

City of Leawood Planning Commission Minutes

September 13, 2005
Meeting – 6:00 p.m.
Leawood City Hall
4800 Town Center Drive

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

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

OLD BUSINESS:

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. This application was before the Planning Commission at the August 23rd meeting and at that time it was decided to continue the case to a work session held on September 6th. During that work session the Commission made several comments and brought up several issues. Some of those issues were the materials to be used on the Crate and Barrel building, the design and amount of signage of the Crate and Barrel building, the design of the landscaping of the west side of the main center and the connection between Buildings B and C. Since that time the applicant has revised the plans in response to the issues the Commission had raised.

Conrad asked Klein to address those in respect to staff's opinion. Klein stated it is addressed in the staff comments. Staff is recommending approval with the deviation requested. He believes they have 62.3% along Roe. One of the things they are proposing is a corrugated metal, which the LDO prohibits. The applicant has been very up front about using this material. The Commission asked for a sample of that to be brought to the meeting tonight.

Williams asked what percentage of the façade would be covered with the corrugated metal. Klein stated the applicant would be able to answer that question better.

Klein stated the LDO limits buildings to two signs per building. The third sign faces the interior of the development. Crate and Barrel is asking for four signs. They are incorporating the signage in the building. It has always been indicated that if the signage was incorporated into the architecture, then maybe that is a little different issue. Staff understands that signage is a final plan concern, but wanted to bring that up.

Williams stated stipulation number 5 deals with separation of parking. Klein stated the way this property is graded there are quite a few areas that the elevation will increase. That stipulation is to allow staff to work with the applicant at the time of final plan to screen the parking. He would imagine that would be with landscaping.

Applicant presentation: Presentation by Ken Boon of Oschner Hare and Hare. They have taken all of the ornamental trees and massed them into big groups. There was much talk of the landscaping and how too much was going on. They simplified the heartscape pattern of the main parking field. Instead of the "s" curve they added a place to stop and sit down and a small feature in the middle of that. They want to let the landscape do its work around the edges. The east-west connection has been moved to the south to get shade for the parking stalls and also to get trees along that drive. They made it a sidewalk and did a similar move with Crate and Barrel. They simplified the paved patterns. The central courtyard and the paving in front of the stores have been expanded slightly. They added more cut-throughs. The smaller landscape areas are divided by walks so that it is easier to get in and out and around. Along the approach they talked about access

issues and ADA accessibility. They have now taken those landscape edges and pushed them out to the curb with more of a softer edge. There was a question about the southern elevation along Tomahawk. That elevation has been revised in regard to landscaping. The applicant has taken the Commission's input on wall material to help screen the service areas. The pink on the landscape plan are the ornamental flowering. The band of green just below the bottom of the trees is the shrub material that will be in the second tier as the wall comes up. It is a lot lighter than what was presented at the last meeting. Boon showed an elevation of the development looking north from the southern property line.

Henderson asked if the 5 to 8-ft. shrubs are seasonal. Boon stated he would like to use Dogwoods. If there is such a heavy Evergreen tree on top he would not want to use that same on the lower. Dogwoods are nice deciduous trees.

Conrad asked if the south retaining wall, proposed sanitary sewer and water line are public. Ley stated it would be within the right-of-way. Conrad asked when the proposed sanitary sewer and water line are planned to be put in. Ley stated it would be installed prior to grading. Conrad asked if it should go to the south side of the street. Ley stated there are a great number of trees on the south side.

Skip Johnson stated they have worked very diligently with Johnson County wastewater and the alignment came from their request. Part of the problem with the south side is that there is a small tributary. They are concerned about running parallel to that. The best way to get service to Building A is to keep it where it is proposed. Water One of Johnson County will make the final decision. All of the utilities will be placed as the grading is done.

Reynolds stated it looks like there is a spot for a water feature or piece of public art in the middle of the north-south spine. Boon stated they are hoping for it to be a resting place. Reynolds stated the applicant has done a nice job in responding to the Commission's comments.

Williams asked if the lower wall is going to be pretty much 4-ft. continuous along the sidewalk on the Tomahawk Creek side. Boon stated it is designed right now to be 8-ft. at street level. That would put the top layer at just above the branch structure of where most of the trees would be. There would be a foot or two of tree branch and foliage that one would not see the top layer except between some of the shrubs on the top layer. There is some possibility of grading it at a more severe slope to reduce the height of the lower wall. That may require more grading of right-of-way. It is a possibility to reduce the first tier, even though it would not reduce the total height of the wall. Williams asked the top height of the wall. Boon stated it is 16 ft. Williams asked the material for the wall. Boon stated it is a Versilock product. They are the rumbled stones of different sizes to give it more of a real wall look. Williams stated with two 8-ft. tall sections it will still be a massive wall. Boon stated that was the reason they tiered the wall and added landscaping.

Duffendack asked the applicant to go over the basis for the deviation request for five signs. Timmy Turner, representing Crate and Barrel, handed out some renderings of the proposed Crate and Barrel building. Because of the location of Crate and Barrel, there really is no back side. Every façade becomes a front side of the building. They also tried to screen the loading dock so that every side is a front side. That is why he feels it is important to screen every side of the building. They did a rough study with what is going to happen with the shade trees that are 30-ft. on-center. It will show how there is never really a main focus on one side. One will very rarely get a full view of the sign with the landscaping at its maturity. It is a softer landscape for the retail center. Heading southbound on Roe is the only time one would see both signs. The fifth sign brings the building down to pedestrian scale. It is the only sign that is lower. It is turned vertical. Reynolds asked if that is an area where there is a pedestrian entrance. Turner stated, no. Reynolds stated he is having a hard time understanding why it is important. Turner stated it is more of how it works architecturally. It breaks that corner down. There are a lot of neutral colors there and he feels the sign adds contrast to that wall. Williams asked approximately how far around the corner is the next sign that is closest to this one. Turner stated he believes about 15 ft. Reynolds asked if they anticipate a sign on the south façade on either the canopy or the glass above the entrance doors. Turner stated, no. They demarcate the entries by lower awnings.

Duffendack stated he understands the marketing aspect of needing signs. He has a problem with the vertical sign. He thinks that stretches the concept a little too far. He then reminded the Commission that if this deviation is approved, then they are locked in unless there is a significant change during the final.

Henderson asked if the wall poses any consideration for safety. He then asked if people will be inclined to jump or repel off of the wall. Boon stated there is not a lot of room on the top tier between the wall and the back of the drive and with as heavily as they are planting the edge with Evergreens they will be very close to the wall. If it becomes a code requirement for a railing or some safety concern, they do not have a problem with that. Boon showed photographs of examples of railings that might be an option.

Reynolds asked if they are somewhat limited to the grouping of plant material due to the design guidelines. Boon stated they have the effect of a vegetative wall with 35 ft. on-center and 3 to 4-in. in caliper trees and at times that is a lot of trees on a frontage. With the narrowness of the available land for landscaping, they do not have any expanses to group some of the larger trees to give them enough soil mass to grow. They ended up with street trees at 35-ft. on center on the frontage and then took some of the ornamentals and grouped them in that canopy underneath. They were in a more rhythmic pattern before and have now grouped them in larger masses to have more impact and provide more windows. Reynolds stated the guidelines are there for a reason but would like staff to understand that if there is some negotiating to allow the same number of plants to occur in a slightly different massing or organization then that is something worth discussing. Binckley stated that ordinance came into effect because the City decided they wanted tree-lined streets and wanted to have that regular rhythm. In areas such as these, where there are developments all around them that were built prior to the requirement, if the Commission found it was not appropriate in this setting the Commission could allow them to do something different, whereas on 135th Street we have really tried to make the statement of trees every 35 ft. Boon stated it is a large amount of landscaping. The difficulty is in the use. Providing the windows is the best they can do with the ordinance. Reynolds stated he would like there to be some flexibility in that regard. Binckley stated that can be talked about during final.

Reynolds stated staff did not want the angled parking to the north of the main public space and it sounds like that was an issue with traffic coming in off of Tomahawk. Boon stated as one comes in off of Tomahawk they have removed the parking stalls that were adjacent to the road on the north side of that drive so that there is no chance of people backing out into the flow of traffic.

Perkins asked to see the corrugated metal that may be used on Building B. He then asked how much of that building will have that metal on the building. Turner stated he does not know the exact percentage. On the north façade he would estimate 25 to 30% of the façade. It is all secondary corrugated metal on the first level, so it gets interrupted by landscaping a lot. Perkins asked what is above that. Turner stated there is a strip of glazing and then above that is the white metal box that becomes their business card. Perkins asked the material for the white metal box. Turner stated stained cedar is inside the white metal box. Perkins asked if they would come up with the exact percentage proposed during the final site plan. Boon stated, yes. Perkins asked Duffendack how this metal would compare to the metal proposed for the water tower feature for Cheeseburger in Paradise. Duffendack stated he does not feel that situation is relevant to the metal being proposed for this project.

Perkins stated he would be surprised if someone didn't recognize the building from 119th and Roe. He feels four signs are enough.

Conrad asked the gauge of the metal. Turner stated 16 gauge. Conrad asked if the manufacturer for the metal makes all of the accessories. Turner stated, yes. Conrad asked if it is painted in the field or at the manufacturer's plant. Turner stated it is applied at the manufacturer.

Henderson asked if the contractors who put on the materials are quality workers. Turner stated, yes. They demand craftsmanship. Henderson asked if they have had trouble in other stores that the craftsmanship has not been up to their expectations. Turner stated, no, not for corrugated metals.

Reynolds asked if the first level of the Paramous, NJ store is corrugated. Turner stated it is the wing wall that runs as a spine through the store. In Leawood, that spine will be stone. Reynolds asked if it is a background material. Turner stated, yes. Reynolds asked what is used for the first floor of the Paramous building. Turner stated he believes that is a stained

cedar. Reynolds asked if the proposed metal is on the street side, not where the pedestrians would be interacting. Turner stated, yes. It also becomes a screen wall on the street side for the loading dock. There is a strip of glass that runs along the top of the corrugated metal on the north elevation that will have a nice effect at night.

Duffendack stated he believes some members of the Commission are comfortable with the idea. They feel that there is nothing inherently bad about any material; it is just how it is applied.

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

Henderson asked if any of the members of the Commission have seen buildings with this type of metal. Williams stated, yes, it has become quite popular within the industry because of the economics of it. Henderson asked how long these have been up in force against Midwestern weather. Duffendack stated the problem that you usually get with painted metals is usually fading over time. That is usually with deep colors such as red or blue. He hasn't noticed any other problems with metals that have been put up recently. Williams stated the newer coatings are much nicer than they were 15 to 20 years ago. If they are in an area that does not get abuse as far as scratching, then they are fairly durable. He would not see a problem with this material with this application. Reynolds stated he feels they are using it in an appropriate way. He is very comfortable with the application of this product in this case. Conrad asked if there are any impact resistance guidelines in the roofing ordinance. Klein stated the composition shingles have a rating, but it is not something that has been incorporated into the LDO. It is primarily written towards the residential portion of it, then the commercial is a planned district and the material gets approved with each individual project. Conrad stated he is supportive of the material, but if someone were to apply a 22 gauge it could look pretty bad with a heavy hail. Binckley stated at the time of final staff could bring back the ICC requirements and look at the standards, similar to what was done with the roofing, in order to make sure that the gauge they are identifying would stand up to a reasonable level of hail. Duffendack stated the flat panel metals would get more bent up during a hail storm more than a corrugated metal.

Williams stated he appreciates the design of the signage. He has a real problem with a total of five signs. He likes the vertical sign, but with it being so close to the signs on the corner, it is like the building becomes signage. To some degree, he starts to lose some of the architecture due to the signage. Once the building is up, the building will speak for itself. Azeltine asked if Williams would be in approval of allowing a deviation for four signs. Williams stated he would begin to entertain four signs, but five signs, as presented, would be very hard for him to accept. Anytime the Commission approves deviations we are setting precedent and we've have applicants come in with serious needs and we have said "no" on deviations. He thinks the Commission should be careful on granting this large of a deviation.

Williams also stated he has a problem with the 16-ft. worth of retaining walls on the Tomahawk Creek side. Trees will lose their foliage and they will take 10 years or more to really be much out there. He travels that corner at least twice a day and sees a lot of pedestrian traffic that uses the sidewalks. The 16-ft. wall is not a pedestrian scale element. He feels they are turning the back to Tomahawk Creek the way it is designed. He would like to see some other treatment to the wall-side. He feels the large retaining wall detracts substantially from the appearance.

Reynolds asked if the applicant were to slope the lower landscaped area how much it would reduce the first tier. Boon stated he thinks they could reduce the height of the lower wall by 3 to 4 feet. The two 8-ft. walls is the worst case scenario at the highest height of the wall. That wall tapers from the west to the east and the lower wall tapers the most. They are making up the grade with the lower wall. Williams stated he does not know what they could do to eliminate the wall and still begin to have the kind of development the applicant is proposing. He thinks, overall, the development is quite nice and will be nice for that intersection. It will be a real plus for the area. He concurs with some of the comments made earlier about the street trees along 119th Street. The development across the street and Town Center Plaza does not have this kind of street tree presence. To bring in 35 ft. on-center street trees almost encloses this development and isolates it from the surrounding commercial developments. He does not want to see this development closed in and made to look as though it is an island.

Azelline asked what has been the recent history of deviations in terms of number of signs. Binckley stated the only one she can think of that has a substantial deviation for signs is the Dean and Deluca building, which is on the opposite corner of this development. When the City looked at that building, it was the architecture they looked at. It was also a prime user that the City wanted at that corner. Azelline stated he is not willing to go above four signs. His largest issue with this development is the retaining walls along Tomahawk. He feels that once this development is done it will create a connection between everything else on the west and north and towards the park. There is not much pedestrian traffic now, but he feels that once this is built there will be a lot more. He is not sure what they can do about the big imposing buildings as one walks by there. He does not think that is a good thing, but he is not sure what they can do about that. He urged the applicant to do as much as they can to make that lower retaining wall as pedestrian friendly as possible.

Duffendack asked if it would be possible to have three 5-ft. retaining walls as opposed to two 8-ft. walls. Johnson stated they could look at that. With just two walls there is enough separation to get nice landscaping. Duffendack stated between the top of the uppermost wall and the curb there is a lot of space. Johnson stated there is 10 ft. from the sidewalk and 10 ft. between the two walls. That 10 ft. was to give them plenty of area for landscaping. Duffendack stated the plan he is looking at shows twice as much distance. Johnson stated there is 10 ft. where the parking stall is to the west. They could look at putting in three walls instead of two. They could come up with a steeper grade from the sidewalk up to that and eliminate about 3 to 4 ft. They could also go a little bit steeper between the walls to eliminate part of the height. Reynolds asked if they are proposing a 4 to 1 slope and if the landscaping would be irrigated between the walls. Boon stated they cannot plant that many Evergreen trees in that space right behind the walls due to the reinforcement fabric that goes behind the walls. The critical thing is that the reinforcement fabric is not disturbed on that upper tier. The reason there is not as much of an issue in that middle tier is because they are proposing shallow-rooting shrubs instead of trees. Duffendack stated there are alternative wall systems that may not require the reinforcement fabric. Boon stated there are some gravity systems that are very big and chunky that are not as sensitive as this one would be where gravity would resist that. Duffendack suggested the motion-maker work into the motion the possibility of looking at some alternatives for this wall as the project is developed.

Henderson stated if the plantings are irrigated, the land will diminish as the water erodes it. There would then be a problem with irrigation and the wall system. He is concerned about the maintenance of the plantings. He then asked staff who would pay to put in a railing if they later found that the walls are attractive to people to jump off. Binckley stated once this project goes before the Building Codes Administration department they would review it against the building code. If it is required, then staff would review what type of structure goes in there. One example would be with the wall at the Winstead's site. When it came through for building permit it was decided that it needed a railing and they are now putting that in.

Perkins asked Ley if the applicant is in agreement with all of the Public Works stipulations. He also asked if there was one big thing that Ley asked the applicant to change. Ley stated the only thing that he changed from the previous comments was the removal of the left-in and the left-out on Roe Avenue and the applicant understands that stipulation.

Klein stated staff would like to recommend a modification to one of the stipulations in the staff report. Staff is recommending stipulation number 32 be modified to read, "No building permit for any construction on pad sites or outlots with the exception of Crate and Barrel." The applicant has always been very upfront that Crate and Barrel would be the first phase of this development. Changing the stipulation would allow them to proceed with the construction of that prior to the principal building. That was discussed at the last Planning Commission meeting. Staff would also like to clarify there was a reference made to the parking spaces on the east side of the main center. They are currently showing eight. Staff is recommending all of those spaces be removed and that more of a pedestrian connection be shown in between the main center and Building D. He discussed it with the applicant prior to the meeting and they are aware of it. Williams asked the reason for deleting the ones on the east end. Klein stated staff is not supportive of cars backing up to a primary drive aisle especially if it is close to a driveway off of a major street, such as Tomahawk Creek Parkway. Staff does not have a problem with the parking area adjacent to the plaza area on the east side. Staff also felt it would be more of an opportunity to create a pedestrian connection between those two buildings. Williams stated he sees parking at either of those two places as being difficult. He would not vote against the overall development based on that, but he still thinks those are bad parking spaces.

Reynolds stated he understands the need to remove the ones that staff is recommending, but he also likes the ones next to open space as a way of creating a buffer between pedestrians and vehicles. While some people might find them challenging to use, he also thinks they do very good things for the development.

Conrad asked if Gene Hunter had an opportunity to view the rendering labeled "C4". Klein stated yes. Conrad stated his concern is that we have had a lot of discussion about the back of the buildings and Tomahawk Creek Parkway and the fire marshal requesting there be enough space for a box truck. Binckley stated he did see the plan that goes along the back with the other trucks. Conrad asked if a person could see three signs at one time as one goes north on Roe Avenue. Turner stated, maybe, if the trees were not there, but it would not be read as a sign, but more like a black box. Conrad stated he would like to see a rendering of what the building would look like when it is first built compared to how it would look once the trees were mature. He would be open, but is still a little concerned. He would need to be more convinced as to why one would need to see more than two signs at greater than a 45-degree angle.

Henderson asked if stipulation four were to stay the way it is written with a maximum of 5, would that mean a maximum. He wants to make sure that it could also mean only two signs. Binckley stated the applicant is looking for an exact number to be approved. She believes the Commission is saying that they would be willing to approve four signs, but would consider looking at a fifth sign at final if it fit architecturally. Conrad stated he does not think that he would feel the need to have five signs. Duffendack stated the way it is written, the applicant would have the option of using 5 signs. Binckley stated the applicant suggested not less than 4 with a maximum of 5 in order to give the Commission a little bit of latitude later. She also suggested that the Commission could state that this deviation is for this user only and that any future user shall be allowed two signs or shall be required to go to the Planning Commission and Council for approval. Williams stated that if this were approved for five signs, he would be concerned as far as precedent. Binckley stated the Commission has stated the reason this could be accepted has to do with how it ties in with the building and the architecture. It is a simple black sign. It is not a rainbow color. It is also the location of it. It all ties into the reasoning and gives support. Conrad stated he agrees that it is all of the factors going into it, it is just one user. He would not be opposed, given the massing of the building to have not less than four signs and he thinks the vertical sign is the one that is most in question to him.

Reynolds asked if they see a final with five signs on it would the Commission have the ability to not allow the fifth sign. Binckley stated she believes that would be the intent of the discussion. The Commission could state, "no less than four but no more than five" and then that could be looked at during final.

Conrad stated it sounds as if the corrugated metal has been selected by a specific manufacturer. He then asked if the Commission can insert a specific manufacturer. He feels it is very important that the manufacturer has all of the accessory pieces and installation system and he would like to have our recommendations be that specific if it is acceptable to the applicant. Turner stated the applicant would be okay with that because they work with the same manufacturer. Binckley stated staff could get that information and tie it into the final resolution. Henderson stated he is hesitant to tie it down to one manufacturer in case they go out of business. Azelline asked if there is a certain type of grade for that sort of thing. Binckley stated they could add, "or equal to".

A motion to approve was made by Conrad with an amendment to stipulation number 4, bullet point 3, to add the words, "the manufacturer and level of quality for the corrugated metal", an amendment to stipulation 4, bullet point 4, to read, "a maximum of five signs, but not less than four shall be permitted for Building B, Crate and Barrel", and an amendment to stipulation number 32 to add, "no building permit for any construction on pad sites, except for Crate and Barrel". Williams suggested changing the wording on stipulation number 32 to read, "remaining buildings on outparcels" instead of "all buildings on outparcels". Conrad stated he is okay with that. Williams suggested changing stipulation number 4 to clarify that the use of the corrugated metal would be as presented on the lower portions of the building. Duffendack stated these elevations go along with the case, so that is inherent in the elevations. Williams asked if the applicant could change the design before the final application. Duffendack stated not substantially. Conrad stated if the Commission saw the metal being used in a larger amount, he would see it as substantial. Binckley stated it is not necessary to address it in the motion, given the discussions tonight on the record. Azelline asked if Conrad feels there should be a stipulation added to the motion regarding changing the retaining walls and making it more pedestrian friendly. Reynolds asked if it would be appropriate to add that the applicant explore, through grading strategies, reducing

the height of the lower wall by 3 to 4 ft. Williams stated he would not limit it to grading strategies only. He thinks that looking at some design considerations that could make it more pedestrian scale would be beneficial. It could be with alcoves and seating and benches. Duffendack suggested holding off on discussion until the motion is off the floor. **Azeltine seconded the motion.**

Reynolds proposed an amendment to the motion to state that the applicant work with staff to reduce the impact of the lower retaining wall through strategies including grading and the configuration or shape of plant material incorporated with the wall. Williams seconded the amendment. Amendment approved unanimously.

Azeltine stated he was very impressed with the applicant's presentation at the last meeting so his expectations are high in that regard.

Henderson asked if the affected amendment added a stipulation to total 34 stipulations. Duffendack stated, yes.

Motion approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chair