

# City of Leawood Planning Commission Minutes

April 11, 2006  
Meeting – 6:00 p.m.  
Leawood City Hall  
4800 Town Center Drive

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

Rohlf congratulated Commissioner Azeltine for his recent appointment to the City Council. She thanked him for his hard work and dedication of the last two years.

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

**APPROVAL OF THE MINUTES:** Approval of the minutes from the February 28, 2006 and March 14, 2006 meetings.

A motion to approve the minutes from the February 28, 2006 meeting was made by Munson and seconded by Williams. Motion approved unanimously.

A motion to approve the minutes from the March 14, 2006 meeting was made by Azeltine and seconded by Munson. Motion approved unanimously.

## **CONTINUED TO THE APRIL 25, 2006 MEETING:**

**CASE 21-06 PINE LAKE** Request for approval of rezoning from RP-2 (old zoning) and RP-3 (old zoning) to RP-3 (Planned Cluster Attached Residential District) and RP-4 (Planned Apartment Residential District), preliminary plat and preliminary site plan. Located south of proposed 137th Street and east of Mission Road. **Public hearing**

**CASE 26-06 LEABROOKE 4TH PLAT** Request for approval of a final plat and final site plan. Located at approximately 145th Street and Kenneth Road.

## **CONTINUED TO THE MAY 23, 2006 MEETING:**

**CASE 79-05 135TH & MISSION OFFICE RETAIL - PHASE II** Request for approval of a special use permit, preliminary plat and preliminary plan. Located at the northwest corner of 135th Street and Mission Road. **Public hearing**

## **CONTINUED TO THE JUNE 27, 2006 MEETING:**

**CASE 08-06 LDO AMENDMENT - SECTION 16-2-9.2 NON-RESIDENTIAL USES** Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

**CASE 09-06 LDO AMENDMENT - SECTION 16-3-9 DEVIATIONS** Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

## **OLD BUSINESS:**

**CASE 02-06 MISSION CORNER** Request for approval of a rezoning from SD-NCR (Planned Neighborhood Retail) and SD-O (Planned Office) to MXD (Mixed Use Development), preliminary site plan and preliminary plat. Located at the southeast corner of 135th Street and Mission Road.

**Staff presentation:** Presentation by Mark Klein. The applicant is requesting approval of a rezoning from SD-NCR and SD-O to MXD, preliminary site plan and preliminary plat. The development will consist of a total of 334,400 sq. ft. of

construction on 20.19 acres. The construction will be divided between 86,191 sq. ft. of retail, 85,609 sq. ft. of office and 162,600 sq. ft. of residential containing 107 dwelling units. This case appeared before the Commission at the last meeting at which time the applicant requested guidance from the Planning Commission on how to proceed with this plan. It was continued to this meeting so they would have time to make some adjustments to the plan. Some of the major adjustments include the removal of the gas station located at the northeast corner of the site. They have also added a number of pedestrian connections. One of those is located on the east side of the development going north and south that will connect the northern portion of the development with the southern portion of the development. In addition to that, they have also added two east-west pedestrian connections that run in between the buildings that are aligned on either side of the main entrance coming off of 135<sup>th</sup> Street and the buildings located at the corners. They have also provided some seating areas along 135<sup>th</sup> Street that contain some trellis features. Staff is recommending approval of this case with the stipulations stated in the staff report.

Conrad asked if the applicant has discussed any phasing. Klein stated, no, but the applicant may be willing to answer some questions regarding that tonight.

**Applicant presentation:** Presentation by Larry Winn. The applicant and project architect are in attendance. The service station has gone away. They still feel there is a need for a gas station in Leawood, but understand the politics of the situation. He believes it was appropriate from a land-use standpoint. They have heard a lot of comments about pedestrian friendliness and connectivity. If one were to walk from Park Place condominiums to the Bristol they would walk about a quarter of a mile across Town Center Drive, through the AMC parking lot. It seemed appropriate when Town Center Plaza was done. At the Plaza, if one were to go from the movie theater to PF Chang's one would walk about a quarter of a mile, while crossing three north-south streets. He does not believe that it has sufficient connectivity and pedestrian friendliness, but it is done all the time and done safely. In Town Center Plaza from Dick's Sporting Goods to Barnes and Noble is half a mile. One has to use the sidewalks and parking lots of the center. People have enough common sense to walk all the way through and enjoy those benefits. He brought those up to put into perspective what pedestrian friendliness and connectivity is.

Presentation by Danny Potts of Klover Architects. They have made all of the staff recommended changes. They removed the service station and replaced that with a sit-down restaurant. One of the things they wanted to do was to develop a better sense of place. They feel they have done that to a great extent. There is a complete retail sidewalk all the way across the retail stores. There are several areas of connectivity. *Potts showed a diagram showing all pedestrian areas and pathways and also showed a three-dimensional drawing showing a streetscape as one enters the development from 135<sup>th</sup> Street.* They will have a three-foot landscape berm along 135<sup>th</sup> Street in addition to the ordinance-required plantings. The parking lot will be screened from view of the cars on 135<sup>th</sup> Street. The seating nodes and trellis will be able to be seen. Winn described the buildings seen in the three-dimensional drawing.

Winn stated there was some discussion on the height. He thinks a good example of height issues is at Park Place. He believes the hotel at Park Place is going to be seven or eight stories and that building is barely 100 yards from the very expensive villas in Edgewood. Apparently this Board felt that height was not in disproportion to adjacent residences. He can think of some six and seven-story buildings along Tomahawk Creek Parkway that are very close to some single-family residence. One of the ironic things is that this Commission passed a plan by a unanimous vote with a very plain strip center and it seems that if this Commission can deal with that then we ought to be able to deal with this extraordinary plan. He feels it is one of the most exciting plans that the Commission has had the opportunity to look at. He asked the Commission to recommend approval of this to the City Council.

Rohlf asked if the applicant is in agreement with all of the staff's stipulations. Winn stated, yes.

Henderson asked the approximate depth between 135<sup>th</sup> Street and 137<sup>th</sup> Street. Winn stated less than 800 ft. It is a very narrow site. The distance from 135<sup>th</sup> Street to the front door of the first building is about 350 ft. We are not talking about long distances from north to south. Henderson asked if connectivity has to do with potential connections rather than being immediately adjacent to one another. Winn stated he believes that 9 people out of 10 would get in their car and drive from Dick's Sporting Goods to Barnes and Noble instead of walking. He thinks the odds of anyone needing to get to their car to

get to another place in the Mission Corner center are very remote. He believes the site is 1,250 ft. from east to west. Henderson stated he is concerned about connectivity due to pedestrian friendliness. The buildings are relatively close together. Depending on one's function, it may be wiser to walk than to drive. Winn stated one of the things they looked at was whether it would be viable for a person who lives in the furthest brownstone on the southeast corner of the site to walk to a restaurant at the northwest corner of the site. It is not only viable, but also attractive. Henderson stated one of the things that we look at is that there is something different to look for the pedestrians to experience as walking through a development. Winn stated one of the items to look at during final site plan is to create walkways that are of a different material and texture than the asphalt parking lots so it would be very clear where you are going.

Perkins asked how one would get into the lower level parking for buildings G, H, L and M. Potts stated there is a natural grade break at the retail and office buildings. There is an access drive on the west portion of building G. The grade at the west side is at the garage level, and then the grade rises towards 135<sup>th</sup> Street. Perkins asked if building H would be three stories above the garage level. Potts stated there would be a garage level, then a retail level, then three stories of residential above that. Perkins asked the height of building H. Potts stated approximately 45 to 50 ft. depending on what architectural element you are measuring it from. Perkins then asked if building K would be even higher. Potts stated buildings K and H are the same height, building J would be one story higher than those. It would depend on how much the penthouses go for that would dictate how high those ceilings are.

Williams asked what would preclude a person from using the drive accesses into the parking garages. He also asked how people would access the garages under buildings J, K and L. Potts stated buildings H, J and K are segregated and their entrance is at the west end near the water feature. Williams asked how one would get into that garage from 137<sup>th</sup> Street. Potts stated one would turn into the south entrance to the development off of 137<sup>th</sup> Street. It would be at-grade to the garage entrance. Williams asked if one would be driving through the driveways/parking lots for the townhome building S to get to that parking garage. Potts stated, yes. Williams asked if one would be driving through the parking lot/driveway access for buildings U and T in order to get to the parking garage for building G. Potts stated, yes.

Reynolds asked what one would see when looking north across the pool. Potts stated there would be a small wall with some steps into the patio area for the condominiums. Any doors or utilities in this space would be screened. There would be access into H and K. An elevated deck that would be at the patio level approximately 10 ft. higher than the grade you enter the garage on. One would see the south face and the north retaining wall area of the decorative pond. Reynolds asked if the parking garages would be seen. Potts stated there would be a naturally secure area with gates, but also an open area so people don't feel closed in. There will be some openings for some fresh air. It will be visibly very attractive. Williams asked if the parking garages would be secure or the parking lots south of the garages would be secure also. Potts stated it would need to be secured in some way because it is private parking for the office employees and residences. Whether it is decorative grill work or something, it will be closed off to a certain extent, similar to the Plaza.

Jackson asked if the grading goes even lower as it goes down to the residential housing. Potts stated, yes. It starts dropping off substantially. It would drop about 40 ft. depending on where it is at. Jackson asked how many stories the tallest building would appear if one were standing in the Tuscany Reserve development. Potts stated, from the angle of vision, it may only appear to be one or two stories. Jackson asked the distance from the closest home in Tuscany Reserve and the closest building in this development and also the height difference and how it would appear. Potts stated he believes Tuscany is about 970 on the datum. The center buildings in Mission Corner would be 30 and 40 feet up from there. Winn showed a perspective looking northwest from the Tuscany development across Pawnee. They did some perspectives and line of sights to see what people might see from various areas. The two-story brownstones are going to block all but perhaps the top floor of the taller buildings in the development. Jackson asked the distance from the brownstones to the Tuscany homes. Potts stated he believes it is about 800 ft. depending on which house.

Conrad stated he feels it is going in the right direction. He thinks there will need to be people who end up parking almost to 135<sup>th</sup> Street and walk across the entire parking lot to get to building H. He thinks the distribution of the parking will require those to be well developed so that it would not be similar to one walking from AMC to Dick's Sporting Goods in Town Center Plaza. He feels this is a situation that would require this if it is to be built-out and successful. He would like to see more development of those walkways and their connectivity. Conrad then asked how steep the grade is from the drive that comes

up 137<sup>th</sup> Street to the main street in the development. Potts stated about 5 to 7%. Conrad stated he feels it will be more than 5%. Potts stated one side would probably be closer to 8%. Conrad asked for a phasing plan. Winn stated they have not put a lot of thought into a phasing plan because they feel it will be pretty much done in one phase. They will probably start building the condominiums and at the same time determine the interest on the out parcels. The size is such that all three components will be going up at the same time. Conrad stated he would not want to end up with one half of the development built and not the other half. He feels there needs to be some phasing presented. Winn stated he is a firm believer that the marketplace will help them with the phasing plan. Rohlf suggested hearing that at the final plan.

Rohlf asked how the fire marshal's memo would affect some of the parking that is proposed. Lambers stated the fire marshal looks at things in a sort of vacuum. To take out all of the parking on the east-west drive would mean they could not meet the parking requirements of the City. People like to have parking in close proximity. The issue of it not being addressed as a street is not a concern. In regard to the main entrance, we had expressed concern on the earlier plan that had showed parking in that area. Lambers had shared the concern, along with other staff members, that having people backing out while others are trying to get could be a problem. The fire marshal's first issue is not a realistic situation given the compactness of this project site.

Williams asked how the second floor sits on buildings C and D. Potts stated they are hoping to have some patio area for the office space, so there is not a sheer vertical building. They want to step the building back a bit, which gives some relief and also gives a great amenity. Williams asked if the entrance off of 135<sup>th</sup> Street is a single lane around the circle. Potts stated, yes. Williams asked for a description of traffic in through 135<sup>th</sup> street to the bank, the drive-thru restaurant, and then back out again. Potts described the circulation pattern. Winn stated if there were to be a drive-thru restaurant proposed it will require a special use permit. Williams asked if there has been any examination of how much traffic would be coming through this area. Winn stated there was a traffic study or two submitted last summer and he believes that we agreed that if this plan is approved then a revised traffic study to reflect this actual plan would be submitted. There would be a traffic study done to reflect the approved plan during final plan. Williams stated he is concerned about the traffic pattern and the size of the space and the exits. There is a lot of piling up of traffic which is a big formula for accidents. There is a lot happening in a very small spot at the main entrance off of 135<sup>th</sup> Street. Winn stated the people who live there will not have any particular reason to come in the main entrance. The same is true for the office employees. Williams asked why that would be the case for the office employees. Winn stated the entrance for the parking garages would be from the 137<sup>th</sup> Street entrance. Williams then stated that he thought a lot of the office parking would be the open lots. Winn stated not a lot of the office. Potts stated there would be some visitors to the office that could use the open lots. Approximately half of the parking for this site is underground. Winn stated the retail users will be one primarily using the 135<sup>th</sup> Street entrance or the side entrances.

Williams stated he is concerned with the bank's drive-thru facility. It is hard to find any new bank that would have their customers exit their drive-thru directly into the major drive of a development. Winn stated he feels that it would only be a back-up at certain times or days of the week. Williams asked how many cars they could begin to stack before they start blocking the driveway. Potts stated there is currently stacking for four cars before they block a drive.

Williams stated he likes what the corner of the development with buildings A and B is starting to do by addressing the corner feature. He then asked if they have looked to make more of a pedestrian area on the inside portion of the plan, since most of the parking for the restaurants would be on the east side. He also asked if they had given any consideration to some way to drop people off without having to fight the parking area. Potts stated they have very limited parking close by. The drop-off area will need to be more specific for the end-user. It could be valet, or it could be just drop-off. Williams asked if the valet parking would be in some of the office/retail buildings' parking garages. Winn stated, yes. Williams asked if that means the town homes will have additional traffic in the evening. Winn stated the people in the town homes would be entering their homes from the back side. Potts stated there would be segregation between the office parking and the valet parking. Williams asked for a description of what the back side of the buildings that the town homes would look at. Potts stated there will be four-sided architecture. They will do some extensive landscaping along the buildings and in the drives. Williams asked if the town homes would have decks. Potts stated they do not know yet. Williams asked what they are envisioning as the number of units per floor. Potts stated it will vary. It could be as many as eight. The stipulations and the market with dictated the size and number of the units. Williams stated he would assume that would mean there could be people that have windows only 30 ft. away from another person's window. He then asked how the applicant feels about the

Leawood market for condominiums where people would want to look out a window 30 ft. away and see what's going on in a neighbor's window. Winn stated they are not prepared tonight to tell them what the whole suburban condominium market will turn out to be. We do not have the joint experience of knowing what will happen at Park Place, 133<sup>rd</sup> and Roe or 135<sup>th</sup> and Metcalf, all of whom have been very recently approved for new urban condos. It is a new product in this market and he is not sure he can answer until they get a feasibility study. With the change of society, the way the society is aging, the number of people who grew up in Leawood and want the Leawood address their thought is that they will find out in the next 12 to 18 months where we are all headed. Williams stated he spoke with a gentleman who is involved with developing condominium projects at 135<sup>th</sup> and Roe and he was surprised to hear his comment that those condominiums are not selling. In regard to the market place and living and community amenities, he sees that development being a more desirable place to live. Having green space where people can get out of their units and enjoy the outdoors is a benefit. He is concerned that they are being asked to approve a plan that is an experiment. The developer might be able to start to move some of the plan, but cannot get the market to respond to the massive buildings at the back side. If the condos do not sell, then the next thing is office and he does not think this group or the City would say they want five-story office buildings when the intent was to get away from a pure office project. Winn stated he does not feel the parking ratios would allow them to convert those to office. Williams stated Kansas City mixed-use is different than Leawood mixed-use. A common theme between all of the mixed-use is trying to create a sense of place or sense of community. He then asked for the applicant to describe how this plan begins to define and create a sense of place and a sense of community. He then asked how this relates to the currently anticipated neighbors they will have. Winn stated he does not know if he is qualified to take on the term, "sense of community". Leawood's mixed-use ordinance was kind of cutting-edge and has since been copied by several surrounding cities. In regard to surrounding properties, on their west is the Villaggio which already has some condominiums, on the south is an existing plan for multi-family, on the east is the Tuscany Reserve, which also has a villa product with a small portion of office and retail similar to this. He does not feel it is out of character for the area or out of character for what the City Council wants to see along 135<sup>th</sup> Street on one of the few remaining possibilities in Leawood. There are those who would like to see a change from what had been a more typical development along 135<sup>th</sup> Street and try to go to a different level. Williams asked why a person would want to live there. Winn stated they hope there will be the security of a secure environment, no maintenance, a Leawood address, their kids or grandkids may live in Leawood and there is an extraordinary level of services in the area. Williams stated the concern he has with these as residential comes back to residential being more than just pulling into the parking garage and going into the unit. There is the benefit of having activities outside of where you live to draw them down to the street and places to hang out without having to go to a restaurant and spend money. He is concerned there are not enough pedestrian amenities at street level to make that an attractive residential community.

Munson asked if the traffic on the main entrance is one-way or two-way. Potts stated it is one-way. Munson stated he thinks a drive-thru restaurant would be a disaster. He would encourage them to not put in a drive-thru restaurant at that location. Winn stated he thinks it takes care of itself with the marketplace. Williams stated the McDonald's at 111<sup>th</sup> and Metcalf does a business and it is a mess to get in and out of. Winn stated if a drive-thru restaurant were to ever come in it will require a special use permit.

Reynolds asked the width of the green space at the main entrance. Potts stated 38 ft.

Henderson asked about the flow of storm water. Winn stated their civil engineer had given a presentation at previous meetings and he seemed to have given a response that storm water did not seem to be an issue. Potts described the flow of water. There will be some storm inlets and the water would be released into the retention system. The retention system is made to handle all of the water. Henderson asked if the underground garages will be dry. Potts stated that is the plan.

Perkins asked how the applicant would come about to get approval for final if this plan is approved. Winn stated there have been so many other issues, he feels the phasing would be talked about at final. There would need to be some type of phasing plan with possibly two phases. Each of the different elements is going to be dependant on each other. Perkins asked if, for example, of the six buildings proposed, if they would come in for approval of just two of them to start. Winn stated he thinks that is a fair observation because those buildings have retail and condominiums in them.

Reynolds asked if the town homes are three-story from the back and two-story from the front. Potts stated it is really two and a half. There is a semi-buried first floor.

Williams stated the parking for buildings J, K and L is short 10 spaces or so. He then asked if the missing parking spaces for those would be in building M or in building H. Potts stated H, J and K could share some parking with G. Williams asked if a person who lives in a town house could park under one building and then have to walk out of that garage to get to their own building, since there is no internal connection between those parking garages. Winn stated the town homes will have spaces reserved specifically for them. Potts stated they may have to make the garage more efficient or move the line of the garage to accommodate the extra 10 spaces. Williams stated he sees existing grades for the western half of the property where the drive of the parking lot would be below street level with a three-foot landscaped berm to have a fairly good screen for the parking seen along 135<sup>th</sup> Street. He then asked if those grades would be retained somehow or if they would use some kind of fill. Potts stated they are taking advantage of the grade. There will be a three-ft. berm and substantial plantings along 135<sup>th</sup> Street. The first set of parking spaces is already a foot below the street level of 135<sup>th</sup> Street. Williams stated he drove by a development that was using the berms to screen the parking and given the types of developments around it, it struck him as odd to have a grass mound as a statement along 135<sup>th</sup> Street, versus a better architectural statement. He believes Klover made a comment at a previous meeting that they could not put buildings on the north side of the east-west road because it would reduce the value of the property on the south side because people on 135<sup>th</sup> Street could not see those businesses. Williams believes that is not the case. To use Park Place as an example, people are excited about not having full-street view to someone driving down a road at 45 MPH. Winn stated at 135<sup>th</sup> and Metcalf there is a public street that comes off of Metcalf that comes in at 133<sup>rd</sup> Street so there is a chance for a whole different set of front doors for businesses. This site does not allow for that. Potts stated you would need a certain size of a development. They only have 18 acres. This has very limited access. Williams asked if this 18-acre space is large enough to do what they are proposing; to create the sense of place and sense of community that the LDO mixed-use ordinance is geared towards. Potts stated they believe so. It is no different than other mixed-use developments other than it needs to be scaled down. It creates more of a personalized center. Williams stated he feels the difference in some of the other developments is the introduction of the residents and the amenities that are essential to a residential setting.

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

**Public hearing:** Harley Tennison, 3240 W. 138<sup>th</sup> Terrace. He originally came in with intentions of voicing objection to the gas station. Listening tonight he is becoming more concerned about several other things as well. He is concerned about Pawnee Lane. It is a very pretty tree-lined entry into Tuscan Reserve. As people are coming in from the east, they are going to be making left-turns on Pawnee Lane to get into the center. With the large development planned to go in behind the high-density development, those folks that are going east will be coming up 137<sup>th</sup> and back up Pawnee Lane. It looks to him like that would make Pawnee and 137<sup>th</sup> become extremely busy streets. His other concern is the fall off they are talking about. To him, he is not going to be looking at a five-story building from Tuscan Reserve, but a six-story building. He then challenged any of the Commissioners to find any five-story buildings along 135<sup>th</sup> Street. There are only one or two four-story buildings that are set back away from 135<sup>th</sup> Street.

Greg Pickart, 3313 W. 138<sup>th</sup> Street. The traffic surrounding this project is one of his concerns. He views 137<sup>th</sup> Street as being a residential-type street and the amount of traffic that this is going to put onto 137<sup>th</sup> Street, coupled with the planned development to the south, which has two entrances on 137<sup>th</sup> Street with 300 apartment units, he cannot imagine 137<sup>th</sup> Street handling that amount of traffic. Another item to be concerned about is the type of resident that is hoped to be attracted to this type of development. It is not family-friendly. He does not see a place in this whole plan for children to play. He then asked if they would need to valet them to Ironwoods Park. He thinks it is too much in too little of a space.

Dave Ackerman, 3350 W. 138<sup>th</sup> Terrace. The removal of the gas station is encouraging. He believes the developer was asked to reduce the height of the building at the last meeting and they have responded to some degree. He is concerned with the height of the buildings they have been proposed. He was hoping with the guidance that had come from the last hearing that we would see a much different plan; a plan with much less density. As he looks at all of the buildings, the amount of residences and the traffic, this plan has way too much they are trying to do on a relatively small site. This is out of

character with Tuscany Reserve. The aesthetics from where they are at are not what they expect from Leawood. As one of the last properties along 135<sup>th</sup> Street he would hope they would be developments that were very much in character with Tuscany Reserve.

Mary Watson, lives in Leawood Meadows. Her concern is mainly with the filling station and the four and five-story buildings. The condos at 133<sup>rd</sup> Street off of Roe at Parkway 133 are no taller than three stories. These should not be any higher than three-story either. They should be retail with two-stories above. On the south side of the fourth and fifth floors, those buildings will be looking into Tuscany and also Mr. Oddo's development. She does not see the market value of four and five-story buildings to have a view of parking lots, a filling station and restaurants. She feels this is not the right development for this particular area. If this gets approved then any development that will be along that corridor would be allowed to have six-story buildings. It is practically all residential south of 137<sup>th</sup> Street. The reason that Leawood Meadows is concerned is because of the limitation of five years when the developer could come back and change the plan. They are concerned that in five or six years they could come back and bring this type of building to the Villaggio site. Leawood is supposed to be a bedroom community. People do not want people to be looking into their back yards. This is the third time it has come back to Planning and nothing has changed. The gas station does not need to be there. That is the main entrance that leads into Tuscany. 137<sup>th</sup> Street is being put in to alleviate the traffic on 135<sup>th</sup> Street. There could possibly be a large amount of traffic with the six-story buildings and condos that would be there. There is also traffic coming from the east side from Kansas City and west side from Overland Park. She does not think the two-lane road can stay two-lane.

Williams reminded the public that the gas station has been removed from the plan.

Ann Thomas, 3443 W. 138<sup>th</sup> Terrace. She has several issues. One is regarding the density. Looking at the additional residential units that would be added, there would be a lot of traffic coming onto 137<sup>th</sup> Street. There would be office traffic, town house traffic, and eventually the traffic from the apartment units from the Oddo property. At the last meeting it was mentioned by the applicant that they were going for an urban look. If she wanted an urban look, she would move closer to the City. She is in Leawood because we are looking for open space. Buildings that are 30 ft. apart is not open space. They are talking about squeezing a lot into 18 acres. Regarding the retention pond, there is one on this property that flows to a retention pond on the Oddo property and then flows right through the middle of Tuscany Reserve. She would like to feel comfortable knowing that this will not flow onto her property. She is not comfortable with this amount of density on this property and the Oddo development. She would be very concerned about the set up if she were buying a \$500,000 or \$700,000 home. In regard to the bank drive-thru, she would like to know where the cars would back up on a Friday afternoon. All four lanes would come out into a single lane and she thinks that will be a challenge. Right now they do not have tenants for these buildings, she is concerned about building these and then worrying about filling them with tenants. She is concerned about having a lot of vacant buildings on this corner. She asked the Commission to reconsider the plan. She thinks there is too much density going on. If we want to maintain the feel of Leawood we need to have some elbow room and right now we don't have it.

Jane Ross, 4004 W. 137<sup>th</sup> Terrace. She is beginning to think that purchasing her property is the biggest mistake she has ever made. She has worked with the developer, the Commission and City Council having expected that the Planning Commission and City Council would keep the bedroom style community that we expect out of Leawood and apparently things are changing. She works in one of the six-story buildings at Tomahawk Creek Parkway and the residents that are in any proximity are well up the hill to the west and east in Hallbrook and they look down onto the six-story buildings. There is a big difference between looking down onto a six-story building versus being looked down upon by one. The proximity of the homes to the six-story buildings is not a fair comparison and should not be used as a precedent. Regarding the 135<sup>th</sup> Street feel and traffic flow, she has a friend that lives at 103<sup>rd</sup> and Antioch and she told her that they were getting a Cheeseburger in Paradise in Leawood and her friend said she would sooner drive to Kansas City, Kansas than face the traffic on 135<sup>th</sup> Street. She asked the Commission to ask themselves if this plan actually enhances the view of the 135<sup>th</sup> Street corridor or if it just creates more of that same chaos.

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

Winn stated the people in Tuscany have been very nice to work with. One thing that is not going to change is that 135<sup>th</sup> Street will be a six-lane divided thoroughfare. When that decision was made they also made the decision that there would be two reverse frontage roads; 133<sup>rd</sup> and 137<sup>th</sup>. The game plan was to put the commercial between 133<sup>rd</sup> and 137<sup>th</sup>. Once you got north of 133<sup>rd</sup> or south 137<sup>th</sup> there would be more typical residential look. 137<sup>th</sup> was designed with the 135<sup>th</sup> corridor guidelines. When Tuscany was developed, they took subject to that overall master plan for the corridor. Someone said this development is not family-friendly and he admits to that. They would not anticipate families purchasing these condos. It is a classic empty-nester market. The storm water basin will go into the Oddo basin, then the Tuscany basin then the basin south of Tuscany. That is the way it is intended to work.

Henderson stated he was on the committee who wrote the 135<sup>th</sup> Street corridor. While the Commission understands about reflective streets, the people might not understand that these things have been decided. Williams asked Henderson to describe the vision of the 135<sup>th</sup> Street corridor plan. Munson stated the 135<sup>th</sup> Street corridor plan had a lot of impetus from the Price Chopper grocery store development when that came on. While questioning what they were going to do with the land along 135<sup>th</sup> Street it was decided that the corridor should have a boundary of 133<sup>rd</sup> and 137<sup>th</sup>. Henderson stated the intention was to look at how traffic might move through the corridor and create a sense of place and sense of community for Leawood. At that time, much of what we know as southern Leawood was just beginning to be developed. There was a serious concern that it would not likely be reflective of Old Leawood but the group wanted to retain the best qualities of Leawood. Williams asked for a description about what the street is supposed to look like. He then asked if the qualities of Leawood were identified at that process. Henderson stated it was intended to be a four-lane and potentially six or eight-lane street; depending on what happens east and west. 133<sup>rd</sup> and 137<sup>th</sup> were to be streets that would carry a large part of the traffic away from 135<sup>th</sup> Street. It was perceived by the traffic study that there would be considerably greater traffic than heretofore. People that lived in south Leawood would not have traffic that is quiet and non-competitive. It would be fast flowing, so then they asked how Leawood could capitalize on that traffic without having people pass through without stopping in Leawood. Azeltine asked if Henderson thinks this plan is within keeping of the 135<sup>th</sup> Street corridor plan. Henderson stated he feels that it does not violate the intention of the study.

Rohlf stated she feels Klover did a good job in his letter outlining the 7 goals of the 135<sup>th</sup> Street Corridor. In addition, the design guidelines are very specific and she feels staff does a good job to make sure they are in compliance. She feels they should look at the plan to see if it not only complies with the guidelines, but also good planning. She thinks the applicant has made a good faith effort to take into consideration everything we have said at our last meeting. This is a plan they expect us to take action on this evening. She then asked the Commissioners to stick to comments specific for this plan. They do have some complicating factors that will be presented at final. She feels it has met the burden of a preliminary plan, but she has some reservations on where this plan will look like 6 months or a year from now given the market and what we have seen along 135<sup>th</sup> Street.

Conrad stated at the last meeting one of the comments was that the private patios be removed between buildings J, K and L and he noticed that those have been re-identified as park area; however it is not ADA accessible from the south. That concerns going back to the pedestrian issues. It may be unfortunate that a mixed-use development needs to be better planned than a platted retail development. The plan is close, but there are still some big issues. He is concerned with the grade change of 8% between the brownstones up to the main street. Munson asked what the maximum percentage grade would be for safety. Conrad stated he believes 8% is about the maximum for a pedestrian to walk. He thinks that is a little steep. Buildings G, H, J, K, L and M require 429 parking spaces. The last time he mentioned about the proximity of the parking to these buildings. 303 of those parking spaces are in the main east-west road or north of that road.  $\frac{3}{4}$  of the people who get out in vehicular traffic have to cross that east-west road. He wanted the applicant to articulate that pedestrian travel. There are some brick lines going across the street. He understands that landscaping is not required until final, but thinks there was an extensive amount of work with Crate and Barrel just to solve the issue of pedestrian connection. He thinks a lot of the comments about the entry drive from a vehicular standpoint are still valid. He is not sure those have been solved. In regard to the height issue of the buildings, a suggestion was made to create a model to help the Commission fully understand what the perspective is. There are tools that can be utilized to make those presentations. There was one perspective from the main entrance, but it is not from the side that is of most concerning to most individuals, which is the south side. In a massing way they could create a three-dimensional model that one could view from any location. He would like to think that the Commission, as planners, architects and citizens can help formulate what the

spaces are we want to create. We try to separate ourselves from the economics, but too many times he has heard that the market is going to dictate what is going to happen. That is why he feels there needs to be a phasing plan. The only difference between a mixed-use development and an office/retail development is the residential and if we don't have that component going in, then he does not think we want to just hope that it is coming in so that we have a mixed-use plan. We are inching our way along on those issues, but it is still a long way away.

Reynolds stated the two-story residential is a very appropriate transitional land use with other land uses to the south of 137<sup>th</sup>. He thought the applicant's perspective that showed how those buildings begin to diminish the visibility of the taller buildings to the north is accurate. It is easier to screen a building that is above you than below you. He thinks the two-story buildings make a good transition in terms of the land use and the visual transition. The most vehicular-oriented portion of the site is towards the north and is appropriate in its general location. He is encouraged by the use of structured parking. It is a way to diminish the impact of surface parking on our developments and provide more pedestrian-friendly types of environments and he is glad to see the land values and planning efforts are resulting in structured parking. He likes the teaser parking in front of the retail. He thinks that is important to make that pedestrian experience feel appropriate. The entry off of 135<sup>th</sup> is troublesome. The drive-thru bank would be much more appropriate at the northeast corner of the site where it would be more segregated from pedestrian activity and more easily accessed for vehicles. He would love to have that entrance area be more pedestrian friendly. It could be a wonderful green space if it were wider. He thinks phasing is important. It could have a negative impact if it were not phased carefully. He thinks it is a terrific urban design model and thinks it brings life to these types of spaces. It is a different type of life than most people in the room, but thinks this can result in a more urban type of feel. He is concerned about the lack of passive green space. When you have vertically stacked buildings the quality of architecture and materials becomes important. He would not want to lose that quality as we move forward.

Azeltine stated there were a lot of concerns at the last meeting and a couple of them he does not see as being addressed. One of those is the building height. The density has increased. The expanse of parking adjacent to 135<sup>th</sup> Street was not adequately addressed. The northern half of the development is still not integrated with the overall development. He thinks phasing needs to be a part of this. They also need more development of walkways as it relates to connectivity. He feels they are experiencing a degree of dysfunction. The Governing Body approved a plan for a zoning of SD-O and SD-NCR on August 15, 2005. He thinks the dysfunction comes from the fact that we are not considering that plan, even though the Governing Body approved it. He will be recommending to the Governing Body that they go back and consider the originally approved plan. The square footage of the currently approved plan is half of what we are seeing here. The response to all of these comments by Council has been to double the amount of square footage. That is not acceptable. They responded to the gas station problem with an increase in square footage. He thinks mixed-use is supposed to be a self-contained concept so that if you lived there you would not need to use your car in the course of a day. The percentage of total construction devoted to restaurants is 3% of this current plan. Mixed-use is not supposed to be a license to increase density and square footage. He will not be supporting the rezoning based on this plan.

Williams commended the developer for the structured parking. The site lends itself well to the structured parking. The idea of structured parking is to also maybe provide more pedestrian amenities or space for pedestrian activity to improve the quality of the space and not just have sidewalks that go from one store to another. He does not see that on this plan. The park area between the two buildings is 32 ft. wide and he feels that does not meet the mark. There are a number of quality features in the plan. That entrance is certainly a better entrance than the previously approved plan. They did have a bank at the corner of the previously proposed convenience store. It was as if they understood the traffic at that time. One of the problems he has always had with this plan is the strong linear layout from the perspective of trying to create a sense of place and community. He feels it is a strip center on steroids and he does not find it attractive. The architecture has some real possibilities, but the strong stark linear nature of this without creating a sense of place for the people who are supposed to live there bothers him. In regard to the value of the property and looking at parking lots and roof tops from the condos, he does not feel that is the character of Leawood. The condominiums at Parkway Plaza have more of a character suitable for Leawood. We are not like the crossroads in Kansas City, Missouri. He cannot support this plan.

Munson stated the more that he tries to think of himself as living in this development and trying to enjoy it, he sees a lot of conflicts.

Jackson stated she likes the underground parking, but she feels they are using that to get over the limited amount of space they have in order to add more buildings and get around the parking requirements for each building. There can be more density but it needs to be in the character of the community and something that people would enjoy and purchase into.

Reynolds asked the square footage for the currently approved plan. Klein stated the currently approved plan had 169,375 sq. ft.

Rohlf stated it appears that the vote will not go in favor of this plan and then asked if the applicant would prefer to have a vote on this plan rather than continuing it. Winn stated it seems to him that a continuance would not be in the best interest of the applicant. They need to go to City Council and let them make a policy decision as to whether this is what they had in mind 8 months ago when they directed them on this change.

Reynolds stated he would be supportive of the plan if the applicant were to reduce the overall square footage by 20,000 sq. ft. and provide a contiguous 20,000 sq. ft. of passive open space area. Perkins asked if there should be a motion to deny this case and vote on that. Reynolds stated he is comfortable making a motion to approve if the applicant is willing to agree to his stipulation regarding the 20,000 sq. ft. of green space. Perkins stated that is a drop in the bucket compared to what they have. Reynolds stated it is half an acre; enough to throw a ball around in. Perkins stated that you could also go to the recommendation that they move the bank to the corner, if you wanted to start recommending things. Everyone here has stated some specific concern with the plan. Azeltine stated when we are making contingencies like that it is bound to turn into at least five more stipulations, which is a good sign the developer is not responding to the demands of this Body and the public.

**A motion to deny was made by Azeltine. Motion seconded by Jackson.**

Reynolds stated the recommendation for denial leaves it open for the City Council to approve it and then we would get exactly what we are seeing tonight. Azeltine stated he is hoping get us back where we belong and consider the plan that was approved by Council last August. That should be allowed to run its course. The reason we are running in circles is because that was not allowed to run its course. Lambers stated the applicant has the right to revise their request to come back before the Planning Commission or City Council. Once a preliminary or even a final plan has been approved it is up to staff to make the determination on whether or not they need to do a revised final or a revised preliminary. In this case only a preliminary plan was approved so they had no choice but to resubmit a preliminary plan if they want to do something different. Azeltine asked why we are looking at a different preliminary plan if a preliminary plan has already been approved. Lambers stated the applicant has the right to submit a revised preliminary plan any time they want. You cannot deny them the opportunity to apply. Azeltine stated he feels they would have been better served if the Council had just remanded that plan back to the Commission. He feels since Council passed it that it should be allowed to run its course. Lambers reiterated that the applicant has the right to submit a revised plan. Azeltine stated it is his understanding that it was not necessarily by the applicant's option. The applicant was asked by suggestion of the Council to do that. Lambers stated the process has been followed. The applicant could have told Council that they had an approved plan and could have kept that but decided not to do that. When this goes forward to Council and they take action, if they deny the plan then the applicant has every intention of coming back with the original preliminary that was approved and submitting that for final. If this plan is approved by the Governing Body then it will come back to the Commission as a final plan.

Henderson stated he has some objections to the surface parking of this plan. He likes the suggestion of more green space and moving the bank, but that is not the plan before us. There are enough serious objections have been raised on what we have before us that it does not seem to meet in favor from this Body. It does try to keep with the views of the corridor study, but it does not meet them in the ways that we expect.

**Motion denied unanimously.**

Lambers stated, just for clarification so that there would be no misunderstanding, this case went to City Council, they had a hearing on it, it came back to the Commission so the next time Council votes it will only need a simple majority. It does not need a super majority vote. Rohlf asked if the minutes of the Planning Commission meetings go to Council so they will hear our comments. Lambers stated, yes. Rohlf suggested that it would have been helpful for the Commission to see minutes

from their work session. It seems that the Commission did not have the benefit from what the applicant and the City Council talked about. Lambers stated it was clear that the Council did not like the first plan. Klover had stated at that meeting that they could come up with some exciting alternatives for this but it would require some deviations. Council asked the applicant to present a concept and explain the type of deviations you may need. The applicant did so at a work session. The Council directed them that if they wanted to precede this was something they would prefer to see over the approved plan that was very plain but within the ordinance guidelines.

Azeltine asked under what conditions would the currently approved preliminary plan come back to the Commission for final. Lambers stated typically you are only allowed one preliminary plan per project. The City provided the applicant the assurance that the approved preliminary plan would remain in effect until this process had run its course. This will now go to the Governing Body and they will make a decision. If they say yes, then that is what the Commission will see. If not then the applicant would come back with the plan that was previously approved.

Williams stated these are not major deviations. They are not unusual. Lambers stated the commercial was the main concern because of the 50% requirement. That corner is unique. At the time, they didn't go into much detail, but that 50% was identified and the streetscape along 135<sup>th</sup> Street. Williams stated they were granted deviations on the previous plan as well.

#### **NEW BUSINESS:**

**CASE 25-06 LDO AMENDMENT - SECTION 16-8-3.1 DESIGN REQUIREMENTS ALL STREETS** Request for approval of an amendment to the Leawood Development Ordinance.

**Staff presentation:** Presentation by Scott Lambers. The fire chief and fire marshal agreed that the standard of 500 ft. is obsolete so we are recommending that standard be deleted with the understanding that if we get a project with an excessive cul-de-sac the fire marshal will be looking for alternatives to not have them. However, given the amount of land left to develop in Leawood we do not have large tracts where you could expect long cul-de-sacs.

Henderson asked if there would be a reasonable length. Lambers stated we would prefer to just do away with the limit and then deal with it on a case by base basis. There are not large tracts of land where that could occur very often. Henderson asked if there will be any language regarding cul-de-sacs in the ordinance. Lambers stated the fire marshal will still express concern if there is an extensive length to a proposed cul-de-sac. The 500 ft. limitation will not be part of the ordinance. Henderson asked who would look at and approve the fire marshal's comments. Lambers stated the Commission would take it under advice. It will still be reviewed.

Conrad stated there were some planning principals presented none of which would support an unlimited cul-de-sac ordinance. He would not want to see it unlimited. He thinks they should try to keep the developments and residential connected. Lambers stated there are so many violations of the 500 ft. standard that if we were to deny a project because of it then our own development would be used against us in a court of law. 500 ft. it is an artificial standard.

Henderson stated he would like to have some basis of reasoning for what we do. Conrad stated he would like to think that there would be some planning principals to it. People have written articles saying what they feel an appropriate length would be. He needs to be convinced that there have been a lot of cul-de-sacs that are 700 to 900 ft. Lambers stated Worthington has three cul-de-sacs longer than 500 ft., probably close to 1,000 ft. each. Hallbrook has several. When you lock yourself in by ordinance it creates problems.

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

Reynolds stated he is comfortable with the recommendation as long as the Commission has the ability to review and reject it if they do not feel it is appropriate.

Azeltine asked at what length a cul-de-sac becomes a problem. Lambers stated the 500 ft. length came about because that was the length that a firefighter could carry the hose by themselves. In the days that standard was established, the lines for the fire hydrants were on the main road. Henderson stated that with the use of helicopters and planes, there is no limit to length in extinguishing fire on the ground. Williams stated the fire marshal has stated that it is not a problem as long as they can get the emergency vehicles in and out. Lambers stated if there were a situation where a number of cars were backed up due to an extended cul-de-sac length, then the emergency vehicles would drive on the lawns. The amount or density of homes on a cul-de-sac would be what is relevant. It will be brought to the Commission if it is an issue. If the fire marshal feels it is a concern then staff will look at ways to change it.

Conrad stated he feels that emergency medical is also something to be considered. Without some number, it doesn't give us a basis of where to start negotiating. Lambers stated there would need to be a justification for the number in order to tell an applicant that it will not work. He would not know what that would be.

**A motion to approve was made by Munson. Motion seconded by Williams.**

**Motion approved 7-1. Conrad against motion.**

**Meeting adjourned.**

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Lisa K. Rohlf, Chair