

**City of Leawood
Planning Commission Minutes**

**April 25, 2006
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive**

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

APPROVAL OF THE AGENDA: Henderson made a motion to remove case 33-06 from the consent agenda. Motion seconded by Williams. Motion approved unanimously.

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

APPROVAL OF THE MINUTES: Approval of the minutes from the March 28, 2006 meeting. Henderson stated page 13 has a statement that should read "variety" instead of "vanity". A motion to approve the revised minutes from the March 28, 2006 meeting was made by Munson and seconded by Perkins. Motion approved unanimously.

CONTINUED TO THE MAY 9, 2006 MEETING:

CASE 29-06 PARKWAY PLAZA OFFICE CONDOMINIUMS Request for approval of a final site plan. Located at the northwest corner of 135th Street and Roe Avenue.

CONTINUED TO THE MAY 23, 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 27-06 GLEN ABBEY OF LEAWOOD Request for approval of a rezoning from AG (Agriculture) to RP-1 (Planned Single-family Residential), preliminary plat and preliminary plan. Located at 4900, 5000 and 5100 West 143rd Street. **Public hearing**

CASE 30-06 ONE NINETEEN Request for approval of a rezoning from SD-CR (Planned General Retail) to MXD (Mixed-Use Development District) and preliminary site plan. Located south of 119th Street and east of Roe Avenue. **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**

CONSENT AGENDA:

CASE 32-06 LEABROOKE 4TH PLAT Request for approval of a final plat and final site plan. Located at approximately 145th Street and Kenneth Road.

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

CASE 33-06 LEABROOKE 5TH PLAT Request for approval of a final plat and final site plan. Located at approximately 145th Street and Kenneth Road.

Henderson stated he had questions regarding the Public Works memo for this case. He then asked why the City engineer has recommended the developer hire a bioengineering firm to design the open channel in tract G. Ley stated the storm water currently flows from Camden Woods through a storm water pipe under 145th Street and then daylights to that open tract and we want to make sure that the 100-year storm is contained in that tract instead of going to those residential units. Henderson asked if the source of the water would be from springs or simply overflow. Ley stated it is storm water flow. Henderson stated there are a couple of other open ponds in LeaBrooke. He then asked if those would be revisited similarly. Ley stated the ponds are on the third plat, so those are already constructed.

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

NEW BUSINESS:

CASE 28-06 CORNERSTONE – CLADDAGH IRISH PUB Request for approval of a preliminary site plan.

Staff presentation: Presentation by Jeff Joseph. The applicant is Kristin Harper with Design Plan. The applicant is requesting approval of a preliminary plan for the construction of one 9,460 sq. ft. restaurant building on 1.29 acres for an FAR of 0.17. This project is located on lot 4 of the Cornerstone development at the southeast corner of 135th Street and Nall Avenue. This building will be located west of Ted's Montana Grill. Adjacent to the west side of the building is a patio with an outdoor seating area proposed. Parking is located on the south, east and north sides of the building. The building and parking arrangement is generally the same as approved for the overall Cornerstone development. This building will be constructed primarily of brick and cast stone. The hexagonal portion of the building is not compatible with the rest of the buildings within the development. Staff is recommending the materials be looked at more closely during the time of final site plan application. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if this is consistent with the overall final plan. Joseph stated, yes, it is in the same location as previously approved for the overall development. Rohlf asked if the water feature is behind this building. Joseph stated, yes. Rohlf asked if the parking is consistent. Joseph stated they are proposing two more spaces than previously approved. Rohlf asked if this site is keeping with the required open space for the development. Joseph stated there is open space to the south of the building. The additional two parking spaces will remove some of their open space, but they are required to provide that open space in the future. Rohlf asked which building had that same issue. Joseph stated it was Ted's Montana Grill. The developer will be required to provide 30% open space for the overall development.

Henderson asked if staff meant to add something into the stipulations regarding changing the hexagonal portion to become compatible. Joseph stated the architecture would be looked at during the final site plan application. Staff is requesting direction from the Planning Commission regarding the architecture.

Perkins asked if this is a standard building for this restaurant. Joseph stated the applicant is prepared to show a presentation with some of the buildings that are already constructed. Perkins asked if the applicant has declined to change it to prairie style architecture. Joseph stated the design shown tonight is currently what they are proposing. Lambers stated it is another situation where there is a corporate look for a specific restaurant and then the design for a development does not match. Staff is hoping through the process to get a sense from the Commission and Council on how to combine elements of both. In order for the applicant to go forward they need to have the Irish pub motif. He would assume that what will eventually be seen at final is the Irish pub motif with some of the prairie style elements that were approved for this development. Perkins asked if the Commission is being asked to approve this building and then look at it again during the final plan application. Lambers stated the applicant has various options to represent the corner feature of a castle. They want to achieve the hexagonal shape on the inside because that is a major banquet room for them, but they could change it on the outside. This process is to get the Commission to express any concerns they may have and take that to Council. Perkins stated he agrees with a lot of the things that Klover pointed out in his letter. Lambers stated the process is that the

City gives great deference to the applicant to come forward with what they want to achieve. Through this process, staff and the Commission can raise their concerns and then resolve them during the final process.

Conrad asked Joseph to explain what has been approved and/or built on the Cornerstone site. Joseph stated Winstead's has an occupancy permit. West of Briar is CVS Pharmacy, which is also open. Ted's Montana Grill is also open and then next to it is this project. Building G is the building that has the steel that is up. Conrad asked the status of building G. Lambers stated it is in the process of being sold and the person who is buying it is planning to complete the project and build the space for speculative uses. Joseph then stated building B is Bonefish Grill and Cheeseburger in Paradise. They will both be opening within a month. Building E is Seville Home and it is open. Conrad asked if building A has been approved. Joseph stated, yes, that is Plaza III. Conrad asked if any of the plaza area has been constructed. Joseph stated not at this time. Rohlf asked if there is a date for construction of the plaza area tied to any of the other buildings being constructed. Joseph stated he does not believe so.

Williams asked where the trash enclosure is located. Joseph stated it is internal.

Rohlf asked if there is a 60% requirement for the main center to be built for this development. Joseph stated he believes there was, but then the developer came back and requested a deviation for that requirement. That was when they started building G.

Applicant presentation: Mike Halstead with Halstead Architects. *Showed a video of a store they just finished in Indianapolis. Showed photos of restaurants they have done in Michigan and Minnesota.* It is impossible to do an Irish Pub that looks prairie style. The applicant agrees with most of staff's comments. The trash is behind the overhead door, inside the establishment. In regard to staff's comments that the materials be the same as approved for the overall development; their colors are very similar. They do not match exactly, but they are earth tones that they feel blend in nicely. He believes other buildings in this development have received approval for materials that are slight variations. The hexagonal portion of the building is a private room. It is the centerpiece design that their client has used. Halstead Architects has designed 12 of the stores and 9 of those have had the hexagonal shape. They have had to design a couple where other communities did not like the castle effect at the top and they have done square or circular towers instead. The key to his client is that it stands out. They would like for it to be a signature piece. They are amenable to changing that. He agrees with staff that between now and final they could come up with some design changes to accommodate those concerns. In regard to open space area, Dwayne Hicks from Klover Architects recalculated that and they do meet the 30%. In regard to the water feature, he showed a plan to staff that staff liked and the applicant liked, but the developer has since told the applicant that the developer will be designing that feature. The fake windows were in the back, facing the interior of the development. They were looking for a way to blend in that area so that it would not be blank. It could be a shutter look so that at least there is some fenestration and the applicant would be happy to do that.

Perkins asked about stipulation number 25. Halstead stated he believes they were able to move that back to a 2 ft. setback. Joseph stated this deviation is for the parking setback. It is impossible to have a setback between the properties OP-4 and OP-5, so staff is supportive of that deviation. Lambers stated this goes back to the problem with interior building ownership lines. In a project like this, it doesn't make sense to have those setbacks. Staff calls them out as stipulations so that it does not set a precedent for other developments that are not set up the same.

Henderson asked if this is a franchise. Halstead stated they are all owned by the same owner. There are 18 stores total. Henderson asked which location is closest to Leawood. Halstead stated probably the one in Indianapolis. Henderson asked if they all have the same interior. Halstead they are all different. The materials have changed on the interior as time goes by. The colors vary slightly depending on where they are. They always end up in specialty malls where there is a certain configuration where their client cannot fit everything in that he wants. There are also some stand-alone stores that are more rectangular. It depends on the location. All of the interior should look like it is an Irish pub. Henderson asked if there would be any versatility on the design of the interior. Halstead stated, no, it needs to look like an Irish pub and he believes that would be a deal breaker with his client if it did not look like an Irish pub as soon as you walk in the door.

Rohlf asked if the plans given to the Commission incorporate some of the suggestions that Klover made in his letter. Halstead stated, yes. Rohlf asked how the applicant anticipates taking these plans and moving forward. Halstead stated his client wants to build an Irish pub on that corner. It is their number one priority to get it built. The client would like to keep the hexagon, but he feels they can redesign it. Rohlf stated she feels they have changed it from the others shown. She then asked if there are any other elements that are critical to this restaurant. Halstead stated they could change the colors to match the design guidelines for the development. They felt that it would not matter much since they are earth tones, but they could change. They would not want to use real stucco. It is a maintenance nightmare. The new synthetic stucco, which is usually called EIFS or dryvet, is far superior in this kind of climate. If the Commission wants to pay for the maintenance on the real stucco, then they will use real stucco, but no one else has used stucco in the development. They have all used EIFS up to this point. Rohlf stated the EIFS might come down to a percentage. She then asked when Klover would be submitting the details of the water feature. Joseph stated with the final plan application.

Williams stated he sees this being a stronger attempt to comply with the prairie style architecture. They have the same massing elements as the buildings that are already built. They have the mixture of materials that is very similar to the other buildings. One area that might not be in keeping with the other buildings is the wood section that is in dark color with lots of windows and signage, but he does not see that as a problem. Halstead stated it would not be wood, but instead a pre-finished fiberglass which is a much better product. Williams stated he likes the hexagon element better than the others shown in pictures. The key to him would be what stone is being used. If the pattern is part of the design guidelines for Cornerstone, then it would probably be fine. If the windows are as presented, then it would be fine. He then suggested maybe looking at the cap on it to make it more pronounced, but he does not have a problem with it the way it is. Halstead stated they subdued that feature to make it as close to prairie style as they could. Williams asked if the fake windows would be on the west elevation. Joseph stated the elevations were labeled wrong and it should be the south elevation. Halstead stated they could remove the fake windows and instead use some other type of fenestration. Williams suggested using shutters instead of spandrel glass.

Conrad asked if the trash enclosure on the south has been removed. Halstead stated those are electrical transformers. Staff has stated they would prefer landscaping instead of the doors. Joseph stated the doors were shown as wooden planks and those are usually a maintenance problem, so staff is proposing those to be removed and screened with landscaping.

Rohlf asked the materials of the CVS Pharmacy and Ted's Montana Grill. Joseph stated the CVS Pharmacy is mainly stone with some stucco accents along the top of the building.

Perkins asked if Williams has researched the difference between stucco and dryvet. Williams stated it depends on the building and the budget. His company probably does an equal amount of stucco as they do dryvet. EIFS has been banned from many communities. A lot of the quality has to do with how it is applied. One could mess it up as they could mess up a high quality material. There is a lot of bad stucco work around. Perkins asked if the applicant is saying that stucco is not a good product for this climate. Halstead stated stucco is a thick concrete that could have crazing cracks. EIFS has less moisture problems and can expand and contract more. It is a superior, newer product. In the Midwest the temperature can change 60 degrees in one day. Concrete will expand and contract. Perkins asked if it is an economic change. Halstead stated, no. The cost difference between EIFS and stucco is not the issue at all.

Williams stated we do allow EIFS as an accent. It could get down to the question of percentage. He then asked if all of the light brown tones are EIFS. Halstead stated, yes. Halstead stated they changed the plan to meet the percentage since they last met with staff. Williams stated the biggest reason that EIFS has been banned in some communities is because EIFS allows moisture to penetrate through and get into the structure behind it and then causes mold problems. It comes down to it not being put on as properly as it should. The new installation guidelines try to address that. If the installer puts it on right, it should be an acceptable product. Halstead stated a lot of the litigation had to do with water not having a way to drain out and now they have drain channels on the back of the insulation specifically for that.

Rohlf asked if the applicant had anything more to say about the open space. Dwayne Hicks, of Klover Architects, stated he looked at the original site plan that was approved January 20, 2003. He then compared it to the current plan with the only change being a decrease in open space and found that overall they are at about 4,700 sq. ft. of additional open space right

now. That was due to several factors. One was the widening of parking islands due to staff's comment of putting in walkways in the center of them. Another was some elimination of parking that was head-in to the center island. Another was a reduction in some of the out parcels. Overall, the site plan is still showing to be over the 30% open space.

Perkins asked if staff is against the building design they are showing. Lambers stated the issue was raised that the hexagonal form would be inconsistent with anything else out there. There are no castles in prairie style architecture. Staff suggested toning it down architecturally on the outside, while still allowing them to create what it is in the inside. It is a similar situation as with the water tower feature on Cheeseburger in Paradise, although not to the same extent. Council recognized that the issue of a signature feature overrode the general theme. In regard to one of the Commissioner's comments earlier, the interior work is not in the jurisdiction of the Planning Commission.

Williams reiterated that as long as the stone is within the approved pallet for the development then he does not have a problem with the hexagonal shape. Halstead stated he believes the stone is within the pallet for the development but the brick and the stucco were slight variations. Williams asked if the rooftop equipment would be screened. Halstead stated, yes, as shown on the plan.

Halstead asked if the hexagonal shape is okay with the Commission as long as the materials meet the development's approved materials. Rohlf stated she believes so.

Joseph stated the ordinance allows EIFS as an accent material but per the recommendation made by the Building Official staff has been discouraging the applicants from using EIFS. The Commission can change stipulation number 12. Williams asked why the Building Official is against EIFS. Joseph stated he believes it is because of the water seeping in between the layers. We will have a sample of all of the materials at final plan application.

Henderson asked the size of the patio. Halstead stated he does not know the exact square footage. They would like to make it larger, but cannot due to the corner water feature. Joseph stated it is 11 ft. 8 in. wide.

Williams asked if there would be any exterior awnings on the west side. Halstead stated there would be umbrellas for the outdoor seating, but no awnings on the building.

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 approved unanimously.

A motion to approve was made by Perkins, changing stipulation 12 to read, "EIFS shall be used as an accent material in accordance with the Leawood Development Ordinance." Motion seconded by Williams. Motion approved unanimously.

Lambers stated that Joseph was contacted by an EIFS manufacturer representative and they have requested an hour to go over the application and use of EIFS. He then suggested Williams attend the meeting if he would like. This is something that needs to be addressed. Williams stated he went to a masonry seminar and it was listed as a poor material for moisture reasons, but when put up with the drainage systems mentioned by the applicant it can be a satisfactory material. Perkins stated he would like to attend that meeting.

CASE 31-06 LDO AMENDMENT – SECTION 16-2-6.4 (D) & (F) – BULK REGULATIONS AND DEVIATIONS IN A MIXED-USE DEVELOPMENT DISTRICT Request for approval of an amendment to the Leawood Development Ordinance.

Staff presentation: Presentation by Scott Lambers. This is an amendment to reflect what we are seeing in mixed-use categories and the recognition that single-family square footage does not equate to retail or commercial. The intention is to provide a 25% reduction in the beginning for an applicant and then, based upon the amenities and quality of the project, they could be eligible for up to an additional 30% for the Governing Body to approve.

Perkins asked if this would give the developer 55% of residential as opposed to commercial. Lambers stated they are trying to be flexible with an FAR of 0.25 by not adjusting it. The idea is to recognize the residential component as being the one that we would like to provide more latitude because it takes up a lot of space and does not generate a lot of demand.

Perkins asked if a councilperson or the Mayor could come to a work session to talk about where the City wants to go with the development of mixed-use because we are in kind of a residential area and trying to get away from being Metcalf Avenue with all of the retail shops and the gas stations. He would like to know where the City Council wants Leawood to be. Lambers stated we are trying to get away from Metcalf. We do not want a strip shopping center or a car dealership. The idea is to have an integration of mixed uses. We are stuck on the concept of the FAR and it is the percentage that is arbitrary. Density by itself if not bad, the question is how it is being used. The Governing Body is saying that if there is 100,000 sq. ft. of residential it does not equate to 100,000 sq. ft. of office. They do not have the same traffic impact. If you look at 119th Street, College and Metcalf you see very similar planning theories that had some level of evolution to them but they are all pretty much the same. What we are doing with the 135th Street corridor is trying to not repeat those same mistakes that were made in the 119th Street, College and Metcalf areas. If you drive down College Boulevard at 7:30 in the evening it is dark. The offices are all shut down and there is very little activity in that area. There is no synergy. The idea is to create a place to work where people could live. Chuck Peters has withdrawn his project at Roe and 135th Street and wants to come back with a mixed-use component. One Nineteen will be coming back with a residential component as well. We are trying to do something different and still recognize the commercial activity needs to be there. Perkins asked if people will move into Leawood for these types of developments. Lambers stated it was not our decision to look at market demands. He believes that it comes down to price point and market.

Jackson asked if there is any sense from Council that they would like to see the mixed-use developments put in more affordable housing rather than putting in a \$400,000 condominium overlooking a drive-thru. Lambers stated the issue of affordable housing is certainly one for Johnson County as a whole. Leawood has basically priced itself out of the market. Condominiums with a minimum of \$275,000 are about all that can be afforded. Other communities would have a better opportunity, but because we are land locked our values are only going up. The supply and demand is such that prices are going up and supplies are going down.

Conrad stated he sees this as equating density directly to square footage. He is concerned about what this would really allow. He thinks density can be building mass issues or a loss of view corridors by putting more square footage, which does not necessarily keep them from having a more dense development. This would allow more square footage of building, which in turn becomes a massing issue. He thinks phasing becomes more critical in the mixed development. He will be voting against this case because he is not sure we have figured out what density really means and he would not like to see more square footage being able to be put into a project without understanding how we get more pedestrian amenities.

Lambers stated there is discretion to allow up to the 55%. The 25% recognizes that there is a difference. The trade-off is that for the open/green space with structured parking you will have a taller building. The other option is a sprawling development of all one or two-story buildings. You can't have both. Conrad stated some of the most passionate comments from the public in regard to Mission Corner were against the higher buildings. He thinks, philosophically, we are making some correct decisions as far as what we want to see developed. He is not sure from an arithmetic standpoint that this would accomplish it. He feels phasing really needs to be a part of it. Lambers stated for a larger project, unlike Mission Corner where they are going to build everything at once, phasing could be something to look at. Parkway Plaza is no different than the developments on College and Metcalf. There are quadrants with residential, quadrants with retail and quadrants with office. It is not all integrated. Conrad stated, as he recalls, the Commission stated numerous problems with that plan. Lambers stated he believes the Parkway Plaza plan is still 100% better than the Cornerstone plan. That is the progression we have seen, in terms of timing, between what was approved in 2003 and what was approved in 2005. He then suggested the Commission and Council have another meeting and have a more focused discussion on this one issue. Henderson stated he would like three or four instances of what we have done in the past that we like and do not like. Lambers stated that could be done. Staff has been directed to prepare a plan showing all of the plans that have been approved from 69 Highway to State Line Road so the Commission and City Council will have a much more macro perspective of what is going in and how it all fits.

Perkins asked if this amendment would allow some latitude to the previous amendment, not to be used on a daily basis, but it would be staff and the Commission's assessment when the plans are being seen. Lambers stated there is no latitude now. The square footage is equal. Perkins asked if they could deny something if they feel it is too dense. Lambers stated, yes.

Henderson asked if the Board of Zoning Appeals is tied into this discussion. Lambers stated, no. We have been much stricter on the BZA with their latitude in making decisions and they are limited by the state laws that say what they can and cannot consider. It is his job as City Administrator that if there is a zoning issue, then it needs to be dealt with by the development ordinance and have it be brought to the Commission and Council rather than having it done statutorily by the BZA.

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

Munson asked if the F section is not mandatory, but permissible. Lambers stated the first 25% is granted. It is up to the applicant to demonstrate earning above and beyond that up to a maximum of an additional 30%.

A motion to approve was made by Williams and seconded by Munson. Motion approved 5-1. Conrad against.

Meeting adjourned.

Lisa Rohlf, Chair