

**City of Leawood
Planning Commission Minutes**

December 19, 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 (absent), Rohlf, Munson, Williams, Elkins, Reynolds (absent)

APPROVAL OF THE AGENDA: A motion to approve the agenda was made by Williams and seconded by Elkins. 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**

NEW BUSINESS:

CASES 96-06a, b and c PARK PLACE Request for approval of a revised preliminary plan (96-06a), a special use permit for a hotel (96-06b) and special use permit for a second hotel (96-06c). Located at the southeast corner of 115th Street and Nall Avenue.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a revised preliminary site plan and special use permits for two hotels within the Park Place development located at the southeast corner of Town Center Drive and Nall Avenue. The layout of the site is generally the same as the currently approved plan with the exception of the southwest corner of the site where the site plan has been modified to add a second hotel and modifications to building L, which was the site of the original hotel. The total square footage of the development has increased from 1,252,215 sq. ft. to 1,332,064 sq. ft., excluding the parking garages. This is an increase of 79,849 sq. ft., primarily due to the addition of the

second hotel. The FAR of the development is proposed to be 0.70. That is with the 55% reduction applied to the residential uses as provided in section 16-2-6.4 (f) of the Leawood Development Ordinance. The main difference between this plan and the currently approved plan is that there are now two hotels. The first hotel is called "The Element" and is located as building L, which is the same location as shown on the previous plan. The Element is 125,929 sq. ft., eight stories, 99 ft. tall and has 208 rooms. This hotel location had a deviation granted to allow it to go to 100 ft., not including parapet walls, mechanical equipment or screening of mechanical units. The second hotel is proposed to be located at the southwest corner of the site. It is 95,500 sq. ft., seven stories, 85 ft. in height and is proposed to have 193 rooms. The applicant rearranged this portion of the site a little. Previously, there was building D, which was 13,050 sq. ft., and building I, which was 43,910 sq. ft. They have reduced the retail square footage a little bit, but they have incorporated a hotel within that mix, as far as residential. The residential is along the bottom floor. The Aloft has an entrance in the middle of it, to the east, and then the hotel is up above the retail, with the exception of some retail that is located on the second floor. Staff is recommending approval of this application.

Rohlf asked to see a plan of what is currently approved. Klein showed a site plan of what is currently approved and described the proposed changes. Rohlf asked if there is anything outstanding that the Commission needs to address this evening. Klein stated the items in the stipulations should be addressed. The square footage has increased a little bit for the FAR bonusing and all of the details will be provided at the time of final site plan. Rohlf asked when the applicant would be coming back with a final plan approval for the overall if the hotel special use permits are approved. Klein stated the question of phasing would probably be answered best by the applicant, but he would assume the hotels would come back in for final soon after they get preliminary approval. *Klein described which buildings and parking garages have come in for building permit.*

Jackson asked if there will be retail on the first floor of any of the parking structures. Klein stated parking structure A is somewhat wrapped around a building. Jackson stated she thought that there was something in the code about retail on the first level of structured parking facing a street. Klein stated there is something in the code that indicates we want it to look more like retail, rather than a parking garage. That parking garage has already been approved and is in the building permit process. Jackson asked if the parking garage to the north of parking garage A has been through final. Klein stated they have not come through for final approval of that garage. The elevations would be approved at that time. Jackson asked if there needs to be retail on the first level of the garages. Klein stated the Commission could look at that, but none of the other garages have retail on the first level. Jackson asked if the developer received a deviation from the code during preliminary. Klein stated everything within the City is a planned district, so it is however the Planning Commission and the Governing Body ultimately approves the project. As far as the parking garages for this project, they were approved as shown on the plan.

Applicant presentation: Presentation by Melanie Mann. One of the reasons for requesting this meeting is that there has been a big influx of development activity in Johnson County, particularly related to hotels, within the last six months. The first hotel site was approved as part of the preliminary plan. That hotel is closest to the existing residential at Edgewood as well as the residential within Park Place. They always envisioned that hotel to be elegant and understated. When Starwood's came up with a new concept by the name of Element, which comes under the Westin flag, it seemed like a very good fit for that location. While they were working on that hotel site, they kept getting calls daily from other developers that were looking for a site for another hotel concept that was just recently developed by Starwood's as well, called Aloft. This is a cutting edge, trendier hotel that comes under the flag of W, which is very high-tech. They did not feel like it was a fit for the north area and even though they had already started construction on the site, they felt it would be a great addition to Park Place and to Leawood. It is targeted towards the 25-40 year old executive traveler. They totally redeveloped the southwest site to accommodate the hotel. The only change in design is the southwest corner. They reduced the retail, but kept some of it because they felt it was a good draw from the AMC theatre across the street. They increased the height and added the hotel above the existing retail. There was not a reduction in open space. They know design is important to the Commission and it is important to the developer and to Starwood's. These are two of the hottest brands in the Country right now and Starwood's has invested a lot of time and money in developing their brand identity. These will not be their prototype hotels. As they have been fast-tracking this design, they have been in constant communication with Starwood's to make sure that it fits into Leawood and fits into Park Place, but has the branding that Starwood's feels is important. Starwood's approval will still be needed as the details of the design are finalized. All of the design details have not been

worked out at this point, but will be before it comes back for final plan approval. *Mann described the phasing on the site plan.*

Presentation by Drake Leddy of Presidian Companies. *Leddy showed a Power Point presentation explaining what his company does.* Presidian offers a full range of hotel products and works the entire spectrum of development. They redeveloped the President hotel in Kansas City. Presidian has won awards on many of the hotels they have completed. They also manage hotels in five states and do consulting for development and construction. In regard to Aloft, Starwood's has redesigned the typical hotel room shape. They are about 22 ft. by 25 ft. *Leddy described details of the hotel rooms.* There were at least 8 different developers in the Overland Park/Leawood area trying to secure an Aloft franchise. It took some work to get Starwood's to move away from their fairly radical trade dress. *Leddy described the site plan and the interior of the hotel. He then showed a rendering of the elevations of the Aloft hotel.* There will be brick, plaster and stone on the Aloft hotel. In regard to the Element hotel, the developer has not come to a decision on the material with Starwood's. *Leddy described the layout of the Element hotel.* In the first phase of construction of the hotel there will be a small parking garage just for the hotel with surface parking where the future office is located. Office buildings and hotels are counter-cyclical on the use of parking. The developer will probably be requesting a cross-access agreement between the office building and the hotel. In regard to Commissioner Jackson's comment about retail on the first floor of the parking garage, right now, this land is significantly below grade, so he is not sure how they would make retail work at that level. *Leddy described the layout of the hotel.* The entry will be framed in brick. They anticipate the windows having brick between them and then the field would be plaster/stucco. They intend to stay within the 25% stipulation staff has requested.

Rohlf asked if Leddy is representing the developer of both of the hotels. Leddy stated, yes. Rohlf asked if he would be working with the architects for each hotel. Leddy stated he will be the one to hire the architects for each hotel; and they would be working for him. He has hired two different architects for the hotels. Rohlf asked if Starwood's is behind both of the hotels. Leddy stated, yes, Starwood's is the franchisor. Rohlf asked if he feels that both architects understand Leawood's ordinances. Often times, there is a particular look for a company and she would hope his architects understand what is required in this development. Leddy stated his architects understand the requirements of Park Place as well as Leawood. Rohlf asked if Mann is pleased with the progress that has been made and also if Mann feels there could be any problems. Mann stated she has been very pleased with the progress that has been made. They have all worked very hard to make sure there is the right balance. What is being proposed for the Park Place site is nothing like the Aloft's prototypical design. They encourage tenants to be able to express themselves at the street level, but it is important that the top six stories of a building look good forever, so it needs to be more classic and enduring.

Munson asked if one of the hotels is 300 ft. long. Leddy stated the Aloft is about 270 ft. long. Munson stated it seems that there will need to be some very sensitive treatment of the façade. Leddy stated he believes that will be done with materials. Also, there is a 2-ft. differential between the double-queen room and the king rooms, so that will help them create relief on the outside of the building. They have talked about using a mix of materials to create a pattern with relief. They have talked about using balconies to create some relief. Munson asked if the rooms have central air conditioning. Leddy stated the Aloft has a different air conditioner for each room. They have not decided on the Element's rooms yet.

Jackson stated they are adding a lot of density to this one area. She then asked if there are any open spaces in phase one. Mann stated they are putting in the large park between the residential buildings as part of phase one. Jackson asked for a description of tract C. Mann stated tract C will be built as phase one. It is meant to be a community area and an event area throughout the year. In the spring, summer and fall it will be grass and there will be outdoor seating surrounding it. It can be used for concerts and a variety of activities. In the winter, it will be an ice skating rink. The public space is a very big part of Park Place. The other design element that will be different than anything done in this city is that the sidewalks will be 20 ft. wide. The 10 ft. closest to the buildings serves as a pedestrian way where people can get to and from the shops and restaurants. The 10 ft. closest to the curb will have outdoor seating, dining and landscaping, so that it will feel like an outdoor room during the nice months of the year. Jackson asked what the developer is proposing for bonuses in order to achieve the newly proposed higher FAR. Mann stated staff recommended they either reduce square footage or show that they are eligible for additional bonuses at final plan approval. They are not prepared to address that right now. Jackson asked if the development will come through in phases for final. Mann stated Park Place will be phased. Lambers stated they cannot go above a 0.5 without Governing Body approval. That aspect will be determined by the Governing Body. It is

not under the jurisdiction of the Planning Commission because they are above the 0.5. Jackson asked if the Commission should look at it during preliminary. Lambers stated it is there for the Commission to consider, but it is the Governing Body's decision because it is above the 0.5. In order to go above the 0.5 it will take a super majority of the Governing Body's vote. The Planning Commission has no role in an FAR decision above 0.50. Jackson asked what items the applicant is looking at as part of the bonus areas. Lambers stated usually parking structures generate the bonuses. Mann stated some other areas are open space and architecture. Klein stated superior site planning, storm drainage, parking structures, excess open space and public amenities were the items that were called out with the initial approval of Park Place for the bonusing. Lambers stated there is a lot of this project that still needs to be developed and if the developer backs themselves into a corner where they cannot achieve it through bonusing and the last building needs to be cut back by x-amount of square feet in order to meet an FAR that is acceptable to the Governing Body, then that is the way it happens. For now, we feel comfortable that they have enough flexibility with the project to achieve it either through bonuses or square footage reduction. This is the densest project in the City. The amount of square footage that they are proposing to increase is a very small percentage of the overall project.

Williams stated the building that was originally proposed at the southwest corner of the site had a strong relationship to the corner and the diagonal in the complex and kind of served as an anchor to that piece of the development and he is not seeing this new hotel project beginning to do that. The architecture, the treatment and the detail would go a long way to do that. He likes what was shown there before. Mann stated they did not envision that area being a view corridor. It was a two-story retail building. Williams stated he feels it is less of a view corridor as much as a defining access to the overall project and a statement of entrance. Mann stated the building is still in almost the exact same place as previously approved. Williams stated the overall shape and height of the hotel and its statement of the long, linear component breaks that up. With this being on the corner and prominent to people along Nall and coming into the Park Place development, he feels it is important that it be a prominent and positive statement for the development. Mann stated they are looking for that same positive statement.

Elkins asked if Presidian is the developer of the hotel project. Leddy stated, yes. The franchise agreement is close to being completed for the Element. Elkins asked if that franchise would be for this specific piece of property. Leddy stated, yes. Elkins then asked if Presidian operates the hotel after it is built. Leddy stated, yes. Elkins asked, in the history of the Presidian company, if there have been instances where after a period of time the hotel is sold to another operator who takes the franchise. Leddy stated, absolutely. Everything they own is for sale. However, their history is that they are not merchant builders. They do not build with the intention to sell. Elkins asked for Leddy's opinion on how likely it would be that Presidian would sell either of the hotel properties. Leddy stated if history is any guide, chances are very strong that they would operate these hotels for at least 8 to 10 years. Elkins asked for Leddy's justification for two hotels in this location. Leddy stated the hotel occupancy numbers for this sub-market are extremely strong. The Overland Park and Leawood area is one of the strongest hotel markets in the central corridor of the United States. Additionally, increasingly, people want their hotel room to be somewhere where they can walk to a nice restaurant or shop. Elkins asked which hotel Leddy would choose if they were only allowed to put one of them in on this site. Leddy stated they both have the same potential for profit, but he would have more fun doing the Aloft, because of the retail component.

Rohlf opened the public hearing for the approval of a preliminary site plan.

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

Williams stated in regard to the placement of this building and the connection to the access of the circular drive and the green space tract to the north, looking at it a bit more, the previous plan gave a nice ending to that access and also related to the type of activities that were taking place around the circle. This is a very different effect on that transition of the path. He thinks it can still be developed to reflect that connection and quality, but would like the developer to give some attention to that. The elevations around the west and southwest ends of that circle seem barren and do not seem to want to have a pedestrian connection to the buildings to the north and east. It needs more attention to landscaping, sidewalks and how that piece of it fits to this area of the development. He hopes the developers can give equal or better attention to the west and south elevations as they relate to the corner of Nall and 117th Street.

Jackson stated it seems that when parking garage A was originally discussed, there was a lot of concern about the look of it from Nall Avenue and now it appears that directly north of that there is another parking garage. There are going to be a lot of higher and longer buildings along Nall Avenue. There are provisions in the ordinance that such parking garages should have some retail element that correlates with the pedestrian activity on the busy street side. If we approve this plan, she does not believe we will ever see that. She then asked the other Commissioners if they are okay with that. Rohlf asked staff if anything has changed in that upper northwest corner of the site. Klein showed which parking garages have been approved. The only new component is the two-level parking garage associated with the hotel at the northwest corner. The other parking garage at that location was always shown and approved. The shape of the hotel has changed a little. Rohlf asked for Klein's opinion on what Jackson has said about the parking garages having a retail component. Klein stated the parking section of the ordinance says that 70% of the frontage along a major street has to be retail. From what he recalls of earlier conversations, he believes the feeling was that it would be very difficult for retail to survive facing towards Nall Avenue when all of the activity is centered within the interior of this development. Jackson asked if the Aloft rooms will come up higher than the building in front of it. Klein stated the Aloft hotel will be higher than the surrounding structures. Lambers stated the stories for a hotel are not equal to the stories of a parking structure.

Elkins stated he is still troubled by the idea of two hotels in such a small geographic development. He is concerned that at some point in the future circumstances could arise where the Presidian Company would sell the Element and then it could become a non-franchise hotel.

Mann stated she is convinced that these hotels will be near by, if not in Leawood. She thinks two hotels brings two different kinds of customers and makes it a stronger site. She believes that having the shopping, dining, office and hotel all in the same development will give them a competitive edge in good times and in bad.

Rohlf asked what the motivating factor was in deciding to add a second hotel to this development. Mann stated they were bombarded with developers from around the country asking for a hotel on this site. They chose which hotels based on price, concept and ability to perform. They are excited about both concepts, but the Aloft is the hottest concept in its category right now. They chose the site for the Element because they felt they needed something more elegant and understated near the existing residential. They have always wanted Park Place to be a place where all of the communities come together.

Munson stated he can think of areas where there are two or three hotels very close to each other and they seem to be doing well, so he would not be as fearful of that. His confidence in the design team is sufficient to go along with them. There are some things that need to be looked at, but he feels this is a viable project.

Jackson agreed that the two hotels add vibrancy to the retail and the rest of the development and the surrounding development. She likes that aspect of the density and does think that it is a viable project with the two hotels.

Rohlf asked when they would get the addendum to the traffic study. Ley stated the applicant submitted an addendum yesterday, but he has not had the chance to review it. It will be reviewed before final.

A motion to approve the preliminary site plan was made by Williams and seconded by Munson. Motion approved unanimously.

Rohlf opened the public hearing for the special use permit for the Element hotel.

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

A motion to approve the special use permit for the Element hotel was made by Munson and seconded by Jackson. Motion approved unanimously.

Rohlf opened the public hearing for the special use permit for the Aloft hotel.

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

A motion to approve the special use permit for the Aloft hotel was made by Williams and seconded by Munson. Motion approved unanimously.

Meeting adjourned.

Lisa K. Rohlf, Chair