

City of Leawood Planning Commission Minutes

November 7, 2006
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

APPROVAL OF THE AGENDA: A motion to approve the revised agenda was made by Williams and seconded by Roberson. Jackson asked if it is appropriate to add the summary of the work session item to the agenda. She is not sure how the public would have been noticed and feels this is a somewhat contentious issue. Rohlf stated this is just a follow-up to the work session and this matter will be heard again in January where there will be a public hearing. **Motion approved unanimously.**

CONTINUED TO THE NOVEMBER 14, 2006 MEETING:

CASE 74-06 OBERWEIS ICE CREAM AND DAIRY Request for approval of a special use permit and a preliminary plan. Located south of 135th Street and east of Nall Avenue within the Cornerstone of Leawood development. **Public hearing**

CONTINUED TO THE DECEMBER 12, 2006 MEETING:

CASE 61-06 SIENA – 2ND PHASE Request for approval of a preliminary site plan. Located approximately at the southeast corner of future 137th Street and Mission. **Public hearing**

CASE 72-06 MARKET SQUARE Request for approval of a preliminary plat and preliminary plan. Located east of Mission Road and north of 135th Street. **Public hearing**

CONTINUED TO THE JANUARY 23, 2007 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 54-06 LDO AMENDMENT – SECTION 16-2-10 ARCHITECTURAL STANDARDS Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 73-06 LDO AMENDMENT – SECTION 16-4-10.1 HOME OCCUPATIONS Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CONSENT AGENDA:

NOTE: Consent Agenda items are approved with a single motion. Any Planning Commission member can request that an item on the agenda be removed for discussion with a separate vote.

CASE 79-06 MISSION FARMS – 4TH PLAT Request for approval of a final plat. Located at the southeast corner of 105th Street and Mission Road.

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

NEW BUSINESS:

CASE 78-06 GARDENS OF VILLAGGIO Request for approval of a final site plan. Located north of 137th Street and east of Roe Ave.

Commissioner Munson recused himself from this case.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan for the construction of 3 one-story office buildings totaling 20,551 sq. ft. This is the first phase of the Villaggio West development. The Planning Commission saw the preliminary for this a couple of months ago. The plan has stayed generally the same. It is still three office buildings gathered around a common courtyard. That courtyard is one of the areas that was shown for bonus for the FAR to be granted. The applicant has provided a revised site plan showing where the bonus area is located. The revised plan shows 14,791 sq. ft. Within that area the applicant is proposing to have a fountain located in the center and benches as well as loggias located at each of the entrances, increased landscaping in that area, also some statuary to the east.

Conrad asked if the bonus just applies to this one zoning area or if it is for the entire development. Klein stated it is just the SD-O portion of the development. Villaggio West is divided into two sections. There is a commercial/retail section and then an office section. Within the retail portion of it they were within the allowed FAR, therefore did not need any bonuses. However, the office section is requesting 0.30 FAR, which exceeded the 0.25 that is allowed, therefore needed some bonus areas. As part of that, they showed three areas where they intended to get some bonuses for open space. They are also requesting bonuses for structured parking they will be doing in a future phase. *Klein showed a site plan for the SD-O portion.* The applicant calculated the amount of open space to be used for bonus as 14,429 sq. ft. With the new proposal they are showing 14,791 sq. ft. The configuration has changed a little bit, primarily due to the change to building Q. It has gotten a little narrower. The areas on the north and south of building Q were a little bit wider. Therefore the interior area has increased a little more in space. The bonus they are requesting for this is for additional landscaping. The requirement is that they have a minimum of 30% landscaping and they are proposing 42% landscaping for the overall SD-O portion; so they are in excess. The applicant is requesting the area between the buildings be allowed to be used as a bonus. The Commission's feelings were that just because there was extra open space, it did not automatically count towards the bonus. It would need to be inviting, available to the public and be pedestrian friendly. The excess open space is what they are getting the bonus on. As part of that, the applicant has tried to make this a very pedestrian-friendly area by providing a hexagonal fountain with a bench around it, benches to the entrances of the office buildings, a piece of statuary, and loggias with grapevines growing through them. Conrad stated he believes there was discussion about the portions on the north and south sides just being landscaped areas. Klein stated it was approved during preliminary that those areas would meet the open space criteria. It is just primarily landscaping around there. Most of the open space is in the central area. It is difficult for staff to tell them that an area does not count now even though it was approved during preliminary. However, it is up the Commission to decide if the area has been diminished enough and no longer qualifies for open space. They are over the original square footage and the developer could speak to that in regard to justification. Conrad asked if WB-2 and WB-3 are delineated any further. Klein stated those areas would be looked at when that portion comes in. At this point we do not have any more detail on those buildings or those bonus areas. Conrad asked about the structured parking. Klein stated some structured parking is proposed in the future. When that building comes in then bonuses would be requested for that as was approved for the overall final for Villaggio. They originally also had 19 underground spaces which have been moved above-ground elsewhere, but those were not included in the bonuses.

Jackson asked how the open spaces are open to the public. They are just office buildings and do not tie into the retail area at all. Klein stated the commercial portion did not need any FAR bonuses because it was not exceeding the 0.25 FAR that is allowed in that district. Just within the SD-O portion it went to 0.30 FAR, which exceeds the 0.25 allowed, therefore, they are requesting bonuses. As part of the bonuses they are allowed to ask for increased open space, which is the diagram shown earlier. The Commission should be reviewing whether or not the applicant meets the criteria for having the additional open space that was shown on the original plan for the overall Villaggio West. Jackson stated she feels staff is not making the distinction that we are supposed to be making. For the deviations, if they have increased open space, that should be

natural space. She feels staff is looking more at pedestrian amenities. Klein stated they are also providing pedestrian amenities within this area. Jackson stated she does not feel the space falls under increased open space. She could look at it in terms of increased pedestrian amenities, but those are supposed to be giving linkages for pedestrians to enjoy and this looks like it is just for the office people. Klein stated the LDO says, "providing habitat for native flora or fauna, storm water recharge management and/or for passive recreational potential for the public." The Planning Commission decided that the open space needed to be an area that invited people up into the development and not just a small percentage of open space scattered between parking lot islands or perimeter landscaping. The question was if this is accessible to people. The major entrances coming into the courtyard is one of the reasons that could be considered additional open space for the bonuses. It was decided that the areas off to the side would not be included as part of the bonus because people would just be walking by them. The reason it was determined the areas could qualify for the bonus is because it would invite people in and provide a connection. Actually, at the time of that plan there was no sidewalk shown or crosswalk.

Roberson asked who they want to invite into the courtyard. Klein stated people who are walking into the development. It is a wide and open space with pedestrian amenities that would invite people to use that area as a connection as opposed to a strip of landscaping.

Jackson asked if staff sees anyone other than the people working in the office utilizing that space. Klein stated he sees it as creating an area for people to use, versus if the entrances to the office buildings faced out towards the parking. It is a place for employees or people just visiting the areas to sit. It is more inviting than just a typical strip of landscaping. One of the reasons it was included in the LDO for bonuses is to create open areas and provide pedestrian amenities. The applicant is trying to meet the criteria that were approved with the overall development.

Williams asked if this will be used primarily by the people who will be using those buildings; either occupants or people doing business there. Klein stated, yes. Williams asked if they are including a portion of the sidewalks that surround the building towards their bonuses. Klein stated on the original overall, yes. Williams asked if those sidewalks are required to be there. Klein stated there is no LDO requirement to have sidewalks there, but they would need to be there to have the building be serviceable. Williams asked if it is appropriate to include portions of those sidewalks in the bonus calculations. Klein stated that is up to the Commission. At the time of the overall for the Villaggio West final application, they were pointing out which open spaces went towards the bonus. Those were approved with the overall and they did include the sidewalks. They actually included more sidewalks than what is shown with this plan. It seems like the bonus area is being questioned even though the bonus area was approved with the overall site plan for Villaggio West. Williams stated anytime there is a request for bonuses we always get into these discussions and he does not know how to refine this. He feels sidewalks that are needed to be there to service the building should not be included as open space towards bonuses. He then asked if they had more green space on the north and south sides of the building that has gotten longer. Klein stated, yes, there is a little less green space on the north and south, but a little bit more in the center. Williams asked if the bonus area is different. Klein stated in the original approved plan the area was shown to be 14,429 sq. ft. The bonus area as re-drawn is now 14,791 sq. ft., however, they are only requesting the bonus area for the original 14,429 sq. ft. Williams asked if they do not build the structured parking would they need to make up the adjustment with another building in this same zoning area. Klein stated if the developer does not meet the bonus criteria for each area, then they could not build the extra square feet that were earned from the bonus. Williams asked how the structured parking comes into play. Klein stated the increased FAR is over the entire SD-O portion, not just these three buildings. The structured parking is one component out of the three open spaces plus the structured parking to earn bonuses enough to meet the 0.30 FAR they are requesting for the SD-O portion of the development. If they do not meet any of the bonuses then they would need to reduce the FAR somewhere within the SD-O portion of the development.

Applicant presentation: Presentation by Doug Patterson. When this case went to City Council they had similar concerns to those of the Commission. They took the comments from the August 8th meeting into consideration. This 1.18 acres was originally approved with a two-story office building with 5,000 sq. ft. per floor, a one-story office building with approximately 10,000 sq. ft. and a one-story office building with approximately 5,000 sq. ft. with 19 parking spaces behind it. A concern was an aspect of landscaping. The original landscaping plan was consistent with the landscaping plan that was contained in the guidelines that had been submitted to the City and approved for the overall development of Villaggio. They submitted a plan that contained a smaller amount of bonus area, reduced the square footage by 5,000 sq. ft., and eliminated a difficult

maneuvering with the 19 parking spaces. At the previous meeting Commissioner Henderson stated it appeared the courtyard was smaller. The applicant has taken his comments and expanded the size of the internal courtyard by making the building narrower and adjusting to some extent. Building Q was 137 ft. long and is now 142 ft. long; an increase of 5 ft. total. It was 60 ft. wide and it is now 57 ft. wide. Another area of much discussion was the bonus area. They are below in bonus. Representatives of Pawnee Place are available. They had probably adjusted the bonus area more than they should have. They have determined the bonus areas including all of the components of the courtyard area and they are above the minimum requirement of the bonus area by 302 ft. The entire SD-O area for Villaggio established the bonus area to have an FAR from 0.25 to 0.30. This portion of the development is right at 0.25. Commissioner Henderson noted some areas between the buildings R and S at the last meeting. He was concerned that it looked like a corridor. It is a pedestrian way. The landscaping has been significantly increased by contiguous plantings that make getting off the sidewalk all but impossible. The next area we talked about was the building materials. They had chosen to go one notch up in quality with granite and natural stones. Pawnee Place had not submitted a document stating approval of the material, but now has. Another Commissioner stated it looked bland. They have revised the original plan. They have taken the window treatments and the number of the areas between the windows and anticipated more of a window treatment with panes within them, mullions, to give some degree of corridor throughout the building. They have surrounded each door with window treatments. Along the windows and towers they are treating them with stone treatment down to the bull nose, but before the stone would appear. He believes they have improved the window treatment consistent with the guidelines that were established. Another issue is a presence of an arched cover in the front of each building. The original plan that was approved did not anticipate that the arched entries would be present for a number of good reasons. These are not square, rectangle, boring buildings. The entrances have carves in them which brings them in to give them architectural treatment with the courtyard with the latticework which will give it a Tuscan view as would an arched entry in front of the doors. The arched entries would be cheaper and easier to maintain than the latticework, but the latticework adds to the overall courtyard attitude within the courtyard. If the remainder of the SD-O portion of Villaggio were within 0.25 then he would not necessarily build what is in the bonus area. However, they have said it will be a feature that will add to the quality of this building and Villaggio's SD-O area because this will be the front door to the office complex of Villaggio. They took the suggestions of staff in regard to landscaping and went beyond that. They are 13 or 14% above the requirements of the landscaping.

Klein stated they have added significantly more landscaping than what was approved for the overall Villaggio plan. *Klein showed the currently proposed landscape plan and described the changes.* The LDO allows one shade tree to count for two ornamental trees. They removed 10 trees, but they have added 21 trees, plus additional shrubs, plus the 4 trees staff is requiring in the stipulations, for a total of 25. Staff feels it is a benefit to be able to access the pedestrian plaza. There was not a sidewalk in the island. The island was wider before the parking was added. The reason the parking was added is because there used to be 19 underground parking spaces that have now been removed. This layout basically matches the layout that was approved for the preliminary for this case.

Jackson stated the minutes reflect a motion to approve with a stipulation that FAR would need to be ruled on during final. Klein stated it was discussed during preliminary that if they do not meet all of the bonuses then the amount of square footage that could be built in the overall SD-O portion would need to be decreased by that amount. This portion is right at the 0.25. This one piece is not asking for FAR bonuses, however, they are asking for bonuses for the overall SD-O portion. Staff will need to know if these would be approved for bonuses. If they are not, then the overall SD-O portion would need to reduce their FAR. It is staff's understanding that the developer is still requesting the bonuses.

Roberson asked how the area meets the definition of open space. Klein stated the LDO requires a minimum of 30% open space. Typically, a lot of it is along the perimeter of a development. Other parts of the open space are located in landscaped islands or around the buildings themselves. Over and above the 30% open space, we have been including other areas in the development. With this development, staff is viewing this as one of the key components that met the open space to provide a courtyard between the buildings. Staff feels it is much more desirable versus having a strip of landscaping. It is space that can be utilized. Roberson asked if the pedestrian amenities also qualify for a bonus. Klein stated, yes, for a 10% bonus.

Patterson stated there are certain things that are fixed. What is considered bonus area is subjective. This Commission and the Council has approved the bonus area that was originally included in this section of the SD-O portion and they have

exceeded it by 362 sq. ft. They have included the same components as were approved by the Commission and Council when the plan for the overall Villaggio development was passed. The preliminary plan eliminated the 19 parking spaces but it also eliminated 5,000 sq. ft. of office. This is in substantial conformance with the already approved preliminary plan that was considered by the Commission in August and the Council considered in September with one exception; it is better. They have exceeded the landscaping requirements, they have exceeded the bonus area requirements, they have added stone treatments between the windows along the towers, and they have significantly added to the pedestrian-friendly nature. He believes this is a better plan than was previously approved by the Commission and Council. *Patterson showed an architectural rendering of this project.* He believes this will be the best office development in Leawood. It will have more landscaping than any development he knows of. He will be more proud of this development than any other development in Leawood. He then asked for the Commission to approve this and pass it on to Council.

Williams asked for more detail about the windows. In trying to make this look more Tuscan, he would like to get a better sense of if they are proposing flat or curved stone and how big it is. Also, he would like to know what the relationship of the window is to the plane of the wall. Merdad Kalentari stated the main building is granite. The area in the tower is real stone. The improvements seen in the windows are that they added more dividers and have less of the full-size glasses. There were a lot of glasses in the courtyard to be able to enjoy the view but the Planning Commission did not like that so they took most of the glasses off and added two entries into the courtyard with windows. You won't see the line of glass as before. The west side entrance has been enhanced by adding stone around the entry and changing the type of windows. Jeff DeGasperi, the architect for the buildings, suggested increasing the amount of stone in the building. Stone was added in each corner of the smaller building. A lot of stone has been added to break up the solid granite. The windows have all been changed to the format DeGasperi suggested. Williams asked if there is stone trim around the windows. Kalentari stated wherever a veneer stone touches a window; there is a 3.5 in. stone trim around them. When granite touches it; there is a 3.5-in. frame of the window in a bronze color. Williams asked what the relationship is between the window surface and the surface of the granite. Kalentari stated the glass sits back about 1.75 in. from the granite. Williams asked if the frame is flush with the granite. Kalentari stated, yes. Williams stated they are showing horizontal bands as stucco or granite. He then asked if those have any depth in relation to the wall. Kalentari stated, yes. They changed that from stucco to granite because they needed to create the look the architect wanted. Williams stated he is trying to get a better sense of how they are breaking up the façade. One way to do that is to create substantial shadow lines. Typically, with a Tuscan design, even as shown as an example in the submittal, you see a lot of shadow lines and character. Kalentari stated the trim will come out about an inch. Williams stated an inch band would not create much of a shadow line. He then asked if they are using real stone for the rubbed stone. Kalentari stated it will be a man-made stone veneer. Williams asked the color of the granite. Kalentari showed the materials board. The trim would be the ruby red. Golden Sand is the main color. The top is the stucco. The darker is the diamond that comes out about an inch. Williams stated it would not appear that it would be possible for the granite and the veneer stone to be on the same plane. He then asked why they chose to have the square-edge stone on top of the granite slabs versus just extending it to the ground and having granite as accent strips. Kalentari stated he would need to ask the architect. Williams stated he feels Tuscan design has more height variation. Kalentari stated it was designed based on the design guidelines for the Villaggio development. Williams asked to see a copy of the design guidelines. *Klein handed Williams a copy of the design guidelines.* Williams stated it appears the elevations for the office are a lot different than what is being proposed. Patterson stated they have not varied the guidelines from when they were approved at preliminary in August. They believe the roof lines are consistent with the approved preliminary plan.

Rohlf stated she believes at the last meeting they talked about the elevations and whether or not they were consistent with the Tuscan theme. She then asked how these elements will be developed throughout the rest of the development. *Klein showed drawings from the design guidelines, describing some of the design elements.* Rohlf stated the design guidelines, overall preliminary and overall final always look great and then when individual buildings come in we start seeing variants from the design guidelines. She wants to know what the overall developer sees will hold this development together. Jeff DeGasperi, project architect for the overall project, stated he thinks they had the towers and colonnades in mind, influenced by the Tuscan feel. The model shows that there are some tower elements, a mixture of rubbed stone, barrel-type roofs and grounding of earthen elements, such as stucco and stones. The pallets will bring the complex together as well as a lot of the landscaping, hardscaping and fountains with sculptures and the pedestrian ways to link the different areas. The alleys, trellises, and courtyards provide an opportunity for pedestrians to pass through the place in a very comfortable fashion. Those elements are here in these three buildings. The larger retail buildings may have taller towers, but those are meant to

be more focal points to the development. These office buildings do not have quite the extremes. They are meant to be the lower scale of the development. They have reviewed these plans with Pawnee Place LLC and feel this meets the influence of Tuscan they are under.

Reynolds asked if the trellis columns are round. DeGasperi stated he believes so. Reynolds stated the landscape plans do not show any sidewalk at all leading to the secondary entrances that face the parking lot. He would assume that is not correct. He then asked how DeGasperi would see those entrances being used. DeGasperi stated he would prefer the project developer answer that question. Reynolds asked if some of the segmented arches would be filled with stone. DeGasperi stated he believes the arched windows in the tower elements will have a stucco infill on top of the arches. Reynolds asked how the secondary entrances would work. Patterson stated there will be a sidewalk into those and they will be used as a secondary entrance.

Williams asked where in the design guidelines the modular stone is shown as an approved product. There are two references made to chardonnay color and both of those stones are more of the design depicted in the elevations. Patterson stated if that is more appropriate then they would be willing to change. Williams asked if they are asking for a change to the design guidelines. Patterson stated, no, they would change to match the design guidelines. Williams asked if they are proposing the Chardonnay color. Patterson stated, yes.

Patterson stated he did not mean to suggest that the Commission is tied to any elevations. In regard to the concept of breaking the patterns of the roof lines with the towers, they have gone through a number of sketches with that. Certainly if this were a 60,000 sq. ft. retail area it would have the type of configuration shown in the design guidelines. These are small office buildings. He would not want to clutter up the roof for a small office building. They are trying to set the stage for this entry into the office area of Villaggio. The overall development will have large towers with two and three-story buildings that have the room for different towers of different sizes.

Rohlf asked if the applicant is in agreement with all of staff's stipulations including the signage stipulation. Patterson stated, yes.

Rohlf asked staff what is left to be seen within the SD-O portion of this development and also what bonus criteria has yet to be considered within the SD-O. Klein stated, within the SD-O, there are two bonuses with portion WB-2 and the open space with section WB-3. Within the SD-CR portion, they proposed an FAR of 0.20 and the maximum allowed is 0.25 so they did not need any bonuses. Within the SD-O, the base FAR is 0.25, based on staff's analysis; the development meets the bonus criteria by providing additional open space that is usable to the patrons of the development and the general public, and the construction of structured parking. Rohlf asked if this is essentially the same as what was approved at final for the overall and the preliminary for this portion. Klein stated, yes.

Reynolds stated he thinks the landscape is going to carry a lot of water for this. He is glad to see that they are willing to invest in the landscape to get that variety and interest in the building. These are small background buildings that have high expectations for setting the tone for what is supposed to be a high quality project. We have to be careful to not try to over design a building that does not need to be everything for the entire project. The landscape plan uses a lot of birches, but if they were Tuscan then they would be Italian cypress and not birches. There is certainly other plant material that is adaptable to our climate that would be more Tuscan in feeling. Upright oaks, upright maples, upright hornbeams would feel more Tuscan and have a better impact. In regard to the windows facing the courtyard on building Q, he finds it disappointing that windows have been taken out of a façade that faces a very nice area with a fountain and people gathering out there. He would like to have those windows back, but in a Tuscan architectural style. He thinks there is a huge difference in man-made materials in terms of the quality they provide. He believes that the Commission would be much happier if they see the stone coloration and texture and shapes that are in the design guidelines.

Jackson stated part of the intent for the 135th Street corridor is to not neglect any side of these developments. She feels that we should not consider these as small inconsequential buildings. The open spaces are not breaking up the parking spaces. It is a nice space in the center, but it does nothing from the residential setting behind it. It is not incorporating the feel that the 135th guidelines are trying to achieve with the open spaces.

Williams gave credit to the applicant for trying to respond to the comments made by the Commission and Council to make it more Tuscan. It is a step in that direction. He agrees with the comments about how the expectations are probably higher because this is the first set of buildings to come in for this development and the expectation that this will be a high-quality, well-designed development overall. There are elements in the design guidelines that do apply to these buildings. He has raised questions such as the windows and how they are treated, the type of fenestration, depth and size that begins to add detail and shadow line that gives depth and character to any building. He likes granite, but the cut granite panels almost fights the idea of the Tuscan look, and then they put the rubble stone on it and it seems a little strange to him. He thinks the rubble stone begins to bring it back into the Tuscan feel. It would be nice to have more depth and character around the windows and horizontal banding to give it more Tuscan character.

Reynolds stated he thinks the corners of buildings S and R are a disappointing evolution from the model and earlier drawings where the bump-ups had taller windows. They have lost height and variety and put a lot of heavy stone on top of some smaller square windows. It is another example of a critical detail that would have a large impact. He is concerned about the overall effect of these details carrying off the Tuscan theme. Rohlf asked if Reynolds is comfortable with the drawings as presented. Reynolds stated we are setting a tone for the rest of the development, but do not want to make this forum a design workshop with the applicant.

Conrad stated at the previous meeting there were questions about the WB-1 area and what was appropriate for that open space. It is a very subjective issue. There was discussion as to what was WB-2 and WB-3. Page 52 in the packet shows the shaded areas and he could take almost any one of these corners and shade it in and say it would be bonus area. He thinks these areas need to be defined as these developments are done. In regard to the elevated deck on the property to the west, he thinks we need to look at it and see if it creates additional open space on this site plan. It may just be an elevated deck of parking. He would like to possibly have a work session to help define bonuses. He feels there needs to be definition early on in these stages so we don't end up in a slowly deteriorating situation so the last person in has to build a much smaller building.

Reynolds asked if the applicant would be willing to come back to work on the issues that have been identified. He could see less granite and more of the man-made stone, which is a significant cost savings, without impacting the quality. They should not feel like they need to use all of the granite. Williams asked if Reynolds is referring to the man-made stone shown tonight. Reynolds stated he is referring to the man-made stone in the design guidelines. Williams stated there is no man-made stone in the design guidelines. Reynolds stated he stands corrected, however, there are some very high quality man-made stones that come very close to approximating that design guideline product and he would be comfortable with those. Klein stated staff was under the impression that the applicant was proposing a natural stone, therefore, the staff report was written as if they were proposing natural stone. Reynolds stated he would want to make sure that it matched the appearance of the stone in the design guidelines.

Rohlf asked if there is a way to further delineate the bonus criteria. Conrad stated the plan was approved. He just wanted to voice his concern with the issue. In regard to this application, he is not sure that it is an issue that can be a basis for not approving. Rohlf stated the Commission can review bonus areas at final to make sure they are consistent. Klein stated at the time of final the Commission is looking to see if the applicant has met the threshold as far as the bonus areas. He believes Commissioner Conrad is saying that he would like a work session to discuss the reasoning for the bonuses. In the past, before bonuses, people would ask for deviations and for extra FAR. We did not have anything to tie it to. When the LDO was revised, staff asked the consultant for a way to have something measurable to ensure that we get something for giving the developers something. Before that, we used to count all space, such as landscaped islands, as open space. Conrad stated this plan has been approved with the proposed bonuses. Jackson stated she is not sure if it was approved because of the amendment added at the August meeting. There was an amendment stating, "Plans to address the deficiencies and meet the FAR bonus areas for this SD-O area will be submitted with the next preliminary building for submittal." Klein stated that amendment was meant for the next building that came in for submittal within the SD-O portion. The space has been defined. They did change it slightly and it is within the Commission's purview to look at those changes, but the fact that the overall bonus area for those three buildings was approved with the overall plan for Villaggio set those areas as the bonus areas to be looked upon. As each development comes in then they would need to meet those

thresholds within those areas. He does not think it was intended to go back to "square one" and say that the courtyard does not qualify for a bonus at all. At some point the applicant has some expectations that those bonus areas were approved. The Planning Commission can state that the applicant has not met enough landscaping or is not pedestrian friendly, or something that they did not do enough of in the bonus area to qualify for the bonuses. Williams stated it seems that the Commission should be looking at whether or not this applicant has included enough amenities in the open space to make this space better than it would be otherwise, and then when the next building comes in we will look to see if we are getting those bonuses. Klein stated staff will look to the Commission if they do not feel those bonuses have been met. Staff will be tracking this on a chart for the entire development as each portion comes in. If they don't meet the bonuses in this one project it would not stop this project, but it would reduce square footage somewhere in the SD-O portion. Williams stated we had approved the general area for bonuses and what they have done in that area seems to be a good job. It seems a more pleasant place to be and approach to the three buildings than if the access to the buildings was directly from the parking lot. He complimented the applicant and their team for doing that. They have added a lot of additional landscaping. He thinks they have met the criteria for the bonuses in this area.

Rohlf read the additional amendment made by Williams at the August 8th meeting regarding stipulation number 10, adding the text, "and depict the level of detail, character and style associated with Tuscan architecture as in the approved design guidelines". Williams stated the question is if they have gotten to that point. There has been an attempt but he is not comfortable that they are there yet. Reynolds agreed with Williams.

Rohlf asked if the applicant would agree to going back and looking at the elevations one more time. Patterson stated they believed the direction was to take out some of the windows on the east side of the longer building. They thought they were dealing with the bonus area sufficiently. They would be willing to go back and revisit the architecture, but they would need to know what they are going back about. He understands what Williams said about needing some shadow and breakage of what would be a long, solid, non-breaking wall. He does not think they have that. If they have a bronze window trim and cast stone of a different color and then the granite, they could put some shadows in, but it might make it very gaudy and busy front, side and rear of a building that has a lot of windows in it now. He thinks they do not need to revisit the bonus calculations and what those consist of. He thinks the roof lines are there. He is concerned that if the brick is brought all the way down they will not have a Tuscan building, but will have a Tudor-looking building. They need to know what the Commission would like them to bring back. The applicant is agreeable to a continuance if they have an idea of how to make this better.

Klein stated he has heard comments from the Commission that they would like to see something different for the window treatment, maybe a little deeper inset. Williams stated he thinks framing for the windows is first and foremost. When he looks at what is proposed with the granite, it ends up not looking much different than a modern building with similar cladding with stone and window at the same plane. If you look at a typical Tuscan style you will see more window framing with something that gives it more character and detail and shadow. The attempt with the horizontal bands along the top and bottom helps to give a little more shadow, but needs to be deeper. The Tuscan designs he has seen have rounder, softer edges. The elevations in the design guidelines appear to have a wide banding, but it's hard to tell if that would give it a strong shadow line. Klein asked if Williams would want a cast stone frame around the window or if he would simply be looking for the window to have more depth and shadow line even though it is adjacent to the stone. Williams stated pulling the window in can give the window more depth and deeper shadow, but you would not necessarily have to do that if there is a heavy banding around the window. Klein stated, in regard to fenestration, the applicant originally had a series of small rectangular windows that were pretty uniform across. They then changed the size of some of them. Klein then asked if there was something Williams was wanting for fenestration. Williams stated not necessarily.

Henderson arrived.

Reynolds stated he made the comment that the corner windows on buildings R and S are more effective on the model. He would like to identify the concern and then give the applicant an opportunity to respond to it in a variety of ways. Such as, how the window is inset or framed. Staggering the blocks of granite makes it look like more of true granite, rather than a veneer. Klein it seems that some of the Commissioners do not want the granite material. He then asked if there is something different that they would like to see. Reynolds stated it could be adjoining or how they treat the surface of the

granite; maybe they should consider a finish that is not reflective. Granite needs to feel like a heavy material and not a slick modernist feel of the material; more consistent with a rustic Tuscan appearance. Klein asked if there are specific areas where Reynolds would like to see more stone. Reynolds stated he would not want to be specific and would like to allow the applicant to have that flexibility. Klein asked if there is something different Reynolds would like to see for the roof line of the other two buildings and if they should have tower elements. Reynolds stated he is okay with the massing and scale. Williams stated the elevations seem fake and forced, but it is a little better on the model. It would help to have the towers larger on the two small buildings, but it is okay. Reynolds stated he wants to make sure staff and the applicant understand the concern about the amount of glass facing the courtyard. He would like to see the glass, but used in a Tuscan way to allow the occupants to enjoy the courtyard.

Klein stated we would need a date certain to continue this case to. Williams asked the applicant if they are willing to continue to the December 12th meeting. Patterson stated, yes.

Roberson stated, as a non-architect, he does not have a clue as to what the Commission is looking for. He does not know what a Tuscan look is supposed to look like. He likes what he saw. He would like to see an example of what his colleagues are talking about.

Reynolds stated there is a disconnection between what comes in with the design guidelines and what comes in for final. The design guidelines are our guide. Williams stated if you look at the illustrations of the windows in the guidelines, they give more definition to the windows than what is shown with this project. There are arches over the windows and vertical stone trim that begin to frame out the window. Tuscan should be old world. There are pieces that begin to do that, such as the tile roof and ornamental brackets under the soffits, but the windows do not fit with the Tuscan theme. Rohlf stated we are probably going back to the development that was supposed to be Prairie Style architecture and there was a very wide interpretation of what Prairie Style architecture is and it is apparent in the overall product. She thinks that is why we are looking at this so closely. It is okay to rely on the Commissioners who are architects for their expertise. Williams stated when a developer comes in with a set of design guidelines and are describing a style or theme for the development the Commission is not looking for every building to be identical. They are looking for some characteristics to tie them together and expect them to comply with the style they say they are trying to do.

A motion to continue this case to the December 12th meeting was made by Williams and seconded by Reynolds. Motion to continue approved unanimously.

SPECIAL BUSINESS:

DISCUSSION REGARDING CITY ADMINISTRATOR'S SUMMARY OF THE WORK SESSION REGARDING RESIDENTIAL REMODELING AND RECONSTRUCTION

Klein stated the Planning Commission looked at some architectural review amendments to the LDO. In those amendments staff was separating out what was in the commercial versus the residential. At that time the Planning Commission had some concerns as far as wanting something that also spoke to the single-family and not just the commercial portion and that is when it was decided to discuss it further in a work session. This memo is saying that the Commission would be recommending, at some point in the future, approval of the LDO amendment; however, you would like to say that you would like to look at the single-family in regard to massing and height. There may be future LDO amendments that speak to that and the Commission is asking for the ability to look at those items in the future.

Rohlf asked when Lambers is proposing to present this to the Governing Body. Klein stated he does not know.

Rohlf asked if any of the Commissioners have any comments, corrections or additions to the memo. Henderson stated there are homes associations that have specific definitions about how many square feet on the first level and second levels that deal with massing. He then asked if those definitions would be helpful to collect uniformity. That will make some impact on our definition of massing. Rohlf stated Lambers did present a memo outlining three or four different ways to objectively come up with a formula for massing at the work session. Henderson stated he recalls a discussion about the second level

centering on the first level, but no real numbers. Williams stated he believes that was a conversation about what classifies as a story and a half. Henderson stated he is concerned with what has happened since there is not an ordinance and feels we should take those into account. Klein stated the memo is stating the Commission is asking the Governing Body to look at this in the future, so those would certainly be looked at during this time. At this point, the memo is just to provide the Governing Body the direction of which the Commission would like to go. Henderson stated since this has already been established in Leawood, it is a precedent that is already set.

Jackson stated she does not recall ever voting on what the Commission wants to recommend. Klein stated the case for the LDO amendment was continued. It is scheduled for the January meeting. Jackson asked the other Commissioners if they want to recommend this change to the Governing Body. Reynolds stated that was the direction we were headed, but we wanted to look at it more. Williams stated passing the amendment would clean up the LDO for the time being and would not preclude the Commission from coming back to change it again. Rohlf stated she believes that Lambers is intending for it to be approved the way it was proposed in August. Reynolds stated he would like to add something to the memo that says that the Commission does not see this as an issue done. Another point that was made during the work session that was important to him was if there is a City role to publish a handbook for the homes associations as guidelines.

Conrad asked if there will be a set of bullet-points that would be preceding both the residential and commercial sections when this amendment is seen again in January. Klein stated, no. It would be separated out for residential versus commercial. This memo is asking the Governing Body if they are okay with the Commission looking at some amendments to the LDO appropriate for the single-family.

Williams stated it seems the other issue was the City getting into an architectural review board. Klein stated there has been some discussion as to where the City should be involved in regard to single-family houses. In the past, single-family property owners have had a lot of rights as far as how they wanted their house to look. The City has not gotten involved in reviewing the architecture of particular houses or massing, as long as they meet the setbacks. There have been a lot of tear-downs and remodels up north, which has triggered a lot of this discussion. There is the option of having an architectural review board, but it seems to be the direction of the City to have the homes associations look at certain standards so they could regulate it. This is an attempt to get the City involved with the massing and height; things that are measurable and not subjective.

Henderson asked if there is likely to be another draft for the Commission to review prior to the January meeting. Klein stated he does not know. Rohlf stated if Henderson is asking about another draft for the ordinance, she does not believe there will be one. Marcano stated that is correct, to her knowledge, at this point. Rohlf stated the Commissioners should make it clear to Lambers at this point if they would like something different to go forward with the LDO amendment. Marcano stated it is her understanding that the only question before the Commission at this meeting is if they are in approval of the accuracy of the memo as minutes from the work session. The LDO amendment will be discussed in January during an open meeting with a public hearing.

Conrad stated he would abstain from a vote since he was not at the work session. Roberson stated he would be abstaining from a vote also.

Reynolds stated the last paragraph of the memo seems limiting in terms of scope. He would be in favor of the Commission looking at more than just height and massing. Henderson stated he does not read that sentence as saying that. He believes that it is asking the Commission to lead in the endeavor of looking at height and massing.

A motion to approve the memo was made by Jackson, with an amendment to the memo to make the first sentence of the last paragraph it's own paragraph, follow that by the second sentence of that paragraph as its own paragraph and substitute in, "such as" instead of "regard to" height and massing. Reynolds seconded the motion with the amendment.

Motion approved 5-0. Conrad and Roberson abstaining.

Meeting adjourned.

Lisa K. Rohlf, Chair