

**City of Leawood
Planning Commission Minutes**

August 23, 2005
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AGENDA: Henderson made a motion to remove case 54-05 from the consent agenda. Motion seconded by Williams. Motion approved unanimously.

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

APPROVAL OF THE MINUTES: Approval of the minutes from the June 28, 2005, July 12, 2005 and July 26, 2005 meetings.

A motion to approve the minutes from the June 28, 2005 meeting was made by Rohlf and seconded by Azeltine. Motion approved unanimously.

A motion to approve the minutes from the July 12, 2005 meeting was made by Williams and seconded by Azeltine. Motion approved unanimously.

A motion to approve the minutes from the July 26, 2005 meeting was made by Williams and seconded by Rohlf. Motion approved unanimously.

CONTINUED TO THE SEPTEMBER 27, 2005 MEETING:

CASE 55-05 PARKWAY PLAZA - LOT 6 Request for approval of a final plat and final site plan. Located at the northwest corner of 135th Street and Roe Avenue.

CASE 56-05 TOWN CENTER PLAZA - 810 ZONE Request for approval of a final site plan. Located at 4800 W. 119th Street.

CASE 57-05 PLAZA POINTE - VINCE OFFICE BUILDING Request for approval of a final site plan. Located at the northeast corner of 137th Street and Briar.

CONSENT AGENDA:

CASE 08-05i VILLAGE OF CAMDEN WOODS - 82ND PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 08-05j VILLAGE OF CAMDEN WOODS - 83RD PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 59-05 BI-STATE - SPEC. OFFICE/STORAGE BUILDING Request for approval of final site plan. Located at the southwest corner of 143rd Street and Overbrook, within the Bi-State Business Park development.

CASE 60-05 PLAZA POINTE - 2ND PLAT Request for approval of a final plat. Located at the northeast corner of 137th Street and Briar.

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

Duffendack suggested moving case 54-05 to the beginning of the agenda, in front of new business.

CASE 54-05 NALL VALLEY SHOPS - WALGREEN'S Request for approval of a final site plan. Located at the northeast corner of 151st Street and Nall Avenue.

Joseph stated the applicant has worked with staff on all issues and has revised the plans. They removed the lighting behind the glass windows, per staff's recommendation; therefore there are no neon window signs on the building. Henderson stated the reason he removed the case from the consent agenda was because the Commission had spoken about the lights that appear in some Walgreen's drug stores. He is pleased that the applicant and staff were able to modify the original proposal about the lighting.

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

NEW BUSINESS:

CASE 34-05 PARKWAY PLAZA - LOT 10 Request for approval of a final plat and final site plan. Located at the northeast corner of 135th Street and Briar Street.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a final plat and final plan to allow construction of a one-story, 7,350 sq. ft. retail building. The applicant is David Suttle. This project is located within the Parkway Plaza development, located at the northwest corner of 135th Street and Roe Avenue. The proposed building is located to the south and east of the Country Club Bank that was recently approved. The corner feature is shared between this lot and the Country Club Bank. Parking is located on the north side of the building. There are 45 parking spaces proposed for this project. Initially, staff had several concerns regarding this project. The issues are outlined in the comments section of the staff report. The applicant met with staff and resolved most of the issues except for issue number four. The east façade of the building is comprised mostly of stucco. Per the Leawood Development Ordinance, stucco may only be used as an accent material. Staff is recommending additional features to be added in an effort to break up the façade. Staff is recommending approval of this case with the stipulations stated in the staff report.

Perkins asked for a description of the changes in the façade. Joseph stated the east façade is primarily stucco and staff is recommending the applicant to add some kind of feature to break up that elevation. Duffendack asked if there were any other changes or modifications. Joseph stated the applicant modified some of the site plan features. They added brick pavers to the corner feature and added a sidewalk connection between Country Club Bank and this building. Rohlf asked if the applicant will show those changes tonight. Joseph stated, yes. The new plan will show the changes. Rohlf asked if the applicant has indicated they will change that elevation. Joseph stated, no.

Williams suggested that if the applicant were to clad the east elevation's gabled area in stone that would pretty much put it in equal treatment as the other facades. It would seem to balance things out.

Applicant presentation: Presentation by David Suttle of Suttle Mindlin Architects. This is one of the large park settings of the development. These two buildings together will form a compatible one and two-story building together. Suttle showed the different paving colors on a site plan. Each building ties together with the colored concrete. There is an accent of darker concrete pavings between the garden areas. There is a border ring of brick around the large circular park area to tie in with the brick on the corner. The sidewalk comes through the pergola of the Country Club Bank and ties together to the central plaza area. There are several things to bring the buildings and the corner feature together. Suttle showed and described the elevations. On the east elevation, there is a grade change between the road, so it is offset a little bit lower at that point. When one turns the corner from the 135th Street side, it is a somewhat simpler treatment in drawing attention to other elements. The other elements are the stone courtyard wall with landscaping and rose hedge completely covering it that makes more of a feature than others that have been done. There is heavy landscaping turning around that corner and in the garden between the two buildings. He felt it would look gratuitous to have too many details on the building and thought it would be better to let it be a simpler building. It is set back into a corner area with a lot of landscaping. He felt it tied the building together better to not have too many features. There is a window for that tenant looking into the garden.

Munson asked what "by others" means on the plans in regard to the corner feature and trellis. Suttle stated that is being constructed by the Country Club Bank. Joseph stated there is a staff comment stating the corner feature needs to be completed before this building receives a certificate of occupancy. The trellis portion is built by the Country Club Bank and is under construction right now. There is a sidewalk under the trellis that will be built by the developer. Rohlf asked if that sidewalk is part of issue number 4. Joseph stated, yes.

Henderson asked if the sign on the tower feature will be a larger font than the other tenant signs on the building. Joseph stated the signs facing 135th Street will be 12-in. letters and the ones facing the interior will be 18-in. Henderson stated he just wanted to make sure that they all fit together.

Reynolds asked if there is parallel parking to the north in front of the building. Suttle stated, yes. Reynolds asked if there is public access from the south as well as the north. Suttle stated the south side of the building is intended for employees. They were never intended to be front doors. Reynolds praised them on the organization of the public spaces, but feels the east façade needs to have some stone.

Henderson asked if the applicant agrees with the stipulations as stated. Suttle stated the only issue the applicant is hesitant on is adding more elements on the stucco portion. It is not a primary façade. It is a soft corner going into a garden area and they feel there are so many features on this building that it was imbalanced to not have every single piece of it with equal weight. Whenever stone features are done elsewhere, it is offset from the building. It's not just a layer from stucco to stone, because that would look very pasted on. With the landscaping and the setting of the garden area it is a pleasant backdrop. They would prefer to leave that the way it is because it is very attractive. Duffendack stated he agrees with Suttle's approach for that façade given everything else that is going on around there, including the trash enclosure, but there is an ordinance that is very specific about the use of stucco. He asked for other suggestions that could reduce the amount of stucco, but still keep it simple. Suttle stated they discussed another architectural opening, such as a window, if that is what the Commission is wanting. Duffendack stated there is a lot of fenestration in all of the façades of the building and sometimes retailers don't like that. They like to have lots of wall space and the use of display windows is not something that retailers like to do. He then asked what would happen if a retailer took a space that had a lot of glass, like the

west façade, but did not want the glass. Suttle stated the applicant is committed to the architectural features. All of the features shown are fundamental.

Perkins asked if the applicant is saying the east elevation cannot be changed by putting stone halfway up. Suttle stated the applicant is willing and able to entertain ideas in that area, but they do not have the motif of half-height walls of stone. There are big areas of stone or brick, then infill of stucco to the next. It is a scaled idea to keep it chunkier in appearance.

Perkins asked when the Commission would see a final rendering of this after the applicant works with staff. Duffendack stated if this case were approved tonight the Commission will not be seeing it again. Binckley stated if there is some direction the Commission could give then it would be helpful to know what the Commission would like to see.

Munson asked if there is a cross-parking agreement. Joseph stated, yes.

Rohlf asked if there would be entrances along the south side. Suttle stated, no.

Henderson asked if the applicant feels there is any difference between the management of landscaping on the private streets versus public streets. Binckley stated all of the landscaping is maintained by the developer.

Williams asked what the anticipated distance would be between the east side of this building and the west side of the building to the east. Suttle stated it appears to be about 75 ft. Williams stated he believes Suttle made a reference to a courtyard for the east building that would have a view of the building to the east. Suttle stated, yes. There is a commitment to the garden. It will be final in design when the next building is done. Williams stated it is seemingly strikingly different than the other three façades.

Henderson asked if the applicant is comfortable that this is pedestrian friendly as well as vehicle friendly. Suttle stated, yes.

A motion to approve was made by Munson with a modification to stipulation number 5 to say "enhance the appearance of the façade" instead of "break up the appearance of the façade". Motion seconded by Rohlf.

Reynolds stated he feels additional glass would serve the same purpose as adding stone to that façade. If the glass amount were doubled in quantity, that would reduce the amount of stucco and satisfy his concerns. Williams stated if it is a store-front type of glass it would be fine, but given comments about retail wanting walls and the potential for the glass to become covered on the inside, he is not sure that is a direction he would be comfortable with. It could be a simple task of adding the fenestration as they have on the other façades to get that definition of the stone materials and highlight the dormer in the same manner as the others.

Henderson asked if the motion maker and seconder are saying that the stipulations encompass the modification stated by staff in stipulations 6 through 10. Motion maker and seconded agreed, yes.

Munson stated he feels the architect has realized how the City likes to see things done.

Motion approved unanimously.

CASE 50-05 SHOPS AT 119TH Request for approval of a preliminary plat and preliminary site plan. Located at the southeast corner of 119th Street and Roe Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a preliminary plat and preliminary site plan. The development will be made up of 162,487 sq. ft. of construction on 15.73 acres for an FAR of 0.24. The development will consist of an 112,447 sq. ft. main center and three pad sites consisting of 50,040 sq. ft. along 119th Street. This property is located at the southeast intersection of 119th Street and Roe Avenue. There are a number of comments listed in the staff report regarding issues the applicant was going to address. The applicant has addressed some of those issues and will be prepared to show the Commission a plan reflecting those changes. The plan still contains a main center along Tomahawk Creek Parkway, three pad sites along 119th Street, Crate and Barrell at the northwest corner, and the other two pad sites located along 119th Street. The applicant has removed the retaining wall along 119th Street. The 1 1/2-ft. retaining wall along Tomahawk Creek Parkway has also been removed. The applicant has also addressed increasing the plaza area to the northeast corner of the development and has also changed the traffic flow a little bit. There are some acute turning angles that staff had some concerns about and in response, the applicant has redesigned those to allow for better flow throughout the site. In addition, Building C has been moved back. Staff had a concern with that in order to make sure the site triangles and more landscaping could be accommodated. By making some of the changes they have made, some others changes have occurred on the site that staff has other concerns about. Staff is recommending continuing this case to the September 13th meeting to allow staff and the applicant to have time to work things out. The applicant has been very cooperative in working with staff and staff feels they are going in the right direction. It is just a matter of fine-tuning. Staff would still like to have the Commission hear the applicant's presentation to give direction to staff.

Williams asked about the staff comment regarding sidewalks and providing sufficient space for landscaping and separation between vehicles and walkways. He then asked if staff is requesting wider sidewalks or actual green space that pedestrians would need to pass over from the parking lot to get to the sidewalk. Klein stated staff is requesting green space to allow for a clear separation from where the pedestrian walks and from where the cars overhang. In the revised plan the applicant will show tonight, they have addressed most of the places where staff had that concern.

Applicant presentation: Presentation by Jeff McMann, a partner with RED Development. He is presenting an upscale lifestyle development anchored by Crate and Barrel. Crate and Barrel is one of the most sought after and top retailers in America. It is the popularity of Crate and Barrel that gives this development a high level of credibility in the marketplace and helps create a level of excitement and quality that other upscale tenants will want to be a part of. Here to represent Crate and Barrel is Jaques Luenden, chief designer for Crate and Barrel and Tony Urippe, director of construction. Phil Crissara, with Nelson Architects, is also available. He is the project architect for the balance of the project. Nelson Architects has designed such other notable centers as Keirland Commons shopping center in Scottsdale, Arizona. It is one of the top retail lifestyle centers in America today. Skip Johnson and Jim Justle with BHC Engineers and Ken Boon of Oschner Hare and Hare are in attendance. This group represents some of the best designers in the industry in retail. It is their intention to break ground on this project during the fall of this year with the opening of Crate and Barrel in the Fall of 2006. The shopping center would begin grading at the same time, being open in the Spring of 2007.

Presentation by Jacques Luenden. Crate and Barrel's first building was built in Chicago in 1990. At that moment, the CEO of Crate and Barrel decided that architecture and the store itself should be the vehicle in which Crate and Barrel can show itself to the world, as opposed to building an image with advertising or in the media. Each building is unique and special and at the same time an expression of the company. They look at each site and what the site offers and design a store that blends with all of those characteristics. There is a really nice slope to

the site and they wanted to work with that. They also want to celebrate the corner of 119th Street and Roe Avenue. They felt it was important for it to be all about the building and the merchandise and not about the cars. They put the building as close as possible to the street to celebrate the building and merchandise in it, and put the cars behind it. Crate and Barrel designs their buildings from within. They look at how the customer is going to experience the building. The building is in a corner with landscaping on two sides. All of the parking is on the south and east sides of the building. There will be two points of entry. There is an L-shape that connects the two entrances with seasonal merchandise that is very open and bright. The eastern edge of the façade is coming out of the ground and staff recommended more glass on the façade, so the loading dock was moved to be parallel to Roe Avenue instead of 119th Street. The first floor has about 60% retail, oriented mostly towards the south and east sides of the site. There is a large stock room to the north side of the site that is partially hidden by the berm. The second floor is furniture. The west side has a stock room and offices. They do not want to be a big box store. They want to create something that is unique to the site. They show glass where there is merchandise. The merchandise is the most interesting part of the building. The building materials are neutral. They are white metal, corrugated metal, real stone, cedar and some EIFS. The building is not painted or decorated. There are simple forms with openings that look onto the merchandise. It is very three-dimensional. It consists of four volumes. Each volume is expressed with a different material and gets a different parapet height. You will never see any mechanical from anywhere. The volume on the north side is a simple clean white metal frame that is in-filled with glass and stained cedar. The columns are a symbolic expression of a porch. It sits on a base that is partially hidden with landscaping and that base consists of corrugated metal detailed very elegantly. They are simple materials that are used in ways to become very special. As one goes around the corner, one will see that the volume becomes detached from this volume so it will become very three-dimensional. There is some chunk of volume expressed over the service areas in EIFS but to break that up they cut a sliver of glass in the façade and those are the office windows. Their loading docks are the nicest in the Country. The idea of that façade is because there is nothing you want to show to the outside world. Between those two volumes is a vertical wall that is the spine that runs through the entire store. It becomes a background for the merchandise. Most of the building on the south elevation at the ground floor is glass. There is also cedar and EIFS. The east elevation has the stone wall reappear. Luenden passed out a booklet containing examples of the different proposed materials.

Henderson asked where the Crate and Barrel store is located in the Chicago area. Luenden stated the customer in the Kansas City area does not really care about the one in Chicago, so they felt they should make a flagship store in each area, so this store is different than the Michigan Avenue store.

Munson asked how many square footage of the building. Luenden stated there would be 22,000 sq. ft. of retail and about 34,000 sq. ft. total.

Azeltine asked for a description of the different volumes. Luenden stated the white metal is the first volume. The cedar box is the second volume. The EIFS volume hides the loading dock and stock rooms on the side. The L-shaped area in between is the seasonal gallery that is glass on two sides. It is aligned with the stone wall that is a fifth element. Azeltine asked if these different volumes are meant to represent different areas within the store. Luenden stated a store was done with three volumes about 10 years ago. The three symbols of Crate and Barrel were: value, expressed by EIFS, permanence and quality, expressed by the stone and glass and white metal expressing the seasonality and transparency. Azeltine asked if they have done a store similar to this elsewhere. Luenden stated the idea is that there is a brand connection, but each city has its own store design. Azeltine asked which of their current stores would be the most similar to this one in design. Luenden stated he would hope there is none, but the store in New Jersey has some of the elements of using walls as spines and cut-through glass.

Henderson asked if they plan to have Crate and Barrel stores all across the United States. Luenden stated, yes.

Duffendack stated he understands the site planning issues that drove the area from the north side to the west side of the building. He then asked if Luenden thinks the building functions as well internally with that change. Luenden stated staff's comment pushed them in the right direction. The basics room was originally designed as a long linier room, parallel to the escalator. This allows some light to go into that basics room and allows for some display of merchandise to 119th Street. It is a change for the better.

Luenden stated there was a mistake in the assessment of signs. Because of the building's three-dimensionality, the applicant is asking for five signs. The applicant prefers the sign not to be a dominant element, but an element within the architecture. Because the building has so much originality, if the signs were placed towards the end one would only see one sign. It makes sense to have five signs on this building.

Williams asked if the corrugated metal is painted. Luenden stated it has a factory-applied finish on it. Williams asked for Luenden's design philosophy for having corrugated metal on that base. Luenden stated the idea is that the white metal horizontal volume with the cedar and the glass infill is the one that floats over the landscaping and the base, so the base had to be something grounding. Because there is a stone wall in there also, he did not want to trivialize the stone by doing something that was also masonry. Williams asked what type of landscaping they would prefer to have in that area. Luenden stated they would like to fall to the letter of the distancing and rhythm of the trees that are planned along the street at the perimeter. Once within their property line, it will be more organic reorganization of the required trees.

Azeline asked for the dimension of the strip of glass on the west and south elevations. Luenden stated there is about 4 ft. of glass all around the building. They are different heights of glass all around the building.

Presentation by Phil Crisara with Nelson Architects. There are three major curb cuts; one at Roe Avenue, one at 119th Street, and one at Tomahawk Creek Parkway. They feel they have a very strong intuitive circulation path through the site. The majority of the difference from the original plan is primarily around the 119th Street curb cut, heading south into the site. There are now more options for cars to move east and west earlier. He believes this is a very pedestrian-friendly site. There is a large triangular space that bisects the parking field that is a great pedestrian collector and a great tool to move shoppers north and south through the site. They collect people out of drives and parking areas with very nice landscaping that will break up the parking area and help to create a pleasant stroll. There is another north-south area defined to the west side that comes out of the south entrance of Crate and Barrel down to the shops area. To move east and west through the site is a very grand pedestrian area at the shops. The dimension they are looking for is a minimum of about 20 ft. by the time one is under cover to the drive. There will be embellished landscaping in front of the retail as well as some great merchandising in the different shops. That circulation will carry all the way to the east to building D so they are totally connected. Between Crate and Barrel and building C there is another east-west pedestrian connection, which is landscaping outside of any vehicular or pedestrian area. There are two main plazas that are a great augmentation to the shopping experience. The first is to the middle of the shops building and builds and grows towards the triangular pedestrian piece. It has the ability to have gatherings. The other plaza is to the northeast. The trees and landscaping could be bigger than the green square that is currently shown. It is another large gathering area with a tower element. It is a very nice counterpoint to the two-story, dramatic Crate and Barrel building. The service areas are isolated, minimizing any type of conflict between pedestrians or retail vehicles. The service areas are to the south side of the building. All of the service areas are full masonry wall, a minimum of 8-ft. high with landscaping buffering as well. He feels the development is a warm, richly detailed contemporary design. The strength of the Crate and Barrel building warrants their ability to build a cohesive site from an architectural standpoint. The detail and richness is very important. The project is primarily brick with a light pallet, but not white. They are showing a low percentage of stucco and some accent glass areas. A lot of the materials and

textural use has to do with the fact they have a building that warrants attention to scale. By playing with materials in certain ways they can create not only great store fronts for merchandising but a much more unique stroll for the pedestrian. Crisara described the elevations. The height of the store front is proposed to be a minimum of 14 ft. tall on the north side. The pedestrian experience is just about 100% protected. The glass would have a warm, subtle glow in the evening. Crisara showed side elevations of the retail centers. The south elevation has very similar massing to the shop entrances. There will be some service doors and much less actual store front, but by use of wall sconces and things like that they feel they can maintain an appropriate level of scale and interest along the south side. Crisara showed an example of what pad site C could look like.

Azeltine stated Crisara has stated pedestrian experience and phase 2 and buildings B and C are tied together through that walkway and he likes that. He does not see any similar strategy on the eastern edge of phase 2 with another pad site. He then asked for the reason for that. Crisara stated is a defined paver path to get to the pad site. Azeltine asked if it would be the same type of pedestrian connection. Crisara stated, yes. Azeltine stated he feels that the only way people can get over there is by crossing the street.

Reynolds asked the nature of the connection between Crate and Barrel and building A. Crisara stated they were intending it to be pavers. Reynolds stated there is angled or parallel parking next to the public space to the northeast portion of building A, and then asked why they chose parallel parking. Crisara stated they lost a lot of spaces to achieve that. It created a larger buffer and disconnect from the vast majority of the parking.

Perkins asked if they have changed the square footage of building C. Crisara stated the square footages have modified slightly since the original plan. The currently proposed square footage is 163,777 sq. ft. Crisara stated it about the same square footage. Perkins asked if the square footage of building D has changed. McMann stated the change on building D was a last-minute change. It is his understanding that was one of the issues that staff with the east end. The reason for the change is driven by an engineering issue with Johnson County Wastewater and the height of the profile to get off the site. They increased the size of the building slightly to get them to a 0.25 FAR. They are talking to some very significant restaurants that are anywhere from 6,000 to 10,000 sq. ft. and they wanted to be sure to have enough on the plan today so as to not come back to the Commission to request more later.

Henderson asked if the application of pavers is sophisticated enough today so that it is smooth. Crisara stated the pavers will not move around.

Munson stated he feels they turned their backs on the parkway. He then asked if there is any possibility that the single building could be made into two or three buildings with some access or viewpoints that go from inside the development to take a look at the parkway. Crisara stated there is a pretty dramatic grade change from Tomahawk up to the finished floor of the retail. It would be difficult to impossible from an ADA standpoint to have a pedestrian jaunt from Tomahawk up to the shopping finished floor. They are trying to get the parking locations to the west such that there is less grade to make up. Munson asked what the façade would look like on the south side. Crisara stated it would look a lot like the north elevation, but instead of storefront, there would be masonry or stucco in its place. There will not be much store front back there at all.

Henderson asked if the façade will be broken up so that it does not look like a carefully troweled exterior wall. Crisara stated, yes, both north and south sides will have deliberate architectural shapes for shadow and depth.

Conrad asked if the wall and the mass site grading will all be part of the first phase. McMann stated in order for this property to be developable to them for this type of tenant mix, they are going to a great expense to bring in tremendous amount of dirt to the site in addition to acquiring the existing gas station. They are bringing in about

220,000 cubic yards of dirt to the site to bring it up to have a tenant like Crate and Barrel on that hard corner. There is currently a tremendous drop-off on the hard corner of 119th Street and Roe down to any location on Tomahawk. Raising it within four or five feet creates a challenge along the south side of the site. Conrad asked if the mass grading and the wall and the landscaping that goes with it would be part of the first phase. McMann stated the grading would be part of the first phase. In order to get Crate and Barrel open in 2006, they have to deliver a pad to them this Fall. There is about 4 to 6 months worth of dirt work for the entire property. They really only need about 60 to 90 days to deliver the Crate and Barrel pad. Once that is delivered they are going to be going vertical with their construction and while they are doing that the development will finish the rest of the grading and deliver its pad in April or May of next year and then start construction. Conrad asked where the current trail is going to occur. Ley stated page C5 shows the pathway plan. He then pointed out where the flood benching would occur. Conrad asked for a description of flood benching. Ley stated it would take off about 3 ft. in order to allow the water to flow down to the creek and the trail would be relocated to the east. He met with Overland Park and their project would begin where ours would end. Since the bank is higher than the trail when the water overtops it can't get out and the trail oversilts, so by doing this grading it actually gets to positive drainage off the trail.

Henderson asked if this would affect the soccer field to the northeast. Ley stated it will not affect the soccer or baseball fields. Azeltine asked where those fields are located. Ley stated they are south of 119th Street by Tomahawk Point. The closest the improvements would be is 200 ft. to home plate and the closest they could be is 150 ft. Munson asked how Ley is planning on working with Overland Park to resolve the situation discussed in their letter. Ley stated these improvements actually decrease the water surface elevation in Overland Park. They just wanted to make sure that the improvements Leawood is doing wouldn't affect their changes. Conrad asked if all of those costs are bourn by the developer. Ley stated, yes, the developer would pay for the relocation of the trail and the landscaping.

Reynolds asked the height of the retaining walls on the south side of the development and their materials. Skip Johnson stated that in order to try to create a nice effect along Tomahawk Creek Parkway, they are looking at something like Versalock-type walls and also terracing the walls, versus having one large wall. There would be some plantings to give it more relief and help it look better through there. The walls would vary in height anywhere between 4 and 5 feet up to 8 or 9 feet.

Rohlf asked if the applicant has any concerns with meeting all of the stipulations listed in the staff report. Crisara stated there are four items that the applicant has some questions about. The first is the square footage. It is not 162,487 sq. ft. It is 163,777 sq. ft. The second item is the notation from Crate and Barrel that they would like to have five signs instead of four. A couple of other stipulations are numbers 37 and 38. Stipulation number 37 states, "no building permit for any construction on pad sites or cut lots shall be issued until the principal shopping center buildings have been approved and their construction started." The applicant understands this would not apply to Crate and Barrel's timing process. The latter part of that, "all buildings and pad sites will conform to the architectural style of the principal building." The applicant realizes there are some unique features in the Crate and Barrel building that would probably not meet the letter of that statement. Stipulation number 38 states they agree to all of the stipulations, and the applicant would like to clarify the issues stated. Rohlf asked staff the process from here. Klein stated staff is recommending this case to be continued to the mid meeting in September to go over any changes made. Once this case gets approved, the Commission would see a final for the overall development. As part of that final, they may come back with the final for Crate and Barrel as part of that. As the rest of the development comes through, they would be doing finals on those phases as well. As part of the overall final they will be producing some design guidelines and sign criteria for the overall development. Rohlf asked how much of the parking would be built with the first phase. McMann stated they are required to build for Crate and

Barrel is the entire parking field from the entrance off of 119th Street to the entrance off of Roe and south to the curb line of the buildings.

Perkins asked if the deviations would still remain. Klein stated most of the deviations listed in the staff report would remain. They would be part of the approval when the project is approved.

Azeltine asked if the increase in the square footage would exceed the FAR limit. Klein stated 0.25 is the maximum they are allowed in this zoning. The increase in building area proposed is still within the allowed limit. Azeltine asked if stipulation 37 would include Crate and Barrel as it is written. Klein stated staff is agreeable to change that stipulation to allow Crate and Barrel to start construction and then the applicant has indicated a willingness to tie the main center to the other two pad sites.

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

Henderson asked the vision that is encompassing this use of this land for Leawood. The Commission is trying to work out as far as site and usage for this type of vision. Other than building something on the ground, what will this look like or what will it be.

Reynolds stated he is a frequent shopper of Crate and Barrel and they are terrific examples of architecture and shopping experiences and he is very excited about their design story and what they are presenting. He thinks the site design and the remainder of the development do not have that same excitement yet, especially in terms of the organization of the site and landscaping. The connections to the outparcels to building A are a strong concern of his. He does not see a strong pedestrian connection between Crate and Barrel and Building A. He feels the wedge of landscaping primarily goes to other parking lots. He would much rather see a much stronger landscape connection between Crate and Barrel and Building A as well as between buildings C and D. The metal use on Crate and Barrel as well as building A will be interesting. He would like to see some material boards on that and would like to see some clarification on that. The connection with the Tomahawk Creek corridor is really disappointing. It is a tremendous corridor for the community and he feels there could be much stronger efforts to have a visual as well as physical connection between that corridor and the public spaces of the development.

Conrad stated he thinks it is an exciting project and continuing the case makes sense. He would like some additional detailing along the wall along Tomahawk Creek Parkway. He thinks the curved shopping component is about 900 to 1,000 ft. long. It would be terrific if they could visualize it to make that tie. He thinks the parks and the walkways are important components and if they could do something with that it could be terrific. He is still a little concerned with the phasing. He thinks the development of the wall and getting the plantings in early would be important. He would like to tie down more of the phasing. The traffic study still needs to be looked at and there are a significant number of improvements to the streets that need to be made. Hopefully staff would have that fully reviewed before the next meeting.

Munson asked if the Commission would have the opportunity to speak about this at a work session prior to the Sept. 13th meeting. Klein stated, no, it would be continued to the first meeting in September and heard as a formal case. Duffendack suggested if it were continued to the second meeting in September, then it could be heard in a work session on Sept. 13th. Munson stated he would feel more comfortable with that because there are so many things that need to be work out.

Perkins agreed with Conrad that the walkway in front of the large building should have more amenities, rather than trees spotted as the landscape plan now shows. It needs to be made more pedestrian friendly.

Williams stated, in terms of architecture of the main building, he would caution the architect and developer to be careful that this does not come off as plain boxes and surfaces. He does not think that would be acceptable to this Commission or this community. They should maintain some quality of creative design and detailing.

Azeltine asked what would be the downside of continuing this to the fourth Tuesday rather than the second Tuesday. Binckley stated the applicant has worked diligently with staff to try to accomplish the things staff has asked them to do and staff feels confident the items they still need to work on can be done within the next two weeks.

Henderson asked if the other Commissioners would agree to a special meeting to discuss this case as a work session prior to the second Tuesday meeting in September. Azeltine stated if staff is comfortable with continuing the case to the first meeting in September, then so is he. Duffendack stated the presentation tonight was centered on the changes that have made since the submittal given in the packets. The applicant has been working with staff. He would feel comfortable with being able to act on it at the September 13th meeting. He then asked the applicant's opinion of continuing the case either two weeks or four weeks. McMann stated they have an obligation to provide Crate and Barrel a property in 2006. In order to do that, they need to start grading the property. Part of the application was to go to Council to get an "at-risk" permit to start the grading. Other than that issue, they would take as long as possible as long as they get the "at-risk" grading. Binckley stated going to the second Tuesday in September would actually be four weeks. If it were put to the fourth Tuesday that would put them out 5 weeks before they could get an answer from the Governing Body. Duffendack stated he would be willing to recommend a special session on the first Tuesday if it looks like there are going to be things that need to be talked about.

Perkins asked if the applicant could have a plan re-drawn by September 6th to show all of the changes. McMann stated, yes.

Duffendack stated he understands the major issue has to do with Tomahawk Creek Parkway. He thinks the Commission is relying on the ability of the architects and staff to come up with something. The question is whether the Commission is comfortable seeing it at the second Tuesday in September or seeing it at a work session prior to that.

A motion to continue the case to the September 13th meeting was made by Williams and seconded by Henderson. Conrad asked if there would be an interim meeting. Duffendack stated there is no interim meeting in the motion. Reynolds stated he feels there should be a special work session. **Munson asked for an amendment to the motion to hold an interim meeting on Sept. 6th. Amendment seconded by Reynolds.** Conrad asked if that is appropriate. Binckley stated a motion has been seconded and an amendment has been made and seconded. Conrad stated he cannot remember ever having a special work session. Binckley stated it has not been typical with this Board, but at a Governing Body level it is not uncommon to hold a special session. Munson stated he feels this project warrants a special meeting. Conrad stated concern with setting a precedent of working around the developer's schedule. Binckley stated she does not feel that it is uncommon to have a third meeting to work around people's schedules. Azeltine stated he feels it is more of an accommodation to the Commission and the Governing Body, since staff has said that things pick up in September. Reynolds asked if one week would be enough time for the applicant to respond. Williams stated his feeling for not advancing the motion of the special meeting was to put more pressure on the developer and design team to come back with a plan that will potentially have a shorter meeting. He does not remember ever having a work session for a development of this size. He can recall some bigger ones, and most of those were called at the request of the applicant to present a project. He is not necessarily opposed to the idea, but does not see a deal-breaker to

warrant a work session. **The amendment to the motion approved 5-3. (Conrad, Williams and Henderson opposed.) Motion approved unanimously.**

CASE 58-05 TOMAHAWK POINT Request for approval of a final plat and final site plan. Located at the northwest corner of Mission Road and College Blvd.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a final plan, final plat and design guidelines for the construction of two office buildings totaling 55,000 sq. ft. of construction. The applicant is proposing to construct phase one, which will consist of one two-story 27,500 sq. ft. office building. The applicant is Chase Simmons. This property is located at the northwest corner of Mission Road and College Boulevard. The proposed buildings would be accessed off of Mission Road and College. This project came before the Commission recently as a request for a preliminary plan, plat and rezoning for four office buildings. At that time, the Planning Commission recommended denial and the project went on to the Governing Body. During the initial Governing Body meeting, the City requested the applicant work with the adjacent residents of this property. The applicant met with the residents and modified the plan in response to that meeting. There were four buildings shown on the previous plan and they are now showing two buildings. The overall building area was reduced from 60,000 sq. ft. to 55,000 sq. ft. The parking lot design was revised to include a 65-ft. buffer from the residents and fewer parking spaces directed towards the houses. Based on these changes, the Governing Body approved the rezoning from AG to Planned Office, preliminary plan and plat for two buildings. The submitted final plan is in substantial compliance with the approved preliminary plan. There are 102 parking spaces proposed for phase one. The parking is located on the west side of the building. A patio with a fountain is proposed on the side of the building. The buildings will be constructed of brick, cast stone, natural stone and glass. The applicant is proposing standing seam metal roofing. Staff is recommending that the applicant use concrete tiles or a combination of standing seam metal and concrete tiles for this project. Joseph showed and described the previously proposed preliminary plan versus what is now being proposed. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked if the two buildings they are now looking at are the two easternmost buildings shown on the previous plan. Joseph stated they are the same buildings, but not in the same locations as previously proposed. Williams asked if the parking buffer is now 65 ft. Joseph stated, yes.

Duffendack stated it is somewhat unusual for this to come to the Commission without a preliminary plan to look at. However, the charge of the Commission is to look at this as a new case, just as they have when other cases like this have come back to them. Binckley stated the Commission recommended denial and then it went to the Governing Body and after negotiations and many long meetings this is the plan that was approved at the preliminary. The applicant is now before the Commission with a final. The Commission should look at this for substantial compliance with the preliminary as approved by the Governing Body and also final site plan issues, such as materials and design guidelines as normally done during final.

Henderson asked for clarification of stipulation number 5. Binckley stated the applicant is not sure what type of signs they want, so signs were not included in this request. At the time they come up with a final design for the signs, they will come back through this process. As always, if the Commission recommends denial, the Governing Body has the right to overrule. Henderson stated stipulation number 5 stipulates that both the Planning Commission and the Governing Body need to approve the plan before it can be advanced. Binckley stated the intent is how it is set out in the ordinance.

Conrad asked if the Commission is reviewing this plan to see if there is compliance with the preliminary plan that was approved by the Governing Body. Binckley stated, yes, and also any final site plan issues. Conrad then asked if it would be inappropriate to discuss any zoning issues. Binckley stated, yes.

Williams stated staff has stated this plan is in compliance with the plan that was approved by Governing Body. He then pointed out that in the recommendation part of the staff report it is written that the Planning Commission recommends approval of the final site plan. Binckley stated that was an error in the staff report. It should have read "staff recommends approval."

Azeltine asked the reason for the Governing Body seeing the preliminary prior to the Commission. Binckley stated it is the same process that is always gone through. Council has the right to review the project and overrule the Commission via amendments to the plan or the right to remand the project back to the Commission. In this case, Council decided to negotiate the project at their level. They can add and/or change stipulations and as long as they have the number of votes necessary, they can overrule the Commission. Azeltine asked how often this type of thing happens. Binckley stated it is fairly normal with minor changes to stipulations. Azeltine asked how often it happens that the Commission does not see the preliminary plan. Binckley stated the Commission saw the preliminary and recommended denial. This is a final approval for the preliminary that the Council approved of two buildings, 55,000 sq. ft., on the same number of acres. Council looked at the preliminary plan that the Commission denied, they continued to work with the applicant, had changes made and then overruled the Commission with the new plan.

Applicant presentation: Presentation by John Peterson of Polsinelli law firm. Jim O'Keefe, the owner/developer of Tomahawk Pointe LLC is available as well as Chuck Peters, the land planner and architect of Peters and Associates and Roger Cassity of PEI Civil Engineers. He believes the procedure has been adequately explained by staff. This application represents the final and first phase of the development. The Governing Body approved the preliminary plan and rezoning with 22 specific stipulations in terms of what is required to comport a final plan with a preliminary plan. Stipulation number 7 refers to the required building materials. That is a stipulation as proposed by staff in the final plan, which is different than the stipulation that was approved by Governing Body.

Presentation by Chuck Peters with Peters and Associates. The parking setback was increased to 65 ft. after a number of meetings with the landowners to the west. The building is 175 ft. back from the residential property to the west. It was a considerable amount of land to give up, given an office development in this setting. The plan Mr. Joseph showed earlier was one of the earliest plans that went to Council. Since that plan, they went through a number of plans with seven modifications and a lot of meetings. The plan now shown meets with the approval of Council. The two buildings are clustered in a setting. The roofing material matches the Merrill Lynch building both in its configuration and with its connectivity to the second phase building to the west. Both are similar in scale, have the same square footage, are two-story buildings, and conform to the same materials as the Merrill Lynch building. The materials are cast stone, desert rose colored glass, hemlock green standing seam roof and matching masonry. The applicant is asking for approval of phase one, which is the building most easterly on this site. There will be a fountain that orients towards the corner of Mission and College Boulevard that enhances the fountain at the Merrill Lynch building. The orientation of the building intersects and interfaces with the corner of College and Mission. They have met the requirement of the flood studies. They have met with the home owners and discussed what happens with the elevation changes. This does not displace any water to the west. Peters showed and described the elevations. All of the fenestration complements the Merrill Lynch building.

Conrad asked if there were two phases in the approved preliminary plans. Peters stated, yes.

Peters stated it is a strong contention of his that they keep it the same materials as the surrounding buildings, including the roofing. He wants to keep some conformity and reinforce what has been done in that locale. He was surprised to see it on the stipulation.

A motion to extend the meeting until 9:15 p.m. was made by Williams and seconded by Munson. Motion to extend the meeting approved unanimously.

Williams asked how the drainage is being handled and how much fill is going into the project.

Peters stated the 100-year flood plain follows the boundary of Longwood Forest and in some places goes up into the Carter's home. There is no drainage now on this site. They are filling it up to 6 ft. in some places, but an average of 4 ft. This will allow a new drainage system to allow natural drainage and there will no longer be any standing water on this site. It does not displace any water further towards Longwood Forest, but it eliminates any water coming into it. Conrad asked if it goes over or under Mission Road. Peters stated it currently goes over Mission Road but after it is elevated there will be less water going over Mission Road. If it were raised more, it could be made so that no water goes over Mission Road.

Duffendack asked where the drainage goes after it goes into the drains. Peters stated it goes into the creek.

Williams asked if the parking on the west side is elevated above the buffer zone. Peters stated, yes. Williams asked if there would be retaining walls to elevate that side. Peters stated, no, it is all at natural grade. The storm water system will be installed with the first phase and that should eliminate any issues. Williams asked if the floor level of the buildings would be at street level. Peters stated the floor level of the buildings would be about 2 to 3 ft. above street level, depending on the street. Williams asked how high the grade of the parking lots would be on the east side. Peters stated about 4 ft. above flood level. Williams then asked how much of the natural landscaping will be taken out. Peters stated they have agreed to clean the area out by taking out the shrubs, but most of the trees will remain.

Henderson asked what signs were approved for this project. Peters stated they have not asked for any specific signs to be approved. They would follow the process of getting the signs approved once it is decided if it is a single tenant or multi-tenant building. Henderson asked what landscaping has been approved. Binckley stated the landscape plan has not been approved. The Commission should look at the final site plan issues. Henderson suggested the conversation negotiations between some home owners and the Governing Body takes place of the public forum required by the guidelines. Binckley stated there was a public hearing during the preliminary application. This is a final application. Duffendack stated he feels that element is a little different in this situation. Henderson agreed.

Reynolds asked if the rooftop equipment would be screened from the adjacent homes. Peters stated they have concealed all of the rooftop equipment. The first line of homes is lower than the building level.

Perkins asked why there are pavers around the equipment. Peters stated the concrete pavers are there to keep the servicemen off of the roof.

Henderson stated there was a lot of discussion by homeowners about traffic during the last hearing. He then asked if the traffic issues were settled. Ley stated the traffic from this site compared to what is along College is insignificant in relation to the volume that is actually going through Leawood or passing by the site. Henderson asked about the concerns of accidents. Ley stated there are improvements for access into the site from College. Henderson asked if the residents agreed to the plan. Ley stated the Governing Body approved it.

Rohlf asked the applicant's position on stipulation number 7. Peters stated in order to keep the architectural integrity of this complex of office buildings, concrete tile would not be in the vernacular of these two buildings.

Munson asked if they have had any standing seam roof leaks. Peters stated the proposed standing seam roofs are stage sets. They are screens, elevated above flat roofs.

Henderson asked if the desert rose glass proposed for these windows is the same as the windows on the Merrill Lynch building. Peters stated the homeowners of Longwood Forest stated they wanted the same colored windows. Henderson stated the people around there have complained about it. Peters stated you would be surprised how many of the Longwood Forest homeowners stated that they wanted the desert rose colored glass. Henderson asked about the Merrill Lynch people's views of the windows. Peters stated he has spoken with people at their headquarters and they were very pleased with it.

Williams stated he concurs with the concerns of the architect on the issue of stipulation 7. To reinforce the spine and the character with standing seam roof is reasonable. It is not a primary roof member and would look fine. He would be supportive of allowing them to keep the standing seam roof. A comment was made earlier in the presentation that they are complying with an extensive set of stipulations put upon them by City Council, but these are the typical 22 stipulations that are standard for any project, except for stipulation number 7, and he does not feel it is extensive.

Conrad stated that as he understands this case, the Commission is here to confirm that this is within conformance with the preliminary plan as approved by Council.

A motion to approve with the stipulations in the staff report was made by Conrad. He then stated that if the applicant still had a problem with the roof they could go to Council with it. **Williams stated he feels that is fair and seconded the motion.**

Azeltine stated the Commission's job is to make sure this is in compliance with the preliminary plan, which the Commission has not seen. He feels that makes this whole process a joke. It seems the matter has been taken out of the Commission's hands and that with the process being reversed it basically makes this Body irrelevant. He thinks it is a complete waste of time. Since this came from the Governing Body it seems that its passage is a foregone conclusion. He will take staff's word that this is a legal process, but he thinks it needs to be changed and he will not be voting on this plan.

Reynolds stated he feels the rose-colored glass is not compatible with a residential neighborhood and he does not think it is appropriate for this building. He would like to have a stipulation that somehow addresses that issue. Duffendack suggested Reynolds make an amendment to the motion. Reynolds asked for a recommendation of an amendment from Henderson. Henderson stated he does not have a suggestion for a color of the glass. He has heard from people that work in that building that they do not like the rose-colored windows. Reynolds stated he is not sure that it is within the Commission's purpose to recommend a color of window. He feels a window that is not tinted and reflective would be much more appropriate adjacent to a residential neighborhood. **Reynolds then made an amendment to the motion that the applicant work with staff to come up with other glass options that are not reflective and colored. Perkins seconded the amendment.** Conrad stated the Commission should keep this simple and leave the architecture to what has been presented. It is his understanding that this is what was shown to the Council during preliminary. Binckley stated this is just like any other normal final site plan the Commission would approve. This final site plan application is to approve design guidelines, materials, landscaping and lighting. If there is a concern regarding anything related to final plan

application, the Commission has the right to review it and make comment, ask the applicant to amend it, work with staff or make a stipulation. **Motion to approve the amendment approved 7-1. Azeltine not voting.**

Amended motion approved 7-1. Azeltine abstaining.

Meeting adjourned.

J. Paul Duffendack, Chair