

City of Leawood  
Planning Commission Minutes

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

**CALL TO ORDER/ROLL CALL:** Henderson, Perkins (absent), Jackson, Conrad (absent due to recusing from both cases on the agenda), Rohlf, Munson, Williams, Elkins, Reynolds (absent)

**APPROVAL OF THE AGENDA:** A motion to approve was made by Henderson and seconded by Jackson. Motion approved unanimously.

**APPROVAL OF THE MINUTES:** Approval of the minutes from the June 27, 2006 meeting. A motion to approve was made by Williams and seconded by Jackson. Motion approved unanimously.

**CONTINUED TO THE JULY 18, 2006 MEETING:**

**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 JULY 25, 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**

**CASE 41-06 CORNERSTONE – CLADDAGH IRISH PUB** Request for approval of a final site plan. Located at the southeast corner of 135th Street and Nall Avenue within the Cornerstone of Leawood development.

**NEW BUSINESS:**

**CASE 42-06 CALIFORNIA PIZZA KITCHEN** Request for approval of a final site plan. Located north of 117th Street and east of Nall Avenue within the Park Place development.

**Staff presentation:** Presentation by Mark Klein. The applicant is requesting approval of a final site plan for the construction of a one-story 5,980 sq. ft. restaurant within the Park Place mixed-use development located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue. As part of this application the applicant is also requesting the design guidelines for the Park Place development be modified to include the exterior materials and colors proposed for the California Pizza Kitchen building and the paving materials, colors and patterns proposed with this application. This application is for a restaurant that is located along 117<sup>th</sup> Street, just to the east of the westernmost entrance within the Park Place development. It is a one-story building. Its entrance will be facing primarily southwest and proposes to have landscaping around the building. There will be parking for the building on the east side. It will be a temporary parking lot. There will be about 100 parking spaces provided. That parking lot will eventually be replaced with a seven-level parking garage. Staff is recommending approval of this case with the stipulations stated in the staff report in addition to the stipulation written in the memo on the dais.

That stipulation reads, "Stone shall be extended to the eave on portions of the elevations to break up the stucco on the upper half of the building." Currently, the building has stone located on the lower level of the building and then stucco of various colors on the upper portion of it. Staff felt it would be good to increase the stone on some portions of the building to go all the way to the eave to help break up the mass of stucco so that it would not be just stone on the bottom and stucco above.

Williams asked for more specific details on where Klein thinks that should be added. Klein stated perhaps on some of the projections and on the west elevation where the window is carried forward. The applicant is proposing a cultured stone and staff is recommending it to be changed to real stone. Staff has concerns how the cultured stone would wear lower down on the building. Staff is suggesting increasing the stone on certain places and lowering it on other places.

Munson asked if that is the only location staff is proposing to change. Klein stated on the east portion, maybe the stone could be brought further up on the central piece near the service area.

Henderson asked how staff determined that this plan is in substantial compliance with the currently approved plan. Klein stated it was approved for 6,315 sq. ft. and the building is under the square footage that was originally approved. The orientation is the same. It is in the same location and has the same general layout. *Klein described the lot on the overall site plan for Park Place.* Henderson asked if there is a way by which staff can negotiate with the applicant these different colors and materials and then if it lies outside what has been approved, bring it to the Commission. The Commission could get into this situation many more times with this development. He then asked if there would be a new palette of colors and materials. Klein stated there was a raw palette that was approved for the overall development. In the design guidelines and storefront criteria they indicated they want to allow the storefronts and buildings to have unique character to them. The stipulation was worded in such a way to allow the individuality of the building, but not allow use of these materials and colors for other buildings that have already been approved for other materials and colors. If there were any other changes staff would bring it to the Commission and Council so you could make the determination if you feel it is appropriate. The intent is that there will be some cohesiveness through this. Although we want to allow some individuality, there is also an effort to see that this is a single, coherent development.

Jackson asked if they need another traffic study since they are adding more parking spaces. Ley stated the overall site shows a parking garage where they are currently putting the land parking, so the traffic study took the parking garage into account. Jackson asked if the three parking spaces on the north side are new. Klein stated they are new with this application. Jackson asked if the buildings are supposed to be pedestrian friendly and if so, would those spaces interfere with that. Klein stated the entire development is intended to be very pedestrian-friendly. It is staff's opinion that those spaces will not interfere with that. It makes it very convenient for people coming for take-out. The fire marshal is in approval of those spaces.

**Applicant presentation:** Presentation by Jeff Alpert, a principal at Park Place Developers, LLC. *Alpert introduced the development team.* There is always a challenge in a project like this to maintain a level of consistency and yet still allow individual identity. This is a case where it is very important for some amount of individual identity. The developer would like to let California Pizza Kitchen express their concept in a manner that is appropriate and comfortable for them as well as being comfortable for the overall development. One of the things that they continue to strive for is to make this development "real". "Real" meaning to allow for a certain amount of variation to be sensitive to what would happen in a development of this size if it were developed over a period of time. The Park Place Developers LLC fully supports this application.

Presentation by Clint Coleman, Senior Vice-President of Development for California Pizza Kitchen. California Pizza Kitchen is very excited to come to Leawood. The building was initially a shell building designed by the developer. It was consistent with the project. They would like to build their own building and put some trade dress on it that really exemplifies what California Kitchen Pizza is all about. That is how some of these things go from a pre-approval stage to what we have today. They believe there will end up being a much better building at that location. *Showed a power point presentation with some pictures of some of the existing proto-type stores.* It will not be similar to the California Pizza Kitchen at the Plaza. In regard to the stone, they feel that is the correct height for the stone to come up the building for scale and mass. *Showed a photograph of their restaurant in Monterey, CA.* The location here would have different landscaping and energy around it because it would be more of a pedestrian area rather than just a parking lot in front of it. The corner window on the northwest elevation would face into what would lead into the project. The stone wraps around and then on the north elevation it raises up. The proposed building will not have a patio due to the easements and setbacks at that location. This will be a much warmer environment than the one at the Plaza. It is still family oriented. In regard to the comments on the stone, staff feels the height of the stone should be raised on the elevations. The applicant did not arbitrarily come up with the stone line on the building. They think it will fit in very nicely into this project and hope the pictures illustrate their desires very well. In regard to the color palette, each of the stores inline in the project is given their own storefront to express their individuality or their company trade dress. Probably when this was approved as a shell building by the developer there were design standards and criteria for the center, but as an individual building that is built by the end-user tenant, they wish to address their trade dress in these colors. They feel it is very complementary to the center and a nice cornerstone into the entry of the development. Staff has stated the pavement materials and colors proposed do not match those approved for the development. *Showed the pavement boards to the Commission.* The applicant is requesting approval for the proposed pavement materials.

Williams asked why the applicant prefers the cultured stone. Coleman stated they have had nothing but great success with the cultured stone in several different climates. It has shown no wear and tear issues whatsoever. Williams asked if Coleman has spoken with staff to see what staff does not like about the cultured stone. Coleman stated depending on the quality of cultured stone, you can find wear and tear on some of the low areas. He thinks it has to do with how it is installed. He thinks you would have better luck with a dry stack, versus a grout stack, but when they tie it back to a scratch coat they have had great degrees of success with it. From 8 inches below they do a smooth cast, so it is a stronger seal and joint. Klein stated the cultured stone they are showing is from Owens Corning and it is a very high-quality stone. It is also the same stone used on the CVS pharmacy in Cornerstone. There have been some issues with the CVS building where the stone is falling off the building. After that happened staff wanted to check out how it is used in the industry so they went to a local distributor that did both the cultured stone and the real stone and they indicated that the Owens Corning cultured stone is at that higher end. No one really knows how long the color of the cultured stone is going to last. Staff is concerned on how to maintain the stone if it did lose its color. They might have to hand-paint it to blend it in. Staff also talked to different developers and some of them indicated that they feel it has not been around long enough to really know its durability. One developer indicated that it could lose its color over 20 years and we could end up with a gray building. Williams suggested it could be the same problem that we have with Dryvit, where it was great at the time, but then it wasn't the quality we expected. Klein stated we are finding that with some of the synthetic roofing materials also. Williams stated the product falling off the wall could be an application process, but the color fading could definitely be an issue.

Rohlf asked if real stone an approved material. Klein stated stone is a new material, so it is listed for approval with this application.

Rohlf asked if it is the applicant's preference to not extend the stone. Coleman stated, yes. The cultured stone and the real stone are both veneers. They could both fall off equally if not put on properly. Any of the real stones are going to patina a bit and would have a bit of earth tone to them. The cultured stone could patina to a gray at some point. It does have some caramels in it that would not patina. It is an easier product to install properly. It is more cost effective, but by no means is California Pizza Kitchen in the business of putting up a flashy building that will fall apart or look bad. They are paying a lot of money to be at the corner of this icon development and they are going to maintain it and be there as long as the development is there. They do not want to put on materials that would be of low quality. If staff and Council want to see a real stone veneer, then they would do that, but they prefer the cultured stone. Rohlf asked when the first building they used the cultured stone was built. Coleman stated the last quarter of 2003. They would do the real stone if that is what Council wants. It would change the look a little. One of the features is a sheer wall that is carried into the restaurant in stone and they would not want to use two different kinds of stone, so they would need to default to using the real stone inside the restaurant. The City of Monterey, CA stipulated they use a real stone that had much more of a gray to it. It was not a stacked stone, because they required a grout application. Rohlf asked if the height of the stone on the building in Monterey is what the applicant is proposing for this location. Coleman stated, yes. The applicant has a problem with adding more stone to the east side of the building that will have a seven-story parking garage next to that side.

Munson asked how the awnings would be affixed to the building. Coleman stated they have had excellent experience with this type of awning. Munson asked about fading. Coleman stated it is excellent for about three years, but they budget to replace them every three years.

Henderson asked if they have had any experience with a manufacturer that no longer carries the approved colors. Coleman stated he has always tried to get materials that would last, would be available and not be cost prohibitive. They have stayed away from any kind of custom blends. They have struggled greatly with trying to remain a warm, friendly, inviting environment, yet staying away from the cookie-cutter chain restaurants. They have not run into any problems getting specific colors or materials. Henderson then asked staff what the process would be if the applicant came back to staff stating that the manufacturer no longer makes the specific color of product that was approved. Klein stated he would believe that staff would have the authority to approve a different manufacturer or color as long as it was very similar to what was approved. However, if staff felt there was a variation, then we would bring it before the Commission and Council. Klein stated a lot of companies have the same colors, but they call them different names. Williams stated all paint companies can easily replicate any custom color.

Rohlf asked if Alpert feels this is compatible with the approved color palette for the development. Alpert stated he feels it is generally very consistent due to the fact that Park Place's color palette is very extensive. With a development of this size, they could easily have 25 buildings on this site and there will be a lot of different colors and materials. In a real, authentic place there are a lot of different things going on. While they want everything to be compatible to a certain extent, they also want to allow for some individual expression. We will see a lot of this when the individual storefronts come in. They will be extremely varied. The developer wants those shops to be able to express their individuality. They have a lot of earth tones. The palette is mainly earth tones with California Pizza Kitchen, so the developer is okay with it.

Munson stated he is very encouraged by the development. He thinks this looks very elegant and not your typical neighborhood pizza place. He thinks the developer's have a good feel for proportions and a good compromise would be to leave the stone where it is located, but change it to real stone.

Williams agreed with Munson on the building and the design overall. He thinks it will be a fun building. He knows more about natural stone than he does about cultured stone, but he is seeing it being used a lot more. He looks at this as he would any type of material on a property; it is a maintenance item. It is easier to replace awnings than stone, but you could have problems with almost any material. If they want to use the cultured stone, he thinks the product they are proposing is a very nice looking stone. The owner of the building has an obligation for maintenance. If problems occur, they would be the ones required to fix it. We have code enforcement that could cite them if they came into disrepair. He would be inclined to accept the cultured stone. He liked the comments about the base that would get the most abuse being solid.

Lambers stated if the stone has a problem where it breaks off or falls off, that is within the City's codes provisions, but any concerns over the dissipation of the color over time, unless there is a provision provided in this approval that it needs to be maintained, would not be something staff would enforce. There was a stipulation included with the Cheeseburger in Paradise approval that the water tower needs to maintain its original presentation and it is up to the City to determine that. If it does not, then they would need to replace it. Williams asked if there are provisions in regard to paint fading or peeling. Lambers stated, yes. Williams stated he feels the fading of this product would be similar to paint fading. Lambers stated paint peels but the stone could just fade color. Without adding a stipulation, the City would have no way to make the owner replace it if it fades. Williams asked how we would determine how much it has faded. Lambers stated he would not know. Williams then stated that we don't know that it will fade. Klein stated we do not know how long it would last. It has not been around long enough to know. The retaining walls in Cornerstone were approved for Owens Corning cultured stone and they illegally installed a CMU product along a portion. The City made them use real stone that resembled the cultured stone that was approved. There is variation from quarry to quarry, but as far as color range, it seemed to be there. In talking to the wholesaler it has been said that cost is a factor. There is now thin-set stone where they have learned to cut the real stone much thinner. It applies much easier, but it is still real stone and much closer in price to the cultured stone.

Henderson stated the City does not usually take risks on products that have not been time-tested. He would support staff's stipulation to use the real stone.

Williams asked if there is any cultured stone in the palette for the overall development. Klein stated there is not a lot of stone in the original palette; this would be added if the Commission approves it.

**A motion to approve was made by Williams with staff stipulations one through 29.** Henderson asked if he would want to include the additional stipulation made by staff. Williams stated, no. He believes that adding vertical stone starts to make those areas heavy. **Elkins seconded the motion. Motion approved unanimously.**

**CASE 49-06 PARK PLACE – PARKING GARAGE A** Request for approval of a final site plan. Located north of 117th Street and east of Nall Avenue within the Park Place development.

**Staff presentation:** Presentation by Mark Klein. The applicant is requesting approval of a final site plan to allow construction of Parking Garage A, which is a six-level, 225,198 sq. ft. parking garage located within the Park Place development. The applicant is also proposing changes to the previously approved exterior elevations. In addition, the applicant is requesting to modify the design guidelines for the development to include the additional materials and colors associated with this application that are not currently approved. At the time of preliminary site plan approval on June 16, 2003 the Governing Body approved Parking Garage A as a seven-level parking structure. This parking garage received approval from the Governing Body on April 4, 2005 with the first phase of

the Park Place development. However, at the final site plan approval, the applicant decided to construct only the first five levels with the ability to construct the final two levels at a later time if needed. The applicant is now requesting to build the first six levels. In addition, the exterior elevations for Park Garage A were approved with the final site plan for the first phase of the Park Place development. This case came to the building permit department for permit and in the process of that review staff realized the changes to the elevations and the number of levels approved. Parking Garage A is located adjacent to building A and wraps around on a certain portion. *Klein described the location on the overall site plan.* The eastern elevation is screened by Building A, which faces out onto the main interior corridor through the development. When it went through final plan approval there was a lot of discussion on the eastern elevation. The western elevation will be very public and the discussion was that they wanted to try to make sure that it didn't look like the typical parking garage. The intent was to make it look as much as possible like an office building. However, the eastern elevation will be screened by Building A, except for the service corridor that comes through it. That is why there is a big difference between the two elevations. The south elevation will be partially screened by the building to the south. Staff is recommending approval of this case with the stipulations stated in the staff report.

Jackson asked if they could add a seventh level at a future time. Klein stated they have preliminary approval for seven levels, but they would need to come back before the Commission and Council for a final plan approval. Rohlf asked if this is the only structured parking in the development. Klein stated there will be three parking garages.

Henderson asked how much would be visible and how badly it will look before Building A and the southern building are built to screen the south and east elevations. Klein stated the buildings that are going around it are coming up pretty quickly. The only one that is not is the building to the south. In staff's opinion, the cast stone they are providing is fairly attractive the way they are constructing it. The previous application had some metal screening. One of the recommendations in staff's stipulations is to remove the metal panels on the west elevation and replace it with cast stone to give it more presence and blend in with the building.

*Klein showed the materials board.* Williams asked if all of the glazing would be white. Klein stated it would be a white opaque on the west elevation. The glass on the east elevation would be clear. Williams stated he feels by keeping the metal it gives it more verticality, whereas the stone would create more of a grid look and more punctured windows. He likes what they are trying to do with the vertical statement. There is already a lot of horizontal in the parking piece on either side so it is nice to break it up with the verticality. Williams then asked how many floors are shown on the original west elevation drawings. Klein stated he believes it was five, but the applicant would be better able to answer that question.

**Applicant presentation:** Presentation by Jeff Alpert of Park Place Developers LLC. *Alpert introduced the development team.* Regarding the number of levels, when they originally came in they received approval for seven levels. They were not sure how many they would need and wanted to make sure they were covered. When they came back and defined the first phase, they felt that five levels were sufficient for their needs. Then as they began their retail leasing effort it was clear they were attracting more restaurants than intended and those generate more parking than the general retail. That led to the decision of adding another level. In regard to adding another level at a later date, they would not want to pay the price of adding another level at another time. He cannot imagine a realistic scenario where a seventh level would be added, particularly with the decorative elements on the top level. The change in elevations was driven by the structural requirements of the parking garage, which had not been worked out in detail at the time of final plan approval. In order to make the building structurally sound, there were a number of structural elements that needed to be added that would have been visible and highly unattractive if they left the elevations the way the original designs were proposed.

Robert Setterburg with Gould Evans Architects stated the issue of the additional floor has been handled well by staff, but he could answer any questions. Henderson asked how wide the parking spaces are striped. He then asked if that would change as the price of gas increases and the car sizes change. Setterburg stated he believes they are striping for 9-ft. standard spaces, which is the City's standard. Henderson asked if that governs the ingress and egress. Klein stated there is a standard 24-ft. drive aisle.

Setterburg stated they did everything they could to get the slope to the alley side, but with the elevator and the stairs that could not happen. Behind the bands were the raw structural panels that hold up the structure. The ends are flat, so they are easy to deal with, but it was the two side pieces they were worried about since they were open grill work. They started looking at ways to break down the bays by adding more brick to the building to disguise the sloped ramps. They thought it was important to keep the ends and the center as close to the original as possible. When this was laid out 30-ft. was a pretty common grid for parking garages and now 12 ft. is the increment, which puts them at 36 ft. Those are the economies of pre-cast concrete right now. The only other significant change to the material palette is that they added a new brick. The original brick approved does not have the tolerance specifications to be used with the pre-cast concrete. It is very similar to the originally approved brick. There are clear glass elevators that are all designed for safety. Any time a person is in an elevator or stair well there is clear glass so they can be seen. The south elevation has increased the detail in the south tower. The blank wall is a sheer wall but the architectural pre-cast will be carried all the way around. *Showed a diagram on how the internal workings of the garage are designed.* At the fourth level of the garage there is a pedestrian bridge that crosses the alley and will connect into the third level of the office building.

Henderson asked if changing the number of levels has changed any of the landscaping. Setterburg stated he does not believe so. There is significant landscaping on the Nall Avenue side. There is a low-trimmed shrub base and a double-row of trees surrounding the sidewalk. Henderson asked if they are deciduous. Setterburg stated, yes.

Henderson asked if there would be any kind of emergency buttons for people that need help. Alpert stated there will be an entire system of emergency call buttons throughout in addition to a video surveillance as well.

Rohlf asked how many levels parking garage B would have. Alpert stated it has been approved for seven levels, but it could be changed as the second phase develops and they have a clearer picture of their parking needs. Rohlf asked if it would be comparable to parking garage A. Alpert stated, yes, with minor differences.

Williams asked why they chose to do the brick versus maybe brick and pre-cast. When he looks at the new design compared to the original, the original strikes him as being a building from one end to the other and the new west elevation looks like three buildings with no connection between the three. Setterburg stated part of Williams' feelings could just be the rendering itself. They tried to render it as close to what the garage will actually look at. The newest elevation is rendered in dark colors and the previous one was all in white. He believes it would look very similar if they were both rendered in color. The previous elevation had a cornice at the top and a base that tied it together. They looked at that and tried to make it work, but because of the sloped ramps they ran into situations where the panels would not be at the same heights. They would need to artificially layer a band of pre-cast on top of it that would sort of ignore what is going on. They are also trying to comply with fresh air requirements. Williams asked why they are requesting such a strong horizontal statement, versus what was in the original design. Setterburg stated they are expressing the real structural panels that hold up the garage. If you showed those real structural panels there would be some traces of brick in front of a heavy gray panel, so they combined the two and when they did that they added more brick to bring it together. Williams asked why they chose the brick instead of the stone look that they have in other parts of the building. Setterburg stated they thought it broke it down better. It's a long building. From the north and the south it will read as a monolithic end

piece and then the decorative center piece that has always been there. Williams stated he likes the east better than the west. Yet when it was originally proposed he liked the west elevation. He liked the scale and the response to the street. Setterberg stated they will have stone heads and seals on every panel. There are vertical stone pieces down the center of each bay and a stone base that runs along the bottom. Williams stated there are strong horizontal brick and railing bands. He thinks it looks like a parking garage now and it had much more character and detail before. Setterberg stated they worked with Street Works every step of the way to make it work.

Henderson asked if pre-cast concrete is a fad of this decade or if it is desirable. Williams stated pre-cast has been around for decades. It is seen a lot in parking garages and it is practical in that regard. It is extremely durable. It could be cast to look like a smooth stone or any color of stone. It is a very versatile material. It weighs a lot so it works well in a parking garage. It is more economical to use the pre-cast panels than brick. Henderson asked if it would sustain the heat from the cars and the winds from the west better than other building materials. Williams stated, yes.

Williams stated he sees a lot of detail and proportion in the original design. He thought it gave a lot of visual interest to Nall Avenue that would be very different than the typical parking garage. He understands everything the applicant said but he feels it is unfortunate the original character was not taken into account. He thinks the east, north and south elevations look better than the west elevation.

**A motion to approve was made by Munson with the removal of stipulation number five. Motion seconded by Jackson.**

Henderson asked the reason Munson was removing stipulation number five. Munson stated based on comments from Williams regarding the fenestration and character of that component. Henderson asked if Williams had something more to say about wood. Williams stated he would not believe wood would be appropriate at that location. He understands the applicant is trying to create a vertical look there, but the vertical is in contrast to the horizontal brick band. He can see why they would do that.

**Motion approved 4-1. Williams against.**

Rohlf asked for some of the newer commissioners to receive a copy of the 135<sup>th</sup> Street Guidelines.

**Meeting adjourned.**

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Lisa Rohlf, Chair