows on one little part of the building.

Comm. Fry: So let me ask staff the question: Why are we stuck on windows? I think their answer is that we want to maintain the cohesion of the buildings in the area, so I guess I'll pose the same question to you: How come you guys are against the windows? Is there a specific reason? Is it a money thing? Is it the tilt-up fabrication of them? What's the problem with them?

Mr. Holland: I'm probably going to have Allen address it as he goes through his presentation, if you don't mind. Thank you.

Allen Johnson, Allen Johnson Design, 700 West 47th Street, Suite 200, appeared before the Planning Commission and made the following comments:

Mr. Johnson: In general, we're in agreement with all the stipulations except for the exterior building appearance, and the windows. One thing I would like to comment on, I do have a concern about replacing all the trees along Monticello with evergreens. It takes away the diversity of landscape and seasonal color that would be provided with deciduous trees, so I'm not sure that that's the greatest thing to do. But I understand that it is staff's desire to screen the dock doors as much as possible, so we are in agreement with doing that.

One thing that was mentioned a little bit ago was punched windows and whether or not that had been discussed. This is an example of a building at 83rd

and I-435 in Shawnee that does have punched windows. Our feeling is that it really takes away from the overall unity of the building and makes it disjointed by putting holes in it because they end up being black spots on the building. It's not something that we feel actually helps tie the buildings together. It draws more attention to it. So, that's our take on that.

This is a building in Pine Ridge West that we modeled the color scheme after. There are larger format drawings of this building, as well as College Crossing, which are the two color schemes we proposed. This is the color scheme that staff and all of us have come to more of an agreement on that begins to do what they desire. I think the window issue comes up more with my conversations with Sean, that it is a desire to create some façade articulation and contrast, and by going with the darker color scheme, we've included blue bands on it. Our take is that from 280 to 320 feet away, you can't tell whether windows are glass or if they are blue paint. There are examples in here that we will look at later that make that rather evident.

One of the things we did after our last staff meeting was to create parapets on the corners of the buildings, raise that in order to create articulation. It's something that will add about \$200,000 to the building and we think it goes in the right direction to do what staff is looking for, as well as meet the K-7 corridor guidelines, which don't mention clerestory windows, but really, it's a desire to maintain a continuity and similarity between buildings in the neighborhood and it doesn't specifically call out what items are necessary to do that. We feel that creating a unified elevation that has façade articulation, the blue bands that are shown on there represent windows, but they're not actually glass. We think it accomplishes the same thing.

This is a view of the building in the lighter color scheme at the southeast corner, at the entrance on Monticello. This is the one where we're currently looking at parapets on the corners and screening the rooftop units, which will help tie the building in. In creating the 3-D model – which this is a still image off – Arnold Imaging actually took the landscape plan and the species and the locations of everything and dropped them in as they will be once they are completed. If you notice these two buildings, the blue bands are actually rendered as glass; this is not. There is very little difference between paint and glass even from this distance, which is on Monticello. Our concerns with clerestory windows and not wanting to do them is, in a distribution building, there will be racking in front of the buildings, and since the tenant is responsible for maintaining the integrity of the building, they will most likely put plywood behind them so they won't get broken out if something falls off of one of the racks. So, it sort of defeats the purpose of having windows in there. What we have created we feel replaces that overall and maintains the intent of the K-7 design guidelines.

This is the view from the south looking north on northbound K-7 in both color schemes. This is from the north going south at the northwest corner of the north building. You can see that K-7 and Monticello are actually shown and you can see that Monticello is significantly higher in the center of the site where it will screen the docks and the visibility. This is the preferred color scheme that we're looking at. This is a view at night. One of the things that we added after our last meeting with night is the creation of this rendering to show what it will look like at all times of the day, and we think that this is something that really helps this building stand out and create a first-class building. This is a view from the south, looking at the buildings at twilight. The lighting scheme that we've created on the corners accents the office areas and the windows that we do have where they are functional, where there will be office areas and the potential for a two-story

office, depending on the tenants that go in, as well as the scallop effect of the lights that we have on the building. This is Aldi from K-7 that does have windows in it, but you can't tell from this distance. This is a building that I showed earlier that has punched windows, and we don't feel that it accomplishes what we're looking for.

So, based on that, I will let Ken talk while we look at the videos that we created to show you what it actually looks like when you drive by.

Chairman Campbell: Any questions?

Comm. Rinke: Yes. Mr. Johnson, can you comment on using faux windows in lieu of the blue painted banding? Personally, I think you can tell a difference between the window and the blue paint.

Mr. Johnson: Our take on it is that from 200 feet, you really can't. We had renderings where we rendered it with glass and with paint and there is no noticeable difference.

Comm. Rinke: Are there problem with faux windows?

Mr. Johnson: There is an expense. It is somewhat challenging to get them recessed into a tilt-up panel in order to create a system that allows them to be attached. And create the potential for leaks, broken glass. One of the things in the K-7 corridor plan is that they recommend against reflective glass because it creates a glare in the eyes of anyone on the highway. So, we feel that adding more windows doesn't help the appearance of the building.

Chairman Campbell: Other questions?

Comm. Fry: I'm going to go back to the same question I asked before – Is it a design issue? Is it a feeling that it's just not going to look good? Is it the cost of doing it? Is there a reason that we're just so hung up on this?

Mr. Johnson: All of those things. The actual windows, as I mentioned, they would most likely get plywood over them on the backs of them so they didn't get broken from things falling off the racks on the inside, so functionally, they serve no purpose.

Comm. Kohler: Okay. Can you address the other aspects? There's that, that functionally on the inside, there isn't a purpose on the windows, but looking at the exterior view, which seems to be the driver for the recommendation, is cost the significant factor?

Mr. Johnson: I'll let Ken address that.

Chairman Campbell: Any other questions? Thank you.

Ken Block, FSDA, LLC, appeared before the Planning Commission and made the following comments:

Mr. Block: You know, the thing about windows is, in this particular window, you're 200 feet away, you don't notice it. We actually did two renderings – one that had the blue paint and one that had the reflective. What happens is they disappear

from a certain distance. The other thing about it is we're trying to do blue glass. We want that look because it's a high-tech kind of look. We are thinking about what we want to do in this corridor and the look we want to have, trying to do something upscale, because we look at Aldi, and it's a drab warehouse. It's got this window band, but what has happened is that it's all black. I haven't gone inside it, but it's one of two things. Either it's bronze glass, which is just black because the light hits on it, or they've gone in behind it and it's either got plywood behind it, or whatever. So what happens is the color goes away. Like he just asked, if I were to put, let's say spandrel behind it, which is metal, it's a piece of metal, or if I put plywood behind it, it takes away the color. So the blue is going to go to a blackish color. So, what's going to happen is that the color is going to look different. What we want to try to do is get that blue look to try and mimic the glass. I can put a piece of glass up there. It's not a question of cost. I just spent \$200,000 trying to change the building in better ways. It's that it would do what you guys are hoping it would do. It's not going to look the way you're hoping it to look. I think from my standpoint, it's a piece that's just functionally not appropriate in that area as I looked at what we would build.

Another thing. We have a corridor there that is now developed. It is what it is. We've got Aldi. There's nothing we're going to do about it. It's a brick building with the band of glass. We all saw it. It looks dark all the way around. It's a very drab building. It has the docks that are visible from K-7. Very visible. The whole south end of it. When we look at our site, we're trying to build a distribution center that looks like more of a high-tech type deal. We took into account the Innovation campus around the corner, but it's a half mile away. But I'm trying to have a distribution facility, which is all that's going to be there because I'm an office developer. I'm one of the guys that has built more office buildings in town than anybody else in the last ten years. There is no way that I would put an office building on this site. Who is going to be put an office building next to a distribution center with 400 trucks a week going by? Every day, out in front of your door. Not going to happen. So, all we're ever going to get there is either another manufacturing facility like Aldi, or we're going to do a distribution center. We've had some arguments with staff about this, but I really think we came to an understanding of what we all want to do, which is get a really good-looking, first-class facility that was head and shoulders above what we think anything else is. And these pictures are actual buildings. These aren't just things we came up with. So, our goal is to have something not only that I can lease, that is functionally workable, but that also sets a new trend in that corridor. I don't like what's there. I think it's bad. I think it's ugly. But that was built many years ago. That's not today.

The building that was built in 1999 – Let's address that because I think it's important. In the last 12 years, our business has completely changed. In Kansas City, we didn't do tilt-up 12 years ago. There was a reason. Number one, they hadn't figured out how to get the concrete to work correctly in our climate and be able to get a solid, smooth panel. They kind of had big holes in there where the concrete wasn't quite smooth. Secondly, they didn't have the paints that they have today. It's a bonding-type paint, which is a thicker material that fills the holes and creates more of a sheen to the building. So, we couldn't do it back then, so all they could do was the precast. And I know this because I've got a hundred precast buildings around town. The problem with precast is you can't get the color. You can either go real light and get somewhat consistent, or go real dark and get somewhat consistent. But anything in between – And if you go out to some of my buildings over in Lenexa, I don't want to bring up another city but I've got some, and you can see there are differences in color. That's one of the

things that has driven people around the country to go to the tilt-up, because they can get this really consistent look. And when we look at this building, which is just up the street from some of my precast buildings, you know, Lenexa had the same kind of problem, but when we got it done, they said, "That looks better than the precast." It's because there is consistency in the look.

So, the glass thing is all about what they talked about. Punched windows are the same situation. A punched window is just basically cutting a hole in the side of the building and putting in the glass. Again, it's got to be covered up because they've got racks against the building, so you get these black spots. That building that you saw earlier, they actually painted orange squares around those to make it look like a design because, after they did it, they had all of these black spots down the side of the building. It looked horrible. So, they tried to make a design out of it by painting the orange squares around it to try and make it look good, because they realized it was horrible.

So, it's not a matter of cost. It has nothing to do with cost. Yes, it's difficult to do. It's not easy to get the tilt wall because of the thickness of it. It's not easy to get it to work, it would probably stick out, and it would not look the way that I think they're trying to accomplish. So what we did is we said, "I want to give these guys something that would be beneficial to the building." By the way, that building did not have a parapet. It had a metal roof. The metal roof would be visible from a distance. We thought about what we could do to make this building nicer, so we did a TPO roof, which is a flat roof, and we did the parapet walls. So now, there's no visibility of the roof. It also hides the equipment on the roof. So we just took that building, at a cost of \$200,000, and went one level up from where that building was.

So those are the two issues I'm trying to address to get you guys to understand what my thought process is. The window doesn't work for what we're trying to do.

What I want to do now is put these videos up. I decided that it's very difficult for anybody to understand what a building looks like, even for me. So, I said, I want to see it from K-7. So, we had Arnold Imaging, and they basically took the elevations, the topography, etc., and they have actually imaged this building to the appearance of what it should look like when it's done, both driving north, driving south, so you can really see it. You can see what the landscaping looks like. They took our landscaping plan, they put in the exact landscaping where it is. So, this is going to be as accurate as we can get it.

[*Starting video.*]

Mr. Block: This one is driving south at dusk. You're seeing the buildings from the highway. Remember, we talked about how you can't see the dots. Well, here's the thing. You can't hardly see half of the building because Monticello is up, the highway is here, Monticello is here, and the building is down here. So, what happens is that your line of site in the car, you're seeing the top portion of the building. So, a lot of these beautiful things that we're doing, they're not actually real visible from K-7. They're visible as you get up close.

This is the view going south during daytime. There is the north building with the landscaping exactly as it is designed. This is going the speed limit. I hope you saw that. I'm not trying to make a joke out of it.

This is going north. This is the south end of the building that we're trying to address. Now we're coming up along the west side of it. Now you can see how it rises up where Monticello is. This is exactly what you're going to see. It drops

back down, as Sean said. Here we are, at the end of our property. It cut off, so you didn't get to see all the docks on Aldi.

So, I don't know if you want to visually look at those again; we could slow those down, or whatever. But what we're trying to do here is two things. The dock situation, you can't see that because of the elevation. Second, the appearance that we're trying to get to. And I'm looking at the appearance as an overall appearance. I don't want punched hole in the wall, not only because it's not functional. I don't think it adds anything, and I think it detracts from the appearance. What we did is we took colors and designs and shapes and parapets and high ends of the building and we created our design. From the highway, this building could easily go over in the Innovation campus because that's what you're going to see. You're going to see a good-looking building that at nighttime is going to look like an office building. I fully believe that. For example, if you've been to Southlake, those are tilt wall buildings, painted. I do more attractive things than that, but I guess my point is that that is the same kind of situation as this, and many of the buildings that will be in that Innovation campus will probably be of that kind of nature. They may be a tilt way type situation.

Anyway, those are my comments, but I would be happy to address any questions.

Chairman Campbell: Any questions at this point?

Comm. Harrelson: Mr. Block, your team's presentation on windows has some merit, in some respects. Aldi is an all-brick building. You have masonry on several of the buildings in the Innovation campus. I didn't see any masonry elements in this building. In your opinion, is it more objectionable to have some inlaid brick as accents, or windows?

Mr. Block: I was intimately involved in the design. That's how I do all my buildings. We own our buildings for the long term, so I don't want any building that I build to be anything lower than first class. We've done brick in certain things but we don't do it in warehouses. We do them in what I would call high-tech office-type buildings. We did them out on College Boulevard just off of I-35 in College Crossing, but we had an office facility. But it looks like the College Crossing, but we put some brick by the front doors as sort of a highlight. I don't think I added the appearance here because of the distance. That's one of the problems I have with the whole thing here, is that the only place that I really get the benefit is from people coming up Monticello, and the only people coming up Monticello – the ONLY people – are either going to Aldi, or this facility. And they are manufacturing or distribution oriented. But from the distance out on the highway, it's the same problem. The brick is going to look like a brown color, or red color, or whatever I use. So, we have done it before in other kinds of facilities, but we haven't done it on a warehouse.

Comm. Harrelson: Well, I make the comment because this is really the entrance to our K-7 corridor area. Obviously there are residents that I'm sure would prefer that the entire building was brick and had stone accents and all kinds of stuff. For this application, it's probably not reasonable. But, nonetheless, I'm sure there are people who would say, look, this is the entrance. This is really the gateway to our city, and especially this area, so I think there is some concern, a reason to try to address that.

Mr. Block: I truly understand where staff has come from and what the Planning Commission members want to see. I feel absolutely confident – absolutely confident – that these two buildings will be great-looking buildings. If I didn't, I wouldn't be standing here. I'm just not going to build a product that I think would not fit in that area. I think it will be a great entranceway. I think what we've designed here is really good-looking. But if you don't like the appearance of that building there, then you're not going to like it, because that's basically what it looks like. But we've had nothing but great compliments.

Chairman Campbell: Any other questions? In seeing the drive-through in the past, I understand you're okay with the landscape enhancements because the drive-through, you can see some of the dock doors. So, we're going to move that landscaping around. I anticipated the windows being higher, or the other design elements higher, not the banding where it's coming in now. So, when we're driving, all we see is one big long expanse. Was there discussion about moving those up across the top of the building?

Mr. Pendley: I believe so. That's what staff had originally recommended, not at the location they proposed with the colored tilt-up, but rather at a higher elevation where they're showing the reveals and treatments. Again, the objection there was potential conflicts with signage. The signage that they're showing here, it has been limited somewhat with the improvements with the parapet walls at the corners so they could get additional signage there. That limits the need for additional signage along the rest of the façade and some areas along the loading docks. But again, there were still potential conflicts with signage. So, where they are showing the additional reveals, the additional lines, the treatment in the tilt-up, that would be in lieu of where staff was recommending the windows. Again, that was consistent with the previous plan. So what we would say, instead of reveals, we would recommend windows at that location at the upper elevations. But as an alternative, of course, the applicant is proposing the reveals.

Mr. Block: Could I add to that? Sean answered it very accurately. You know, that top part is about 10 to 12 feet above where the bands are, and in that area, you have to have your lights and your signage. These buildings – I think I should make it more clear – you have your Sun Life buildings, you have your big USA buildings, Coleman, etc. This is not what we're building because those are 500, 600, a million square foot buildings. They are much deeper. The buildings we're building, we could have a tenant take the whole building, but more likely we're going to have the tenants that are going to take 30, 40, 50 thousand feet, that cannot go into those buildings. If that occurs, then the middle section of the building where we showed a couple signs, it's actually going to change even more because those dock doors come out and the glass goes in, because that is where their front entrances are. So, we have to have this area at that top band for the signage opportunities. That's just part of the design element. That's what we try and do. So, that's how that is.

Again, there is also proportion here because the height of that wall is 33-34 feet. So, you have to have some proportion, and if you push things up in one area, you end up with the bottom heavy, or whatever. So it's a design element there, too. Between all those things and where the lights go, etc., you run out of room to do anything differently without making it look like a spot on the wall, which I really don't want to do.

Mr. Pendley: There is one additional thing that Mr. Block mentioned that I didn't really discuss at all and we didn't mention the last time. We touched on the signage, but with the original plans that were approved in 1999, that was assuming one user. It was a specific user, Organized Living. That was what the intent was, for it to be one single user, and it was one larger building. Not the two buildings of equal size as proposed with this application. So there is a difference there, too. Now we are talking about a smaller space with multiple tenants. That, again, kind of adds to that mix that you have to consider as these are changing. As we talked at the last meeting, if there was a design approved, each individual tenant that comes in, if there are changes, would that cause a need to come back? Not necessarily. There can be minor changes but the general design really needs to be determined now. If we are going to have windows, we have to decide. If not, we need to know that. That's why we have to have the discussion.

Chairman Campbell: One of the reasons for the clerestory is because of the design guidelines of the other buildings that are there, to break up what is visible going down K-7. Is there discussion about changing where the blue banding is indicated now, put the signs there, put the windows up top so that we can actually break up that? Was that discussed?

Mr. Pendley: We did also discuss that. Again, it was from a visibility standpoint for the signage, and the applicant could probably answer that better. Staff recommended the signage to be lower, and the applicant indicated that would be too low. We think it can be done, but again, it's from a visibility standpoint from K-7. From K-7, you wouldn't have the visibility. Again, it's just a disagreement in design.

Chairman Campbell: We're stuck with the age-old argument: Where does the sign go? The sign has to be there, but at the same time – Mr. Kohler?

Comm. Kohler: You captured much of my question because it had to do with height. I remember your presentation had the windows higher. So, your recommendation, it ties the two together. What you're recommending is clerestory windows at that higher height.

Mr. Pendley: That is correct. As opposed to the proposed design, whether it be the colored tilt-up or actual windows in that location, staff feels it would be appropriate at a higher elevation. But, that conflicts with the applicant's wishes for signage and for the different types of treatments, the reveals. It's just a difference in where the windows or glass would be located.

Comm. Kohler: I just wanted to verify that. I would ask the applicant, if the lower signs are too low, too low for what? You say that you can scarcely see anything as you zip by on K-7. Well, why do you need to see the higher signs? And if it's just people specifically going to Aldi and those two buildings, they know where they're going. They don't need a sign to direct them there.

Mr. Block: Well, normally when visitors come, people come, trucks come, the trucks are a little higher up, they look high up on the building. It is almost a rule of the land that you put your signs up at that height for visibility. You know, this is my 38th year in doing this, and I go all over the country, and I look at buildings and I try to find the nicest buildings to bring back. And I understand the questions that you have, but I do this every day and I try and look at every site and try and

figure out what's the best way to match up with what the staff wants, what the Planning Commission wants, and at the same time get a product that we can build. At the end of the day, we need to build a product there that looks good, which is what you're interested in, and that is functional that I can lease. If I can lease it, I bring the jobs, I bring the sales tax, I bring all the employees, etc. If I can't lease it because we're stuck on what amounts to this little piece of glass, whether it's here or there, and we're away from what I do best, I think we all hurt each other here. You're worried that I'm going to build a not-so-good-looking building, and I'm worried that you guys are going to make me build something that's not good looking. That's where we are right now, and that's the squabble that we've had for 30 days. This building is going to be a spectacular building. I know you're having a hard time getting over that, and I know that the reason why staff has zeroed in on windows and all these things is because, it's not the K-7 guidelines, it's because this plan 12 years ago had windows. Period. That's what it was. So, for us to work under this plan, we have to stay somewhat in line with that plan. But life has changed. What we did 12 years ago, we don't do today. And what is necessary today to be the right thing for a site and to look good on the site and to be functional, and to be something everyone in this room is going to be proud of, it has to be done in a certain way. So, I'm not going to say that I know all the answers. I'm going to say that I go all over the country. We have buildings in 39 states and 197 cities. I've spent a lot of time figuring out what to do, where to do it, how to do it, and I don't like to do anything but first class. Period. That's all I do. Because like I said, we own it forever.

I have no problem with what we've designed here. I will tell you that at the end of the day, you guys will be chuckling to yourselves, I think, if you approve what we've designed because I think you're going to be very happy with it. I think it's going to be the nicest distribution building you have in the town. And I think what staff is trying to accomplish is to make sure it's the nicest building, and what we've designed is going to be the nicest building. If you have to make the decision on whether there's glass or not, I'm telling you, I don't think it works for me. I'd hate to see the deal fall apart over a couple pieces of glass when I think that's a minor, minor design element, and that the big design element is two buildings versus one, eight corners of glass versus four. We have so much more glass on these buildings than what was proposed before. You could take all the glass we've got on the corners and we're three times the amount of glass that they had scattered around the building. So, we're really getting a much, much, much higher quality building. I don't know how else I can say it. I'm hoping that you'll approve what we've designed, and we'll work closely with staff in trying to make sure that you're satisfied with the landscaping, and so are they. But I think it's going to be spectacular.

Chairman Campbell: Any other questions?

Comm. Harrelson: I have one. I hate doing this. I hate to design on the fly, but I don't know of any other way to do it. We've had two meetings and we have what I think is a motivated team. I hate to let that be diminished by something we're both trying to accomplish. Frankly, I just don't like big, blue, painted streaks on the side of a building that are intended to be glass. In my opinion, it isn't really what we're after anyway. I know inlaid brick is one-third the cost of that glass, approximately. Let's say in the blue areas we did some inlaid brick, rather than try to paint something blue and make it look like glass, versus trying to shove glass where it really isn't going to accomplish what we want anyway. It's not much different than what we have. Is that something that you would consider in

exchange for not doing this clerestory window, or something to that affect? Is that something you might consider?

Chairman Campbell: Before we go there – and I don't want to design on the fly. We don't want to do that here. But my concern at this point is, one of the issues that we had was breaking up the long façade of the building from the visible portion of K-7, and we haven't done that yet, from my perspective. I love this building; love how the blue banding looks, but we can't see it from K-7. You're right. It's pretty well screened. We're going to change the landscaping to modify the dock doors, but we still have this long element of the wall that is visible and has not been addressed. I was expecting to see the banding up higher, or the windows, or whatever we were doing, to where it was going to be visible from K-7, so that there was something. We don't have that, at this point. So, that's the big concern that I have. And what's visible at Aldi, good, bad or indifferent, are those upper-story windows. What's visible across the street is the windows. So, I'm still struggling with this. Even though this is a great-looking building and would be great just about anywhere, I'm still not seeing the design elements of the visible portion broken up.

Mr. Block: I think they are broken up because –

Chairman Campbell: The video didn't show that.

Mr. Block: Well, here's the problem. You're going 60 miles an hour. That's what it is supposed to look like driving in a car. We took pictures of it, the stills – Let's put this picture back up because this is breaking up the wall with our other elements. If you look at this one, the way I look at it is, there are other elements here. First of all, you see these elements right here. These are all breaking up the sides of the building. They are small because this is a small drawing, but there are like three painted lines here that are also cutting up this face right here. Then there's a reveal this way. Then there's the reveals up above. This whole wall is broken up. There is no piece of this wall that doesn't have something breaking it up. You see these things right here, these little lines? That's what these are in these areas right here, right here, and right here. And between those, we're taking this barrier and going all the way up. So when you say there's nothing breaking the wall up, if I break the wall up any more, I mean, I've got a goofy looking thing here. I don't know how to break it up any more. Every 40 feet we've got something going on, but from a distance, that's like looking at it every two or three feet because you're a long distance away. So, tell me how to break that wall up any more than that because I don't know how to do it. I mean, I've got so much stuff going on – I'll be candid with you. I might not put the blue lines in there, in some cases. I mean, I'm doing that because I think from a distance it will mimic glass, and you guys are all interested in glass. But I might not do that otherwise. I might just go with my same-color band. My point is, I can incorporate these things, but I don't know how to break it up any further. Could I move that band up a little further? If I move it up any further, then I have to take the stripes out up above. And then, my vertical elements, those don't work because the horizontal bands get up at the top of the vertical bands, and they eliminate each other. So, I'm trying to break the wall up, and that's what staff wanted me to do, is break the wall up. So I break the wall up by the vertical elements, and by the little pieces of the stripes up there in between each one. I don't know how to do any more than that without eliminating something. I'm not trying to argue with you. I'm just saying, visually, I think I have a problem trying to do it.

Mr. Holland: Just to remind you, the original building was a half million square feet, one building, and here we've got two buildings that are separated from each other. So, there is a divide already established by the fact that we have two smaller footprint buildings.

Chairman Campbell: Thank you. Any other comments or questions?

Comm. Kohler: Just to reiterate, Sean, you considered the height equivalent in importance as the glass.

Mr. Pendley: Yes, the height of the windows from a visibility standpoint, correct. Because, again, as pointed out, the elevation of Monticello, and with the landscaping, you're going to hide most of those loading docks, so it is the upper portions of the building that you're going to see.

Chairman Campbell: Sean, a clarification. The stipulation that you wanted added for the trees, I missed that.

Mr. Pendley: Actually, we would change stipulation 4(6) to include the south end of Lot 2. We're not talking about a wholesale change. We don't want to change all of the deciduous either. Just in those areas that are more visible, we would recommend additional evergreens on the south end of Lot 2.

Chairman Campbell: Any other comments? Questions? A motion?

Comm. Rinke: First, I would like to compliment the applicant and staff for working on this. I missed the last meeting, but seeing what was originally proposed versus what we're seeing tonight, I have seen significant improvements in the look of the building. At this point, I would probably lean towards the applicant's request to eliminate the clerestory glass. The fact that we have two separate buildings versus the original proposal ten years ago, or whenever it was, I think is a significant change that really helps improve the look out there. Also, the videos they showed really helped me to visualize the way it looks as you pass by. That's where I'm leaning right now.

Comm. Kohler: I think the applicant has shown good faith by making a lot of adjustments and giving an impressive presentation tonight. If I thought that there was no other recourse for the applicant, I might not feel as committed to the following position, that when it comes to the consistency in the area, and when I think about how the area is developing, with the College campus nearby, given that the Aldi and Honeywell people have sort of set the standard, if you will, that people in the area expect, that in the interest of consistency, I think it's reasonable to see other things develop according to the guidelines. I think that the stipulations that staff has presented are reasonable, and I would support them.

Comm. Fry: I have a point of order. Are we still in the public hearing?

Chairman Campbell: Not a public hearing.

Comm. Fry: I would like to discuss my feelings, as well. First of all, I thank you for the presentation and your time in going through all this, and the financial

commitment as well. I think the biggest concern I had coming in is, is this decision being made because of a financial burden, or is it more of a true design issue? I think staff and the presenters have, for me, clarified it simply as the way that it looks, maybe just a design difference of opinion. It's going to be up to a lot of people to decide which is better and which isn't, and all we have to go on is the historical basis. And I think the comments that have been made about trying to keep things consistent is good, but I also think that if we can make things better, we should make things better. And I think we have done that through the means of blocking the dock doors with trees, and I think we're doing a better job of that in this building than in the other buildings, or at least in the Aldi building. I don't know that I am fully convinced that windows need to be there. I think we should revisit that issue, if it's truly about windows. I'm not sure it's that big of a deal, in my opinion. I think it's been broken up, and I think it's a really good-looking building that will add to the area.

Comm. Harrelson: First of all, this building fits the zoning, and it's a nice building for this zoning. We probably all have different ideas about what we could do to dress it up or what-have-you, but in my opinion, we have done enough. As you can tell, I'm really not happy with putting big expanses of blue paint on the side of a building to mimic the look of a window. It looks too circus-y to me. That's just my feeling, and I apologize if that offends someone. It's not a window. It doesn't make it look like a window, in my opinion. I think I'm at the point that I could probably do without the windows, but I'd like to see the blue come off of there. I keep trying to put something in place of that blue. What it is, I don't know, but that's how I feel about it.

Chairman Campbell: Any other comments?

Comm. Locke: I believe it's a very good product and the applicant has put a lot of time into trying to find a way to work with staff. The signage, I can understand on the visual as far as driving down K-7, being able to see the sign at the top versus a band at the top. And I agree, I think the applicant has done a great job on trying to break that building up. I have a son who is a truck driver and he does look for signs. I asked him about that this weekend, so I do know that's a fact. So, I think that's important. Not knowing how many tenants are in the building, how they would put that band on there – And I agree with Mr. Harrelson on the blue. If it's one tenant or it's five tenants, and then it turns into three tenants, I think signage would be more important than that blue band along the side. And landscaping, I agree with changing the landscaping around so the dock doors are not seen as well. That's a good step.

Chairman Campbell: Thank you. What's your pleasure?

Motion by Commissioner Harrelson, seconded by Commissioner Rinke, to approve PR-11-012, subject to the following stipulations, as amended:

- (1) A sanitary sewer easement shall be obtained for the required sewer main extension prior to issuance of a building permit.
- (2) Prior to issuance of a building permit, an existing conditions drainage map and mapping of the off-site drainage area shall be submitted for review and approval by Public Works, Planning and Environmental Services.

- (3) The building permit plans shall identify the required number of accessible parking spaces for disabled persons per *Unified Development Ordinance (UDO) 18.60.050*.
- (4) A parking lot lighting plan, in accordance with *UDO* requirements, shall be submitted and approved with the building permit plans.
- (5) The building permit plans shall identify the existing trees on the west side of Tract A to remain as shown on the landscape plan.
- (6) The building permit plans shall identify three (3) additional evergreen trees in lieu of deciduous trees at the north end of the loading area on the west side of Lot 1 and the south end of Lot 2 to provide better screening for the loading docks.
- (7) The proposed buildings shall incorporate parapet walls at the corners of the buildings, TPO roofing, reveals in the tilt-up concrete and wall-pack light fixtures with down lighting.
- ~~(8) The proposed warehouse buildings shall incorporate clerestory windows on all elevations to provide consistent architectural design per the *K-7 Corridor Design Guidelines*.~~
- (9) Sign permit applications shall be submitted and approved prior to installation of any wall signs and/or monument signs.
- (10) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- (11) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- (12) All on-site wiring and cables shall be placed underground.

Motion passes 4-2, with Commissioner Kohler and Chairman Campbell voting in opposition to the motion.

**MINUTES
CITY OF OLATHE
STAFF REPORT**

CASE # P-11-018

Case Planner: Sean Pendley **Planning Commission:** June 13, 2011
Request: Final plat, two lots and one tract, 30.636± acres, for FSDA Associates.
Location: Vicinity of the northeast corner of College Boulevard and K-7 Highway/
Monticello Terrace
Owner: FSDA, LLC, Kenneth Block
Applicant: Polsinelli Shugart, PC, Curtis Holland
Engineer: Shafer Kline & Warren, Joel Riggs

Acres:	<u>30.636±</u>	Proposed Use:	<u>Office/Warehouse</u>
Current Zoning:	<u>MP-2</u>	Lots:	<u>2</u>
		Tracts:	<u>1</u>

1. Comments:

On May 9, 2011, the Planning Commission considered the request for a final site development plan and final plat for FSDA Associates. The Commission continued both applications to the June 13, 2011 meeting and requested that the applicant revise the building elevations and landscape plan to address certain design concerns.

There are no changes proposed for the final plat but staff has recommended a change to the stipulation for a tree preservation easement to allow a conservation easement per the applicant's request.

2. Landscaping/Screening:

Staff recommends preserving some of the existing trees on the southwest corner of the site, in Tract A, to provide screening for the trailer parking area on Lot 2. The revised landscape plan shows the existing trees on west side of the detention basin will remain to provide the appropriate natural screening.

Staff previously recommended a stipulation for a Tree Preservation Easement on the final plat to ensure preservation of the trees on the west side of Tract A. The applicant has indicated that they intend to file a Conservation Easement for Tract A and the development plans show that the subject area will be undisturbed and the existing trees will remain. Staff

recommends that the Conservation Easement be recorded prior to, or at the time of recording, the final plat.

3. **Staff Recommendation:**

Staff recommends approval of the final plat with the following stipulations:

- (1) The existing trees on the west side of Tract A shall remain as identified on the landscape plan and a Conservation easement for Tract A shall be filed prior to, or at the time of recording, the final plat.
- (2) A sanitary sewer easement (SS/E) shall be obtained for the required sewer main extension prior to issuance of a building permit.
- (3) Prior to recording the plat, standard orange barricade fencing shall be installed around all tree preservation or conservation areas.
- (4) Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to Planning Services.
- (5) All new on-site wiring and cables shall be placed underground.

Refer to PR-11-012 for discussion regarding this item.

Motion by Commissioner Rinke, seconded by Commissioner Harrelson, to approve P-11-018, subject to the following stipulations:

- (1) The existing trees on the west side of Tract A shall remain as identified on the landscape plan and a Conservation easement for Tract A shall be filed prior to, or at the time of recording, the final plat.
- (2) A sanitary sewer easement (SS/E) shall be obtained for the required sewer main extension prior to issuance of a building permit.
- (3) Prior to recording the plat, standard orange barricade fencing shall be installed around all tree preservation or conservation areas.
- (4) Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to Planning Services.
- (5) All new on-site wiring and cables shall be placed underground.

Motion passes 6-0.

Other Matters for June 13, 2011

Mr. Clements: Our next meeting will be Monday, June 27th. We do have three public hearings and several consent items on the agenda. We will plan to see you then.

Chairman Campbell: All right. We will see you then.

Meeting Adjourned.