

**City of Leawood  
Planning Commission Meeting  
April 19, 2016  
Dinner Session – 5:30 p.m. - No Discussion of Items  
Meeting - 6:00 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive  
Leawood, KS 66211  
913.339.6700 x 160**

**CALL TO ORDER/ROLL CALL:** Hoyt, Walden, Levitan, Pateidl, Williams, Elkins, Strauss, Ramsey, and Coleman.

**APPROVAL OF THE AGENDA**

**A motion to approve the agenda was made by Elkins; seconded by Ramsey. Motion carried with a unanimous vote of 8-0. For: Hoyt, Walden, Levitan, Pateidl, Elkins, Strauss, Ramsey and Coleman.**

**CONSENT AGENDA:**

CASE 40-16 – ROOT PROFESSIONAL BUILDING – WALL SIGN – Request for approval of a Final Sign Plan, located south of College Boulevard and east of Ash Street.

**A motion to approve the Consent Agenda was made by Elkins; seconded by Coleman. Motion carried with a unanimous vote of 8-0. For: Hoyt, Walden, Levitan, Pateidl, Elkins, Strauss, Ramsey and Coleman.**

**NEW BUSINESS:**

CASE 21-16 – CITY OF LEAWOOD – JUSTICE CENTER ART – WEIGHT OF YOUR HEART/WEIGHT OF A FEATHER – Request for approval of a Final Plan, located at the southwest corner of Town Center Drive and Tomahawk Creek Parkway.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 21-16 – Justice Center Art, located at the corner of Town Center Drive and Tomahawk Creek Parkway. The name of the piece is Weight of Your Heart / Weight of a Feather. The piece consists of three pieces. The center piece is located within a circular plaza area that will be constructed. Sidewalks will be reconfigured. In addition to the center piece, which is a fulcrum, two art panels will extend off either side along the sidewalks and will then extend to the perimeter sidewalks. James Martin, with whom the city has contracted, is here to answer questions. Councilmembers Jim Rawlings and Chuck Sipple are here as well to answer questions. Staff is recommending approval of this application, and I would be happy to answer questions.

Chairman Williams: Any questions for staff?

Comm. Hoyt: Could you update us on the process that brought us to this? I was on the Arts Council before joining this committee, and my understanding is this is not coming to us from the Arts Council.

Mr. Klein: That is correct. That is something that Councilmember Jim Rawlings could address.

Chairman Williams: Are there other questions for staff before Councilmember Rawlings speaks?

Comm. Hoyt: In the sense of process, there have been issues raised of the weather-worthiness and safety of sculptural pieces.

Mr. Klein: James Martin could answer more of that. The pieces have been weathered in anticipation of rust.

Chairman Williams: Any other questions for staff? Then we'll hear from the applicant.

**Applicant Presentation:**

Jim Rawlings, Leawood City Council Ward 2, appeared before the Planning Commission and made the following comments:

Councilmember Rawlings: I was the building liaison for the building of the Justice Center, and it was a very worthwhile project. As a result of that, because it is a city-owned building, it was determined that the city would purchase the art piece and it would not go through the Arts Council. This is the only building the city owns and has built, so in order to comply with our ordinances, there was so much per square foot that was donated toward the art piece. I was appointed as a liaison for the art piece as far as the process. The Arts Council was not included because the venue was different. For the last year and a half, we have been looking at different pieces from different artists. We came up with the idea of a landscape-type garden with a piece in front of the Justice Center. The size and scope of the Justice Center is so big that anything that is small would get lost in scale. We came up with this particular artist, therefore, to select these pieces. James Martin is a well known art consultant here in the metropolitan area and also well educated as a writer, counselor and curator. He helped us in the process. James will talk about the type of material to be used to address rust prevention.

James Martin, 5500 Goodman Street, Merriam, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Martin: As Jim mentioned, I'm an art consultant based in the Kansas City area. I typically help communities develop processes for selecting art that's going to go in a public setting. This project has been one of my main initiatives over the last year and a half. The piece is going to be made of what is generically known as weathering steel. There are a variety of brands. This type of steel will be pre-weathered before it arrives on site. It will be weathered at the site of fabrication. It's a chemical process that they go through to regularize the weathering of the surface. Technically, if work of this material is left outdoors, nature will weather it, but it might look uneven. What they do at a fabrication studio is to regularize that process through this chemical. It will have a rich, reddish color to it. It is my understanding that these works are quite easy to maintain. It is the same type of steel used in industrial applications such as bridges. Have I answered your question?

Comm. Hoyt: Yes. The only other issue that I can think of that we have considered in the past would be with the cutouts and the nature of public engagement with the art. Are we confident that the art is protected from the public and vice versa?

Mr. Martin: I'd have to look at the image to see where the cutouts begin. They do go down quite low to the ground. We would have to look at the gauge of width of the steel being used for the panels. It will not be narrow with a sharp edge but something more along the lines of ¼ inch. There probably would be some transfer of the iron oxide material from the piece to someone's hands or clothes, as there would be from practically any type of metal outside.

Councilmember Rawlings: The intent of the three pieces would be to be interactive with the citizens walking at the Justice Center. It is meant to walk through and under. It is part of the ambience of what we think will be a nice piece. The cutouts should be big enough to avoid any issues of fingers getting stuck.

Comm. Hoyt: We had a case recently with a gate, and more screening was required because of the fear that a child could get a hand or head through it and get caught. I know we have considered issues like that in the past.

Mr. Martin: It is ¼ inch thick.

Chairman Williams: Have the pieces been fabricated yet?

Councilmember Rawlings: No, it will probably be June or July so we can get the piece in before fall.'

Chairman Williams: As important as safety issues are, our primary focus for the art piece is its placement and how it relates to the plan and the Justice Center. While I agree with Ms. Hoyt, I trust that those on the committee have taken safety factors into consideration. I appreciate it. You talked about this being weathering steel. Even though it is pre-weathered in the factory, weathering steel on bridges can still shed. With this particular product, will we see that happen over time at the base?

Mr. Martin: We discussed at great lengths with the artist our concern that the sidewalks not be stained. The way that the work will be situated is off the sidewalk in a bed of gravel so that any staining would be in the gravel, which could be replaced if necessary.

Chairman Williams: As great as this concept is, it can create a mess.

Councilmember Rawlings: We talked to Joe Johnson, Director of Public Works, and he said he's prepared to address that if it becomes a problem.

Chairman Williams: I have a question concerning the design of the piece. The panels with the feathers have a roof structure. Do you happen to know the artistic meaning of the overhang?

Mr. Martin: I would say that the design role for the overhang is to create interactivity and the ability to walk underneath the piece. It will create light and shade on the sidewalk with a light-dappled surface. It is really more of a design element.

Chairman Williams: All artistic pieces have design elements, and I can understand the interaction with the pedestrians and the pattern on the pavement. Any other questions?

Comm. Pateidl: Along the lines of Commissioner Hoyt's questioning, this looks like it is inviting for youngsters to climb on this. Has consideration been given to that? Are there precautions to keep kids from climbing on it? My concern is they can get their arms stuck through one of the holes and get hurt. It looks like a ladder that is certainly not intended to have people climb.

Mr. Martin: This comes up with all public art, regardless of the design. It is a valid question. Anytime we put something up in the public, there is always that possibility. Given the location at the Justice Center, my thinking is that perhaps there might be less likelihood for climbing. I would say those children that are old enough to know that they shouldn't be climbing on it might pause, given the location.

Comm. Pateidl: I'm more concerned about the 4-year-old children.

Mr. Martin: At a certain point, we are trusting young folks to develop some boundaries there and leave the monitoring of the younger ones to the parents.

Comm. Pateidl: I concur that at any point a public art piece is displayed, unintended uses arise. My concern is that this looks particularly inviting. I guess that's really not my purview to say, but it is a concern that I have.

Councilmember Rawlings: We did discuss the security of the art piece in front of the Justice Center. There is a security camera that will face the art piece. We felt that it would be under a secured camera in the evening. You raise an interesting point for the daylight if there are parents there with children. It would still be under security with the camera. We will look at that for daylight.

Comm. Pateidl: For the security of the piece, it is fine, but as far as an injury to the child, it will be after the fact. Nobody will be able to get to the piece soon enough to chase kids off if they are climbing on it.

Comm. Coleman: I have kids a couple years past that age. I just drove by the place where the piece would be, and it is a very high volume of traffic in the afternoon. When I used to work near there, I never saw pedestrian traffic, especially mothers walking kids or anything like that. I think if we were talking more toward City Park or Gezer Park, I would have more of a concern. I'm not even sure there will be much pedestrian traffic with the current scenario, especially children. There is nothing for kids to do in that area, unless you are going to get to the park, which would typically be in a car.

Mr. Coleman: Just on that note, when it comes in for a building permit, we will also review it against the codes to make sure it is safe.

Chairman Williams: I think the city would do that with any construction like this.

Comm. Coleman: In regard to liability and the city's insurance policy, is any new art reviewed by attorneys?

Mr. Coleman: That is a good question. Maybe the City Attorney could answer that.

Ms. Bennett: Normally, we just add it to the schedule, but we will if we are asked to evaluate it.

Comm. Ramsey: What constitutes an attractive nuisance?

Ms. Bennett: That is a question better left for another time.

Comm. Ramsey: In other words, why would they have safety concerns? Something along this line is not so overt that it would create an attractive nuisance.

Ms. Bennett: I think what Mr. Martin indicated is that all art could be viewed as a climbing opportunity; it is a matter of making it as safe as possible while still preserving the artistic elements.

Comm. Strauss: I read the artist's concept statement and was curious if you had considered any kind of educational element into this art that either described the concept statement in abbreviated form or perhaps an opportunity to connect it to the Justice Center and honor police officers and firefighters in some way.

Mr. Martin: Part of my service is typically to provide educational materials that work like materials in a museum. I work closely with the artist to craft that. In this case, I would also want to coordinate it with what has already been done with the public art in Leawood. One thing the artist has already expressed interest in is using a QR code. The artist's preference is to not have signage but to encourage people to use their

mobile devices to access the information. That is something I would explore with the operating procedure here in Leawood.

Comm. Strauss: Have you thought about something that ties into the police that occupy the Justice Center?

Mr. Martin: Absolutely. One of the goals of public art is to be able to relate it to its site. It would be my goal as an educator to include that information and coordinate that with somebody internally. I would balance it with the artist to ensure that the work is not misrepresented. These folks have worked in public art a lot, and they are used to building consensus. I think we could include that.

Comm. Strauss: It doesn't have to necessarily be in the art itself; it could be engraved into the stones or something like that. I don't know if Leawood has had fallen police officers. I just wanted to bring that up for consideration.

Comm. Coleman: Is the illumination going to be sunset to sunrise? I didn't see it mentioned.

Mr. Martin: There are specs on the hardware as to whether it is set up with a photo eye or a timer. I would have to call the artist to ask.

Comm. Coleman: What is the intent?

Councilmember Rawlings: The intent is dusk to dawn.

Chairman Williams: Is there an explanation plaque intended to be placed at this to explain the artwork, or do we do that on the other art pieces around the city?

Comm. Strauss: My understanding is the QR code would serve that purpose. It takes you to a full page. What did you call the man in the rocks?

Ms. Bennett: Pastoral Dreamer.

Comm. Strauss: Pastoral Dreamer has a QR code.

Comm. Elkins: I understand that the sculpture did not come through the Arts Commission, but was there interaction with the commission of any sort? I note that, effectively, this is along Tomahawk Creek Parkway and it becomes part of the sculpture garden of Leawood, if you will. I'm curious about what comments, if any, the Arts Commission had about the way this particular piece of art will integrate with the balance of what I perceive to be a large sculpture garden.

Councilmember Rawlings: The Arts Commission was given the opportunity to make recommendations to the City Council as it relates to art pieces. They submitted four artists, none of which were approved by the City Council. The piece is paid for by the city, so the Mayor decided we would just see what we could do on our own. This is the result. As far as comments or concerns from the Arts Council, they have not been approached.

Comm. Elkins: I was getting at how it will integrate aesthetically with the rest of the sculpture garden.

Councilmember Rawlings: Julie Cain was part of the selection committee from City Council, and she is on the Public Art Committee.

Comm. Levitan: Was there any consideration given to local artists?

Councilmember Rawlings: We tried to find a local artist, and with the scope and size of what we needed, there was not one artist in town that has had the appropriate experience except for maybe Zahner Metal.

Mr. Martin: One of the initial finalists was a local architecture and design firm in the Kansas City area. They gave a proposal. There was consideration given to Kansas City participants.

Comm. Levitan: As a father of two kids that might be inclined to climb those, I wouldn't be as afraid of that as I would be of the piece that is in the median that we approved a couple years ago. That one looks scary to me, so I would ban my kids from getting anywhere near it. This doesn't bother me.

Chairman Williams: Anyone else? Thank you. That brings us to further discussion and a motion.

Comm. Elkins: Years ago, we looked at a piece of art at Gezer Park that is now one of my favorites. At that time, I was the one who had concerns about children climbing. I foresaw vandalism and accidents. In the history of that art, I don't know that we have had an incident. It certainly is appropriate for us to consider the safety aspects. I've learned that perhaps the children of Leawood are not as adventurous as I thought they would be. Additionally, one of the things that makes Leawood attractive is this concept of a sculpture garden that we have created along that particular avenue. While I have had differences of aesthetics with the Arts Council on some of their choices, I understand beauty is in the eye of the beholder. I certainly understand procedure and funding, and it seems appropriate for the city to make the decision, but I would encourage the city to reach out to the Arts Council and get some input and perhaps commentary on the record when the Arts Council sees the art and give some consideration to the way it integrates into the existing sculptures. It is a very interesting piece of art.

Chairman Williams: Anyone else? Can I get a motion, then?

**A motion to recommend approval of CASE 21-16 – CITY OF LEAWOOD – JUSTICE CENTER ART – WEIGHT OF YOUR HEART/WEIGHT OF A FEATHER – Request for approval of a Final Plan, located at the southwest corner of Town Center Drive and Tomahawk Creek Parkway – with three Staff Stipulations - was made by Ramsey; seconded by Coleman. Motion carried with a unanimous vote of 8-0. For: Hoyt, Walden, Levitan, Pateidl, Elkins, Strauss, Ramsey and Coleman.**

CASE 37-16 – LEAWOOD ESTATES – WELLS FARGO PARKING LOT EXPANSION – Request for approval of a Revised Final Plan, located north of 103<sup>rd</sup> Street and west of State Line Road.

**Staff Presentation:**

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 37-16 – Request for approval of a Revised Final Plan for a parking lot expansion for Wells Fargo Bank, located at the northwest corner of 103<sup>rd</sup> Street and State Line Road within an SD-NCR zoning district. Other improvements with this project include a landscape berm, street trees, and underground concrete flume adjacent to State Line Road. The lot currently consists of two access points. One is off State Line Road; the other is off 103<sup>rd</sup>. They are connected by an interior access drive north and west of the building. The access drive is also shared with a lot to the north. Wells Fargo is an existing 4,264 sq. ft. bank which is centrally located on the lot. The bank does not have a drive-through, nor does it have a drive-through ATM. Existing parking is north and west of the bank and is directly adjacent to the building. There are currently 20 parking spaces for the bank for a parking ratio of 4.6. Required parking ratios for those properties within an SD-NCR zoning district are 3.5-4.5 parking spaces per 1,000 square feet of building or lease space. The applicant is proposing to add nine parking spaces north of the front entrance of the bank for a total parking count of 29 and a parking ratio of 6.8. Section 16-4-5.4(D) of the Leawood

Development Ordinance states a parking study is required, due to the excess parking requested. The parking study provided by the applicant concludes that, due to the high traffic volume experienced by the bank, the additional parking is necessary. As stated, the banking center does not have a drive-through; therefore, bank customers have to park and exit their vehicles in order to conduct bank business within the banking center or at the ATM. Currently, the bank leases ten parking spaces from the vacant office building to the north; however, that lease can be terminated in the event that the building is leased and occupied. As part of the project, one connection to the north parking area is proposed to be closed off, and a portion will be converted to open space. As a result of the expansion, the impervious area will be increased by 581.56 square feet or approximately 2% of the overall impervious area on the site. An open area will be decreased by 1.7%. The applicant is providing nine American Elm street trees along State Line Road and 103<sup>rd</sup> Street at 35 feet on center. Accenting the berm of the parking lot expansion, the applicant is providing a combination of evergreen and deciduous shrubs. There are two existing mature trees on the site, including a 24-inch oak located in the parking lot island north of the expansion and a 30-inch elm located adjacent to State Line Road. Both are proposed to be preserved. Staff has provided the applicant a copy of a booklet entitled, *Best Management Practices Guide to Managing Trees during Construction* as a resource to protect those trees during construction. The applicant will be required to take the appropriate measures to preserve these trees prior to grading and construction of the project. Staff recommends approval of Case 37-16 with the stipulations outlined in the report, and I'd be happy to answer any questions.

Chairman Williams: Any questions for staff? Then we'll hear from the applicant.

**Applicant Presentation:**

Chad Hayes, Project Manager for Wells Fargo Corporate Properties, 1 Wells Fargo Way, Clive, Iowa, appeared before the Planning Commission and made the following comments:

Mr. Hayes: The statement was read exactly the way we wanted it. Fortunately, we're super busy. Unfortunately, the prior tenant of the location did not believe in any type of drive-up windows or anything like that. All business has to go in, so this creates a lot of heartburn. One thing that wasn't mentioned is unfortunately, folks try to park in the access way as well. We've had quite a few fender benders with people backing up into the location of where these folks are parked. This is more of a risk-litigation issue, but we will be beautifying the area as well. I appreciate your time.

Chairman Williams: Do you agree with the stipulations?

Mr. Hayes: There are some questions we'll need to work through. The only thing we did worry about is some of the sight lines with the larger trees at 103<sup>rd</sup> Street and State Line. I don't want to get into calculations, but there are concerns about signage blockage as the trees mature and also blockage of traffic. There is a tree that is requested right in the parking lot adjacent to the exit and entrance. I am concerned about that as well as far as sight lines. Everything else, we'll be more than willing to follow as requested.

Chairman Williams: Are there any questions or further discussion?

**A motion to recommend approval of CASE 37-16 – LEAWOOD ESTATES – WELLS FARGO PARKING LOT EXPANSION – Request for approval of a Revised Final Plan, located north of 103<sup>rd</sup> Street and west of State Line Road – with 12 Staff Stipulations – was made by Elkins; seconded by Coleman. Motion carried with a unanimous vote of 8-0. For: Hoyt, Walden, Levitan, Pateidl, Elkins, Strauss, Ramsey and Coleman.**

Chairman Williams: Before we adjourn, could the visitors in the back introduce yourselves?

Unidentified Speaker: We're here for our government class.

Chairman Williams: Thank you for coming. The meeting is adjourned. Before the commissioners leave the dais, I'd like to make an announcement. My term is coming to an end at the end of May, and I will be stepping down. It is time to bring on somebody new to add to the excitement of this body. I hope you can be here for the next two meetings and see what the month of May brings us.

*MEETING ADJOURNED*