

City of Leawood Planning Commission Minutes

November 27, 2006
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

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

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

APPROVAL OF THE MINUTES: Approval of the minutes from the October 10, 2006 and October 24, 2006 meetings.

A motion to approve the minutes from the October 10, 2006 meeting was made by Williams and seconded by Reynolds. Motion approved unanimously.

A motion to approve the minutes from the October 24, 2006 meeting was made by Jackson and seconded by Williams. Motion approved unanimously.

CONTINUED TO THE DECEMBER 12, 2006 MEETING:

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**

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

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 94-06 LEABROOKE – 6TH PLAT Request for approval of a final plat. Located at approximately 145th Street and Kenneth Road.

CASE 95-06 LEABROOKE – 7TH PLAT Request for approval of a final plat. Located at approximately 145th Street and Kenneth Road.

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

NEW BUSINESS:

CASE 86-06 IRONHORSE CENTRE, LOTS 7 & 8 Request for approval of a final plat and final plan. Located at the southeast corner of 151st Street and Nall Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting a revised final site plan for lots 7 and 8 and a revised final plat. The project is proposing to construct two one-story buildings, totaling 17,495 sq. ft. Building 7 is the northernmost building and is a one-story 6,120 sq. ft. retail building zoned SD-CR, which is planned general retail. Building 8 is located at the center and is an 11,375 sq. ft. office building zoned SD-NCR, which is planned neighborhood retail. The Planning Commission saw the preliminary for this case a few months ago where they showed building 8 having a drive-thru on its western end with a coffee shop and a one-story office building just to the south of that, adjacent to the golf course. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if the Commission has approved all of the buildings as final for this development. Klein stated building 1, building 2, the building at the corner of 151st and Nall and the building on lot 3 have been constructed. It is possible that building 6 could come back in for a different plan. The Commission has not seen anything for lot 5.

Williams asked if there are any changes between what the Commission is seeing tonight and what was approved with preliminary. Klein stated they are showing a trash enclosure that is attached on the north side of building 7. Everything else is basically the same.

Applicant presentation: Presentation by Fred Merrill, representing the development company that is building these two projects. They do not have any additional comments. The stipulations are the same as were approved at preliminary. There is one item the Commission should consider. That is the location of the dumpster as it is attached to the building. One of the things talked about during preliminary was connecting the sidewalks between buildings 7 and 8 up against the golf course. The Commission felt it was necessary, so that was included in the revised site plan. In doing that, they have a way for pedestrians to walk on the east side of building 8, by the golf course and by the parking lot and then it connects to the sidewalk on the north side of building 7 and then as you are heading to the west, with the sidewalk attached to the building, it blocks the sidewalk and the pedestrian access there so pedestrians connecting from building 8 have to walk out into the parking lot and walk around the trash enclosure and then come back to the sidewalk. The applicant is suggesting putting the trash enclosure out on the curb, out about 6 ft. to the north, so the back of the enclosure would be at the curb and the sidewalk would run behind the enclosure so there would be full pedestrian access on that sidewalk. That is the only thing that the applicant sees that could be a problem.

Rohlf asked for the applicant to walk through the sidewalk situation on a site plan. *Klein showed the pedestrian path on the site plan.* Klein stated staff is recommending that the trash enclosure be attached. We have seen this layout before and staff is comfortable with it. Williams asked if the only time it would impede pedestrian traffic is when the doors would be open. Klein stated, yes. Merrill stated it is often not a pleasant experience to walk in front of a dumpster. As much as one tries to regulate it, those doors sometimes are swung open. He feels it would be more appropriate to walk behind the dumpster, where a pedestrian would be between the wall of the building and the wall of the enclosure, versus in front of the enclosure where a pedestrian would have to walk around it if the doors were swung open. Williams asked what they would do with the meters that were planned to be part of the trash enclosure. Merrill stated if they did that they would have to provide screening with a permanent wing wall and landscaping. It would still make sense to have the meters attached to the building, but they would need to be screened. Williams stated then a pedestrian would walk behind the trash enclosure and in front of the mechanical screen wall. Merrill stated there will not be a curb where that trash enclosure is located, so it changes the composite nature of the sidewalk, but as long as the Commission feels comfortable that it meets the type of pedestrian connection the Commission was trying to achieve from building 8, then the applicant is okay with that.

Reynolds asked if the applicant is in agreement with stipulation 10 regarding the walkway to connect the plazas. Merrill stated, yes. Rohlf asked if the applicant is in agreement with all of the staff stipulations. Merrill stated, yes.

A motion to approve was made by Reynolds, modifying stipulation 14 to say the trash enclosure be located directly north of the curb line allowing a continuous sidewalk and being screened from the parking and the sidewalk area.

Williams asked if Reynolds is saying that the slight dip that the sidewalk is going to take to get down to the parking lot level to roll the dumpster out is a problem to consider now that there are two doors to contend with this container. Lambers stated there needs to be a second to the motion before it can be discussed. Rohlf asked for a second. No one seconded Reynolds' motion. **Motion failed for lack of second.** Reynolds stated he would much rather walk past a masonry wall than the gates to a trash enclosure. It also lets the building not have an appendage attached to it. He thinks it would give it a nicer appearance. Williams stated there is still an appendage for the utilities. It is supposed to be a stone wall on that back side, so anyone walking to use the trash enclosure would have to walk around to the front side and would go by cars and parking, with more opportunity for trash being thrown in the wind. He understands the concern for the gate but he does not personally see that it is better.

A motion to approve was made by Williams with all of staff's stipulations. Motion seconded by Elkins. Motion approved unanimously.

CASE 83-06 ONE NINETEEN Request for approval of a final site plan. Located south of 119th Street and east of Roe Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a revised final site plan for the second phase of the One Nineteen development located at the southeast corner of 119th Street and Roe Avenue. The first phase has been constructed and no changes are proposed for the third phase. The development will be made up of 169,760 sq. ft. of construction on 15.64 acres, for an FAR of 0.25. The development will consist of an 118,060 sq. ft. main center and three pad sites consisting of 51,700 sq. ft. that are aligned along 119th Street. Staff placed a couple of sheets on the dais. One shows the sign that they would like on the northeast corner along the planter wall. They would like a sign that reads, "One Nineteen". The other sheet is an elevation of the fountain that will be located generally at the center of the main center. Stipulation 21 states the applicant is to provide a revised landscape plan that meets all of the requirements of the Leawood Development Ordinance. They have provided that, so that stipulation can be removed. There was a typo in the stipulation about the sunset clause; it should read "final" and not "preliminary". Staff is recommending approval of this case with the stipulations stated in the staff report.

Jackson asked how it is enforced if their landscaping does not adequately screen the parking. Klein stated the applicant has indicated it would be hard to do a 10-ft. berm. The applicant is trying to screen the parking by layering plant material. The stipulation would mean that at time of Certificate of Occupancy, when the plants are all installed or grown out, if staff feels it is not adequately screening the headlights of the car then the applicant would need to revise the landscape plan. Jackson asked what the cross access agreement is for. Klein stated that stipulation is included in most of the shopping center developments. It is so that they do not have parking dedicated for one particular building and the customers could park anywhere to visit any of the stores. Jackson stated that stipulation is listed twice as stipulation 24 and 28. Klein stated that was an error. It only needs to be listed once.

Williams asked for staff to explain the changes from what was approved and what they are presenting now. Klein stated the layout has generally stayed the same. They are not proposing any changes for the third phase. The general layout of the main center is generally the same as before. On the currently approved plan they had parking spaces that directly front to the parking area. They are now closing that off and showing green space. They have also increased the area of the main center a little bit. The total development has gone from 163,777 sq. ft. to 169,760 sq. ft. One of the buildings will have a second-floor component to it; however, the height of the building will not change much. There are two retaining walls that are tiered. That is done to reduce the impact of one solid wall. They are still showing the same tiered retaining walls; however, the height has increased to a little over 20 ft. in height. Each retaining wall will be 10.2 ft. in height.

Applicant presentation: Presentation by Phil Crisara with Nelson Architects. The applicant is back tonight with the retail project. The development is one-story throughout with exception of the single tenant on the eastern portion of the development. Within the current zoning, the development is at an FAR of 0.25. They are below the 50-ft. height limit. Building A is approximately 118,000 sq. ft. and is approximately the same as was approved during preliminary. Based on some tenant criteria, the location of some columns has changed. The materials are made up of primarily masonry materials. There will be custom lighting with wall sconces throughout that are attractive during the day and night. *Crisara showed the materials board.* The pallet is the same, with very light earth tones. The two-story portion of the building will be 42 ft. and 6 in. There was a tower element in that area before. They think a small second-story component will be a nice punctuation toward the end element. There is very tall, 14-ft. glass to the north. The development is wrapping store front, both east and west, so there is a single bay of merchandise for display. Towards the Tomahawk Creek side there is a combination of brick and stucco that supports the service areas and access to the retail areas from the back.

Rohlf asked if the Commission would see building A again. Klein stated if the individual tenants come in with custom store fronts, then they would come before the Commission. Rohlf asked if this phase will be building out everything other than the buildings on the third phase, including all of the public spaces. Crissara stated they would be just down to two pad sites. Rohlf asked if those would change. Crissara stated he would not anticipate it, but that would be difficult to answer tonight.

Reynolds stated he feels the new elevations are much stronger. He feels the two-story element is very nice. He then stated there are some differences between the landscape plan and the site development plan. Ken Boone, of Oschner Hare and Hare, stated they continued to develop the landscape plan and those changes did not get pulled into the engineer drawings. The landscape and hardscape drawings are the final ones shown tonight.

Williams asked why the retaining walls got taller. Crissara stated as they talked to tenants and further studied life-safety exiting; it became apparent that the notion of a catwalk, stairs and ramps in that back area would be doable, but cumbersome at best. The reason they had those initially was because the site had a drop down so they were able to minimize the height of that wall. As the project has developed and in studying what would have to happen to all of those doors and the exiting from those spaces, it became apparent that a better solution was to bring the elevation up to have at-grade access both in and out of the building. Their decision to do that was predicated on the combination of retaining wall and landscaping. The depth and interest they have been able to build with an intermediate slope with landscaping could tolerate that extra 6 ft. or so. It primarily has to do with the functioning aspect of the finished floor grade at the back of the buildings. They are at 2-ft. intervals as you move from the west to east.

Williams asked the material of the retaining walls. Boone stated it is a varying size segmented block, blended at the factory, with a rough split face. Williams asked how the landscaping actually fits around the retaining wall. Boone stated there will be two independent walls and they are off-set from each other. There is opportunity for three tiers of landscaping. Instead of putting the screening against the building, it is on top of the wall. Closer to the street, is all evergreen pines and spruce with some ornamental. It will create the layered green affect, and not just a wall. Williams asked if the width will be enough for roots. Boone stated, yes, it will be 10-ft. wide.

Conrad asked if the landscape plan is correct on the retaining wall layout. Boone stated one of the issues they are trying to resolve with the retaining wall is that the employee parking runs too close to the wall and there would not be enough area to provide a full screen. They are now trying to understand how they are going to modify the edge of the wall. The height will not change at all. They may have a single wall at that end, versus a double wall as before. Conrad asked if the sanitary sewer is public. Ley stated, yes, and it is in the right-of-way. Conrad asked if the retaining wall and the sanitary sewer would not be an issue. Ley stated, no, the retaining wall has to be behind the right-of-way.

Williams stated after all of the discussions during the preliminary, and with the architecture they are trying to achieve, it is unfortunate they ended up with a wall of this size.

A motion to approve was made by Reynolds, removing stipulations number 21 and 28 and adding a stipulation to read, "The landscape plans concerning pavement layout and plantings carries precedent over the site layout plan". Motion seconded by Jackson. Motion approved unanimously.

CASE 80-06a BI-STATE CENTENNIAL PARK – LOTS 18 & 19 Request for approval of a preliminary site plan. Located south of 141st Terrace and east of Overbrook, within the Bi-State Business Park.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a preliminary site plan for the construction of a two-story, 8,580 sq. ft. building on 2.59 acres for an FAR of 0.08. It is two-story on the south side and one-story on the north side. This building is located within the Bi-State Business Park, located at the southeast corner of 143rd Street and Kenneth Road. The parking is located on the north side of the building. The entrances to the building are also located along the north side. An existing detention pond is located on the south side of the building. This building will be constructed primarily of stucco material. It will be used as an office and also warehouse space. Two trash enclosures are proposed each on the east and west elevations. Per the LDO, landscaped buffering adjacent to buildings is required to be a minimum of 10-ft. in width. This project meets that requirement only on the north side. The applicant is requesting a deviation to circumvent this requirement. The primary building material is stucco. Staff is recommending the applicant use a combination of masonry and stucco materials on the building. Staff would like to get some direction from the Commission regarding this matter. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if the preliminary and final for the overall development has been approved for some time. Joseph stated the overall was approved in the early 90's. Rohlf asked if this proposal is consistent with the approved overall. Joseph stated, yes, the plat is not changing; just the buildings within the lots. Rohlf asked how many lots there are. Joseph stated there are about 23 lots in the Leawood side. The other side is Kansas City, Missouri.

Conrad asked if there needs to be more definition to stipulation number 6. Joseph stated the applicant is showing some of their windows and doors as optional on their elevations and staff wants to make sure that all of the windows shown will actually be constructed and shown on the final.

Reynolds asked if the windows and terraces shown on the plans would be built. Lambers stated the windows that are shown are the ones that are not optional and then it would be up to the applicant, based on the tenant usage, whether or not those optional windows would be installed.

Applicant presentation: Dr. Brad Vince thanked staff for their helpfulness. He agrees to all stipulations as stated by staff and clarified by Lambers. Presentation by David Suttle of Suttle Mindlin Architects. Lots 18 and 19 have been combined for one building for Dr. Vince. In the context of a business park, it has a unique expectation and they are trying to express that with what they are proposing. One of the things that have evolved is the Cocheral subdivision of the three buildings along the west edge. There are two there now. The third building will be an extension of that three-building cluster. He thinks that is a very good idea that they stand alone and be a good neighbor to the rest of the business park. With the existing brewery distribution center and the City's maintenance facility, they are completely different in nature. They are trying to take the rest of the sites that are available and look to those to have a compatible and attractive critical mass that will infill the rest of the development and give it its wholeness. It should begin to downplay those two existing buildings that are there and stand alone without apparent meaning. They want to avoid a box with four sides. They wanted to take each piece and make something out of it. The building overlooks the pond and there is quite a bit of natural vegetation and trees. They want to take advantage of what windows will be there to have that nice sense of being adjacent to the water's edge and not just a field all around. The contrast of the angle of the building that is sited for an attractive edge of the pond leaves a triangulated space where they are going to make a terraced garden in front. The front façade is clean and inviting with a bold architectural element, and they are proposing a lighter color with a rhythm of French doors. From the side elevation there is the hillside, a sloping roof and the walk-out basement becomes a masonry element that is treated differently.

Rohlf asked Suttle to show what they might consider changing to add more masonry. Suttle stated it a discussion as to whether or not you do it because it is something you can do or if it is part of the concept. He does not feel it is part of the concept. With all of the colors, textures and vertical lines, they would not want to add something just for the sake of adding it. He does not think it would make it more sophisticated. He would love to have these buildings be clean and refreshing and not try to play the rules of other types of office and retail buildings. They would not want to begin to add add-ons.

Williams asked if the darker brown shown on the elevations is a stucco-plaster. Suttle stated, yes, the same as the lighter brown. They thought that would give composition, with or without windows, as the tenant might require. Williams asked what the change in texture would be. Suttle stated the very surface of the stucco itself. It would be bringing out more texture. They would want to make sure that is addressed in an appropriate way. They would look for ways to create color and surface, in the approach of the aesthetic. Williams asked what Suttle anticipates being the size and shape and character of the lines of stucco. Suttle stated this is preliminary. Usually ½ inch is the minimum. They would clarify that at final.

Conrad asked if the poured concrete would be painted. Suttle stated it would be colored concrete; not painted.

Reynolds asked the nature of the private street that goes along the south edge to the warehouse. Vince stated the drive was created to give access. It becomes private. He believes it is utilized more for the office traffic.

Reynolds stated he feels staff's comments were appropriate in terms of using materials consistent with the rest of the development. The importance of the openings will have a strong impact on this building as a whole. The roof is sloped and facing towards a lake and an entrance drive. One comment was that the roofing material is a membrane and another said it would be built up. Although it is a final comment, he wants the applicant to be aware that it could become ugly.

Public hearing: Shannon McCowan with Heartland Services, part of the Cocheral subdivision. Mr. Cocheral has met with Dr. Vince and has given his agreement with the plans provided. Mr. Cocheral has built two high-quality buildings and the City held him to a high standard. He expects a quality building to be built and would like a community of buildings that look like they blend together.

Justin Vince, 1453 Sherwood Street, thanked the Commission for coming to the meeting and hopes this building gets approved and when it does he hopes they come visit.

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

Williams supported what Reynolds said. All too often in Johnson County we see business parks that come out looking like very plain stucco boxes and do not look very good after a few years. Our expectation is that it be a quality development, even though it is a business park. He hopes the applicant and the architect take a close look at staff's suggestions and come back with some upgrades.

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

CASE 80-06b BI-STATE CENTENNIAL PARK – LOT 23 Request for approval of a preliminary site plan. Located south of 141st Terrace and east of Overbrook, within the Bi-State Business Park.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a preliminary site plan for the construction of a one-story, 18,240 sq. ft. building on 2.33 acres for an FAR of 0.18. This building is located on lot 23 of the Bi-State Development. The parking for this building is located on the north and south sides of the building. The entrances to the building are located on the south side. The proposed building will be constructed primarily of pre-cast concrete panels. This building will be used as an office warehouse space. A detached trash enclosure is proposed for the northwest corner of the site. Staff is recommending this enclosure be architecturally attached to the building. Per the LDO, landscape buffering adjacent to buildings is required to be a minimum of 10 ft. This project meets that requirement only on the south and west sides of the building. The applicant is requesting a deviation to circumvent this requirement. Per the LDO, no more than 40% of any side boundary length that fronts onto a public street may be developed as parking area. This project does not meet this requirement. The applicant is requesting a deviation to circumvent this requirement. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if the 40% requirement has to do with the timing of the approval process. Joseph stated when the overall project was approved, that requirement was not there, but the LDO was revised in December of 2002. Lambers stated he believes this is one of the guidelines that got carried over from the 135th Street Corridor guidelines into the business park designation. Staff questions whether or not it is appropriate for business park zoning and should probably be looked at on a case-by-case basis.

Applicant presentation: Presentation by Dr. Brad Vince. Matt Graham, of David and Design Group, is available for questions. *Vince passed out some 11x17 colored renderings.* When they started off looking at the size of the lot and the construction of the building, the first preliminary drawings looked like a giant box. He stole the idea for the glazing off of the Starbucks that he is building. He wanted a lot of glass. He feels it gives it a lot of depth and the feel of smaller buildings within one larger building to break it up. They raised the parapet to hide the rooftop mechanical equipment, per the guidelines. He agrees to all of the staff stipulations. The glass begins to create some shadow lines. He had the architects incorporate the glass in. It is set back. The overhang is about 3 ft. In each entrance, the building creates some protection from the weather. Coloring is important. They are using earth tones to blend in with the environment. There are a lot of wooded areas near the Leawood maintenance facility. They created the accent banding to break up and create length to the building. It looks better with it than without it. The building is approximately 18,250 sq. ft. They wanted to break up the monolithic box, which is why they did some of the stair-stepping in and out to create interest and architectural relief in the front of the building.

Rohlf asked about the staff comments regarding the concrete wall sections. Vince stated they are not the T-forms. It is a tilt-up building and does not fall under the "T" terminology staff is referring to. It is within the ordinance. Joseph stated, per the LDO, T-shaped concrete tilted walls are prohibited. According to the applicant, it is not a T-shaped wall.

Public hearing: Shannon McCowan of Heartland Services stated Mr. Cocheral has reviewed the plans and they meet his preliminary approval. He asked the City to approve a building that is pleasing to all who pass by.

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

Reynolds stated the parking lot is 24 spaces deep and ends in a dead-end. He then asked if staff is comfortable that people can drive down the length of that and turn around to get out. Joseph stated staff had the same concern at first and then the applicant came back with a V-shaped turnaround and that is what they are showing now. Reynolds stated he is in favor of a detached trash enclosure on this site. It will be up against a hillside and will be more out of the sight from the street and also frees up the back of that building for employee access. Williams agreed with Reynolds. Lambers stated Council went through the issue of the trash enclosure with Mission Farms and they agree that staff's position should be that it be attached; however, if the site specifically calls for detached, then it could be considered. Council is taking the position that in certain circumstances it should be looked at on a case-by-case basis.

A motion to approve was made by Williams and seconded by Reynolds.

Jackson offered an amendment to modify stipulation number four to remove the words, "and shall be architecturally attached to the individual buildings" and replace with the words, "used in the buildings and accented with appropriate landscaping." Reynolds seconded the amendment. Amendment approved unanimously.

Jackson stated stipulation number 17 should read "one through seventeen" and not "one through eighteen".

Motion approved unanimously.

Stopped here

CASE 89-06 MISSION CORNER Request for approval of a final site plan. Located at the southeast corner of 135th Street and Mission Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a development that will consist of a total of 315,400 sq. ft. of construction on 20.19 acres. The construction will be divided between 87,925 sq. ft. of retail, 66,683 sq. ft. of office and 160,792 sq. ft. of residential consisting of 96 dwelling units. The Commission saw a final site plan for this case a little over a month ago regarding creating the infrastructure around the project. That case was to go on to the City Council, however, they have delayed that case and filed this application with the hope that these cases will be heard at the same Council meeting. The overall square footage has not changed at all. They have reduced the amount of retail and office and increased the amount of residential. As a result, the FAR has been reduced down to 0.26 FAR. The bonuses for that would be provided by the underground parking. They are slightly under the maximum number of parking allowed, so by providing the underground parking it saved some space. They are also exceeding the minimum required amount of open space. They are providing 33% as opposed to the 30% minimum required. Within the first phase of the development, the applicant is proposing to construct two buildings entering off of 135th Street and also constructing the three central-most buildings located along that primary east-west drive. Those will contain residential units above. They are proposing to construct 72 of the residential units with this phase. They have also increased the plaza areas and tried to create a stronger presence. Staff is recommending approval of this case with the stipulations stated in the staff report.

Rohlf asked if the tenant criteria manual is consistent with what the Commission has seen before. Klein stated, yes. Rohlf asked if staff is concerned with any of their selections of materials. Klein stated, no.

Conrad asked if Klein was correct in saying that they are building the two entry buildings with the first phase. Klein stated, no, just the one building that has the drive-thru. Conrad asked to be shown on the site plan where the requested deviations are located. Klein stated the deviations were approved at the time of preliminary.

Jackson stated the 135th Street plan talks about Mission being more pedestrian friendly, less car dependant and more bicycle use. She then asked what parts of this plan carry that out. Klein stated they are providing quite a few pedestrian connections, retail on the first floor, plaza areas and a pedestrian sidewalk that meanders and connects to 135th Street. They have tried to provide that pedestrian feel. In addition, they have a retention basin with sidewalks going around it. They will have a pool area available to the condominiums. Jackson asked if the City is doing anything to make bicycle access to this area work. Klein stated there is a bike-hike trail along the north side of 137th Street.

Applicant presentation: Presentation by Larry Winn, on behalf of the applicant. Also in attendance are Gray Turner and John Sweeney, representing the developer Terra Venture and Henry Klover, the architect. At a previous meeting, some of the Commissioners expressed some frustration with the infrastructure plan and not being able to see the vertical dimensions of what is going to happen on top of the infrastructure plan the Commission has already approved. The applicant decided to delay that case and not go to Council until the Commission has had an opportunity to see this plan. The applicant is in agreement with all of staff's stipulations. Winn believes stipulations 25 and 29 might be the same stipulation.

Presentation by Henry Klover. The primary difference between this plan and what was approved previously are the proportions of the buildings. They are now based on an actual plan from the developer who is developing the condominiums inside the buildings. The buildings are not as deep as originally proposed. There is 10,000 more square feet of open space on the ground. The center building is wider and there are a few more balconies. In terms of general massing, the use of materials and general overall proportions, it is very similar to the original approach. The original elevations had the buildings a little more square and a rectangular shape for the condominiums. They are now longer. There is not as much of the first level tiers. That was the advantage of allowing more open space. There are still the same proportions between the buildings. The building square footage did not drop dramatically, but there are now community rooms on the back side of the first level. The entrances are off of the interior courtyards. Each one of those areas is grass on top of the deck. There is a parking garage that goes all the way across. There are seating walls that are approximately 20 inches high. There are decorative light poles at each of the four corners. In the center of each one of the courtyards is a 9-ft. in. diameter, double-terraced fountain as in the criteria booklet. The office-retail building is also part of this phase. They have a restaurant tenant they are working with. There is no plan for the drive-thru at the moment, but it would require coming back before the Commission for a special use permit. The phasing is to get buildings D and H off the ground immediately and the entire parking deck. Buildings J and K will follow immediately behind and will be constructed as the demand and leasing happens

for the condominiums. They added the pool area, which is accessible through an elevator to the garage. The parking is accessible to all of the tenants. Trash enclosures are contained underneath the deck at both ends. The pool is accessible by gates or from below. There is an overhang and seating area for the tenants.

Rohlf asked if building D is one building. Klover stated, yes. Rohlf asked if the drive-thru is still shown. Klover stated it is shown as a drive, but not a drive-thru. That would require a special use permit. Rohlf asked what infrastructure would be going in with these three buildings. *Klover showed the infrastructure that will be built on the plan.*

Winn asked for the Commission's favorable consideration. This project has been in the system for 18 months. They have embarked on a unique project and it has been an effort on everyone's part.

Jackson asked if they have looked at how a person would get to this site on bicycle. Klover stated one of the reasons they shifted to this plan is the primary concern that the majority of plans in Leawood were a series of buildings that were interconnected through. One of their goals is that they have a central access coming in. Another is to also create a pedestrian path all the way across the front, which is very unusual for most of the plans coming into Leawood. You are crossing streets, but also going along a very pedestrian area. There is a plethora of access points to get into the center off of the various sidewalks. There is a series of sidewalks that come back into the center. Jackson asked if there will be sidewalks running north-south along Mission and Pawnee. Klover stated, yes. Jackson asked where the bicycle route is located. Klover stated on the south side of 137th Street. Jackson asked if you could get to the pool from 137th Street. Klover stated it is designed with the upper deck so that if a resident wants to, they can get there from the street. Jackson asked if a bicyclist could get there. Klover stated they would ride up the back access drives on either side. There are sidewalks on either side of that as well. Winn clarified that the pool would only be used by the residents of the condominiums.

Reynolds asked if the stairwell on the north face of building D is a fire exit only stairwell. Klover stated, yes, just for emergencies.

Conrad asked for a description of the phasing. Klover described the phasing on the site plan. Conrad asked if the interior courtyard between buildings H and J would be built in the first phase. Klover stated it would need to wait until the building is built.

Williams stated he is pleased to see that some of his preliminary issues have been addressed, particularly the exterior pedestrian areas and courtyards between the buildings. They reduced the height of the building a little. Overall the buildings have taken on a fairly interesting appearance. They have done a nice job with the style of the project as a whole. He was particularly taken by how well Klover and his staff crafted the design criteria to avoid any definition of style or design so that we will not have those discussions in the future, while still giving some guidance to the tenant and their designers to come up with a building that is compatible with the development. Overall, giving a lot of flexibility to future developers. He feels the entrance drive coming off of 135th Street gives a dynamic sense of place. We read a lot about sense of place, but seldom do we have a solid sense of place and he thinks this one appears to be successful.

A motion to approve was made by Williams, removing stipulation number 29. Motion seconded by Elkins. Motion approved unanimously.

Rohlf asked if it would be acceptable to have one public hearing for all of the VRAD cabinets as one. Lambers stated, yes.

CASE 88-06a AT&T VRAD CABINET – 14299 KENNETH Request for approval of a special use permit. Located at 14299 Kenneth Road.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a special use permit for the installation of a VRAD cabinet. This will be installed at the corner of Kenneth Road and 143rd Street, within the Bi-State Business Park. The applicant is William B. Burns. One of the requirements of the Public Works memo is that the boxes

need to be placed 6 ft. from the back of curb. Staff is recommending approval of this case with the stipulations stated in the staff report.

Conrad asked how long this special use permit would be in effect. Joseph stated it is his understanding that it is unlimited.

Applicant presentation: Presentation by Chris Carroll, on behalf of AT&T. AT&T is in the midst of a major upgrade of its telecommunications network infrastructure that will bring the citizens of Leawood the latest technology and advanced services throughout this community and Kansas City. Specifically, those would be super-high internet service, a higher quality of voice and data service and IP TV; AT&T's U-verse service. *Carroll showed a depiction of and described the evolution of their broadband network.* The boxes are primarily located in the right-of-ways or public utility easements. In order to provide the newest services they have to place a couple of cabinets. One is a retrofit of an existing box. There are seven applications. There will be a total of 47 to 50 throughout to cover the entire community of Leawood, so these are just a few of the many that will be coming before the Commission for approval in Leawood. It requires the retrofit of an existing cabinet and then the additional VRAD cabinets. He has spoken with Mr. Cocheral of Heartland Services and have not received any objections. At this particular site there is an easement where there are a number of boxes. This new box will be placed behind the existing boxes and they will extend those plantings beyond where it is today so it encompasses all of the cabinets.

Rohlf asked if these cases should be taken individually or could be heard as one. Lambers suggested opening the public hearing as one and then take action on the individual cases.

Conrad asked if there is an existing box at every location. Carroll stated they would retrofit one existing box and then add a new VRAD box. Conrad asked if they are all in current easements. Carroll stated they are all in utility easements or public right-of-way. Klein stated the one at 8100 Manor Road is in the right-of-way, but all of the others would be in a private easement. Conrad asked if the City has any concern with them being in the right-of-way. Ley stated Public Works prefers to have these located in private easements. He did write a few stipulations that if they do install them within the right-of-way to locate them away from trees, fire hydrants, sight distance triangles and away from the streets, so that if the City does any street or storm sewer work that they are far enough back that the City can do their work without having to get on private property. The stipulations are included in the staff reports. Joseph stated the one at 8100 has already been installed and they may be required to move it to provide landscaping. Carroll stated the existing cabinets have been there for many years. Those will be retrofitted and then the additional VRAD cabinet will be placed adjacent. Conrad asked if the landscaping would be increased in all of these cases. Joseph stated, yes. Conrad asked if the existing landscaping has been well maintained. Joseph stated, yes, to the best of his knowledge. Carroll stated the majority of these locations do not have any landscaping currently, but they will all have landscaping after the VRAD cabinets are placed.

Rohlf asked if any residents have voiced concern. Carroll stated they have accommodated the residents' wishes in every case where there were wishes from residents. Rohlf asked if they anticipate there will be less need for these cabinets. Carroll stated over the years the cabinets have gotten much smaller. He would anticipate them getting smaller, but not going away.

Conrad asked if the only above-ground equipment is the VRAD cabinet. Carroll stated there is a vault below ground and a power source attached to the back of the new cabinet, but no aerial wires. Conrad asked if there is an opportunity for a vault location for this equipment. Carroll stated there are surface algae and if placed under ground there would be problems.

Reynolds asked if there is any reason not to put the cabinets as close to each other as possible. Carroll stated they need to be far enough away so that the technician can get between the cabinets to work with each cabinet. Reynolds asked if there some provision that the Commission could add that the plantings be evergreens. Joseph stated one of the stipulations is to provide a minimum of 6-ft. in height landscaping to screen the cabinets.

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

Joseph stated staff would like to add a stipulation to all of the VRAD cases that states the term for the special use permit shall be unlimited. Conrad asked if that is different from the ordinance. Klein stated the ordinance states that all special use permits, unless otherwise stated, would terminate within 20 years. Lambers stated the main issue is the landscaping. If they fail to maintain the landscaping, then the special use permit would come back before the Commission and Council for review.

Elkins asked if an indefinite special use permit is enforceable. Marcano stated, yes.

A motion to approve case 88-06a was made by Williams and seconded by Jackson. Motion approved unanimously.

CASE 88-06b AT&T VRAD CABINET – 8100 MANOR ROAD Request for approval of a special use permit. Located at 8100 Manor Road.

A motion to approve case 88-06b was made by Williams and seconded by Jackson. Motion approved unanimously.

CASE 88-06c AT&T VRAD CABINET – 9300 LEE BOULEVARD Request for approval of a special use permit. Located at 9300 Lee Boulevard.

Joseph stated the applicant has made revisions to the landscape plan for this case. It is placed on the dais. Carroll stated that was a result of some of the comments from the residents. They have added some stone edging to match the edging the customer there has. It is castle-wall edging, one row deep. They agreed to the customer's request.

Lambers asked if the motion maker and seconder on the previous two cases have also incorporated the unlimited time frame on the special use permits. Williams and Jackson agreed.

A motion to approve case 88-06c was made by Williams with the inclusion of the revised landscape plan and the addition of stone edging to match the adjacent customers' edging. Motion seconded by Jackson. Motion approved unanimously.

CASE 88-06d AT&T VRAD CABINET – 9617 LEE BOULEVARD Request for approval of a special use permit. Located at 9617 Lee Boulevard.

A motion to approve case 88-06d was made by Williams and seconded by Jackson. Motion approved unanimously.

CASE 88-06e AT&T VRAD CABINET – 9405 MISSION ROAD Request for approval of a special use permit. Located at 9405 Mission Road.

A motion to approve case 88-06e was made by Williams and seconded by Jackson. Motion approved unanimously.

CASE 88-06f AT&T VRAD CABINET – 10101 HOWE Request for approval of a special use permit. Located at 10101 Howe.

A motion to approve case 88-06f was made by Williams and seconded by Jackson. Motion approved unanimously.

CASE 88-06g AT&T VRAD CABINET – 2900 W. 95TH STREET Request for approval of a special use permit. Located at 2900 W. 95th Street.

A motion to approve case 88-06g was made by Williams and seconded by Jackson. Motion approved unanimously.

Meeting adjourned.

Lisa K. Rohlf, Chair