

City of Leawood Planning Commission Minutes

June 8, 2004
Meeting – 6:00 p.m.
Work Session Following Meeting
Leawood City Hall
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Henderson, Perkins, Rohlf, Conrad, Duffendack, Munson, Williams, Azeltine, Pilcher

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Rohlf and seconded by Pilcher. Motion approved unanimously.

CONTINUED TO THE JULY 13TH, 2004 MEETING:

CASE 39-04 ESTATES OF OLD LEAWOOD Request for approval of a rezoning from REC (Planned Recreation) to RP-2 (Planned Cluster Detached Residential), preliminary plat and preliminary plan. Located at 8901 Sagamore. **Public hearing**

OLD BUSINESS:

CASE 40-04 NALL VALLEY Request for approval of a final plat and final plan. Located at the northeast corner of 151st Street and Nall Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is Otto Westerfield with Nall Valley, LLC. This project is located at the northeast corner of 151st Street and Nall Avenue. This case was continued from the May 25th Planning Commission meeting due to some outstanding issues. The applicant has met with staff and has addressed most of the issues. The applicant has submitted revised design guidelines, which were included in the Commission's packets. The applicant has also submitted a new landscaping plan and a detailed plan showing the plaza areas in front of buildings B and C. Staff is recommending approval of this case with the stipulations stated in the staff report.

Conrad asked if the signage portion of the design guidelines is in compliance with the Leawood Development Ordinance. Joseph stated, yes, it is in compliance.

Rohlf asked if the reason that some of the stipulations have changed since the last time is because the applicant now agrees to all of them. Joseph stated, that is correct.

Applicant presentation: Presentation by Henry Klover of Klover Architects. Klover described the landscape plan. The applicant has put together a more detailed, larger plan. The criteria has changed since the Commission last saw this case. There are provisions that Klover will be required to sign off on the documents before the tenants come to the Commission. The ownership has given him the power to negotiate and work with the tenants. A couple of the tenants have already been told they will need to comply with the design criteria. There are key element diagrams in the criteria to give tenants input as well. It also gives them all of the sign criteria to comply with. The elevations are very similar to what was approved at preliminary, but one of the comments was to add additional hard materials and masonry and that has been done. The applicant has worked with staff and revised the tenant signage. Buildings B and C are currently being built.

Munson asked if the elevation on the board is the rear elevation. Klover stated, yes. Munson asked if there would be a provision that lights will not be added to the backs of the buildings. Klover stated, in consideration of the surrounding neighbors, the site lighting is provided with fixtures on the backside that come forward. They are the type of fixtures that can be shielded so that they do not go back towards the residential development. Most of the buildings near the residential are office, so they will not need lighting on the back most of the year.

Perkins asked for the reason the case was continued from the last meeting. Duffendack stated he believes one of the issues was the design criteria to guide the architects, which is what is being talked about now. Perkins then asked if each of the tenants could have their own architect, as long as they follow the criteria. Duffendack stated staff has written the stipulations so that the design criteria would be part of the Commission's approval. Klover stated stipulation number 11 states the tenants must conform to the architectural style of building. He then suggested the Commission could add the design guidelines to that stipulation.

Conrad commended the applicant on the new set of design criteria. He then asked for an explanation of the statement in section two of page two that states, "In case of any discrepancy between this booklet and the tenant's lease document, the lease shall govern." Klover stated it is standard legal language. He is not sure if it could supersede the City's process. It is a standard statement to list what governs. It is not the intent for the lease to allow whatever is wanted. Conrad asked if staff is comfortable with that statement. Binckley stated staff is comfortable with it; any of the plans will go through the Commission and will be evaluated with this set of design guidelines and Klover Architects will submit a letter stating that they meet the guidelines. Duffendack asked if the design guidelines are listed in the lease documents. Otto Westerfield stated the guidelines would be included.

Henderson asked if the owner would disqualify a possible tenant if they didn't come in within the deadline of days as written out in section two of page three of the design guidelines. Klover stated the lease agreement could give different deadlines than the guidelines. The intent is to keep people moving in a process. Henderson asked if the deadlines would be enforced. Klover stated the deadlines dates are more for the developer, and not the Commission; they will not affect how or when the Commission will see each case.

Klover asked for clarification on the Public Works memo where it states that the developer is supposed to provide an eastbound right turn lane. Ley stated that should be a westbound right turn lane.

Perkins asked what is the realistic agenda for completion of this project. Westerfield stated building B is committed and building C is full. There is a day spa interested in 3,100 sq. ft. of building B. They are close to being full in those two buildings. The plan is to have building C occupied by January 1st. They would like to have it up and full by next fall. Pad site D is also verbally being worked on and interest in the other two pad sites.

Henderson asked about the statement on the memo from Ley that states, "The developer may need to provide detention to ensure the water from their site does not flow across 151st Street or Nall Avenue will be required as part of final engineering plan approval." He is assuming that means that the Commission has seen everything that they need to see and that the City Engineer will comment on whether that is needed or not needed. Ley stated the developer would be providing detention through underground pipes. The detention will not be at full capacity to our standards, it will just maintain that the water will not overflow across 151st Street. Henderson asked if Ley is comfortable with what the applicant is proposing. Ley stated, yes.

Rohlf asked which of the materials listed is the simulated stone. Klover stated it is ST-1.

Williams complimented Klover Architects for the design guidelines. He believes it is a great improvement compared to what was previously submitted. He then asked why the architect chose to have fake windows on the upper level windows. Klover stated they are trying to take the proportions of the buildings and give it character. Williams asked the Commission if there have been many buildings proposed in the past that have had fake windows. Duffendack stated the Commission has seen buildings with those types of treatments and then asked Binckley for any that she recalls. Binckley stated Leawood Market Center has been approved with fake windows. The Commission typically does not approve the fake windows that are a dark black. Ted's Montana Grill has proposed a window with a setback within the structure so that it would appear to have depth. Henderson stated Williams is correct that the Commission does not typically approve fake windows. Duffendack stated he feels the Commission has always promoted honesty in architectural expression. The Commission has encouraged developers in the past to utilize all of the elements with honest expression, but they have also approved projects where that was not the case. It is up to the Commission to decide what they want to do with that. Azeltine stated he does not have a preference for that type of window, but feels the Commission should remain consistent to what has been done in the past.

Henderson stated the term "criteria" has been used throughout the design guidelines as singular, when in fact it is plural. He would like the applicant to re-write the document using proper English.

Henderson asked if number 24 is the stipulation that includes the master architect. Duffendack stated stipulation number 11 also speaks about that. He then suggested that the Commission expand those stipulations to include the design guidelines and the selection process outlined in those guidelines.

Conrad stated when the Commission sees a plan on one of the pad sites the architectural treatment and features are something that cannot be exempted in the lease, but the timing can be changed.

A motion to approve the case was made by Conrad with the modification of stipulation number 11 to read, " All buildings within this development shall conform to the architectural type, style, and scale of the buildings as outlined in the design guidelines approved by the Planning Commission and City Council at final plan". Motion seconded by Azeltine.

Williams offered an amendment to the motion to eliminate artificial or fake second-story windows from the design guidelines. Amendment seconded by Munson.

Conrad agreed there should be integrity in what they do; he feels the same about mansard roofs. He believes mansard roofs should be allowed in a limited usage to create a façade that is more than plain. There are a lot of roofs and other things that are in the same type of violation of form following function. Williams stated he understands but a mansard roof still gives some sense of architectural style to the building in most instances. When he sees a window, he expects something to be going on behind the window. There are not that many windows on this particular scheme and they do not bother him that much. What bothers him is the precedence that it sets. He would not want the next building to come into this development or another development to request even more windows creating a Disneyland type of effect. Conrad stated he would not want the type of old storefront effect. The guidelines define the amount and location of those elements. Duffendack stated the guidelines do not define the amount of the windows that can be put in. Theoretically, they could have 3 x 6 windows on 5 to 6 ft. centers all across the façade. What the applicant has done here is very minimal. He does not have a problem with the rest of the architecture. In order to create the detail that was mentioned, the applicant has broken up the façade in several different ways that are more honest to the façade than the fake windows. Azeltine asked if the Commission is trying to eliminate the use of these windows or limit the use of the windows. Williams stated his amendment is to eliminate the fake windows from this project's design guidelines. Azeltine asked what has been the history of the use of these types of windows in Leawood. Binckley stated there have been some projects in the recent past that have been approved. There have been some experiences in the past, as in Dean and Deluca, where a building has had the dark, complete blackout windows and those have not been allowed since. Azeltine asked if Williams would be open to limiting the use of them instead of eliminating the use. Williams stated his proposal was to remove the fake windows completely. Perkins asked if the Commission would be required to approve any fake windows proposed for future buildings within the development if these windows are kept as part of this application. Duffendack stated the amendment to the motion was to eliminate the use of fake windows from the design criteria for this project. Conrad asked if this would be in reference to page three of the design guidelines. Williams stated, yes. Henderson stated he is in support of the amendment. Azeltine asked if the fake windows, as designed, would not provide light inside. Williams stated that is correct. Williams' amendment would allow windows that actually provide light into the usable tenant space. Klover stated the windows could be designed in such a way to be dropped down below or used as a projected element to allow the light to come into the tenant space.

Duffendack stated the motion was to eliminate the use of non-functioning windows from the design criteria. **Motion to approve the amendment to the motion approved 7-1, with Conrad opposed.**

Motion to approve the case was approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chairman