

# City of Leawood Planning Commission Minutes

October 25, 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 (tardy), Azeltine (tardy), Reynolds

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

**APPROVAL OF THE MINUTES:** Approval of the minutes from the September 13, 2005 meeting. A motion to approve the minutes from the September 13, 2005 meeting was made by Henderson and seconded by Perkins. Motion approved unanimously.

**CONTINUED TO THE NOVEMBER 8, 2005 MEETING:**

**CASE 64-05 COLTON CREEK ESTATES** Request for approval of a rezoning from AG (Agriculture) to RP-1 (Planned Single Family Residential District) and RP-2 (Planned Cluster Detached Residential District), preliminary plat and preliminary plan. Located at 5000 and 5100 West 143rd Street. **Public hearing**

**CASE 70-05 VILLAGGIO OF LEAWOOD - WEST** Request for approval of a final site plan and final plat. Located at the southeast corner of 135th Street and Roe Avenue.

**CASE 71-05 VILLAGGIO OF LEAWOOD - EAST** Request for approval of a preliminary site plan. Located at the southwest corner of 135th Street and Mission Road. **Public hearing**

**CONTINUED TO THE NOVEMBER 22, 2005 MEETING:**

**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.

**CASE 73-05 IRONHORSE CENTRE** Request for approval of a preliminary site plan and preliminary plat. Located east of Nall and south of 151st Street. **Public hearing**

**CONSENT AGENDA:**

**CASE 08-05k VILLAGE OF CAMDEN WOODS - 84TH PLAT** Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

**CASE 08-05i VILLAGE OF CAMDEN WOODS - 85TH PLAT** Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

**CASE 66-05 TUSCANY RESERVE - 3RD PLAT** Request for approval of a final plat. Located at 138th Street and Canterbury.

**CASE 72-05 REECE AND NICHOLS - EMERGENCY GENERATOR** Request for approval of a final site plan. Located at 11500 Granada.

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

*Commissioner Azeltine arrived.*

**OLD BUSINESS:**

**CASE 63-05 WIRELESS ANTENNAE - SPRINT** Request for approval of a special use permit. Located at 129th and Mission.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is Nicolette Zimmerman with Sprint. This is an application to install two wireless antennae on top of two power poles along Mission Road. This case was continued from the September 27th Planning Commission meeting due to some outstanding issues. The Commission asked the applicant to look at different options to bury the coaxial messenger wires and also the possibility of removing the guy wires. The applicant has submitted revised plans which include option "B". This option shows the messenger wires being buried underground and also the guy wires removed. Staff is supportive of this application, however, staff is recommending the applicant install landscaping around the proposed 4-ft. tall box cabinet.

Henderson asked if the bond listed in stipulation number four is the usual amount required. Joseph stated it is the same amount required for any company.

**Applicant presentation:** Presentation by Alicia Martin, representing Sprint. Since the last meeting, the applicant has agreed to bury the lines. The one outstanding item is that the applicant is still seeking approval of the revised plan with KCP&L. That is up to a 45 day process due to Federal law. She does not anticipate any problem with it, but it may set back the construction time. The applicant is trying to do this solution as an alternative to what has been proposed in the past. There was a cell tower application denied around 137th Street, so the applicant is trying to do this as a less intrusive method to solve similar problems, although on a smaller scale.

Martin requested the ability to respond to any comments made during the public hearing. Duffendack stated it is the Commission's policy to allow for that.

Munson asked what the acronym EIRP stands for. Martin stated it has to do with the emissions.

Rohlf asked if the applicant is in agreement with stipulation number three. Martin stated the applicant would still like to request a waiver of that. The applicant took several pictures of other utility boxes in the area and they could not find any with landscaping. It is out of the ordinary for the area.

*Commissioner Williams arrived.*

Azeltine asked if there are any health issues regarding this type of equipment. Martin stated the exposure limit that is allowed by the antennae 1.00. If a person is .2828 ft. from the antennae, one is at a 100% maximum allowed exposure. It goes down from there. From .56 ft. it goes down to 50% allowable exposure, which is allowed by law. From 5 ft. away it goes down to 5% exposure. Azeltine then asked if this is a new type of devise. Martin stated this type of equipment is currently being used on transmission poles in the area. This type of application is new to Sprint. Azeltine asked if Martin is confident that Sprint has done a sufficient amount of research to see if it works or not. Martin stated she is confident that there are some installed that are being tested, but they need more to test that.

Henderson asked what could happen if this does not work. He also asked, if this does work, if Sprint would look at placing these types of antennae on existing objects so that there aren't lots of different poles. Martin stated they are exercising other options. It serves a very small area, so those customers should see an improvement in their signal strength. If it doesn't work, no one would notice, because it would remain as it is today. Henderson asked if the applicant would come back to the Commission for more options if this doesn't work. Martin stated that if it does not work here, they are not going to know if it is the equipment or if it is situational. It would take time to determine if the system or configuration were working. Henderson asked what kind of timeline Sprint gives itself to see if it works. Martin stated they are hoping to have 200 systems deployed nationwide in which to determine the feasibility and success of the equipment. That would happen by the first quarter of next year or maybe longer.

**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 Munson. Motion to close approved unanimously.

Duffendack pointed out the letter placed on the dais from the Waterford Homes Association to the Commission.

Henderson asked if the Homes Association appears to be in favor of option "A". Duffendack stated it appears so.

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

**NEW BUSINESS:**

**CASE 65-05 CHURCH OF THE RESURRECTION - TEMPORARY BUILDING** Request for approval of a special use permit to allow the continued use of a temporary building. Located at 137th Street and Roe Avenue.

*Commissioners Rohlf and Reynolds recused themselves from this case.*

**Staff presentation:** Presentation by Mark Klein. This is a request to extend the length of time the temporary buildings can remain on site. The applicant is requesting the temporary buildings to remain on site until December 31, 2006. These are the same temporary buildings that were used by the City a number of years ago and have been located on the site since 1994. The applicant feels they only need until December 31, 2006 because the building that they are planning on moving their office into now has a contract on it. The applicant is requesting the application be extended until that time. Staff is recommending approval of this application with the stipulations stated in the staff report.

Munson asked if this is the applicant's fourth or fifth extension. Klein stated this would be their sixth extension.

Azeltine asked what is different this time to make staff believe that they will actually be out of the temporary building this time next year. Klein stated the applicant has provided a letter indicating they are optimistic in regard to the Cornerstone building. Azeltine asked if there have been any complaints from neighbors. Klein stated staff has not received any complaints. There was an interact meeting held and only one neighbor attended. That person's primary concern was the berm between his home and the church site, not necessarily the temporary building.

Henderson asked how old the buildings are. Klein stated he is not sure. Henderson asked what kind of condition they are in. Klein stated he was at the site last year and they seem to be in pretty good condition. A stipulation that has always been with these special use permits is that they maintain building code and fire code satisfaction and they have been held to those levels as far as he knows.

Conrad asked if it would make sense for the applicant to come back in December to make this a permanent building. Klein stated he would imagine that there would be some building code issues associated with that. He would believe that the City would not be supportive of making these permanent buildings. He believes the City is very interested in having them removed and he believes that is the church's intent. Lambers stated as a result of this experience, the City will be much more conservative in approving temporary buildings of this nature for commercial. The City is an equal offender. We have temporary buildings by the police station. If a commercial entity came in and asked for a similar approval, we would not approve it, and we need to play by the same rules ourselves.

**Applicant presentation:** Presentation by Steve Aganor, senior executive director at the Church of the Resurrection. The church has no intention or desire for this to become a permanent structure. There are other needs for that property that this structure sits on. They are desperately short of office space. Ultimately, the space that this structure sits on will be used to accommodate parking and traffic in and out of the site. The long-term growth plans for the church have always contemplated that the church's offices would be located in the Cornerstone development. They need the offices and staff to be close to the church. They have about 120 full-time employees and over 200 full and part-time people. The facilities on site are largely used for ministries and classrooms. They need to be within walking distance. They were under the strong

impression that the building would be near completion during late July or August and at the very least they would be asking for a short-term extension; unfortunately that has been delayed for the reasons listed in the staff report. A year from now the church will not have the luxury to figure out how to use that temporary space. They will outgrow it by then.

Henderson asked how old the buildings are. Aganor stated he does not know.

Perkins asked how many square feet would be in the building at Cornerstone. Aganor stated about 90,000 sq. ft. Perkins asked how many sq. ft. the church's offices will occupy. Aganor stated they would be using 15,000 to 20,000 sq. ft. Perkins asked if it is a three-story building. Aganor stated the first floor is retail and the two top floors are office. Perkins stated he is concerned that they only have 14 months to get the building built-out.

Conrad asked if there is currently a contract to work on the steel-frame building. Aganor stated a letter of intent has been signed. The builder of that building has it under review. Conrad stated he feels there is a long way to go. Aganor stated it should take 11 to 12 months from the day they redeploy the equipment and the day the building is ready for occupancy.

Munson asked how long it would take the applicant to vacate the premises if this were to be denied. Klein stated the special use permit ends December 31 of this year. Henderson asked if the City gives 30-days notice. Klein stated the applicant is aware of the expiration date of the special use permit. Munson asked how that would be enforced. Lambers stated the certificate of occupancy would be withdrawn by the City and therefore any occupancy would be illegal and cited accordingly. Munson suggested that if the City were to deny this application then perhaps the office would be built-out faster. Aganor stated the church does not have the kind of financial resources to make that sort of threat.

Perkins stated he would like the minutes to reflect that it is his opinion that this cannot be done in the time frame the applicant is talking about. He also asked that the minutes reflect that this would be the last extension. Munson stated that has been stated in previous requests.

**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.**

Azeltine stated Leawood is in a period of vibrant growth and he believes that the Church of the Resurrection is a big reason for that. As far as the building, he feels they had every intention of finishing the building. The biggest issue for him is that only one person showed up to the interact meeting and they did not have a problem with the building. He will be voting in favor of the extension. In the future, he thinks the City needs to be very careful in granting permits for temporary trailers.

Conrad asked if there would be any way to change the language to the stipulation that would change the special use permit to definitely end on January 1, 2007. Lambers stated the applicant always has the right to apply for an extension. It would then be up to the Commission at that time to recommend approval or denial of the request. He then suggested that the Commission consider adding a few months of an extension into February or March of 2007. By providing those few extra months, he feels confident that this will not be before the Commission again.

Williams stated he thinks that is a good idea. He feels that giving the applicant a few more months will save the City time in the future.

Munson stated if this were to get approved, he would suggest the church be on notice that this is the last extension and they should be thinking about where they are going to go if their building does not get built. They should not come back to the Commission for another extension. Six extensions is plenty. Seven is outrageous. Duffendack stated the applicant has the right to come back, but he feels the Commission's message is clear.

Perkins stated he feels the extension is viable to this particular request because he does not think it can happen within 12 months. He would be in favor of changing the request to March 1, 2006.

Williams stated he agrees with Munson and would like to say that if their proposed building is not built by the end of this special use permit, then they need to find that space elsewhere and not come back for another extension.

**A motion to approve was made by Azeltine with an amendment to change stipulation number one to read, "March 31, 2007". Motion seconded by Williams. Motion approved 4-2. (Munson and Conrad opposed.)**

**CASE 67-05 TOMAHAWK POINTE** Request for approval of a final site plan. Located at north of College Boulevard and west of Mission Road.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is requesting approval of a final plan to allow the construction of their second phase consisting of a 22,500 sq. ft. two-story office building. The applicant is Chase Simmons. This property is located at the northwest corner of College and Mission. There are 105 parking spaces proposed as part of Phase 2. The parking is located at the west and south sides of the building. The building will be constructed of brick, cast stone, natural stone and glass. The roof will be constructed of standing seam metal. Staff would like to add an additional stipulation as stated in the memo placed on the dais. The new stipulation reads, "The applicant shall work with staff regarding landscaping within the 65-ft. buffer area along the west property line prior to building permit." Staff is recommending approval of this case with the stipulations stated in the staff report and the additional stipulation added tonight.

Williams asked for more details regarding stipulation number 9. Joseph stated they are saving trees along the west property line and also along the north property line. Williams asked if the stipulation should be amended to read that way. Joseph stated that could be amended.

Rohlf asked if the Commission approved a preliminary plan for both buildings. Joseph stated the Commission approved a final for the first phase.

Williams asked if the first phase building was approved with the rose colored windows. Joseph stated Council approved a rose-colored glass, but with a gray backing. It will be less reflective. Joseph showed the material board. Rohlf asked if it is the same material used for the Doctor's Specialty Hospital. Joseph stated, yes. Rohlf asked where the Doctor's Specialty building is located. Joseph stated it is at College and Roe. Williams asked if the Headache and Pain Center is done in the same glass. He drove by the Merrill Lynch building and others in the area and he feels that they look the same. Since this was approved for the first building in this development, then he feels it would be best to keep the same material for the second building.

Perkins asked if the rose-colored mirrored glass is different than the Merrill Lynch building. Joseph stated the Merrill Lynch building has a pink background and this has a gray background. Azeltine asked if this is the same color that was approved with the first phase. Joseph stated, yes. Reynolds asked how the color was approved for the first phase. Joseph stated it was approved at Council. Perkins asked if the Commission added a stipulation to change that. Joseph stated there was a stipulation added that the applicant should work with staff to come up with a different color and this is the changed color. Azeltine asked if that was approved at the Council level. Joseph stated the applicant showed it to staff and staff approved it and took it to Council.

Williams stated the language in this staff report reads "Planning Commission" recommends approval. Joseph stated it is an error in the staff report. It should read, "Staff Recommendation".

**Applicant presentation:** Presentation by Chuck Peters of Peters and Associates. The building is 27,500 sq. ft. The property has been cleared up to 65 ft. from the property line. That was done voluntarily to give staff and the neighbors a chance to discuss what that buffer should look like. It is still very dense today. The applicant has agreed to work with staff and the neighbors to identify which trees would remain and also discuss ground cover or clearing of ground cover. Staff has alluded to irrigating existing trees, and that can kill trees. The applicant is happy to irrigate, but it can be detrimental to existing trees. The applicant has met all of the requirements for FAR and density. It is very complementary to Phase 1 as

well the other buildings along Tomahawk Creek Parkway to the south. It is exactly as it was on the preliminary plan and the final overall plan as approved by this Body and the City Council. The applicant agrees with all of staff's stipulations other than the ones brought up at the beginning of this presentation.

Williams asked if the applicant is in agreement with staff's stipulation regarding the coordination of the 65-ft. buffer. Peters stated, yes. There was a comment made by staff about how the irrigation should stay in place in that area and he would caution the Commission to give staff some latitude in that respect because they do not know what is going to be there. The plans show it being cleared to the property line with some landscaping, leaving a dense area of vegetation. They will use caution in terms of how it is treated. Williams suggested changing stipulation number 10 to add "new" vegetation. Peters stated he would be agreeable to something like that or just what they are trying to preserve. There is a large body of trees that are being left to the north. Williams then asked why the applicant chose rose-colored glass. Peters stated it just happens that the Merrill Lynch building chose that color for their glass and he feels Tomahawk Pointe should complement the surrounding buildings. The applicant is proposing a rose glass with a gray glass on the back of it. It makes it darker and creates shadowing. There are a lot of people that like the desert rose glass. Williams asked if the glass is a reflective glass. Peters stated it is not 100% reflective. One can see through the glass at times.

Azeltine asked if the Commission could change any stipulations, since this is a final plan. He then asked if the Commission only has the option to vote "yes" or "no". Duffendack stated if there have been substantial changes in the plan, then the Commission has the ability to amend the stipulations. Azeltine stated the way this project has come before the Commission is completely abnormal to the process that he has come to know. Instead of the City Council remanding the case back to the Commission, they basically completed the preliminary process at the Council level and dropped a final plan in our laps without the Commission going through a preliminary on that plan. It was a completely different plan. Lambers stated if there were changes in the plan from the preliminary to final, then the Commission has the right to approve or deny those changes. There are no proposed changes from the preliminary plan, so the Commission is voting to approve or deny. There are no substantial changes from the preliminary plan that was approved by the Governing Body.

Conrad asked when the improvements on College Boulevard would occur. Peters stated as soon as construction is started. Conrad asked if there were any road improvements required for the entrance off of Mission Road. Peters stated, no.

Duffendack asked about the future parking shown on the plan. Peters stated those spaces would be land banked. Duffendack asked if there would be some additional berming or landscaping if that were to happen. Peters stated there would not be a need for additional landscaping, due to the vegetation that will remain there. Duffendack asked if Peters feels that would be adequate to shield the cars. Peters stated, yes.

Perkins asked what the grade would be compared to what it is now. Peters stated it would be an average of 4 ½ ft. There are areas that will get 7 ft. of fill and areas that will get as little as 2 ft. of fill. Perkins asked if the fill would go from west to east. Peters stated, yes. Perkins stated the flow of the water would dictate that too. Peters stated today there is no drainage out of this site. The applicant is proposing three areas of intake that is from runoff from Longwood Forest that would drain out and under Mission Road along with the parking lots being designed with inlets that will take them down to the creek. Perkins asked if the 65 ft. of trees would be drained separately. Peters stated there will be inlets.

Henderson asked how long it takes for fill dirt to be stabilized. Peters stated Terra Con would be on site the entire time. It will be rolled and wetted and rolled, so from a parking standpoint, it will be very compacted. On the building pad, they will be very stabilized. Henderson asked if there is any correlation between the early cracking of cement in parking areas and the move to get too quickly to fill dirt. Peters stated it could be a number of things.

Perkins asked what degree of compaction they go to with the fill dirt. Peters stated 95% compaction.

Munson asked for some discussion of the landscaping along the perimeter of the entire project. Joseph stated they meet all of the landscaping along the south side of the project. The existing trees along the north side of the project will be included in the required amount of landscaping. There are a couple of stipulations related to landscaping. Munson asked to see the landscape plan. He then asked if there would be enough landscaping to soften the appearance of the architecture. The

applicant showed the landscape plan. Munson asked for a description of the landscaping for the first phase. Peters stated he does not have that available, as it was already approved, but there will be a corner fountain feature at Mission and College.

Williams asked if the total parking for the project would be 105 parking spaces if they were to include the land banked spaces. Peters stated, yes, for Phase 2.

Munson asked how the applicant sees the quasi-traffic circle functioning. Peters stated it is a one-way circle that goes counter-clockwise. Munson asked the diameter of the traffic circle. Peters stated he is not sure, but it has been designed for safety.

Henderson asked if a fountain or statue would be in the circle. Peters stated it would be landscaping. Henderson asked if the sight-line would be open. Peters stated, yes.

Azeltine stated it looks like a pretty good project. He then stated his problem with this project is the way that it got to this point. He believes this Commission was circumvented. He has been told by the attorneys that it was legal. He thinks the preliminary and final plan approval both took place at the Council level, instead of remanding the first preliminary back to the Commission. Unless he is willing to vote against the project, which he is not, then it makes a lot of this discussion pointless, because the purpose of the final is to make sure the applicant has conformed to what was approved as part of the preliminary process. He will be abstaining from this case in the hope that the Council will not in the future disrespect this Body in the same way.

**A motion to approve was made by Munson including the additional stipulation made by staff tonight stating, "The applicant shall work with staff on the 65-ft. buffer prior to building permit." Motion seconded by Rohlf. Williams asked if the Commission would like to address the applicant's concern on the irrigation of the existing landscaping. Munson stated Williams could make an amendment to the motion. Azeltine asked if an amendment can be made at a final plan application by someone other than staff. Duffendack stated the Commission frequently clarifies stipulations. Williams suggested an amendment to stipulation number 10 to read, "All new landscaped areas shall be irrigated. All existing landscaping areas shall be reviewed with staff, along with the project's landscape architect, to determine the feasibility of irrigation as it would affect the life and health of existing landscaping." The motion maker agreed to the amendment. The seconder agreed to the amendment. Motion approved 7-0. Azeltine abstained.**

**CASE 68-05 PRAIRIE STAR ELEMENTARY SCHOOL ADDITION** Request for approval of a final site plan. Located at the northeast corner of 143rd Street and Mission Road.

**Staff presentation:** Presentation by Jeff Joseph. The applicant is Gary Nevius with NSP Architecture. The applicant is requesting approval of a final site plan to allow the construction of a 2,243 sq. ft. addition to the existing school. The school is located at the northeast corner of 143rd Street and Mission Road. This addition is proposed on the southwest corner of the existing school. The elevation of the addition is single-story. It will be constructed of brick, metal panel and glass. The main entrance of the building is located on the south side. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked to see a materials board. Joseph displayed the materials board. Williams asked the brand of material the applicant is planning to use for the metal. Joseph stated the applicant would be able to answer that question.

Henderson asked about the relationship between elevation 21 and the temporary classroom. Joseph stated the applicant has provided a letter stating that they need the classrooms right now. The Special Use Permit for those classrooms will expire in March of next year. Henderson stated the applicant has said those classrooms might be moved back to the high school.

**Applicant presentation:** Presentation by Gary Nevius. The applicant concurs with the staff report with the exception that they would like to remove stipulation number 5 in regard to irrigation of landscaping. The school is an established school. It is on a 40-acre site. The only area they are disturbing is by the elementary school's front door. There is established landscaping that has been maintained successfully for years. There are no Blue Valley Schools that have irrigation of landscaping. They are specifying a landscape species that require very little watering so there should not be any issues with irrigation.

Williams asked how they maintain the areas that are not irrigated. Nevius stated they hand-water them for the first two years of their establishment, then they only need to be hand-watered during extreme droughts. Reynolds asked if a water spigot is part of this addition. Nevius stated, yes.

Williams asked for more information on the metal panels. Nevius stated he believes it is a Lucrabond material. It is very similar to the flat, architectural panels used as an accent panel at the Country Club Bank on the Hallbrook site. Williams asked for a description of Lucrabond. Nevius stated this is not a profile panel. It is a flat panel that is applied over a backing of metal studs and sheathing. It is joined by caulk joints so it is very smooth and from any distance is almost seamless. This particular panel is a metal finished aluminum as shown on the color samples. Williams asked for a description of the finish. Nevius stated it would have a clear, anodized surface. Reynolds asked if it has structural stability. Nevius stated, yes. Munson asked how it would stand up to dents from hail. Nevius stated there is plastic reinforcement in between two aluminum sheathings. They have used it in a number of installations and have not had any trouble with it. In this instance, they are specifying the material more than 5 ft. high on the wall and pretty far from the sidewalk. The lower material is a brick to match the existing building. Williams asked what percentage of the building would use the metal. Nevius stated he has not made that calculation. It is an accent by comparison. There is much more brick than there is metal. Williams asked if he would guess 20% or less. Nevius stated that is a pretty good guess.

Rohlf asked how the school would be using the space. Nevius stated the school district has increased the programming requirements for their art education, so the art room they want is almost double the size of the current art room in this building. The most appropriate space that was sized right is the current office space, so they are putting an art room into the current office space. Rohlf asked if other schools in the district are going through the same change. Nevius stated, yes, there are three others.

Henderson asked if the school is anticipating removing the temporary classroom next year. Nevius stated he does not know. The way the district can manage the number of classrooms at each of these installations is to build new schools and to have boundary shifts that allocate students to the appropriate school. There is a new school opening next fall that will help some. The fifth grade that is currently located at the school is housed in the middle school adjacent, so there are some demands for the short term. They do not desire to make significant classroom additions because at some point they would be in excess of what they need. They are trying not to overbuild. Henderson stated he likes the planning aspect that they are not asking taxpayers to pay for additions to buildings that may not be used in the future. He then asked if the planning process is including any and all temporary classrooms and/or curriculum shifts so they are building something that will presently keep and reallocate the use of space inside the school. Duffendack stated the letter included in the packet states what they are going to do in the spring to recommend uses for temporary classrooms. It is really beyond the scope of the case before the Commission tonight.

Williams stated he does not have a problem with the metal panels as proposed. In light that there is no irrigation now, he would be supportive of removing that from the stipulation. Lambers stated in treating this as any other case the requirement would be for irrigation. He suggested that the Commission could include a provision to state, "should the majority of the landscaping fail, prior to replacing it, an irrigation system shall be installed." Azeltine asked if that has been the City's requirement in the past for schools. Lambers stated, typically, cities try to give difference for requests such as these. He does not feel the request is unreasonable, but he feels having that provision would be appropriate.

**A motion to approve was made by Azeltine with the change to stipulation number 5 to read, "Should the majority of the landscaping fail, an irrigation system shall be installed prior to replacing the landscaping." Motion seconded by Williams. Motion approved unanimously.**

**CASE 69-05 PARKWAY PLAZA** Request for approval of a preliminary site plan. Located at the northwest corner of 135th Street and Roe Avenue.

*Commissioner Duffendack recused himself from this case, therefore Vice-Chairman Rohlf presided.*

**Staff presentation:** Presentation by Jeff Joseph. The applicant is Richard Sailors with RH Sailors and Company. This project is located at the northwest corner of 135th Street and Roe Avenue. The applicant is requesting approval of a preliminary plan to allow the construction of 78,600 sq. ft. of office/retail space, 162,922 sq. ft. of retail space, 75,000 sq. ft. of office space and 363,750 sq. ft. of residential space. The total proposed FAR for this project is 0.26. Joseph described the proposed changes on the site plan. The applicant is proposing two office buildings in the area that was previously approved for four condominium buildings. The previously approved plan had two large office buildings and those are now being proposed as five office buildings. The southwest portion of the development has been reconfigured with the number of buildings. This project proposes a parking ratio of 4.2 per 1,000 sq. ft. of lease space. The maximum allowed by ordinance is 3.5 spaces per 1,000. The applicant is asking for a deviation for the additional FAR, which is only 0.01. This project is proposing an FAR of 0.26. The maximum allowable for the MXD district is 0.25. Staff has reviewed the bonus criteria and found that the additional open space justifies the increase in FAR. The applicant has identified a garden area between Retail 2 and Retail 11 as the space for the bonus criteria for the additional FAR. The details of this garden area will be provided at the final plan. There are no changes proposed for the Country Club Bank building, Retail 6, Retail 4, Retail 9 and Retail 1, which is the main center. They have approval for the two sets of condominiums and the club house. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if the reason the Commission is seeing this plan as a preliminary is due to the substantial changes. Joseph stated, yes. Rohlf then asked if that would mean that any buildings the Commission has approved as final would not be changed. Joseph stated, that is correct.

Conrad asked if the traffic improvement recommendations are the same as they were for the previously approved plan. Ley stated the traffic improvements have already been constructed as part of Parkway Plaza. Staff is recommending an additional study be completed at 133rd Street and Roe and 135th Street and Roe. The applicant did submit an updated traffic study that included the new office portion and it did increase the traffic at those two intersections. Munson asked what the level of service would be at those intersections after the proposed improvements. Ley stated at 133rd Street and Roe it would be a level service of "F" and a level service of "D" at 135th Street and Roe. Munson asked the wait time to get through an intersection with a level of "F". Ley stated about 60 seconds average. Conrad asked if that is due to the change from condos to office. Ley stated, yes, because the previous study was accepted. Munson asked who performed the study. Ley stated Bucher Willis Ratliff. Munson asked Ley's opinion of the traffic situation. Ley stated he feels there will be some additional improvements happening when they come back for final. Williams asked what kind of improvements Ley would see being needed. Ley stated one would be at 133<sup>rd</sup> Street and Roe. One option there would be to construct an additional eastbound left turn. Conrad asked if that is signalized now. Ley stated, no, that would be something else to look at during final. This applicant would be responsible for half of the cost of that signal. Rohlf asked if the Commission would get a copy of the traffic study during the final application. Ley stated he could include the conclusions of the Bucher Willis Ratliff study.

Henderson asked if the 15 pad sites would be developed before the office buildings. Joseph stated the Country Club Bank is almost done. There is final approval for Retail 4, 6 and 9. None of the office buildings have any kind of approval yet. Henderson stated the Commission has consistently talked about the main portion being built in the first phase. Joseph stated the main center has been approved. Williams asked if that has begun construction. Joseph stated, no. Williams asked the estimated start date for the construction of the main center. Joseph stated the applicant would be able to answer that question.

Williams asked for a description of the three main changes and their impact. Joseph stated they previously had four condominiums, which were around 180,000 sq. ft. in total. Right now they have 75,000 sq. ft. in total for the office. That is a reduction in square footage. With all of the retail buildings, they have increased the square footage within the retail area. It is just the residential portion that went down. Everything else increased. Williams asked if they increased the number of retail buildings on the southwest corner. Joseph stated the number of buildings remained the same. The square footage

has increased. Williams asked where that increase is taking place. Joseph stated Retail 14 was approved for 4,400 sq. ft. and now they have 6,300 sq. ft. There is a similar situation with the others with minor changes within the individual buildings. Williams asked if that situation holds true for the area north of the main center. Joseph stated there were two office buildings approved for 28,000 sq. ft. and now they have about 5,000 sq. ft. more than was approved.

Rohlf asked if the garden area is the primary open space for the bonus feature. Joseph stated, yes. Rohlf asked if that is new. Joseph stated, yes. They were proposing one building there and they are now proposing two smaller buildings with a garden feature.

Williams asked the amount of increased parking spaces for this plan. Joseph stated they had two parking spaces per condominium unit. They are now adding surface parking. The applicant showed some of the parking as landbanked originally but those are now shown as parking. Williams asked the parking ratio on the previous plan. Joseph stated they showed 4.4 spaces per 1,000 on the previous plan. There was a stipulation with that plan that they had to reduce it to 3.5 per 1,000. They are now proposing to 4.2 per 1,000.

Munson asked if the underground parking for the condos was used towards the bonus points. Joseph stated the applicant had an FAR of 0.29 at that time and that is what they used to obtain the FAR. They are only asking for a 0.01 increase in the FAR. Staff looked at the open space and the underground parking. They only took four of the condominiums away. Munson stated it seems to him that the bonus features would be different. He then asked if staff excluded the area that was landbanked for parking in their calculations. Lambers stated the addition of the surface parking counts towards them. They did not get any credit for the underground parking because it was underground. The surface parking goes towards that, which is why they get the reduction from 0.29 to 0.26.

Conrad stated it seems that there are three different developments instead of one mixed use development. He then asked if they would meet the ordinances with respect to those uses if each of these areas were looked at on their own. Joseph stated there are different parking standards for different zonings. Within the SD-CR zoning they could go to 4.5 parking spaces per 1,000 and within SD-O they could go to 4 per 1,000. Within MXD zoning they have to go down to 3.5 spaces per 1,000. Conrad stated when he looks at the plan he loses the mixed use aspect. In the northwest quadrant he sees a typical office development. There was an issue that if they were going to buffer with the residential to the north, that allowed the separation of the residential because it became a buffer. He feels like they have strayed considerably. Lambers stated Conrad's comments are very much the same as the Council's when the Mission Corner project was seen at a work session. The Commission will see that project with much more integration of the different types of uses so that there are not different quadrants. Council felt this was really the goal of the LDO which has not been achieved and that is the basis of the work session that is coming up to discuss and reach a consensus. They want much more integration of these types of uses and not just having a mixed use as seen here, which is still a good plan, but taking it to the next level. Azeltine asked if it would be useful to delay acting on this project until after that meeting. Lambers stated, no, this project is so far along in the process that it would not be fair to the applicant.

**Applicant presentation:** Presentation by David Suttle of Suttle Mindlin Architects. The process that brought them to this discussion is the marketplace and the ability of the master plan to move with the needs of the clients. From the original master plan, there was a clean, almost prototypical quality to it. It was the best they could do knowing what they did at that time. They proposed the northernmost layer for higher density luxury residential and then started filtering office and office/retail adjacent and then retail for the perimeter. It would be appropriate to a suburban situation. He feels the new plan helps to make it more integrated together. Driving north on Briar, one would see buildings on each side, kind of like a village where things are all working together. The applicant had been working with a major Walgreen's facility at the northeast corner of the retail area and have since removed it and replaced it with two of their most prime buildings and landscaping. That is a real plus. He thinks it has to be easier for people to see along Roe and the residential area. They are responding to real estate and leasing and development opportunities. There is a very prestigious company that has chosen this corner for their corporate office. It is a very elegant building. There is no change in the condominiums. The retail prototype remains the same. The elevations of the five smaller condominium office spaces blend nicely across the street. The buildings have no front and back. They have a public face and an employee face. They have cottage garden buildings that people own. The materials of the corporate building are brick and cast stone. That will keep it from looking like a typical

suburban office building. There is a scale and compatibility. In regard to parking, there is always some concern about large open parking lots. They are proposing a subdivided lot. It is even more delineated with landscaping than the retail/office at the southeast corner of the site. It will be very passive and not in the prime general area that it needs to be. They are tucking it in the back. It is done in a way that it is being a very good neighbor in terms of the view they create. This proposal needs to be above the 3.5. The applicant has worked very hard to get to 4.2 and put the spaces in the right places where they will do the most good for the retail tenants. They want to add tree endcaps on the southeast parking lot in order to break up the midpoint and keep the texture of the parking areas from being without trees. They are asking for some specific ability to do that in order to make the quality of life better.

Rohlf asked how confident the applicant is that this is the last major revision to the plan. Suttle stated they are increasing the idea of the original, pure concept. They are finding a lot of acceptance in the smaller buildings. There will be some small changes as the other buildings come in for final approval. He believes this is the last major change. Rohlf asked what stipulations the applicant is not in agreement with. Suttle stated the applicant would rather not do the plaza area between Retail 2 and 11. They would rather do something different. The reason is that they had to do the benefit district and they will not develop the in-between gardens until both buildings come in because they might have a big window that could open to the spaces and want to encourage that. They have no tenants and want to develop those as they come in. The plaza area between Retail 2 and 11 will be developed, because it is between two buildings. The applicant would like the approval to take the entire length of 133<sup>rd</sup> Street and beautify it. They are proposing sidewalks with benches and plantings around the residential area. They want to create a more linear developed garden area on the north side of 133<sup>rd</sup> Street. By allowing the applicant to do that, this would hold out the best and most appropriate development for the 134th Street and Roe location. Rohlf asked if that would be stipulation number 18. Joseph stated, yes. Rohlf asked if stipulation number 20 is acceptable to the applicant. Suttle stated they need to have some of that parking in order to make it successful. The applicant would be agreeable to making it parallel parking.

Reynolds asked about the parking east of the one-story office building. Ley stated that is a Public Works comment because of the traffic queue in the p.m. They are recommending removal of those parking stalls. Suttle stated they need the cars. There are only two times of day where they would get the impact of the traffic of this use. If it were retail or residential then there would be more traffic.

Azeltine asked the distance between Building 1 and the pad sites to the south, across the parking lot. Suttle stated about 150 ft. Azeltine asked if there is anything they can do to make it more pedestrian friendly. It is a very large area. He would like some detail as to the landscaping along there and would like to see it beefed up. Suttle stated there have been no changes in that area other than taking out the land-banking and putting a tree in. There are only 13 spaces together. It is not very large at all in comparison with most other commercial areas. Azeltine asked the width of the sidewalk from Building 1 to the pad sites. Suttle described the different materials and patterns for the sidewalks.

Joseph stated the land banking of spaces was never approved with the previously approved plan. They showed the green spaces there with some language that said "land banked" but the stipulations stated they are restricted to 3.8 parking spaces per 1,000 sq. ft. Williams asked how many parking spaces that would affect. Joseph stated they are showing 521 spaces in that area now, so probably close to 100 spaces. Suttle pointed out on the original plan where the proposed landbanked spaces were. The developers have agreed to curb the entire parking area at one time at the beginning. That would save them from having a patchwork appearance. Suttle showed and described a plan of all of the sidewalks.

Williams stated there could be a large parking area without landscaping and it would look massive, but at street level the landscaping begins to break it up. By adding a few spaces at different areas, it does not have quite the negative impact that it would if one large area grew by 100 parking spaces. He does not see it as having a negative effect. Total numbers aside, he is just looking at the way it looks. He then asked the width of the pedestrian walkways and landscaping beds. Suttle stated the walkways are always 5 ft. and then another 5 to 10 ft. of adjacent landscaping. Williams stated looking from a street-level perspective it picks up more of the mixed-use concept. He likes the plan as a result of that. In regard to the parking numbers, he likes breaking up the parking lot. He would like some consideration of reduction in the number of parking spaces. He then asked how they would have a reasonable drive-thru facility at the corner where the Walgreen's is

proposed. In regard to design, he came upon a Walgreen's around 151<sup>st</sup> Street and Blackbob that shocked him as how well it looked and how well it fit with the neighborhood. Suttle stated there is no Walgreen's in the project.

Henderson stated he shares his colleagues' view on this. They do not want a random car-park everywhere. They want places where people can utilize the services of the stores. He is in favor of the lower number of parking spaces. It seems to him that there is not much level of service difficulty in what they are proposing, with the exception of a way for people who own those properties to drive slowly and enjoy the parking spaces. The applicant should plan for those thoughtful pedestrian-type drivers. We should encourage people to get up and walk about. Suttle agreed that they do not want excessive parking. They blended the whole retail and office area into one number. If they looked at the restaurants individually they would have 12 to 17 cars per 1,000 sq. ft. Successful retailers want 5 to 5 1/2 spaces. They are going to discourage some very good national tenants because they cannot come up to 4.1 or 4.2 spaces. They want to get good tenants, so if they stretch enough to not rule them out then he thinks they can get some of the better national retailers.

Reynolds asked if the residential condominiums back to the intersection of 134th Street and Briar. Suttle stated there is no back side to the condominiums. Reynolds asked if the applicant thought about making the two major office buildings be more in scale with the surrounding buildings. Suttle stated the north building is in the same genre. The other is a corporate building and not much different than the condominiums. Uniformity is not always the best way to get a real-world feel.

**Public hearing:** Don Beisen, 5311 W. 132nd Terrace in Overland Park. The driveway that goes out on 133<sup>rd</sup> Street would go into the back of his home if it were extended out. Luxury condominiums with underground parking have now been replaced by a one-story office building, a three-story office building and 300 parking spots in an open parking lot. If it is approved he would hope the Commission would ensure that there would be screening. As one goes from Briar, all of the landscaping was in the wide area north of 133<sup>rd</sup> Street up to Briar and then it stops, but Briar is the point where the green space north of 133<sup>rd</sup> Street narrows. There is approximately 8 ft. of tree lining between his backyard and the slope that was totally cleared away for the walking trail. Cars will be going in and out and then 6 months of the year there will be no ground coverage. He was told that everyone in Leawood leaves their office building by 4:30 p.m., before it gets dark. Where he worked before he retired, he was lucky to get out of the office before 7:00 p.m. He thinks there is going to be a considerable amount of traffic leaving, especially in the winter months when there is no foliage on the existing trees. There is no agreement yet as far as additional screening. He then asked the Commission to look at additional screening, not only for the cars exiting and shining their headlights into his home, but also other homes on either side of him. With the previous proposal there were no exits onto 133<sup>rd</sup> Street at all. They all went out to Briar. He is concerned with the proximity of the cars coming out onto 133<sup>rd</sup> Street. People are right now cutting through on Briar to 133<sup>rd</sup> Street. He would hope the Commission would support the people in the neighborhood in looking for appropriate screening of not only the parking lot, but also the exits. Maybe even reconsider the need for two exits onto 133<sup>rd</sup> Street from those lots. He met with Bob Sailors today and he indicated they would work on additional evergreen type trees along his property line. They have not reached an agreement on the number. He would also like screening of the parking lot itself, even on the south side of 133<sup>rd</sup> Street.

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

Joseph stated there are additional requirements for screening since the use is changing to office and that will be looked at during the final plan.

Azeltine asked if there is a southern exit for the new office parking. Suttle stated, yes. Azeltine stated he would like the traffic people to look at potential problems and see if it would be feasible to have two entrances. Ley stated he could have the traffic engineer look at that during final.

Rohlf asked if the design guidelines have changed. Joseph stated that would be looked at again during final.

Reynolds stated he has concerns with the impact on traffic in terms of service level "F". He is also concerned about the offices not being integrated with the remainder of the project. The three-story office building does not reinforce the street as the other buildings do. He feels the scale of the building, in terms of the large vertical windows and lack of convincing

sloped roofs, is totally foreign to the remainder of the project. He has a strong concern about the new office buildings proposed in the northwest corner. He also thinks the parking ratio should be lowered to or at least be closer to the 3.5.

Azeltine stated he would like to reiterate the parking lot areas off of area one and making those walkways much more pedestrian friendly because he feels that is what makes Leawood unique.

**Perkins made a motion to extend the meeting until 9:15 p.m. Motion seconded by Munson. Motion to extend the meeting approved unanimously.**

Williams stated the only driveway access off of Briar into the development is at 134<sup>th</sup> Street at the far south end. That further compounds the traffic going out onto 133<sup>rd</sup> Street. He would like to see a little more reduction in the parking, but he feels how it is broken up with the landscaping helps to minimize the impact. He does not see where a reduction of parking from 4.2 spaces down to something closer to what the LDO allows would have much of a visual impact on the development.

Munson stated he is disappointed in the change of the use on the northwest corner. When the project was originally heard, one of the major things was to have a transition from commercial and the residential, which the condos were going to do very nicely. Another problem he has is with the traffic pattern as shown on the plan. He sees the diagonal parking as being problematical. He asked if the drive that comes off of 134<sup>th</sup> Street and serves the small offices is one-way. Joseph stated it is two-way. Munson stated it looks awfully tight. He then asked if the trees that are shown on staff's plan that are not shown on the applicant's plan will actually be installed. In regard to parking, he thinks that asking for 4.2 or 4.3 is excessive. He agrees that 95% of the time there is plenty of parking. He would like to see more open space and less parking. He also would like the southbound diagonal parking on the east side of the small office buildings and the northbound diagonal on the west side. He is not sure if it will work.

Henderson stated, in relation to the landscaping, he thinks they need to consider what is done on the northwest quadrant. The City has required screening in the past for commercial developments when they are next to residential. He is in favor of controlled parking, the difficulty he is having is that there are four or five pad sites under development and they will need parking nearby. It is hard to get an overview that way. He would like to see some evidence of those office buildings and the large retail building to offset the development of the pad sites as early as the schedules will permit.

Conrad stated he is looking forward to how this is approached. He would hope the applicant would request a continuance. He feels like there are a lot of staff comments that have resulted in stipulations. He senses a discomfort with the northwest corner. The space between Retail 1 and the new office/retail small cottage area is a straight shot with a lot of parking that backs up the service area. It is probably not very inviting to pedestrians from that standpoint. He thinks the service levels at the different intersections need to be studied. He would like information before making a decision on this case.

Rohlf stated she is not sure that there is much of an agreement of the northwest corner. She asked the applicant if they would like more time to work on the northwest corner. Suttle stated he did not hear any of these comments during the work session. He thinks that some of the Commissioners might think there are two tall office buildings and there are not. There is one office building. The three-story building fits in with the same density as the condominiums. The one-story building will be screened from the residential to the north with landscaping. The roof-top equipment will also be screened. Azeltine stated the applicant has already given their presentation and he would like Suttle to answer the question of if the applicant would like more time to work on that corner. Rohlf stated that the Commissioners that have been talking against the corner were not able to attend the work session. She believes Suttle is trying to cover some of the things that were covered during the work session. She felt that the Commission, during the work session, gave the applicant positive feedback on that corner and she feels the Commission is putting the applicant in a difficult situation. Lambers stated there were some concerns on the traffic impact of the change. As part of any final plan the levels of service will be required by the applicant to alleviate that. He believes the focus of the discussion is the office buildings themselves and not the traffic impact. If the consensus is that it is not acceptable, then the Commission needs to make that decision. If it is acceptable with only traffic concerns, those will be addressed with the modified traffic study. He thinks the focus should be on the change of the office.

**A motion to extend the meeting to 9:30 p.m. was made by Henderson and seconded by Williams. Motion approved unanimously.**

Conrad stated he is concerned with the significant change and the issues. He would like to see a continuance. There are numerous things that need to be addressed. Azeltine stated he would like to know if the applicant is agreeable to a continuance. Suttle stated he would be agreeable to a continuance. He has heard comments about issues with traffic as it affects 133rd Street and multiple curb cuts and lights. There is an issue about how Briar works with the idea of the village and walking pedestrian neighborhood. He wants the corporate building to remain, but would be willing to work with the other office building and the parking with staff.

Conrad stated he still has issues with the single trees in the parking and the bonus point situation. Suttle stated that could be looked at.

Munson asked if the 46,800 sq. ft. of green is in Leawood. Ley stated it is a detention pond in Leawood. Munson stated he feels very strongly about the northwest corner being condominiums. He then asked if the applicant could look at placing the corporate office in the area where the other office buildings are located. Suttle stated there has been no interest from potential residents in doing condominiums across Briar. They now have a first-quality corporate client who would love to be here. Munson stated he is still dubious.

Reynolds stated Munson's comments reflect the number of issues that Reynolds also has and he has a hard time approving it without further discussion.

**A motion to continue this case to the November 22, 2005 meeting was made by Azeltine and seconded by Reynolds. Motion to continue approved unanimously.**

Meeting adjourned.

---

J. Paul Duffendack, Chair