

**City of Leawood
Planning Commission Minutes
July 14, 2009
Meeting - 6:00 p.m.
Dinner/Work Session – Discuss Future Work Sessions – 5:30 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: Pateidl, Roberson, Neff-Brain, Rohlf, Rezac, Williams, Elkins, and Heiman. Absent: Jackson

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Roberson, seconded by Williams. Motion approved unanimously with a vote of 7-0. For: Pateidl, Roberson, Neff-Brain, Rezac, Williams, Elkins and Heiman.

APPROVAL OF MINUTES: Approval of the minutes from the June 23, 2009 meeting.

A motion to approve the June 23, 2009 Planning Commission meeting minutes was made by Williams, seconded by Elkins. Motion approved unanimously with a vote of 7-0. For: Pateidl, Roberson, Neff-Brain, Rezac, Williams, Elkins and Heiman.

CONTINUED TO JULY 28, 2009 MEETING:

CASE 54-06 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-10 – ARCHITECTURAL STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 81-08 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-9.3 FENCES AND WALLS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 20-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-1 ACCESSORY USES (RESIDENTIAL EMERGENCY GENERATORS) – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING.**

CASE 37-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-3 SPECIAL USE PROVISIONS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 38-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-12 – WIRELESS COMMUNICATION TOWERS AND ANTENNAE – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

NEW BUSINESS:

CASE 30-09 – PARK PLACE – 4TH PLAT – BUILDING G – PARKING GARAGE B – Request for approval of a revised final plat and revised final site plan, located north of 117th Street and east of Nall Ave.

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Commission, this is Case 30-09 – Final Site Plan and Revised Final Plat for Park Place Building G and Parking Garage B, north of 117th Street and east of Nall Ave., just east of California Pizza Kitchen. This case was continued from the June 9 Planning Commission meeting. Since then, the applicant has submitted revised plans which show modifications to the elevations of Parking Garage B. No other changes have been made. Staff feels the modifications are not an improvement, but do represent progress toward compliance with the Leawood Development Ordinance. The south elevation of the garage is now proposed to contain mostly pre-cast concrete, brick veneer columns and panels, as well as decorative metal screens in a repeating horizontal pattern. The plans now include a cornice to the top level of the garage, which creates a more finished appearance. Translucent glass materials are located in the center of the south elevation from the top to the bottom level of the garage. In addition, the plan now includes in-ground up-lighting fixtures to accent the vertical brick column showed on the south elevation. The lighting and the glass storefront at the ground level help to create a more inviting streetscape than the previous plan, in staff's opinion. The east elevation now includes a cornice, as well as vertical elements such as the brick columns and pre-cast concrete columns with reveal patterns for variety. The north end of the east elevation now includes elements that give it a more solid appearance. The west elevation of the garage now includes reveal patterns in the pre-cast concrete and a cornice, similar to the other elevation. The pedestrian entrances now have decorative metal screens above them. The north elevation has been revised relatively little compared to the other three elevations. At the east end of the north elevation, the materials and patterns match the east elevation, which is a positive change. Staff does recommend that the north elevation include some vertical element that matches the south elevation, such as the brick veneer columns repeated along the north elevation so all four sides match. Staff remains concerned that the internal ramps of the parking garage are visible on portions of the south elevation and would recommend additional screening. We've been working with the applicant throughout this process to show screening of a number of ground-mounted mechanical utility equipment features throughout Park Place. We understand the applicant is in the process of creating that. The staff report indicates we would like those plans submitted at the time of Governing Body consideration. With that, staff recommends approval, subject to the stipulations in the Staff Report.

Chair Rohlf: Thank you. Questions for staff? All right, we'll hear from the applicant.

Applicant Presentation:

Jeff Alpert, Park Place Developers, LLC, 11551 Ash St., Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Alpert: With me this evening from Park Place Developers are my partner Melanie Mann and our Director of Construction, Ted Lopez. From BDY Architects, we have Patrick Lenahan and Jeff Burgess. From PEI engineers, we have our civil engineer Judd Claussen. From the last meeting, we took away the understanding that there was

consensus approval for Building G as presented. We addressed specifically changes in the parking garage, where we heard concerns and requests for adjustments. I'd like to ask Patrick Lenahan to walk you through the changes. Then we can address questions, and I'd like to come back and talk about a few of the stipulations.

Patrick Lenahan, Berger, Devine, Yaeger Architects, 7780 W. 119th St., Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Lenahan: As Jeff indicated, we took to heart the numerous comments we received regarding the design of the garage. The overarching theme that we heard was to give the garage more relationship to the architecture of the buildings of the development. (*Places elevation diagram on the overhead*) The digital images show a comparison from the last meeting's plans and tonight's plans. The bottom elevation is the previous design; the top is the current. You'll observe numerous changes. I'll start at the center four bays, where probably most notably, we got rid of the controversial metal panels forming the top and bottom bands of the brick, as it was perceived to be too contemporary an element relative to the rest of the development. That is now a pre-cast panel with horizontal reveals and vertical joint lines that carries across the top of the garage and provides a very strong cap to the building, not unlike some of the facades of Building G. At the base, the previously plain, pre-cast brick assembly panels are now a little more refined pre-cast brick with more carry-through of the vertical elements, more base detailing where the vertical elements come through and an overlay of more decorative metal grillwork over that brick, creating interest and shadow casting. On the center two bays, we carried that curtain wall down to the ground level. It is not a true storefront because a layer of earth is behind the panels. That glass will be milky white glass to get away from the see-through element. It does convey the idea of something like a storefront, including ground-mounted lighting to accent some of the elements. All the framing for the curtain wall is revised to something more akin to what is on the buildings: more narrow panes, vertical lines, and mullion patterns. Now it starts to take on more of the character of the building façade in that central region. Other significant refinements are at the end bays of the garage, where the bottom image shows individual columns that extend past the top of the building and were broken into panels of brick with no resolution. The new design joins pairs of those columns, makes the brick continuous from the base up to the cap and provides a cap with pre-cast panels with some decorative reveals and cast-stone medallions. Now, instead of individual columns, they read as building components that are larger in scale. We've continued more of the decorative iron grillwork across the spandrels at those tower locations, thus continuing the same detailing from the center of the building to the end so that the whole composition is brought together as a single unified composition. A break between the center four bays and the end bays helps break down the mass of the garage so it reads as separate but related parts. We've also added more detailed panels with patterns above the driveway entry. Those are the same glass-fiber reinforced concrete panels with some detailing that have been used here in the past. (*Places side elevation diagram on the overhead*) The changes have similarly continued to the sides and ends of the building at the areas of pedestrian interaction. At the stair tower and elevator tower, we've made those same kinds of changes, including the curtain wall, refinements to the mullion patterns, caps to the column towers, contiguous brick GFRC panels and the decorative iron work. That zone between the two ends is the zone that directly faces the back-of-house facades of Building G, which is primarily a service drive and the rear service entries of the tenants. Again, we're trying to discourage pedestrian traffic here, so we want to avoid architectural embellishment. The primary pedestrian traffic is at the

stair tower, elevator tower on the right and then on the far left where people will go to what will ultimately be Buildings J and K. (*Places east elevation diagram on the overhead*) This is the side that will face Buildings J and K. We've made the same refinements to the curtain wall, brick columns and cornices. The sheer wall on the left side is now a less massive monolithic brick appearance and more of a combination of the brick columns and heavily revealed concrete pre-cast patterns. You'll notice we've also added some vertical articulation in the middle with some pre-cast vertical panels that help break up those spans of spandrels. (*Places west elevation diagram on the overhead*) This shows repetition of the same refinements with emphasis on the corners where the pedestrian experience primarily occurs. That demonstrates our efforts to refine the design. Much of the detail is inspired by some of the detailing on particularly the northwest corner of Building G and the center bay of Building G. We are all very pleased with the way it looks. I'll take questions.

Chair Rohlf: Does anyone have questions right now?

Mr. Alpert: Any questions at this point for me? Seeing none, I'd like to address the stipulations. We have no problem with any of the stipulations except for some of the parts of Stipulation No. 7, and we would like to discuss Stipulation No. 22. Regarding Stipulation No. 7a, the request to screen the ramps is something that we believe is not necessary. Based on our study of this design as well as our study of designs of some other parking structures around the city, they are what they are; they are parking structures. They include ramps and concrete spandrels carry those ramps sit behind the primary façade. (*Places south elevation on the overhead*) On the south elevation in particular, where we do have sloping ramps, it was very important to us to be able to break up the massing of this very long structure as it appears from 117th St. We believe that by dividing it into what is essentially three sections - the section on the far west, the large center section and the section on the east end where the drive-in occurs - we have reduced that mass and made it look a lot more comfortable, as Patrick said. We feel that by taking further steps to add metal or other elements to try to hide that ramping would, in essence, connect the three sections and start to revert back to that larger monolithic look that we've been trying very hard to avoid. That is why we feel the design we presented is appropriate. The ramping will really fall into the background. We have examples of some garages we have seen around the city and can take you through those. (*Shows a presentation of photographs*) This is one in downtown Kansas City across from City Hall. You can see the spandrels behind the structure there. This is downtown Commerce Bank Garage, and you can see the spandrels underneath the more decorative elements of the pre-cast. This is the 47th St. Plaza Garage, their newest garage. I believe the staff included some photos of this garage in their comments. We want to point out, on this one in particular, that on the north elevation of that garage, you can see the spandrels behind the fairly light scrollwork. This is the vehicle entrance on the west elevation of the garage. You can barely see the ramping that occurs behind this metal grillwork there, and it really just kind of goes away. We feel very confident that we'll have that same view of the ramping in our structure. Questions?

Mr. Williams: On the south elevation, we see sloped lines behind the decorative panels. Is that the top, bottom or some of both of that parking deck?

Mr. Lenahan: What you see from the side view is actually the full depth of the side beam that supports the pre-cast double Ts of the deck. The driving surface is actually about

midway down the depth of that beam. The top portion is forming the side vehicle guardrail, and the bottom portion is hiding the ends of the support beams, which creates the thickness that is quite comparable to the Commerce Garage.

Mr. Williams: I think you just answered my question - we're not going to be seeing the cars behind this.

Mr. Lenahan: That's correct. At staff's request, in that top elevation, we indicated positioning of cars on that top deck to show the relationship of vehicles to the top wall. It's a very similar situation at the side with panels of the sloped ramps. This is a straight-on elevation, so from the ground, you won't see any of the vehicles from below there; you'll only get fractions of views at best from anything on the lower levels. That's a 42" guardrail, so it's at least as high as the hood of a car.

Comm. Williams: Thank you.

Comm. Roberson: First I want to applaud you for making a large step. Unfortunately, I'm still very disappointed in this design because it still looks like a garage. I'm a little curious why you didn't go through and actually add a building façade on this project so it looks like your other buildings, as opposed to a parking garage. Again, this is a major viewpoint on the south side facing Town Center and a busy street, and we get treated to another garage, which is exactly what we asked not to see the last time you were here.

Mr. Alpert: First of all, you have to have open space in the façade.

Comm. Roberson: You have open space, but on the south side, you could have created a building front that actually looked like storefronts as opposed to what you've done here. It would have hidden everything from street level, and you still could have three sides that were open.

Mr. Lenahan: Certainly, but the code requirement for open garages applies all the way around the buildings. We are just slightly above the minimum code requirement for open area ventilation on this garage currently. To treat that south façade as a series of building facades would require essentially a solid closing off of that elevation and would bring us below the code's minimum requirements for an open parking garage, which is 20% of the surface of the surface of each tier of the garage.

Mr. Alpert: From a marketing and functional perspective, you may have a different philosophical approach to this than we do. We believe that it's very important that it be attractive, but it's also very important that people recognize what it is so that it's easy to find and maneuver. We have tried to add elements of the buildings to make it as attractive as we possibly can. We do have the center section that is solid section, which looks like a building in our opinion. We think we have a very attractive structure that will complement the development.

Chair Rohlf: Are you finished with No. 7?

Mr. Alpert: We're finished with 7a. 7b is fine. The concern with 7c is we're being requested to create mechanical unit screening that is of a height equal to or greater than the mechanical units that it's intended to screen. That really is contrary to the previously approved stipulation, which was that the screening would not be visible at eye level from

an adjoining property line or any street right-of-way. If you apply that standard when you're on the top of the third story of a building, your site lines are such that you don't actually need to build it all the way to the top of the mechanical equipment in order to adequately screen it. We have done site studies and will continue to do them as we refine the plans, but we feel confident we can screen the units without necessarily having to create an arbitrary height on the screens themselves. Therefore, we would like to request that the stipulation read as it did in the preliminary approval. We're all committed to the same result and not being required to construct more than what is required to accomplish a task.

Comm. Elkins: Mr. Alpert, on that particular point, given what we've got in that particular area, if I'm standing near the south end of the parking lot in Town Center, your intent is that I should not be able to see the mechanicals on the top of the parking garage.

Mr. Alpert: There aren't any mechanicals on top of the parking garage. We're really referring to the mechanicals that are back behind that on the top of what is Building G.

Comm. Elkins: It seemed like the defining point was the property line, and I think as a practical matter, I'm more concerned about the perspective from considerably inside the Town Center property line.

Mr. Alpert: I believe the LDO reflects what was previously approved – that the test is the view at the property line. We need to address what is reasonable and where we stop.

Mr. Coleman: The LDO uses that criterion and also the criterion that it not be visible from off-site. Our concern was that if you stand at Nall right now, you can see the mechanical equipment on some of the buildings of Park Place currently. We want to make sure the parapet is high enough that you couldn't readily see them as you approach the development. You can now.

Comm. Elkins: I share that concern, and maybe we're bound by the LDO. I think the horizontal distance from the property line to where there will be a site line is probably more pronounced on what would be the north side of Town Center. Thank you.

Mr. Alpert: The third stipulation would be 7d, and it reads, "Revisions to the north elevation of Parking Garage B showing a pattern of vertical brick veneer columns to match the pattern shown on the south elevation." (*Places north elevation diagram on the overhead*) This is the view, and again, we feel that we have significantly embellished the areas of the building where pedestrian activity will occur. The section that is less articulated is the one with the service drive. We felt we'd rather address the sides of the building that are more visible to the public.

Comm. Pateidl: Mr. Alpert, you just referenced the LDO under Stipulation 7c as foundation for your position that the parapet wall didn't need to be higher than what had been established. If I understand correctly, the LDO, related to 7d, is that the four sides of the building should be comparable. Do you interpret the north side of this building to be comparable in architectural style to the south side?

Mr. Alpert: Certain parts are; certain parts aren't.

Comm. Pateidl: If you ascribe to living by the LDO, why do you feel that certain parts that are not in compliance with the LDO should be accommodated in your proposal?

Mr. Alpert: We believe that the provision in the LDO contemplated buildings that sit in the middle of parking lots and are viewed by the public from all four sides, therefore requiring more attention to each elevation. This is a unique project that has a service alley with limited visibility. A perfect example would be if you go across the street to Town Center and drive back to the service areas of any of the sections of the Town Center shopping center. You'll find those are absolutely minimally treated. Those are sides of the building, but they are not treated the same way because they are service areas. We believe this service alley comes under that same category.

Comm. Pateidl: Isn't it true, though, that Building G that's going to be the office facility will have windows that look directly on to the north side of the parking garage?

Mr. Alpert: Yes.

Comm. Pateidl: While we may be in the service alley, we also have an office building that's going to be looking on this building as well. While you feel that it's in a service position, would you concede that we may not share that belief?

Mr. Alpert: I understand what you're saying.

Mr. Klein: I'd like to clarify what the LDO says regarding the screening of utilities. Section 16-2-9 – Performance Criteria H9 states, "Screening storage, service, truck-loading areas, utility structures and mechanical equipment of ground or roof shall be screened from public view." It goes on to read, "Any emission of noise, vapor, heat and fumes shall have mitigated consideration given to the developing common service courts at the interior of the parcel. Garbage, recycling and utility areas shall be enclosed and screened around the perimeter of the walls at a minimum of 6' in height and constructed in materials consistent with the rest of the building." It doesn't state where the public view is considered. Many of these mechanical units are currently visible from a number of different locations, so by having the screens as tall as the units that they're supposed to screen, we assure that they will be properly screened. In this case, you have a series of multi-level buildings with many viewpoints.

Mr. Alpert: The last stipulation I wanted to address is No. 22. We just received this memo regarding some recommended changes to this stipulation. It has always been our understanding that we would have to address this issue at the time of completion of the final buildings of Park Place. This is changing that significantly. I believe what was approved for the preliminary development plan approval and in the final ordinance signed by the Council addresses two surveys and one performance bond at the end. What has now changed is the request is for two performance bonds of five years each. We would prefer to revert back to the originally approved stipulation that requires one performance bond at the end of the project. We also have concerns that this is written in a very vague manner with regard to the area to be surveyed. This really does not define the limits. If you take it as written, we could be required to survey all the way to Indian Creek in theory. I don't think that was the intent. I think this was meant to address the improvements we originally made to the creek behind City Hall over to Roe. We would request that it be defined as such in the stipulation.

Chair Rohlf: Mark, can you shed any light on why these particular changes have occurred?

Mr. Klein: I'll give you a little history. Initially the Park Place development was approved for the preliminary of the overall development in 2003. That stipulation was carried forward to the preliminary of Building G and Parking Garage B. At the time of Planning Commission, that stipulation was modified. The modified stipulation is the one you have before you without the changes that are being called out here. I tried to go through the reasons for the various changes. They really weren't intended to change the stipulation itself as much as to clarify what was meant. For instance, the very first one was to clarify what was expected as far as the survey. On the first line, the underlined portion says, "To identify improvements and/or repairs needed to ensure satisfactory performance of the storm water improvements." That's all that was intended to do. The next one was to clarify the storm water improvements were to be constructed and that a bond was not simply being required. It was implied that the improvements would be constructed as opposed to that the bond was there to ensure that they would be constructed. The next one changed the deadlines for completion of improvements for Building G and Parking Garage B. We lengthened the time from building permit to temporary certificate of occupancy to help the developer. The next one was to clarify that we're not just talking about a bond, but actually a performance and maintenance bond. According to the Public Works Department, those are the types of bonds that are done. In other words, the bond will last for as long as it takes to complete the project. There is no time limit on the performance bond part of it, but the maintenance bond would start five years from the date of completion. The next one is changing the performance maintenance bond from two to five years. The reason for that is the original stipulation in 2003 stated that, "Prior to building permit of the final phase of the development, the applicant/owner shall provide a five-year performance bond condition on satisfactory performance of the storm water improvements to properly handle storm water from the site without causing storm water damage or other problems downstream." Again, we used the originally approved time frame for the development. The next one was to change the time the second survey was required from the time of building permit to the time of preliminary plan. That gives the developer a shorter amount of time, rather than waiting for it to go through the process.

Chair Rohlf: The stipulation we approved on April 14, 2009 was in that memo form, I believe, and was adopted that night?

Mr. Klein: Correct, it was actually approved by City Council on May 18, 2009. I can read that one. "The owner/developer/applicant shall provide a performance bond for needed storm water improvements prior to building permit for any building within the last phase of the development. The amount of the performance bond will be determined at that time. The term of the performance bond shall start at the time of the last certificate of occupancy for the last building within the Park Place development. In addition, a survey shall be taken of the storm water improvements to handle and convey storm water from the site prior to building permit for either Building G or Parking Garage B. A second survey of the storm water improvements to handle and convey storm water shall be taken prior to certificate of occupancy of the last building within the Park Place development to identify improvements or repairs needed to ensure satisfactory performance of the storm water improvements and to handle and convey storm water from the site without causing storm water damage or other problems downstream."

Chair Rohlf: That was the stipulation that was approved.

Mr. Klein: At the time of preliminary, and this is a revision.

Chair Rohlf: All right.

Mr. Alpert: So in essence, we're being asked to make improvements twice the way I'm reading this.

Mr. Klein: Actually it's requiring two surveys to be taken to determine whether improvements will be necessary. If the survey shows none are necessary, none will be required. That is the same thing that was approved with the preliminary site plan that went to City Council on May 18th. The intent of that hasn't changed.

Chair Rohlf: Just so we'll know, I noticed in your memo that the date is July 14, 2007. Let's make sure it gets dated 2009. Mr. Alpert, is there anything else you'd like to say? Before I turn it over for questions, I'd like to ask if you're still on a fast-track time frame for this building.

Mr. Alpert: Very much so.

Chair Rohlf: I do think you've worked very diligently with staff and the recommendations we made last time. There still seem to be some outstanding issues that need to be resolved before final site plan. I don't know if the other commissioners feel they are significant enough that we would hold up this particular plan this evening. Just to give you my perspective on some of this, when we get plans in that are not complete or we have to continue and add more things, we find ourselves in a difficult position – not only for this plan this evening, but also when these plans change again before going up to City Council. We aren't privy to those particular changes, but then sometimes these plans are remanded back to us for particular reasons or the developer changes the final plans again; and we're left out of a portion of the planning. It does make it difficult when these plans come back for us to know what happened in that interim. I know we still have a lot of building left to go at Park Place. I would encourage you to try to have as much detailed planning ahead of time so we don't have to keep continuing these meetings. I know it's frustrating to you when you have a tenant anxious to get into the building, but I feel we've tried to work with you the best that we can on some of these buildings and getting them through, even to the extent that we've sacrificed or modified some of the LDO language. I think we could probably argue the ramps and some other issues, but there are some things I would like to see, such as the amenities and your screening proposal. I just have a word of caution that I want to be fair to you and also to staff and my fellow commissioners. I'll open it up for questions. Does anyone have questions? Thank you. Would anyone like to start discussion and take into account some of Mr. Alpert's comments on the stipulations? We may need to revise some things.

Comm. Pateidl: I have a question for Mark. On Stipulation No. 7a dealing with the visibility of the ramps and the recommendation for additional screening material, the architect this evening has indicated they are slightly above minimum standards for enclosure and that further enclosure would create some problems. Does that also include screening material? Is there a valid position there as it relates to screening versus the façade that was discussed at the time?

Mr. Klein: According to building code, they are required to have a certain percentage of the parking garage open. I believe they have quite a bit of it open on the east, west and north sides as well. As you saw on some of the pictures of the parking garage on the Plaza, there are a number of ways to provide screening. For instance, the bricks had ventilation holes in them. Staff is really looking forward to being able to screen that. We've seen the parking garage on Nall Avenue, and it stepped down. Even the developer is trying to change that. Where we're falling into disagreement is staff would like to see those sloped ramps going up there as well. Some of the garages shown have decks that are level, as opposed to something that's ramped across the façade.

Comm. Williams: I'd like to address Stipulation 7a. Regarding the open brick patterns to screen the ramps, you're still going to see some of the ramping behind it. What they've come up with and the type of detailed screening that catches your visual interest is not objectionable to me, even though some ramp shows. I'm coming from a perspective maybe similar to Mr. Alpert and his designers that it's a parking garage, but let's not make it look totally like an office building. They should tie in some of the elements from the office building, and they have done that. That helps the overall architecture of the parking garage. I think you couple that with the site amenities that we haven't talked about tonight, which gets you down at the approach level and begins to make that a much more pleasant area and maybe lessens the concern for the few areas on that façade where you'll see the sloped ramps. Their comment that the cars' headlights will be screened does a lot to get my support for what they have done. I could see giving up Stipulation 7a. Going to Stipulation 7c, initially when we were discussing this, I was siding with Mr. Alpert because I think we typically have taken the approach that the screening height on virtually any of the projects that we've seen through here is measured from the property line at the public right-of-way versus somewhere else on the development. As he stated in the original stipulations for the development, that's the way it was approached. It seems a little unfair to come back and change the rules at this point, and I think you do have to look at the amount of magnitude of problem in this particular case. I don't have a handle on that particular one. Then on Stipulation 7d, from my perspective, I'm comfortable with what they have. I do see this as a service drive, even though people will look out of windows. I don't see this as being an awful façade. In that section with the spandrels, it doesn't have the same level of detail as the other three sides, but it's also not an unattractive area, given where it is. I do give credit to the developer for upgrading the areas with more pedestrian exposure and visibility. We can probably debate that all night long, but I think we need to look at other buildings within the zoning development and other projects we have approved throughout the city where the backside of the building is not necessarily at the same architectural level as the other three facades, such as the Pottery Barn in Town Center, on which the façade that faces the street is not at the same architectural level as the façade that faces the parking lot. It's not an unattractive façade with the embellishments they put on there, but it looks like the backside of a building. I think they've done a fairly good job here, and I'm comfortable with deleting 7d from the list. I'm a little concerned with the language dealing with the survey. If this is the same language that has been approved before with the development, I'll let it pass and don't see it as an issue.

Comm. Neff-Brain: As to the south elevation sloping ramps, those really don't bother me because, as you say, you really shouldn't be able to see the cars. Is there any treatment that could be given to the side that can be seen from the south elevation – some kind of

colored stamped concrete or something that would make it more palatable to some of the other commissioners? I'm just thinking out loud.

Mr. Alpert: I think architecturally, our goal is to have it go away. By doing any kind of embellishment to it by coloring, stamping or detailing, it makes it more obvious it's there. We'd like the attention drawn to all the other elements of the façade and just have it disappear as much as possible. That's really the design philosophy behind it.

Inaudible comments from unknown speaker.

Mr. Alpert: We have a colored concrete on all the other exterior pre-cast panels, and we could certainly put some color to it.

Comm. Neff-Brain: I don't know if that would appeal to anybody or not.

Comm. Williams: That raises a good question which we didn't get into, and that is the color of that surface versus the color of the spandrel. I throw in the question of the distance between the decorative metal panels and the spandrel. Does the panel sit right on the spandrel?

Mr. Alpert: It's about 1' back.

Comm. Williams: On some of the examples you had shown around the Plaza garages, some of the deck spandrels actually do sit back from the facades. As you say, they start to go away because of shadow patterns. It also depends on the time of day and the angle of the light.

Comm. Roberson: I disagree. This is just another garage, quite frankly. I think we ought to have it fit more with the building architecture on the inside on that south side.

Comm. Rezac: I wanted to address three of the items under Stipulation No. 7. Regarding the ramps, I've been trying to figure out what is still a little unsettling. I appreciate the added width so that the cars go away, but there is this horizontality of parking garages, typically due to the ramps. Comparing the last elevation to what we're seeing now, it almost looks like the screens replaced the pre-cast panels. Without getting into too much design and detail of these screens on either side of the middle section, I wonder if there is a way that we can use a little bit of that horizontality. I don't know if it means that the screens do something different or what happens there. It doesn't bother me to directly see the ramp behind the screens; I'm just wondering if they become more of an element, similar to the way you did with the middle and two ends of this garage. The second item deals with screening the mechanical units. I think that's always tough because whether the mechanical unit is sitting on top of the building or some other material is just screening around the mechanical unit, you still see it as a mechanical unit. That is something I would want to see before it went on to the Governing Body because even if it's just screened directly around it, it's still going to read as a mechanical unit. I think the design is important, no matter the height. The last area deals with the north side of the garage. I agree that it does not need to necessarily be as sophisticated and refined as the south side, but I feel like there is a big discrepancy between the south side and the north side right now. I feel there should be a bit more refinement given to that side.

Comm. Williams: I have one question. One of the issues we're discussing is the sloped ramp on the south elevation, which is the primary elevation. Would it be at all possible to flip the decks internally so the horizontal decks are on the south side and sloped decks are on the north side?

Mr. Alpert: Believe me, if we could have done that, we would have done that up-front. The problem is you've got the vertical circulation on the north side. You've got the stair towers and elevators, and it becomes a real problem to make the ramping consistent on that side when you've got to flatten it out where the vertical circulation occurs. You have to ramp, flatten and ramp, and we don't have enough length to accomplish that and get the floor-to-floor heights we need. That's why the ramping is on the north side.

Comm. Williams: I'll take your word on that.

Mr. Alpert: It's the same scenario with the original parking garage. We looked at it for that and had the exact same problem.

Comm. Elkins: I'll add my comments. Looking first at Stipulation 7a and the question of the ramps, I certainly have shared with Mr. Alpert in our public sessions earlier my disappointment with what we ended up with in Parking Garage A and the visibility of the ramps there. I understand that some of it, we just couldn't help. We can help it here, and I commend Mr. Alpert and his design team for the efforts they have made. I'm a little concerned that we're comparing apples to oranges. My sense is that many of the examples we were shown tonight from the Country Club Plaza were really deck spandrels, and I think the concern here is the ramp spandrels. Part of it goes to the horizontality that my colleague spoke of. Having said all that, I think I am prepared to agree to the elimination of 7a. They've made an effort, and I think we're very close. I share the concerns of a streetscape at the street level. Certainly, they've made an effort to get there. I don't think we're there yet, but it just doesn't feel like we're going to get there. With respect to 7c, with all due respect to Mr. Alpert, it seems to me that our LDO is not limited by boundary lines of the property. I wasn't quite sure where Commissioner Williams landed on that. The issue is whether you can see the mechanicals from a place that will be highly trafficked. The place that's most likely to cause a concern is right outside the doors of the businesses on the north side of Town Center. I think I agree with Mr. Alpert that we all share the same goal here; it's just a question of what we have at the end of the day. It certainly seems if the screening is at least as high as the mechanicals they screen, then we can feel confident that no one will be higher and looking down on it. My personal preference would be to leave 7c as it stands. With respect to 7d, I very much subscribe to complying with the LDO, and the LDO calls for what I refer to as a four-square architectural site. On the other hand, I hear what Mr. Alpert is saying about the fact that the north side is really a service area. I'm hard-pressed to suggest to Mr. Alpert that he spend the money to make that fourth side look the same as the south side. The fact of the matter is that the UPS driver is going to be one of the few people who see that. With some reluctance, I'm willing to agree to remove Stipulation 7d. I have to admit, I am confused about Stipulation No. 22, and I'm probably going to vote the way everyone else does. There is a dispute, and I haven't quite figured out what it is.

Comm. Heiman: I think I concur with a couple of my colleagues here on the end. I think the design is much improved over the previous structure and over the structure that is inexistence. While we all don't like seeing the ramps, they do appear to blend or fade

into the background. The fact that the LDO needs a certain percentage of that open space tells me not much more can be done. I think they've done a nice job with it. I'm fine with Stipulation 7a being removed. I think we need to leave Stipulation 7c. I think the idea of having the screening of equal height will eliminate any issues. Regarding the north façade, I don't think there is any issue there. I'm fine with removing Stipulation 7d. I'm a little like Commissioner Elkins on Stipulation No. 22.

Comm. Pateidl: I'm obviously at odds with my fellow commissioners. I believe sincerely that one of the issues we need to be cognizant of as we make these decisions is the integrity of our LDO. While many of the issues discussed here this evening are matters of preference, the fact remains that what we decide is going to be set before not only Mr. Alpert's future projects, but other developers as they come forth for other projects in the City of Leawood. Regarding Stipulation No. 7d, no one is suggesting they replicate the south side. The recommendation from staff is that some additional columns be added to give it the architectural appearance of a four-sided structure. I hate to fold on that at this juncture, knowing that we're going to have other projects with this exact issue. This will be established as precedent. As evidence to that tonight, Mr. Williams talked about that on 7c. He said we're changing the rules. I don't think we are; I think the LDO is clear. Our interpretation of the LDO on some prior projects was perhaps more liberal. That's a perfect example of what I'm talking about with what happens as we go down the road. On 7a, I have some very mixed opinions. I will remind Mr. Alpert that in the approval of the preliminary plans, I asked him not to bring a design back that shows ramps running up and down the side of this building. Yet, that's what we have. This isn't brand new. I'm disappointed it was not regarded. I take the opposite position of my fellow commissioners and support the staff in each of their recommendations on 7a, 7c and 7d. I will also point out that in Stipulation No. 22, there is a concession on the part of staff recognizing the immediacy of the need to get this thing moving by deferring the study and report to be filed at the point of temporary occupancy, versus the point of drawing a building permit. This offers the developer the opportunity to begin immediately to move forward with the effort to get the project underway. This is important to the developer and the economics of the City of Leawood. I think staff has done their job appropriately. I think Mr. Alpert has done a good job in bringing some improvements to an unacceptable design, but I believe the stipulations are valid.

Chair Rohlf: Thank you. I think we have heard from everyone. I would ask that we attempt to carve out a motion.

A motion to recommend approval of CASE 30-09 – PARK PLACE BUILDING G AND PARKING GARAGE B – Request for approval of a Revised Final Site Plan and Revised Final Plat – located north of 117th St. and east of Nall with the deletion of Stipulation Nos. 7a and 7d and the changes to Stipulation No. 22 as set forth in the Staff Memo dated 7/14/09 was made by Neff-Brain; seconded by Williams.

Ms. Shearer: Madame Chair, I have a couple corrections to make to the staff memo from Stipulation No. 22. In line four, it says, "Temporary occupancy permit" and should read, "Temporary certificate of occupancy." That appears again in line eight.

Chair Rohlf: All right, we've noted that. We have a motion and a second. Is there further discussion?

Mr. Ley: We'd also like to add the limits of the survey to be north of City Hall on the open channel between Town Center Drive and Roe Avenue.

Chair Rohlf: All right.

Comm. Neff-Brain: I believe I needed to say, ". . . with staff stipulations except for . . . "

Comm. Williams: With Commissioner Neff-Brain's approval, I second as well.

Chair Rohlf: Any further discussion?

Comm. Elkins: I would just look to Mr. Alpert with respect to that last limitation on Stipulation No. 22 and whether that addressed his concern about the limitation.

Mr. Alpert: Yes, it did.

Chair Rohlf: Anything else? All right, I'd like a show of hands, please.

The motion passed with a vote of 4-3. For: Neff-Brain, Elkins, Williams and Heiman. Opposed: Pateidl, Roberson and Rezac.

MEETING ADJOURNED.