

**City of Leawood  
Planning Commission Minutes**

**September 25, 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, Reynolds, Williams.

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

**APPROVAL OF MINUTES:** Approval of the minutes from the August 28, 2007 meeting.

**Mr. Munson noted the following corrections to the August 28, 2007 minutes:**

Page 2, mid-page, "...contact on that is expired" should be changed to "contract on that is expired."

Page 2, mid-page - "TCO" – Stands for Temporary Certificate of Occupancy

Mr. Munson noted that the minutes do not reflect his return to the meeting after he recused himself.

Page 5, mid-page: "Hopefully we won't see that final" should be "Hopefully we won't see that at final."

Mr. Munson also noted that in the event of a "no" vote, the person is not identified. Mr. Klein agreed that that information should be included in the minutes and said it would be taken care of.

Page 23, Comm. Munson: "...keeping us open" should be "keeping it open...."

Page 30, Mr. Peters: "...rights to a ten acre" should be "relates to a ten acre..."

**A motion to approve the August 28, 2007 minutes, as amended by Munson, was made by Munson and seconded by Elkins. Motion approved unanimously.**

**APPROVAL OF MINUTES:** Approval of the minutes from the September 11, 2007 meeting.

**A motion to approve the September 11, 2007 minutes was made by Munson and seconded by Elkins. Motion approved unanimously.**

**CONTINUED TO THE OCTOBER 09, 2007 MEETING:**

97-07 ESTATES OF OLD LEAWOOD – Request for approval of Preliminary Plan, Preliminary Plat, Final Plan and Final Plat – located at 8901 Sagamore. **Public Hearing**

98-07 CAPITAL FEDERAL AT NALL VALLEY SHOPS – Request for approval of Final Plan - located at the northeast corner of 151st Street and Nall Avenue. **Public Hearing**

**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**

CASE 86-07 MISSION CORNER – Request for approval of a revised final site plan and a revised final plat - located at the southeast corner of 135th Street and Mission Road.

**CONTINUED TO THE NOVEMBER 27, 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. **Public Hearing**

**CONSENT AGENDA:**

CASE 92-07 PARK PLACE, SECOND PLAT– Request for approval of final site plan, located - Located at the northeast corner of 117th Street and Nall Ave.

CASE 94-07 MISSION FARMS – XIPHIUM SALON – Request for final site plan, located at the southeast corner of 105<sup>th</sup> Street and Mission Road.

CASE 95-07 MISSION FARMS – NOEL'S GIFTS – Request for approval of final site plan - Located at the southeast corner of 105th Street and Mission Road.

**A motion to approve the Consent Agenda was made by Williams and seconded by Munson. Motion approved unanimously.**

**NEW BUSINESS:**

CASE 88-07 PARK PLACE - FISH CITY GRILL STOREFRONT, BLDG A -- Request for approval of final site plan, located at the northeast corner of 117th Street and Nall Ave.

*Mr. Conrad recused himself from this case and Case 98-07.*

**Staff Presentation:**

Mr. Joseph: This is Case 88-07, Fish City Grill in the Park Place development. The applicant is David Anderson. The applicant is requesting approval of the final site plan for a tenant-finished storefront within the Park Place development. This property is located at 117th Street and Nall Avenue. Staff would like to draw your attention to the different colors

and the different materials that they are proposing on this storefront. If you'll recall, this is just north of the Park Place gallery that was approved last month. That storefront had a totally different type of material and color.

Staff would like the Planning Commission to also look at the signage. This is the front of the sign; this has not been approved in this development before. It is an oval shape with [inaudible] letters mounted on them. Usually what you see is just regular type of letters.

Staff has concerns about one of the materials that they are proposing, which is a translucent white plastic-type of material. I have the material board available and would like to hand that to you so you can take a look at it.

Chairman Rohlf: Jeff, Is this material board just for this building?

Mr. Joseph: Yes.

Chairman Rohlf: Do you happen to have the board from the gallery?

Mr. Joseph: Yes, I do.

Chairman Rohlf: We can compare the colors of the storefronts.

Mr. Joseph: Again, staff is recommending approval of this case with the stipulations stated in the staff report. If there are any questions, I'd be happy to answer them.

Comm. Jackson: Jeff, could you point out where and how much the building these vibrant colors are?

Mr. Joseph: This is the actual storefront. This is the red brick that they are proposing. The actual doors are the purple color. This is the marble tile along the base of the building. Also, the green stucco is proposed for the top part of the storefront and along the north elevation on this wall. Signage is proposed just at the front elevation, which is the east elevation. The plastic is these square panels.

Comm. Jackson: So the top two rows would be plastic?

Mr. Joseph: The bigger will be glass, yes.

Comm. Williams: The plastic is what we see on the upper left-hand corner?

Mr. Joseph: Yes.

Comm. Williams: So it's a clearer glass or plastic than a white-colored product.

Mr. Joseph: This is actually plastic.

Comm. Williams: And what is your concern about having that product in the top portions of this purple wall?

Mr. Joseph: The durability of the product. It's very thin. Staff is recommending a thicker material.

Comm. Williams: What is the thickness of the material, and how does that relate to a piece of glass?

Mr. Joseph: Well, it looks like this is too thin. It could break. That's one of the concerns.

Mr. Joseph: Maybe a frosted glass.

Comm. Williams: Well, if it's glass, glass will break just as easy as plastic will. Clarify again the red brick – that's on the elevation? Where is that on the board?

Mr. Joseph: That's the brick.

Comm. Williams: All right, so it's not red, it's more of a red-brown. Okay.

Chairman Rohlf: Do we have a colored rendering of this from the applicant? We don't have a board?

Mr. Joseph: It's right here.

Chairman Rohlf: Okay, I see. Is that the gallery right next to it on the gold?

Mr. Joseph: Yes. And the Sorvino storefront is at this location.

Chairman Rohlf: In the same color as the gallery?

Mr. Joseph: Kind of. The Learning Tree is towards the north and it is kind of the same. It was approved a couple months ago.

Chairman Rohlf: And there's nothing in between right now, is there? In between that one and the grill?

Mr. Joseph: No.

Chairman Rohlf: Let me see the other one. Okay. Does anyone else have any questions?

Comm. Williams: On that signage, would you elaborate on what your concerns are?

Mr. Joseph: Actually, we don't have any concerns. It's just that it's different from what they are proposing on the other tenant finishes. I just wanted the planning commission to take a look at it and be aware that it's different.

Comm. Williams: But by "different," is it different from what's been approved, or different from their design standards, or both?

Mr. Joseph: Actually, there is a variety of signage in there. This is like a metal plate with pin-mounted letters on them. Usually what they do is they just put the letters on the building. Here, they have an oval-shaped metal plate. It's a little different than the other tenants.

Comm. Reynolds: Jeff, does the ceiling go all the way up to the top of where the plastic panel meets the stucco?

Mr. Joseph: The applicant can answer that.

Chairman Rohlf: Anyone else have questions for Jeff? All right, we will hear from the applicant.

**Applicant's presentation:**

*Jeff Alpert, Park Place Developers, 6201 College Boulevard, appeared before the Planning Commission and made the following comments:*

Mr. Alpert: I want to make a few brief comments, then I will turn it over to the architect who designed the storefront. Fish City Grill is a national restaurant group from Dallas. They have restaurants throughout Texas and they are expanding primarily through the south. This is their first restaurant location in the Midwest. I just want to be specific about Fish City Grill – and the architect can elaborate – but the storefront is a direct reflection of the design that has been established for Fish City Grill throughout their restaurants in other parts of the country. This is not just something we just pulled out of our hats, so to speak. Generally speaking, I just want to reiterate that the whole concept of the storefront designs for Park Place is to allow each merchant to express their individual identity through their storefront. It really becomes an extension of their signage, their unique character, and so on. For instance, you have a storefront like the Gallery, for example, which is relatively formal and fairly simple to reflect the kind of art that they sell, and then next door, we have Fish City Grill, which is a casual, kind of a fun fish concept. They fly in fresh fish daily; it's a little more rustic in nature and is intended to be a comfortable neighborhood type of restaurant. So, that's the underlying philosophy behind the design, and at this point, I'll ask Dave Anderson, the architect, to answer some of your specific questions about the details.

*Dave Anderson, Anderson McAdam Architects, 5800 Foxridge Drive, Mission, Kansas, appeared before the Planning Commission and made the following comments:*

Mr. Anderson: I would like to give you some additional information about the concerns, starting with a look at the stores as they relate to one another. As Jeff has articulated, essentially the concept was to allow a regional store its own identity. I'm going to give you some information about the FRP panels and show you that they are *[inaudible]* to a translucent material to allow natural light into spaces in a sloped or sometimes even horizontal fashion, as well as vertically the way we have them depicted here. It is a plastic material. We are using two sheets of it to get a white light to come through into the space as opposed to just the clear piece that you saw on the top. The concept there is, again, the ceiling would be at the top of that panel so that the natural light would come into the space, and to take advantage of some of the light that would come through at that particular point. FRP panels are being used on Building A and Building B right now. They are painted, and they are high. Our panels will be a little lower, but they will be at the top portion of the storefront. The Learning Tree also has translucent panels that have been approved in the past. You will see it in relationship to the Fish City Grill. They are being used in much the same fashion in terms of allowing natural light into the space. The plastic will be stopped into a con-air window system, so it will look like a window. It will not look like a piece of plastic. It will have the appearance somewhat of frosted glass because of the white behind it, but it will look different than a frosted piece of glass. It's obviously less expensive than the glass, and actually probably less breakable than the glass in a lot of instances. If you have any questions about the FRP panel, I can answer those now.

Chairman Rohlf: Jeff, would this require an addition to the design guidelines on the materials, both of these?

Mr. Joseph: Actually, for the FRP panel, the design guidelines state that plastic is discouraged. That's what we have right now.

Chairman Rohlf: It specifically says that?

Mr. Joseph: Yes. It's under "discouraged materials."

Chairman Rohlf: I'm sure you are familiar with the design guidelines. Why do you think that's in there?

Mr. Anderson: Probably for purposes other than a panel of this nature being used in a way that it's being used. As I mentioned, there are FRP panels already on Buildings A and B. They are painted. One of the photographs that I've indicated there shows an FRP panel on the corner that has been painted. And as I mentioned, it appears in a number of situations on the windows, below the windows and above the windows on Buildings A and B right now. I think the plastic would refer to trim materials, doors, those kinds of things that are touchable, that you can feel, that would deteriorate, turn yellow over time – those kinds of things in terms of plastic. This particular panel is actually specified as a resin panel. It is a plastic-type material, but it is also a resin material that has fibers that are mixed through it.

Comm. Reynolds: I assume there is some sort of rating in terms of being stable for UV?

Mr. Anderson: Yes. In the information you will see that it is fairly stable as far as UV is concerned. It has values that are placed on it and are documented.

Comm. Munson: Are the shops on the east side...?

Mr. Anderson: This is on the east side of Building A, yes.

Comm. Munson: On the west side is the hotel and the other stores?

Mr. Anderson: No, that's on the east side. The other elevation I've given you is of Building B, and it's west face. It's the two-story building. Those are the storefronts that have been approved for it.

Chairman Rohlf: Could you point that out? It looks like you've got a Master Plan down there, probably for the next case, but if you could show everyone so we all know where this is.

*[Comments off microphone, inaudible]*

Comm. Munson: Okay, I thought it was the store you were showing the front and back of, but you're not.

Comm. Elkins: So if I understand correctly, the outdoor seating is going to be in front and on the side?

Mr. Anderson: *[responds off microphone, mostly inaudible.]*

Comm. Williams: Concerning the plastic or acrylic panel we were just talking about, it's been used, as you know, in a different way than what you're talking about using it. Did you consider the idea of using more of a laminated glass than the plastic combination?

Mr. Anderson: Initially, yes, but in terms of cost and considerations relative to the cost, we've gone with this material. Glass could be substituted, a more opaque, less obviously transparent material could be used. We could use a laminated material or some sort of film on glass.

Comm. Williams: The end result that you're trying to achieve with this double layer is just pretty much a white-glass look. You're not trying to gain a texture out of that glass.

Mr. Anderson: Well, there's a little bit of textural value to the material because of the crystal being on the outside having a little bit of visible texture to it. But then the white basically just for coloration on the storefront as well, and then allowing that white light to come into the store as opposed to a colored light.

Comm. Williams: I have a question on the signage. Tell us a little more about the sign.

Mr. Anderson: The sign is typical to Fish City Grill. It's an oval, and you can see that it is a multi-line sign. And according to the guidelines – which I believe are also Leawood City Ordinance guidelines as far as signage is concerned – there is a 24-inch limitation on multi-line signs. Our interpretation of that 24 inches means that if you have multiple lines of signage, the inches of each particular line added together cannot equal more than 24 inches. We are within the 24 inches with these two lines of signage as far as the height of the individual words are concerned.

Comm. Williams: And it's mounting on the face of the aluminum frame?

Mr. Anderson: Yes.

Comm. Williams: In that regard, is it flush, or is it out away from the walls?

Mr. Anderson: The letters will be pin mounted and they will have light behind, yes. But the signage as well will have some depth to it, so it will be in addition to the storefront face.

Chairman Rohlf: Any other questions? Thank you. Mr. Alpert, did you have anything else you'd like to add?

Mr. Alpert: No, just that we would request approval of the case, and we would agree to stipulations 1 through 3 and 5 through 7. We would request that stipulation 4 be removed to allow the material that we propose.

Chairman Rohlf: That takes us to discussion. I guess the two points we need to look at are how we feel about the compatibility of the storefront so far, and if we have any concerns about the signage.

Comm. Munson: I have a question. They indicated that there have been several of these stores built in Texas.

Mr. Alpert: They have multiple locations in Dallas. I know they are doing one on Baton Rouge. I believe they are in Houston also, and Oklahoma City. They are growing quickly.

Comm. Munson: My question is, how long have they had the building? What I'm leading up to is, those are really warm-weather climates, extremely warm. Has that had any affect on these translucent panels that we're talking about? Anybody here have any knowledge to that, that that could be a factor?

Mr. Anderson: The translucent panels are not going to weather adversely with this weather versus weather in Minnesota, versus weather in Texas. They will be an insulated unit, so it will be stopped. It won't simply be this particular material stopped in the frame. There will actually be an air space and it will be an insulated type material.

Comm. Munson: Say a panel is damaged. What's the procedure for repairing it?

Mr. Anderson: Simply the same way you would as a glass panel – remove the stop and put another one in.

Chairman Rohlf: Let's start with the compatibility of the storefronts. Mr. Williams?

Comm. Williams: I don't have a problem with the compatibility. I think the comment about expressing the store's individual identity, that's been clear from the very beginning. We have an eclectic facility overall and part of what's going to give the center some added vitality and life is this eclectic approach to mixed design and character of the storefronts. I think what they are doing so far has been positive and I look forward to seeing it completed in that regards. I don't have a problem with this.

Chairman Rohlf: I would guess that that is a consensus here. Does anyone not share that feeling? Mr. Roberson?

Comm. Roberson: I agree.

Chairman Rohlf: Also, any comments on the sign?

Comm. Williams: I like the sign and I like the way the sign looks on the storefront, and based on the description we were given tonight, I think it would be nice. It's not overly intrusive and I don't see the size being an issue from everything that's been discussed so far. I think it's fine for the building.

Chairman Rohlf: I think that's probably also a consensus. Anyone not share that?

Comm. Reynolds: I'd make a comment, not a requirement. I do think the oval is very striking. It looked like in your rendering, the white translucent panel goes to green behind the oval, which seems a shame to me. Just let it be white and let the oval be an oval. It's not a requirement, just a comment.

Chairman Rohlf: All right. Mr. Williams, why don't you go ahead and make a motion.

**A motion to approve Case 88-07, deleting stipulation 4, was made by Williams, seconded by Munson. Motion approved unanimously.**

CASE 96-07 RESIDENCES AT PARK PLACE, Request for approval of a revised preliminary site plan and final site plan, located at the northeast corner of 117<sup>th</sup> Street and Nall Ave. **Public Hearing**

#### **Staff Presentation**

Mr. Klein: Madam Chair, members of the Planning Commission, this is Case 96-07. The applicant is requesting approval of a revised preliminary site plan and final site plan with the construction of a four-story, 41,316 square foot residential building containing 26 units. The application is limited to this one building only. The final plan for the overall development originally showed two four-story buildings at this location. One of the buildings was 27,000 square feet; the other was 16,500 square feet, for a total of 43,500 square feet. Currently they are proposing about 2,184 square feet less. The overall final site plan was approved by the Planning Commission on March 8, 2005, and by the governing body on April 4, 2005.

Again, this is a residential building. It's four stories. It's going to be located behind what will eventually be the residential units that will face onto Town Centre Drive. The building itself has a breezeway that runs through the middle of it and provides an access from the front to the back that will eventually be able to tie into a kind of corridor that leads to an ice skating rink that they've talked about, an amenity area, and also tying in with the vertex of those two major streets in the commercial section. With parking, they are proposing about 53 total parking spaces: 30 will be underground; seven will be located in single-car garages; five additional will be located in tandem – in other words, right in front of those single-car garages; five perpendicular spaces, one of which is an ADA space; and then six parallel parking spaces that are located directly across the private drive in front of the building.

Staff is recommending the application with the stipulations stated in the staff report. There were a couple of staff comments that I will go over. One is that typically metal panels – which this building is proposed to be constructed primarily of metal panels, brick, stucco, and a gray scored concrete along the base – are a prohibited material. In staff's opinion, it fits in well with the architecture that they are proposing, so therefore, staff is recommending approval of that.

Also, staff made a comment as far as the percentage of the stucco, particularly on the back. It looks like there's about 61 percent, which is a little more than we typically allow. We usually limit it to more of an accent. This site, as you know, is already starting construction, so there are a couple things that have already been put over there. At least they were shown on the site plan as being existing. One of those is some fire hydrants located at the corners. On the site plan they show the sidewalks extending and the fire hydrants being located within the sidewalk. Staff had some concerns, so there is a stipulation in there that either the fire hydrants be relocated, or the sidewalk be relocated to take it out of the pedestrian pathway.

There are also some utility boxes that are over there that are about 4 x 4 x 4. There are two located at each corner. Staff wants to make sure that these are screened. Some of them look like they're going to be fairly close to where the sidewalk is going to be located at, so staff is recommending maybe an architectural unit that wouldn't take up quite as much space in that location, maybe landscaping in other areas to be able to do that.

The parking spaces they are proposing are 26 units; and the Leawood Development Ordinance requires a minimum of two spaces per unit, which means they need a minimum of 52 spaces. There is one of the tandem located just behind one of the garages, as you're drawing the box, the box is required to be nine feet wide by 18 feet in length for a typical parking space. It looks like one of them sticks out a little over the curb where you have a private drive go through, so staff has included a stipulation that you have a minimum of five feet in between the space that's meant for the car and the back of the curb. That is for safety reasons, so somebody doesn't come around the drive and potentially clip a car.

There is also an ordinance within the Leawood Development Ordinance that states that for residential units within a mixed-use development, a maximum of 20 percent can be below 1,000 square feet. They have about 30 percent in this building that are below 1,000 square feet; I believe they are around 976. The applicant has indicated that they normally include that outdoor area; however, staff has never done that. We've always just included the interior living space in our calculations as far as what is considered to be the square footage of the space.

Staff also notes that the six parallel parking spaces are across the drive and are actually located in another tract of land. Just to make sure that there is as little confusion as possible since these parking spaces are meant for the residential units within this building, staff is recommending that it be replatted to include those into the same lot. Staff is also recommending that those parking spaces be clearly marked as being reserved for this residential building.

Again, staff is recommending approval with the stipulations stated in the staff report. I'll be happy to answer any questions.

Chairman Rohlf: Mr. Munson.

Comm. Munson: What's behind the Leawood Development Ordinance requiring that no more than 20 percent of the units shall be 1,000 square feet?

Mr. Klein: I think the intent of the ordinance is just to make sure that you didn't have one high-density building, and then all the units are small within it. I also think it was trying to just maintain a nicer, more livable condominium as opposed to smaller studio apartments. I think they wanted more of a full apartment, more of a mix that way. They were trying to allow some of the units to be smaller. They just wanted to make sure that there was a line and a majority of them didn't become smaller. It's something that we've seen at Mission Farms. It was an issue at that time and they had to go over the 20 percent as well, which they did.

Comm. Munson: Are these apartments or condominiums?

Mr. Klein: They are condominiums. I verified that with the applicant prior to writing the staff report.

Comm. Williams: The parking consideration on the parallel parking – Which stipulation is that?

Mr. Klein: I believe it's stipulation 26. It's C – "The final plat shall be modified to include all parking spaces within the same tract as the building they serve."

Comm. Jackson: There was something about concrete masonry?

Mr. Klein: Yes. They are actually proposing a concrete masonry unit to go down to the 30 garage spaces underneath the building. There is a drive that extends down, and as it extends down, there are retaining walls on either side of that drive that are to be a maximum of about four feet in height. They are proposing a concrete masonry unit called Ready-Block, I think. There is a sheet in your packet describing that. It's actually what the city is using out here if you look at this trail that we have going down. The reason staff is recommending it be replaced with something else is because this is the only case where we've actually seen it used. We just thought that maybe the natural stone would tie in a little better with the development. If the natural stone were more of a buff color, it might match the stucco color, or if they wanted to keep that gray type of look to it, just extending what is on the base of the building, which is kind of a smooth gray concrete with scores in it to do that, rather than having this material that may not be used anywhere else in the development.

Comm. Jackson: Do you see it when you are at ground level?

Mr. Klein: You would probably see a little bit at ground level as you go down. Of course, the walls get higher as you go further down, so it would get a little larger, but you might not see some of those until you actually make the turn to go down to the garage. The applicant might be able to speak to that a little more. It's about a 14 percent grade at its steepest point. Also, it will be heated so you won't have problems as far as slipping and that kind of thing.

Chairman Rohlf: Anything else for staff? All right, let's hear from the applicant.

*Jeff Alpert, Park Place Developers, LLC, 6201 College Boulevard, appeared before the Planning Commission and made the following comments:*

Mr. Alpert: With me this evening is my partner, Melanie Mann; Chris Dring with Young and Dring Landscape Architecture; Yvette Hightower with Humphreys and Partners Architects from Dallas, Texas, the architect of record on the project; Judd Claussen, PE Engineering, our civil engineer; and Ted Lopez, M-3 Consulting, who is our construction advisor.

I'll make a few brief comments just to kind of give you an idea of where we've been and where we're headed with this, and what the underlying intent of this particular building is. Then we'll go to the details of design and so on. Not all of you were on the Planning Commission when we came in with our first residential building. It was a 51-unit, eight-story/five-story two-tower connected building. We ended up backing off of that particular building for a number of reasons, the main one being that it turned out to be too expensive for the market. It was poured concrete, very elaborate construction, and it just didn't make sense. We were going to be pricing ourselves out of the market. We also felt it was too many units to bring on with one unit type/one building type at the same time. So, we went back to the drawing board, literally. We brought in Humphreys and Partners Architects out of Dallas who does outstanding residential architecture all through the country, everything from single-family developments to 40- and 50-story high rises. They had a real strong sense of the market and what was being done successfully in other communities. With their help, we arrived at a concept where we have actually three different products that we will be introducing. The first of those three is the one we're here to speak about tonight, which is the access lofts. It is what we consider to be our entry-level product for Park Place and the most affordable. When I say "affordable," we're talking about units that range from slightly under 1,000 feet to 1,500 feet in size. They will be priced from the mid-\$300,000 range for the smallest unit to somewhere just under \$600,000 for the largest unit. Even at that, they're not inexpensive units. We're intending to introduce a high level of quality into the units. The idea with this building is to create something of a little bit different character – a loft building, which is characterized by higher ceilings, more glass, more open plans, and our target is a little bit younger demographic, the young urban professional who might not be ready to afford our \$600,000 to well over a \$1,000,000 condos, which we will also be building at Park Place.

This product is something we think the market will accept very readily. We have a lot of interest in it. With that, I'm going to kind of give you an overview of location, and then we'll get into some of the other details. The building is located right here on the site. Just as a point of reference, the parking garage that is up along Nall, Building A that wraps around it right here, and then across our main north/south street – Ash – is Building B right here. This is the building with one level of retail with a level of office above. Building F is over here, which is just coming out of the ground. The idea for the lofts was to locate it right here in the center of things, and this is really the closest point to the high activity area of Park Place. This is the area that we will be naming Barkley Square, where our ice rink will be in the winter, where we'll have a high level of activity in the summer with outdoor dining and other programmed activities. So, we were looking for a residential product that would be most compatible with that type of activity. The way we designed

it- and Yvette Hightower will get into it in more detail – it orients all the units to the northeast; they all orient to the park. So, the south side of the building here really is the back of the building. There are no units that face to the south, so in essence, it's a single-loaded building. Our service drive is back here, which also serves the garages for the residential building, as well as the service point for our retail.

Generally that's the overview. I'm going to now turn it over to Chris Dring, who will get into a more detailed discussion on the siting of the building and the landscaping.

*Chris Dring, Young & Dring Landscaping, 8444 Marty, Overland Park, Kansas, appeared before the Planning Commission and made the following comments.*

Mr. Dring: There isn't a lot of landscaping on the site because it is a fairly small site, but we do feel it is a continuation of the commitment that Park Place has to a quality landscape, as was approved in Phase I. In Phase I, we're putting in over 300 trees, 100 of which are six-inch caliper, 2,000 shrubs. It's all towards making it a quality environment for the patrons, and by extension, the city of Leawood. In this case, we have selected Red Maple trees to sort of surround the site, and we chose red maple because they are available in a columnar variety as well. The setback along the north edge along the park is actually quite narrow, so we're using columnar red maples along there. The rest of the trees you see around the site are red maple. We're using quite a bit of *[inaudible]* to give it a little relief on the site, but we can comply with the stipulation about screening the boxes. There are two large boxes here and a third, smaller one here. We can add some shrubs and some screening elements and we will comply with that stipulation. It's not a problem.

A couple other comments relative to the site, and those have to do with crosswalks. As one of the stipulations, staff had requested some additional crosswalks to connect this island to the overall development. Those are shown here in these tan colors, one connecting over to what will be a future building; right now, it's a surface parking lot, but we will be going ahead and constructing this. One is connecting over to what would be residents, another connecting back over to the back side of Building B, and another connecting from this back door, as Jeff said, over to the open space and the commercial. There was another stipulation for a crosswalk to be placed here to allow individuals to move across this alley to the back of this building. We would request that that be removed as a stipulation because we feel that there are enough paths of movement, if you will, especially if anyone is parked here, could simply circulate up and over. This just dumps them into the back of basically a bunch of service bins and is not necessarily where someone would want to cross. We would hope that that crosswalk location could be removed as a stipulation. Other than that, if no one has any questions, I will turn it over to Yvette.

Mr. Dring: I will show you the plan, but it is not part of this specific request for approval.

Chairman Rohlf: Sir, we will be having a public hearing on this case, so if you'd like to wait and ask your question. Thank you. Anyone have any questions at this point?

*Yvette Hightower, Humphreys and Partners Architects, 5339 Alpha Road, Dallas, Texas, appeared before the Planning Commission and made the following comments:*

Ms. Hightower: I'd like to elaborate on the design inspiration and intent. The overall inspiration for the project character – and I'm referring to all of the residential buildings, even though we're only applying for this one right now – is a traditional architectural style of the area, which is exhibited by the brick and stucco detailing. The access loft building, as Jeff said, is located in the center of the development between the public retail office buildings and the private townhomes at the periphery of the site. Therefore, the development is kind of like a small-scale city within a city. The retail and office buildings create something of a downtown. The townhomes on the outer edge create residential suburbs. Likewise, the loft building in the center is the warehouse district. Loft buildings are historically derived from old warehouses that are converted to condos. These warehouse transformations bring residential living to an urban environment, which is exactly the intent here. The loft has warehouse elements fused with a contemporary style to create an urban, hip residence, appealing to the young urban market.

On the elevation, traditional materials such as brick and stucco combine with contemporary materials, such as the metal panels at the center, the metal awnings, and the metal railings. The metal panels covering the center portion of the façade are an especially critical design element because it draws the physical focus of the building to the breezeway, thus emphasizing the pedestrian connection. Additionally, the metal panels, much like the envelope of an airplane, are visually light and allow this element to float over the breezeway, creating a formal entry. This breezeway at the center connects the green space between the retail office building that we spoke about as being the center of activity with the park in front of the building. The breezeway itself becomes a bridge, again creating a pedestrian

environment through the site. In order to maintain the pedestrian environment, all resident parking is accommodated in either the underground parking garage, or in one of the seven garages that are shown there. This not only gives the pedestrian aspect to the site, but it creates privacy and security to the residents. The first level of the building is raised approximately five feet above grade to provide privacy to the first level units, including their balconies. All units have balconies that overlook the park. This is an upper-level plan, a typical floor plan. On the unit plans, the design intent was carried over as well. We combine an open floor plan with enclosed spaces. As Jeff mentioned, ten-foot-tall ceilings, large windows, modern fixtures, contemporary island kitchens, spacious master bedrooms and bathrooms, and large walk-in closets create the loft-style condo. We have a short animation of the project that I think will really help you visualize what I'm talking about.

*(Plays visual animation of the project)*

Chairman Rohlf: Is that looking over Barkley Square?

Mr. Alpert: That's actually looking to the north. I'll run it one more time.

Comm. Jackson: Is there handicap access?

Mr. Alpert: The handicap access is on the south side of the building.

Comm. Jackson: You can't go from the park through that breezeway.

Mr. Alpert: You'd have to walk around the side and come in that way. I think that completes our presentation. There are a number of stipulations that we may want to address; I don't know if you want to get into those now, or maybe through questions.

Chairman Rohlf: I wasn't sure who on your team might be able to address them best. There are a few I've circled that I think need responses on. Number 8 on the fire hydrants, I don't know if that's been resolved to your satisfaction with staff.

Mr. Alpert: I think at this point, we'll do what we need to do to work around the fire hydrants. I don't think we have a problem with that one.

Chairman Rohlf: Mark, I think the comment about the pavers and the pedestrian crossings – which one of the sub parts are under number 28?

Mr. Alpert: I believe it's 28(c), which we would ask to be removed.

Mr. Klein: Correct. Actually, staff was looking at that as far as not only coming from the building out to the site, but also returning from Park Place development. You're walking along, maybe from the open space that runs in between, the large green area where they have the skating rink and everything, you walk along...It's probably easier to show you. It's located right here. I guess staff was thinking if you're walking along here, it would be an easy way to get to the building or over to a car. They have these four parking spaces that are perpendicular right now, and the sidewalk is on either side to extend and provide access to those. However, if they wanted to go off into the development that way, it would be nice to be able to do.

Chairman Rohlf: But that is the back side of Building B, correct?

Mr. Klein: This is the back side of Building B, this whole area right here. So, if you were walking along this development, say you're over here, probably the quickest way to get over here would be coming this way, as opposed to going that way. Another stipulation on there was the sidewalk right here to be expanded to six feet in width, just so you have enough room for cars to overhang and you don't drop off as far as where the sidewalk is.

Comm. Jackson: You wanted those parking lots stipulated.

Mr. Alpert: Right, and we agreed with expanding the sidewalk to six feet. What we felt was inappropriate was directing pedestrian traffic to the service sidewalk at the back of the building. We felt that, particularly if you're only talking about four spaces anyway, it 6 made more sense to... This is a main pedestrian walk here along the north side of the building and we want to encourage people to be using that to get across to the park up here to the north. We have a connection here, which gets people from Barkley Square up through the breezeway and back to the park here. So, we feel like the one connection that we didn't want to pursue was this one right here. All the others we think are appropriate and we intend to do those.

Mr. Klein: *(off microphone, inaudible)*

Chairman Rohlf: Okay, so it looks like number 30 on the concrete masonry unit?

Mr. Alpert: As far as the concrete masonry units go, did you get a color picture of those in your packets? We do have one. This would be the picture if you haven't got one.

Mr. Klein: When it gets copied into the staff report, it turns black and white. I passed around a manual they have that will show you how they're constructing with it.

Chairman Rohlf: And this is going down the sides of the drive into the underground parking?

Mr. Klein: Right, and staff doesn't have any problem as far as thinking that they aren't going to work as far as the function of it. Staff's just concerned that we now have a building material that really hasn't been provided anywhere else in the site, and what if this is the only place it's going to be located in the site. And just the fact that maybe it would tie in a little bit better. They've talked about natural stone in other places as well.

Chairman Rohlf: We haven't seen this before, right?

Mr. Klein: No. That one was too big to include. I did photocopy a small brochure that I unfolded and copied various parts of it that described the blocks. I think I also provided this picture, except it copied in black and white.

Mr. Alpert: I've got more copies – Would you like these?

Chairman Rohlf: Let me just ask you, would you anticipate using this material elsewhere? Or are you not that far along in the other...

Mr. Alpert: No, I mean, I think it's a material we absolutely would anticipate using again. We believe it's more of a residential type of material, it has more character that is conducive with residential as opposed to commercial, so as we begin to introduce additional residential buildings into the project, we would anticipate that it could be used again. In fact, it could be a standard for lining the sloping drives down to the lower level parking, which we will have in virtually every one of our buildings.

Chairman Rohlf: The only one I have circled that I would like comment on is number 31, which is a maximum of 20 percent of the units, not less than.

Mr. Alpert: Our position there is, you know, we're zoned for 350 residential units in the development. We would expect to fully honor this stipulation as it relates to the overall development. It just so happens that this particular building, because it is – as I said before – our entry-level product, we do have the smallest units in this building. The next two buildings that we build will have significantly larger units. I don't think we have anything smaller than 1,300 feet and they go up to close to 3,000 feet. It just so happens because this was coming in first, we don't meet the percentage, but we would expect that you would hold us to the stipulation as we move forward and continue to introduce product and build out the residential.

Comm. Munson: Of the less than 1,000 square feet, what is the smallest one you have?

Mr. Alpert: Nine hundred and seventy-six.

Comm. Munson: We're missing it by 24 square feet?

Mr. Alpert: Right.

Chairman Rohlf: Do you know what would make up the total percentage?

Mr. Alpert: We have eight of those, I believe.

Mr. Klein: I think when I talked to the applicant earlier, they said about 30 percent of the ones in this building are smaller.

Mr. Alpert: Yeah, there are eight of those units out of the 26, so it's about 30 percent in this building.

Chairman Rohlf: I guess I would ask Mark or Mr. Lambers, could you help clarify that a little bit? Do we usually look at it as a whole, a total number of the whole?

Mr. Lambers: The ordinance does not provide for us to do that, so it's really a matter that needs to be pushed to the City Council. As Mark indicated, the intention was to preclude a proliferation of studio apartments and having larger, higher-priced condos. I can tell you that the percentage was reached after considerable deliberation on the part of the City Council. Also, Patty's checking now, but I'm pretty sure there is no deviation, waiver, or whatever, for their establishing that the 20 percent is the line of demarcation. If the council wants to look at changing that, then that would require an LDO amendment. If they want to look at saying this is part of a project, that might be a little easier to get to, but I still think that being a constructionist, the ordinance doesn't provide for that. You have an application in front of you that's required to meet the 20 percent rule, but again, this is not within the purview of the Planning Commission, so I think you just skip over that and just deal with the others.

Chairman Rohlf: Mr. Alpert, have I left out any that you wanted to comment on specifically? Steel siding is appropriate?

Mr. Alpert: I think that's it. I think we were agreeable to all of them, with the exception of 28-c and 30.

Chairman Rohlf: We'll leave it to the Council to discuss 31. All right. Does anyone else have questions for the applicant?

Comm. Williams: Your original plan for this site had two buildings that were oriented in such a way that it clearly connected the residential component and the retail component. There was discussion in this presentation about that breezeway that is attempting to do the same thing. When I look at the drawings, I have a little concern that you're not doing that. Either that or there's a disconnect in some of the drawings. You have a nice strong entrance to this breezeway from the residential component, which is the front of the building, and yet off the back of the building, it seems like the building is turning its back on the retail component. There is not the same openness to that public space; there's not that connection to the public space. In one elevation you show people seemingly being able to walk directly up the middle of this breezeway, just walk through the breezeway to wherever, and yet when you look in the plan, yes, there's a set of stairs that comes off the main plaza of the breezeway, but then to get to the back street to get on to the next public way, you do some jog-leg turns and down a set of steps, down another sidewalk, and so forth. I guess first of all, clarification on this area of the development – what are you trying to achieve? What are you trying to say about the relationship of the building to the retail component? And why did you take this tact versus trying to have a stronger connection between the two public spaces?

Mr. Alpert: I think the original plan had a building here and a building here, kind of in a V. The breezeway was clearly our solution to maintaining the connection through. I understand what you're saying about the way we've done it on the south side, and there might be a way to strengthen that connection on the south side to make it straighter. Of course, we had to be sensitive to ramping in order to adhere to ADA, so that required kind of wrapping it around as opposed to coming straight off the breezeway back to the south. That was really the driver for that sidewalk design. But we could add some stairs and come straight off if it was a consensus that that would improve that connection. We always felt that there was going to be a very active program in this space here and we didn't feel that adding a little more mass with this building would be detrimental because the uses of the two parts were so different. That was really the way we approached it. And then additionally, wanting to create as much exposure for these residential units to the park.

Comm. Williams: The park on the north side?

Mr. Alpert: Correct.

Comm. Williams: And I have no problem with the overall shape of the building and eliminating that wrong statement of connection. I think the idea of the breezeway begins to be fine. It does – in many respects to me – begin to soften that connection. As you say, there's different levels of activity in the residential component to the retail, but I've heard things tonight about trying to have that strong connection and to get the interrelationship between the retail and commercial, and the metal panels on the building, as an example, accentuating that breezeway – that falls short when it gets to the pedestrian level. And a lot of what has been discussed for quite some time about this entire development is the pedestrian experience that you have as you live and play, if you will, within the development. I just see this as a weak link. I hear the concern about the ADA ramp, but when you hit the ramp, could you not then have a grander stairway that goes straight out to the street so that you have that straight connection through, and emphasize that? That adds architectural components, maybe it's wall construction, maybe it's strictly landscaping – something that has a similar affect on the south side of the building as you have on the north. And I say that so you don't have a front and a back, front rear to where the rear appears to be a second-class citizen.

Mr. Alpert: I think we would be more than happy to come up with a solution that strengthens that south side connection as you are suggesting.

Comm. Williams: Okay. Another question dealing with the south side. This should probably be directed to the architect. Explain for us the design philosophy of why you have that so much plainer than the other three sides of the building when it adds such a dramatic statement to the retail side of the project.

Ms. Hightower: Well, it needs to be understood that this is on the back side of the retail. The center element where we're focusing with the metal panels centers on the park, Barkley Square, which is part of why that area is dressed up. Keep in mind though that the back side of the retail buildings are around the outer edges of the building. That was how it was approached.

Comm. Williams: You're sort of saying that you've got back side backing up to back side.

Ms. Hightower: Yes.

Comm. Williams: Even though the large public space that's between the two retail spaces provides for a fairly dramatic view of the back side of those buildings.

Ms. Hightower: Yes. We consider the center element as the focal point.

Chairman Rohlf: It looks as if that's a different elevation. That's the south elevation, right? There's more brick on that one than the one that we had in our packets. Is that addressing the concern of stucco?

*Unidentified and off-mic*: Yes.

Chairman Rohlf: That was the one stipulation we hadn't talked about.

Mr. Alpert: Right. And after getting staff comments, we did go back and add additional brick, which you can see here. This is the elevation we would be proposing as a response to that.

Comm. Williams: And taking it one step further, the detailing around the windows is much plainer than the other three sides of the building. Cornice parapet treatment is the same, or is it less?

Ms. Hightower: You mean the parapet caps?

Comm. Williams: Yes.

Ms. Hightower: It is pretty much the same, the difference being the front. As I mention, all the units have a balcony overlooking the park on the other side of the building, so above their balconies they have metal awnings to provide water, sun shade protection. The back side of the building is corridors, staircases, elevators.

Comm. Williams: And you wouldn't expect to have balconies and....

Ms. Hightower: Exactly.

Comm. Williams: Sure, I understand.

Ms. Hightower: That creates the main difference at the top.

Comm. Williams: But you could have lintels as you have on various windows on the other three sides, that don't have the balconies or have the sun shades? Add a little more detail and character? Would adding additional rustication joints in your stucco help in any way to add more character and detail?

Ms. Hightower: I don't know that more joints in the stucco would be the focal point. I think we would possibly like to delineate the window trim more, like on the front.

Chairman Rohlf: From this side, the buildings that are behind Building D, F, and all of that, those are all back sides, right?

Ms. Hightower: Right.

Chairman Rohlf: So there's not even a potential for anyone in those buildings to really see this side, even the office above the retail. This is really just a ground-level elevation.

Ms. Hightower: Yes.

Chairman Rohlf: That's just a walkway there, serving to get to other parts of the area.

Ms. Hightower: Yes.

Comm. Williams: Tell us a little more about the metal panels, please. What's the metal? Is it indeed a flat, smooth surface? Is it a glossy surface? A matte surface? What are the joints like? What's the product, if it has a product name?

Ms. Hightower: It's called the Centria (?) brand product. The color is silversmith. It does have a reveal in the panels. Not really exposed joints, but a reveal created by the different panels. They come in different sizes; they come in different finishes. This is the finish we are proposing.

Comm. Williams: With the reveal that you're talking about, is it a reveal that is created by rolling the edges?

Ms. Hightower: It's a recessed reveal.

[Unidentified and off-mic comment]

Comm. Williams: Okay. And are those joints filled with sealant?

[Unidentified and off-mic comment]

Comm. Williams: Okay, thank you. That helps a lot.

Comm. Roberson: I have a comment. I think the front of the building, from a layman's standpoint, is outstanding. It's a beautiful building. Then I look at the back side of the building and I'm totally uninspired by the look. I'm not quite as eloquent as my colleague down there, but from a layman's standpoint, it's almost like I'm looking at two different buildings. And since the buildings in front of it, or in back of it – however you want to describe that – are two-story,

you're going to have this monolith, two four-story buildings, peaking over the two-story buildings in front of it. From my standpoint, it's a plain-Jane. It doesn't inspire me at all. I'm also a little puzzled that we have seven garages for these units.

Ms. Hightower: Seven at grade. We have 30 parking spaces...

Comm. Roberson: No, no, we have seven garages for this unit, on the back side. They almost look like they were just stuck there because you ran out of parking spots. To me, it's kind of a sore-thumb look on this building.

Ms. Hightower: We were trying to create two types of parking. You have more of a public parking garage below where you have your assigned space. For an additional fee, you can have a private parking space.

Comm. Roberson: That does nothing for me. Sorry. Anyway, those were my two comments. The other one was my concern about the metal siding. Is it truly metal? Is it aluminum? Is it steel? Does it rust?

Ms. Hightower: It does not rust.

Unidentified: It's a clear anodized aluminum. It won't rust.

Comm. Roberson: Okay, thank you.

Mr. Alpert: If I could further comment about the garages – There's a practical issue relative to getting enough parking. One of the things that we wanted to do, we have four unit types in the building. The two larger unit types, we felt it was imperative to be able to provide two covered spaces for those units. We felt the two smaller units, the one that hover around 1,000 feet, were of a size and character that one covered space would serve the market. However, we really wanted to provide that second covered space for the two larger units. The footprint of the building is such that there are limitations to how many you can actually get underground. And again, because the back of the building is on a service drive primarily, backing up to the service entrances of the retail on both sides, we felt that adding some garages that would have direct access would not materially alter the character of the building, particularly because of the location, and at the same time, provide an amenity that we felt would make our units more saleable. To be able to offer a private garage, get a little storage – this was what drove that decision.

Comm. Reynolds: My colleagues are hitting on some of my points of concern as well, so I'll just echo both of their comments. I guess it is fair to say that that looping drive is almost like an alley. I'd put that to staff as much as the applicant – is that how you would kind of describe that, that driveway that loops around to the south?

Mr. Klein: Correct. They've always maintained that that's primarily a service drive, so in staff's opinion, they were primarily service for the backs of the commercial buildings and also access to the parking. Also, one of the stipulations in the staff report is, on those parking spaces, a minimum of one enclosed parking space shall be provided for each residential unit. They have 53 parking spaces and 26 units; therefore, if more than one unit has more than two covered, that means someone else is going to have no covered parking. I just wanted to make that clarification.

Comm. Reynolds: I guess a concern I would ask is if you've thought of other locations for those additional garages. I do question the absolute need for them, but I'm concerned that two of those garages are highly visible from your sort of showpiece green space ice rink to the south. To me, that makes it feel like the alley is kind of creeping out into your public space.

Mr. Alpert: Actually from grade in the square, there's a pavilion that sits right back here, and there's about a 12-foot opening on either side of the pavilion. So, the view corridor is fairly narrow there and fairly restricted. We have large trees that frame the outside edges of that space, so it really doesn't give you a lot of view behind the straight-on view over the pavilion.

Comm. Reynolds: Okay. I have one question, but I don't know how to address this. The design of the park to the north is sort of dash lines and sort of to-be-done in the future. I don't know how set the park is to the south. How do we understand ultimately how those parks and that building will interconnect and be integrated?

Mr. Alpert: The designs actually have been completed. This square is under construction right now and will open with the first phase of the retail office right here.

Comm. Reynolds: And the one to the north is to be built?

Mr. Alpert: The one to the north, it was our intent to build it once we built the first side of the residential. So, when this block gets built, this park would be built with it. It's basically designed as you see it there.

Comm. Shaw: I have a question. We were given the elevations, the ones there that were not revised, and the rear elevation that you have revised does look better, and it does not look like the garages have been just attached. I think one of my concerns would be the front of the elevations will have so much character, and then the rear elevation does not really have much going on. And then, of course, the elevations there that we were given were not the correct ones, and the one that you have given out does appear to look better. Also, I think the east and west elevations, you might want to evaluate those as well. Thank you.

Chairman Rohlf: Any other questions? Thank you. This case does require a public hearing. Is there anyone in the audience who wishes to speak to this case?

*George Bach, 5309 West 116th Street, appeared before the Planning Commission and made the following comments:*

Mr. Bach: I live in Edgewood, which is right across the street to the north of this development. There are a number of people from Edgewood here tonight. There are a number of people from Edgewood who have reviewed all this and have a lot of discussion about it. I'm sort of here as the spokesperson.

From the point of view of the residents of Edgewood, we don't really look at where the fire hydrants are or anything like that. We sort of look at this project as an overall development and how it affects our neighborhood. We go in and out of the gate of our neighborhood two or three times a day – all of us – and we see this. We see a whole summer full of orange cones that restrict our access; we have dust blowing from the field across the street; we have weeds across the street from us; we have had rubble piles across the street from us; we are awakened sometimes at five o'clock in the morning by construction machinery. This is a real pain for us. We understand that we live in the city and development is part of the things that we have to deal with, and we're willing to deal with it. But our goal is that when this is over and done, we have something across the street that's really nice, that will enhance our neighborhood, and enhance our whole city.

Now, what's happened with this project is that from the start to where we are now, it's a different project. As we were told tonight, the market will not support these high-rise condos. Everybody in the real estate business in town knows that. There are three or four high-rise condos down around 35th Street, in Kansas City, Missouri, that are in the process of going bankrupt. They can't sell the units. There's two or three that were just cancelled because they can't sell the units. There's one out here at 135th and Roe, million dollar units – nobody will buy them. That's the condo market. And we all read the paper, we know about the real estate market, so we all know. We were told tonight that these high-rise condos across the street from Edgewood are not going to be built. The developer knows that the market won't support it. So, what they're proposing to do is build something else – cheaper, smaller, attract a different market. And that's fine. We don't have any objection to that. But it's what they're building and where they're building it that's a problem for us.

When the city council approved this development as it was originally envisioned – which is completely different than what it is now – the city council was told and promised that as part of Phase I of this development, this park would be built. Part of Phase I. And the reason that came out is I stood up in front of the city council and said our fear is that there will be a shopping center over on the corner, which is there now, and for the next ten years, there will be a mud field and a debris field across from Edgewood, which is what's there now. Drive by it on your way home. And unless something is done differently, it will be there until the condo market comes back, which could be 20 years from now.

So, we want to know what's going to happen across the street from us. Now, what they're doing with this particular little building, which is not our big problem, but we have comments, is they cut off the path from the skating rink, or Barkley Park, the public area, the beautiful place that all Edgewood residents were going to enjoy. There was a path from that through the park, to us. That was green space. Look at the original plans. Look at what you've approved before. There was a path through there, and on the drawings it's lined with beautiful trees, shrubs, and real wide sidewalks. That's gone. This building blocks it. So there is no view from Town Centre Drive across this park to Barkley and the ice rink and all this wonderful stuff. It's blocked by what we now are told is a building with aluminum siding on

it. That's what we get. That's what you're asked to do. Forget the beautiful breezeway lined with trees and all this wonderful green space; they're going to put an aluminum siding building out there because that's all the market will support. So that's gone. Not only that, the area occupied by this new building was originally planned green space. Go back and look at the original plans for this. This was green space, and now it's a building. And not only that, as you sat here and talked about, the alleyway in this shopping center is going to be the front door of the high-dollar apartments that are being built now in Leawood. An alley with a garage is the front door to these residences. It's a cheap, not very good-looking building, because that's all the market will support. And the \$2 million unit high rises are on hold forever. And the park is still not part of the project. That's what bothers us.

Make them build the park. They promised to build it as part of Phase I; Phase I is supposed to open right after the first of the year. This unit that they're building, if you go back to the original plans, was future phase. It's Phase II. So Phase I is over because they're starting Phase II. But there is no park. And there's no plans for a park. And what we have across the street from us, every day as we pull out, is rubble piles, weeds that are seven feet tall, and bulldozers running around. I guess when they're through building, when the money runs out, we will have a mud field that, when it's dry, will blow dust and grow weeds. And we were promised something better than that, and we're depending on you folks to do whatever you can to make sure that we get something better than that.

This is across from the city hall. This is the most visible piece of property in the nicest part of the city; you have to do something to make these people develop it to where it's nice. Now. Not 20 years from now. This creek over here next to the city hall – they finished work on that creek four months ago. They didn't finish the sidewalk until last week. They haven't put down any sod. It's a mud field. It looks bad. This is Leawood. We can't have this. If people are going to develop, they have to develop right. If they can't afford to develop right, let them sell out and let somebody else develop it. But quit giving them all these breaks. We're entitled to better than what we have looking out from the front yard of the city hall. Go out there when you leave tonight and look at what's been across from there for two years. And when you drive out of here, think about why it took eight months to put a couple curb cuts out here. Ask yourself: What's going on with this development? And how much are you going to give them. Thank you.

Chairman Rohlf: Is there anyone who wishes to speak on this case?

Seeing no one, [redacted] made a motion to close the public hearing; Jackson seconded the motion. Motion approved unanimously.

Chairman Rohlf: Would the applicant like to respond to the comments?

Mr. Alpert: There was a lot said, so I don't want to belabor the points. I think maybe some key points are, number one, that this is a long-term development, it has always intended to be a long-term development, and it will take a certain period of time to get it built out. The quality of the residential, we actually are very close to bringing in our next residential building, which will be a 12-unit townhome building, where the units will range from approximately 600,000 to 1.5 million. So, we are addressing all phases of the market, not just the...I hate to even call it the lower end at \$600,000, but we certainly are sensitive to that, and there will be a variety. The practicality of building the park adjacent to Town Centre Drive – It's designed, it's ready to be built. It was always intended to be built with the first phase of the residential to the west of it, just because of the practical nature of the damage that would be done to it during that construction. So, it is in our plans.

As far as the inconveniences of the work that's being done in the neighborhood, that is a city project. We're paying for it, but it is being administered by the city. I think Mr. Lambers would concur with that.

Mr. Lambers: I concur that the street portion of it; the on-site certainly is yours.

Mr. Alpert: Right. And it hasn't really been under construction all that long. We've actually been under construction for one year. We started the beginning of October of last year. We try to be sensitive to our neighbors and will continue to do that. We continue to believe that we have the resources to make this a terrific development, and we intend to do that.

Comm. Williams: Could you give all of us a little better understanding of the anticipated timeframe from this point forward to complete the various components of the project? I realize none of this is cast in concrete.

Mr. Alpert: Right. The first phase of our office retail is going to open the first of March. We may have a few people moving in ahead of that, but we expect a grand opening of our retail to be March 1. The first hotel, the Loft hotel that

you've approved on the southwest corner of the site, that is supposed to start construction in the next four weeks and be completed probably in December of 2008. The north hotel, the Element hotel, which has not yet been before this body for final development plan approval, is in the final design stages. We expect that it's four to six months behind the Loft hotel. We are just beginning design for Phase II of our office/retail development. We expect that to start construction probably fall of 2008, completed fall of 2009.

The residential is probably the development that we're least able to predict in terms of overall timeframe. The gentleman who spoke is correct – I think everybody knows that the housing market is not as strong as it has been in the last few years. History tells us that it will come back. We think that we are offering a unique product to the marketplace, and even when the housing market is not at it's best, houses do sell, and we believe that we will be positioned to have a unique product and have the sales we need to keep that moving.

Comm. Williams: What can you do as the developer of this project then to maybe abate some of the dirt and debris and unsightliness along the roadway here?

Mr. Alpert: Well, it just so happens as part of our construction, they're just starting to clean up the site, grade it out, and get it seeded. You don't see until the temperatures cool off, and we're just getting to the point now where the temperatures are cooler, they're beginning to grade out the undeveloped portions of the site. The construction company that was doing the work behind city hall was using our east corner as a staging site, so that was kind of torn up. That now is done and they are moving off of that. It is our intent to grade everything out, seed it, and have it looking good so the fall seed will come up and it will be cleaned up for the winter.

Comm. Williams: So that's going to take place now?

Mr. Alpert: We're just starting that work. Absolutely.

Chairman Rohlf: If and when you start seeing some movement in the residential market, would you anticipate that west building that the park is tied to, to be the first one? Or do you know?

Mr. Alpert: There are actually two buildings over there on the west side of the park and they'll be coming in in stages. You'll be seeing both of those I would say within the next 90 to 120 days.

Chairman Rohlf: So of all the residential buildings that you have designated in the final plan, that would be one of the first ones to come in?

Mr. Alpert: After the one we are in for tonight.

Chairman Rohlf: Right. Does anyone else have any follow-up questions? Thank you. That takes us to our final discussion.

Comm. Reynolds: It feels to me as if the applicant is trying to put too much on the site. If you look at the tacked-on garages, for instance, which appear to be an afterthought that even with the revisions don't appear to be integrated, the handicapped space sort of slipped in the back there, and the relationship to the public space to the south; even as you transition from the park to the north, you cross the street and you barely get a little sidewalk and you slam into a concrete façade that's hiding the parking underneath the building. All those things add up to say it's a building that has too many things, trying to find a spot within this site. There is virtually no people-friendly green space on the site the way it is currently designed. I think that's a real shame.

As people mentioned earlier, the other comments have to do with a concern about the lack of integration that this building seems to show with the site. And it's such a pivotal building – it's right between two very important public green spaces, and as the public comments noted, it's a tremendous opportunity to link other parts of the community and other parts of the site. They all want to go right through this breezeway. Thank goodness there's a breezeway there, but I just don't think it's enough.

Again, lack of handicapped access from the north. You would have to go up a half flight of stairs to access this breezeway. I'm not sure if you didn't live there if you'd feel comfortable using those steps. You might think it's only for people who live there. Even the building, which is almost symmetrical, but not quite, but the park space appears to be symmetrical to the north and to the south – I really don't understand why the building doesn't respond to these green spaces more meaningfully. I do think it's a serious issue. The handicapped parking space and the parking

garages that are clearly sort of intrusions into this green space system from the south, from the park area, the pavilion doesn't screen them. They sort of sneak in there and intrude on that system of green space. And certainly the pedestrian access from the south is way too circuitous. The rendering shows a pretty good start, something that looks like a grand staircase system, but the actual plans show something that, again, you'd have to feel like you live there are have a map to find your way through the space. That's my other cluster of concerns, and I sort of temper that with, you know, we all want to support this sort of new urbanist developments, but if they're not done correctly, and if the people spaces aren't attractive and well thought through and well connected, then I don't think we're doing anybody a favor by approving this.

I have no problem with the aluminum panels. I do wish there was some way we could put a stipulation on the timing of the park to the north, that we would have some assurance that it would happen as soon as possible. The final comment, the concrete wall system, I am familiar with it, I've seen it. I think it looks like what it is, which is big blocks of concrete in a mold that pretends to be stone. I don't think it fools anybody. I think there are other choices out there, such as the mosaic versa-lock that we have approved for other projects, or the real stone that staff mentioned. I'll stop there.

Chairman Rohlf: Anyone else?

Comm. Jackson: From what we heard, I think the intent when it was originally proposed was a very dense, urban-like area, and that was fine as long as the amenities were provided for the public that allowed for this increased density. The disjointed nature of this takes away the ease of that use, and as we're hearing now, it's not for certain that this will ever be developed where the pedestrian areas and open areas are to be. Therefore, I think that's a very difficult issue. And again, the front of that building is just not welcoming for someone to go through the large park in the front, go through the breezeway, and connect into the inner areas. I think that's the intent, and it goes to allowing increased density.

Chairman Rohlf: Thank you. Anyone else? Dennis, do you see some things that could be done? I know you have comments, so you must be thinking about other things.

Comm. Reynolds: Well, it would be about ten stipulations. It's a little messy.

Chairman Rohlf: I'm not sure we can solve all those issues with stipulations.

Comm. Reynolds: That would be my concern. It may be easier for the applicant to hear those comments and respond to them without having to be locked into stipulations.

Chairman Rohlf: I don't know that we're going to get a motion that's going to pass tonight.

Mr. Alpert: What we would request, in light of the comments we've heard, is a continuance to allow us to go back and absorb the comments and respond to them in an appropriate way.

Chairman Rohlf: Is there anything else anyone would like to add to our comments, more specific in nature?

Comm. Reynolds: Just to reinforce, I do think when you look at the side elevations, just the simple addition of those lintels makes a huge difference, so I would encourage you to pursue that on the south side as a strategy.

Chairman Rohlf: You have asked for a continuance. I'm not sure of our calendar; I'm not sure of your calendar. Mark, do you know our schedule?

Mr. Klein: October 9 is the next Planning Commission meeting and we already have a couple cases on that. I'm not sure if they could actually meet that because it would mean turning plans in pretty quickly. October 23rd would be the one at the end of the month.

Chairman Rohlf: That already has a number of items that we have continued for several months.

Mr. Lambers: Madam Chair, those LDO amendments, we are planning to address those at the second Tuesday in November. That will be the only things on the agenda, so we can put those to bed. They will move off the 23rd. We do

have a lot of things on the 23rd, but again, there are things that we need to deal with that have been pushed back repeatedly because we haven't had time to deal with them. If we go to the November 27th meeting, which right now is light, that obviously is a long time from now. Moreover, it would not make it to the council until their second meeting in December.

Chairman Rohlf: So they can have October 23rd or November 27th.

Mr. Alpert: We would request October 23rd.

Chairman Rohlf: All right. I need a motion to continue.

**Motion by Williams, seconded by Munson, to continue Case 96-07 to the October 23, 2007, meeting. Motion approved unanimously.**

*Commissioner Conrad returned to the meeting*

CASE 99-07 MISSION FARMS - BUILDING F, Request for approval of revised preliminary site plan and revised final site plan, located at approximately 105<sup>th</sup> Street and Mission Road. **Public Hearing**

**Staff Presentation:**

Mr. Klein: This is Case 99-07. The applicant is requesting approval of a revised preliminary site plan and revised final site plan to construct a drive-thru for a bank on the south side of the building on the southwest corner, along with some modifications to the building. The application is limited to Building F. The Planning Commission approved final site plan for Building F on October 24, 2006, and the governing board approved it on November 20, 2006.

I included a site plan of what's currently approved. The applicant is proposing to keep the building footprint the same. The applicant is handing out some elevations of the building. This is the really the first time staff has seen these elevations. I'll let the applicant explain these elevations.

Again, according to the elevations that staff reviewed, the building footprint is the same. They are proposing two drive-thru lanes on the south side of the building. The cars would enter the site from Mission Road and then immediately turn to the south, go around the building, through the drive-thru lanes, then exit out through the parking lot, go in between Buildings E and F, back out into the central parking lot between Buildings A and B, which have already been constructed, and then back out onto Mission Road.

Staff is recommending approval with stipulations stated in the staff report. Staff recommends that the portico that's currently on the building be extended over both drive-thru lanes and not just one. Currently they are proposing that the interior drive-thru lane would be covered by the portico and a second drive-thru lane would be on the outside of the portico, where an ATM would also be provided. Staff is also recommending that the parking spaces located where the drive-thru exits also be removed. Staff is concerned that there might be vehicular conflicts with cars exiting the drive-thru and cars backing out of those particular parking spots. Staff is recommending that the median that goes along that drive-thru be lengthened so it narrows the exit to the drive-thru down to 20 feet, which would restrict the cars to one exiting at a time as opposed to possibly two cars exiting the drive-thru and then going into a parking lot.

Some of the other things the applicant is proposing to change with the building – and again, I'm referring to the elevations that were included in your packet – include a shed roof that wrapped around that building at the southwest corner. That would be modified and pulled back on the west side of the building, and it would be removed from the south side of the building to make room for the drive-thru. They are also proposing some wainscot on the storefronts. On the south they actually propose a little higher wainscot along there. They said they wanted to provide a little different feel to that portion of the retail. On the north side the building, again they are proposing a wainscot. However, it would be about two feet lower. The south side would be a little over three feet lower. They are also replacing some of the double glass doors with a single glass door.

Again, staff is recommending approval with the stipulations stated in the staff report. I'd be happy to answer any questions.

Chairman Rohlf: Questions for staff?

Comm. Williams: This project was not previously approved for any drive-thru, is that correct?

Mr. Klein: It was not approved for a drive-thru at all. The building right now is substantially under construction.

Chairman Rohlf: Mark, are you saying that the entire building you see in this elevation is under construction?

Mr. Klein: Correct. These are some pictures of the buildings as it stands as of last week. A lot of it is pretty much there. The materials and everything that they were proposing match what was approved prior to that. However, the applicant has indicated on the elevation he just handed out, there is a metal canopy that's extending out that is supported by cables. Staff has not seen that before.

Chairman Rohlf: So it's that corner right there, in the front of the screen?

Mr. Klein: Buildings A and B are located over on this side. I'm standing over to the east, looking at the north side of the building. This is Building F; this is the building that we're talking about. That's the façade of the building. Again, that's on the north side.

Comm. Roberson: So the corner you're talking about extending out is...?

Mr. Klein: That's actually on the south side. I had a hard time getting a shot of the south side because as you exit the drive-thru, [*inaudible*] blocking traffic on Mission Road. The portico and everything that they have is basically constructed along that side.

Comm. Roberson: I'm looking at this big color picture. Mission Road is that way, right? And the highway would be running parallel to the bank portico here?

Mr. Klein: With this picture, this is the south; out this way would be Mission Road. You have that shed roof facing Mission Road. And this is the drive-thru that they are proposing on the south side of the building.

Comm. Roberson: If I'm understanding correctly, you're asking them to extend this brick?

Mr. Klein: The portico would extend out actually into this median here, so both drive-thru lanes would be underneath the portico.

Comm. Roberson: Is there a reason for that?

Mr. Klein: Part of the reason for it would be to integrate the drive-thru more in with the building. I think part of the concern is that the outside of the building kind of looks like you just ran out of room and you put the last drive-thru on the outside. It's more visible from the public rights-of-way and things like that. If it's underneath, it looks like the building is more meant to have that.

Comm. Jackson: So the ATM is also going to be covered?

Mr. Klein: They have the brick columns right here. The way they have it now, the ATM would be facing, and then there would be nothing underneath. But if you extended the portico out, then yes, the ATM would be underneath.

Comm. Munson: Did you indicate that tonight was the first time you saw these porticos?

Mr. Klein: The portico that they are showing on the original drawings – the drawings that you have – those are the ones that staff reviewed. This sheet right here was just handed to me.

[*Inaudible comments, off microphone*]

Mr. Klein: Okay. I guess I didn't see that part.

Comm. Munson: For what it's worth, they absolutely do not match the architecture of the building. They're just there. They're going to put a portico out there...I don't know how you'd do it, but it would seem like you would want to match the one that's on the west side of the building, not in size but at least in style. These don't fit. That's my personal reaction to it.

Chairman Rohlf: Any other questions for Mark? Mr. Conrad?

Comm. Conrad: Mark, when we look at these bank drive-ups, how many cars do we usually consider for stacking?

Mr. Klein: About five. I think as far as the drawings that they showed us, it looked like back here they could get five. The applicant has indicated that this is more of a commercial rather than a retail style bank, so they are not expecting drastic traffic.

Comm. Munson: One more point. I'm looking at the plan that shows the drive-thru lanes going from west to east and then out, but then coming in direct conflict is the west bound lane of the access lane from the rest of the parking lot. So, right there at the outer point, you've got a conflict. See what I mean? The cars are going through the drive-thru lane and they're coming out. You've theoretically got traffic moving from east to west, and it could conflict.

Mr. Klein: Cars would be coming in this way, going through the drive-thru lane here, exiting out here, coming in between these two buildings, coming across here, and then exiting.

Comm. Munson: Go to the east end of that drive-thru; now you're in a car, and you're driving west. You've got a conflict.

Mr. Klein: This will be normal circulation. This doesn't exactly show where the drive-thru comes through, but you are correct that the applicant is proposing kind of normal parking within this area, which is part of the reason why staff had recommended that these parking spaces here be removed, so you don't have people trying to back out as well, somebody coming from this direction and somebody exiting from the drive-thru. So, staff is recommending that these parking spaces be removed; that the median be lengthened this way so that it narrows down to 20 feet in width, and you don't have two cars that are trying to come into this parking lot.

Comm. Munson: I don't think it works.

Chairman Rohlf: Do you have anything else at this time? Okay, we'll hear from the applicant.

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

*Doug Weltner, 4520 Main, Kansas City, Missouri, appeared before the Planning Commission and made the following comments:*

Mr. Weltner: I am the project developer for the Mission Farms and also the property owner of this particular building as the applicant. With me tonight is also Rick Jones with NSPJ. Rick has been our architect for Buildings A and B that have been constructed with the condos above retail, and he's also the architect of Building F and has designed the drive-thru facility for the bank.

The bank is Solutions Bank. They are a small commercial bank in Johnson County, not a retail bank. The chairman of the board has told me several times that he would be very surprised to ever look out and see more than two cars stacked in one lane and maybe one car in the other. That's just kind of the way banking is going, plus they are not in the retail banking business, more like what you might expect from a Commerce Bank or Bank of America.

First off, we agree to all stipulations 1 through 28, except we would like to address the first two points made under paragraph 8. We are not in agreement, and I have Rick Jones here to discuss that with you and respond to your questions later. We are not in agreement with extending the canopy. We also believe that we should be able to have proper traffic flow through the site without eliminating the parking spaces. I think everybody has their bearings of what you're looking at. The one I just put on the viewer is what was in the plans as submitted as part of the application. The small awning over the ATM machine is what we submitted, and it was on the plans. This is basically a 3-D depiction that we do. It's computer generated, and I think it does a pretty good job of giving you a kind of real-world of what it's going to look like. It's not a photograph, but it gets pretty close. I think it's also important for you to understand that one of the drive-thru lanes is actually going through inside the building, that if this bank and this bank drive-thru were not a part of this application and were not approved, that would be inside premises of a retail establishment. We always kind of thought of this location as being a restaurant location. We've had some pretty significant hardscape on that site for some outside dining along that edge. We've been very successful with restaurants. We've got another good restaurant

location that we're working on right now in this building. I'm not sure I'm going to do another restaurant in this building because it just gets cramped with parking. The bank is a perfect use for that because of the times that they operate, and that's a real important thing when you're trying to keep a diversity of tenants going and you're trying to mix and match with your parking requirements. As you know, we're not a big five-per-thousand; we're around 3.6 or 3.7 per 1,000. So, it's important that you don't get too many of one thing going on, especially with restaurants because of the demand that they have.

When we first met with staff, there was some resistance about drive-thrus. I was a little surprised by that. We are an allowed use in MXD and when we went through and got our MXD zoning, I knew that bank drive-thrus were allowed. Bank drive-thrus are not a special use permit. I think it was mentioned that this was never approved. Well, I was always thinking I might have a bank with a drive-thru. If I went for a restaurant with a drive-thru, I'd have to get a special use permit. Anyway, beyond that, I think it is an appropriate use for the kind of project that we have. One of the things that staff also tried to push upon us was, "We don't like to see drive-thrus." It's an element that this governing body and the council has also said, that they just don't like the look of a lot of drive-thrus. I think the architects have done a wonderful job of incorporating this. When we first showed up, we had two lanes on the outside of the existing building. We've now taken it inside the building. I think the new landscape island on the perimeter creates a nice buffer. We've added a lot of landscape to the project. We've achieved that in this area that kind of borders the drive-thru lane, and there's also a pretty significant landscape area now closer to the front door of our front entrance into the office space.

We wanted an understated look, which I think we achieved. Again, I feel like it is hidden from view as best as you can. The bank doesn't want to exactly be totally hidden, but at the same time, I think we have accomplished that goal. Again, this faces I-435. This does not face Mission Road. I think that's important for you to understand. The pictures were kind of confusing because you kept seeing that one space from the eastern elevation. It's too bad we don't have a picture of this, because we have finished this space. We haven't done the drive-thru, obviously, but we're not going to do those revisions unless we are successful in our application.

My personal opinion about the canopy: I think it's dark. I'd almost rather not do anything than do the heavy retail canopy that we have going around the north and west façades. This also matches how we handled our canopy and where we ended our canopy on Building A, and I really like the way that worked on Building A. Wrapping that canopy around the building, I think, defeats a lot of purposes. As we move around from our retail – with our major retail on the north façade on Building F, and of course facing Mission Road – as we move around to the south and face the highway, we really want more of an office/ institutional look than retail. I think our architects have accomplished that by the way they have treated this façade. I think it integrated well, and it almost looks like how we designed this piece of the building, and it's not. This came after the fact.

I'd like to also address – looking at the site plan – the second point of the stipulation, paragraph 8. We're agreeable to extending the drive-thru island on the outside so that only one car exits. That would be at this location, and we would have just one car exiting. I think that's a good idea, and we're fine with that. And Mr. Munson, that's a two-lane road out there. That's not a one-way that those cars are coming out to. I think you were thinking it was one-way. If you're on the inside between A, B and F, those are one-way, but over on these aisles, we've allowed for plenty of room to have traffic going both ways. I mean, we'll do what everybody thinks, but it doesn't make a lot of sense to me, at a location where we had five parking spaces where the exit for the drive-thru is. So that means that we had five cars pulling out into that area, and they would be pulling out in that same area that the cars across the aisle would be pulling out in that same location. Well, now I have one car exiting out of that drive-thru; he's not going fast. He's just pulled away, and it doesn't make any sense to have one car there. He's actually looking forward; he's not looking over his shoulder, and to me, I'm not really sure what we're accomplishing. I think when you think about it, it might be a little bit of overkill, knocking off four or five spaces for one car where there used to be five cars backing out.

So, that's my comments on those two points. Otherwise, we are agreeable to all the other stipulations.

Chairman Rohlf: All right. Questions for the applicant.

Comm. Roberson: If I'm walking along the sidewalk here on Mission Road, how do I get from there to the entrance over here to the building that faces I-435 without walking into the parking lot? Or do I?

Mr. Weltner: Okay, you're walking along our retail storefronts there.....

Comm. Roberson: And then I want to come over here to the front entrance or what appears to be an entrance to the building that now faces 435. I've parked and I'm walking...

Mr. Weltner: You would walk along that landscape.

Comm. Roberson: There is no sidewalk then.

Mr. Weltner: Yeah, you would walk along that landscape aisle.

Comm. Roberson: I'd have to basically walk out in the parking lot. Okay.

Mr. Weltner: We've got most of our parking for the office tenants over on the south side. That's why we have those double-wide aisles. We don't expect people from retail to go that way. They can, but we don't expect it. We had that as a sidewalk, and it was suggested it be landscaped.

Comm. Reynolds: What are the second floor uses in this building? Who's looking out on the rooftop of the bank portico, for instance?

Mr. Weltner: It's all office.

Comm. Reynolds: Okay. And just to clarify, the first floor of the building, those spaces facing south, and you have the different architectural treatment with the window sills – that's really office space? Or is that retail?

Mr. Weltner: The first floor is all retail, all the way around. Obviously as you move from our north façade of Building F to the south side, it becomes a little more service oriented. One clarification: We gave you two handouts. I'm going to let Rick talk for just one moment, let him go over his thoughts on the portico. We showed you one small version and one a little larger.

*Rick Jones, Architect, 3515 West 75th, Prairie Village, appeared before the Planning Commission and made the following comments:*

Mr. Jones: I'd like to briefly go through some of the general design philosophies. We designed A and B and wanted to have somewhat of a residential character. It had some timbering/stucco/brick combinations. We got to E and F and wanted them to be complementary to A and B. It was staff's recommendation to have the double gables, which is an element in A and B. We lobbied hard to keep the brick in that area and not do the timber look as an office use. With it being closer to the highway, we wanted it to be a little more formal and a little less residential in character. This building has a lot of detail. The roof lines, we talk about hiding HVAC. We've got roofs. I mean, they're not just covers over units; they're roofs, the cast stone and all. It's more formal. We changed the window color; it's bronze on A and B, and this is black. It's a subtle difference, and again, it's a little more formal. As these projects develop, we're happy that we're carrying on the project. If anything, I think as these projects develop, they sometimes suffer from being too much alike. As the restaurant spaces have moved into the retail in A and B, they have developed their own images, and as an architect, I'm happy about that. I don't want the only differentiation in the project to be the signage.

As we come around to this side, again, for a lot of the reasons that Doug mentioned, this building was designed with this in mind, that this was a possibility. As you look at this perspective, the good thing and the bad thing about perspectives is they don't lie, but the proportions of this coming out another bay over those cars, I think, would be detrimental to the appearance of this building. We all remember the days of five drive-thru lanes with the big, dark, cavernous spaces that covered those areas. We're definitely trying to avoid that here. The canopy is black; it's a different element. It's black metal that matches the black aluminum frames. I'm happy that we have a bank. It gives us a chance to get something that's a little interesting and just slightly different. To me, it's a very subtle thing and it ties in with the overall character. To bring that heavy portico that you see to the left of these renderings on around there, I think that would be a disaster. It's a little more commercial looking; it's facing the highway, and to me, it's an excellent transition. These are the kinds of things we embrace when we're asked to do it, because it gives the building a little bit of character. I can't state that strongly enough. You can see it kind of relates to the main entry of the office. As Doug pointed out, we've got just a slightly different character here than we do from the north side of the building, which is directly facing our residential upper two stories. Does anybody have any questions? Thank you.

Chairman Rohlf: You've given us the two elevations – you want the smaller?

Mr. Jones: We would prefer the smaller one. I think the reason we presented the other one was we felt like staff was suggesting more of a canopy presence there. It's just a little longer version of it. It's also important to notice that, you know, we haven't helped ourselves with the rendering. We could have put the ATM in a little shadow, which it is covered by the canopy that is hung out there. We could've drawn some landscaping that's higher than two and a half feet high as well. Another thing you don't see there is a big sign with "ATM" on it. We're proposing not to do that.

I will mention one more thing. I mentioned our address; we're two blocks east of Mission Road. The building we actually are part owners in is now known as the Bank of Prairie Village, because they've got three and an ATM now. It's a very similar type of bank to this bank. They do not have a drive-thru at all. They do have an ATM, which we just installed. I'm there every day, and I've never encountered a car at the ATM. The drive-thru banking has evolved dramatically, as you know, and for this type of bank it will be extreme minimum use. It's not the old Friday-afternoon, everybody gets their paycheck and deposits it. Those days are long gone. Thank you.

Comm. Conrad: We've heard that many times on these banks that drive-thrus are dead, and we don't have five lanes any more. But can we just have one? There was a comment that very rarely would you ever look out there and see more than two cars. Like I said, all the presentation follows that same line, that these things really don't get any real amount of activity. So, why don't we minimize them the very most we can?

Mr. Jones: And go from two to one?

Comm. Conrad: Right. Will there be a teller?

Mr. Jones: Well, there is one teller, and there is a remote/tube access by the ATM. But typically, yeah, if you're dealing with a teller and there's just one or two cars, they will be under the canopy. That's correct.

Comm. Conrad: So will the tubes be underground or overhead?

Mr. Jones: They'll be underground.

Comm. Conrad: But there will be a teller station.

Mr. Weltner: They're overhead because they're....

Unidentified: They have to be overhead.

Comm. Conrad: So in the elevation, we'll see a tube coming up out of this ATM?

Mr. Weltner: If they elect to put a teller location at the ATM. They haven't totally decided that. I believe they are, so you'll have a tube going over the top.

Comm. Conrad: But we don't know if there's going to be a teller station.

Mr. Jones: There is at the building. This would be a secondary one, adjacent to the ATM.

Mr. Weltner: The inside lane is the teller. The outside lane is the ATM.

Comm. Conrad: So will the ATM have overhead tubes?

Mr. Weltner: I believe it will.

Comm. Roberson: If it's an ATM, it won't.

Unidentified: No, the ATM doesn't.

Comm. Roberson: ATMs don't have tubes.

Mr. Weltner: Well, they can do both at the same location, but I don't know for a fact that they're going to do that.

Comm. Roberson: Then you'd have a vacuum system going up and over that would go to the teller. It's a two-stage system – ATM or using a live teller.

Mr. Weltner: On the outside lane.

Comm. Conrad: So it might have an impact on the elevations and what we see if there's tubing coming from this.

Mr. Weltner: I think it will be just one tube.

Comm. Conrad: That's fine. If there is a teller station, I notice in the renderings it shows almost a storefront glazing along the entire length of this drive-thru. Will that remain?

Mr. Weltner: We're not doing our storefront. That's kind of a place card right now, but I imagine it will be glass along that lane. We're not addressing the storefront right now.

Comm. Conrad: I guess my question is, if it becomes a drive-thru, I don't know about the banking industry, but will glazing all along that parallel to these stacked cars to a teller be acceptable? It won't end up a wall and a....?

Comm. Shaw: Spaniel glass, where you wouldn't see through it.

Comm. Williams: Wouldn't they typically have bullet-resistant glass?

Comm. Roberson: No. Not any more. You'd be real surprised how unsecure banks are any more. They don't carry cash. (*Laughter*). The point is, you'd be real surprised.

Comm. Munson: What percentage of business is ATM versus people going in and conducting business?

Comm. Roberson: That I don't now.

Comm. Munson: You're a banker.

Comm. Roberson: know, but I don't keep those stats in my head. Sorry.

Comm. Conrad: Well, all of these questions are to – I guess in my mind – really understand the potential impact of, I mean, what was – and I think Ken pointed it out – we've completely cut off the pedestrian access around the southwest corner of the building, which was one of the exciting parts about the whole development. I mean, it really was pedestrian retail on the lower level, and when I just look at one of the elevations, we've got people on the right, people on the left, and they can't get together unless you walk in the parking lot. So, I'm a little concerned about what we've been concerned about on a lot of projects, and that's the pedestrian/vehicular interaction. I think it would become even less human space if that wall that parallels the drive-thru for security reasons ended up being solid and not as much glazing. I'm not sure how you'd put a teller station in a wall that's 90 percent glass.

Unidentified: You would not.

Comm. Conrad: You would not. So, I think there's some visual image concern on my part. I really kind of like the restaurant. I think as you drive down Mission Road, I want to see people. That makes it inviting.

Mr. Weltner: We're planning a restaurant on the very corner of the building. This is not a real visible area from Mission Road. Right as you come underneath the overpass, especially if you're northbound. But again, we never intended to have retail traffic in a circle around this building. I think all of our pedestrian areas, from a retail traffic standpoint, have always been focused on that interior, that space that's created in the interior between A and F and between B and E, and all the way down through there. This side of the exterior was never to be...It's just not going to work because it doesn't have that same feel as you come around that side. That looks more like a typical office setting on that south side of Buildings E and F, just like I've got going on right now in A and B. It's not nearly as dynamic of a retail location. More service-oriented retail is kind of what we call it.

Comm. Roberson: I guess my only comment is, I actually have no problem with this at all, with the bank and the drive-thru. In fact, I would prefer the longer canopy, because when you stick your arm out to work an ATM and it gets soaking wet, you really do get upset. So, the longer the canopy, the better off you are, just from a weather standpoint.

I would agree with Ken. It bothers me a little bit that there's no pedestrian aspect. And with my other colleague, Mr. Munson, it appears that this unit doesn't match the other two units if you look at the two other, what I would call castle-like units with the arches as opposed to straight. Also, there is no railing at the top. I'm being an architect here; I guess I really shouldn't be, but from that standpoint, I would think you'd want to match those two a little more closely.

Mr. Jones: You know, I'm very proud of our designs. We get more compliments on Mission Farms than any project we have ever done, by far. A lot of it is the visibility from the highway and all, but sometimes we error on the side of too much. I embrace having a different use here and a little different look. You can get too much of the same thing going on. We did that on purpose. The easiest thing to do would be to copy. When you do arches, for instance, we like to do them in ones, three's and five's. We don't like two arches side by side. It's a static arrangement. There are some reasons why it's like that. I think the canopy and the signage kind of balance each other.

Mr. Weltner: It's also required for screening. There's some purpose there that it has to screen some of that brick infill.

Comm. Williams: From my observation on this, where they use the arches, I think it's almost without exception to mark entrances into the building. This isn't an entrance into the building, so you wouldn't want to carry that motif in the same way. And to kind of get those arches to the same scale, you're talking about more pillars. Pillars make that space more enclosed. I like the look of it myself, a little more open, a little more airy. Otherwise you get some big arches, and it really takes away from the other arches.

Comm. Reynolds: I have three questions. Change of subject – On this island notion, I understand the need to preserve every parking space you've got, but did you consider taking the island that's in that general area and just sliding it to the west to maybe address this concern about eliminating parking spaces across from the exit?

Mr. Jones: It's a good idea.

Comm. Reynolds: It's could be a way to not lose spaces.

Mr. Weltner: And actually, there's more space on the other side of it, so...

Comm. Reynolds: Another question. Again, kind of on Ken's notion that there's not a lot of cars using this, did you consider just having a canopy from the gridline 3 to gridline 3.9, which is basically a 24-foot bay? Right now you're showing a canopy that's two of those 24-foot bays. Does one 24-foot bay in length – it covers at least one and a half cars in length. Is that an option? It makes that canopy smaller.

Mr. Weltner: What you have received in the application was the small canopy just over the ATM.

Unidentified: I think what you're doing is cutting this in half.

Comm. Reynolds: I'm trying to cut your portico in half and make it half as long as it currently is.

Mr. Weltner: We've already built it. This is built.

Comm. Reynolds: Well, that's what they make jackhammers for.

Mr. Jones: And I think you'd lose your stack. We'd lose a five stack then.

Comm. Reynolds: I don't know that there's a need to be covered while you're waiting in line to go to the teller.

Mr. Jones: For the coverage, sometimes with the shorter space it's hard to get everything in just the right space to accomplish that, but it is already there and the proportions kind of balance. It's kind of the anchor to the corner and it

matches the, you know, there is a similar element about the same width on A. If you look at the overall site, you'll see it.

Comm. Reynolds: I guess I'll follow up then with the third one. It seems to me that if you did not make it as long in the east/west dimension, but just long enough to cover one and a half cars, then perhaps you could explore doing some things stylistically that you did on Building A, on the north end of Building A where you have a sloped roof. It just feels like it's integrated into the building more and people aren't looking at a flat roof from the second and third floor; they're looking at sloped roof, which is more attractive. If you made that portico shorter, it would be easier to put a sloped roof on that and kind of stylistically tie it into the building, it seems to me. I guess that wasn't a question so much as a comment.

Comm. Roberson: I do have a question for staff. You all have indicated that this is already built. Did we approve it? The drive-thru is approved?

Mr. Klein: No, the drive-thru was never shown on the building.

Comm. Roberson: But they said they've built it.

Mr. Klein: Well, they built the structure. Right now, there is a portico. I actually included the elevations from what's currently approved as well as the site plan...

Comm. Roberson: Is this brick structure built?

Mr. Weltner: That brick structure is built. It's already been approved.

Mr. Klein: That brick structure is built. They plan on hollowing out a little bit of it, running the cars through it.

Mr. Weltner: What would happen is, it would just become a storefront. All we did was back up the storefront.

Comm. Roberson: I understand. You moved everything back. You emptied it out.

*[Multiple speakers, inaudible]*

Mr. Weltner: We're building less square footage now.

Comm. Roberson: Okay, now I understand.

Comm. Munson: What's the purpose of the canopy, the little brown canopy?

Mr. Jones: It's to give protection at the ATM.

Comm. Munson: I see that. I'm trying to think about how the water falls when it rains in Kansas City. It comes down like a son-of-a-gun. I don't see where that's going to protect anything.

Mr. Jones: A small one would not if it was blowing sideways.

Comm. Munson: Secondly – and this is me – it just doesn't seem like the thing to do is to stick that on there. It doesn't fit the architecture. It looks like, oh, yeah, we need a canopy, let's put that on there. It doesn't fit. It does not fit.

The other problem I have with the project again is what I consider to be a safety factor, which I mentioned earlier – the drive-thru conflicting with cars. The only way I can see to make it less unsafe is if you went to herringbone parking all the way along there until you got to that alleyway to where people could go out. However, I imagine that's not going to be doable. Otherwise, you're going to have conflicts – two cars, three cars, cell phones instead of paying attention to what we're doing while we're driving.

Mr. Weltner: The conflict is when they pull out?

Comm. Munson: When they pull out, and when you've got traffic moving from east to west like we talked about before.

Mr. Weltner: Previously we had five parking spaces backing out into the same area.

Comm. Munson: I see it as a conflict.

Mr. Weltner: I don't know how to build parking lots without having some of that occur within those areas.

Comm. Munson: You've got herringbone pattern up here, angled parking up here in your main thoroughfare. I'm talking about adding herringbone parking so that eastbound traffic would move through there and park at an angle. Then your traffic that comes through the drive-thru would not be conflicting except with the cars that backed out, but that wouldn't be that much because you've got quite a bit of space. However, as long as you have cars moving from east to west in that access, you've got potential for conflict with the traffic coming through the drive-thru.

Comm. Elkins: Point of order – We're at 8:57, and under our bylaws, we have to close at nine o'clock absent a motion to extend for a half hour.

**A motion to extend the meeting 30 minutes was made by Elkins and seconded by Roberson. Motion approved unanimously.**

Comm. Jackson: Mark, could you chime in as to what you think about the back-up parking? I can't tell how much distance there is and how much you need to warrant two ways, etc.

Mr. Klein: Currently there is about 24 feet in width right here. That's what we typically have in parking lots when you have two-way traffic. Part of the reason why staff is a little concerned is you have cars that are coming through this driveway; it's covered. It's got columns. They're facing more this direction, so in order to come out, you're going to have to look over our shoulder. You're going to possibly have cars coming from this direction, cars from that direction, as well as cars that could be backing out this way. This is more typically a situation you have in a parking lot. Most people, when they pull into a parking spot here and they start backing out, they usually back up slowly, check this way, check that way, and pull out. This will be a little different; you have cars that are actually exiting out there and having to again look over their shoulder. You do have the column there as far as if you're coming out of the portico. Staff just felt it was little safer if you eliminated one of the possibilities of having a car backing up.

Another case regarding the parking – the parking they have right now was about 3.89 parking spaces per 1,000 for the commercial portion of the development. It's actually an MXD, which has a requirement of 3.01 to 3.5. And I don't believe they have any restaurants located right around this corner. because the bank is located right here. That was staff's opinion.

Chairman Rohlf: Is it this parking you're talking about here?

Mr. Klein: If this were the drive-thru coming in through here, where the drive-thru lane exits right here, it would be these parking spaces here.

Chairman Rohlf: Mark, is it this parking you're talking about here?

Mr. Klein: If this were the drive-thru that was coming in through here, where the drive-thru lane exits right here, it would be these parking spaces, closer to where this island is. And again, if they had it drawn on here, it would be where the exit was coming out directly from where you're exiting the drive-thru lane. It was just a way of eliminating one of the possibilities of a conflict since you have two-way traffic coming along this way, and then you also have them coming out of the portico and headed around the building.

Comm. Elkins: How many parking spaces were you eliminating?

Mr. Klein: Three to four, depending on the width.

Chairman Rohlf: Any other questions for the applicant? Thank you. This does require a public hearing. I do not believe there is anyone here in the audience.

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

Chairman Rohlf: Any additional discussion? I'm not sure I have a feel for where we are. It seems like we've had some opposition to this particular use.

Comm. Reynolds: I can make a couple comments on some things that if we put them in stipulations, they would certainly address a concern. Ken brought up this whole notion of pedestrian access, that if there was a provision to provide continuous pedestrian access so you did not have to walk out into the parking lot, I think that would be something the applicant could address as a stipulation, just to get the discussion started.

Mr. Lambers: You're saying continuous along the building?

Comm. Reynolds: Yeah, now that I kind of go through and see what we previously approved versus where we are at today, we did have a sidewalk that went all the way around this building before. I've walked that building every so often and that's how I experience them. I like walking around the building, and I think it would be important that when you get to this corner, that there be a sidewalk out there beyond the drive-thru that allowed you to walk around the building without having to walk into a travel lane.

Mr. Lambers: I don't disagree, but mechanically speaking, if you've got a teller there, you can't reach it. You'd also then have people who would be going through while someone was trying to make a bank transaction.

Comm. Reynolds: I'm not talking about the walk-in underneath the portico. I'm just saying, if you take the landscape area at the south end of where that drive-thru is shown, it's about a ten-foot landscape area. Maybe you reduce the landscape area.

Mr. Lambers: I asked you about continuous against the building, and you said yes.

Comm. Reynolds: No, not continuous against the building.

Chairman Rohlf: But what would you do with it on the other end?-

Comm. Reynolds: You'd just have a crosswalk across the exit lane and the entrance lanes of the drive-thru. At least something that you didn't have to walk into a travel lane of a parking lot, the driveway, basically. It would be a minimal sidewalk, it looks to me, but at least that there be some provision to do that.

Comm. Williams: How wide is that island?

Comm. Reynolds: It looks like it was ten feet. It's got a four-foot radius on both sides, so that would make it eight feet.

Comm. Williams: So if it is that size, it should give space for a sidewalk and still leave space for planting.

Comm. Reynolds: Or a four-foot walk and a four-foot planting, something like that.

Comm. Williams: It wouldn't have to be a very wide one with what limited traffic you might have.

Comm. Reynolds: And I do think it's as simple as moving the existing parking island to the west to line up with the exit lane of the drive-thru, and if that island needed to increase to be a 30-foot island instead of a 12-foot island, that could address that point as well while reducing parking loss. I'm picking off the easy ones maybe; the tougher issue is this whole motion of the mass and style of the portico.

Comm. Conrad: To follow up on that, it's certainly a wonderful development. I drive by it all the time and I truly think from a mixed-use standpoint, the residential over the retail is a real mixed-use project here in Leawood. And I think when we discussed moving the dumpsters and the trash out and away from the building, that was an issue that we talked about. In order to keep this area around these buildings pedestrian, the drive between Buildings F and E, I think

at one time we were trying to see if there was trash in there and we moved it away. It kind of went a little against some of our guidelines and ordinances, again, in my mind, to keep this pedestrian. What this has done is it's literally built a pedestrian barrier at the southwest corner of the building. I wish I had a suggestion of how to work this drive-thru element adjacent to a building. Most banks that we deal with are pad site building so it's a different issue to keep those separate. This is a very difficult deal. Again, when I look at the rendering, I just see those two areas of activity separated with no way to get between the two. I wish I had a solution. I hate to make comments of not liking something without having some kind of an idea. I'm just not there yet with its introduction. As I drive down Mission Road, the retail stores that you can see along that lower level, and you're going to have idling cars for the drive-thru sitting right there. I don't know.

Comm. Shaw: Mark, wouldn't the pedestrian area, the sidewalk, wouldn't that be covered under the building codes? Would that be you that would be in charge of that, or would that be the building code inspector?

Mr. Klein: Once they get a permit and everything, they go through a building permit where they review that. My understanding is they have to provide ADA access to the main entrance. I'm not sure it would be required to have it around here. I don't disagree that this used to be very easy as far as pedestrian circulation around the building. If you have the sidewalk on the outside where you cross both the entry into the drive-thru and then the exit to the drive-thru lane and you'd be walking along a parking lot, it makes it a little harder. However, it does get people outside of the parking lot. If you're going to do that, you almost have to not have the portico go over both lanes, because if that's the case, then the columns for the portico would go in where that island is. Therefore, you'd have to have the sidewalk on the outside of that, which means you no longer have 24 feet in width for the drive aisle that's adjacent to it, and then you probably are going to have to go to a one-way, or it would have to be designed differently. However, Building does do a review to make sure that there is access. I would have to defer to them.

Comm. Roberson: Just one point. Again, I don't speak for everybody else, but I think we're all in agreement that you don't want to have the portico extend out over both lanes, or this brick monster extending out over both lanes. I think that's a mistake. I think the way it's shown is much more appropriate for this building. I think having the longer awning is appropriate as opposed to a shorter awning, again, just from a weather standpoint and covering people's arms sticking out of a car for an ATM.

The final point, again, it really comes down to pedestrian access. Again, that would probably be my biggest issue here. Other than that, I think I'll stop, too.

Comm. Reynolds: I might tag onto that, Ken. I agree on the massing, but I did wonder whether or not the applicant would consider, instead of this slab of a canopy that goes over the ATM that doesn't sort of stylistically fit in with anything else, if they would consider a sloped roof not unlike the sloped roof that are over the pedestrian walkways in that rendering. That would break up some of that brick and pull some of that color and detail from other parts of the building.

Mr. Weltner: I think we would consider that. I think Mark made a good point. I think the sidewalk is a good idea, and I think if we end up with a canopy, we have to put columns into that area and we won't have any space left. I don't think we have any problem with looking at doing a full portico to break that massing up. Unfortunately, when you go out to the site, the way that perspective is done, the nose got right out in the front of the perspective in the 3-D model. I don't think it's really as obtrusive as that appears if you really go see it. But I think we'll address that. Porticos are kind of tough. I love the brick on these buildings. I like the cast stone that we've done. That's what I like to see. So, if it were me and you were asking me what's the best look, I wouldn't do anything. But there are some things you have to do to basically service your customers.

Ken, I wanted to address your comment about circulation around the buildings. This element of F is almost exactly like A. If you'll look at A, when you come around, you just looked a Xiphium storefronts today, and the retail kind of ends at that point. The retail and restaurants end at that point, just like it's going to end at the bank. The pedestrian traffic is probably not going keep flowing around the building, and we're never going to be able to create the kind of place to make that happen. It's not going to happen in a circle. It's just not the way traffic is going to move through a retail center. The reason it's identical to the other side is I've got those ramps to the garage. I've got two lanes of ramps to the garage that stop it, and it's really kind of the same element. We've seen these buildings kind of in a u-shape but not fully having that kind of place-making as you get around to the side, where really it's going to be more office-oriented. However, I like the sidewalk because I want my office tenants to walk around and utilize these

facilities. I think that probably is a good element to add to the project. Are you thinking this full canopy, do the same tile roof?

Comm. Reynolds: Yeah, and then we'd just have to come out however far that little canopy does. That's about five feet, so maybe you don't need columns. It's just little hip roof that's coming out.

Mr. Jones: I definitely understand what you're saying. The danger in that is that it looks like it just got hung out there. The canopy, the simple metal thing, it's hung out there, but that's the nature of it. It makes me nervous. It can be done. When we start hanging things out like that, then what we do in our practice is we start putting brackets under them, and we start putting brackets under them it starts looking residential. And we're honestly trying not to do that. This is a little different look. We've got this mixed-use development and I'm thrilled we've got a bank. A bank is a great part of a community. We've got a bank in our building, and it's wonderful. It's a very similar bank where the people who bank there get out of their cars, walk in and sit at a desk and make their transactions. We're assuming that this bank will be very similar to that. It's a mixed-use development and a bank is, I mean, it's like having a post office.

Comm. Reynolds: I'd be willing to make a motion; there can still be discussion if folks like.

Chairman Rohlf: I have a feeling I know the stipulations you're going to make, Dennis, and I'm wondering if we wouldn't want to see something again.

Comm. Reynolds: Maybe I should comment a little bit. Actually, the more I hear discussion and the more I think about the fact that this is facing a highway embankment 120 feet away, I really don't think it's very visible, so I hate to spend a lot of money on a piece of architecture that a few people using the parking lot see. So, I would have two stipulations and they would not involve architecture. Let's give it a shot.

I'd like to make a motion that we approve Case 99-07, Mission Farms Building F, revised preliminary site plan and revised final site plan, with stipulations noted by staff, with the following exceptions: Stipulation 8 – Eliminate the stipulation that says all drive-thru lanes shall be covered; modify the second bullet point to read, "...the parking spaces directly in front of the drive-thru exit shall be removed..." I guess we can leave that bullet point there as it's stated and leave it up to the applicant whether or not he chooses to respond to that by moving the parking island over to address that comment. I would like to add a Stipulation 28 – and 28 becomes 29 – to read: "Continuous pedestrian access be provided at the perimeter of the drive-thru with marked crossings to allow pedestrians to circulate the building without entering into a parking lot driveway."

Comm. Elkins: Second.

Chairman Rohlf: Is there any further discussion on this motion?

Comm. Roberson: I would just want to make sure that the slab – if that's what we're going to call it – is the larger version as opposed to the smaller version.

Comm. Reynolds: Let's add Stipulation 29 to state that it's the longer version of the metal canopy, and Stipulation 30 becomes the catch-all phrase.

Comm. Elkins: The second is still good.

**Motion passes 8-1, with Conrad voting in opposition.**

CASE 100-07 LDO AMEND 16-2-4.5-MODIFICATION OF REQUIRED SETBACK-RESIDENTIAL DISTRICT – Request for approval of an amendment to the Leawood Development Ordinance. **Public Hearing**

**Staff Presentation:**

Mr. Lambers: The situation is that there have been homes built adjacent to an out lot that's owned by a homes association. These typically have small creeks running through them, no structures, and what has happened is that people are wanting to take existing open-air structures and enclose them. Open-air structures are allowed to enclose into the setbacks, but once you take a deck and turn it into a sunroom or something, they're not. And they're not real

happy about that. So, this is intended to deal with those situations with properties that back up to an out lot that's wholly owned by a homes association, to be allowed to encroach ten feet into the setback, with the provision that the homes association does approve that and that there are no structures in the out lot, such as a pool or other community amenities. That is what's before you tonight.

Comm. Munson: How many votes are there out there?

Mr. Lambers: The area that has raised the issue is Normandy Place along Roe between 127th and 129th Street. But again, anyone who has an out lot – and my home is one of those – right now, you're precluded from that, but with those conditions that I stated.

Comm. Roberson: Point of clarification. If I understand correctly, if I own a piece of property, and then there's this out lot, I can't build closer than ten feet to my property?

Mr. Lambers: No, you can't encroach into the rear yard setback of it, whatever that amount is.

Comm. Roberson: What does that mean exactly?

Mr. Lambers: What we're saying is that if you have a house, and from your property line you've got a rear yard setback that you cannot encroach in – that can vary from 15 to 25 feet. The idea is to provide separation from the back of your house in theory to the back of your neighbor. What we're saying is, in this case, there is no neighbor. You have a parcel of land that is owned by the homes association because it's unbuildable. The idea is that people should be able to encroach into that setback because there's nothing they are encroaching on, on the other side.

Chairman Rohlf: So we're basically deleting most of this current ordinance and just putting in a statement over here?

Mr. Lambers: B 1 and 2.

Comm. Elkins: I think you're basically creating an exception.

Mr. Klein: Right. Actually, this isn't really eliminating anything. It's creating an exception to what is normally required.

Comm. Conrad: How would the homes association procedurally approve and document...? We've talked before about the city being unable to enforce homes association deed restrictions and those types of things. Are we crossing a line?

Mr. Lambers: No, we're providing relief from a city regulation, if the homes association agrees. It's not a private deed restriction; it's a city restriction.

Comm. Conrad: I'm thinking of my own homes association – Do you believe that homes associations have bylaws that would allow them to somehow procedurally approve this type of restriction.

Mr. Lambers: It's anticipated that they would, but I still assume that the action would be by the board of directors, or they may decide that they need to have a vote of the membership. But obviously Leawood Homes Association is going to vote on it. Again, procedurally, we're dealing right now with a very specific situation that may not occur anywhere else, but we've got two homes that have decks in this area that want to enclose them and turn them into sunrooms, and they are not allowed under the current situation. We think the current situation is unreasonable and this flexibility should be allowed for this to go forward. Right now, it's precluded.

Comm. Conrad: So is there some reason this doesn't go before the board of zoning appeals?

Mr. Lambers: It's not appealable. They wouldn't meet any of the five criteria.

Comm. Conrad: Do you think we're getting to a point where we're having ordinance after ordinance that address one or two situations?

Mr. Lambers: I would say we're a city that's being responsive, and that we're small enough that we can be.

Chairman Rohlf: This just wouldn't happen very often, where you have just an open space.

Mr. Lambers: No. The out lots throughout the city are very limited. That's why it's confined to that. Now, there are out lots that have pools and things like that, so that would not apply. I would say in most instances, there is probably a drainage facility of some sort that has ten, 15, 20 feet of land that's flood plain that can't be built upon. With me, I back up to Roe, so I've got Roe to my back yard, which a creek runs through, which is all an out lot that belongs to Carriage Crossing.

Chairman Rohlf: If you wanted to add something to your back yard...?

Mr. Lambers: Actually, I could because my home is set far enough away. What you've got here is you've got some homes that were built; when the rules changed, they have much smaller back yards. That's what we're dealing with. It's really a very limited circumstance where this would come into play.

Comm. Munson: And an enclosed structure won't be any more intrusive to the neighborhood than the one that they have now?

Mr. Lambers: Right now, with the circumstances we've got, they're taking a deck that exists and just putting in walls and a roof. I don't think the neighbors will find that much more intrusive.

Chairman Rohlf: Where does the ten feet come in then?

Mr. Lambers: To go into the setback. Actually, the deck in the one instance is like one foot into the setback already because we didn't measure it right.

Comm. Elkins: The deck doesn't count toward the setback, right?

Mr. Lambers: No.

*(inaudible, multiple speakers)...*

Comm. Elkins: It's when you put a roof on it that all of sudden you've violated the setback.

Comm. Jackson: As a point of order, maybe the city attorney could look at this. On 16-2-4.3 Setbacks Required, it appears that you would have to include in Section c, Required Rear Setbacks, an exception also for this section. Does that make sense? Whereas what's written now says, "Required rear setbacks, the following are allowed to encroach and required rear setbacks..." and it talks about accessory uses, building and structures, only as permitted by a different section. It appears you would need to add this on to that also.

Patty Bennett: I think for clarification, we could. I don't think we have to. This section is entitled "Exceptions" and it has a front yard exception and a rear yard exception. Do I think it's necessary? No. Would it make it cleaner? Yes.

Chairman Rohlf: Any other questions? Could I have a motion to close the public hearing?

**Motion by Roberson, seconded by Williams, to close the public hearing; motion passed unanimously.**

**Motion by Williams, seconded by Roberson, to approve Case 100-07; motion passed 8-1, with Commissioner Conrad voting in opposition to the motion.**

**Meeting adjourned.**