

City of Leawood Planning Commission Minutes

October 28, 2003
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

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

Commissioner Conrad arrived.

APPROVAL OF THE MINUTES: Approval of the minutes from the September 23, 2003 meeting. A motion to approve the September 23, 2003 minutes was made by Henderson and seconded by Williams. Motion approved unanimously.

CONTINUED TO THE NOVEMBER 25, 2003 MEETING:

CASE 37-03 VILLAGE OF SEVILLE AND VILLAS OF SEVILLE Request for approval of rezoning from SD-CR (Planned General Retail) to RP-2 (Planned Cluster Detached Residential), preliminary plat and preliminary site plan for a commercial center and residential subdivision. Located north of 133rd Street and west of State Line Road. **Public hearing**

CASE 70-03 LEABROOKE Request for approval of rezoning from AG (Agriculture) to RP-1 (Planned Single Family Low-Density), RP-2 (Planned Cluster Detached Residential), RP-3 (Planned Cluster Attached Residential), and SD(NCR) (Planned Neighborhood Retail), preliminary plat and preliminary plan. Located at 145th Street and Kenneth Road. **Public hearing**

CONSENT AGENDA:

CASE 68-03 SIENA OF LEAWOOD Request for approval of a final site plan regarding lighting and signage. Located at 140th Street and Mission Road.

CASE 72-03 PET SUITES Request for approval of a final site plan. Located at 143rd Street and Overbrook Road.

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

OLD BUSINESS:

CASE 59-03 CORNERSTONE OF LEAWOOD, LOT 7 - ECKERD'S DRUG STORE Request for approval of a special use permit and preliminary plan. Located at the southwest corner of 135th Street and Briar.

Staff presentation: Presentation by Mark Klein. This case appeared before the Commission at the September 23, 2003 meeting. At that time, there were numerous issues that the Commission asked the applicant to go back and consider and then come back before the Commission. Some of those issues were regarding the layout of the parking lot. In the previous submission the applicant had all of the parking on the west side of the building, in a north-south alignment. This created a number of curb cuts between the main east-west drive and the development. The

applicant did not want to lose the parking in front of the building, so they kept three parking rows in a north-south direction, but then they rotated the remaining parking 90 degrees to match what was originally approved for the overall development. This helps to not force the parking on the lots to the west to also continue that same north-south alignment and also run into the problems of too many curb cuts. Another issue the Commission focused on was that the building blended with the main center. There were some concerns that this building did not match the architecture that was presented with the main center. The applicant has changed some of the material. They put cast stone in place of some of the brick, which reflects what is done with the main center. They have brought some of the cast stone up on the columns beyond the midway point and a little bit higher than the base, which is also something that was reflected in the main center. There is stucco up a little bit higher. They replaced the false windows with a stucco material, matching the main center. Another issue raised by the Commission was the false windows. Those have been replaced with stucco to get away from the false windows appearing to be dark or blank. Another one of the Commission's concerns was the large blank wall the building presented along 135th Street and also along Briar. The applicant has added an extra tower element along 135th Street. They have brought up the base and made it cast stone and brought it a little bit higher. The cast stone is higher than the base. They have also added some accent brick to add more variation in the façades. The Commission requested more information on how the orientation of the trash enclosure functioned. This part remained the same. The original submission had the trash enclosure oriented out toward Briar, angling towards the southeast. Staff worked with the applicant at that time to orient the enclosures towards the south, more into the development. Another issue was how the project meets the 135th Street corridor guidelines. One of the issues regarding those guidelines is pedestrian furniture. The applicant has indicated pedestrian furniture will be provided throughout the development, and not specifically on this site. It will be provided and integrated within the entire development. Another issue was the trash enclosure being architecturally attached to the building. The applicant has expanded the canopy on the south elevation, which also covers the trash enclosure. The false columns have been replaced with real columns, which matches the drive through and the west side. The applicant is still not providing any demarcation of the pedestrian crossings as they go across the driveway portion. That is provided in some of the other buildings in the development. The applicant has still not provided a direct connection from the front of the building to the perimeter sidewalk along 135th Street. Another change is that the applicant was showing a one-way driveway that oriented to the east. The applicant wanted that to be a two-way drive and they have made that change on this application. The drive has expanded from 17 ft., one-way and has gone to 24 ft., two-way. Most of that was taken out of the green space along the buffer in between the internal east-west connection and the drive itself. In order to attempt to make up some of the green space, the applicant has offered to remove two additional parking spaces from the parking shown on the south side of the building. Staff is recommending approval of this case with the stipulations outlined in the staff report.

Conrad asked if stipulation number seven has been satisfied. Klein stated it has been taken care of with the new alignment the applicant is proposing. Conrad asked if RED development would be required to provide the letters referenced in a couple of the stipulations. Klein stated, yes.

Henderson asked how much green space would be surrounding the building. Klein stated the green space around the building would increase. Between the previous plan, the open space has increased from 23% to 24.5%. Part of that is due to the realignment of the parking lot and adding some islands, in addition to the two parking spaces that will be converted to green space. The applicant had 7.3% for the interior landscaping on the previous submission. They are required to have 8% and they are now proposing a little over 9%.

Commissioner Pilcher arrived.

Duffendack asked if staff is in agreement with the alignment of the parking. Klein stated staff is comfortable with the fact that they have converted part of the parking lot to east-west. Part of staff's concern was that it was forcing all of the lots west of them to continue with that orientation. Duffendack asked if the concern about the cross-traffic has been resolved. Klein stated the new alignment allows staff to look at each of the other parking lot layouts as they come in, and does not force them to stay in the same alignment.

Applicant presentation: Mike Boyd of the Legacy Group introduced the development team.

Presentation by Floyd Schexnayder of Genesis Design group. Schexnayder described the elevations. He then showed a drawing of what the building would look like with and without the landscaping.

Munson asked the depth and width of the overhangs. Schexnayder stated about 5 ft. Munson then asked the material of the roof. Schexnayder stated the roof would be consistent with the rest of the center.

Williams asked what material would be used for the corner features. Schexnayder stated Dryvet, consistent with the rest of the development. Williams asked what material would be used on the screening. Schexnayder stated Dryvet.

Duffendack asked how the ground-level utilities would be screened. Schexnayder stated they would be screened with landscaping. Duffendack asked if only landscaping would be used to screen the equipment. Schexnayder stated there could be some walls added if needed, but currently the applicant is only proposing landscaping for screening.

Munson asked if the windows would be flush or set back. Schexnayder stated the windows would be set back about a foot. Munson asked the material of the canopy. Schexnayder stated it would be Dryvet.

Williams asked if the Dryvet material would just be used for the horizontal band of the canopy. Schexnayder stated yes, just for the soffit.

Conrad asked if the material is stucco. Binckley stated staff would work with the applicant on the final plan application in regard to the material.

Presentation by Henry Klover of Klover Architects, on behalf of the landlords of the center. Klover asked for clarification of stipulations number six and nine. Stipulation number six reads, "The developer shall submit a letter that states the reduction of open space and landscaping associated with this site will be provided within the northeast quadrant of the Cornerstone development to ensure that the amount of open space and landscaping approved by the City of Leawood Governing Body for the Cornerstone development will be provided." The clarification is in regard to what number the site is going from. It was shown in the last meeting that there was only about a percent and a half or two percent difference. The site was developed with the corner element across the front, which is about $\frac{3}{4}$ of an acre lot. There was about 26% landscaping on the open space, and now there is about 25%. The question is if staff is talking about making up the one to two percent in the adjacent lot, or are they talking about trying to make up five percent. Klover would also like to know what the term "northeast quadrant" actually means. It was talked about in the last meeting to make up the landscaping and open space along 135th Street instead of putting it behind someplace. In regard to stipulation number nine, the proposed plan shows 17 ft. for the drive isle. The applicant is not opposed to doing the 20 ft. It works out best at the 17 ft. and the applicant would like some flexibility in the future.

Duffendack asked for staff's comments. Klein stated staff is looking for the applicant to make the difference somewhere in that quadrant. He believes in previous submissions staff has stated it would be in lot number six, which is directly to the west. The applicant indicated that might be too burdensome to get that amount of landscaping on that piece. Staff has had conversations with the applicant about putting the landscaping along 135th Street and staff does not have any issues with that, but staff does want to make sure the landscaping did not get pulled down to just one corner of the site. Staff is trying to allow some flexibility, yet also keep that open space in the area that it is required. Duffendack asked if staff is in approval with the open space being placed along 135th Street. Klein stated staff is in approval of the open space along 135th Street, but would like to see it within the northeast quadrant, as

opposed to being on the other side of the development. Duffendack asked if the word "consistently" is acceptable to the applicant. Binckley stated "consistently along 135th Street" to the applicant. The applicant nodded, "yes".

Klein stated stipulation number nine states "a landscape island, a minimum of 20 ft. in width, shall be constructed between lots six and seven." That buffer is required by the LDO. The island they are proposing with this submission is wider than the one they had previously and staff felt it would be better to have that stipulation now, especially since the lot to the west has not come in, as opposed to leaving it open. Duffendack stated it seems that if the stipulation of 20 ft. were tied to this case, then it would be 20 ft., regardless of what happens with the adjacent site. There seems to be no flexibility. Klein stated staff felt it would be better to let the developer know the 20 ft. is expected, so that when the adjacent site comes in, that would be one of the parameters they would need to build around. Rohlf asked how many lots would be included in the northeast quadrant. Klein stated it would contain this lot and lot six, which is being fairly generous, because that is actually a little bit more than a quarter.

Munson asked why the applicant is requesting a deviation from seven trees to five and where are they being dropped. Roger Cassity of Phelps Engineering stated there are seven four-inch trees. Two of them are on the western side of the lot and fall on the property line. Klein stated the applicant shows five of the trees on their lot, and then two of the trees on lot six to the west. Cassity stated the two trees could be moved if there is space to place them.

Cassity stated the current landscape plan is very similar to the one presented during the work session except for the change around the drive, where the applicant is wanting to go from 17 ft. to 24 ft. The applicant feels the driveway needs to be changed to add a little more space. There were some issues with a truck sitting there and still allowing cars through the drive through. Duffendack asked if that means there is a change in the operation of the facility. There was a statement made during the work session that deliveries would not be made during working hours. Boyd stated Eckerd's was concerned that a truck would stick out into the main drive. By changing the drive to 24 ft., they could allow traffic to get by if a truck were in the loading dock. Their intent is to have deliveries before the opening of business, but it is not always possible. Duffendack asked where a truck would sit during a delivery and also what size of truck they would be expecting. Boyd stated they could receive deliveries from 52-ft. semis and also smaller trucks. Brain asked the hours of the drive through. Boyd stated from 10 a.m. to 8 p.m. Cassity described on the site plan where the deliveries would be made.

Henderson asked if the drive is flat, with no break in the topography. He also stated the driveway seems to get narrower at the southeast corner. Cassity stated there is a concrete curb on both sides of the drive at the southeast corner. Henderson asked the distance between curbs on that corner. Cassity stated 18 ft.

Duffendack stated he feels it is a problematic solution to the deliveries and that the corner of the trash enclosure will get abused. He then asked the purpose of the two-way traffic to the west of the drive entrance. Cassity stated it is to allow a customer who is already in the parking lot of the store to drive around to the drive through without having to go out of the parking lot. Duffendack asked the purpose of the east-west traffic.

Henderson stated he feels the two-way traffic does not seem to help much and feels it could still get congested. Duffendack stated he has concerns with the maneuverability of a 52-ft. truck. He then asked how a truck would get out of the delivery area. Cassity stated the trucks would exit to the west.

Conrad asked the width of the first curb cut. Cassity stated approximately 35 ft. Conrad asked if it would be striped in any way or if there would be any directional help. Cassity stated they are proposing "in" and "out" pavement markings. It could be striped at the entrance.

Henderson asked if this is a typical entrance for loading and exiting of trucks for Eckerd's stores, and if so, he would like to know what the other truck drivers have said. Cassity stated he would assume it is typical for a delivery truck to

back in towards the loading dock. Henderson stated the entryway for customers is the same entryway for unloading for service.

Brain stated he feels the delivery truck driver would be inclined to pull in straight, and then back in, which would completely block the drive aisle.

Klover stated the developer's approach to designing the shopping center was to look at it as a unified shopping center; they did not look at it as a series of pad sites to be sold. There is a road and entryway that is established and the green space is on the corner. Duffendack stated it has been clarified that staff and the Commission are in approval of the open spaces, as long as it is along 135th Street. Klover stated staff is asking for 5% additional. The only way to deal with it is to get the road in the right place to be able to do what needs to be done. His understanding is that staff is asking for 30%. The developer is happy to give what was originally approved, no less, because all of the land was given at the corner to provide Leawood a corner element. It will be a cascading water feature, which is a pretty big piece of land. There are roads going in and when the next building comes in, they will run into the same problem with the open space. These property lines have been established and approved, and they do not include the corner element. The corner element is by itself. It gets into semantics, because if the line were not down the center of the road, then it would be over 30%.

Duffendack stated he believes the Commission and staff are just trying to make sure they're not "robbing Peter to pay Paul" and it is difficult at this point in time, since there are no other pad sites to consider exactly what the specifics are going to be. Klover stated the Commission approved an overall plan and approved where the green areas will be within the shopping center. Staff is now going back and looking at the individual pad site for green space and the developer will have to take space from elsewhere within the development to make that happen for this site, which is very difficult to do because the roads can't be moved from where they are. The developer is happy to work with staff and the Commission to make sure the landscaping is kept up and that there is no less than originally approved. The overall plan that was approved by the Commission was not approved with 30% green space in that area because there is $\frac{3}{4}$ of an acre of green space 150 to 200 ft. away. The developer has put $\frac{3}{4}$ of an acre of land along 135th Street. Duffendack asked for suggestions from staff. Binckley stated when the original overall development was reviewed, staff looked at a certain amount of space for the overall development. Based on that, staff did not look at each individual pad site because staff doesn't know what each pad site would bring. At this time, staff is saying that we want the same amount of open space for the overall development that was approved at the preliminary approval. At the same time, there are requirements for open space within each of the pad sites. Staff is going to make sure that the development ends up with the same amount of overall open space as approved. By requiring it somewhere else along 135th Street staff is trying to ensure that the developer does not take the amount that is not given to this site and put it in a corner somewhere where it does not have any effect. Duffendack stated the wording in the stipulation seems to be the problem, rather than the concept. Klover made a suggestion to say that there would be no less open space than previously approved across from Briar to Nall, and also that it would be evenly distributed.

Brain stated he would not want to approve this and then have staff feel pressured to come back with something that would cause problems in the future. He is concerned about the applicant stating that it would be difficult to get 30% of the open space on each lot. Klover stated it is all in semantics. Brain stated he does not see why he would want to approve any other plan with less than 30%, no exceptions. Klover stated the problem for the developer is that if the Commission had said from the beginning, "every time we look at this across the front, we want 30%", then the developer would have had to shift things around and take it out of the corner. It was the developer's gesture towards Leawood to put in a $\frac{3}{4}$ -acre water feature that would be the entrance into Leawood. It depends on how you look at it. Brain stated the Commission should not get into a situation where they negotiate on every pad site for what that number needs to be. If that means the building needs to be smaller, then the building needs to be smaller. Klover stated the preponderance of the total amount of green space is along 135th Street.

Conrad asked if the approved plan had, by design, a concentration of green space in that one corner. Klover stated, yes. Conrad then asked if the other corners could have no green space as platted. Klover stated the other corners would not have nearly as much. There would be a much higher percentage than 30% along 135th Street because of the ¾-acre of the corner feature. The difference is four or five parking stalls. Binckley stated she believes that the representative of the developer is saying that as long as the open space required is along 135th Street and consistently, then we are all on the same page. Klover stated the developer would agree to that statement. The issue the developer is having is the number of 30%. This site was approved with 26%. Binckley stated those are numbers that staff has to bring up to the Commission so that they understand where this site lies. The recommendation is that the open space will be provided along 135th Street for those sites along 135th Street.

Pilcher stated there seems to be a philosophy difference here. It seems that if one took a quarter-acre blinder you would see some places that are very dense and others not so dense. He believes the developer is saying that for the amount of space given to the water feature that it should help to balance out the rest of the development. He is struggling with the difference between pad sites, versus a development that fits together. He believes they are doing a good job architecturally of tying this together without making it look like a lot of pad sites. For the amount they are talking about, "consistent along 135th Street" might be the right wording, but the philosophical issue being, "are they being given credit for the corner feature?" Binckley stated that is why that language is included, so that staff is giving them credit for the green space given at the corner feature but with that we want to make sure that we don't give so much credit for each of the pad sites that it doesn't come out in the end. Staff agrees that the development should be allowed to lump some of that green space in the corner, but staff wants it clear at this point how much green space has been used up.

Klover described the approved plan for the overall development. The developer has agreed to make up any loss in percentage of green space along 135th Street. The development will not lose any of the green space that was previously approved. Duffendack suggested moving on with the discussion and assume that staff and the developer can come to an agreement on how this is stated. Brain stated he would agree to some kind of language from staff that would hold the developer to 30% in that corridor as described and identified as the following lots with an agreement that the deviation on any one lot would not be more than one and a half percent. Klover suggested creating a chart that shows the approved percentage for each of the lots. Brain stated that as long as each of the lots are at 25% or higher, that should create the consistency. Klover stated the developer could work with staff on that, he believes, mathematically, it will work itself out.

Brain asked the percentage of brick versus stucco. Klein stated staff did not ask for a percentage. There is substantially more cast stone than what was previously proposed. There is more stucco than what was provided before, simply because stucco is being provided where they originally proposed the false windows. Brain stated he is trying to relate this to other commercial projects and asked if the percentage is roughly consistent with what has been approved before. Klein stated the stucco is probably a higher percentage than what the City normally sees as an accent.

Brain stated he is very interested in this building because the development is on a corner entrance into Leawood and the City has put forth a great deal of effort in regard to the 135th Street corridor and to think of the development and how it is portrayed to the public. The tendency when approving a development is to sometimes see the best building first, then have future buildings somewhat erode the quality from the first and he feels this building is a bare minimum both from the standpoints of material and design and now the slightly less landscaping. He is not prepared to vote against it and feels the proposed plan is acceptable, but is concerned that it is not the excitement on this particular corner he was hoping for.

Henderson stated he feels the applicant has done a good job of breaking up the view of the wall, but at the expense of materials. With the differentiation of the walls there is now less brick and less capstone. Duffendack stated that

may be true, but they were doing what the Commission asked them to. Henderson stated the Commission did not ask the applicant to add more stucco. Duffendack agreed.

Williams stated he agrees with Brain. He was hoping for something better for this site given its location. He commended the applicant on the efforts made to take the originally proposed design and make this a much more interesting building, at least from an exterior perspective. It still has its origins from a box, but the applicant has done a good job to give it more character, more detail and particularly more of a presence from 135th Street. He would like to see more detail from the development during the final application. He does not think what is shown is an inordinate amount of stucco, given where it is being used. The Commission asked them to use possibly stucco, versus using the fake glass, which, using the stucco in these locations is a much more preferred material, than using a fake glazing. The other thing that stucco does is to help to lighten the look of the building.

Conrad stated concern with the traffic on the south side of the building. While the applicant has made an effort to incorporate the Commission's comments, he is still concerned with the detail work with the stucco. He feels that it ends up being a flat, unarticulated surface. He would like to see the stucco piece looked at during the final application and some articulation and an understanding as to where that would lead.

A motion to approve was made by Conrad, deleting stipulation number and an amendment to stipulation number six as agreed by staff and the developer based on comments made by the Commission. Seconded by Williams.

Duffendack asked counsel if the Commission has put limitations in the past as to when deliveries could be made. Marcano stated she did not know, but could get back with him on that. Duffendack suggested that should be looked at during final application.

Motion approved unanimously.

NEW BUSINESS:

CASE 67-03 HIGHLANDS CREEK Request for approval of rezoning from RP-1 (Planned Single Family Residential) to RP-2 (Planned Cluster Detached Residential), preliminary site plan and preliminary plat. Located south of 143rd Street and east of Nall Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a preliminary plan, preliminary plat and rezoning a portion of the development from RP-1 to RP-2. The proposed subdivision consists of a total of 128 lots on 86.41 acres. The proposed RP-2 portion of the project consists of 39 lots on 18.54 acres. The remaining RP-1 portion consists of 89 lots on 67.87 acres. Within the RP-1 portion, the applicant is requesting a deviation for a reduced lot frontage. The applicant is proposing lot frontages for six lots that are less than the required lot frontages of 100 ft. Per the LDO, the lot width may be reduced to 80% of the standard requirement. An Interact meeting was held with the neighbors and there was no opposition to the project. Staff is recommending approval of this case with the stipulations stated in the staff report.

Conrad asked to see the previously approved plan for this area. Binckley stated she could pull that from the files. Conrad asked if the area in the upper right-hand portion of the plan is a detention basin. Joseph stated, yes. There were two detention ponds in that area, now there is only one. Conrad asked if the cul-de-sac meets the City's requirements. Joseph stated they are providing a median. From the median to the end of the cul-de-sac is 500 ft., which meets the requirement.

Applicant presentation: Presentation by Don Donahoo of Highlands Group. The original plan consisted of 140 lots and the current plan has 128 lots. The applicant is asking for RP-2 zoning for the triangular location on the far west

side, primarily for side-yard setback requirements. That area had previously proposed 30 lots and the applicant is now asking for 39 lots. In the central and eastern portion the applicant was asking for 110 lots and is now asking for 89 lots. This is consistent with the first plat of Highlands Creek. The applicant is asking for a revised preliminary plat that allows for 89 estate lots, versus 110 medium sized lots. To the west along Nall, the applicant is asking for 39 lots, instead of 30 lots, for villas. The applicant was able to reduce the amount of lots backing to Whitehorse from 19 lots to 13 lots and was also able to reduce the amount of lots backing to the Pavilions from 14 lots to 9 lots. The developer has tried to do a good job of being good neighbors to the surrounding subdivisions. The proposed plan reduces the density that affects the neighbors and still allows for the type of zoning allowing estate lots and villa lots.

Duffendack asked if the estate lots that now back up to the adjacent developments are now closer to the size of the adjacent lots. Donahoo stated they are larger than the lots that back up in Whitehorse. There are 13 lots backing to 16 lots in Whitehorse. The Pavillions are very large lots and they have 7 lots to this development's 9 lots.

Brain asked the applicant to point out on the site plan where the additional 9 lots are along Nall Avenue. Brain asked how many lots were originally proposed along Nall Avenue. Donahoo stated there were 9 lots and there are now 10 lots.

Henderson asked for a description of the villas. Donahoo stated they would be single, unattached and stucco, similar in quality and size to the Villas of Whitehorse and the Villas at the Woods. Henderson asked for the approximate square footage. Donahoo stated he would estimate they would be in the mid- 2,000 sq. ft. range on two levels.

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 approved unanimously.

Henderson asked for clarification on the cul-de-sac. Joseph stated the applicant is providing a median. From the end of the median to the end of the cul-de-sac is 500 ft. Henderson asked if that meets the fire marshal's approval. Binckley stated, yes. She believes the first subdivision this was done with was Hallbrook and the City has done several since. Conrad asked if the City has ever allowed such a long median. Binckley stated there is one in Worthington that is of substantial length. Conrad asked if there is a chance to link the end of the cul-de-sac with the node to the west and complete the loop. Donahoo stated that would result in loosing two lots and also distracting from ambiance being created by the cul-de-sac. Conrad asked if by putting the median in, it is two-lane traffic on each side. Donahoo stated it is not two-lane, but there would be space for two cars to drive, by the fire marshal's requirements. Conrad stated he would like to continue the loop and not develop quite so far. Donahoo stated the medians in Hallbrook are longer than this by far.

Henderson asked if the long median in Hallbrook has worked well for residents.

Munson stated it seems if they would connect the two nodes between lots 127 and 139 it would improve safety and convenience for the residents. It would be a better subdivision for the residents. Donahoo stated he has some acquaintances that live in Hallbrook and has never heard any problems with that. This cul-de-sac is not too long to market to buyers of \$800,000 to over a million dollar homes. There is no problem for accesses and the design is needed for the subdivision.

Henderson stated the use of cul-de-sacs promotes privacy and less traffic for the residents of that cul-de-sac. Pilcher stated the cul-de-sacs create more traffic in other places. Conrad stated there are reasons for safety and layout to try to limit the length of the cul-de-sacs. The Commission has discussed this before about how to increase those lengths and try to understand more sense of security, intimacy, less traffic, but he does not support cul-de-sacs this long and the introduction of these medians to a certain point to facilitate the length of the cul-de-sac. Duffendack stated the median is to satisfy the fire marshal's concern. Conrad asked if the medians would be landscaped. Donahoo stated they would be landscaped and bermed to an extent and will be irrigated. Duffendack asked if the

medians would have curbs. Donahoo stated, yes. Conrad asked if they are public streets and who would maintain the median. Donahoo stated the streets are public, but the homes association would maintain the median.

A motion to approve was made by Henderson and seconded by Pilcher. Motion approved 5-2. (Conrad and Munson against.)

CASE 69-03 LDO AMENDMENT - SECTION 16-2-10.3, MATERIALS AND COLORS Request for approval of an amendment to section 16-2-10.3 of the Leawood Development Ordinance regarding roofing colors.

Staff presentation: Presentation by Diane Binckley. This item is before the Commission on behalf of many residents of Leawood. Staff is requesting the Commission to allow for the LDO to provide for slate colored roofing within composition shingles. Staff has set forth some criteria to try to limit which shingles are allowed. The color range would identify dominantly gray and would have a maximum of three colors within the mix. The shingles will have a black shadow line along the base and along each side for a vertical shadow. These type shingles will be a minimum of a two-ply, which are the type that allow for and typically have the shadow line. Staff is requesting approval of this amendment.

Henderson stated he feels this request has value in its similarity to existing ordinances about the color of roofing. While the Commission is sensitive to what the residents want, he raised the question that this relationship to slate is in and of itself being considered because it is very much like what the City has and if the City gets requests from residents wanting laminated composition shingles that look like tile we will not be back with another set of options, because tile has a myriad of colors. It could go from dusk to fuscia. Henderson then asked if the slateness is grayness and would have a similarity to weathered cedar shakes. Binckley stated concrete and clay tiles have a different type of profile, whereas the slate has a very thin profile, therefore the composite shingle can simulate it better. Henderson asked how many more times this section would be amended. Duffendack stated that is a good question, but this amendment is the only one before the Commission tonight.

Duffendack asked if staff is requesting a specific manufacturer. Binckley stated staff would review the manufacturers to make sure they meet the City's requirements.

Henderson asked when this amendment would become effective. Binckley stated it would become effective upon publication, if the Council were to approve this.

Duffendack asked if there are composition shingles that are different in weight characteristic than 300 pounds per square. Binckley stated typically the two-ply products are heavier materials, so there should not be any problem with that. Staff has looked at Berkshire and Country Manor; there are several composition shingles that easily meet the weight requirement. Duffendack stated he was asking more about the rubberized composition shingle. Binckley stated rubberized composition shingles would not meet the profile of what would be approved tonight.

Henderson asked what the process would be to have new products allowed. Binckley stated different roofing companies or residents would need to make application for those specific colors and then staff would go through the standard review process.

Conrad asked if a slate roof typically has notches along the line. Duffendack stated, yes.

Pilcher stated staff has come a long way with this and he really likes the wording.

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

Brain stated he would be voting against approval of this case. When the first non-wood roof was approved there was much discussion at the Council and Commission levels and the consensus at the time was that Leawood has a history of a wood-appearance type roofs and if the residents wanted to use the asphalt shingles they should simulate wood roofs. It would be very difficult to stop a significant ban with regard to texture and style. He is afraid staff is responding to a handful of people who want to change a time-tested color scheme. He is opposed to it.

Conrad stated the City has opened the door for the asphalt tile. He will support this application, but would not be very receptive to any more changes. The City has these guidelines for good reasons and it comes back to the quality and the environment created within the City.

Munson stated he agrees with Brain. There has been an erosion of standards that were set long ago. He believes there comes a time to say, "no", and tonight's the night.

Williams asked staff if the products shown tonight have been allowed in Leawood in the past. Binckley stated these same types of products are approved, but more in a weathered wood color. There were a number of colors allowed in the past, but the ordinance changed about a year ago to only allow a weathered wood color. Williams asked why there are numerous metal roofs if the City is going for a weathered wood color. Binckley stated metal roofs are not required to have a weathered wood look; they can simulate a tile or concrete tile roof. That is why they can have a wide range of colors. Williams stated he has seen some tiles that look nicer than some of the weathered wood looking roofs done in asphalt. He would support the application.

A motion to approve was made by Pilcher and seconded by Williams. Motion approved 4-3. Pilcher, Williams, Rolf, and Conrad for. Brain, Munson and Henderson against.

CASE 71-03 CHADWICK PLACE Request for approval of rezoning from AG (Agriculture) to SD-NCR (Planned Neighborhood Retail) and SD-O (Planned Office), preliminary plat and preliminary site plan. Located at the southeast corner of 135th Street and Chadwick.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of rezoning from AG to SD-NCR and SD-O, preliminary plat and preliminary site plan. The development will be made up of 8 buildings consisting of 62,000 sq. ft. of construction on 7.78 acres for an FAR of 0.18. The two buildings that are adjacent to 135th Street will consist of 6,000 sq. ft. of construction each and will be zoned SD-NCR, which is planned neighborhood retail. The remaining six buildings will be office, zoned SD-O, and will consist of 50,000 sq. ft. of construction. This property is located directly adjacent to the Lord of Life Lutheran Church. It is a fairly long and narrow piece of property. It is approximately 332 ft. wide and 1,327 ft. long. The City's ordinance requires a minimum of 10 acres in order to develop a piece of property. This piece is a little different in the fact that it was originally 10 acres, but then it had right-of-way taken out for 135th Street, it had right-of-way taken out for Chadwick and it had all of the right-of-way taken out for 137th Street. In the past, the City has encouraged the applicant to work with the property owner to the east to see if they could bring in something together and coordinate their efforts for a unified plan. The applicant has tried and was unable to reach an agreement and is wishing to go forward with this application. Along the east property line and the internal property line within the planned office portion there is a minimum 40-ft. building setback required by the Leawood Development Ordinance. The LDO also allows a deviation, which would allow up to 85% of the standard, which would be 34 ft. The applicant is only asking for that on the internal property lines and along the east side. They are respecting the 40-ft. building setback along the exterior northwest and south property lines. In addition, the applicant is asking to treat the parking setbacks along the east property line only as interior setbacks, which would allow them to be at 10 ft. as opposed to 25 ft. Staff is supportive of both of these deviations because staff realizes development will occur to the east and we want to try as much as possible to allow this development to integrate with that development when it comes in. The applicant has also

provided a connection directly across from the Lord of Life Church and one to the south off of Chadwick. The developer has carried these internal drives and terminated them at the east end of the property to allow these access points to be continued when the east property is developed. Staff has a concern with the trash enclosure. The applicant is showing a trash enclosure on lot 2 on the east side of the building that would encroach much more than the 34 ft. The applicant has indicated that it may be possible to move that. They also have a screen wall around that area that is within about 2 or 3 ft. of the property line that would need to be removed to meet the 34 ft. deviation. Staff is recommending approval of this case with the stipulations stated in the staff report.

Conrad asked the zoning of the property to the east. Klein stated it is currently zoned as AG.

Brain asked if the property owner to the east understands they will need to come up with a plan to integrate this development. Klein stated it is his understanding the property owner to the east is aware that this plan has been filed. It is also his understanding that the current applicant has approached the representative of that property owner and some discussions have been brought forth on how to work that out. It is also his understanding that has not gone anywhere to date. Brain asked if there is any potential for the City to bring the two property owners together to facilitate some discussion. Brain does not want to have a situation where the property owner to the east does not understand that this will effect their development. Klein stated staff has not contacted the adjacent property owner, but staff has encouraged the applicant to work with them. Binckley stated the legal representative of the property owner to the east has contacted Binckley and they assured her their development would be every bit as nice as this one, if not nicer. Binckley explained to them that it would be in their best interest to contact this property owner. Staff has been pushing that for years. She feels that is probably what triggered the phone call to this applicant, but in conversations with the applicant today, there were no return phone calls after that.

Conrad asked if there are one or two connections to the east. Klein stated there are two. The northern driveway, which aligns to the Lord of Life to the west continues across and terminates at the east property line. There is also one about 250 ft. north of the southwest corner of the property that continues on and then terminates at the east property line.

Duffendack suggested the applicant could speak to the situation with the adjacent neighbors.

Applicant presentation: Presentation by Larry Winn, representative of the applicant. Also present was the project architect, Greg Hasselwander, and the civil engineer, Tom Smith, with Shafer Kline and Warren. The adjacent property owner is Lynn McCarthy, former president of the JC Nichols Company. His attorney is Doug Patterson. These discussions have gone on for more than a year. Patterson and McCarthy work in the same office building as Winn, so communication is not a problem. Winn has called Patterson and stated it makes sense to work together on this because they are both at a disadvantage in not doing so. They both lose density because of the setback on the common property line. They also lose the opportunity for a curb cut along 135th Street, which would be immensely valuable to the success of future retail. Patterson stated "absolutely" and that he would get in touch with McCarthy. Winn called Patterson the next day and suggested a meeting with Patterson and McCarthy that afternoon and if they are in general agreement with the concept and moving forward he would continue this for several months and allow a joint application to come in. There was not a single response to that overture. The applicant is asking approval of the proposed plan. Winn still believes that before buildings get built, the conversations the Commission is talking about would probably occur. He does not want to give that owner the impression if they stall or delay this that their financial situation would improve itself. The applicant would like to proceed with this parcel. Staff's comments are very thorough. The only issue is in the building setback. Staff is supporting parking within that setback, but they are not supporting a building. He believes the wing wall is being considered a building. The applicant has decided that is probably a correct interpretation and the architect for the project can explain how to fix and move on with that issue.

Presentation by Greg Hasselwander. There are two entrances off of Chadwick. There are retail buildings on the north side of the property with one-story office buildings south of that. The applicant is looking at using a wet

detention area on the south end of the site, as well as a couple of water features flanking the interior road that runs through the middle of the site. The wet detention would be 3 ½ to 4-ft. deep. The internal drive is serpentine and runs through the entire site. There are monument signs at the two significant corners of the site. Hasselwander described the elevations.

Duffendack asked if the single-story office buildings and retail would be like what was shown on the two-story elevation. Hasselwander stated, yes.

Winn stated the applicant concurs with all of staff's stipulations and will work with staff to remove the objection to the 2-ft. wing wall, which is deemed to be a building and encroaches on the setback. Hasselwander showed the Commission where the wing wall is proposed to be located. He then stated it would be revised before final application. Duffendack asked if staff is concerned with the trash enclosure encroaching on the setback. Klein stated the City requires the trash enclosure be attached and is, therefore, considered part of the building. The wing wall would extend out from the building and would, therefore, be considered part of the building. Duffendack then asked what the plans would be for the wing wall. Winn stated it would be redesigned by the final application.

Conrad asked who would maintain the detention basin and the streets. Winn stated there would be an owners association, similar to a homes association, which would upkeep the detention areas as well as the streets. Binckley stated as long as the detention basins are identified within an easement, then as each of the offices were purchased they would participate in the owners association.

Winn stated he believes the City wanted to make the center street a public street. Klein stated, no. Winn stated if that is true, then his previous statement stands.

Pilcher asked the total number of buildings for the project. Klein stated there are a total of 10 buildings. Pilcher asked if only two of them would be SD-NCR. Klein stated that is correct. Pilcher asked what the minimum land size is for an application. Klein stated the LDO requires a minimum of 10 acres. This lot is reduced to 7 acres, but that is due to right-of-way.

Conrad asked the size of the lot to the east. Winn stated it is an identical piece.

Henderson asked about the topography of the detention areas. Winn stated the water flows straight north to south currently. Henderson asked how much it falls. Hasselwander stated 18 to 20 ft., north to south. Henderson asked if it would be graded to flow inward towards the detention pond. Hasselwander stated there would be two detention areas. Henderson asked if the land is relatively flat from east to west. Hasselwander stated, yes, fairly flat. Henderson asked if the water is currently running off of this land to the land to the east. Hasselwander stated the water currently flows more towards the southwest corner of the site. Winn stated he would be willing to share the detention with the lot to the east, if that were ever an option.

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

A motion to continue was made by Brain, with the suggestion to see this case again at the next work session. Before that time he would like to see the City try to facilitate a meeting between this developer and the property owner to the east. Motion to continue seconded by Henderson.

Binckley asked if Commissioner Brain is suggesting to hold an actual meeting at the next regularly scheduled work session. Brain stated, yes. He would also like the applicant to understand that he would stand ready to approve at the next meeting. Winn asked what the date would be for the next meeting. Duffendack stated it would be the second Tuesday in November. Winn stated the applicant has spent a substantial amount of money to bring this to

this point. Brain stated there could be some economies such as detention basins that might benefit both applicants, but it is up to the property owners to handle.

Motion to continue approved unanimously.

CASE 73-03 PINNACLE CORPORATE CENTRE IV Request for approval of a preliminary plat and preliminary plan. Located approximately at 115th Street and Tomahawk Creek Parkway.

Commissioner Conrad recused himself.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a preliminary site plan and plat for a three-story, 60,300 sq. ft. office building. The property is located near 115th Street and Tomahawk Creek Parkway between Town Village of Leawood and Pinnacle buildings II and III. The proposed building is three-story and would be constructed of brick, glass and cast stone. The building elevation is similar to Pinnacle II and III, which were approved earlier. The applicant is proposing a medical office building that includes a mobile medical facility capable of doing medical procedures. The parking for this site is located on the north side of the building. The applicant is requesting a deviation to allow for an FAR of 0.34. The LDO requires a maximum allowable FAR of 0.25. Staff has evaluated the bonus criteria required to allow this increase and a revised calculation has been submitted to the Commission tonight on the dais. Staff has revised the memo in respect to the new calculations. The last three pages of the memo are calculations from the applicant and the first five pages are staff's evaluation of those calculations. The first criterion is the increased open space. The applicant is providing 36.8% open space and 30% is the minimum requirement. It is staff's opinion that the applicant should receive a 10% bonus for open space. The second criterion is superior site planning. Staff looked at four items. The first is the extensive planting. The applicant has identified above and beyond the minimum requirements of the ordinance. The second is decorative features. Staff considered the decorative retaining walls. Light boards are identified as special site lighting conditions. Fountains have been identified as part of superior site planning. Within this criterion the applicant would be eligible for a bonus of 6.7%. The applicant is identifying sconces as part of the amenity within their calculations and staff is leaving it up to the Commission to decide if that should be included or not. If it were included, then the applicant would be eligible for a bonus of 3,380 sq. ft. The third criterion is architectural significance and superior environmental design. In this criterion, the applicant has identified three sections. The first is the canopies. The second is the building massing and architectural significance. The applicant has identified several materials such as cast stone and brick. The proposed building has scrolled faces, which is identified as increasing the architectural quality of the building. The third criterion is the ornamental systems. The applicant has identified the use of fly ash and various construction management techniques. Within this criterion, the applicant is eligible for a bonus of 10%, which is 4,400 sq. ft. more. The fourth criterion is pedestrian amenities. Within this criterion, the applicant has identified three items. The first is the street furniture. The applicant has identified several pedestrian amenities such as benches and tables within the plaza areas. The second is the pedestrian plazas. The applicant has identified a pergola and plaza areas within the project. The third is the paving. The applicant is using pavers within the project. Within this criterion, the applicant is eligible for a bonus of 3.1%. The fifth criterion is parking structures, which the applicant is not using. Staff is recommending an FAR of 0.32. In order to get the additional 0.02 FAR, staff is recommending the applicant consider providing additional features within the superior site planning and pedestrian amenities sections. Staff is recommending approval of this case with the stipulations stated in the staff report.

Duffendack stated it is a lot of information to understand with just a memo on the dais. He then asked if staff is stating that the applicant is still short of the requirement. Joseph stated, yes, they are short by 0.02.

Brain asked how many other developments the City has granted FAR bonuses on. Binckley stated two, Parkway Plaza and Park Place. Brain stated he would like to have more time to understand what has been given to the Commission before voting on this case.

Henderson stated Pinnacle I, II and III had no requests for bonuses. Binckley stated those buildings were approved under the previous LDO and at that time there was no FAR requirement. There was an open space requirement and whether or not it met the height requirements. Henderson stated he would like to see a comparison of this building with the other three. Binckley stated it has been evaluated and staff could provide that information if needed. Henderson stated when the Commission looks at bonus points, he wants to make sure the applicant merits the points.

Rohlf asked why the numbers are different on the newest memo. Binckley stated part of the change is due to the way it was evaluated by staff. Staff looked at how the Parkway Plaza and Park Place projects were evaluated and feel more comfortable with the memo put before the Commission today. Staff needed more clarification from the applicant after the first memo.

Duffendack stated it is a pretty complicated evaluation of a nebulous idea. He believes this is exactly the kind of project to happen out of those incentives the City provided as guidelines. He spent the earlier part of the evening with the tenant of Pinnacle III and he believes this is an exceptional project and has a lot of merit and deserves consideration for additional FAR. There are a lot of good things going on over there and he would like to compliment the development team. At the same time, he would not want to rush the Commission into an evaluation that has misunderstanding or no understanding. He is very concerned that the criteria staff has now quantified would be hard for the Commission to look at tonight and absorb. If it were the Commission's desire to continue this to a later date to be evaluated, it would not reflect on the quality of the project.

Brain stated he would like to hear the applicant's presentation and go through the public hearing tonight. He would hope the applicant's presentation would help to explain staff's memo.

Applicant presentation: Presentation by Ken Block, on behalf of BK Properties, the owner of the property. Block stated Leawood's ordinance is the most complicated ordinance he has ever developed a building under. Staff has done a remarkable job of trying to interpret it considering this is one of the first projects to use it. The FAR at Pinnacle III is a 0.38. This is a 0.34. The old ordinance first looked at open area, then parking requirements, then if the building fits the design set forth in the code. This project meets all of those requirements and the 0.34 gives more open space. The SD-O ordinance is very complicated. It starts at 0.25 FAR, which is substantially lower than necessary to get a quality building with quality parking and quality green space, which would end up with a building that is not utilizing the ground to the amount that it can. Because of the quality of the land in Leawood, one ends up with high prices. A person cannot build a building with 0.25 FAR and make it work. The rents are too high. If it goes to that level it would give rent of \$32 per sq. ft., where the market could be \$24. There are a lot of things the project does not get credit for with the bonus analyses. The applicant has spent about \$440,000 on upgrades over what the normal standard office would be. This building will have granite, mahogany and various other things. Under the requirements of the ordinance, the applicant can only get credit for 10% maximum and that is a couple of hundred thousand dollars. The applicant does not get full credit for all of the money spent. There was about \$220,000 spent on landscaping for Pinnacle III, which is a 131,000 sq. ft. building. This building would require \$215,000 for landscaping for 60,000 sq. ft., which is nearly twice as much as Pinnacle III. It is a process of interpretation. His concern is that the ordinance should be written in a manner that designs a building that looks good on the outside, as well as the inside. This building will have more FAR than the other buildings. He then asked what could be done to get to the next step. This building would be fine under the old ordinance. In essence, the applicant is trying to duplicate Pinnacle III, except with a little more landscaping. Staff has done a good job of interpreting it, but it is just a question on the interpretation.

Duffendack stated he might be okay with the bonuses, he does not understand what he has been given by staff. He is having trouble understanding all of the information given in the memo in such a short amount of time during the

hearing. Block asked if this case could be continued to the work session. Duffendack suggested going through the rest of the hearing and the public hearing before making a decision.

Presentation by Kevin Berman of Hoefer Wysoki Architects. The applicant wishes to increase the FAR for this building to accommodate potential tenants and also have a building that works. The applicant has directly interpreted the Pinnacle III concept with Pinnacle IV. Berman described the site plan in relation to the other Pinnacle buildings. The applicant has maintained the 18-ft. first floor and made the top floor of this building the same as the top of the Pinnacle III building. There is a lot of landscaping, exceeding the minimum requirements set by ordinance. Berman described the landscape plan. One of the criterions for bonuses is environmental. The applicant will implement a construction waste management program as well as incorporate recycled materials into the project. This building also has a complex massing, rather than an articulated box. This building has two curved façades, a tower element, shoulder expressions and about five or six different types of façades to create a rhythm and complexity and a level of interest that is not normally present. There is a considerable expense in doing this level of complexity on the façades. It is not a simple brick box with cast stone bands. This building is providing some extensive features, consistent with what was done with Pinnacle III. The green belt is very significant and the applicant plans on some sort of feature or artwork in that area.

Mitch Hoefer stated the applicant feels they deserve 0.38 FAR, but are asking for 0.34. There are a handful of items that could tip the number from 0.32 to 0.34. He feels that the applicant could have a number of conversations with staff and probably get it there. There is as much cast stone on this building as on Pinnacle III. There is twice the landscaping. They are providing three times as much open space as what they are getting credit for. With his calculations, if they provided everything the ordinance suggests for bonus criteria, it would still only get them to a 0.3875 FAR, not the possible 0.45 FAR. One other simple thing that could have been done was to calculate from the property line, versus the centerline of the road. With the exact interpretation staff has given for value based on the ratio of 10% of now 47,000 rather than the 4300 proposed, they would be at 60,300 and would have the math without any of the other bonuses they believe they deserve credit for. There is an abundance of things that could change the FAR. He and the applicant would like to move forward if it all possible.

Henderson stated he would like to have time to review the calculations.

Brain stated he would like the applicant to understand that it is not that he is against the application, he would just like to have time to understand the bonuses requested. He then asked staff to clarify the street right-of-way and whether that actually changes the calculations and also some understanding on how to get to 0.45 so they can understand how those bonuses are applied.

Brain made a motion to continue the meeting until 9:30 or until the end of case. Duffendack advised the applicant of case 74-03 the Commission would not be able to hear their case tonight.

Public hearing: Michael Trautschold, 4201 W. 114th Street, in The Woods Villas subdivision. He is representing some of the residents. He owns lot 53, but is also representing the point of view of the owners of lots 52 and 55. The owner of lot 55 and he jointly own lot 54. These lots are directly adjacent to the Pinnacle IV property. The residents are under the impression that there is consideration for an additional trail to be built on this site to somehow link the walking trails within the Woods subdivision to 114th Street as it connects in the Pinnacle area. They feel it would be a devastation of the tree line. They are very pleased with the amount of landscaping the developer is proposing, however, they are concerned that if the kind of trail is put in that was put in behind Pinnacle III, then they would experience the tree devastation that the people did who border the back of Pinnacle III. It is his understanding the trail would require a swath of trees between 12 and 14-ft. wide to be taken out in order to put in an 8-ft. walkway. The residents feel the trail is not necessary. This is a walkway that goes no place. There are a lot of walking trails within the Pinnacle development. It is a devastation of trees that is unnecessary.

Pilcher asked if Trautschold was speaking on behalf of the homes association. Trautschold stated, no. He then showed which lots he owns on the site plan.

Pat Stelmach, 11345 Buena Vista. Her home directly faces Pinnacle III, which had the trees that were taken out which left them severely exposed. The lot has replaced some trees, but to remove a lot of trees to put in a trail that is not necessary would greatly harm the rest of the subdivision. All of the people in that cul-de-sac have agreed that it is an unnecessary addition. To leave the trees there would be much better.

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

Binckley stated when staff reviewed the application originally it showed a trail behind the homes and with that staff asked there be a connection so that those people could use that trail and use the sidewalk to get to Tomahawk Creek Parkway. Since that time staff has been informed that the trail was never constructed and in discussion with the applicant today it was agreed there is nowhere to attach that trail and they are removing that from their plans. Pilcher asked if stipulation number nine would be removed. Binckley stated it would be looked at when this case comes before the Commission at the next meeting.

A motion to continue this case to the second Tuesday of November was made by Brain and seconded by Pilcher. Motion to continue approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chair