

**City of Leawood
Planning Commission Minutes**

December 12, 2006
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Henderson, Roberson (absent), Jackson, Conrad, Rohlf, Munson (absent), Williams, Elkins (tardy), 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 November 7, 2006 and November 14, 2006 meetings. A motion to approve the minutes from November 7, 2006 was made by Jackson and seconded by Williams. Motion approved unanimously. A motion to approve the minutes from the November 14, 2006 meeting was made by Jackson and seconded by Reynolds. Motion approved unanimously.

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**

CASE 81-06 TIMBERSTONE Request for approval of a rezoning, preliminary plat and preliminary site plan. Located south of 151st Street and west of Catalina. **Public hearing**

CASE 82-06 WIRELESS TELECOMMUNICATIONS TOWER Request for approval of a special use permit. Located north of 135th Street and west of Briar. **Public hearing**

CASE 75-06 CRICKET COMMUNICATIONS WIRELESS ANTENNAE Request for approval of a special use permit. Located north of 135th Street and west of Briar. **Public hearing**

CASE 87-06 VERIZON WIRELESS ANTENNAE Request for approval of a special use permit. Located north of 135th Street and west of Briar. **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 14-06e VILLAGE OF CAMDEN WOODS – 91ST PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 14-06f VILLAGE OF CAMDEN WOODS – 92nd PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 14-06g VILLAGE OF CAMDEN WOODS – 93rd PLAT Request for approval of a final plat. Located south of 143rd Street and west of Kenneth Road.

CASE 97-06 LOTS 11A & 12A, BLOCK 8, WATERFORD Request for approval of a final plat. Located at 3200 and 3204 W. 130th Street, within the Waterford subdivision.

A motion to approve cases 14-06e, 14-06f and 14-06g was made by Williams and seconded by Jackson. Motion approved unanimously.

A motion to approve case 97-06 was made by Williams and seconded by Jackson. Motion approved unanimously.

OLD 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.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a final site plan for the construction of three one-story office buildings totaling 20,551 sq. ft. The Planning Commission heard this case on November 7th and at that meeting had some concerns as far as the architecture of the three buildings having the Tuscan character that has been approved with the Villaggio development. The applicant has gone back and made a number of changes to those buildings including trying to have more depth to the windows, more texture on the façade and elongating some of the windows on the towers of two of the buildings. Staff is recommending approval of this case with the stipulations stated in the staff report.

Henderson asked if staff feels the suggestions made at the last meeting have been well attended. Klein stated, yes. This applicant has been very cooperative and has demonstrated a willingness to address the concerns.

Elkins arrived.

Williams stated the design guidelines clearly called out for real stone. The drawings tonight even call out real stone. He then asked which it is going to be. Klein stated the design guidelines actually called out both the cultured and the real stone. The drawings from the applicant do say real stone. Staff has included a stipulation that says that the cultured stone cannot come lower than 4 ft. on the building. The applicant has indicated they are still trying to find real stone. The applicant might be better able to answer to that question. Williams asked if the granite would need to be added to the design guidelines if this were approved. Klein stated, yes.

Conrad asked if there is a grading plan included in the packet. He just noticed that all of the roofs are mansard roofs. He is not sure if there will be any adjacent taller buildings around this project. Klein stated there was not a grading plan included in the half-size plans. He believes the roof slopes, but the internal part of it would hide the rooftop mechanical. Klein stated he thought mansard meant that it would be more vertical. Williams stated this would be considered mansard. Mansard does not have to be vertical and in most cases it is not. Given the pitch seen, he thinks this would clearly be classified as a mansard roof. With the structural system, this will be an engineered building and the pitch would be greater than if it were a flat roof building. He thinks the bigger question is how much of the rooftop equipment would be seen.

Applicant presentation: Presentation by Doug Patterson. There were some outstanding issues at the last meeting. He believes they were clear on the bonus area, on the art feature, the fountain, the building sizes, locations and the landscaping. We were focused on those items that broke up the frontage of the buildings. They have lengthened the tower windows for buildings R and S. They pulled the window glass in. They have added a masonry/granite frame around the

windows. They are committed to the rubble stone around the towers and the stone masonry portions. They confirmed that the granite will not be shiny, but will be the torched, rough, sandblasted type. Sheet C4 shows the cross section of bullnose. It will be 6-in. tall, 3 to 4-in. lip, outward from the building to break up the surface of the building. The sidewalks towards the rear doors have been added. The applicant agrees to all of staff's recommendations.

Reynolds asked if the C-1 elevation of building S is backwards. Patterson stated, yes, it is a mirror image.

Henderson asked the fall of the roof. Patterson stated he believes it is 8-12. Williams stated the mansard piece would be more like a 12-8 because it has more rise than it does run. The towers would be more of a 5-12. Henderson asked if the center portion would collect water. Williams asked if they are using an engineering building frame. Merdad Kalentari stated it is an engineered building and it is sloped inward so it collects the water. If it were pitched upward then they would have to raise the mansard roof higher and higher to hide the mechanical equipment. Williams asked if it is completely opposite of the drawings. Kalentari stated, yes. They wanted to show the bull-nose and the detail of the building, and not the engineered portion of it. Williams asked if they are pitching it down to collect the water. Kalentari stated, yes, the water would flow to the center and collect there to go to the storm water system. Williams stated inverted roof slopes is not something that most steel building manufacturers want to do. Kalentari stated all of the engineering design is not done yet. Williams stated he feels that information is critical because it relates to the mechanical equipment and the height of the parapet. Kalentari stated the mechanical equipment will be hidden. Williams asked staff how that should be addressed tonight. Klein stated they are calling out the slope of the roof on most the diagrams. That would be the slope that is approved with the building. There is also a standard stipulation that the rooftop utilities need to be screened from view. "Screened from view" is defined as a person of 6 ft. in height, standing at the property line. Williams asked if the applicant could place that equipment anywhere they want to and could create any kind of screen that they would want. Klein stated, no, the building would need to look like what is approved or they would need to come back to the Commission for approval.

Henderson stated he has heard about a building like this in Iowa that was given an AIA award, and then the roof leaked. Williams stated it is not uncommon to have internal drains on quasi-flat roofs. The roofs typically have tapered insulation or the roof is pitched.

Conrad stated he thinks we should be concerned about where the mechanical equipment is going to go and how it will be screened. It appears as if the soffit of the roof that is shown on the wall section is about the same proportion as the height of the window. If you put that on the elevation, it is above the eave line of the sloped roof. Given the pitch of the roof, that is not going to be very high above the top. He is concerned there is not a lot of screening. He then asked to see a grading plan.

Reynolds stated from the eave line of the pitched roof to the ridge line of the roof is about 5 ft., which would be a typical height for the mechanical equipment for a building of this size.

Klein stated the land falls as you go southwest. There is a two-story building about 100 ft. away and there is also another two-story building at Fontana, but it is a ways away.

Reynolds asked for clarification that the C4 elevation wall section with a vertical roof is not what they are getting. Patterson stated the sole purpose was to show the bull nose.

Williams asked if the trim has a square edge, with no rounded detail to it. Patterson stated that would be reserved for the sill piece. Williams asked how wide the sill piece would be. Kalentari stated 6 inches wide. Williams asked if the granite would be an inch out from the wall. Kalentari stated there will be an inch of shadow line. Williams asked the width of the joint between the granite panels. Kalentari stated they would want the joint to show, so it will be about $\frac{3}{4}$ or 1-in. thick. They do not want to show very much joint on the top one. Williams asked if the edges of the bottom granite panels would be treated differently than the edges of the panels up above. Kalentari stated the bottom pieces would be straight cut. Williams asked if there will be trim around the taller windows of the tower components. Kalentari stated every time they have stone that hits the window they have a cast stone trim around them. Williams stated he does not see any vertical trim on the C5 drawing. On the elevation detail for buildings R and S it shows the horizontal trim as stucco. He then asked why they would do a stucco band and then tie it with cast stone. Kalentari stated they are continuing the stucco so it would be a continuous line.

Rohlf asked if Williams is saying that these elements are not Tuscan in appearance. Williams stated, no, but it would appear to be a little more compatible to have the materials going around the window to be of the same look.

Reynolds stated part of the issue might be that the elevation on page C5 does not show up on any of the other elevations. He does not see that detail anywhere else on buildings R and S. The applicant agreed that is what they are going to do. He would like to get them all coordinated.

Williams asked if the vertical trim around the long expanse of windows on buildings R and S and the trim going across the top would be cast stone. Kalentari stated it would be granite trim. Williams asked the material for the top or head trim. Kalentari stated it would be granite.

Jackson asked if the sidewalk area is included as part of the area they are taking bonus credit for. Patterson stated the bonus area shown on the final submission is within the size of the original bonus area that was approved when the overall Villaggio was approved, which does include some sidewalk area. Klein stated that was the way it was shown in the packet for the original that was approved as well.

Henderson asked if the towers are hollow, passageways or offices. Patterson stated they would be used as office space. Henderson asked if the ceilings would be 10 or 14 ft. Patterson stated they would be as high as they could get them.

Rohlf asked if the applicant is in agreement with all of staff's stipulations. Patterson stated, yes. Rohlf asked if the applicant agrees to stipulation number 25 regarding the signs. Patterson stated, yes.

Henderson asked if the water is flowing to the north. Ley stated it would flow to the south.

Rohlf asked if the seven goals of the 135th Street letter from the applicant are consistent with the handbook. Klein stated the building itself looks generally consistent. Rohlf stated it looks as if they have delineated some design elements to look at when other buildings come in. We might have things like similar roof lines, windows, exteriors and colors; some specific design criteria to help keep these buildings consistent as they come in. Klein stated the guidelines are more of an architectural palette. They do not expect every building to look exactly the same.

Williams stated one thing that seems to be consistent with the elevations shown is that the bases tend to be stone and the upper portions tend to be stucco. He then asked the applicant to show where these particular materials would fall. Klein stated there are different colors of granite being used to break up the color. Kalentari stated the bottom granite is a torched stone. The trim has a reddish color and runs at the bottom and top of the windows. The sandstone is sandblasted and looks like stucco. They did not want to stand out by having polished granite. It is a high-quality granite that looks like stucco. Williams asked if they have any examples of the cast stone. Kalentari stated it would be a grayish color. Williams asked if they would both be chardonnay. Kalentari stated, yes.

Henderson asked if there is a sidewalk from Tuscany Reserve to the Gardens of Villaggio. Klein stated there will be sidewalks along 137th Street. There will also be a pedestrian trail along the south side of 137th Street.

Reynolds stated there is a small glass detail at the top of the towers that he likes. He hopes they are illuminated.

A motion to approve was made by Reynolds. Henderson seconded the motion.

Williams asked if there needs to be any comment made on the roofs. Klein stated the Commission could if you wish. Staff would be looking more at the main elevations as far as the slope that is called out there. Henderson asked if stipulation number 12 says what Williams is wanting. Williams stated the applicant will need to submit additional drawings to staff to be sure that what they end up with will screen the mechanical equipment above the mansard roof. Reynolds thinks the mansard roof will be sufficient.

Henderson stated boxed window plantings are typically Tuscan and he believes those would fit nicely with the mansard roof, although he does not see any proposed. What they are proposing looks rather sterile. Williams stated there are other Tuscan elements that are not included in this project.

Conrad asked when the FAR bonus was proposed and approved. Klein stated the bonus area was initially approved at the time of preliminary plan. At final they had to show that there was enough landscaping and amenities. That is part of this application.

Jackson stated she feels the next time something like this comes up we need to pay more attention to the details.

Motion approved 5-1. Conrad opposed.

NEW BUSINESS:

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.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a preliminary plat and preliminary site plan for 52,295 sq. ft. of construction on 7.7 acres for an overall FAR of 0.17. This property is located at the northeast corner of 135th Street and Mission Road. The existing Price Chopper building is located on the north side and the Bank of Blue Valley building is located at the southwest corner. The applicant is proposing four buildings within this development. The parking ratio that is proposed is 4.9 spaces per 1,000 sq. ft. of building space. A settlement final plan was approved for this development back in 2000 and with this application a few changes have been made from the previous approval. The size of building C has been reduced from 37,560 sq. ft. to 16,000 sq. ft. A retail building, building D, has been added to the southeast corner of the site. The size of building F changed from 7,000 sq. ft. to 10,500 sq. ft. The size of building E changed from 7,000 sq. ft. to 8,000 sq. ft. One more additional drive access has been provided from 135th Street. The total building area has changed from 171,160 sq. ft. to 171,895 sq. ft., which is an addition of 735 sq. ft. In addition to the existing corner feature located at the southwest corner of the property, the applicant is proposing a corner feature at the southeast corner as well. Within the SD-CR zoning district the minimum interior building setback is 10 ft. In one location, within lot 5, the building setback shown is 5 ft. The applicant has stated at the time of final plat, they will come back and change the lot lines, so it will meet the 10 ft. requirement at that time. Staff would like to add an additional stipulation as listed on the memo placed on the dais. The stipulation should read, "The applicant shall conform to all of the stipulations as outlined in the settlement agreement dated April 26, 2000." The applicant has worked well with staff with resolving most of the issues and staff is recommending approval of the case with the stipulations stated in the staff report and the one added tonight regarding the settlement agreement.

Rohlf asked if this is consistent with the overall plan and the settlement agreement. Joseph stated they included the additional building to meet the current ordinance of the 40/60 rule of parking along 135th Street. They included the additional building to break up the parking. Jackson asked if there is a need for the excess parking. Joseph stated, according to the applicant, they are not allowed to use the Price Chopper parking spaces. Jackson asked if they are still over for the building area. Joseph stated the applicant is saying that they need that many spaces because it is going to be a restaurant. Conrad asked if they could obtain a cross-access agreement. Joseph stated the applicant is stating no.

Jackson asked if this development was approved before the 135th Street guidelines were created. Joseph stated this is the project that led to the creation of the 135th Street guidelines. Jackson stated she did not see anything in the settlement agreement that mandated that they be allowed a larger parking ratio. The 135th Street guidelines' mission is to be more pedestrian-based. This is obviously not a pedestrian-based shopping center. Joseph stated they tried to include some sidewalks between the buildings. They have plaza areas and sidewalks that connect to the backs of the buildings and also to the parking lots. Jackson asked if staff feels that conforms with what we are trying to do with 135th Street and Mission. Joseph stated they have included landscaping within the medians and there is no room for sidewalks, so he believes that is why they included landscaping instead of the sidewalk.

Rohlf asked who would be designing the corner feature. Joseph stated this applicant would be designing the corner feature.

Applicant presentation: Presentation by David Contag of DLR Group, appearing on behalf of the owner. *Contag introduced the development team.* The project was developed with the Price Chopper and some retail spaces to the north of the Price Chopper. The building to the east of Price Chopper is primarily office space. The building is mostly constructed of brick including in the courtyard areas. Their goal is to build out and complete the vision that was established by the original development while complementing the existing architecture. They are working hard to not only complement it, but also change it up by adding some additional color and stone and roof lines. *Contag showed a perspective drawing of a view looking from the patio of the proposed restaurant.* These types of restaurants typically require quite a bit of parking in order to get a national or high-quality restaurant operator. They cannot use the Price Chopper parking. There will be cross-access parking agreements between all of the new parking areas. *Contag showed a perspective drawing of the corner of Pawnee and 135th Street.* There is an existing corner feature at Mission with the large columns. They are trying to continue some of the appeal they have started, but make it more inviting by reducing the scale. The corner feature will consist of a low wall with some of the grill work existing on the current corner feature. On top of that grill work they would like to place some letters. *Contag described the pedestrian accessibility on the site plan.* There was some concern from Public Works that one sidewalk was too steep. They have created an S curve to lessen the slope and it is down to a 4% grade. They can flatten it out more by lengthening the sidewalk, but most people like a more direct route. They have incorporated a lot of the brick pavers throughout the crosswalks. They would match the existing crosswalk brick. All of the stores in front have a very healthy space where they would hope would be a lot of street life with tables and chairs. In regard to the parking, they were higher than the 4.9 and worked with staff to get it down to 4.9. The original project approved with the Price Chopper was approved at 5.3 or 5.6 per 1,000, so they have to work to get it down below the 5 per 1,000. The owner checked to see if the Price Chopper was willing to give up 80 of their parking spaces and they were met with very stiff opposition on that.

Rohlf asked for a description of the phasing. Paul Waid with Copaken White and Blitt described the phasing plan. Rohlf asked if building E is the potential restaurant. Waid stated, yes.

Conrad asked if there would be any treatment done to the east elevation of Price Chopper. He also asked if there is an opportunity to move the building to the west to help screen that area. Waid stated it was always their intent to have it touching the Price Chopper, but it was moved out to meet the 60/40 rule. Conrad stated he would be willing to count that as the 60/40 if the building were pushed back and if it were landscaped and not parking. Contag stated the east edge of Price Chopper is covered with brick and has the same brick banding that wraps around the south façade. Conrad stated that would be something to look at.

Reynolds stated the service area behind Price Chopper is probably not very attractive and anything done to keep that out of view would be positive. Contag stated staff is stipulating a 6-ft. masonry wall to connect the buildings. That area is probably the most nicely maintained service area ever. Lambers stated staff would not be opposed to changing the location of that building, but felt we did not have that flexibility. Staff instead suggested they submit a plan that complies with the 40/60 rule. It is intended to be a guideline, but dealing with the existing Price Chopper, he agrees that it is a better option. In regard to the other issue of parking, because the parking in front of Price Chopper is a fixture that cannot be removed, staff is supportive of the proposed parking. The portion along 135th Street accomplished what the guidelines call for, given what they have to work with. Henderson asked how far it is from the north side of this proposed project to 135th Street. Lambers stated about 250 ft.

Reynolds stated he understands the need for the parking around the restaurant, but it seems a shame to isolate that generator of activity by a driveway on the west and a large parking lot on the east. He then asked if the applicant had considered moving building E closer to building D to relate to the retail. Contag stated there is existing underground stormwater detention and those pipes are between building D and the parking lot area. The buildings are delicately placed to keep the existing system intact. In final, they could look at ways to connect them better. Reynolds asked if they would look at making some pedestrian connection to connect buildings D and E. Contag stated they could do it along the south of the parking area, but through the lot would cause them to potentially lose more spaces. Reynolds stated he thinks there ought to be some creative ways to not lose spaces but still get those connected for pedestrians.

Henderson stated he feels the applicant could add something to the current corner feature, since there is not much going on there now.

Rohlf asked what design elements they are taking from other parts of the shopping area. Contag stated the north side of the Price Chopper and the Price Chopper itself has a covered walkway and overhang. They are including the arched covering to connect to the offices. They are also continuing some of the pitched roof tower elements. They are adding more detail to the volume of architecture. They are using the same detail and materials but increasing the level of detail with glass, stucco and brick. There will be four-sided architecture, similar to the existing buildings. A lot of these elements would be worked out with the final submittal.

Henderson asked what kind of landscaping ideas they are entertaining, especially with the cloisters that are currently there. Contag stated when the original project was designed by others there is the green space in tract B that is designated as perpetual green space. It has walkways with small camel-back wood benches. They will bring that same type of bench in so that it blends. They have mostly planted the trees that were required to meet the City's ordinance at the time. With the proposed plan, the applicant is saving the existing trees and augmenting them with a tiered design of plant material that would be colorful year-round.

Conrad asked how much the drive coming in off of 135th Street is needed. Lambers stated it is pretty critical for the businesses. Being a right-in, right-out, we anticipated there would be access there. Conrad stated the drive was not shown at preliminary. Ley stated when this development first came in it was the first one on 135th Street and at that time the thinking was to have traffic signals every quarter mile. Since this has been developed, there have been different studies for other developments showing a right-in, right-out between the signals. It provides better access for the business but also increases the efficiency of the signals. Every development since this one does have a right-in, right-out. Conrad asked if the drive could be moved to the east. Lambers stated if it were moved to the east, then a drive would be between two buildings and that would lose more of the pedestrian friendliness.

Reynolds asked if the driveway between lots 3 and 6 would be seen at final. Ley stated, yes. Reynolds stated if they chose to phase this, we could have a project come in with a 12.5 per 1,000 parking ratio as a single piece. Joseph stated all of the buildings along 135th Street would be constructed as phase one. Reynolds suggested that be added as a stipulation to be sure it is clear. Lambers stated typically we limit the number of pad sites before a project can build the main center. In this case, the main center has already been built. Their phasing plan does not fall under the normal criteria. It is more of an informative. They are going to want to see the development transpire along 135th Street before the pad sites come in. Reynolds stated he is worried that lot 6 would come in and be developed with 12.5 per 1,000 parking spaces and then they could come back with a modified plan. Lambers stated if that were to happen it would come back before the Commission for approval first.

Jackson asked why they need 100 parking spaces for the restaurant. Contag stated typically restaurants need a 15 per 1,000 ratio. This is at a 12.5 per 1,000 ratio. The owner has spoken with restaurant owners and the gauge they got was that is the minimum they would consider. There would be cross-access agreements with the other new buildings' parking to help get them to the 15 per 1,000. Jackson stated this area is supposed to be promoting local pedestrian bicycle traffic. Perhaps something that needs that many parking spaces is not fit for this area and not what the City is looking for. It should be more at the other ends of 135th Street. She thinks what we are looking for at this location is more local, drawn in from the local pedestrians from the neighborhoods. Just by putting in that many parking spaces, you are negating the intent of drawing in pedestrians and bicycles. Contag stated he feels that entire corridor is vehicle-oriented. The greatest chance for success will mostly be people driving to get there. Jackson stated the only way to get to the pedestrian is if we keep that intent and if we then try to keep the residential areas at a higher density to allow the pedestrian units to be high enough to establish and keep those businesses running so you don't have to have a major draw like a large, nationally-owned restaurant. Contag stated it could be locally owned. A restaurant of around 8,000 sq. ft. shows that it needs that type of parking. Rohlf asked what restaurant has been recently approved for that size. Lambers stated Plaza III is 14,000 sq. ft. and it seats 400 people. Two people per car is probably on the low side. Richard Sailors had the same problem with Parkway Plaza; trying to recruit restaurants and with One Nineteen. 11 to 12 is the bare minimum for the types of restaurants they are trying to attract.

Conrad asked what would be the occupancy of an 8,000 sq. ft. restaurant. Lambers stated he would estimate around 250.

Contag stated he can work with staff on any questions with the stipulations.

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

Jackson stated she cannot support this. It negates the City planning and the intent of the area. If you build something that promoted automobile use, then automobiles will come. It needs to be more focused at the pedestrian level.

Conrad stated the whole purpose of what we do is to integrate these developments to have cross-access agreements and pedestrian walkways. This is a long way from anything done before. He is not convinced that there is a solution that has fewer parking spaces or an arrangement of the overall development that uses spaces at different times of the day. He needs to be convinced a little more.

Reynolds stated he is also concerned with the high amount of parking. He would be supportive of a stipulation that lot 6 would need to come down to a more reasonable number to encourage those pedestrian connections and additional green space. Lambers stated that is typically not done. The parking ratio is for the entire site. If it is a concern, then there is the parking that would need to be removed. It is very rare that the developer does not have a cross-access agreement. It is also very rare to have the perpetual green space, which is on the west side. The only solution that is controllable would be the portion along the north and east side of it.

Henderson asked the ratio of car parking for Bonefish Grill and Cheeseburger in Paradise. Klein stated it is zoned as SD-CR, which has a ratio of 3.5 to 4.5. They have cross-access agreements. Henderson stated it is an inadequate area at dinnertime. One needs to walk two football fields to get there. Conrad asked how far one walks to get to a restaurant at the Plaza.

Rohlf asked how the existing underground stormwater limits the building placement. Ley stated it is possible, it is just the cost. You cannot build on top of them, so they would need to move them.

Conrad stated the preliminary plan had a building right above the detention system. He then asked if the detention system had moved. Ley stated the detention pond has not been moved since it was originally constructed. Conrad stated the applicant has said they could not move building E to the east because there is a series of detention there. Ley stated he would assume the detention is a little east of there. Reynolds stated he thinks they could move that building to the east without being over the pipes.

Williams stated he understands his colleagues' concerns about the parking as it relates to this overall development, but if you look at what is on the originally approved plan and look at the fact that they had very large parking approved on the east corner of the development and they are now talking about putting an L-shaped building on that corner, that begins to screen the parking and the new entrance is void of parking as you start to come into the development. If you move building 6 over and wrap it around a sea of parking, he does not see that as being favorable for the effect of building 6. He thinks they are trying to make the effort by providing landscaping and with additional effort and study they can continue to enhance the appearance of this from 135th Street and within the development. He would like to see some better crossover between the buildings. It is potentially a better plan than what was previously approved. Henderson agreed with Williams.

Reynolds stated he would prefer if building 6 slid to the west to enclose the service courtyard and reduce the amount of blank façade on the east side of Price Chopper and allow more contiguous pedestrian linkages from building D to E, with the provision that eastern parking facing Pawnee is heavily screened. He would have a hard time approving it with the 12.5 parking ratio in that area.

A motion to approve was made by Elkins with the stipulation added by staff regarding the settlement agreement. Motion seconded by Williams.

Conrad stated he cannot support the parking ratio. Joseph stated another option would be to land bank some of the parking spaces. Conrad stated he is hesitant to land bank for more than what the ordinance allows. Williams stated we are talking about an overall development with a parking ratio of 4.9, not 12.5. We should look at this as an overall development. Lambers suggested a vote be taken and then let Council decide if they believe the parking is out of line or not.

Elkins stated his is supportive of the plan because he feels it is a superior plan from the previously approved plan. He thinks it makes substantial improvements on the parking situation. Nothing can be done with the Price Chopper parking. He would look at what is fair and gives the rest of the project a chance of success. He is concerned that if a restaurant is to be there that it needs to have adequate parking in order to succeed.

Reynolds asked the ratio of the four new parcels, Joseph stated 5.5.

Jackson stated what has happened since the last plan was approved is the City has come up with the 135th Street Corridor Guidelines and she feels they need to be in conformance with that. She does not think this fits the bill. Williams asked how Jackson would begin to see the roughly one-third of the property be developed to fit the bill. Jackson stated smaller retail stores; not a large restaurant that will be relying on vehicular traffic. Rohlf stated she feels the intent has changed significantly since the 135th Street Guidelines were put into place. They were very lofty goals. 135th Street was to remain a two-lane, two-way street with bridges over-connecting that type of pedestrian friendliness. We are far from that now. Jackson stated the City has not re-written the goals. Rohlf stated it would be a very ambitious project to do that. Henderson stated the applicant has stated how they comply with the intent of the 135th Street Corridor guidelines. He thinks they did a good job of stating their intent. The intent of the guidelines was not to be anti-vehicle, while still emphasizing pedestrians. We came to the opinion that pedestrians get out of cars. The alternative is that the customers will go elsewhere and the City will dry up. Leawood has two to three cars per family and there are a limited number of people who walk or ride bikes major distances. The proposal from the applicant is somewhat realistic. The arrangement is far superior to what was previously approved.

Reynolds stated another way to look at lot 6 is that if you took the assumption that they could park at 5 per 1,000, then they could have twice as much building footprint with more building edge and more activity. The negative side of having this much parking is not just a loss of open space, but a loss of critical mass. He does not feel it is a hardship to maximize a localized parking ratio at something much less than 12.5. Henderson reminded Reynolds that this project is proposing a 4.9 overall parking ratio. Williams stated if this were a brand new development then he would agree with most of what has been said in regard to parking. The applicant is still trying to bring in a high-quality development with what is left of this development. He thinks the Commission is being harder on them than anyone else. People are not going to walk 2 to 3 miles to get to a restaurant. We need to give the pedestrians the opportunity to get to a development and then be able to walk through a development without having to walk through drives and parking areas, then that begins to provide a better pedestrian environment. Jackson stated hopefully there is enough residential density in the area to reduce the parking.

Conrad stated he believes we need to try to make these developments as coherent as possible. He is not sure why Price Chopper won't agree to a cross-access parking agreement, but he needs to look at it as a planner and create an environment that takes all of these things into account. Reynolds stated you cannot compare this to Mission Corner in regard to parking because those buildings are multi-story.

Elkins stated it seems the challenge to the pedestrian emphasis is not on the number of parking spaces; it is more the parking lot design itself. In terms of the residential density, the people who live north of this development would need to walk through over three football fields of parking to get to any of these businesses. If one lives to the south of the property, they would drive to get there, versus walking across 135th Street. He then suggested the applicant give additional thought to the parking lot design and how pedestrians might be assisted and encouraged to transit the parking lots in a safe and enjoyable fashion.

Williams stated building C's option was not addressed in the motion. Lambers stated it would be appropriate to add an amendment. **Elkins stated he would accept a friendly amendment to the motion to include the movement of building C to the west. As seconder, Williams agreed to the amendment.**

Amended motion approved 4-3. Rohlf, Henderson, Williams, and Elkins for. Jackson, Conrad and Reynolds against.

Meeting adjourned.

Lisa K. Rohlf, Chair