

# City of Leawood Planning Commission Minutes

April 8, 2003  
Meeting – 6:00 p.m.  
Leawood City Hall  
4800 Town Center Drive

**CALL TO ORDER/ROLL CALL:** Henderson, Rohlf, Carper, Conrad, Duffendack, Brain (absent), Williams, Munson, Pilcher

**APPROVAL OF THE AGENDA:**

A motion to approve the agenda was made by Henderson and seconded by Williams. Motion approved unanimously.

**NEW BUSINESS:**

**CASE 18-03 CORNERSTONE OF LEAWOOD** Request for approval of a final site plan. Located at the southeast corner of 135<sup>th</sup> Street and Nall Avenue.

**Staff presentation:** Presentation by Mark Klein. The applicant has been before the Commission previously with this project. At the time of the approval, the details of the signage had not been finalized. The applicant was directed to come back as a separate case to handle the final details of the signage, and they have now provided design guidelines for that signage. Staff is comfortable with the 25% increase for the multi-line signs.

Binckley stated she has met with the applicant and there has been some miscommunication in regard to the location of the signs. The applicant is requesting four office signs on the façade. Upon review, it appears the applicant wants the larger tenant to be able to have their sign over the entry door. There are multiple entries to this office portion of this project. This proposal is in line with all of the retail users. Staff is supportive of having signs for the office users, but only one sign per entry.

Conrad asked how many temporary, 4 x 4 signs are allowed per site. Binckley stated one sign is allowed for the overall development. The applicant is requesting that each of their pad sites or major tenants be allowed to have separate sign. Staff is supportive of allowing one for each of the pad sites because they are individual and they have different timings from the main center. Staff has some concern with having multiple signs for the same building.

Conrad asked for an explanation of the 25% increase. Binckley stated it is intended for design portions of the sign; it would not be for additional wording or increasing the size of the words.

Rohlf asked which buildings would be included in the first phase of the project. Klover showed on the site plan which buildings would be built during the first phase.

Henderson asked what "individual basis" means. Binckley stated it is in relation to the review that staff completes with each sign permit.

**Applicant presentation:** Presentation of Henry Klover. There are two issues before the Commission tonight. One is the sign criteria approval; the other is tree size and availability. The developer sees this development as being a very creative shopping center and would like the signs to reflect that creativity. The development of the sign criteria turned out to be a difficult process. It was hard to design guidelines that are creative but also allows other things, such as big signs. The applicant has worked with staff and added language to the criteria that specifically said it is not the developer's intent to create areas or boxes of signage to allow tenants to get as large as they can get. There is language in the criteria that allows staff to look at the signs along with the developer's approval. The idea is to allow tenants to have elements that would make their signs attractive. The office building has a different environment than most other office buildings. There will be four major tenants at different ends of the building. The applicant is in agreement with all of the other signs. The signs for the out-parcels are the biggest concern. The applicant does not want the out-parcels to only place their signs facing the streets, they would like to have the signs face internally also.

Presentation by Eric Soriano of Hermes Landscaping. Soriano has started the sourcing process for the 4" street trees. He looked at internal inventory to try to find 241 grade-one street trees and they did not have them in stock. He then sent out 250

requests for quotes around the region and found that grade-one street trees are not available at this time. This project's goal is to have a three-hour stay for each of the customers who visit this project. That is very dependent on a heavily landscaped courtyard. Soriano proposed replacing 4" street trees with 3" street trees. He stated there has not been enough time since the new LDO went into effect in December to grow a good quantity of grade-one trees to 4". The 4" trees at the Sprint campus were contract-grown over a five-year period.

Henderson asked if there are any 4" trees past the ice storm region. Soriano stated they have tried sourcing these trees from Canada and from the east and west coasts and they are not available. Most nurseries sell their trees at 2 or 2.5". The few 4" trees that have been found only have 3 or 4 of the same type and the applicant needs 35 to 50 of the same type. Henderson asked how long it would take for a 3" tree to become a 4" tree. Soriano stated a 3" tree would become a 4" tree in about 2 years.

Duffendack asked if there would ever be a potential of more than one tenant at the center entrance. Klover stated it could be possible to have two tenants entering at the center entrance. Estell Hipp stated there would not be a need to have two signs over one entrance. In the leasing arrangement, the applicant would ensure there would not be more than the four signs requested. If there are three or four larger tenants, they will be located at separate portions of the buildings and accessed through separate entrances.

Conrad asked if the tree issue would be a situation that could happen in other projects. Binckley stated the applicant is stating they cannot find the trees in this area, but she has heard from other applicants that the trees are available outside of this region. The other option is to set the trees now, so that as their projects come in, they will be larger. Soriano stated once the market has time to respond the trees will be available, but they are not available at this time. The greatest caliper tree in any metro area city is 3" caliper. The market needs time to respond to that requirement. Henderson stated he is not willing to yield easily on minimizing the value of good trees. Conrad asked if by approving this tonight, the Commission would be allowing the smaller caliper trees. Binckley stated staff did not make a recommendation on the trees. The Commission has the ability to recommend a smaller caliper and add a stipulation. Conrad asked if staff has an opinion. Binckley suggesting looking at the landscaping as a phasing process, maybe allowing the smaller caliper in the first phase, then looking at it again during the second phase.

Carper asked how many trees are planned. Soriano stated there are 241 4" trees proposed. There are other trees with other sizes, but the 4" trees are the ones that are unavailable. Carper asked what the cost difference is between the 3" tree and a 4" tree. Soriano stated there is maybe \$100 per caliper inch. There are 63 trees that need to be matched and the applicant does not want a mismatch of trees. Soriano suggested tagging the 3" trees, and then by putting in drip irrigation and fertilizer the trees might gain a ½ inch or ¾ inch per year. The applicant has made a commitment to Hermes Nursery, based on the new LDO, to grow a set of trees to 4" so they will have a marketable product for that niche. It will take time to happen.

Pilcher feels the development will not start out with as mature a feeling as was anticipated and there should be some way to make up for that loss of value to the development. Soriano stated it was brought up that the applicant could supplement the tree line with another layer of multi-stem river birch, which put up a great deal of canopy quickly. Putting in more trees would connect their canopies. The applicant does not want to sacrifice the quality just to get the 4" trees.

Rohlf asked what varieties are available in the 3" caliper. Soriano stated a number of Patmore Ash, Summit Ash, Swamp White Oak, Shingle Oak, Autumn Purple Ash, Rosehill Ash, and some of the White Ashes. Rohlf asked if they would be intermingled. Soriano responded, no, the landscape plan calls for up to 63 trees in a row all of the same variety. There would be maybe 30, 40, or 50 in one row of the same variety.

Henderson suggested the LDO sign criteria were written for a more compact type of building, rather than an elongated one like the office building in this development. Duffendack stated the mixed-use development sometimes has a special set of requirements that do not apply to the general ordinance.

Carper stated he is not comfortable with the 25% increase allowed for design and does not think that is the type of sign the Commission is looking for in Leawood. Carper stated he would be willing to go with the 3" caliper trees but would like some verification that the 4" trees are not available in the United States. Conrad stated he is not prepared to allow the 3" trees without verification that the 4" are not available. Conrad also stated the Commission should support the ordinance and only allow one 4 x 4 temporary sign per development as opposed to one for each tenant in the project. Williams asked Carper which sign examples he did not like. Carper stated the Eddie Bauer signage at the top of the building and the Once Upon a Toy signage. Williams agreed with Carper.

**A motion to approve was made by Conrad with the additional stipulations to state, "Only one 4 x 4 temporary sign for the development, per the ordinance", "The caliper of the trees shall be 4", and to change stipulation number 1 to allow for four signs located at the building entries. Henderson seconded.**

Williams asked if the Commission would require a study from an independent source to verify that the 4" trees are not available. Conrad stated it was not included in his motion. Duffendack stated that by continuing with the motion, the Commission might be ensuring that the trees will not be planted as anticipated. Munson stated it would be more important to make sure the applicant has quality trees rather than getting the correct size, but not the quality that is expected. Pilcher asked if the motion maker would accept an amendment to the motion to allow the 3" trees subject to verification by an independent study. Munson asked when the trees would start to be planted. Binckley stated in the fall.

**Pilcher made a motion to amend the original motion to allow 3" trees for the first phase, but not necessarily the other phases. Williams seconded the amendment.**

**Motion to amend denied 4-3. (Henderson, Rohlf, Carper, and Conrad against. Pilcher, Munson, and Williams for.)**

Carper asked if staff is comfortable with the 25% increase. Binckley stated staff is comfortable with the 25% increase. If the Commission does not want to allow the increase, they should add that as a stipulation. The current ordinance does not have a height restriction in order to allow for a variable of the design. Binckley stated staff is not recommending anything that is not allowed within the LDO and up to the City standard.

**Motion approved 4-3. (Henderson, Rohlf, Carper, and Conrad for. Williams, Munson, and Pilcher against.)**

**CASE 19-03 BI-STATE – ALBERS MEDICAL** Request for approval of a preliminary site plan. Located south of 143<sup>rd</sup> Street and west of Overbrook Road.

**Staff presentation:** Presentation by Mark Klein. The applicant is requesting approval of a preliminary site plan for the construction of a one-story, 10,500 sq. ft. medical office building on 1.3 acres, for an FAR of .19. This building is to be constructed in the Bi-State business park development. It will have streets on three sides. It is on the south side of 143<sup>rd</sup> Street, to the east of Kenneth Road and to the west of Overbrook. Immediately to the south of this property is the City's Public Works facility. The applicant is proposing a building in which the parking will face the east side and the entrance will come off of Overbrook. The building is to be constructed primarily of brick. Staff is supportive of this project. There are a number of issues but they would be addressed at final site plan application. Staff has some concerns with the design of the carports. They are proposed to be located on the east and south sides. The design the applicant has proposed is a canopy with a pole structure that supports the carport. Staff feels the carports should be designed in such a way as to better match the building. The building is almost entirely made of brick, except for the metal cap along the top of the building. Staff is concerned because there have not been many other cases in Leewood where there is a metal cap running across the top of the building. Most of the buildings in Leewood are usually cast stone or some type of EIFS material made to look like stone, or more decorative and made to fit in with the rest of the building. The setbacks for the carports do not meet the bulk regulations of the LDO. The applicant would need to go before the BZA for approval of those setbacks. The requests are beyond what the Commission could recommend and what the Council could approve.

Rohlf asked when this building would go before the BZA. Klein responded the May 21<sup>st</sup> meeting.

Henderson asked if there would be a basement. Klein responded not to his knowledge, but the applicant might be better able to answer that question. Henderson asked what type of operation would be happening in the building. Klein stated the applicant would have a lobby area, some offices and a warehouse portion for some of their products. Henderson asked if the ground is stable. Klein stated he does not know, but the applicant could answer that question.

Pilcher stated the carports seem very close in proximity to the Public Works' bays and then asked the height of the carports in relation to the bays. Klein stated the carports would be smaller. One of staff's concerns is, if these carports are approved, builders of other buildings within the Bi-State development would request carports that are not designed to be related to the building. Conrad asked if the carports fit within the LDO. Klein stated they are allowed.

Klein stated there is another issue that will need to be addressed at final application. The landscape plan the applicant provided does not meet the new LDO requirements. There may be an issue with the 60' Panhandle property easement and there may be some issues with what they are allowed to do within that area. Staff and the applicant are still in the process of working through that.

Carper asked if we are requiring more landscaping than what was required at the Public Works facility. Klein stated yes, but the Public Works facility was approved under the old LDO, which had fewer landscaping requirements. Carper stated he likes the building and is not afraid of setting precedent, considering this property is contiguous to the Public Works property.

Duffendack stated the metal coping along the parapet is a fairly normal application and asked why staff is concerned. Klein stated staff has not seen many other buildings in Leawood with a metal cap. Binckley stated staff felt it was appropriate to point it out because it is not common in Leawood, but staff is not opposed to it. Williams asked if it would be a flat metal cap. Klein stated it is his understanding it would be flat on each of the surfaces.

**Applicant presentation:** Presentation by Kent Bowers, an architect with Nearing Staats Preloger and Jones. Rick Jones and Doug Albers were also present. The planned development is for a closed-door pharmacy. The proposal is for 10,500 sq. ft. total. About 3,000 sq. ft. would be warehouse and about 7,500 sq. ft. would be office space. The site was designed around the access point, which is off Overbrook. The building will be all brick with screening of the roof top equipment of the warehouse section. The aluminum capping is used more often than staff believes. The JD Reece building on Roe has metal capping. The building will have a metal fascia and soffit, trying to integrate the metal within the building and give it more definition. The intent with the carports was to make them as simple as possible so as to not detract from the building.

Williams asked about the dirt work. Bowers stated the developer has had some difficulties with the dirt work. The site was not properly stripped when the site was brought up above the flood plain. There are about 12 inches of organic material underneath that fill. The developer has looked at a number of options and has decided to take out the existing fill, take out the organic material, then go back in with structural fill to bring it back to the elevations that are being proposed.

Henderson asked what is underneath that 5 ft. of fill. Bowers stated probably brush and perhaps trees, but organic material. Henderson asked if there would be any below-grade levels. Bowers stated, no, it is essentially slab on grade.

Bowers addressed some of the concerns written by staff in their stipulations. Stipulation number 13 deals with the aluminum cap fascia on soffit panels, it's an 8-inch aluminum plate that will have a nice, refined look to it. Stipulation number 12 deals with the carports. The developer understands they will be going to BZA. They are trying to make them as simple as possible. The carports will be metal to relate to the metal on the buildings. Stipulation number 15 deals with the landscaping. This is a unique site mainly because all along Kenneth Road there is a 60 ft. utility easement for Panhandle Eastern Pipeline. There is an agreement in their easement that no trees can be planted in the 60 ft. The only thing that they will allow are shrubs, as long as they don't grow over 4 ft. They are concerned with the root structure from trees interfering with their pipes and they are also concerned with being able to locate their pipeline from the air. Duffendack asked to be shown on the site plan where the easement is located. Bowers showed the easement on the site plan. Bowers stated there is also a Williams pipeline easement along the north side of the property that restricts landscaping. He showed some pictures of what the surrounding property currently looks like in regard to their landscaping. He believes some precedence has already been set with the Heartland buildings. The applicant has tried to get a balance and harmony with the site and the landscaping. The applicant has not proposed a row of trees that would be 35 ft. along the right of way of Overbrook and 143<sup>rd</sup> Street, because it would just lead up to the easement and then stop abruptly. It would not create the boulevard effect. There will be no trees to the north of the property because of the easement there. The applicant is proposing a cluster of trees to make the site look somewhat natural but not overabundant. If the applicant were to plant along the two right-of-ways, they would have to provide 49 trees, then nothing on the other areas where there are easements. Stipulation 14 deals with the monument sign. The applicant is still working with Bi-State Development on their design guidelines and seeking an approval from them in regard to changing their guidelines.

Klein stated the design guidelines modifications would need to be recommended by the Commission and approved by the Governing Body. Duffendack asked if the applicant is opposed to stipulation number 14 as written. Bowers stated, no, he is proposing something that goes beyond their guidelines.

**Public hearing:** With no one present to speak at the public hearing, a motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.

Henderson asked if the landscaping would screen more of the Public Works facility. Binckley stated there are a substantial number of evergreens along the north property line of the Public Works facility. The City put up a berm as well as landscaping and trees along the pipeline. The trees were not placed on the berm because of the pipeline, but are set back so that as the trees grow they would provide a buffer from the neighboring views. The City spent a substantial amount on landscaping.

**A motion to approve was made by Carper with the elimination of stipulation 13 and an amendment to stipulation 15 to read, "a revised landscape plan that is no less landscaping than contiguous developed properties and acceptable by the City Planning Department". Motion seconded by Pilcher. Motion approved unanimously.**

**CASE 20-03 VILLAS OF CHAPEL GREEN – TEMPORARY TRAILER** Request for approval of a special use permit to allow a temporary sales trailer. Located at 141<sup>st</sup> Street and Nall Avenue.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is Bob Shands. The applicant is requesting approval of a one-year temporary special use permit to allow a temporary sales trailer. This building would be located within lot one of the Villas of Chapel Green subdivision, located at 141<sup>st</sup> Street and Nall Avenue. The elevation of the building is single-story with pre-finished wood siding. The main entrance to the building is on the south side. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked if the pictures provided were the actual trailer or just an example of the same type of trailer. Joseph responded they are examples. Pilcher asked if the six shrubs shown in the model are the same type being proposed. Joseph responded it would be modified.

Conrad asked if a sales trailer is typical in a 24-lot development. Binckley stated it is common to use a temporary trailer as their office, and then after the first home is built, they use that as their model home and office. There has never been a need to expand the time past one year. Conrad asked if any signage is requested with this application. Joseph responded, no.

**Applicant presentation:** Presentation by Bob Shands. The applicant is in agreement with all of staff's stipulations. The anticipated period of use for this trailer is from seven to eight months. The developer has already broken ground on four homes and one will be a model. The picture provided is just an example. The homes in this development are being built by Harrington Development. They have a longstanding track record in Leawood. The homes will be in the \$350,000 to \$400,000 range. The developer would not be willing to put something on the site, even temporarily, if it might detract from the ability to sell homes in that price range.

Carper asked if there is an island on 141<sup>st</sup> Terrace. Joseph responded, yes.

**Public hearing:** With no one present to speak at the public hearing, a motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.

**A motion to approve was made by Carper and seconded by Pilcher. Motion approved 6-1. (Munson opposed.)**

#### **OLD BUSINESS:**

**CASE 03-03 PARK PLACE** Request for approval of a rezoning from SD (O) to MXD, preliminary site plan, and preliminary plat. Located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue.

Duffendack asked the Commission if they have any comments on the new information provided by staff. Williams pointed out an error in the calculation on the difference in area of the parking structures. Staff's comments state the six stories would offer 417,000 sq. ft. less, but it should actually be 208,896 sq. ft., which would make the total 492,928 sq. ft., not 701,824 sq. ft. Pilcher commended staff on the explanation of the bonuses requested. Pilcher also stated he feels that a straight 10% bonus doesn't seem right and would like to discuss a possible amendment to the bonus requirements at a later work session. Carper asked what pedestrian amenities would be included in the proposed \$2,850,000 value. Binckley stated the question would be better answered by the applicant. Williams asked if the developer is receiving multiple bonuses for the same items. For example, the pedestrian amenities are also included in the open space calculations. Binckley stated staff is considering the physical space and areas for the open space bonus, but for the pedestrian amenities staff is looking at what the applicant is putting on those areas and how the space is used. Duffendack stated the intent of the bonuses is that they can be overlaid.

Another example would be environmental improvements. It was contemplated when these bonuses were developed that there would be square footage that could be applied to multiple bonuses.

**Applicant presentation:** Presentation by John Peterson on behalf of Park Place Partners LLC. The applicant has had the opportunity to review staff's analysis of the bonuses and agree with their assessment. The applicant made a written submission to the Commissioners in regard to their question about setting precedence for this type of density levels. There are some peculiar situations on this particular tract in terms of the MXD zoning. Its location is the epicenter of the entire town center concept. This property was zoned prior to this for a project that was well in excess of the standard FAR. The applicant is in agreement with all but two of staff's stipulations. Stipulation number 5 indicates the applicant will work with staff regarding the height of the buildings adjacent to the residential area. The applicant is making a specific request at this meeting in terms of height. Stipulation number 17 indicates the applicant shall work with staff to preserve as many existing, quality trees on the site as possible. With the grading that will be required, and the improvements as proposed, the applicant will not be able to save any of the existing trees. Peterson showed a comparison of what is requested and what is the standard for the deviations requested.

Henderson asked the applicant to describe the funding mechanism referred to in stipulation 24. Peterson stated the applicant would need to show staff, prior to development, a set of CCRs that would be applicable to all owners and operators in the center. There would be a common maintenance fund, there would be provisions for separate but distinct ownership, there would be a global responsibility of all property owners to maintain the common areas. Henderson asked if the applicant would be putting money into it to start. Peterson stated it is typically part of the negotiations when the developer starts to sell off the pieces of property.

Rohlf asked if stipulation number 6 should read "including" or "plus". Klein stated the applicant is now requesting the phrase, "plus the height of the roof or parapet" to be removed and would like to change that to "including the height of the roof or parapet".

Presentation by Jeff Alpert, a principal with Park Place Partners. The developer has tried to develop a preliminary budget to ensure they had the money needed to cover the special items that will give this development its unique character. The pedestrian amenities would be fountains, public art, both fixed and movable street furniture, bike racks, kiosks in the public squares, custom street lighting as well as decorative and landscape lighting. A standard street light runs about \$350 to \$400 dollars. When this developer developed The Woods, they spent about \$1,700 to \$1,800 and they see this as being a similar situation. There will be custom signage for the development to help circulate the traffic, not just advertising. A standard sidewalk is about 6 to 8 ft. wide. The applicant is proposing 20 ft. wide sidewalks along the retail areas. There will be special paving areas in public squares. Carper asked if they are committed to spending \$2,850,000 for the items as listed. Alpert stated that is the current budget. Preliminary estimates, subject to the ultimate economics of the project, brought the developer to that number.

Williams asked if the \$2,850,000 was included, or in addition to, the \$4,000,000 in landscaping. Alpert stated it is in addition to the \$4,000,000 in landscaping. Klein stated staff only looked at the landscaping when deciding on the valuation for the bonus, not the public art.

Peterson stated the LDO reads, "The vertical distance to the highest point of the roof for flat, gable, hip, gambrel, or mansard roofs, measured from the curb level of the building is not more than 10 ft. from the front lot line or from the grade in all other cases. For purposes of determining the highest point, parapet walls and rooftop HVAC equipment, and associated screening, shall not be included." The 90 ft. that is represented under the code does not include a parapet or screening device. The applicant has redesigned the buildings in the preliminary stages to remove any additional roof units on top of the 90 and 100 ft. buildings. Duffendack asked if there would be a need for parapets. Alpert stated they are asking for a parapet to cover any rooftop equipment. The intent is to have the height number, plus the screening, which might be a sloping or a straight vertical screen. Alpert suggested the screening could possibly be a slanted screening that might look like a roof. Duffendack stated he believes those are included as part of the building and not as a screening. Peterson stated the 90 ft. that is allowed within the code also allows for the use of a parapet for screening. The applicant will stay at the 90 ft. for the residential and 100 ft. for the office and hotel as height is defined under the code.

Alpert stated the applicant recognizes that height and density are the key issues in this development. The applicant hopes they have demonstrated a reduction in the height and density of this project. This project provides a negligible impact on the surrounding environment, and no real impact on storm water. The shadow studies have found there would be an insignificant effect on the Edgewood development to the north if the buildings were reduced by 2 or 4 stories. Some of the highest quality

residential development in the entire community is currently being built next to buildings of 9 and 14 stories. The height of those buildings is not having an effect on the market value or sale of the adjacent single-family residences. The height does have a significant effect on the ability of the development team to deliver a quality project with the kind of character being proposed. The only way to spend the amount proposed on pedestrian amenities and landscaping is to have the density as requested and be able to create the character, signature buildings needed for the revenues that have to happen to support these costs. The signature nature of these tall buildings will allow the critical mass of people and activity that makes this type of community thrive not just economically, but socially.

Pilcher stated he would like to see the shadow study.

Henderson asked for a description of the phasing of the roads. Alpert showed the phasing on the site plan. Peterson stated the developer would not be able to build the first phase until the public streets are changed to support it.

Williams asked where the 14-story building that the applicant used as an example is located. Alpert stated it is the Alameda Towers in the Plaza.

Presentation by Kay Young, of Young and Dring. She performed a study on four, six, and eight story buildings. Studied three scenarios of June 21<sup>st</sup>, September 21<sup>st</sup>, and December 21<sup>st</sup>. In June there are no shadows on the homes in Edgewood. In December there are shadows, but it doesn't matter if it is a 4, 6, or 8 story building, they all cast the same shadow. In September there is a very small amount of difference in the amount of shadow cast by the different heights, there would be no shadows on the homes, just shadows over shadows that are already cast by the vegetation already in existence in Edgewood. Alpert showed a computer analysis of the shadows during the different seasons and times. If two stories were taken off the 8-story office building, it would just reduce the shadow by 15 minutes.

Pilcher is concerned about the residents not being able to have the same view of the sun as they do currently.

**Public hearing:** Darra Nielson-Bach, 5309 W. 116<sup>th</sup> Street, in Edgewood. The original proposed plan was not at all what is now planned. She is concerned about the density problem and afraid it will not be safe. She would like to have a copy of the shadow study. She finds it hard to believe the traffic will be okay and has some concerns with flooding and erosion problems. She moved to Leawood for safety.

Albert Sinelli, president of the Edgewood homes association. This development will make a radical change to their neighborhood. The residents never anticipated this when the homes were purchased. They firmly believe this development will have a negative impact on property values. It is out of character. There is nothing like this in all of Leawood. The parking garage that is 8 stories high is as big as a football field and will detract from their view. The applicant is proposing 350 units, with this density; it could be about 1,000 people moving into the small neighborhood. This development will negatively affect their property values and change the quality of life they have right now.

Chug Tuttle, 5109 W. 111<sup>th</sup> Place, in Leawood Country Manor. He would like 30 ft. setbacks around the entire project. He showed the detention pond in Leawood Commons. In October of 1998, the water was 2 ft. from the top of that detention pond. He showed a picture of the debris line on the detention basin. He suggested moving the larger buildings to the other side of the development, then the lower buildings near Edgewood. It is an invasion of privacy. The buildings should not be any higher than four stories. He was recently at North KC hospital and was on the sixth floor. From that height, one could look down into the swimming pools and neighborhoods that are adjacent. The eight-story building should be four stories.

Donald Brain, 2540 W. 118<sup>th</sup> Terrace. He is in support of this project. He doesn't see how a shadow should stop the economic growth that this will bring to Leawood. Privacy is not a constitutionally guaranteed right, so Leawood doesn't have to ensure it.

**A motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.**

Conrad asked if there has been any more discussion of storm water detention. Bennett stated it was discussed at the last meeting. The developer has offered to pay for an outside, independent expert. They would rather wait until the approval gets through preliminary and incur that expense at final plan application. Duffendack asked if the result of that review would be confirmation of the original study. Bennett stated, yes. Williams asked if the third review comes back and disagrees with what has been proposed, would it then require a major redesign of the site plan. Binckley stated when HNTB does this review; the

developer would make those amendments identified and the staff supports. It might end up changing the plan and they would need to come back before the Commission and Council to make those changes.

Williams asked why the developer is requesting an extra 10 ft. on the setbacks. Alpert stated the applicant is trying to create interior parks and 20 ft. sidewalks in the interior of the project, rather than surrounding it. The original plan started out with shallower than the 30 ft., but went through some significant shifting of the buildings to get to the 30 ft. required by the LDO. Williams asked if they would entertain the idea of changing to 40 ft. setbacks on the Town Center Drive side. Alpert stated they would rather not.

Pilcher stated his concern is with the perspective of the skyline on the homes of Edgewood. He believes, in general, the shadows are not a problem.

**A motion to approve was made by Munson, with the change of stipulation number 6 to read, "including" instead of "plus". Motion seconded by Henderson.**

Carper is not quite as concerned with the density, but his concern is more with the height. He has a problem with the height of the office building mainly because of the massiveness of the building. It's very different than the other three residential buildings.

Williams asked if the park land to the west of the first phase tower is included in the first phase. Alpert stated the entry drive off of Town Center Drive that primarily serves the residential would be part of the first phase, as well as the park land to the west. Alpert stated the underground parking for the most westernmost parking encroaches; there would need to be some allowance for a construction buffer, it might be a 20 ft. or 30 ft. strip. It has not been analyzed in detail. He would expect it would be just enough to allow that underground parking to be constructed.

Carper asked if stipulation number 5 is being changed. Duffendack stated it is unchanged.

**Motion approved 5-2. (Henderson, Rohlf, Williams, Munson and Pilcher for. Carper and Conrad against.)**

## **MEETING ADJOURNED**

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J. Paul Duffendack, Chair