

City of Leawood
Planning Commission Minutes
June 28, 2011
Meeting - 6:00 p.m.
Dinner Session – No Discussion of Items – 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, Jackson, Rohlf, Williams, and Ramsey. Absent: Neff-Brain, Elkins and Strauss

APPROVAL OF THE AGENDA:

Chair Rohlf: The first case under New Business has been moved to a continuance for July 12, 2011.

A motion to approve the amended agenda was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 4-0. For: Pateidl, Roberson, Williams, and Ramsey.

APPROVAL OF MINUTES:

Approval of the minutes from the May 24, 2011 Planning Commission meeting and the June 14, 2011 Work Session.

A motion to approve the minutes of the May 24, 2011 Planning Commission meeting was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 4-0. For: Pateidl, Roberson, Williams, and Ramsey.

A motion to approve the minutes of the June 14th Planning Commission Work Session was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 4-0. For: Pateidl, Roberson, Williams, and Ramsey.

CONTINUED TO JULY 12, 2011 MEETING:

CASE 44-11 – SOMERSET SHOPS – VINTAGE MARKET – Request for a Final Plan for a Tenant Finish, located south of Somerset and west of Lee Boulevard.

CASE 53-11 – IRONHORSE CENTRE PADDY O’QUIGLEY SIGN – Request for approval of a Final Sign Plan, located south of 151st Street and east of Nall Ave.

CASE 58-11 – ONE NINETEEN – GLACE ARTISAN ICE CREAM SIGN – Request for approval of a Final Sign Plan, located at the southeast corner of 119th Street and Roe Avenue.

CASE 60-11 – AT&T MOBILITY – WIRELESS ANTENNAE – Request for approval of a Special Use Permit for a wireless antennae and associated equipment, located south of I-435 and east of Mission Road. **Public Hearing**

CASE 61-11 – AT&T MOBILITY – WIRELESS ANTENNAE – Request for approval of a Special Use Permit for a wireless antennae and associated equipment, located north of 135th Street and east of Nall Avenue. **Public Hearing**

CASE 63-11 – PARKWAY PLAZA – COUNTRY CLUB BANK SIGN – Request for a Final Sign Plan, located north of 135th Street and east of Briar.

CASE 64-11 – HALLBROOK FARMS – COUNTRY CLUB BANK SIGN – Request for approval of a Final Sign Plan, located north of College Boulevard and west of State Line Road.

CONTINUED TO JULY 26, 2011 MEETING:

CASE 114-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-6 – PERMANENT SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 59-11 – FURR'S ORIENTAL RUGS SIGN – Request for approval of a Final Sign Plan, located south of 103rd Street and west of State Line Road.

CASE 56-11 – TUSCANY RESERVE – 5TH PLAT – Request for approval of a Revised Final Plat, located at 3423 W. 138th Street.

CASE 65-11 – TOWN CENTER PLAZA – SEDUZIONE HOSIERY BOUTIQUE SIGN – Request for a Final Sign Plan, located at 5037 W. 117th Street.

CASE 71-11 – ST. MICHAEL THE ARCHANGEL PLAYGROUND EXPANSION – Request for approval of a Revised Final Site Plan, located at the northeast corner of 143rd Street and Nall Avenue.

A motion to recommend approval of the Consent Agenda was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 4-0. For: Pateidl, Roberson, Williams, and Ramsey.

NEW BUSINESS:

62-11 – ONE NINETEEN – TREATS UNLEASHED – Request for approval for a Revised Final Site Plan for a Tenant Finish, located west of Tomahawk Creek Parkway and south of 119th Street.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 62-11 – One Nineteen – Treats Unleashed. This is in the south end of the original Dean & DeLuca building, which is now Trader Joes. The applicant is proposing a few changes, one of which is to the exterior of the building. They are proposing a cocoa awning, which is the same color as what is on Z Gallery. Another change is to add signage on the building. One wall sign is on the west elevation, and a blade sign is on the west and north elevations. In addition, they are proposing site changes. When the Dean & DeLuca building originally came through, it was approved with a Special Use Permit for a drive-thru on the south side. This permit stays with the owner, and the applicant does not want a drive-thru, so the proposal is for a reconstruction of the south side which would include a parking space. A portico was also on the south side, which will be eliminated to allow for a standard storefront. They have also added a plaza area on that south elevation to create a more pedestrian area. In addition, they are adding parking spaces on that south side of the building. Staff is supportive of this because parking is at a premium in this development. I do have a Site Plan as far as what was originally approved (*places on the overhead and reviews aforementioned changes*). The reason for the separation between the parking spaces is an existing transformer in the island. The parking spaces actually do not meet the requirement of nine feet in width, so we have added a stipulation to address this. Staff is recommending approval of this application and will be happy to answer any questions.

Chair Rohlf: Is the un-leased space on the other side the same size building?

Mr. Klein: I believe it is slightly smaller.

Chair Rohlf: I'm concerned about the parking in that area.

Applicant Presentation:

Bart Lowan, RED Development, 4717 Central, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Lowan: Mark covered everything we're here for. We did get a copy of the Staff Report, and we are happy to comply with the comments as well.

Comm. Roberson: Can you tell me what this is?

Mr. Lowan: It's a gourmet pet food store.

Chair Rohlf: And you agree with the stipulations?

Mr. Lowan: Yes, we can comply with the parking situation with no problem.

Chair Rohlf: And the signage?

Mr. Lowan: Yes.

Chair Rohlf: If there are no more comments or questions, I would ask for a motion.

A motion to recommend approval of CASE 62-11 – ONE NINETEEN – TREATS UNLEASHED – Request for approval of a Revised Final Site Plan – located south of 119th Street and west of Tomahawk Creek Parkway with all nine staff stipulations – was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 4-0. For: Pateidl, Roberson, Williams, and Ramsey.

CASE 70-11 – PARK PLACE OFFICE – Request for approval of a Final Plan – located at the southeast corner of Town Center Drive and Nall Avenue

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Planning Commission, this is Case 70-11 – Request for approval of a Final Plan for a Tenant Finish at Park Place in Building A. The tenant space is located on the ground level at the north end of the building immediately north of the parking garage. The storefront abuts a 12-foot wide sidewalk, which ends immediately west of the storefront and is surrounded by a retaining wall, which conceals a portion of the storefront from view. The plans propose construction of a storefront consisting of clear windows and stucco with a metal canopy extending across the existing sidewalk on the north side of the building. Two new signs are proposed: a canopy and a blade sign. The canopy sign reads "Park Place" and is proposed to be centered on the canopy of the storefront. The blade sign will read the same and is proposed to be located on the second level of the north façade of Building A. The storefront

occupies the first level of Building A; therefore, the blade sign, as proposed, will not be located on the tenant storefront. Staff is recommending that the blade sign be relocated to the tenant storefront. This blade sign, as it is currently proposed, is eight feet in height. Staff would also recommend this be reduced so it is more proportionate with the size of the storefront. Staff is recommending approval, subject to the stipulations in the report, and I'm happy to answer any questions.

Applicant Presentation:

Jeffery Alpert, Park Place Village, LLC, 11551 Ash Street, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Alpert: This is a request for a storefront finish, as Joe indicated. It is on the far west portion of what we call the Aubrey Building along Nall. It is a combination of glass on the east elevation. It includes brick and a very small amount of stucco on the north elevation. The intent of this location is for us to move our development office into this space. In addition to development activities, it is intended to be a storefront for information about Park Place, a place to buy gift cards and so on. We have requested the large blade sign because, except for this portion here (*refers to display boards*), the majority of the space is below grade on Nall and wrapped around the corner. Therefore, we had designed this blade sign to be placed where it could be more visible. It's a unique situation and not something we are doing with our other signs, but we felt it was important to make it more visible. We would request your consideration for allowing that blade sign as a part of this approval. I'd be happy to answer any questions.

Comm. Pateidl: As I understand the comments from staff, the second story is not part of the storefront or the leased space for your office. Is that correct?

Mr. Alpert: In that location, the grade rises along Nall.

Comm. Pateidl: Is the second story vacant?

Mr. Alpert: No, the second story is actually leased. It's an office tenant.

Comm. Pateidl: So there is no sign as far as that is concerned?

Mr. Alpert: Actually, that tenant is IBM, and they do have a sign on the building; but their sign is up high on the façade at the very top. For IBM, it is not as critical that the exact location of their office be identified with their sign as the fact that they are in the building.

Comm. Pateidl: Do you have their consent for this sign?

Mr. Alpert: Because of our lease agreement with them, their consent is not required.

Comm. Pateidl: I find it highly unusual for a sign for an unrelated party being on a tenant space that is already leased. That concerns me as a precedent going forward.

Mr. Alpert: Because of the unique use of this space and the fact that the sign says "Park Place" on it, it also becomes identity for the overall development to some extent. We do get questions all the time because we don't have a significant amount of signage around the perimeter of the site. This would be helpful for an identity of the entire project as much as an identity for this particular space.

Comm. Ramsey: What is it that staff has recommended to you?

Mr. Alpert: Staff is recommending in a stipulation that the blade sign be reduced in size and put in a more conventional location.

Comm. Ramsey: Where is that?

Mr. Alpert: We'd have to identify that location. The way this is designed, there really isn't a good place to put it because we have actually designed a canopy to come out over the front of the space. (*Refers to display boards*) We have a retaining wall that wraps around the storefront here, and the sidewalk comes up this way and terminates at this point. We've got a sign on this metal canopy that covers the sidewalk through here. There really isn't another good place for it.

Comm. Ramsey: They're only objecting to the blade sign?

Mr. Alpert: That is my understanding.

Comm. Ramsey: How much larger is your sign proposed to be over the standard sign?

Mr. Alpert: Maybe 2 ½ times as large.

Comm. Ramsey: And why do you think you have the need for that again?

Mr. Alpert: This space is relatively isolated from the majority of the retail, and we just wanted to draw greater attention to it.

Comm. Ramsey: You're pretty well hidden back there.

Mr. Alpert: That's why we wanted a taller sign.

Comm. Williams: Isn't the blade sign more on the west side, which is closer to Nall than the shopping street?

Mr. Alpert: It actually sits right here (*Refers to display board*). The idea was to capture the view from Nall, as well as from people coming around the corner.

Comm. Williams: I'll leave it to you and your designers that the sign would catch people coming from the shopping street, but I'm not sure it gets people directed to you in that respect, especially if you're going to put a canopy out in front that has your Park Place sign on it. It would seem that would be the attention you would need.

Mr. Alpert: This draws people up the street. I think once they get here, it's pretty obvious because the sidewalk terminates around this retaining wall.

Chair Rohlf: Is it your intention to keep this office space here, or could it move?

Mr. Alpert: It's something we're currently expecting to keep for a period of time.

Chair Rohlf: Thinking about if I were looking for the place to buy a gift card, I'm not sure the sign would do it for me. I guess I would be expecting that to be somewhere down in the main part of the shopping area. Maybe it's more for people who are leasing and things like that.

Mr. Alpert: That is just one activity. Most of our merchants have their own gift card program, so it's not a huge volume of business. The majority of the activity out of that space will be our leasing and development activity.

Commissioner Jackson joined the meeting

Chair Rohlf: This takes us to additional comments.

Comm. Williams: I would have to concur with staff on the blade sign. It seems to be more of a development advertising sign than the type of sign directed to the tenant. I am sympathetic to the location and the retaining wall blockage, but the sign does not seem appropriate in that location.

A motion to recommend approval of CASE 70-11 – PARK PLACE OFFICE – Request for approval of a Final Plan – located at the southeast corner of Town Center Drive and Nall Avenue with all four staff stipulations – was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 4-0. For: Pateidl, Roberson, Williams, and Ramsey.

CASE 72-11 – TOWN CENTER PLAZA – SUITE 200 – Request for approval of a Final Site Plan for a Tenant Finish – located north of 119th Street and east of Nall Ave.

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Planning Commission, this is Case 72-11 – request for approval of a Final Plan for a Tenant Finish for Suite 200 of Town Center Plaza. The tenant space is located on the south side of Town Center Plaza, adjacent to Macy's. A specific tenant is not identified at this point in time and is not shown on the plan; therefore, signs are not proposed at this time and would be required to be reviewed as part of a Final Sign Plan at a later date. The plans propose modifications to the existing colonnade to add a tower element and awning over the proposed tenant entrance. The tower element will be constructed of brick to match the existing brick throughout the center with the top of the tower constructed of white trim to match the tower elements elsewhere. The awning is proposed to be black canvas, and the storefront is proposed to be modified to include a granite tile base with mahogany doors for the main entrance. The plans also propose removing one of the three planters in front of the storefront and relocating it to the east planter, which will be doubled in size in lieu of removing the middle planter. Staff is recommending approval of this case, subject to the stipulations in the report.

Applicant Presentation:

Bill Fowler, Hicks Fowler Architects, 3601 W. 122nd Terrace, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Fowler: This application includes the improvements to the building shell. The tenant is not identified. The landlord is talking to the tenant, and the improvements are intended to entice the tenant. The space is roughly 3,300 square feet, which is the standard style boutique. This particular project includes centering the entrance door on that space. You can see from the existing elevation that there happens to be a brick column right in the middle of the tenant space, so this application includes removing that brick column and replacing it with an upscale entrance feature, which will use materials to match the existing brick as well as possible. The sign we have indicated in the renderings will be provided by the tenant. For a tenant below 6,000 square feet, typically, the sign would be allowed to be 24 inches tall. In this particular case, since we have horizontal restrictions, we have granted an extra six inches of height. The project also includes replacing the existing storefront with a granite base 18 inches high. Above that will be clear insulated glazing, butt jointed to minimize the interference with the tenant's display indoors. The light fixture you see

at the end of the rendering currently exists and will remain. We also would like to replace some existing, unattractive downspouts by rerouting them and concealing them in the new columns. I believe that touches the high points. I'd be glad to answer any questions.

Chair Rohlf: There are tenants on either side?

Mr. Fowler: There is one on the east side, but the standard style goes all the way to Macy's.

Chair Rohlf: Typically, how long would this type of a reconstruction take?

Mr. Fowler: Typically, the construction would probably be a couple of months once they get started. It will probably take a couple months for them to get started.

Chair Rohlf: Thank you. That takes us up to further discussion and a motion.

A motion to recommend approval of CASE 72-11 – TOWN CENTER PLAZA – Request for approval of a Final Site Plan for a Tenant Finish – located north of 119th Street and east of Nall Avenue with all three staff stipulations – was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 5-0. For: Pateidl, Roberson, Jackson, Williams, and Ramsey.

CASE 66-11 – PARK PLACE – EXPANSION OF BUILDING F AND 6TH PLAT – Request for approval of a Revised Preliminary Site Plan, Revised Final Site Plan and Revised Final Plat – located north of 117th Street and east of Nall Avenue.

Staff Presentation:

Assistant Director Mark Klein made the following comments:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 66-11 – Park Place Expansion of Building F and 6th Plat. This is an expansion of an existing building in the development, located directly across from Ingredient where the skating rink is. You reviewed F1 with AS Bistro with the upper deck. This building will attach and extend to the east of that building. Building F1 was a two-story building, and they are currently proposing to construct a four-story addition to it with retail and 23 parking spaces on the first floor. The retail will face south, and the parking will be on the north. The three stories above will be office space. The access to the parking garage will be on the north side of the building, and there will also be landscaping planted along that side in order to screen the openness to the parking garage. (*Shows pictures to illustrate.*) An alley runs along the north side of the building around the four-story residential building that has been approved but is not constructed yet. Staff is recommending the area following the alley include an amenity. It currently has a berm, and they also have some landscaping located there. A fence runs along the east and north sides of the building, but the landscaping will help break that up. The retail on the south side of the building has shallower spaces, but they will face the street, which acts as one of the primary commercial corridors within Park Place. The applicant is also proposing dead-end parking with a turnaround. Staff does have concerns about the two parking spaces at the westernmost part of it because it appears they back directly into a drive, and staff is concerned about vehicular conflicts if several people are moving.

This is going from a two-story to a four-story building. In order to keep the square footage the same within the development, they have taken square footage primarily from Building M in the northwest corner, which was originally approved as an eight-story office building. This will keep the F.A. R. the same. The applicant is also proposing different architecture for this building. Within the development, they have used a number of different facades to make the buildings look like individuals. Staff is requesting that they use a black granite base that they used on Building F1 to provide continuity and connection. In addition, this application also meets all the bulk requirements with the exception of a ten-foot interior setback. Staff would

like to add an additional stipulation that states, "Prior to building permit, the plat shall be revised to meet the required interior setback of the LDO." Staff is recommending approval of this application and would be happy to answer any questions.

Comm. Jackson: Where are they not meeting the required setback?

Mr. Klein: It is pretty much on all sides of the building. A deviation is available for interior for side yard, so they can actually connect the building the way they are currently proposing. The north and east sides are where the setback is not being met.

Comm. Jackson: How do you propose they meet the setback?

Mr. Klein: Basically, the only way they could do that would be to re-plat the whole project. Park Place does not meet it in a number of areas.

Comm. Jackson: Is it because of how they laid it out and drew their phase lines?

Mr. Klein: It is basically where they laid out their interior property lines with the development. The plan looks very simple to shift; however, the engineer indicated it is a bit more complicated.

Comm. Jackson: I'd also like to know about the sidewalk connectivity. I wasn't sure where they all led to, coming out of the building. Will the residences get connected in?

Mr. Klein: That is a good point. There was a stipulation with the last building in Park Place that, in order for the next commercial building to be approved, they would have to come in with a Revised Preliminary Plan that modified the residential. Part of the reason for that is with the initial approval of Park Place, they were required to have a minimum of 20% of the first phase to be residential. They met that requirement with approved plans; however, due to the market, the residential did not get constructed. They continued to build out within the commercial portion and moved into another phase. With the last building, there was a stipulation that, prior to approval of the next commercial building, they would have to come in with a Revised Preliminary Plan. They have done that with the next case; however, my understanding is they have a tenant they are trying to get for this particular building. The stipulation has been modified to allow for approval of Building F. The fear was if the stipulation was not modified and the residences did not get approved, this one would be on hold. We felt comfortable that they submitted a plan.

Comm. Jackson: As far as connectivity with those residences, can you show me how they connect?

Mr. Klein: (*Refers to display boards*) Sidewalks continue on the south side and the north side as well. On the east side, they continued the sidewalk, and they are showing a pedestrian connection that would run along to the sidewalk on the southwest side of the residence they are proposing in the next application. Not to skip ahead, but with the next application, we have also requested that they provide a pedestrian crossing where the plaza area is to the Axis Lofts.

Comm. Jackson: At this point, it would be too premature to put a sidewalk from Building F over to those Axis Lofts?

Mr. Klein: They are showing a sidewalk, but you're right; there probably should be a connection that comes across.

Comm. Jackson: Either there or more centrally located.

Mr. Klein: We could add that as a stipulation.

Comm. Jackson: Would now be the time? The road is already in, correct?

Mr. Klein: Yes, the road is in. It would be fine to put it in now.

Chair Rohlf: Any other questions for staff?

Applicant Presentation:

Jeffery Alpert, Park Place Developers, 11551 Ash Street, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Alpert: As Mark indicated, we're here to discuss Building F2, which completes the east/west retail street of 116th Place. If you look on the Site Plan, you will see the subject property as the orange rectangle. Just to the right of that is the Generale Building, which is currently under construction. As Mark mentioned, this is a combination office and retail building with approximately 6,000 square feet of retail space on the ground floor with dedicated executive parking behind it for the office. Above that, three floors of office space have approximately 15,000 square feet per floor. We have a law firm who will be signing a lease, subject to this approval tonight. They will be taking the entire top floor and about 30% of the middle office floor. We have another tenant in advanced negotiation stages to take the lower office floor. The majority of the office space is committed. With me this evening is Gary Schuberth, architect with Opus Design Build, Judd Claussen, our engineer with Phelps Engineering and then Chris Dring with Young & Dring, our landscape architects. I'd like Gary to walk you through the details, and then we would like to discuss some stipulations, specifically, Nos. 10, 12, 17 and the additional stipulation Mark has just added.

Gary Schuberth, Opus AE Group, 460 Nichols Road, Suite 300, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Schuberth: *(Refers to display boards throughout the presentation.)* The main entrance to the office building and the lobby are directly across from the walkway on the other side of Building G. The sidewalk continues and wraps around the end of the building. There is an office lobby, and then the retail space wraps along here and one bay of the corner. The parking is dedicated to the executives of the office space only. This is a perspective view of the building, looking at the courtyard of the Generale Building J. The retail storefronts would wrap around the corner. We have the parking on the north side of the building. As we stated earlier, Building F1 abuts the zero lot line abutted to that building. It is called an expansion of Building F1, but that is really more from a code standpoint with some exiting issues on Building F1. As far as locating windows, we have different requirements, and it is easier to have more with two separate buildings. The design concept throughout the whole center concept is each building is broken up after a certain number of feet to look like a different building, even if it is a single building. This building is broken into three different elements. It is still compatible with many different design elements and window proportions, but we wanted it broken up. We respectfully would like to respect the stipulation about putting the black granite on the base of the columns because it doesn't fit with the design, and we don't want it to look like a continuation. The granite on the F1 Building is a dark green, and it doesn't fit with the color schemes. The south elevation along the retail street shows the entry into the building. The red brick wraps around the side of the building, so it continues that look. The stipulation regarding the elimination of the two parking spaces, we would like to reject as well because parking spaces are at a premium in the building. It's a very low traffic frequency of in and out. The people who use these spaces are parking there every day, and it's not much different than people backing into an aisle. I believe those are the main issues. I would be open to questions.

Comm. Pateidl: Could you address the issue of the interior setback?

Mr. Schuberth: I'd like to have the civil engineer do that.

Judd Claussen, Phelps Engineering, 1270 North Winchester, Olathe, KS, appeared before the Planning Commission and made the following comments:

Mr. Claussen: The issue with the setbacks comes into play because of how we have already set up the past five plats. We have established property lines, and for example, the south property line of this expansion would plat to an original north property line of this street that has already been out here. It's consistent with what we have done in the past. We have situations at Park Place like the Aloft Hotel with four different properties as one building. To have a ten-foot setback doesn't really fit with this type of development and makes it challenging to make it happen. That's where we've run into some issues since this has come up recently. That is really the reason we have objected to it: we've already got established lot lines out there and have had it approved in the past. We would like to continue with how we've set this up. To comply, we would have to expand the lot lines out farther, plat into a whole tract and make a remnant out of it just for this building. It seems academic to make it happen, but I understand the UDO that has been pointed out.

Mr. Alpert: The way Park Place is set up, we have a master association that is responsible for the maintenance of all the common areas, which includes everything from the face of the building to face of the building and then out to exterior property lines. A building could be sold, and the common area would still be under the ownership as described if the lot line were against the building itself as opposed to ten feet out. It really was all done with very careful planning and forethought in order to achieve some of the unique character of what we're doing. To all of a sudden stop in the middle and do it a different way creates a hardship.

Comm. Pateidl: How far out of compliance are these plans?

Mr. Klein: The requirement is ten feet, and I believe they are within three feet on some of them. Mr. Alpert talked about trying to maintain the common tracts, and we have run into that recently on a number of other developments, particularly in the Parkway Plaza Development, where they didn't put the common areas into tracts. They divided up the parking lots and sidewalks, and now we are having problems trying to determine who is responsible for what. If it's in a tract, it is very easy to say who is responsible for what areas. We used to try to force developments to do that. We started running into problems with getting the developers to do that because they wanted to include the portion of the internal drive when they sold the property, which makes it messier for us down the road. Currently, they are probably about seven feet off on this one; in other areas, they are probably less.

Comm. Pateidl: Is there any issue of public safety at play in this?

Mr. Klein: No, it comes down to who is responsible. Currently, there is no deviation in the LDO; therefore, they would need to re-plat to meet it.

Mr. Claussen: To build on to what Mr. Klein was saying, if you look at Ash or 116th Place, the property lines are within five feet of the building by design. It keeps the majority of the sidewalk, the trees and the driveway in the common space. The reason we dropped to three is something in the building code that says if you are three feet or less, you have to have a fire-rated wall.

Mr. Alpert: I would like to make some comments about the stipulations. In No. 10, staff requested that we redesign and enhance this mini park on the northeast corner. We have done that and will show you what

we're doing. The most efficient way to handle it is we can agree with the stipulation with the understanding that it will be approved with the Council approval.

Christopher Dring, Young & Dring Landscape Architecture, 8444 Marty, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Dring: Staff took exception to how we treated the northeast corner. It is irregularly shaped and where the two grids come together. We initially elected to soften this with landscaping. We're willing to work with staff on this. We would like to wrap the existing elements of the streetscape around the site, take up a majority of the irregularly shaped corner with hardscape, making it a pocket park, adding benches and covering the entire area with a very tightly grouped spacing of trees. This would still hold the softening of the area and complete an overhead canopy of trees. Staff has not seen that, but it is along the lines of something we would like to pursue in working with them.

Comm. Williams: What type of hardscaping are you talking about, and what are the benches like?

Mr. Dring: The paving would be consistent with what we are doing on the front of the building and what is the current Park Place standard, and it would wrap around. The benches are six feet long. We would bring that back as part of the approval process.

Comm. Roberson: I think benches are the wrong idea. We have a lot of benches around the city that nobody uses. I think you ought to consider something else.

Chair Rohlf: I think the important thing here is that you will work with staff.

Mr. Alpert: I would just summarize now. We would be grateful for your approval of this case. We're excited about this building. We think it's a great addition to what we've done thus far. It is a nice completion to the block. We would like to request the elimination of stipulation No. 12, which is the black granite base. The granite on the other building is green, and our whole intent is to have an aesthetic imagery separate and distinct from the existing portion of Building F. This is a little thing, but we do feel very strongly that we're trying to define separate characters for these blocks. To tie them in is counter to our design goal. As Mr. Schuberth discussed in No. 17, the two parking spaces have all been promised to our tenants. We think because of the unique positioning of them, they will not create a hardship.

Chair Rohlf: These are just for employees of the building?

Mr. Alpert: Right, they're not intended to be public parking spaces.

Chair Rohlf: The signage will indicate that?

Mr. Alpert: Yes, it will.

Chair Rohlf: What about the clients of the law firm?

Mr. Alpert: They would be expected to park on the street or in our public parking garage across from the building.

Chair Rohlf: Do you designate tenant spaces in the garages?

Mr. Alpert: We direct our tenants and their employees to park in certain parts of the garages. For the office space, we specifically drive the office parking and retail employee parking to the upper levels of our

garages. One of the reasons for the connecting bridge from the parking to the office building on the upper level is to make it convenient for our office tenants to park on the upper levels, thereby freeing up the lower levels for retail and restaurant customers.

Chair Rohlf: Then of course, the stipulation regarding the setbacks would be No. 29. Give me your interpretation of that again, and then I'll ask Mark to do the same.

Mr. Alpert: We're trying to keep the land area that is dedicated to a specific building as close to the footprint of that building as we possibly can. As Judd mentioned, there are instances with zero lot line conditions. Where this building will connect to F1 is an example. The Aloft Building with retail spaces we own have lots of zero lot line conditions. It is certainly not a precedent in terms of Park Place. We have very specific detailed documentation through our association documents that define responsibilities for maintenance. We feel we've addressed all these issues in the overall conception of the project.

Chair Rohlf: Is that something you were aware of before discussing this setback?

Mr. Klein: We became aware of it when we were revising the actual plans. We talked with the applicant because I thought a simple fix would be to plat it out. It wasn't until then that there were other issues with regard to easements and such. It is not that staff doesn't understand what they are trying to do. There are other developments that we have encouraged to do this so they have a clear understanding of who maintains what. If you don't and something happens, you're trying to figure out who is responsible. However, the LDO does have this requirement, and therefore, the stipulation would need to be in there.

Mr. Coleman: With that last stipulation, we might add to it by adding, "Or the LDO revised to allow those deviations." Either it needs to be re-platted or the LDO revised to allow the deviations.

Comm. Jackson: Would that be for mixed-use developments?

Mr. Coleman: That's what I'm thinking, yes, because this won't be the last mixed-use development with this type of form.

Comm. Williams: These exterior walls are all pre-cast concrete?

Mr. Schuberth: Yes, they are.

Comm. Williams: So the brick that is shown is cast into them?

Mr. Schuberth: Yes.

Comm. Jackson: Mr. Alpert, could you tell us what you are thinking as far as timing for the residential piece? What do you see No. 11 allowing you to do?

Mr. Klein: It basically states that prior to coming back with the next commercial building, they have to have the Revised Preliminary Plan for the residential portion approved by Governing Body. They are coming forward with residential with the next application. If everything goes smoothly, they will move on. If City Council approves the Revised Preliminary, they will have satisfied that requirement.

Comm. Jackson: But they wouldn't actually have to build on it before they start another commercial project?

Mr. Klein: Correct, and the stipulation prior to that didn't require that, either. The requirement was for them to come back and provide a product they thought would be viable in today's market. What they originally

intended to do, they couldn't build and market. We wanted 20% in the first phase, but since it is not viable in the market, they need to come back with something that is.

Comm. Jackson: Mr. Alpert, do you see this happening?

Mr. Alpert: We are extremely anxious to make it happen. As you'll see with the next application, we'll present what we think is a very exciting residential addition to Park Place. We think it is the correct response to the market, and our goal is to take it through the process as quickly as possible so we can get it occupied.

Comm. Roberson: When?

Mr. Alpert: We'll be going through preliminary approval tonight. If we are successful, we'll be back in the next 60 days with Final Plan approval. Then it will take us 60-90 days for construction drawings and bidding it out, and then we're under construction. We're looking at an 18-month construction period with the first units occupied within twelve months. That's our time frame.

Comm. Roberson: Spring of 2012?

Mr. Alpert: Actually maybe right around the first of the year of 2013. 2011 is halfway done. It will take us a good portion of the rest of this year.

Comm. Pateidl: Seven months gets us to January or February. I'm looking at spring being April or May.

Mr. Alpert: Construction would start in 2012. Twelve months to build gives you January or February of 2013.

PUBLIC HEARING

As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Jackson. Motion approved with a unanimous vote of 5-0. For: Pateidl, Roberson, Jackson, Williams, and Ramsey.

Chair Rohlf: That takes us up to a final discussion. We need to keep in mind the stipulations we have discussed this evening, which would be Nos. 10, 12, 17 and the addition of 29 with the proposed language from Mr. Klein and the additional language Mr. Coleman suggested.

Comm. Williams: I'd like to comment on the stipulations. On No. 12 with the requirement to include the granite base, I would be supportive of the applicant. It doesn't seem to be necessary with their design and concept. It could be a nice addition, but I don't think it is necessary. On No. 17, I do see and appreciate staff's concern on the traffic situation, but since this is not a public space, I don't see that it is our issue to solve here. The traffic issues will be for the landlord to resolve.

Chair Rohlf: Any other comments? Then would someone like to make a motion?

A motion to recommend approval of CASE 69-11 – PARK PLACE – EXPANSION OF BUILDING F AND 6TH PLAT – Request for approval of a Revised Preliminary Site Plan, Revised Final Site Plan and Revised Final Plat, located north of 117th Street and east of Nall Avenue, deleting what is currently listed as stipulation Nos. 12, 17 and the addition of what would have been No. 29 with the re-plat or change in the LDO as proposed by staff. Numbers will be adjusted to 28 staff stipulations – was made by Williams; seconded by Roberson.

A friendly amendment to add a stipulation for the raised pedestrian walkway between the building and the Axis Lofts was made by Jackson; accepted by Williams.

Motion approved with a unanimous vote of 5-0. For: Pateidl, Roberson, Jackson, Williams, and Ramsey.

CASE 69-11 – PARK PLACE – THE RESIDENCES – Request for approval of a Revised Preliminary Site Plan – located north of 117th Street and east of Nall Avenue.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 69-11 – Park Place – The Residences. It's a request for a Revised Preliminary Site Plan for the Park Place development, which is proposed to consist of 765,284 square feet of commercial and 486,931 square feet of residential, for a total of 1,252,215 square feet of overall development, the approved amount of square feet since the original Final Plan of 2005. The applicant is primarily proposing changes to the residential that we discussed earlier. This pertains to two towers previously approved in '03 and '05. Currently, the proposal is for two buildings along Town Center Drive. Building A is 103,499 square feet with 153 units; Building B is 102,312 square feet with 149 units. Both have a very similar design of six stories, 77 feet in height. Building A is located farthest west. They are constructed along a 30-foot setback, which was a deviation approved in 2003. They are requesting the same deviation today. The density for the overall development is 10.40 dwelling units per acre. The maximum density allowed in the MX-D district is 15 units per acre, so they do meet it. Another requirement is that a minimum of 80% of the units have a square footage of 1,000 square feet or more and that the smallest unit be no smaller than 150 square feet, all of which have been met. I'll show you the Site Plan (*Places Site Plan on the overhead.*) The two buildings we are discussing are R1 and R2. The park has always been shown between the two buildings. Originally, they had three tower buildings that all looked like the building shown here. That building was turned so the narrower portion was located toward Town Center Drive. It stepped up from five stories to eight stories. In 2005 with the Final Site Plan approval, they actually included a portion that was part of the 20% in the first phase. I believe it was 130,088 square feet. They had a five-story tower closer to Town Center Drive that was connected to an eight-story tower element by a single story bridge on the ground floor. It did have underground parking. Currently, they are proposing two six-story buildings, constructed with a four-tier parking garage in the center, which will be accessed off 115th Terrace. Flanking the sides of it would be a two-story townhome complex that will fill in and mask the garage. Beyond the townhomes are four additional stories over the parking. The parking would only be visible from overhead. This application is different than the original in that it proposed apartments rather than condominiums. The area of the park has narrowed by five feet. I stepped through the history of the development in the Staff Report. Since the '05 Final Plan approval, they have also been approved for Axis Lofts, located southwest. Staff would like to point out a large green space located on the east side of R2. With the original plan, they actually had a pond feature, almost like a culvert under Rose Street and a water feature on both sides. Staff is recommending them to upgrade the area and provide more amenities, such as a water feature or enhanced landscaping. Staff also is requesting a pedestrian connection between the plaza area on the southwest side of the park over to the Axis Lofts. Staff has also called out a stipulation to require basements and safe rooms for each building, which is a requirement of all the multi-tenant buildings in Leawood. Additionally, we would like to add a stipulation that reads, "Prior to Final Site Plan, the development shall be platted to meet the required interior setback or a deviation provided with a change to the LDO." Staff is recommending approval of this application with the stipulations stated in the Staff Report and would be happy to answer any questions.

Chair Rohlf: Is this setback issue going to come up time and time again with the rest of this development?

Mr. Klein: The setback issue actually works well in certain developments. For instance, in Cornerstone with an interior drive that loops around and provides access to each of the pad sites, it is nice to have that setback because it requires a green space and allows for a sidewalk. In situations with a development like Park Place that is meant to be more urban with buildings close together or the main center and parking directly around, we tend to run into more problems. I think it is something we will continue to see.

Comm. Williams: You talked about the previously approved five- and eight-story buildings and their footprint. Could you elaborate on the actual footprint different between that concept and this one?

Mr. Klein: I'd like to point out that you do have a revised Staff Report on the dais. We redid measurements because the scale was a little off. Part of what I called out on the issue with the mass facing Edgewood was the amount facing Town Center Plaza. The original footprint was 80 feet in width toward Town Center Drive. When they came back, they first tower element was approximately 80 feet in width, and by the time they came back with the second tower element, it increased to about 130 feet in width. Currently, these are 193-208 feet in width. The difference is the other two tower elements went all the way up, maintaining the width. The current towers have a 57-foot setback on each side, so the center portion over the garage area will be about 90 feet in width. In addition, the others were 90 feet in height at their maximum; these are 77 feet in height.

Comm. Williams: I'm a bit concerned that this may come off as more massive than the other towers from the street. Thank you.

Applicant Presentation:

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

Mr. Alpert: With me this evening is Bill Preloger and Nicole Anderson with Nearing, Stats, Preloger and Jones, the architect of record for this project. Judd Claussen is our civil engineer with Phelps Engineering. Chris Dring is our landscape architect with Young & Dring Landscape Architecture. I don't want to belabor the history of the site relative to the residential that we have worked on here. We have always had very strong intentions of creating a quality residential development on this site. Unfortunately, the realities of the market have diverted us on at least one occasion and maybe more than one. The realities of the marketplace right now are that there is no market for condominiums, but to the contrary, there is an extremely strong and active market for apartments. We have done and continue to do our market research, and we believe this residential product will be extremely well received. It has been designed with the potential to be converted to condominiums at a later date. Our units are much larger than typical residential units, with the average size being over 1,200 square feet. We have townhouses, which are unique and, we think, extremely marketable. We're expecting that these apartment homes will rent at the upper levels of the market, not just for Johnson County or Leawood, but for the entire Kansas City metropolitan area. Our comparables for this are the luxury apartments in the Country Club Plaza area. We think because of the unique amenity that Park Place offers, we have an opportunity to build something that will be a great asset to Park Place and to Leawood. I will tell you that we have no objection to any of the stipulations, so we don't need to have discussion about that and will be available to answer your questions.

Bill Preloger, NSPJ Architects, appeared before the Planning Commission and made the following comments:

Mr. Preloger: Nicole Anderson is acting as the project manager on this project, and she will assist me on the computer. (*Presents plan for the development on the overhead.*) One of the primary differences between the plan we're proposing for the residential component and the previously approved Preliminary

Plan is one of our goals was to bring the residential units up much closer to the street so they were more consistent with the way the retail and office components are working. That can be seen if you look at how our townhomes edge up against Ash on the west. The building edges down tightly against the internal private drive. It also addresses the park area between the two buildings. Our goal was to bring a two-story element close to the street, much like a back bay Boston influence or some of the areas of New York City or Washington DC, where you would be walking along a street that might have a commercial component and then a brownstone area with a short approach to the entrance. We've fronted the two parking garages. Mark is correct that there are four levels, but the total building height is two stories. The townhomes are as tall as the parking garage, and our concept there us to completely surround the parking garage with living units on the two long elevations, and then we've got an amenity center and leasing office on the south side of the building. You can see the park is a fairly formal arrangement with an elliptical walk and walkways leading to each townhome entry. The townhomes themselves will have a slightly elevated courtyard space enclosed by rod iron fences, and each townhome has a separate entrance. We are trying to reflect this townhome approach while trying to define assigned open space from unassigned open space.

We want to carry the same streetscape landscaping throughout the development. We have a double row of trees along Town Center Drive. These will be about the same height as the two-story component of the building. The cross-section of the site shows a representation of a typical Edgewood home, Town Center drive itself and then a schematic drawing that represents the two-story parking garage with a four-story apartment block on top of it. It goes through the site from north to south. The buildings we are proposing for the residences are the same height as the new F2 Building and only slightly lower than the Axis Lofts, partly because the Axis Lofts are partly elevated above the natural grade about a half story, due to the underground parking garage. The next screen shows the parking garage and the townhomes. Our goal was to design this so you could enter the parking garage and then either go up a ramp that would take you to an upper level ramp, or you would make a turn and go down a ramp that would take you under. The entire parking garage is totally contained within that two-story structure. On the far right, you will see that we have responded to staff comments about FEMA storm shelters by providing those in both buildings. The next drawing shows what I'll call the third floor of the building, which depicts the flats block. You can see how it pulls in from the edge of the parking garage. The top of the parking garage will essentially become roof terraces for those third-floor dwelling units. Beyond that would be the roofs of the townhomes, and we are discussing the possibility of making the townhomes green roofs. As the buildings go up, there would be three more floors like the depiction on the left side of your screen. The building has been designed with a variety of units in it, and this has given us the ability to articulate the façade substantially. The next screen is a cross-section through the building going from east to west. You can see how the townhomes flank the parking garage and how the apartment block steps in substantially from the front elevations of the townhomes. We believe that will mask the overall height of the building from practically every perspective. Much of the building will be cut off by the cornices of the townhomes. The next screen gives you an elevation view of the building. We have worked hard on the Town Center Drive elevation to use the architectural elements that are intrinsic components of the residential part of the building to also incorporate those into what would be the exposed elevation of the garage so that the garage itself will not be distinguishable as a garage, but rather a continuation of the façade components. We have used a variety of materials and colors, predominantly brick and some stucco. We have suggested cast-stone components for accent. We have cornices on the townhomes and on the residential block above. Our goal is to blend this building well into the design milieu of Park Place. We have broken the façade into many individual components that fairly closely define the units themselves as they stack up. We have substantially increased the amount of brick on the building over what is prevailing at Park Place, but in ways that give the façade a great deal of articulation. You can see that each townhome is articulated with the architectural treatments. We believe it will create an interesting streetscape. The next screen is what you would see along the private drive. In the center of the building is the primary public pedestrian entrance into the building. Slightly to the left is the garage entrance. That small block is two stories high and extends for 18-20% of the façade, and it is the only part of the parking garage you see from the south. On the right side of the primary entrance is the leasing center and amenity center. The ends of the townhomes comprise the

end components of the building. The lower image is what you would see from the park, and these two buildings are essentially identical. Mark doubled the size of the project; there are 150 units with 75 in the west building and 74 in the east building. The difference is we have removed two townhouses from the southeast corner of the east building to accommodate the drive that goes around the corner. We didn't want to push the buildings any closer to the park. The next image is a perspective rendering that looks essentially from the Edgewood development into the central park space. The park is heavily planted and fairly formal. The pedestrian system leads to a point where you would cross the private drive, where you could pass through as a pedestrian through the Axis Lofts and on to the center park that is the focal point for pedestrian recreations spaces. We are trying to encourage a very pedestrian use of Park Place in general as a neighborhood. Architecturally, we have attempted to echo some of the previously approved architectural elements of the Axis Lofts. The walkway leads to the retail block of Park Place. We have raised terrace areas with a fence, separated from the sidewalk by landscaping. This last image is from within the park itself, and I think it does a good job of representing the effect of the two-story townhomes being projected out somewhat from the four-story flats block, which visually foreshortens the upper block substantially. That concludes my remarks, and I'm happy to answer questions.

Comm. Williams: Confirm the length of the building from north to south.

Mr. Prelogar: It is about 200 feet long.

Comm. Williams: On the townhouses, there are eight on each side of the parking garage. Each unit appears to be equipped with its own air conditioning unit?

Mr. Prelogar: That would be correct for all the residential units.

Comm. Williams: So there would be eight units on the two-story level?

Mr. Prelogar: Yes.

Comm. Williams: How are you proposing to screen those from the residents on the third floors and up, or are you?

Mr. Prelogar: I mentioned our discussions of having green roofs on those townhouses, and that is one reason I am promoting that idea. It would give us an opportunity to have some low areas of planting and also boxes for taller materials. The air conditioners actually are relatively small at about 2 ½ feet square and three feet high.

Comm. Williams: How much noise will they put out?

Mr. Prelogar: I couldn't give you an answer in decibels.

Comm. Williams: I ask because residents will be above those units, and also you've got sixteen units and they may create noise for the residents on the north of Town Center Drive.

Mr. Prelogar: We would put the units on the top of the six-story building for all the rest of the flat apartments and for the air conditioning of the central spaces. By getting that up and behind parapets, we will do a good job of screening that noise.

Comm. Williams: That's why I am asking about the second-story units.

Mr. Prelogar: We have parapets around the second floor as well as cornices around the townhomes that would be high enough to completely screen those units. That's the case on the sixth floor as well.

Comm. Jackson: Are the trash units on the south side?

Mr. Prelogar: The trash will be handled by a trash compactor on the southeast corner of the east building. It will be easy for trash haulers to access, and it is relatively close to where trash management is handled for the rest of the development. The residents would be expected to bring their trash to it. Residents in the building would have direct access to it; residents from the other building would have access to it off that drive.

Comm. Jackson: Do you anticipate architectural changes to Axis Lofts to make these all meld together?

Mr. Prelogar: One of the things we are trying to do at Park Place is develop a palette of materials and components that get used again and again, but not necessarily replicated or duplicated. The Axis Lofts have a number of architectural elements and components, particularly the way the materials have been arrayed on the exterior, that are somewhat similar to what we're doing. We have a somewhat bigger building, so we have made it substantially more asymmetric than Axis Lofts. The materials are essentially the same. The cornice treatments are quite similar. We wanted to make sure they don't all look alike.

Comm. Jackson: Does Axis Lofts have a large passageway in the middle?

Mr. Prelogar: Yes.

Comm. Jackson: How large is that?

Mr. Prelogar: I didn't design that building, so I will guess it is about 18-20 feet wide.

Comm. Jackson: That lines up with the park?

Mr. Prelogar: Yes, and staff has made a comment about providing a pedestrian way across there, and I am totally in concert with that suggestion.

Mr. Roberson left the meeting.

Mr. Alpert: Let me just reiterate that we are in agreement with the stipulations. The final one that was added, we obviously have concerns about, but we are comfortable that we can work with staff on it and come up with a solution. I'm happy to answer any other questions. Otherwise, we would be grateful for your approval of our project.

Comm. Jackson: Are you planning on building the Axis Lofts at the same time?

Mr. Alpert: Yes, that's our plan. When we designed the Axis building, it was designed as a condominium, and the economics didn't work out. In conjunction with the Park Place Residences, we think the economies of scale will allow us to build all of it as once and market it all in one continuous process.

Comm. Jackson: They would be condos?

Mr. Alpert: No, we would market those as rentals as well, initially.

Chair Rohlf: A Final Plan is approved for the Axis Lofts?

Mr. Alpert: Yes.

PUBLIC HEARING

George Bach, 5309 W. 116th Street, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Bach: My home is on the south side of Edgewood. Our back yard abuts Town Center Drive directly across the street from one of these buildings. I'm speaking for a number of my neighbors who have homes along Town Center Drive as well. We understand that you want a residential property in this development, and we are not opposed to that at all. This project is not bad. In fact, in a lot of ways, it's better than the last one, but it can be improved from our point of view. I don't think what we would want to see is going to destroy the economic viability of this project. I have two or three things here. First, the original condos were 55 units; now, we're at 150. Most of these are one-bedroom units. There are 300 parking spaces in those garages, which include two spaces per unit. All of those people are going to enter and exit the apartment project from Town Center Drive and the proposed street that runs right into the Edgewood entrance. There has been no discussion about traffic or pedestrian controls at that intersection. That is going to come up. You cannot have that amount of traffic going in and out of there without traffic controls. There is no way to cross that street safely at this point in time. If someone from Edgewood wanted to walk over and enjoy these amenities that we've been talking about tonight, there is no way to do it without driving. The traffic is going to be significant with the two new office buildings going in there. You do have to address traffic controls in and out of here. It is probably too many units for this space, and as the development has progressed, we have started to see how dense it is. Drive by and look at the size of the piece of property with 150 apartments. It is not very big compared to what we're used to in Edgewood. The other issue, which we've been addressing forever, is the abruptness of the transition from Edgewood to this. You go from single-family, single-story dwellings across the street to a six-story building. That building is 44 feet from the curb of Town Center Drive, which is just enough from for a couple lines of little trees and the trail, and that is a lot of mass right across the street from a single-family development. That is the big problem. If you are going to approve this, move it back. They have some sort of deviation they received when they were promising million-dollar condos. That is no longer the case. You have nothing like this in Leawood. Move it back and make them wrap the two-story townhouses around the building on the Town Center Drive, and we get that transition that they say is so wonderful on the east and the west, but it doesn't count on the north. Nobody cares about the south because it's an office building. We are the north, and we need that transition. It will make a much better view from Town Center Drive, make an easier transition from Edgewood and give a better-looking project for the city. That doesn't cost them that much. They lose a few apartments, but they gain townhouses, which will more likely be sold as condos with permanent residents. It improves the view from Town Center Drive, which is a major street in this city. Then you have nice townhouses looking at Town Center Drive with rod-iron fences in the front yard and a little more grass, trees and shrubs. The whole thing looks a lot better, and you don't have a six-story building going up 44 feet from the curb of Town Center Drive. We're not saying to abandon this; we're saying to modify it to where it will be nicer for us and the city.

Steve Hendrix, 11517 Juniper, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Hendrix: I am also in the Edgewood subdivision. I'd like to echo the comments that have already been made and then add to that the one thing that we have not talked about, which is the noise. Now, we've increased the traffic on Town Center Drive, which creates more noise, and there is no protection for the residents of Edgewood from the noise. I have not heard any consideration for blocking that noise from the residents. You've got a lot of open space between City Hall and Edgewood, and the sound goes right down through that valley. If we add 150 cars plus the business traffic, it will increase exponentially. I will echo the

previous comments, add that the noise control should be considered and add that personally, I am now concerned that we have renters versus owners in this area. I don't think that was the intent initially, and I believe it creates a concern.

As no one else was present to speak, a motion to close the Public Hearing was made by Williams; seconded by Jackson. Motion approved with a unanimous vote of 4-0. For: Pateidl, Jackson, Williams and Ramsey.

Chair Rohlf: This takes us up to our final discussion. The only additional stipulation we would need to add would be the one we added in the previous plan with respect to the setback.

Comm. Pateidl: I have a question for staff. The Interact Meeting dealt with the expansion of Building F, but little or no comment was made about these changes or the requirement of this Preliminary Plan we have before us tonight. Were the residents of Edgewood completely informed as to what the intent of that meeting was about? I'm surprised some of these things weren't brought up during the course of that meeting.

Mr. Klein: Maybe the applicant could answer that question better. There was notification.

Comm. Pateidl: Including this particular application?

Mr. Klein: Correct.

Mr. Alpert: Mr. Klein is correct. Mr. Prelogar and Ms. Anderson were both present and made a full presentation of the residential development at the Interact Meeting. With the exception of the perspective drawings that were just created for the meeting tonight, all of the boards we brought tonight were at that meeting as well.

Comm. Pateidl: Prior to this coming before us for a Final Plat, will a traffic study be required?

Mr. Ley: The applicant provided a traffic study with the original development and has provided updates to reflect what is being constructed. We have that on file.

Comm. Pateidl: Are there any findings with regard to traffic control and this project?

Mr. Ley: There are no plans to put traffic signals at Ash or Rosewood. The warrants are not met at those intersections.

Comm. Pateidl: What about pedestrian crossings?

Mr. Ley: In the future, we anticipate a traffic signal at 117th Street and Town Center, which is right outside City Hall. That is where the trail comes up.

Comm. Williams: There would be no pedestrian crossings in the Edgewood area?

Mr. Ley: That is correct.

Comm. Jackson: Would it be viable to put one in?

Mr. Ley: No, we'd have to do a pedestrian study to determine it. We're talking about walking from their main entrance to the top of the hill to cross over or to go out to Nall. There would be availability for them to ride their bikes or walk there to get to Park Place.

Comm. Williams: You say they've updated the traffic studies. Do you see that there would be an increase in traffic in these two driveways?

Mr. Ley: Actually, they've moved some of the office from the northwest corner of their site down to the south side of their site, so there is more traffic onto 117th Street.

Comm. Williams: That will offset the increase in tenant traffic on Town Center?

Mr. Ley: That is correct.

Comm. Williams: I don't have more questions of staff. I have a few comments. I was pleasantly surprised at Mr. Bach's comments that they liked this development more than the previously proposed condo development, with some exceptions, obviously. I was always of the mind of referring the previous plan because one of the issues of that plan at the time was the fact that, though we were getting density within Park Place as a whole, we were still getting open space, which helped the transition to Edgewood. It had a softer front, in many respects, along Town Center Drive. I am glad the residents are generally comfortable with the plan, with the exception of a step back from Town Center Drive, which I think is a good idea. I am really bothered by the fact that we've got 400 feet of building along Town Center Drive. The context is not right with the people who live across the street. We should have a softer transition to respect those residents. I would be supportive of the suggestion of stepping it back along the street. I think it makes it a better neighbor. Overall, I like the building and what the designers are trying to do here. The size just seems almost too big for this location without more transition. I'm sad to see the green space disappear.

Comm. Ramsey: I would echo those remarks. I really like the project. I'm very pleased with the way it looks and works with the rest of the overall feel. I really don't have a problem with the traffic because I'm sure the traffic studies will show that it will work better with this plan. I'm concerned that, in this community, we would have such an abrupt transition from single-family homes to a six-story building. I'm not sure how you would do that, other than maybe wrapping the townhomes around it, but it certainly gives us a bit more room to have that set back. I would remind you once again of the concern that I had with the Walgreens on the Yahoo site. I wasn't opposed to it going there, except that it was a monolithic elevation right on top of the street. The reference was made of the feel of other places in other cities. Leawood is a very unique community, and I would like to maintain our uniqueness. I like the project; I just wish there were some way we could work so that you literally don't drive up and have this immense piece sitting there right on top of you.

Mr. Alpert: Could I make some comments?

Chair Rohlf: Usually, we don't, but in this case, I'll allow it.

Mr. Alpert: First of all, Mr. Williams, you commented about the previous project on the site. I don't know if what Mr. Klein included in your packet is an adequate representation of what that building was. It was a two-level parking garage, of which the upper level was about halfway out of the ground. The overall footprint of that garage was almost exactly equal to the dimensions of the footprint of each of these buildings.

Comm. Williams: Two stories out of the ground?

Mr. Alpert: No, it was about a half story out of the ground. There was no green space. The area that wasn't covered by the vertical buildings was an auto court. The building was actually pulled back to the edge of the park all the way north and south, and then it turned as an L-shaped building on the south edge. The area that made up the L was an auto court for parking and the actual drive that got you down into the parking level. I wanted to be sure that was clear because there was not much green space previously. *(Refers to display boards to illustrate.)* The second comment is along the same lines as our previous discussions regarding the parking garage on 117th Street. Bear in mind that the transition from single-family on the Edgewood side to what we're doing on the south side of the street includes all back yards. Those homes all orient to the north. Those are all heavily landscaped with mature trees to screen out any view of the rear yards of the homes. I wouldn't deny that somebody in Edgewood standing on a deck wouldn't see the upper levels of the building, but in terms of the straight-on view, they all have very heavy screening on their side. Mr. Bach made a comment about townhouses along Town Center Drive. It is the same as the discussion we had about running retail along 117th Street: all they would be doing is looking at the screened back yards of people across the street. In terms of transition, I think the transition would be for the benefit of people driving up and down Town Center Drive and not really for anybody else. The other comment I would make to remind everyone of the density is the total square footage of residential has actually been lowered. I believe it went from 563,000 to 486,000 feet. I hear the residents' concerns about the number of units we are proposing, but the fact of the matter is, even if we did condominiums, we would still have 300-350 total units. Most of those people will be entering and exiting off Town Center Drive. As Mr. Ley said, the traffic study was done with the initial zoning. It was never perceived that the number of homes would create significant traffic issues. I don't think that is a significant problem.

Chair Rohlf: Thank you for your perspective on the comments.

Comm. Williams: The screening you refer to, what is it?

Mr. Alpert: On the residents' side, there is a combination of red iron and stucco block walls with arches and very heavy landscaping.

Comm. Williams: Are they deciduous trees with no leaves six months out of the year?

Mr. Alpert: I believe it is a combination of deciduous and evergreen. Granted, some of those trees will lose leaves in the winter. During the portion of the year when most people would be enjoying their patios, the trees are going to be in full bloom.

Comm. Williams: Since you developed the area there, is it a fair assessment to make that most of the primary living area is to the back of the house and not the front?

Mr. Alpert: It's a combination of living areas and bedrooms.

Comm. Williams: So they wouldn't necessarily have to be on their patios to be seeing the development?

Mr. Alpert: No.

Mr. Prelogar: I'd like to interject a thought. From Ash to Rosewood, about 60% of that street frontage has buildings on it. On the Edgewood side, the entirety of it has buildings with about 20 feet between each building. I think we've actually got more open green space on our side of Town Center Drive than Edgewood does. Their green space is sliced up into side yards, so I would suggest that it might be a bit of a mis-characterization to think of this as more solid building and less green space than what is on the other side of the street. Also, we are about 180 feet from those buildings, and we are 77 feet tall. Proportionately, our height is less than half the horizontal distance. I think that helps put things in perspective a little bit.

Comm. Jackson: My thoughts on the elevation on the north side are that I think we've all been a little disappointed in how insular Park Place is with the large parking lots on the south side and the Nall side. It's just a unit unto itself, and it doesn't connect with the rest of the community. Unfortunately, I don't see any way around that. It would be nice if it connected up on the north side somehow, but I don't know how to do it. I'm supportive of the application as it is. I'm excited there are apartments going in. The economy dictates more variety of housing. Leawood needs more of a variety of housing to maintain economic stability. We need to be able to allow people to move in and out more quickly than our economy is doing, and our dependence on home ownership is hurting us. I am happy these will be apartments.

Comm. Williams: I am supportive of the idea of the apartments, also. With these being the larger units, hopefully they will draw more of the upscale market and ease some of the concerns the neighbors might have with who the renters might be. Again, I've got an issue with the way it fronts along Town Center Drive.

Chair Rohlf: Anything else?

A motion to recommend approval of CASE 69-11 – PARK PLACE – THE RESIDENCES – Request for approval of a Revised Preliminary Site Plan – located north of 117th Street and east of Nall Avenue with stipulations 1-21 and an addition as read by Mr. Klein referring to a re-plat or an amendment to the LDO regarding interior setbacks – was made by Jackson; seconded by Pateidl. Motion passed with a vote of 3-1. For: Pateidl, Jackson and Ramsey. Opposed: Williams.

CASE 73-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-1.3 RECYCLE BINS – Request for approval of an amendment to the Leawood Development Ordinance. PUBLIC HEARING

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 73-10 – Leawood Development Ordinance amendment to Section 16-4-1.3 – Permitted Accessory Uses – Buildings and Structures, pertaining to recycling bins. This has been before the Planning Commission, and it was recommended for denial. At City Council, it was remanded back to the Planning Commission with instruction to get public input. On January 18th, we sent out letters to churches and schools in the area and held a stakeholder meeting to try to get opinions on the topic. Currently, the Leawood Development Ordinance does not list recycle bins, so there is no regulation at this point. Some people could interpret this to mean that they are not allowed.

At the meeting, we heard from residents who live close and also churches and schools who provide the bins. The residents' main concern was screening from their homes. The people providing the services wanted to ensure costs could be kept low so they could continue to offer the services. They would like an alternative to screening. The previous amendment proposal required screening on three sides and a location a minimum of ten feet from a residential property line in the side and rear yards. The Board of Zoning Appeals would be able to grant deviations to screening only; however, that deviation would be to allow screening on two sides instead of three. The current application allows for more flexibility in that it requires the bins to be screened if they are visible from a property within 200 feet of the bin. In that case, it would have to be screened from the residences. If the unit is located closer than 100 feet to any property line, it would have to be screened from that property line. The Board of Zoning Appeals would have more flexibility in the deviations they could approve with this proposal, namely the screening, with the exception that in no case would they be allowed to grant a deviation to keep it from being screened from residential that is viewed within 200 feet of the property. Some of the proposal stays the same. For instance, the bin

would need to be on a hard surface. Commissioner Pateidl brought up a good point at the Work Session as far as defining hard surfaces. Currently, we refer to concrete and asphalt as a hard surface. We may want to discuss that tonight. We also have a regulation limiting the size of the bins to eight cubic yards. Commissioner Pateidl suggested a Special Use Permit to allow a roll-off bin at a public facility, church or school. Additionally, we also have the requirement limiting the location to the side and rear yard. However, the Board of Zoning Appeals would have the ability to grant an exception to that location requirement because there will be some sites that are a bit tight. We would like to allow flexibility if necessary with the BZA. Staff is recommending approval of the ordinance as it is laid out, and I would be happy to answer any questions.

Ms. Shearer: I would like to make a correction. I realize we mentioned schools, churches or other public facility in A6, but then in the two subsequent additions, we left out "other public facility."

Chair Rohlf: All right, we will need to add that. We would need to address the concrete and asphalt and possibly modify it.

Mr. Klein: Yes, and I did take photos of the various recycle bins.

Comm. Ramsey: If you don't use asphalt or concrete, what will you use?

Mr. Klein: One is located on gravel. When we refer to concrete and asphalt, we do include concrete pavers.

Chair Rohlf: That is already part of the definition, or we would need to add that language?

Mr. Klein: Currently, it does say, "asphalt or concrete." The concrete pavers are a given, and we would accept that as a surface. (*Shows photos of recycle bins*) This is at St. Michael's, and it is on gravel.

Chair Rohlf: These are in the rear?

Mr. Klein: Yes, they are located on the northeast side.

Comm. Ramsey: The problem with this photo is I presume they're going to get this with a front loader. They're going to jump the curb and break the curb. Additionally, that gravel is not thick enough to not prevent that truck from wallowing when it picks up the load. They don't even have the grass covered.

Mr. Coleman: We are not recommending the gravel; we are just bringing it up for discussion.

Comm. Ramsey: With front loaders, all the weight is on the front tires. You get it in the spring or fall after rain, and that front tire will sink. Even with asphalt on a hot day, it will wallow.

Comm. Pateidl: My only comment on the hard surface is in recognition of what we are trying to do in making this resolution flexible in terms of administrative usage and approval so it doesn't have to come before this board and churches and public facilities don't have to go through the expense and effort to get this done. Yet, the city will still have some control over what is going on. In terms of the language and in the spirit of flexibility, I am opposed to the specificity of asphalt and concrete because once it gets there, it will be in concrete and you'll lose that flexibility.

Comm. Williams: These are actually on private property and not public thoroughfares, so the problems you bring up are the landowners' problems. Secondly, with the screening requirements and the four you showed us, it is likely they will need screening. If you have screening, the residents aren't going to see

whether it is on a hard surface or not, and I think the whole thrust is to address what people see from the property line. Maybe the issue of being on concrete or asphalt shouldn't be that big of an issue for us. One was on mulch. If you look at starting to place these within the parameters that are defined in the proposed LDO, some of these will be moved, so it is probably not an issue. I don't know that we need to be that specific.

A motion to extend the meeting to 9:30 was made by Jackson; seconded by Williams. Motion approved with a unanimous vote of 4-0. For: Pateidl, Jackson, Williams and Ramsey.

PUBLIC HEARING

Louis Rasmussen, 10111 Howe Drive, Leawood, KS, 66206, appeared before the Planning Commission and made the following comments:

Mr. Rasmussen: I am here tonight hoping you will sustain your original recommendation to deny the amendment to the Leawood Development Ordinance. I base that on two criteria. I challenge the authority of the city to regulate this particular activity, and I question the need to regulate it. Some of you will recall that the regulatory authority is based on our police powers, among which are safety, health, and the general welfare. I don't see how anyone can look at the recycling efforts of our city to be against the safety requirements, health requirements or even the general welfare. Recall, also, that we're talking about schools and churches. A fair reading of the history of zoning and land use planning and control law will show you that from time beginning, schools and churches were put into the highest zoning classification within any system. In our particular case, it started out as R-1. Within that jurisdiction, we permitted residential development around the schools and churches with all their warts, bells ringing, children playing and all sorts of educational activity, among which was the attempt to teach our young people conservation and recycling efforts. I really challenge whether or not there is authority for the city to get involved within the confines of our educational institutions and our religious institutions. I'd like to talk about the need to regulate, also. Some of you may have shared the experience of the Second World War when people started to conserve and recycle everything for the war effort. Sixty-some years later, we're still at it. During that time period, infinite numbers of parent-teacher organizations, charity organizations, etc. have used recycling as a fundraising mechanism. In all that period of time, there was no need to regulate. I want to remind you that we started out as mission urban township where the zoning was in the hands of the county. When the city got formed in 1948, there was no need to regulate the activities of our schools or our churches. I hope and recommend that you stick with your original decision, which is to deny the amendment. Thank you for your time and for serving.

Jake Jacobson, 5301 W. 141st Terrace, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Jacobson: We abut St. Michael's church. (*Refers to photos on the overhead*) I happen to be president of the homes association, and our residents have expressed great concern as to the view that eight or nine of the residents who back to the south of these bins have. We have discussed the situation many times with St. Michael's and with Chris Arth, who is here tonight. He is very sympathetic to the fact that our residents don't like viewing these bins after they've spent a half million dollars or more on each of their homes and the bins are probably 100-150 feet from the property line on the north of St. Michael's. The property line of St. Michael's is probably 60 feet from their homes. Besides their appearance, when you have a west or southwest wind, the lids blow up and recycled material is on the church property, in the back yards of our homes, in the retention pond on St. Michael's property and in the creek that runs behind their property and in Glenn Abby. For these reasons, we feel that you should approve this ordinance that has been put forth for you. I have due respect for Lou and what he said about the past, but we are in the present. These homes were there before St. Michael's church was built. An interesting part of this is these recycle bins

used to be near the school, but when they finished the church, the leadership determined that it was very distracting to the looks of the church. They moved them to the southeast corner of the property so as not to detract from the looks of the church, but that put them almost in the back yards of our residences. We are hopeful this ordinance will pass and that we will improve the view and will be able to screen these. I believe, if the ordinance is passed, the appearance in the church parking lot will be much better, also. Thank you for your time.

Dan Drake, Construction Coordinator for Blue Valley Schools, 15020 Metcalf, Overland Park, appeared before the Planning Commission and made the following comments:

Mr. Drake: Would schools be required to do masonry screening, or would we be subject to landscaping?

Mr. Klein: The way the ordinance is currently proposed, you would be allowed to do landscaping. Masonry is an option, also. This provides more flexibility in that the landscaping could be at the property line and not next to the bin.

Mr. Drake: Masonry screening would definitely be a deal-killer for us on a few sites because of cost.

Mr. Klein: The intention is to make it cheaper and also to provide for a non-screening option if you are more than 100 feet from a property line and are not visible from a single-family residential within 200 feet.

Mr. Drake: We've got several installations in Overland Park with similar circumstances.

Mr. Klein: When we talked to Overland Park, they said if it was more than 150 feet away, it didn't need to be screened. This is our way of compromising with the screening the residents wanted and the flexibility of not screening for the providers.

Mr. Drake: Thank you. We look forward to continuing our recycling efforts in the school district. It's been good for the district and the kids and patrons. We really appreciate that.

As no one else was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Ramsey. Motion approved with a unanimous vote of 4-0. For: Pateidl, Jackson, Williams and Ramsey.

Comm. Ramsey: Commissioner Williams raised a good point that, if it is on private property, should we be that concerned about the material we place the bin on?

Mr. Coleman: One of our concerns would be the holes created by continued dropping. These holes fill with water, attract mosquitoes and become algae pits. The recycled materials get stuck, and it becomes a mess. That affects not only that property owner, but also adjacent property owners.

Comm. Williams: Some of that can be addressed with maintenance. We certainly don't want the recycling debris on the ground. That is addressed in here.

Mr. Coleman: Yes, but we field those complaints and have to send people out to investigate. If we can reduce those calls, it helps us.

Comm. Williams: Certainly for any of the refuse containers we have on commercial properties or apartment properties, we want to see them on solid surfaces to avoid those problems. If this is sitting 150 feet from an adjacent property, it is a maintenance problem for the facility.

Mr. Coleman: It is the same reason we have parking lots paved to a certain standard. Otherwise, it could be gravel and mud.

Comm. Ramsey: What if, instead of specifying materials, we said it was required to be on impervious material?

Comm. Jackson: But don't we have pervious concrete?

Mr. Coleman: Yes, but it would probably crack when they drop the containers.

Comm. Ramsey: How is the ordinance proposed now?

Mr. Klein: Currently, it specifies asphalt and concrete. Commissioner Pateidl wanted to leave it more flexible; therefore, if you chose something like "pervious or hard surface," it would allow for an administrative decision to determine if it met the requirement.

Comm. Jackson: That would be in 6A, and we can change it to "impervious surface."

Comm. Williams: I like the idea of "hard surface."

Chair Rohlf: I think that would do it.

A motion to recommend approval of CASE 73-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.3 – PERMITTED ACCESSORY USE – BUILDINGS AND STRUCTURES PERTAINING TO RECYCLING BINS with one change to Paragraph 6A, which should read, "Recycling bins shall be places on hard surfaces only," and the addition of "or other public facilities" throughout the amendment – was made by Jackson.

Ms. Shearer: I hate to bring this up, but how are you defining hard surfaces? Does it include gravel? Richard is shaking his head no.

Comm. Jackson: Mr. Williams, what were you thinking when you suggested the phrasing?

Comm. Williams: Gravel is not a hard surface.

Comm. Jackson: I don't believe "hard surface" includes gravel.

Motion seconded by Ramsey. Motion passes with a unanimous vote of 4-0. For: Pateidl, Jackson, Williams and Ramsey.

MEETING ADJOURNED.