

City of Leawood Planning Commission Minutes

March 8, 2005
Meeting – 6:00 p.m.
Leawood City Hall
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Henderson, Perkins, Rohlf, Conrad (absent due to recusing from the Park Place case), Duffendack, Munson (absent), Williams, Azeltine, Pilcher

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

NEW BUSINESS:

CASE 11-05 PARK PLACE Request for approval of a final plat and final site plan. Located at the southeast corner of 115th Street and Nall Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final plat and final plan for a 1,252,215 sq. ft. mixed-use development that will include retail, office, residential and an additional 742,465 sq. ft. of parking garages. The first phase will consist of three commercial buildings that are retail, office or a combination of both containing 143,555 sq. ft. of construction; a 130,088 sq. ft. residential condominium building; and an 188,425 sq. ft. five-level parking garage. The applicant has outlined on the plans what is included in the first phase. There are a number of buildings that are included in the first phase and the applicant is proposing to complete the entire infrastructure within that phase. However, they are only asking for approval of the buildings in the first phase with this application. Staff would like to make an amendment to stipulation number 21. Currently, that stipulation requires a 10-ft. hike/bike trail along both Town Center Drive and 117th Street. Staff would like to change that stipulation to read, "A 10-ft. hike/bike trail shall be provided along the south side of Town Center Drive and not along 117th Street." The 10-ft. hike/bike trail is shown on the comprehensive plan as being along Town Center Drive as opposed to 117th Street and it is intended to meet up with Overland Park's trail system over and across 115th Street. Staff would also like that stipulation to include that the width of the trail from the western drive to Nall Avenue should be 6 ft., but the remainder part of it be 5 ft. Staff is recommending approval of this case with the stipulations stated in the staff report and the changes to stipulation number 21.

Duffendack asked Klein to phrase stipulation number 21 as staff is recommending. Klein stated, "A 10-ft. hike/bike trail shall be constructed along the side of Town Center Drive for the full frontage of the property and a 6-ft. sidewalk shall be constructed from Nall Avenue to the westernmost entrance on 117th Street. The remaining sidewalk along 117th Street shall be 5-ft. in width."

Rohlf asked if that would make it consistent with the Public Works memo. Ley stated stipulation number 6 from the Public Works memo would need to be removed.

Duffendack asked for clarification on the first sentence in stipulation number 4. Klein stated it should say, "up to 100 ft."

Klein stated a memo was placed on the dais that was written this afternoon from the Fire Marshal.

Henderson stated it appears the trail ends at Nall Avenue and then moves to the sidewalk syndrome. He then asked if there are any future plans for the trail to go under or over Nall Avenue so that the trail can continue westward unabated. Klein stated not to his knowledge.

Henderson asked if the 15-ft. street would be accessible for a fire truck. Klein stated the memo from the Fire Marshal is voicing his concern on how much room he feels is necessary for a fire truck to maneuver through there. He would like 6 ft. for the width of an SUV, 2 ft. for an SUV door that might be opened at that time, another foot to allow for some variation on how far away the SUV is parked from the curb, and then he would like a 15 ft. drive lane for the fire truck to the median and that repeated on the other side. Klein would like the applicant to speak as far as what they are willing to do to allow a fire truck access. Duffendack asked when the Fire Marshal's memo was written. Klein stated this afternoon. Duffendack asked if there had been some discussion between the Fire Marshal and the applicant. Klein stated there had been some discussion. There were two main issues. One is the drive-access lane that is between parking garage A and building A. That was originally 13 ft. at some points. The Fire Marshal indicated that it needs to be 20 ft. and the applicant increased that to 20 ft. The applicant worked with staff to provide more width to the drive between buildings A and B. They increased that and worked with planning to put in a 14-ft. lane and 7-ft. width for the parallel parking. The Fire Marshal does not feel that is sufficient. Duffendack asked for an explanation of the first point of the Fire Marshal's memo. Klein stated it refers to the 20-ft. drive they provided around parking structure A. They came to an agreement and the applicant did what the Fire Marshal asked so he is indicating that he is fine with that drive. Duffendack asked if the Fire Marshal is still unconvinced on the second bullet point. Klein stated that is correct.

Rohlf asked if the Commission is looking at the landscaping, lighting and elevations for all of the first phase, or just those buildings in the first phase. Klein stated the applicant has provided a landscape plan for the first phase. Rohlf asked about the signage. Klein stated the applicant has agreed to provide signage as a separate application, as was done with the Cornerstone development.

Henderson asked for a description of a residential amenity building. Klein stated the applicant could better answer that question.

Azeltine asked if there will be enough parking underneath the 5 to 8-story condo building to accommodate the residents' vehicles. Klein stated the LDO requires a minimum of 2 spaces per unit. The applicant has provided a combination of above-ground and underground parking that meets that requirement.

Azeltine asked if there was any discussion at preliminary regarding pedestrian traffic across 117th Street. Klein stated it was discussed. Ley stated the applicant provided a traffic study for the pedestrian crossing and they are planning to provide access just west of their western drive on 117th Street. If that becomes a safety issue, then it would be barricaded off and pedestrians would need to walk down to Nall Avenue to cross 117th Street. If the developer wants to install a crosswalk, they could install one east of that drive.

Perkins asked if the preliminary was approved at the FAR that is now being proposed. Klein stated there were extensive discussions and analysis about the FAR within the preliminary plan. The applicant has increased a little bit from what was originally approved. Some has been taken from the commercial retail office and some has been added to the hotel. The amount they are adding still falls into the allowable amount. They are allowed up to a 5% increase without having to go back to a preliminary.

Applicant presentation: Presentation by Jeffrey Alpert, a principal with Park Place Developers. Alpert introduced the development team. The development team has been working very diligently for the past two years to pull all of the pieces to this very complicated development together and they are extremely pleased with their progress. Tonight's presentation will be for the first phase of the development. Tim Mount will review the overall project and discuss any changes that have been made since the initial approval. He will then go through the design details of the commercial building. Robert Suddeberg of Gould Evans will discuss the details of the first condominium building. Chris Dring of Young and Dring will go through the details of the landscape plan. He would like to defer discussion of the width of the main north-south street until the end of their presentation.

Presentation by Tim Mount of Street Works. The project is made up of two primary retail streets; Ash Street and 116th Street. The buildings around those two streets are proposed as retail at the base with office above, of different heights. The character of the street is a retail street. The sidewalks are generous. They are set up for cafes and merchandise on the

streets. The project is entered primarily through 117th Street and also along Town Center Drive at Ash. There is a string of open spaces of different characters that can have different uses. There is a ceremonial corner at the southwest corner, which is part of the hook up with the sidewalk and the bike path. There will be a center space that will be the central circulation of the commercial part of the project and will have valet and a place for artwork. There will be space between retail buildings that will be a little more intimate with no vehicular traffic. It might be a place to have a weekly function as a market or a seasonal function. There is a very large open space between the residential buildings which might have a more seasonal function. There could be a few larger seasonal functions throughout the year, but it will primarily be a passive park.

There are about four or five changes to the plan since the original submission of the project. The primary difference is that there was originally an access off of Nall Avenue into Ash Street. Because the first phase is a primary north-south street, they prefer to not interrupt the continuous edge of the buildings by having that entrance. Instead, there is direct access to parking garage A off the through-street. Around the center they had originally proposed an open space that was surrounded by vehicular traffic. They preferred to have that accessible to more people along the edge, so it was pulled around to a valet space. Along 117th Street, they realigned and made a more grand entrance into the project that gave them more open space at that area. On the corner, there was a reconfiguration of the anchor buildings to reinforce the center street, to give a better view into the project and to give them a little bit of parking on the edge to allow them to do a green corner.

Mount presented elevations for buildings A, B, F and R-1. The other buildings along the edge are covered under the design guidelines so their elevations will not be discussed at this time. The goal is to have the appearance that it has been built over time. The reality of this building is that it is built at one time. The internal function of the building requires that the building floors are not separated. The easiest for constructability is to make it one continuous, simple building. That does not reinforce the character for the streets in this project, so they have tried to come up with a way to break it into smaller component buildings, even though it is one building. The principle throughout the architecture of the project is that the elevation is broken into smaller elements. They visited a lot of the small towns around here who have one-story commercial streets. Kansas City and the Plaza were great examples of turn-of-the-century architecture. As far as the hierarchy of the elevations is concerned, they would focus the most amount of detail around the base of the architecture. As the elevation goes up, there is less of an obligation for the architecture to be detailed. The buildings will also have the most detail along sight lines. A constant control of the variation of windows, details, and railings help to give them more variation. Cornice depth and roof line can help change the height. The first 20 ft. is where all of the detail will be. As an individual tenant comes in, they will have the ability to express their identity. There will be street trees, cafes and lighting along that level. The varied texture of all of those pieces help to complete the elevation. They have made a conscious effort on all of the levels to tightly control all of the pieces so they get the multi-layered piece of elevation. The storefronts are controlled by design guidelines, just as the pad sites. They are proposing concrete slate above the cornices and zinc in a diamond pattern about the corner element. Mount described the west elevation of parking garage "A". It would have a combination of different materials. There would be different colors of brick to give variation, painted metal work, cast concrete for the major components, and painted wood or metal at the top. It would have all of the same characters broken down. The east elevation of parking garage "A" is where deliveries are made and trash is picked up. It is not really seen from anywhere. It would have a much simpler elevation. The one place they would want to upgrade is the connection from the parking through the via to the main street, through building A.

Rohlf asked if the buildings are attached. Mount stated, yes.

Williams asked how a tenant on the upper floor would get access to the upper floor to building A. Mount stated it would be through an open lobby to the elevators or from the parking deck. Williams asked if the applicant is anticipating a colored concrete for the façade of the parking garage. Mount stated, yes. He is anticipating it being a light concrete, probably an integral color, something approaching limestone. Williams asked how the applicant will be screening the mechanical equipment on the one-story building. Mount stated there is a fairly deep parapet. Any pedestrian view would be screened either by roof, by parapet or by a separate screen.

Duffendack asked how the views would be handled from the 8-story residential building to the roof of the other buildings. Mount stated there is no way to completely hide the mechanical equipment from an 8-story building. The roofs are clean

because of the flat roofs or have some character because of the pitched roofs. The best they can do is screen the mechanical with a wall. There will be some views onto the roofs from the residential. Duffendack asked what would be seen on the back side of the sloping roofs. Mount stated because they are tucked behind, there will be a finished surface inside. Because the mechanical equipment needs to be exposed to the air, it cannot be covered completely. One would see the mechanical equipment in a clean, contained space or one would see the roof membrane on the top. The equipment will be distributed in as clean a way as possible and it will be as screened as possible to reduce the view for the residential. Duffendack asked Binckley if there are any ordinances relating to screening of rooftop equipment from a higher view. Binckley stated the ordinance states that mechanical equipment needs to be screened from the adjacent public street, so someone standing at ground level would not be able to see it. If there are areas where they would need to screen it with some sort of parapet, staff would not want it to look like a box. The design would need to be integrated into the architecture. Duffendack stated he is concerned about the sloping roofs that are not finished on the back side and how that would look from above. He understands the concern of covering it, but he feels there are ways to do that with louvers or openings at the end. He encouraged the applicant to think of that as well as the view from the street. Mount stated it would have a clean finish. Because the residential units are part of the development, the developer will do everything to make sure their residential units have value.

Williams asked if they are assuming each of the retail tenants would have their own HVAC units and if so, how many pieces of equipment would they potentially see on the roof. Sinzari stated the retail units will have rooftop units dedicated to their own space. The number of units they will have is driven by the number of tenants and the type of tenant. There is roof plan inside the packet that states all rooftop equipment should be a certain distance from the edge of the building to keep it off of the edge. They will focus on the residential neighbors. Williams asked how many units they think could be on top of the roof. Sinzari stated he could estimate from 10 to 15 units. There would probably be two large ones for the office spaces and 8 to 10 units for the retail spaces. Williams asked the height of the parapet walls. Sinzari stated parapet walls range from 4 ft. to 6 ft. in height. Williams stated he is not only concerned with the views from the 8-story building, but he is also concerned with what adding a screen could do to the quality of the elevations. Sinzari stated that is part of the reasons they are stepping everything back 20 ft. from the edge of the building.

Henderson asked if a tenant has the option of changing the architecture. Mount stated the design of the architecture is fixed. The building is shown the way it is because there is a strong cornice line between the retail tenant, who has an identity, and the development's identity above. They can expand or contract without having to tie it directly to the architecture above. That is a very conscious effort in understanding how retail tenants work. The architecture will be set before most of the tenants come in. Henderson asked if all four sides of all of the structures built in phase 1 will be finished. Mount stated the only building that could be changed later is the east elevation of building F. Henderson stated the Commission has developed a strong sense that all four sides of buildings should be finished. Mount stated they are proposing that it be finished. In a later phase, the finished surface would be removed.

Perkins asked if the parking lots on the east side will remain there on the next phase. Mount stated the surface lots would be temporary and redeveloped into a parking deck and office buildings in a future phase.

Perkins asked if there is any way to walk from the walkway between building A and B to the parklike area on the back. Mount stated there is an area between buildings B and F that would take a person to the open area.

Henderson asked if the residential amenity building is sequestered. Mount stated it is more towards the center of the residential portion of the development. It would house something like a clubhouse. Alpert stated when the applicant first looked at this project they decided there could be a need for residential amenities that could not be contained within the individual residential buildings. They are finding it is very possible they will not need the building as an amenity building because they could satisfy the need for amenities within the individual buildings. Once they get to that point, they will make a decision as to whether that building is necessary. It could be a residential amenity building. It could be more residential. It will be a market driven decision as they get further into that part of the project.

Rohlf asked if the retail storefronts would need to follow the design guidelines. Alpert stated, yes. Rohlf asked who the landlord would be. Alpert stated it is their expectation that the owners of the property would have full architectural control

over the storefront designs. Streetworks has prepared a storefront guideline to use as a basis for communicating the owner's desires and perimeters with each of the tenants. He believes there is a mechanism to bring each of the storefronts to staff for administrative approval. Rohlf stated the Commission has been struggling with typical corporate prototypes. She then asked if Alpert is optimistic that they can convince the retail operations to get away from that. Alpert stated he would expect there could be a lot of difficulty there. He would be lying to say that these national tenants would not want to do their cookie-cutter storefronts. It is the developer's task to create as much individuality and uniqueness as they can and make sure there is compatibility with the design guidelines and their desire for unique development.

Pilcher asked about the stream improvements. Klein stated there was much discussion as far as the improvements they would be making to the stream between City Hall and Edgewood. It is his understanding that those improvements would be made at the first phase. Pilcher asked if there is a time line on how that dovetails between the project. Ley stated it would need to be completed before any Certificate of Occupancy. Pilcher asked if the parking lots drain into the detention ponds and then into the creek. Ley stated detention is not required for this site. There are no detention ponds on the plan. There are some water features. Pilcher asked if the temporary parking lots would affect the water flow during the project. It seems like timing could be critical. Ley stated the first step the applicant will take is to get a grading permit for the entire site and all of their erosion control methods would be on that permit. Pilcher stated he is concerned about the erosion control off-site down stream. Alpert suggested there are two different issues. One issue is how the storm water from the parking lots is handled and the other is erosion control. The erosion control issue would primarily be during construction and some semi-permanent erosion control for the undeveloped area. Judd Claussen with Phelps Engineering stated they submitted a complete erosion control plan for the entire site with the plans. Sheet C7 in the packet outlines all of the necessary best management practices for land disturbance and containing the erosion from the site. Pilcher stated he was not so much interested in the erosion control plan during the construction phase, but instead he would like to know, once the hard surfaces are put in, how this would affect the creek downstream. Claussen stated those improvements downstream will be constructed prior to any certificate of occupancy is issued. Those improvements will be in place or under construction at the same time they are on site. Pilcher stated he feels that the certificate of occupancy is a late time to be worrying about water runoff. Duffendack stated he feels the Commission should rely on the engineering expertise of staff to make sure that everything is done sequentially the way it needs to be done. Ley stated downstream has the capacity for this project. They are just stabilizing the creek behind City Hall. Pilcher stated he thought that the creek did not have the capacity. Ley stated it has the capacity. It is just the erosion they are having downstream that is a problem. John Cole from Terra Technologies stated as a condition of the permit through the state and federal government, it is a requirement that the channel work will be done on the channel simultaneously with initial breaking of ground and the infrastructure.

Henderson stated there are a number of different kinds of tower expressions. He is reassured that they will be in control of it. He then asked if they have any statement that says there may be a variety of tower types, since they are not all the same. Mount stated they are showing exactly what they intend on the proposed elevations and design guidelines. Any tenant's specific architecture would be on the lower level of the elevations. They will not modify the base building. Henderson asked if the base design of the buildings are determined by the use of the building. Mount agreed. He then stated the sight lines begin to generate the towers. They are very conscious of the views as one enters the project. As one enters, they will be met with artwork in the center, then a frame of a tower. It is all about scene work.

Duffendack stated he feels this will be a great development and the work that has been done on it has been fantastic. Henderson agreed. Duffendack stated he feels the applicant has listened and worked with staff and took comments from the Commission and incorporated them. He is concerned, however, about what happens with the retail space. There is less of a control over that. They have a good start with the storefront guidelines, but there is still more potential for losing it in that part of the development than any other part of the development. A lot of the historical references that have been brought up do go from the roofline to the sidewalk, not as they have shown tonight with occasional columns, but with the building actually extending past the storefront or adjacent to the storefront to the sidewalk and wrapping what happens in the storefront inserts with the buildings. A lot of the examples in the guidelines book show that. The building extends down on either side of the retail space. He asked if the applicant has thought about how they were going to be able to control what happens with those inserts. Mount stated they have found the greatest balance between the flexibility of the tenant and being able to draw from them all of the great things the developer is showing, as well as giving the project the best chance to get the best retail and for the retail to perform well. To have the flexibility to allow the tenant to expand and contract is the

best bet for that to happen. In these elevations, they have shown base building architecture around key elements for upstairs. The architecture comes to the ground around the stairs. The base building architecture will come to the ground around the lobbies. There are columns that will be wrapped by the tenant, which is important to give them the flexibility to be successful. That, combined with the fact that they have to incorporate the columns, brings that architecture to the ground, just not in the traditional way. Duffendack stated the Commission has a lot of faith in planning staff being able to administratively review individual tenant spaces and working with the applicant on those kinds of things.

Presentation by Robert Seterburge with Gould Evans Associates. They are the design architects on phase 1 residential. It is an extension of the main street. It will be known as Meridian at Park Place. It is a 53-unit luxury condominium. It was a single building. They took that design to the focus group made up of the type of people that would be buying these units and they said inside it felt like a dormitory. They have now broken the building down into two buildings; a five-story building and an eight-story building. There will be four units per floor in the higher building and five units per floor in the lower building. It gives them corner units for all but four of the units. The views are mainly towards the park. The site has primarily one story of parking underground. There will be two parking stalls per unit, underground. The units would be accessed by elevator from the garage. The site access is from Ash Street into a formal auto court. There is a formal pedestrian court up front. There will be a very urban sort of feel along that street with seven spaces for visitors. The elevations will be primarily brick and cast stone and concrete slate tile roof on the smaller building. There is some fencing around the project and would be brick and cast stone.

Henderson asked how the garage would be accessed by both buildings. Seterburge stated there is a connector between the two buildings. One would enter through the formal auto court into the higher building and then to the smaller building.

Perkins asked if the price of the condos gets larger as they go up higher. Alpert stated, yes. There are a couple of ground floor units that have direct access to the park and those are priced a little higher, then as you go higher it gets progressively more expensive. There are 19 one-bedroom units. With one exception, they range from around 1,500 to 1,600 sq. ft. They all have one bedroom and a den. The two-bedroom units range from 2,000 to 2,600 sq. ft. and they all have two bedrooms and a den. They are very generously sized units. There are opportunities for people to combine units to have larger units. There is a lot of flexibility. They have determined the Leawood homeowner, who they believe will be their primary tenant, is used to a high level of customization and they want to give them that opportunity. Perkins asked if there will be a penthouse. Alpert stated, yes. Two of the three penthouse units are reserved.

Rohlf asked where the underground parking is located. Seterburge stated it is under the auto court as well as under the condos. Alpert stated the elevators in the towers will go down to the parking levels. There will be a daytime concierge/doorman to check people in. There will be one secure entrance and one lobby that serves the entire building. There will be limited access for the public. During the hours where the doorman will not be on duty there will be electronic access with communication systems up to the individual units.

Henderson asked what types of suggestions the applicant received from potential tenants that they did not accept. Alpert stated he believes they accepted all of the suggestions.

Duffendack asked how the trash would be handled. Seterburge stated they have internal trash chutes. Trash goes to the garage where it is collected in containers and then it is brought up to the main floor on the side of the building, where it will be wheeled out for pick-up. Perkins asked if the trash would be in a metal container. Seterburge stated, yes, they are all in metal containers. Perkins then asked if the dumpster would be sitting out in open view when waiting for the trash collector to pick it up. Alpert stated the trash collector would roll it out the door, dump it, and then roll it back into the building.

Henderson asked if there will be room to be creative if the time comes that the people who handle the garbage disposal change their mind on how they handle it. Alpert stated, he hopes so.

Presentation by Chris Dring of Young and Dring Architecture. Dring passed out a set of drawings to each of the Commissioners and then described the details of the landscape plan. The basic approach they took was to provide a landscape that is simple and elegant. Not fussy or difficult to maintain, but a cosmopolitan feel to it. The idea is to have an

enclosed lane for pedestrians on the side with the bike trail. It is the same concept with the narrower sidewalk on the opposite side of the project. Dring showed the landscape plan for the intersection of 117th Street and Nall Avenue. There is a double row of trees with 30-ft. spacing, but they are triangulated. The effect is that the trees look like they are 15 ft. on-center. In regard to the hedges, they used a series of four different types of shrubs in very large bands. The largest is 70 ft. The next is 60 ft., then 40 ft., then 20 ft. long. There are different species in each of those bands which help to reinforce the alley as well. The trees are sometimes planted inside those bands and sometimes planted on the grass. At the corner of 117th Street and Nall Avenue, the trees step back and then cut back at a 45 degree angle to open up the corner for sight lines and also open it up for future signage in that plaza area. Within the plaza, there is a small area for benches and pots for seasonal plantings. There is a stone wall at the corner connecting the building that serves a couple of purposes. The parking behind it is slightly depressed from the grade. The wall will help hide the surface lot a bit. On the street-side of the wall it is a limestone facing. On the lower side, there will potentially be stucco on the back side, but the intent is to grow vines up it. They want it to be a green wall on the low side to soften it. Another feature is the traffic circle and the plaza. The traffic circle is the arrival point into the project. It is the intersection of the two main commercial streets. There will be a place for art in the center. The paving in that area continues over from the plaza and sidewalks and is upgraded. At the terminus of 116th Street looking from east to west, there is a small fountain and a grouping of trees on that island. It is open so that you can see to the major store at the end of that street. The area off of the circle is a valet or drop-off area. In regard to the streetscape, there is a 20-ft sidewalk from face of building to curb. There is an 8-ft. free zone against the building for circulation. That zone will be concrete pavers. There is another zone between the circulation zone and the street that is about 12 ft. wide that will have the ability for the merchant to put tables and chairs or other elements to increase the vitality of the street there. In Streetworks' experience, it is best to have that circulation zone against the building and pull that street life out by the curb. The trees going into that area are 6-inch caliper, which is greater than Leawood standards. The client wants the immediate effect for that shopping street. The double rows of trees along the perimeter of the site are also 6-inch caliper. There will be planting beneath the trees. There will not be tree grates. It is their experience that they are expensive, they do not work and they harm the trees. There will be a fairly formal planting along the streets that will be consistent all along Ash Street and 116th Street. From the center of the circle to the northeast there is a public space that functions in different ways. It is a relief in the architecture as a public plaza. In the center of it is lawn. It will be a very lush, tight, intense lawn. They anticipate it as a very active space. That also provides a little relief from the paving. This will be an area where special events could happen. At the front of the plaza there is a series of water features. The intent is that tables and chairs would be placed around the fountains. There are some small redbuds at each of the corners of the feature with evergreen ground cover beneath them. There will probably be overhead cabling that could be for used for seasonal banners. There is future development planned to happen between the plaza and the future park. Until that future development, that area will be green and there is a small connector from the plaza to that park. Dring showed a picture of Bryant Park in New York City. The diagram for their park is very much like Bryant Park. The center is green, there is a walk along the edge of the green and there is intense planting around the perimeter. The full, dense planting along the patios of the residential will be done during phase 1. They want some enclosure with phase 1, but cannot do all of the planting because of future construction. There will be planting along the opposite side, but it won't be the full intensity that will ultimately be after it is built out. Phase 2 will be close to a mirror image of phase 1 with dense planting and patios on the other sides. The park is fairly simple. It is a mix of different species. There are three azalea gardens proposed at the north end. There is an area that is immediately west of the 8-story building that is a small formal garden enclosed with fencing and some low wall which is an amenity for those in the building. There will be small ornamental trees, a fountain in the center and various shrubs and seasonal plantings.

Alpert stated he would like to address the issue of the width of Ash Street and will address any other concerns of the Commission. Alpert asked Mount to address the question of width of Ash Street. Mount stated they are looking for 24 ft. in width in case there is a stalled car parked. There is a simple solution that says that you change the dimension to meet the requirement. In their experience, dimensions are very critical, especially on main streets. 19 ½ ft. of the sidewalk has very specific stuff behind it. Cafes are 8 ft. in width. That is not a random number. It is because two 4-top tables with chairs fit into that space. Restaurants prefer 4-top tables to 2-top tables because they generate value for them. They need 18 inches to clear the landscaping and trees. They very carefully considered dimensions from building face to building face. The cascading effect of changing the dimensions would hurt them in many ways. They might lose cafes, it hurts the character of the street and it hurts the success of the retailer. He feels they can meet the requirement as it exists. The current configuration of Ash has a median in the center. 7 ft. for parallel parking, 14 ft. drive, 5 ft. median and then flipped. 7 ft. for

parallel parking is actually a pedestrian safety issue. They want traffic in there to be absolutely calmed. They are not trying to move everyone through there. 7 ft. is tight. People are concerned about parallel parking, they slow down. The median is at the crosswalk only. That is a pedestrian safety issue for crossing, along with eliminating the parallel parking. Between that median, the paved crosswalks are raised in the middle. If a car was stalled in the area of the median, the truck would still have access to the other side of the street. The confusion might come from the section that shows a median. One could assume that is continuous, but it is not. Because those are only at the pedestrian crossings, there is sufficient width elsewhere. The applicant would much rather do a rolled curb or soft seasonal plantings rather than messing up the dimensions and the experience throughout the street.

Duffendack asked if they are just one foot short. Binckley stated the applicant is proposing 7 ft. and 14 ft. and then 5 ft. for the median. The Fire Marshal wants 6 ft. and 3 ft. and 15 ft. The Fire Marshal wants an additional 3 ft. on each lane, so 6 ft. total. Azeltine asked who interacted with the Fire Marshal today in composing this memo. Klein stated he spoke with the Fire Marshal today and also prior to this week. This was a situation where staff is trying to work with the applicant as well as the Fire Marshal. Staff realizes that this is a very unique streetscape. Staff is trying to find a solution that provides public safety as well as providing and maintaining a unique streetscape. Azeltine asked Klein if this change is just a preference for the Fire Marshal or if it is a question of safety. Klein stated it is his understanding from the Fire Marshal that they have standards that are normally 20 ft. and he was trying to work with the applicant by allowing them to go to 15 ft. and he felt he wanted the additional 3 ft. That was his preference. He believes some other alternatives were discussed with the applicant. Azeltine asked if that was his preference based on making their job easier or on a genuine concern for safety in the event of a fire. Klein stated his understanding is that the Fire Marshal has a genuine concern, and although there were certain things that were recommended as alternatives, like reinforcing the concrete or rollback curbs, he did not prefer those options. Azeltine asked if the standard he is referring to is for a private or public street. Klein stated he would imagine any drive lane. Azeltine asked if it is an issue of public safety or an issue of the preference of the fire department. Binckley stated she believes the Fire Marshal is saying that if the fire truck needed to go by and an SUV had their door open, that the truck may scrape their door. It appears they have 21 ft. The 6 ft. average of an SUV and the 15 ft. required clear conveyance surface totals 21 ft., which is provided on the current plan. That is on the more narrow areas. Staff talked with the applicant about the points where the pedestrians cross. They could pull the bollards back, reinforce the concrete so that if the truck needed to go over the lazy back curb, they would not be damaging anything and the surface is prepared for it. Duffendack asked the Fire Marshal's opinion of that alternative. Binckley stated the Fire Marshal said they are not trained to drive over curbs. Duffendack suggested that it may be a concern in terms of a traditional curb, but maybe not drivable curbs. He then suggested it could be like the interconnections between cul-de-sacs where there is a situation where it is not meant to be driveable, but could be. Binckley stated, yes, that is what staff was requesting. Staff felt it was a reasonable compromise while still allowing the applicant to maintain the streetscape but still allow the fire department to access it. Again, this is just in the small area where the median is. Where that breaks, then there is plenty of space. Duffendack asked if the medians need to be as long as they are. Mount stated they are part of the pedestrian safety. He would prefer to shorten them, rather than change the dimensions of the street. Perkins asked the applicants' view of the rollback curb. Mount stated that is what he has used in most projects.

Henderson suggested the Commission should think about a standard size for the street and if an SUV loses a door due to a fire truck needing access, then so be it.

Perkins stated he feels that if the suggestions made by staff works for the Fire Marshal then he feels it is something the Commission should consider. Klein stated staff has talked with the applicant about those proposed changes. In the plans shown tonight, the bollards have been moved back to allow a fire truck to roll across those curbs. They indicated they would reinforce those sidewalks and pedestrian plaza areas to allow that to occur. The applicant has expressed a willingness to make that work.

Henderson stated he believes this is a scintillating project. They have done a lot of good work in the last two years. They have brought something that moves beyond the two principles of appearance and convenience. They are looking at quality in its upper limits and respecting the tradition of history of the community. They have done an amazing job. Perkins and Rohlf agreed with Henderson.

Azeltine asked if the issue of the width of the street is encompassed in the stipulations or if it would need to be added on to a motion. Duffendack stated it would need to be incorporated in some form as the Commission decides what requirements to include.

Duffendack stated he believes that this opportunity is really unique for Leawood. The City has gone to some lengths when rewriting the development ordinance to include environmental consideration for projects of any kind, but especially for major projects of significant levels. He then asked if there could be any environmental applications that could be incorporated without unduly burdening the project. He then asked if they are considering any LEAD rating as this project gets developed. Alpert stated they looked at a variety of environmentally friendly issues and they will incorporate them anywhere they can in terms of energy savings. They will do their best to come up with whatever they can to try to be conscious in that regard. Duffendack stated he feels that Gould Evans Goodman has the opportunity to do that. It will be a great addition to the City and he encourages that.

Williams stated he feels they have done a great job. He then asked about the guidelines for the pad site development. He would like to avoid some of the debates in the future. He then asked if the City could expect to see virtually anything come to the Commission in terms of design, in the way the guidelines are set up. He then asked how the design guidelines control what goes into the development. Alpert stated it is their objective up front to try to filter it before it comes to the Commission for approval. There are additional buildings that would come to the Commission for approval. It is always a balance between trying to maintain a certain design vernacular and trying to accommodate retailers who have preconceived ideas about what type of a presentation works best in merchandising their products. While he can not represent that it will all work perfectly, any major building will come back before the Commission. Williams asked if the store fronts could run the gamut from the historic period to contemporary design. Alpert stated he feels that could be the case. He will be looking to ensure that a style is projected as long as it is an authentic style. They want the quality of the materials to be of a very high level. They will consider each one within its own context and what is appropriate. The Plaza has a very distinct underlying style, but there are some significant departures from that style, both in some key buildings as well as some store fronts within the more traditional buildings. We can all argue as to whether or not it works. It is a quality environment and it does work. Given our standards, which will exist and continue, and a desire for accommodation where it is appropriate to the retailers and the level of flexibility, that is what will guide them and they will try to respond to. Williams stated he wanted for his fellow Commissioners to have clarity and understanding even though they presented a building with a more historic vernacular, that the pad sites could have quite a mix and he thinks that mix makes the project very interesting and visually exciting and he looks forward to what is brought forward in the future.

Henderson asked if stipulation number 10 would allow them to continue the practice of having antennae on top of the buildings in order to avoid free-standing antennae. Klein stated it would come before staff, then the Planning Commission and then the Governing Body, based on anything regarding cell towers. Duffendack asked if stipulation number 10 would not allow cellular equipment. Klein stated it is not meant to allow cellular equipment. The City has an ordinance that relates specifically to cell towers and cellular antennae and it requires a special use permit.

Henderson stated that stipulation number 4 makes it the tallest building in Leawood. He then asked if is conceivable that they could have art off the ground. He was suggesting a way to be creative and outside the box.

Azeltine asked how many rooms the hotel will have. Alpert stated the hotel was preliminarily approved for 125 rooms. The developer has a letter of intent for a hotel chain. The hotel is about 3 to 5 months behind them on the process. They will need to come to the Commission for final approval and they will get all of the details of the hotel at that time.

A motion to approve was made by Henderson including the stipulations stated by staff, the change to stipulation number 21 as recommended by Klein, adding a stipulation with respect to the width of the streets appropriate for this project, and adding staff work with the Fire Marshal and the applicant to work out an effective plan for both the fire department and the development. Motion seconded by Azeltine.

Pilcher asked if staff feels they can reach a compromise on the situation of the width. Binckley stated, yes.

Motion approved unanimously. (6-0)

Meeting adjourned.

J. Paul Duffendack, Chairman