

**City of Leawood  
Planning Commission Minutes**

**September 11, 2007  
Meeting – 6:00 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive**

**CALL TO ORDER/ROLL CALL:** Present: Shaw, Roberson, Jackson, Rohlf, Conrad, Munson, Elkins. Absent: Williams and Reynolds.

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

**APPROVAL OF MINUTES:** Approval of the minutes from the June 26, 2007 meeting. A motion to approve the June 26, 2007 minutes, as amended by Munson, was made by Elkins and seconded by Roberson. Motion approved unanimously

**CONTINUED TO THE SEPTEMBER 25, 2007 MEETING:**

CASE 81-07 BI-STATE CENTENNIAL PARK – KIDDIE ACADEMY – Request for approval of a special use permit and a preliminary plan, located south of 141<sup>st</sup> Terrace and east of Overbrook, within the Bi-State Business Park Lot 20.

**CONTINUED TO THE OCTOBER 23, 2007 MEETING:**

CASE 55-07-LEAWOOD FIRE STATION #2 CELLULAR ANTENNAE – Request for approval of a Special Use Permit, located at 12701 Mission Road. **Public Hearing**

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 53-06 LDO AMENDMENT – SECTION 16-2-5.7 (RP-4 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 55-06 LDO AMENDMENT – SECTION 16-2-5.2 (RP-A5 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 56-06 LDO AMENDMENT – SECTION 16-2-5.3 (R-1 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 57-06 LDO AMENDMENT – SECTION 16-2-5.4 (RP-1 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 58-06 LDO AMENDMENT – SECTION 16-2-5.5 (RP-2 DISTRICT) Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

CASE 66-07 LDO AMENDMENT – SECTION 16-4-5.7 PARKING LOT CONST. STANDARD. Request for approval of an ordinance to the Leawood Development Ordinance. **Public hearing**

**NEW BUSINESS:**

**CASE 83-07 MONARCH PLASTIC SURGERY - PLAZA POINTE LOT 11** — Request for a final site plan, located at 135<sup>th</sup> and Roe Avenue, within the Plaza Pointe Development.

**Staff Presentation:**

**Mr. Joseph:** This is Case 83-07, office building at Plaza Pointe Lot 11. The applicant is John Gaar with 360 Architecture. The applicant is requesting approval for final site plan for a 16,323 square foot office building. This property is located at the southwest corner of 135<sup>th</sup> Street and Roe Avenue. The proposed building is one story. A gated trash enclosure is proposed at the southwest

corner of the building, which is directly attached to the building. Parking is proposed on the east and south sides of the building. During the preliminary plan process, the Planning Commission had some concerns regarding the west elevation of the building. The applicant has worked with staff, and they actually provided additional architectural features such as trellises along this elevation. Also they are providing some stucco elements in an effort to break up the continuous brick façade. Staff would like the Planning Commission to comment on this issue. Staff is recommending approval of this case with the stipulations stated in the staff report. If you have any questions, I'll be happy to answer them.

Chairman Rohlf: Questions for staff?

Comm. Roberson: On this west side, it's actually...

Mr. Joseph: It's facing the Zipz building, the convenience store.

Comm. Roberson: Right. How visible is that really going to be?

Mr. Joseph: I have some existing pictures that I can show you. Just to give you the location, this is 135<sup>th</sup> Street over here, and this is the convenience store that's located to the west of the proposed building. The proposed building will be located approximately 20 feet from this side of the building. There is an existing sidewalk. This is how it looks currently. There are three structures towards the back, and then they have some landscaping along there. So it will be 20 feet from that building.

Comm. Jackson: Do you have any idea on that picture about where the building would start?

Mr. Joseph: It would probably be along here where that fence is located.

Comm. Conrad: Jeff, which direction is that?

Mr. Joseph: This is facing north. Right up Russell Street is Parkway Plaza. That's the building, the Jersey.

Comm. Roberson: Is the back side of this going to be landscaped, too?

Mr. Joseph: Yes, they are proposing landscaping along there, the west side of the building.

Chairman Rohlf: Jeff, I do have a question, and I apologize. I believe I missed the preliminary on this lot. Is this the last building?

Mr. Joseph: This is the last lot.

Chairman Rohlf: And this appears to have more square footage?

Mr. Joseph: Right.

Chairman Rohlf: Has everything worked out for this overall development as far as where we were trading spaces?

Mr. Joseph: Yes, if you look at the overall square footage, this is less than the approved square footage.

Chairman Rohlf: Does anyone else have questions for staff? All right, thank you, Jeff. We'll hear from the applicant now, please.

**Applicant's presentation:**

*John Gaar, 360 Architecture, 300 W. 22<sup>nd</sup> St., Kansas City, MO, appeared before the Planning Commission and made the following comments:*

Mr. Gaar: Real quickly, just to run through, this is the overall development. This is the lot within the overall development, 135<sup>th</sup> being the northern edge, so this lot fronts the south side of 135<sup>th</sup> Street. The image that you were just looking at was standing about here, looking north along the back of these two buildings that are Zipz. This is the lot itself enlarged, showing the outline of the building where it sits in relationship to 135<sup>th</sup>, the entry drives, two access drives to the parking lot that wraps around this side of the building. We are currently 20 feet off of the property line. The other buildings are required to be at a minimum of 10 or 15 feet, so you've got the back of this retail is about 10 feet. Then the northern property, which is Zipz, actually pushes a little bit forward. So we're somewhere around 40 feet apart. I think originally when we were here before, we had the building a little bit closer to the west, but in working with the KCP&L easement and the power lines that are running through there and working out the ability for that to work, we've continued to try to squeeze this front part to still maintain the parking and the appropriate setbacks on the east. So it is a little bit further away. There is a little bit more space than when you've seen it in the preliminary.

On the site plan, of course, you'll see quite a bit of the plantings as required by the City ordinance and appropriate to this development that surround the site, shielding parking from the adjacent properties. This area in here is actually a buffer that I talked

about in terms of another planting that creates an outdoor courtyard actually between the face of the building and the parking. So they're actually interested in screening the parking from inside out as well as the City is interested in screening from the street and other properties.

Down at this end is the service part of the lot where trash is collected and hauled off. This is the intersection at the interior of the site, and at that intersection there were three other buildings. Originally this building was located up in this corner but was a smaller footprint than the building that would work for our client. In working with the access that we had off of these drives was the way to locate this in relationship to the other buildings on site, as well as pulling it up and having a presence of the building on 135<sup>th</sup>. In doing so, we have provided a public amenity of a trellis. Right at the edge of our property line, a series of brick columns, a small brick wall that surrounds that. There's two public benches that we placed in there, and it will work off of the circular design that is currently in place with the other three buildings. There's a pedestrian access that gives you access to the building from this corner across to a sidewalk and up to the front of the building.

This is a layout of what is expected on the interior of the building, just to give you a feel for how things are laying out. North is to your right, so it's turned 90 degrees to the right from the site plans. This is the entryway with the parking out here. There is more of a business administrative entrance on the south end for the doctors and administrative staff, which are congregated down at this end with the doctor's offices. The idea is that you come in and check in. Records is right behind a check-in counter. In this whole area along the front, which is full glass to the ground and it creates the access and the visibility out to the courtyard that has plantings and trees and a stone wall. So this, in essence, becomes the waiting area as opposed to being an internal, enclosed space. It's trying to blur the lines between inside and out of the building. Then there's nurse's stations set up in groups, basically three pods with exam rooms along the back edge and a few grouped in the middle.

This board illustrates the elevations, indicating that it's mostly a brick building, probably something in the order of 80 to 90 percent masonry with a stucco material as a banding along the top and in some areas along the back that have come down. The bottom elevation here, entry in the middle, these areas are the area that I talked about as kind of that courtyard inside and out. To the left is a canopy or a structure that is for the entrance for the doctors, 135<sup>th</sup> Street being over on the right. This is a north elevation that you'd see on 135<sup>th</sup>. This kind of gives you an illustration of that landscaping that's in that location. On this end, there's a trellis that Jeff talked about in terms of that being part of the work that we did with them regarding the aesthetics of this back side. These trellis elements that extend beyond the face of the building on both the north and the south end to block some of the view into that area. We've always felt like this is a four-sided building. We've never felt like there was a back side of it. We've always thought that the masonry or the brick material was of a quality of the front, but we continued the size of the windows, which are sized appropriately for the exam rooms so that they provide a modesty to the patients that are there with the undressing but still provide some natural light into those rooms. So working with those windows and that pattern, we've come up with breaking up a solid brick wall into a little bit more of an architectural pattern along that back side, this being the south elevation showing the entrance that the doctors use, the trash enclosure and then this trellis extending on beyond.

A watercolor 3D image of the building looking from the northeast, looking southwest. This is 135<sup>th</sup>, so the north end of the building along here, the entry being identified by the highest peak of the roof, the masonry and the stucco materials. The materials themselves are what we're proposing. All are from the proof palette that was approved for this development. We're not requesting a deviation from that. We have the brick material, the stucco material. We have some cast stone as the cap around the perimeter of the wall for detailing. This is a faux slate. It's not a real slate, but a faux slate roofing tile that is on the pitched roofs, and then a sheet metal that will be the edge detailing and the flashing associated with roof. Aluminum frames for the windows and entrances and glass for the glazing in the building. With that, we agree with all of the stipulations as proposed. I believe the last line suggests something - I think it was a typo - saying that we signed an agreement with stipulations 1 through 18 to 20 or something like that, but it's 1 through 18. We're fine with that, so we agree with all the stipulations, and we'd be happy to answer any questions you have.

Chairman Rohlf: I just have a couple for you. Since I didn't hear the preliminary plan presentation, is the west elevation that we have in our packets this evening a new version of that façade?

Mr. Gaar: It would be the same as what I'm showing here.

Chairman Rohlf: Right.

Mr. Gaar: It's an update from the preliminary.

Chairman Rohlf: Okay, and Jeff, this is something that you would still like us to comment on, whether you think it's sufficient?

Mr. Joseph: Especially the west elevation.

Chairman Rohlf: Right. Do you have an opinion on that?

Mr. Joseph: I think they worked with staff on doing everything that we asked for in trying to break up the façade and also adding the trellis features. I think that improved the building a lot.

Chairman Rohlf: I think I remember in the minutes of this presentation that there was some concern about the trellises. Has that been resolved?

Mr. Joseph: Yes, initially they didn't have the trellis structure at this location, and then they added that to this elevation.

Chairman Rohlf: Were there any other outstanding issues?

Mr. Joseph: Signage was one of the issues, but with this application they're not proposing any signage, so it will come back to you later.

Chairman Rohlf: So there's nothing outstanding other than us taking a look at this façade?

Mr. Joseph: Correct, there is nothing outstanding.

Chairman Rohlf: Then we'll open it up to questions for the applicant.

Comm. Elkins: Just one series of questions, I guess. How specialized is the building for the use it's being proposed for it now? The follow-on question would be, in the event there was a change in the future, that the plastic surgery center left, is the building, the shell itself, suitable for other uses? I'm just curious how much specialty work has to be done for a plastic surgery center.

Mr. Gaar: The facility could be classified as a medical office building. It doesn't have any emergency systems. They're not doing any operations there. The only thing that you might say from a pure marketability standpoint is the windows all the way around on that left side, that's something that could easily be modified in the future. This is non-bearing load. It's a steel structure, so you could enlarge those windows if another user came in and wanted to make that office space. It is looking onto the area between there, which is the back of Zipz, but it's very well landscaped and would not be an undesirable view. Of anything, nothing really technical. It's an office building. The systems are all pretty much the same as any user. So besides that one modification, I don't see anything else that would need to be done.

Chairman Rohlf: Any other questions for the applicant? All right, thank you.

Mr. Garr: Thank you for your time.

Chairman Rohlf: We will move to the discussion phase and hopefully leading up to a motion this evening. Any one would like to have any additional comments at this time? Perhaps we're ready for a motion.

Comm. Munson: It appears that they've conformed to the requirements. Staff's worked with them. Looks like a reasonable project.

**A motion to approve Case 83-07, subject to the 18 stipulations, was made by Munson, seconded by Elkins.**

Chairman Rohlf: Any further discussion?

Comm. Jackson: There is a typo on number 18. Says through 2018.

Comm. Munson: They can take care of that.

Comm. Jackson: But that would be correct with that amendment, I would assume.

Comm. Munson: It reads through 2018. Just take out the 20.

Chairman Rohlf: Extra word there. All right, anything else?

**Motion approved unanimously.**

**CASE 85-07 HALLBROOK OFFICE CENTER** - Request for approval of final site plan and final plat, located north of 112<sup>th</sup> Street and west of State Line Road.

**Staff Presentation:**

Mr. Klein: This is Case 85-07. The applicant is requesting a final site plan and final plat in the project that consists of one four-story 115,432 square foot office building on 10.2 acres for an FAR of .26. The Planning Commission originally heard the preliminary site plan for this project on June 26 of 2007. The applicant is coming forward again. It's a four-story building. It's located directly to the east of the existing office building within the Hallbrook complex. The applicant is proposing to have the building aligned along Overbrook Road. Their parking will wrap around on the east side of the building. One of the things the applicant is doing is there is a

tract of land that is on the north that is currently included with this project, but the applicant is not including it as far as part of the FAR. That will be included as part of the FAR with a future development to the north, so the applicant has the FAR bonus that was approved at the time of preliminary site plan for .26. However, the stipulation on there indicated that the Planning Commission would have to approve that it met the requirements for that FAR bonus. As part of that, the developer is providing a water amenity that is located right along Overbrook Road right in the center. There is a sidewalk connection as well that leads up to the west side of the building. There is a pedestrian crossing across Overbrook Road that will provide a connection over to the east side. The water feature will also incorporate a plaza area and a couple of pedestrian benches. I believe the applicant will be prepared to discuss as far as any of the details. Staff is recommending approval of this application with the stipulations stated in the staff report. I'll be happy to answer any questions.

Chairman Rohlf: Once again I apologize. I was not at the presentation of the preliminary, but from reading the minutes, which happens to be in a set that we had attached in our packet this evening, it looks as if we had a couple of outstanding issues, one of them, the pedestrian amenities.

Mr. Klein: The pedestrian amenities, I believe parking was discussed as well. The applicant has indicated that they're prepared to discuss the visual parking from State Line Road.

Chairman Rohlf: Then was there something also with respect to the screening of the rooftop?

Mr. Klein: The screening of the rooftop utility units. They have changed the rooftop utility unit screen. Originally they were approximately about 14 feet in height. They were aluminum metal that screened it. They dropped those from about 14 feet in height down to about 9 feet in height. They're now going to be painted white to match the aluminum framing of the windows, and then also there's a component along the eave of the roof that is also metal that's also painted white.

Chairman Rohlf: I think there was an agreement that they would be bringing something three dimensional, a model.

Mr. Klein: It's some perspectives and elevations. They have a computer presentation.

Chairman Rohlf: Great, great. I think that's all the questions I have to follow up on the preliminary. Any questions for staff? Then we will hear from the applicant.

#### **Applicant's presentation:**

Brick Owens, Nearing, Staats, Prelogar & Jones Landscape Architects, 3515 W. 75<sup>th</sup> Street, Prairie Village, KS, appeared before the Planning Commission and made the following comments:

Mr. Owens: We've brought forward to you this evening to consider the final development plan approval and final architecture concepts. We have purposely brought with us exhibits to describe and discuss the amenities necessary to ask for the deviation. What I would like to do right now is talk about the site plan. We're going to break this down into pieces so we talk about each one thoroughly. So I'm going to talk about the site plan. There will be refinements in the changes that we made. Cary Goodman, the design team member responsible for architecture, is here this evening to talk about the architecture. I'd be remiss not mentioning that Mel Lavery's here, the management part of the development of Hallbrook Office Development, LLC. Also, Chris Sorenson with J.E. Dunn, contractor designate for the project; Bret Hogland with Continental Engineers, our engineers; and finally, but not last certainly, Ken Nicolay with Kessinger Hunter, who is driving this entire team to a highest level possible for a Class A office. So with that, I would just like to talk about the site plan.

As I mentioned, as we move from the preliminary plan to the final plan, it gives us an opportunity with some guidance from the staff, input from the Planning Commission hearings, to spend more money and do more detail, and that's what we've brought with us this evening. Since the last time we met with you, we looked hard at some of the primary discussion points that were made about screening of parking, landscaping, trying to describe how this fits on this site. With additional study, we have confirmed, and I have with me, eighth inch drawings, seven foot long sections, which I think are also part of your packet, that show two points here and here where the State Line Road berm thoroughly, completely screens from an SUV. From this view, essentially the viewpoint, if this landscaping was not here, looking over the topography from State Line. In this direction, your view is about two or three feet up the building. I do have some colored sections to show you as well as south traffic looking this way up the building. The same thing occurs. Our parking, certainly the paving and most of the cars, are below view, the dirt view not including landscaping that would ultimately grow up and be even more *[inaudible]*.

The other item that we looked at on this plan is we've tilted the land just a little bit more, which then provides us with tilted plain, if you will, in this big landscaped area to expose even more landscaping to view. We were able to reduce this wall from a perceived initial preliminary estimate of the 6-7 foot wall, and making this slight tilt we were able to reduce this to 4 feet. So as we move to final plans, we have better information, hopefully good news to share with you how this thing is going to be developed.

Other revisions that we've made per the discussion items, we've provided berms in all of the items here, specifically this item about 18 inches to 24 inches. Again, it extenuates the green space between the parking, breaking it up into pieces and parts. As was discussed, we also looked at and studied the grades and shared with the staff views of the parking from all directions from public roads. Through these quick sketch-up work art that was completed show that the screening to the parking thorough and

complete from public roads. As you move into the site, the big green space that provides the barrier or the separation of the foreground parking to the further out parking does a great job with the 18 inch, 24 inch berm to screen all the paving as you approach the building.

The other item I really want to talk about, after you mentioned architecture, is the deviations. There are three. Two were discussed and approved. One was the 40/60 mix from parking to building on public streets. The other item was a 55 foot setback, which part of our building does encroach. The third one is we are asking for a 4 percent bonus, bump if you will, in our FAR, which amounts to about 4,300 and some odd feet. I would like to have Cary Goodman discuss the architecture, and then at the end I will discuss the amenity fountain plaza, pedestrian connectivity that we'll provide to satisfy that deviation. With that, Cary.

Cary Goodman, 106 W. 14<sup>th</sup>, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Goodman: Good evening. I'm glad to be here. I understand you went to a conference in Philadelphia and got acquainted with SketchUp. It's a great tool. I encourage you to encourage other architects to use it, and if you have Google stock, it will help that as well. As you may know, it's owned by Google, and they bought it a couple of years ago. Like all tools that we have, whether it's a freehand sketch or it's the computer or it's 3D, all of these tools ultimately have advantages and disadvantages. The advantage of the SketchUp, as you probably learned, is that it's wonderful for very quickly doing 3D modeling to understand the massing of a building and how it's going to be perceived and so forth. It's not great for landscaping, because you put a tree in it, and it just overloads the program and blows your computer up and things like that. It's not great for really fine detail on a building, but it's great for general detail. What I have is two exhibits to show you.

Obviously when we had professional renderings done, it's to create a total image of what the project is going to be like and the color and landscaping and the detail of the building and so forth. So when you look at my SketchUp, which I'll show you in a minute, you have to sort of look through that and understand that the building has this lush landscape. In general, the building design, as we talked about in the preliminary, is broken up but primarily oriented to create wonderful views out to both look past the existing building, but look west toward the golf course and the landscape beyond. Also it looks east and north/south, has wonderful views out. To take advantage of those views, we have full height windows on the first and fourth floors, and then we have 7 foot high windows 30 inches off the sill or 24 inches off the floor to 9 feet high on the second and third floors. However at the corners, again, the glass steps down so that you have really wonderful corner offices, and as you probably know, it seems like people like corner offices. We've even been able to eliminate the columns so that they're almost like little glass boxes that project out at the corner. So we think the quality of the space and the quality of the natural light is really going to be terrific inside the building.

We've created a base to the building, which was essentially a two-story high base. Then the brick defines the body of the building and a very light roof on top give it a really uplifting feel, not a heavy building at all but a very light sensuous building. Finally, what we think is the most important and dramatic aspect is the screened plinth that the building sits on. So as you're driving down Overbrook or approaching the building, you're really looking up at this building. So with that in mind, let me quickly show you the SketchUp. The contouring that we can do is pretty accurate, so the hills and rolls that you see is pretty accurate in terms of how the building sits up. The lines represent the street, but there's no differentiation in color, so you have to bear with us a little bit on that. This is looking south on Overbrook, so you're looking at the north face of the building, and you're seeing the columns, obviously the brick banding and then the two story base that's represented and then the roof that I mentioned on the perspective. If we move down, we're now moving south on Overbrook. Obviously if you're looking ahead, you have a glance to the left of the building. This is one of the approaches. We have similar approaches on both sides of the building, but this is the south approach that would be taking you up to the main entrance of the building. You've now come around the building, and you're starting to see the entry and the sides of the building, the south base of the building and the entry.

I think it's important, and maybe I should go back. Let's look at this one. I think it's helpful. One of the things that I personally got very excited about, and I think it is a tremendous asset of this project, is basically the large radial drive that wraps around, because essentially as you all know when you're driving down a curved street, it changes your perspective obviously, but it also softens the whole experience and the edge. This radial pattern actually fit wonderfully into the existing landscape, and it gave us an opportunity to really preserve a significant portion of the site as opposed to what so often happens where you just basically go out and bulldoze a whole site and level it and then build your building. We were able to take advantage of the beauty of the natural site, and this radial pattern in particular laid very nicely over the existing contours. You begin to see as you look forward of the vanishing due to the curve. Everything is vanishing in a very distinct way.

If you park, you now are approaching the building. As you can see on the site plan that Brick has, there's a number of pathways that lead to the front door, all that pick up the radial patterns. So there's a center walkway, and then there's this wonderful radial pattern that also spreads out so it filters to the front door in a very nice way. As you approach obviously you start to see the transparency, the amount of glass at the base of the building, how the columns are such an important aspect, and then the entry, which I call a nose cone, has this circular piece or steps up and up to highlight the main entry. Then just for fun, the nice thing about the SketchUp is you can go inside. Again there's not much detail, but you can get a sense of what we've been able to do with the interior space. By taking the columns outside, we've created this very nice interior space that should be very flexible and make my friend back there, Mr. Nicolay, very happy in terms of how he can lease the building. We think it's going to be a really fine building in that regard. So that completes my presentation.

Mr. Owens: Cary did a great job describing how the curve linear character of the property begins to minimize views, long views down parking breaks it up into pieces but also begins to accentuate this central hub that the building is turned on. What I want to talk about is the plaza that we've developed out front. When it's said that this building has this wonderful green plinth and does

provide connectivity and how do we encourage people to use these pathways. Well you need to make them convenient. You need to make them exciting. You must make them a draw, an attraction, an experience, a memory, all of these things. So that's when we began to develop with the idea of this axis that connects pedestrian activity, connects this proposed building with the existing building that's just down the hill. When I say just down the hill, I mean this building is 15 feet higher than the street. We have about 30 steps to negotiate to get down to this level. Thirty steps is a daunting number, so what we've done, through grading we have broken the steps into thin groups of three each. So one, two, three, have about a three to six foot path pad to land on, rest if you will. So this cascading series of stairs, step down and still make it certainly easier to negotiate. So that's the first thing we did.

As we began to look at how we could develop an attraction here not only from the street but also as a destination or a experience, we put the centerpiece of this space, repeated the idea of the radial pattern, this hub if you will, and have created a series of walls that embrace the water. This is an enlarged plan view, and these are the cascading steps that come down from the building, sets of three and then level pads in between. This cascade then has been metaphorically repeated. In other words, we've got a cascade of water here in this centerpiece. These are flat levels that begin water. The water then spills over a variety of heights of steps, energizing the water, adding air to it so you can actually see it. So as you are on Overbrook looking at the overall feature, you have the building, the green plinth that Cary so well described, cascading stairs, the beginning of water, and then we've incorporated our sign as a part to this whole piece and have let the water flow through from the upper terrace to a still basin about two to three inches deep. The real body of water occurs underneath the paving. All of our equipment will also be below level, access from a pit here in the front. The lower paddler, lower terrace if you will, has a radiating pattern of brick pavers, embellished pavers. The walls that hold back the hill for the first level of water also act as an informal seat, terra seat wall. We've included benches on both sides of the overall space. We've taken the street trees and have bent them into the space. Again, we're trying to invite use of this that is accessible not only physically but visually.

To describe the operation change, a section of the three steps, level, three steps, level, cascading down. This is the series of steps, terraces if you will, that create a variety of water flow. It will be very effervescent and full of water. We've got individual jets on different levels that will create more water and little geysers. I say geysers, but it's just water generating spots, maybe six to nine inches tall. Then as I mentioned, as this upper terrace comes and flows to the seat wall, we then have a sheet flow out underneath our [*inaudible*] for our pre-cast cap into a flat basin that touches the patio and energizes and takes this whole water feature all the way to the street.

You asked that we develop something that would be really special, do something with the pedestrian connection, provide a space on the street, a public opportunity, an amenity. This is what we're proposing. With that, if there's any other points. We're here to answer any questions you might have.

Chairman Rohlf: Thank you. Questions for the applicant? Those of you who had some outstanding concerns at preliminary, hopefully they've took care of your concerns. At this point, any questions for the applicant?

Comm. Jackson: Where exactly are your land bank parking spaces you're proposing?

Mr. Owens: On the landscape plan that was part of your packet, we had them dash our parking extension right here.

Comm. Jackson: Then how many spots are in there?

Mr. Owens: About 20.

Comm. Jackson: So that puts you to 420. Then what's that ratio?

Mr. Klein: Actually staff did do a calculation on that, and it's still within the ratio. To make sure, I think I increased it by .02 or something like that.

Comm. Roberson: I'd like to follow on a little bit about the parking. I realize it's going to be hidden. This appears to be a fairly large parking lot, probably not much larger than the one across the street, though. I'm wondering, how does the building across the street tie into this whole development? Is it part of it? Is it separate ownership?

Mr. Owens: The other building has a center corridor of tree islands that carry a sidewalk from the front door all the way to Overbrook, and that's the primary connection point. It's already existing.

Comm. Roberson: I understand that, but that's not the question. The question is ownership. Is it common ownership? Is it separate ownership?

Mr. Owens: Common ownership.

Comm. Roberson: It's common ownership. I drove by there. I've done this two or three times this week, and there are hundreds, I'd say hundreds. There's probably a couple hundred parking spots empty across the street constantly all day long. I'm curious as to why that can't be used as part of the parking process here to reduce the numbers that you all need to build?

Mr. Owens: Well, it's unfortunate that the Commission wasn't involved with the original proposal for the second building. At the time, the parking ratio requirements and requests and ordinance was higher, so we provided 5 per 1,000, which was the ordinance at the time. You're exactly right. There are cars available. The type of office lease that has been in place in the second building requires less cars for parking. They have professionals who do not have as much staff as different kinds of businesses might have. So it's one of the reasons we've backed our parking ratio down to 3.47, which is a little bit less than 3.5, which is right in the middle of what you guys are requesting now. Part of the attraction of doing the plaza and the steps and the connectivity and all that is if we have guessed wrong, that more lawyers, more Class A office users would require less cars, we have that as a backup and not have to go to our bank parking. So I think that's our strategy should we discover we've guessed wrong, that the parking ratio of 3.47 is perfect.

Comm. Roberson: If that is the case then, if they are parking across the street, the parking lot is considerably below the road. So not only do you have to hike up the sidewalk to get to Overbrook, then you've got to cross Overbrook, and then you've got to hike up another 30 steps to get into the front door?

Mr. Owens: Ten sets of three each. With resting points in between.

Comm. Roberson: I understand. Now I have to admit what you did to the front entrance is very attractive. Don't misunderstand me. I would suggest that it's not going to be used hardly at all just because of its location and height and that type of thing. The other question I had, though, is looking at the existing building across the street and then the Country Club Bank building, this is a beautiful building that you're building. None of the architecture matches either one of those buildings. Again, not to suggest that it should or shouldn't, it's just it's quite different.

Mr. Owens: I think I'll let Cary, our design architecture expert, speak.

Mr. Goodman: Well that's not entirely true, because the red brick is very consistent. On the Hallbrook office building #2, it's predominantly, the way I like to think of it, it's a brick building, but it's down in the valley, very much secluded. It's wrapped around by trees, which makes that work very nice. From the moment I saw this site and started to think about it, it's up on the hill. It needs to be a light, airy, free building that really is not in my mind as much of a heavy building. So the brick is very consistent. The color of the glass is exactly consistent, same glass and so forth. so we have a tinted glass. What we have changed and gone away from is as much stainless steel, and quite honestly I'm sort of getting tired of all the buildings that have nothing but aluminum on the outside. So we brought in the additional white, which again is sort of a classic material that we think will fit in, and it's timeless and will fit with anything. It's like having a contemporary piece and a classic antique, good pieces of architecture and good material usage all fit together and work very nicely together. To make them all the same lessens the whole overall feel in my mind. So we've been very sensitive to what's out there, but we've responded to this site with what we think are appropriate materials for this building.

Chairman Rohlf: Other questions for the applicant? Thank you. That takes us up to our discussion. I think the one deviation that we have not approved is the FAR. Is that correct?

Mr. Klein: Actually all the deviations were approved. The last one, however, the stipulation states that one with the FAR can be either reduced or eliminated based on the Planning Commission and whether it feels they've met the requirements of the bonus.

Chairman Rohlf: Anyone like to comment on the FAR at this time?

Comm. Jackson: I just feel there's more than just aesthetics involved. In large parking lots, you have a lot of runoff. You have increased automobile usage. This was initially intended as mixed-use. We approved to put it to an office space as mixed-use. It's getting no more efficient use. It's being used 24 hours with residential, with retail. I think that's a bonus for the City. Now, to move it to an office development - and a very large one at that - you're over the FAR, and the parking is immense. I do like the waterway in front. It's very pretty, but as my co-commissioner has said, how much use would it really get? It will be looked at certainly by people driving by. I don't know, maybe some people within the office building will go out and use it. I believe the intent of the ordinance is that pedestrians and others would use it. I don't know that roadway would be used by pedestrians or bicyclists or anyone else. At this point, I don't think it meets what we need to allow for such a large building and a large parking lot in that space.

Chairman Rohlf: I do think we need to probably clarify, it was never designated as a mixed use.

Mr. Klein: I think what Commissioner Jackson is pointing out is that it's showing as a mixed use on the comprehensive plan, and the comprehensive plan, I think, was indicating that there was a mix more or less of retail and then office in that general area where they had the bank, which is more or less considered retail use. This was actually zoned retail, and that's what they requested from last time. However, there is a master plan that was approved, and I'll show you that. This was back from October '99, that might give you a little bit of insight. Here is Overbrook Road coming along here. Here is College Boulevard. Here is the existing office building that's sitting down by the golf course over here. Here is the existing bank that's located here. At that point, they had a proposed building here, which is shown here. I believe that was also proposed to be offices as well. It was shown to be a 75,000 square foot office building with parking that was located not only along Overbrook Road but also along State Line in between another office

building that was going to be located here, which is Building C, which was also shown to be 75,000 square feet. I believe that was also proposed to be office. Then with an additional building up in the corner of College Boulevard, which was listed here between 150,000 and 157,000 square feet. I think with this development they've always more or less proposed that there would be primarily office within this development. However, I believe this is zoned SDCR, which is the retail. This was SDCR until they requested the zoning change to office last time. Then they have future office buildings that are shown in here and, of course, the bank there, which we consider retail.

Chairman Rohlf: So the preliminary we saw a few weeks ago was the first time it's changed significantly since this plan?

Mr. Klein: I believe so. This one is dated from October '99.

Chairman Rohlf: As far as the parking, it's consistent within?

Mr. Klein: The applicant's correct. Back in 1999 or whenever this office building was approved, the City had a requirement, as most cities do, with a minimum parking ratio. We didn't have a maximum parking ratio, so at that time in order to be in compliance with the City's ordinance, they had to provide a minimum of 5 parking spaces per 1,000. The reason for the change was we started seeing, just like many of you have noticed, you drive down old Tomahawk Creek Parkway or you drive down where the Hallbrook office building is, and you see all these empty parking spaces. It seems like you can go by multiple times a day, and it never really seems like it ever fills up. So at that point the City decided that maybe it was a good idea to actually have a range, not only to have a minimum, which we lowered from the 5 per 1,000. In this case, in the SDO it's three to four, so we lowered it to a range but to also have the maximum. In this case, the 4.0 is actually below what used to be the minimum of 5.0.

Chairman Rohlf: So they've met the parking ordinance?

Mr. Klein: Yes, they're right in the middle of it.

Scott Lambers, Director of Planning and Development, appeared before the Planning Commission and made the following comments:

Mr. Lambers: I'd just like to echo Ken's comment. We made a mistake with the parking that's out there now, and if we could, it would be ideal if we could use that parking and reduce the parking for this, but it's not reasonable to expect people to walk up that much of an elevation in our climate. So we'll have to live with that mistake, as really this parking needs to service this where it's at. I don't see them getting a tenant that's going to require the use of that as overflow, but it certainly can't be expected to be used for the tenants, because it's just too much of a walk.

Chairman Rohlf: Commissioner points?

Comm. Munson: Looking back at the plan of '99, I think this is superior to that approach. At least it's more organized. I've got misgivings or I had misgivings about the parking and the number of spaces the way it is, but the way they've handled it is pretty sensitive. By being in a circular pattern and with a lot of planters, it should work okay. Now I would prefer the building to be closer to State Line just because that would be an advertisement for Leawood, I would think. However, having said that, I think this solution is good.

Comm. Elkins: If staff could comment a little bit. I'm looking at the double asterisk on the FAR. Deviation granted at the time of preliminary site plan provided bonuses are met as determined by the Planning Commission and governing body. Can you refresh us a little bit on what the standards are for the bonuses, how that works? I lose track of it.

Mr. Klein: In the bonus criteria, they are requesting the bonuses based on pedestrian amenities. Basically it says that per the Leawood Development Ordinance, substantial pedestrian plazas, linkages to buildings, and off-site public ways, street furniture and other features designed to encourage pedestrian circulation and usage may receive up to a 10 percent bonus, which 10 percent would be 11,061 square feet additional space. They're proposing additional 4,387, which works out to about a 4 percent bonus instead of the full 10 percent. Basically their request is the fact that they provided a connection between this building and the building to the west by not only having the sidewalk extend up to the west to access the west side of the building but also providing a pedestrian crossing that goes across Overbrook Road, which really is the only one that's located in that area at this point. Then it will go on down to the west to go into the other office building; to have a couple of pedestrian benches that are sitting there; to have the fountain also have a seat wall on it to where people could actually sit by the water; to have the decorative plaza area that goes along there; and then have the cascading water along there as well as the additional landscaping. So their request is based on the fact that they're providing those amenities to try and meet, in this case, the 4 percent bonus.

Comm. Elkins: Thank you. Madam Chairman, I would echo Commissioner Munson's comments, in that I think that the water feature is really impressive. If it comes out in the execution as it's come out in the drawings, it's really impressive. My only wish is that it was visible and part of the aesthetic to those driving up and down State Line and not limited just to those that turn and drive past

Overbrook, but I also understand the exigencies of the site, and that's effectively the back of the building is what it is. Given that, I appreciate the amount of green space that they've got. Between those of us driving on State Line Road and the parking lot, it just would be nice to have a fountain that we all could see as we drove home from other parts of the city. Given that, I think that it's impressive, and it seems to me that they've met those criteria that Mark read off for the FAR bonuses.

Chairman Rohlf: Anything else to add? If not, then perhaps we're ready for a motion, please.

A motion to approve Case 85-07, subject to the 26 stipulations, was made by Munson, seconded by Elkins.

Motion passed 5-1.

*Meeting adjourned.*