

**City of Leawood
Planning Commission Meeting
April 23, 2019
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: McGurren, Hunter, Hoyt, Elkins, Coleman, Block, Stevens, Peterson. Absent: Belzer

Chairman Elkins: Before we begin, I'd ask staff to confirm that the two new commissioners have, in fact, executed the Oath of Office.

Mr. Klein: They have.

Chairman Elkins: I'll find that a quorum is present, and we'll move on to the business of the evening. Does staff have any revisions to the agenda?

Mr. Klein: No.

APPROVAL OF THE AGENDA

A motion to approve the agenda was made by Hoyt; seconded by Peterson. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Hoyt, Coleman, Block, Stevens, and Peterson.

APPROVAL OF MINUTES: Approval of the minutes from the March 26, 2019 Planning Commission meeting.

Chairman Elkins: Are there revisions?

Mr. Klein: We have a set of minutes that has a correction on an applicant's name.

Comm. McGurren: On Page 4, about the sixth section down, and on Page 9, about the eighth item down, it should be me and not Commissioner Peterson.

Comm. Hoyt: You might want to note that after Mr. Klein's first comments, the motion to nominate David Coleman was made by Commissioner Stevens.

A motion to approve the minutes as amended from the March 26, 2019 Planning Commission Meeting was made by Hoyt; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Hoyt, Coleman, Block, Stevens, and Peterson.

NEW BUSINESS:

CASE 24-19 – THE MAJESTIC – INDEPENDENT LIVING FACILITY – Request for approval of a Preliminary Plan, Preliminary Plat, and Special Use Permit for an Independent Living Facility, located south of 137th Street and west of Mission Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 24-19 - The Majestic - Independent Living Facility - Request for approval of a Preliminary Plan, Preliminary Plat, and Special Use Permit (SUP) for an Independent Living Facility, located south of 137th Street and west of Mission Road. The overall project is proposed to be 233,257 square feet on 11.95 acres for a total floor area ratio (F.A.R.) of 0.45 with a building varying in height ranging from 2-3 stories. The project is proposed to be constructed in two different phases. The first phase will consist of the central structure, containing 60 units. The second phase of the project would be the two wings of the structure, containing 37 units on the east and 33 units on the west. The central portion of the independent living facility is proposed to be the three-story part of the structure, and the wings would be the two-story part. The central part of the building would be approximately 39.5 feet as measured from the front door, along with the two-story wings constructed in the second phase of the development to the east and the west. There are three main entrances into the development, all accessed from 137th Street. The westward entrance serves as the main drive for the development into the parking garage, which holds 227 of the 277 parking spaces proposed. The project has approximately 50 surface parking spaces divided between two parking lots: one on the north side of the building and one on the south side. An existing natural area exists between the southern portion of the development and the adjacent residents to the south. The applicant and neighbors have a desire to protect the existing tree line, and the applicant has proposed a 25' tree preservation easement to protect the existing trees, along with a 6' tall privacy wall to further help the screening of additional noise that would be created by the new development. The applicant has also provided a Preliminary Landscape Plan for review along with a 25' tree preservation easement along the southern boundary of the project area. The applicant is proposing to enhance the landscape between them and the abutting residential with a variety of evergreen trees. The applicant is also proposing to plant street trees along 137th Street at the rate of one per 35 feet on center to help further enhance the entrance of the development. A number of amenities for the future residents are proposed with this development, including

multiple water features, gathering spaces, a dog park, outdoor recreational areas, and two outdoor pools. In addition, because Mission Road is to be improved in the near future, staff has asked the applicant not to plant the street trees or to construct the trail along Mission Road at the time of construction; instead, staff has asked the applicant to pay into escrow a fee for each tree that is proposed along Mission Road to be planted at a later date after the improvements have been made along Mission Road. Since the delivery of the packets to the Planning Commission, staff has continued to work with the applicant and neighbors with regard to the 6' privacy wall and the wrought-iron fencing around the perimeter of the project area. On the dais, you will note there is a memo changing one of the stipulations that this occurred after the packets had gone out. The change in the stipulation includes the removal of Stipulation No. 15 and speaks to the privacy wall. Staff, the applicant, and neighbors have come to an agreement that as long as the 25' tree preservation easement area is treated as a natural area, the 6' tall wall would be sufficient in screening the proposed development. The applicant has also expressed a willingness to remove the perimeter wrought-iron fence and gate from the plan. With the removal of Stipulation No. 15, staff also wanted to note that the last stipulation will have to be changed from Stipulations 1-34 to read 1-33. The Preliminary Plat, Preliminary Plan, and SUP all meet the regulations of the Leawood Development Ordinance (LDO), and staff recommends approval of Case 24-19 with the stipulations listed in the report. I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions for staff?

Comm. Coleman: Mr. Sanchez, you mentioned you also agreed to remove the wrought-iron fence. Would that also remove Stipulation No. 7, then? Is the wrought-iron fence going to stay, or will it be removed?

Mr. Sanchez: Portions of the development will still have wrought-iron fence, so I think we're fine keeping that stipulation in there. We're just talking about the east and west side perimeter area of the project.

Comm. Coleman: We're going to remove No. 15 and renumber them.

Chairman Elkins: Mr. Sanchez, just for clarification, where will the wrought-iron fence be when it is all said and done?

Mr. Sanchez: The applicant will be able to show you, but we can show it as well. (*Referring to plan*) The areas to be kept are in front of the pedestrian gathering space and in front of the pedestrian plaza space.

Chairman Elkins: The wrought-iron fence will still be there, and it looks like there is a pedestrian walkway.

Mr. Sanchez: There is a gate at each of the pedestrian entrances.

Comm. Coleman: So, your comments on Page 7 still apply?

Mr. Klein: We removed No. 15 because one of those comments said we weren't supportive of the wall. After meeting with the applicant and one of the residents, we changed our position because of the natural area. That comment no longer applies. They do intend to do a wrought-iron fence, so that comment would remain.

Comm. Block: What is the material of the 6' fence?

Mr. Klein: This is still a Preliminary Plan, so they don't have the exact materials. They have talked about stucco with a brick cap and brick columns.

Comm. Peterson: I'm still confused about the gate. In your Stipulation No. 7, you indicate you are uncomfortable with having a gate. Is the gate going to remain at the entrance on the west side?

Mr. Sanchez: The gate we talked about being removed is the entry gate at the drive entry on the west side.

Comm. Stevens: And the east and west enclosures.

Mr. Sanchez: That is correct. The fence goes around the perimeter, cuts down where the sporting areas are, and then connects into the wall.

Comm. Stevens: This may be better for the applicant. On the phasing, could there be more description on what is in the future phases?

Mr. Sanchez: The applicant has noted that the majority of the amenity areas will be done in the first phase, but I think the applicant would be more able to talk to that.

Chairman Elkins: Thank you. Other questions for staff? I would invite the applicant to step forward.

Applicant Presentation:

Doug Hoffman, 6800 W. College Blvd., Suite 245, Overland Park, appeared before the Planning Commission and made the following comments:

Mr. Hoffman: I'll introduce the project from 30,000 feet, and then my team is here to answer the questions that went beyond what staff had information on. I'm the owner of The Majestic of Leawood. It is a 60+ luxury condominium project. We will offer third-party assisted living. It will be a purchase fee simple project in the \$600,000 range. We will require a service fee, which will cover all the maintenance inside and outside the units. We'll offer housekeeping. They will also get meals, transportation, and help with many other services. That is the premise. It is very new to the Midwest. There are a lot of other financial models out there. We feel this is extremely beneficial to our residents because they'll enjoy the appreciation that Leawood can offer. We've done a lot of focus groups not only in the industry but also with people that are 70+. It has been very well received. We have seven different orders from developers in six other cities that want us to bring this concept there. We've put them off because we want to get through here. We really like Leawood. We think it's a perfect setting for this type of project. As we take you through, you'll start to see that.

I'd like to introduce you to the team. Audrey Knight is with NSPJ. Katie is our landscape architect with NSPJ. Jason Toye is the project manager with NSPJ. BCCM Construction Group is the general contractor, and Schlagel and Associates has done all the civil work, which was significant. Meeting with the neighbors was a huge piece of this project. Currently, 11 acres dump right down into the eight neighbors that adjoin the property. We did a lot of engineering, and even after meeting with many of them, we did some re-engineering. Now, we've got about 1 ½ acres that go to the back. With this stucco wall and some French draining, I think we can catch a majority of that as well. We feel really good about where we've gone as far as the way it exists now and the way it will be post-construction.

I'd like to take you through as I bring up some of our team members a flyover animation. Jason will take you through some of the amenities and some of the site questions you had.

Jason Toye, Senior Project Manager, NSPJ Architects, 3515 W. 75th Street, Prairie Village, appeared before the Planning Commission and made the following comments:

Mr. Toye: I'd like to talk about the site a little bit. We already mentioned it's located at the southeast corner of 137th and Mission. It is approximately 12 acres of undeveloped land. It is currently used for farming. As you can see in the video, there is quite a bit of fall across the site from the main entrance of the building on 137th down to the southeast corner where the detention pond is. There is almost 20 feet of fall across there. The building is independent living, which is basically an apartment with additional amenities offered, such as dining and other features. It is 2-3 stories of a building on top of a parking garage. There are 137 units for sale, as Doug mentioned. The building is a little over 233, 000 square feet, built in two phases. The center horseshoe is in Phase One with the wings on each side being Phase Two. The far west drive cuts around the back of the building and serves as the Fire Department access as well as the two access points into the underground parking. That drive will be built as part of Phase One. The plaza with the fountain in the middle is the fire truck turnaround, and it will also be constructed as part of Phase One, as will

the sport courts and the detention pond. One thing we've done with the detention pond is it will have a nice stacked-stone edge going around it, and it will be stocked with fish, making it another amenity for the residents. Looking at the layout, we talked about the fencing earlier that is on the north side of the two courtyards between Phase One and the two Phase Two wings. We're able to create those courtyards by undulating a building in and out, which also serves to break up the mass of the building, whether it's on the front on 137th or the neighbors to the south. It's not just one giant flat plane. It breaks it up into smaller pieces of building. The front entry portion of the building is three stories, and as the grade drops, the building cascades down from three stories to two stories to one story to help reduce the overall size of the building and flow along with the natural topography of the site. We have broken up the taller part of the building and pushed it farther up the hill toward the higher point of the site. The view from Mission Road and the neighbors to the south is not just one flat plane; we've broken up the architecture. There are many different architectural elements to the building to give it more of a style of four-sided architecture. That concludes the portion about the building. Now, I'll turn it over to Katie to talk about the process of meeting with the neighbors.

Katie Martinovic, Principal Landscape Architect, NSPJ Architects, 3515 W. 75th Street, Prairie Village, appeared before the Planning Commission and made the following comments:

Ms. Martinovic: We have met with the neighbors many times. They were gracious enough to invite us to their homes to walk the site and see it from their perspectives as well. The Staff Report noted that we had two Interact Meetings, but we just wanted to show you additionally some of the things we showed them so you have the same information that was discussed with them. There were some concerns brought up, but some were misconceptions. I hope we helped clarify a lot of their concerns through the graphics. The neighbors on the south were concerned with the height of the development, which turned out was mostly a misconception of what we were proposing. We addressed that by sending the neighbors the elevations with multiple areas of the building dimensions to be as transparent as possible with the heights we were proposing. There were also concerns about storm water runoff, and drainage, so we'll go through that, too. Then, lighting of the site was an area of discussion. This will be a residential feel, so our residents will also be concerned about lighting, and we don't intend to have it highly lit in the back. The note about the current mosquito population was in reference to the existing detention underground basins, which are proposed to remain. I'm not really sure what we can do about that, but we can certainly take a look at it. The biggest thing we heard over and over again was the traffic and how this would affect it. Originally, we had just one entrance into the garage on the south. We provide four sections to the neighbors to be as transparent as possible. One of the results of the meetings was to add the 6' brick and stucco wall along the south border. We always proposed and agreed to honor the original 25' tree preservation easement. Some neighbors wanted that area cleaned up; some wanted it kept natural. We plan to work with them as we progress to create a maintenance plan, which is part of the stipulations. We added additional landscaping in the buffer, especially after meeting each

neighbor to see where it would be most effective for them. Also, we added some berms. Some neighbors wanted the walls in berms as well. There is a pretty good existing tree line along there, but it is unfortunately all deciduous. Our plan is mostly to add evergreens. Some neighbors have really nice, mature evergreens; some don't. Some have them in different areas. We looked at it thoughtfully and designed our Landscape Plan accordingly. The building goes in and out on the site, so it is not an even dimension everywhere to the property line. We provided elevations to the neighbors. After each meeting, we also sent them the full packet of information via Dropbox to be as transparent as possible with the information. We sent it out right before this meeting as well.

Schlagel put together site drainage graphics that probably helped ease as many fears as possible on the drainage. The entire site currently drains directly to the south, right onto all those neighbors' properties. In our proposed condition with the improvements and by creating the detention basin, there is only a small area that will drain to the south. We didn't really want to touch some of those areas because that is also where some of the existing trees are.

The biggest concern was the traffic. Originally, we didn't have the entrance into the garage. We did three things to address the traffic concerns: add a screen wall, add berms, and add evergreen trees. We also added a second entrance to the garage because there are a lot of concerns about all the traffic from this project driving down this road and going into the garage. This helps even out the traffic between the two entries. We are proposing the garage will be access-controlled so only our residents will be able to go into it. We anticipate that most of the people going into the garage will probably use the second entrance, which hopefully reduces traffic from that road.

We agree with all of the staff comments and recommendations, and we look forward to working with the staff and the neighbors. We know we have a long road ahead. If you have any additional questions, I'm happy to answer them.

Chairman Elkins: Thank you. Questions for the applicant?

Comm. Coleman: What is the footprint of the garage?

Ms. Martinovic: It is basically underneath the entire building except for one wing.

Comm. Coleman: There was a concern by one of the residents about the garage door opening and closing. Is it going to have a cover to it, a garage door, or is it just open?

Ms. Martinovic: We're still working out those details. Some facilities have a gate, and some have an actual garage door that goes up and down. There will be some kind of access control to the garage at both entrances.

Comm. Coleman: I think the concern was with the big steel door coming up and down after every person goes in and out. I could see that concern. I work on the Plaza, and we have our doors to the

garage open during the day; at night and on the weekends, they're closed. They are very loud and very distracting. I can see their concern.

Mr. Hoffman: We will probably have a very simple gate. It will have to have a storm steel door that comes down in the case of a storm, but that would be very seldom. We are picturing an open wrought-iron gate. It should be a lot less noisy than what you are saying with the steel door. I'd also like to clarify that we will control who goes through where. We'll have about 100 cars going down to the bottom section. Everyone else, which is close to 160 cars, will be at the other entrance. We will control who can go through which entrance.

Comm. Coleman: Will you have a barrier between the two parking garages?

Mr. Hoffman: It will be one open garage.

Comm. Coleman: Crown Center has separate entrances, and you can't mix with the cars. Yours will have separate entrances, and people will have different fobs to get into each of the respective entrances, but it will be open.

Mr. Hoffman: They can go between, but their fob will only allow them through a specific entrance.

Comm. Coleman: If they go in one entrance, they can't go underneath and come out the other one?

Mr. Hoffman: That is right. What we're trying to do is control the traffic down through that area for the neighbors. We've limited that to 100 cars at the most. I don't think anybody will be upset if someone decides to go out that way because that's even less traffic than what we're projecting. We may only limit the coming in. I don't know why anyone would come out the farther one. If we have to control it, we can. The commitment we've made to them is to try to limit the traffic in and out to just 100 cars in the bottom section and 160 out the top.

Comm. Coleman: Those are the residents; where are the employees parking?

Mr. Hoffman: They will park in the front, and there is some parking along the back.

Comm. Coleman: On the north end of the building is guest parking?

Mr. Hoffman: Yes.

Comm. Coleman: Will the parking be designated so residents won't park in the front?

Mr. Hoffman: Yes; they will purchase two spaces with every unit, and they will be designated with name plaques.

Comm. Block: I think the renderings were very nice. I appreciate the four-dimensionality of it. There was a reference in the Interact Meeting to Mission Chateau. I wasn't familiar with that development. Is it local?

Ms. Martinovic: The reference was to the level of quality. The building is slightly different. It is in Prairie Village off Mission Road and 87th.

Comm. Block: I'm curious if you had concerns with the stipulation regarding the ICC-500 requirements.

Ms. Martinovic: We do not.

Comm. Stevens: While this plan is up, this may be a good time to describe what would occur within Phase One.

Mr. Hoffman: (*Referring to plan*) The pool, retention pond, fire truck turnaround, the entire driveway, the entrance, and all the frontage with the fountain would be in Phase One. 90% of the amenities that Jason went through is in that package. Phase Two would be the two wings. It's about 50-50 right now with building it all at once. We are in discussions with investors. I know the preference of the owners. It is a 17-month process instead of being out there two times. We're really pushing the investors. I think there is some savings of economics there that they'll like. That is really where we're pushing hard. At this point, we can't make that call, so I would rather be able to fall back on the two phases in case that doesn't happen. It is our full intention to try to build this all at one time.

Comm. Stevens: On the west, the garage for that phase would also be part of that phase, and the two amenity courtyards would be in the future phase.

Mr. Hoffman: Correct.

Comm. Stevens: Are the play fields in the west part of Phase One?

Mr. Hoffman: Yes. That is the pickleball site. That is the one that we bantered back and forth. If we put it out there and then build Phase Two, we'll have construction in the middle of it. It would be out there by itself. It would probably be part of Phase Two because of that.

Comm. Peterson: I'm glad you talked about the phases. It appeared in the original documents that Phase One would basically be 12-14 months, and Phase Two would be after that. I like considering doing it all at once. I'm sure you've done your research on this, but the units range between 1,150 square feet and 1,700 square feet with price ranges between \$600,000-\$750,000. From a marketing standpoint, I'm curious because it works out to be between \$550 and \$650 per square foot. Some of the neighboring homes are going for \$1.5 million, which has about five times as much square footage. What kind of time frame do you anticipate reaching at least 50% of the sales?

Mr. Hoffman: Our management company is Silveri Management Company out of New York. We just toured a place that had 240 units in an area very similar to Leawood. They had units from 700 square feet to about 1,800 square feet. They sold them from \$950,000-\$1.9 million. They presold 240 in about 14 months. Does that mean we're going to have that kind of success? I don't know. I've got one of the top realtors who is also an investor in this project. He has done all the studies. I'm glad you asked it because we get asked. You've got only a few options when you're 70 and you want to go into something and you're trying to get ready for the next 30 years. Some of those are entrance fees that can range from \$600,000 that you get 70-90% of it back depending on how long you stay. You still have to rent. This is something that you own, and it will appreciate. We had a gentleman in our focus group who said he just built a four-bedroom, 2,800 sq. ft. house for \$245 per square foot. I asked him if he enjoyed his second, third, and fourth bedrooms. He said he didn't go in them. He only put them in there because he had to have them for resale. What I did is took all that and threw it out, giving them the six rooms they use 98% of the time. Then, I'm giving \$40 million in amenities for private use. All that extra square footage isn't necessary for resale because the people buying it will be 65, too. We're creating a new niche. There is a waiting list for the units I spoke about earlier. It is a little different than custom square footage. When people compare it with the rental model, which will drain hundreds of thousands of dollars in a short amount of time, or the entrance-fee model, this is a different model and something the baby boomers completely understand. We are allowing them to buy and sell without an entrance fee.

Comm. Peterson: I was very curious because my wife and I don't use 1/5 of the square footage we have, and we never have.

Mr. Hoffman: But you heat and cool it and clean it, don't you? The challenge is to give them the benefits of home ownership economically and take back all the pains and things you don't want to do. Then they're not spending time doing stuff they don't want to do. This is about buying time back. It is not for everybody, but we've had really good responses in our focus groups.

Comm. McGurren: My question relates to the resale process. How will that work?

Mr. Hoffman: This is eight years in the making. This will be different than a condo you and I would buy. It has to be because in an age-restricted environment, there are still laws that regulate

it. They have to be able to do certain functions on their home, such as evacuating their home in 18 seconds. There are tests. If I find there is someone who can't do those things, I have to be able to force them to leave for the safety of the other tenants. It is a little different than a normal condo. We'll sell the condominium areas. They'll own their own unit. I will maintain ownership over all the common service areas. We'll have a service agreement with them. We pay all their electric. It's actually less than what they're paying now to live in their home. It will include meals. The resale of that is that we control it. They can't move their kid in. It is 60+. We will sell that at a commission. We have a real estate agent, and we'll sell it for them. It may be for their heirs if they pass away. We're still toying with the concept of allowing them their own realtor. This is a little different sale, and we want someone who is really going to do them the best service and understand how to sell it. I don't think that's every realtor that's out there. It's kind of a specialty. That is the reason we're going to keep it in-house.

Comm. McGurren: Each owner would have the ability to sell at any given point in time? There is no restriction as far as how long they need to stay?

Mr. Hoffman: That is correct. It's just like a house or condo with full flexibility. We've been working hard and have a stealth service. This does not look institutionalized with carts running up and down. You know the most prejudiced people in the world are seniors against older seniors. They don't want to see assisted living. We have in-unit storage. We don't give them a meal a day; we give them a country club debit card for \$1,000. They can buy beer, ice cream at 2:00 in the morning. They can get a massage, manicure. It all goes on it. A lot of them get a meal a day. Who wants a meal a day at the same place? I don't. That's not what we're doing with these people. Really, they have all the flexibility in the world. Our realtors are telling us that the appreciation here is unbelievable. We think we've put them in the best place to enjoy that appreciation.

Comm. Hunter: Did you describe this as a non-licensed independent living facility?

Mr. Hoffman: It is.

Comm. Hunter: This would be the first in the Midwest?

Mr. Hoffman: The first that we know of. There are a few that do co-op, but this is the first like this. There are some on the coasts and in Dallas.

Comm. Hunter: Are those all run by the same management company?

Mr. Hoffman: No, they are different owners. They're all sold differently. Two of them use realtors. That's the exciting thing here: we have such a strong real estate community here. What is happening is the baby boomers are moving out of that area, so they're excited. We've put them in

a position where they can move effortlessly through the entire assisted living process. We're going to bring in a third-party license. They'll come back through and can do in-home care just the same as you would have if you were in your home. We have equipped all of our units with cabinets that look like you would have in your house but could be easily converted to be ADA compliant. Instead of grab bars, we have towel bars and toilet paper holders and things that don't look like grab bars. Some of these people have surgery and only need that for three months. We are trying to use a lot of technology. We have iPads set up to help make reservations at the hotel. They can have their car pulled around. Everything they need to do, they can do on an iPad. We can then start to implement some of the assisted living through the technology, which lowers the cost. Instead of having a 28-year-old telling me to take my medicine, they will have reminders. There is even technology we have found that will dispense the medicine. We're working on a lot of that technology because it lowers the cost down the road. The two biggest fears of the baby boomer generation is that they're going to lose control and their kids are going to have to put them in a place and that they're going to run out of money. They are living longer and need to plan for that. We've also created a reverse mortgage. Most of these people already own their homes, so they have a reverse mortgage to continue to pay those fees. We've gotten really good feedback with that, and we have some programs. We're doing a lot with long-term healthcare, which has nothing to do with my building but is a good checkup for them.

Comm. Hunter: It will transition from independent to assisted?

Mr. Hoffman: We hope not. Our job is to keep them independent forever.

Comm. Hunter: How many employees do you anticipate having?

Mr. Hoffman: In the assisted living, we will have none; it will all be third party.

Comm. Hunter: Is that all part of what you've shown us today?

Mr. Hoffman: It will be in-home care. If I have 130 residents and five of them decide they need just a little help with medicine reminders, getting dressed, and bathing, we'll bring in our third party and they'll contract directly with them. We're really not a part of that; we're just making it available, and we'll negotiate a better rate because they're going to be right there.

Comm. Hoyt: You said there was an eligibility checklist for entering or staying in the development, including being able to clear out within 18 seconds. If somebody has just had hip surgery, does that factor in?

Mr. Hoffman: No, that's an incident. What they're looking for is dementia and lack of mobility. We're taking a lot of those safeguards, too. We have no gas stoves. There are a lot of things to be careful with, especially in a multi-use facility. That would not pertain to injury, illness, or surgery.

Chairman Elkins: Thank you. Mr. Hoffman, you mentioned a minimum age of 55. How do you enforce that? Is it with a covenant?

Mr. Hoffman: Actually, I think it's going to be 60. That will be a deed restriction.

Chairman Elkins: On the senior end of things, what are the mechanics of making the judgment for when they are no longer eligible, given their own physical condition?

Mr. Hoffman: This will all be in what they sign when they originally buy. Our covenants will look different than a normal condominium project would.

Chairman Elkins: Are there any further questions? Mr. Hoffman, this case requires a Public Hearing. You will have an opportunity to respond. As I said, this case provides for an opportunity for the public who is present tonight to share their views on this application. Before we open the Public Hearing, I'd like to go over a few ground rules. We'll permit four minutes per speaker. We ask that you respect that. You will see a blinking light when there are 30 seconds left. We would ask that you would be mindful of the time as well as of repetitive perspective or arguments. We're taking careful notes and careful note of all your comments. It doesn't necessarily do much for five people to repeat the same observation; however, if you care to do that, it is a Public Hearing.

Public Hearing

Jane Ross, 4004 W. 137th Terrace, Leawood, appeared before the Planning Commission and made the following comments:

Ms. Ross: We back up directly to the center of this development. I just wanted to open by saying that so far, this developer has had a 1:1 say-do ratio. They said what they would do, and they actually followed through, which we really appreciate. We hope to hold them to that throughout this process if it gets approved. They said they would meet with us and walk the property; they did. They looked at our concerns from our vantage point, which was, I think, very helpful. They said they would save our trees that have been there forever as part of the old farm line brush line. They are looking to save those and enhance them with some more evergreens, which we really appreciate. If you read the letter from me that became part of public record, you would see that we were very concerned about all this traffic driving by the south end of their property, which is right next to our backyards. Adding the second garage was very thoughtful, and we really appreciate it. We were very concerned about the lights and sound from the property, and the stucco wall is the last thing that we really appreciate them doing. We hope that you will hold them to that. We hope

that, if this plan gets approved, it will be held to that throughout. We would also ask that the stucco wall would be part of the first phase. Thank you.

Tracy Palmer, 4008 W. 137th Terrace, Leawood, appeared before the Planning Commission and made the following comments:

Ms. Palmer: My husband and I are actually neighbors of Tony and Jane. We would just like to second what Jane has commented on. Everything they have said they would do, they have done. They have been extremely gracious. They have tried very hard to be good neighbors through this process. While we support all the initiatives they are recommending, we certainly appreciate the efforts for the wall in addition to the added garage. We know that is a tremendous expense to this, but it's a beautiful property. We're looking forward to having them in the neighborhood. We hope this can be approved.

Chairman Elkins: Thank you.

As no one else was present to speak, a motion to close the Public Hearing was made by Hoyt; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Hoyt, Coleman, Block, Stevens, and Peterson.

Chairman Elkins: Mr. Hoffman, do you wish to comment on the stucco wall being part of Phase One or Phase Two?

Mr. Hoffman: What we had discussed and really never clarified was that the intention would be to do all of our grading, even if it is just a Phase One build, get the retention pond set up, build those berms, and actually even try to build that wall before construction because construction will be a nuisance as well. It would be my intent to do that almost first after we get all of our site approvals and all of the grades set. That would act as a noise and dust barrier as we go through the construction process as well.

Chairman Elkins: Thank you. Other questions for Mr. Hoffman before he steps back?

Comm. Hunter: How many units is this?

Mr. Hoffman: 130.

Comm. Hunter: Say 130 people happen to need to go into assisted living for three months, and you're going to need some extra employees. Is there sufficient parking for the employees?

Mr. Hoffman: We have been required to have two per person. I'm not sure everybody is going to want two. They've got the option to buy one or two in their process. I anticipate that we're going to have 30-40 extra units down there.

Comm. Hunter: We talked about surface parking for guests and employees.

Mr. Sanchez: Per the LDO, they need 260 parking spaces. They currently have 277 parking spaces; 227 of those would be underground, and 50 would be above ground.

Mr. Hoffman: It's a great question, but I don't anticipate that.

Mr. Klein: They're getting a Special Use Permit for an independent living facility, which is what they've always indicated to us. If it turned to assisted living, it would require a new SUP.

Mr. Hoffman: There is no intention of this ever being an assisted living facility. We are making in-home care providers available for them. We've done a lot of things during the construction to make that a much easier process than in someone's home that was not designed for that.

Chairman Elkins: Thank you. This brings us to a discussion of the project.

Comm. Coleman: I'd like to commend the developer on the interaction with the neighbors. I think to get the neighbors to come up and give positive feedback is always a good thing. I think this project is very impressive. To be in Leawood, I think it's a good use of property in that area. I think it's going to enhance South Leawood and the entire area around it. I'm happy with this project and think it's going to be a plus for Leawood.

Comm. Block: I'll second that.

Comm. McGurren: I would agree, and I have a question for staff. With the installation of The Majestic, would that have any impact on the timing of the traffic light at 137th and Mission and/or the expansion of Mission Road south of that intersection?

Mr. Scovill: The improvements to Mission Road are scheduled for 2022, so we'll hire a consultant probably at the end of this year to initiate design on that project. As soon as we have an alignment set, we will work with The Majestic to ensure that we match our grading plans as closely as possible. Furthermore, we will be working with them to establish a temporary easement along the right-of-way to help facilitate any coordination needed. In addition to that, in my stipulations, we requested they provide ¼ of the cost of the signal to be installed once the traffic warrants the signal. The signal won't be installed until the traffic and the traveling public require it based on warrant. That's done through the engineering analysis.

Comm. McGurren: Just for clarity, does the 2022 time frame for the expansion of Mission Road line up relatively closely with the construction timing that is associated with The Majestic?

Mr. Scovill: The applicant might be able to speak to the timing of construction better than I would. I would assume road improvements would follow their improvements in Phase One.

Comm. Hoyt: Not to be redundant, but it is refreshing to see a process where everybody is seriously collaborating. I applaud the neighbors as well as the developer because there's a lot of give and take required in something like this. From our perspective, it is very refreshing to see.

Chairman Elkins: I would echo that as well. Seeing no further discussion, I would entertain a motion.

A motion to recommend approval of CASE 24-19 – THE MAJESTIC – INDEPENDENT LIVING FACILITY – Request for approval of a Preliminary Plan, Preliminary Plat, and Special Use Permit for an Independent Living Facility, located south of 137th Street and west of Mission Road - with the removal of Stipulation No. 15 and the renumbering of Stipulation Nos. 1-34 to make them 1-33 - was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Hoyt, Coleman, Block, Stevens, and Peterson.

CASE 30-19 – CAMDEN WOODS CENTER – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located south of 143rd Street and west of Kenneth Road.
PUBLIC HEARING

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 30-19 - Camden Woods Center - Request for approval of a Revised Final Sign Plan, located south of 143rd Street and west of Kenneth Road. The applicant is requesting approval of a Final Sign Plan to revise their current Sign Criteria for the center. The current center does not offer much flexibility for signage design for the current tenants. This proposed Sign Criteria would allow tenants to better distinguish themselves through internally illuminated signage and through the use of logos. The criteria defines the tenant signage area for the first-floor tenants as the horizontal space above the front doors or windows. Second-floor tenants would be permitted to use the signage area located on the tower elements of the building, and they would also be permitted a blade sign on the first floor of no more than 6 square feet. No signage is permitted on the south and west elevations of the building, and signage that faces areas zoned or planned for residential use may not be illuminated past 9:00 PM or before 7:00 AM. The

proposed Sign Criteria is in compliance with the LDO, and staff recommends approval of Case 30-19 with the stipulations in the Staff Report.

Chairman Elkins: Thank you. Questions for staff? I have just one. We have spent many hours talking about signs in this commission. I know we modified the LDO at one point to give staff greater administrative flexibility in addressing signs. Can you just briefly go over the LDO and put this particular case into context as to why it comes before us in the context of administrative discretion that the city has given to staff?

Ms. Schuller: The LDO allows developments to develop their own Sign Criteria for their center. Normally, we would review individual signs against the criteria and approving it administratively. This is actually changing the criteria against which we are judging those signs, and that is why it is before you today.

Chairman Elkins: Thank you. As I understand it, as proposed, the signage for the project does meet the LDO's requirements on signage.

Ms. Schuller: Thank you. Any other questions for staff? If not, I would invite the applicant to step forward.

Applicant Presentation:

Brad Cottam, 14300 Kenneth Road, Suite 200, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Cottam: Jessica covered it pretty well. We purchased this building last year. We knew we needed to spend money on improvements. One thing was signage. I've been a tenant in the building before I purchased it, and there are a number of tenants who haven't wanted to put up what is currently there and what is currently allowed since 2003, so they just put banners up. As leases are coming up, we're now having conversations letting them know that we're willing to help them find some way to encourage them to put up a sign. They're reluctant. Right now, it's very plain block letters. We're looking to add color, a little bit of size, and make them internally illuminate. There has been back and forth to the point where we think we've come to something that I believe everyone will agree on. We're just trying to update it and get a little bit of visibility. We have a lot of trees on 143rd Street, especially in the spring and summer. It cuts down on visibility. We are trying to keep it fairly basic. I believe we don't have anything for the tower element right now but wanted to give a future tenant the ability to put something up there.

Chairman Elkins: Thank you. Questions for Mr. Cottam?

Comm. Block: Would you require all the tenants to convert over to this version?

Mr. Cottam: We would not. I would hope they would be allowed to keep their sign until they wanted something new or a new tenant came in. We did have a tenant unfortunately that put a sign up about six months ago, and I wouldn't want to require a change.

Comm. Block: Have they reviewed these proposed changes? Is there interest in going to this?

Mr. Cottam: There is. This came up because we were starting to redo a lease with a current tenant that has a temporary banner. We talked about doing a sign and we would pay for a portion of it. We looked at their logo, and it would not currently fit in the criteria. That is where it started. There are a couple leases coming up in the next six months where we would want to redo a number of the signs.

Chairman Elkins: Mr. Cottam, I take it you have no objection to the three stipulations?

Mr. Cottam: I do not.

Chairman Elkins: Thank you. That brings us to discussion of Case 30-19.

Comm. Block: I noticed there are temporary signs. Is there a time limit on how long someone can have a temporary sign?

Mr. Klein: Currently, there are restrictions on size and number, but there isn't necessary a restriction on the time frame. That is part of what this will help solve as well because we have a number of tenants that are looking for more flexibility. Currently, they are limited to 12" halo-illuminated letters in dark bronze. This will probably help with that.

Comm. Block: Do you have any concerns about some tenants having that version and others having this version as to what it will look like in the same development?

Mr. Klein: We wanted to ensure they didn't have a hodgepodge of signage. That being understood, some of them have recently gotten signs. The developer has indicated he would like to allow them to keep them until they are ready to change them out. There's a chance that might happen as well since the other signs have more visibility and individuality. If somebody came in after this gets approved, the halo-illuminated signage would not be allowed; it would have to match the new criteria.

Comm. Block: You're saying a vinyl sign, which is there now, is okay?

Mr. Klein: Temporary signs are defined as a sign constructed out of temporary materials. No individual sign can be larger than 16 square feet. We want them to be temporary, but currently, the LDO has no time frame.

Comm. Block: Sounds like that is something we should revisit as a body. Can we do that?

Mr. Klein: Sure.

Chairman Elkins: Other comments? If not, I would entertain a motion.

A motion to recommend approval of CASE 30-19 – CAMDEN WOODS CENTER – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located south of 143rd Street and west of Kenneth Road - with three Staff Stipulations - was made by Hoyt; seconded by Peterson. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Hoyt, Coleman, Block, Stevens, and Peterson.

CASE 31-19 – PARKWAY PLAZA – ADVANCED COSMETIC SURGERY MULTI-TENANT BUILDING – Request for approval of a Final Plan, located south of 134th Street and west of Roe Avenue.

Comm. Hunter: I am going to recuse myself from this discussion.

Chairman Elkins: Thank you. The chair notes that, despite Commissioner Hunter’s recusal, we still have a quorum present. I would invite staff to make a presentation.

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 31-19 - Parkway Plaza - Advanced Cosmetic Surgery - Request for approval of a Final Plan. The applicant proposes to construct a 9,600 sq. ft. multi-tenant office and retail building on 1.32 acres, which will be located adjacent to Huber Dental within Parkway Plaza. The Preliminary Plan for Parkway Plaza was approved in 2005 and proposed a 9,600 sq. ft. retail building in the location of the currently proposed building. The orientation of the proposed building is also in keeping with that Preliminary Plan with the building facing south toward the existing parking lot. The existing parking lot and the parking lot light fixtures will not be altered with this application. The proposed building will be 27 feet tall with a tower element on the western end, extending to approximately 42 feet. Architecturally, the building is very much in keeping with those in Parkway Plaza. The facade consists of tan stucco, natural stone, and a concrete tile roof. A bronze standing seam metal roof will accent the tower element. The proposed building will contain three tenant spaces, and Advanced Cosmetic Surgery will occupy the westernmost tenant

space. The site is landscaped in conformance with the LDO. Bike racks are proposed east of the building and are incorporated within the existing amenity feature located between Huber Dental and the proposed building. The applicant is requesting a deviation to the interior parking setback to 0 feet because of the existing cross-access parking agreement that includes all of Parkway Plaza. The project does comply with all other bulk regulations of the LDO. Staff recommends approval of Case 31-19 with the stipulations in the Staff Report, and I'm happy to answer any questions.

Chairman Elkins: Thank you. Questions for staff?

Comm. Block: On the landscaping, there is a circular sidewalk feature and removal of eight trees. Typically, we would see an offset of that somehow. Is there a reason it goes down?

Ms. Schuller: The trees in the circular feature have trees that are proposed to remain.

Comm. Block: I'm reading that there is a total of 14 planted in the circumference of the circular sidewalk. Six will remain as existing. There's a difference there of eight trees.

Ms. Schuller: The property line is diagonal through that circular feature, so six of those three are on the proposed property, and the rest are on the other property.

Comm. Block: So, it's not disrupting the 14 trees?

Ms. Schuller: No.

Chairman Elkins: Other questions for staff?

Comm. Stevens: I think the report described some of the lighting improvements on the building, and the packet has three types of wall-mounted light fixtures.

Ms. Schuller: They are proposing decorative sconces on the front of the building.

Comm. Stevens: That is just on the tower portion?

Ms. Schuller: Yes, just on the front columns of the tower portion. They have emergency egress lighting included as well.

Comm. Stevens: That is exterior lighting?

Ms. Schuller: Yes; everything that is in the packet is exterior. There is another type of outdoor lighting for emergency egress as well.

Comm. Stevens: The rest of the packet does not indicate these fixtures.

Ms. Schuller: Are you referencing the photometric study?

Comm. Stevens: Yes.

Ms. Schuller: They did change the lighting toward the end of the process. We can make sure those match prior to going to Governing Body if there is a discrepancy.

Mr. Klein: The lantern-style light fixture is what the rest of the development is using. Originally, they proposed a cylinder for the wall sconce. We talked to them, and they agreed to change it to match the rest of the center.

Comm. Stevens: But it's not around the entire building like the plan shows; it may just be at the entry?

Mr. Klein: I think that is just showing the different locations of the lights. Some are egress lighting on the north side of the building. That is required by building code. That light fixture faces down.

Comm. Stevens: And then maybe where this wall pack is, is a different LED fixture.

Mr. Klein: The applicant might be able to describe it.

Comm. Stevens: The approval of the lighting is part of the Preliminary Plan.

Mr. Klein: Yes, this is a Final Plan, and the lighting is included in it. As the applicant comes up, we can go into more detail.

Chairman Elkins: Thank you. Other questions for staff? Seeing none, I would invite the applicant to step forward.

Applicant Presentation:

Jeff DeGasperi, DeGasperi Architects, 6240 W. 135th Street, Leawood, appeared before the Planning Commission and made the following comments:

Mr. DeGasperi: With me this evening is Jeff Skidmore representing Schlagel and Associates, the civil and landscape engineers. I think staff has done a great job on the report. This is a fairly easy design. We're following the footsteps of many others in Parkway Plaza. It's a very small parcel basically pad-ready. The building is very similar to other examples right along the front pads of

135th Street. We basically just picked up on everything that was happening there. It's got the front porch, all the same materials, the massing, the towers, and the interest. This is an owner-occupied building. He is coming from Overland Park to move to Leawood with his investment in this property. It looks like a great location for him. He'll be looking for some similar professional office-type uses to fulfill the other portions of the building. I can address your question on the lighting. The two ornamental lanterns are only on the front two pilasters of the tower, very similar to all the other fixtures that are used in the development. There is an emergency light that will go right over the exit doors on the back or over the front doors, which are over the porch area. They won't be very visible and will probably be in the soffit and shoot down. We picked something fairly innocuous for that. The other one you are referencing is the LED light, which is a small, horizontal fixture. It is not a bright light. It will shoot straight down. It is over the mechanical room back door, and there is one at the trash enclosure. Those are only two locations for those. They're shown only on the elevations of the building. The front porch will have can lights, so it will be illuminated. All of the soffits will have can lights so it will glow in those areas as well. Perhaps the photometric map didn't pick up on those. The parking lot is existing, so we're basically just plopping a building on a pad that's already there. All of the lights and everything around the outside is established. We don't believe that any of these lights will shine very far away from the building; they're all straight down. The other ones are small, ornamental coach lights on the front. We can certainly address any stipulations you would like. I'm happy to address any other questions.

Chairman Elkins: Thank you. Questions for Mr. DeGasperi?

Comm. Coleman: I'm very familiar with this area. My dry cleaner, dentist, and orthodontist are all in that same plaza. It is the triple play of errands that I do. I understand the building is owner-operated. I have a question on the parking lot and the common area. Who owns and services that?

Mr. DeGasperi: I believe there's a cross-access agreement for maintenance provided by all the owners so they share in an association that is responsible for maintenance.

Mr. Klein: That is correct. They have a development association. This particular development did not put the common areas on separate tracts that are owned by the development association. They actually split up the common areas between the individual owners. That's the reason you see that circular area that Commissioner Block was referring to with regard to the trees. The property line goes straight down the middle so that half of the trees are on one side of the property; half are on the other. They have a development association that is supposed to be responsible for those common areas. There have been a few issues with that in the past, as that center had financial difficulties, and they had a maintenance company that was part of that.

Comm. Coleman: In terms of those common areas for your project, are there any improvements to the parking area or common area, or is this strictly the pad?

Mr. DeGasperi: It is strictly the pad within the curb.

Comm. Coleman: I do have a concern with the parking lot and that area. There are other professional services, but there is also a drive-through with the cleaner. I'm hoping the pedestrian area in front of the building is serviced well. Right in front of that building, the road itself is eroding. It erodes every spring and gets filled up, so I'm hoping that it will be taken care of. People could trip very easily in front of that building.

Mr. DeGasperi: I hope that is addressed by the group ownership of the development. The only control he would have is to make sure his money is being spent in a way that is attractive and safe for everybody that visits him. I'm sure he'll be concerned.

Chairman Elkins: Thank you. As I understand from the title, your client's business appears to be cosmetic surgery.

Mr. DeGasperi: That is correct.

Chairman Elkins: Am I correct in understanding that the patients served here will all be ambulatory patients and no overnight stays as a result of the surgery?

Mr. DeGasperi: This is basically a consult location for him. All surgery takes place in a surgical center offsite. This is consulting prior to surgeries as well as follow-up. There are no procedures taking place, and no one will be under anesthesia.

Chairman Elkins: Thank you. Other questions for Mr. DeGasperi? Is there discussion on Case 31-19? Is there a motion?

A motion to recommend approval of CASE 31-19 – PARKWAY PLAZA – ADVANCED COSMETIC SURGERY MULTI-TENANT BUILDING – Request for approval of a Final Plan, located south of 134th Street and west of Roe Avenue - including 28 Staff Stipulations - was made by Coleman; seconded by McGurren. Motion carried with a unanimous vote of 6-0. For: McGurren, Hoyt, Coleman, Block, Stevens, and Peterson.

Chairman Elkins: I would rise on a point of personal privilege. It did not escape my notice that during my notice, you all saw fit to elect me to another term as chairman. I wanted to take a moment to thank you all for that expression of confidence. I hope I deserve it, and I hope the work we do together in the next year will also warrant the confidence you expressed in me. Thank you very much; I appreciate that. I look forward to working with all of you.

MEETING ADJOURNED