

**City of Leawood  
Planning Commission Meeting  
December 8, 2020  
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, Coleman, Block, Stevens, Hunter, Hoyt, Peterson, Elkins. Absent: Belzer

**APPROVAL TO SUSPEND CERTAIN RULES OF PLANNING COMMISSION DUE TO PANDEMIC:**

**A motion to suspend certain rules of the Planning Commission due to the pandemic was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt, and Peterson.**

**MEETING STATEMENT:**

To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Planning Commission is being conducted using the Zoom media format, with some of the commissioners appearing remotely. The meeting is being livestreamed on YouTube and the public can access the livestream by going to [www.leawood.org](http://www.leawood.org) for the live link. The public is strongly encouraged to access this meeting electronically; however, if you wish to comment on a public hearing item, please contact the Community Development Department to make arrangements.

Public comments will only be accepted during the public hearing portion of each agenda item where a public hearing is required. The City encourages the public to submit comments in writing prior to the public hearing by emailing comments to [pcpubliccomments@leawood.org](mailto:pcpubliccomments@leawood.org). Written public comments received at least 24 hours prior to the meeting will be distributed to members of the Planning Commission. Those wishing to appear remotely using the Zoom format media, should register at [pcpubliccomments@leawood.org](mailto:pcpubliccomments@leawood.org) on or before Friday, July 24th at 5:00 pm Individuals who contacted the Planning Department in advance to provide public comments will be called upon by name.

Electronic copies of tonight's agenda are available on the City's website at [www.Leawood.org](http://www.Leawood.org) under Government / Planning Commission / Agendas & Minutes. Because this meeting is being live-streamed, all parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those listening only. This applies to all commissioners, staff, applicants and members of the public who may speak. All motions must be stated clearly. After each motion is made and

seconded, a roll call vote will be taken. The Chair or staff will announce whether the motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking. Thank you.

## **APPROVAL OF THE AGENDA**

Chairman Elkins: Are there any revisions to the agenda?

Mr. Sanchez: There are not.

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

**CONTINUED TO THE JANUARY 12, 2020 PLANNING COMMISSION MEETING:** CASE 98-20 – LEAWOOD CITY PARK – AQUATIC CENTER – Request for approval of a Preliminary Plan and Final Plan, located south of I-435 and east of Lee Boulevard. **PUBLIC HEARING**

CASE 109-20 – REGENTS PARK FINAL PLAT – Request for approval of a Final Plat, located south of 135th Street and west of Kenneth Road.

CASE 103-20 – REGENTS PARK MULTI-FAMILY SUBDIVISION AND PUBLIC IMPROVEMENTS – Request for approval of a Final Plan, located south of 135th Street and west of Kenneth Road.

CASE 102-20 – ONE35 - MIXED USE (135TH STREET AND KENNETH ROAD WEST OF HIGH DRIVE) – Request for approval of a Final Plan, located south of 135th Street and west of Kenneth Road.

**CONTINUED TO THE JANUARY 26, 2020 PLANNING COMMISSION MEETING:** CASE 69-20 – HILLS OF LEAWOOD VILLAS – Request for approval of a Final Plat and Final Plan, located north of 151st Street and east of Mission Road.

CASE 89-20 STATE LINE MXD – Request for approval of a Rezoning From SD-O (Planned Office) And R-1 (Planned Single Family Low Density (15,000 Sq. Ft. Per Dwelling)) To MXD (Mixed Use Development District), and Preliminary Plan, located south of W. 86th Terrace and west of State Line Road. **PUBLIC HEARING**

### **NEW BUSINESS:**

CASE 100-20 – TOWN CENTER PLAZA – FIRST ASCENT (HEALTH CLUB) – Request for approval of a Final Plan, located north of 119TH Street and west of Roe Avenue.

### **Staff Presentation:**

City Planner Grant Lang made the following presentation:

Mr. Lang: This is Case 100-20 – Town Center Plaza – First Ascent (Health Club) – Request for approval of a Final Plan, located north of 119<sup>th</sup> Street and west of Roe Avenue. The applicant is requesting approval to replace five existing tenant spaces within the main center of Town Center Plaza in the SD-CR zoning district. The building is proposed to be 64 feet in height along the eastern elevation. The remaining portions of the structure will be 32 feet in height. At the time of Preliminary Plan, the Planning Commission and Governing Body made comments asking that the architecture of the building be modified to better complement existing architecture of Town Center Plaza. Given these comments, staff recommends the following:

- The applicant to include architectural design elements of the main center so the proposed building complements the remainder of the structures.
- The east elevation to receive additional architectural elements, dividing the façade visually.
- The service area gate to be located at the start of the entrance into that area.

The application meets all requirements of the Leawood Development Ordinance (LDO). Staff recommends approval of Case 100-20 with the stipulations listed in the Staff Report. I'd be happy to answer any questions.

Chairman Elkins: Thank you. Are there questions for staff?

Comm. Coleman: I have questions about Staff Comments on Page 4. In our September 22<sup>nd</sup> meeting, we asked the applicant to complement the building so it blends with the existing structure at Town Center. Staff comments point out that the applicant prefers to proceed with the project as proposed. Visually, it appears to be the same as it was in September. Can you add some color to that with your discussions with the applicant?

Mr. Lang: I believe the applicant wants to take the entire center in a new direction, hankering back to Town Center Crossing with different tenant facades that use different materials and things of that nature. The intent is to get away from the brick and go to this aluminum siding.

Comm. Coleman: Thank you. The third bullet point refers to the screening and the entry into the service area. Could you project that so we can see it more closely?

Mr. Lang: (*Puts plan on monitor*) Staff would like the gate placed in a different spot than they are proposing.

Comm. Coleman: Why have the gate up front instead of in the back?

Mr. Lang: It gets down to a difference of opinion on what is going to happen with the gates and loading of the utilities that happen back there. There will be trash bins, and the applicant's main concern is if it is brought too far forward, the gate could get left open and people could easily access the space. The gates could then obstruct the lanes.

Comm. Coleman: Is there any access to anything in the alley that the gate location will impact?

Mr. Lang: I don't believe there are access issues in the actual alleyway. Like I said before, they have trash bins. I'm sure the applicant could go into more detail.

Comm. Coleman: The fourth bullet point refers to the pedestrian light fixtures around the building. Is that just a request? Is it part of the stipulations?

Mr. Lang: We wanted to bring it to the commission's attention that these are some changes to the architecture of the center. Right now, the existing light has more of a global shape to it. That shape appears throughout the center. They even have wall sconces of a similar nature. We wanted to bring it up that this is very much a different design.

Comm. Block: For clarification, you said the applicant would prefer to proceed with the project as proposed, as it fits the future vision they have for the center. Who is the "they" in that case? Is it the applicant or the owner of the center?

Mr. Lang: That is the applicant, Washington Prime, who is the owner of the center.

Comm. Block: Going back to the trash, is there no gate there at all currently?

Mr. Lang: There is not a gate now; there is a metal archway that connects the two buildings together. That will be removed with this application.

Comm. Block: I guess I thought the metal archway was between Bravo and the street.

Mr. Lang: The larger one is by Bravo, but there is a secondary small one in that area.

Comm. Block: So, both of those will be removed?

Mr. Lang: Both will be removed.

Comm. Block: One of the stipulations is that the project should comply with Town Center Plaza Design Guidelines. What is the requirement there? Can they vary from that?

Mr. Lang: They currently comply with the Design Guidelines. They wouldn't be able to vary too much in that regard because this specific building façade came before the Planning Commission and was approved within the Design Guidelines.

Comm. Block: Have those Design Guidelines been approved?

Mr. Lang: Those have been approved by both the Planning Commission and Governing Body.

Chairman Elkins: Are there other questions for staff?

### **Applicant Presentation:**

John Petersen, Polsinelli PC, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Petersen: I'm appearing on behalf of Washington Prime, who is the owner of Town Center Plaza and also Town Center Crossing. With us this evening is Steven Harris, VP of Development for Washington Prime; Starr Korner-Duvall, Director of Construction; Mark Poltorek, RDL Architects; and John Shepherd, Co-founder of First Ascent. I'm going to go through a few slides to set the tone, and then Steve Harris will have a few comments. Then, we'll stand ready for questions.

The project is proposed on the north side toward the east end, next to Cedar Street on the west side of the building. It is approximately 24,700 square feet, replacing five in-line tenants that sit there today. As we talked about and move through the Preliminary Plan, this is a great effort to reface and reactivate the north side of Town Center Plaza. There are 22 stipulations, and we agree with 20 of those.

We'd like to talk about the other two, starting with No. 3. The first point we'd like to discuss is modifying the design and providing strong relationship with the existing center, colors, materials, and design. The second has to do with visually breaking up the large, flat façade. I don't want to overstate this, but based on a conversation back and forth, it is primarily focused on the east side of the development.

I'll start with a general comment that picks up a bit of a theme that was suggested even in the brief Q & A between commissioners and staff. I don't like starting with someone saying they asked us to do something and that we decided not to do any of it. We took some steps to address the idea of placing this building within the existing Town Center Plaza and doing it in a new approach but still consistent with the overall theme of quality but starting to move toward a trend in the development of shopping centers from a place that people shop to a place that people have an experience. The experience is the goods being bought and the services being provided, but it's also the visual impact and the feel of what goes on. The trend today says that compatibility doesn't mean commonality. Today, it can be distinct. We have attempted to bring some color elements to tie in the visual impact. We did not attempt to replicate the materials of the existing Town Center Plaza. Mr. Harris will speak more globally about that soon. Are we trying to tie ourselves back to the Town Center Plaza that was designed and built in the early 1990s, or are we taking the first step to pull the 1990 version of Town Center Plaza into what is being marketed today as cutting edge and the most well-received shopping experiences in the United States? We don't really want to take the step to say we tried to do it by putting some brick on the building. That is not the direction the ownership of this project is trying to take. We tried to do it with good materials that are all approved within the LDO and good design elements.

The north and west facades of the building will be the two primary points of access for customers entering. There are insulated concrete panels on the lower level, insulated metal on the upper. As I indicated, these are allowed materials under the LDO and are on our palette of materials in the Design Guidelines, which we just brought through the approval process in the last few months. We have color accents to bring in the compatibility without commonality. We acknowledge that it looks different than the

balance of Town Center Plaza. The goal is to be not the same but to be tastefully distinct. It represents the new retail experience that has a difference from the experience throughout the center. Variety is the trend to create a feel.

Town Center Crossing's visual impact changed the day Apple came and created a sense of place. At first blush, Apple was strong. One might say that the Apple façade looked different than the monolithic tone of the shopping center, which was state of the art the day it was built. As time has gone on, different applications have created an eclectic feel. We don't want each point of the shopping experience to look the same. Peloton came through and nuzzled right next to Apple. It interfaces fine with the remnant of the blonde brick that was originally part of the architecture. Crate & Barrel came through with a distinct sense of place. It ended up creating momentum for what we are trying to describe to you tonight. It's not just product owned by Washington Prime; this is going on in a commercial neighborhood around 119<sup>th</sup> and Roe and 119<sup>th</sup> and Nall. The most iconic and contemporary buildings in Kansas City are the headquarters for AMC. It's a great building. Everybody comments on how cool it looks. It's a bit out of character for the brick and mortar. AMC is still part of the Park Place project, and it demonstrates that compatibility doesn't necessarily mean commonality. It brings a contemporary feel to the entrance of Park Place, which also has traditional design. The eastern part has different but compatible elements as well. The steel beams hold up the covered area, creating its own identity and sense of place for First Ascent. Stipulation No. 3 asked us to bring more common materials and common design. We stand on the position that we heard that, but our design will influence the overall experience with Town Center Plaza in the future.

The second part of Stipulation No. 3 refers to the eastern façade. One thing I want to note here is the north and west are points of ingress and egress for the public. The east side is the back of house. It is, in essence, the back of the climbing wall. There is not much to do architecturally there, but we didn't really want to really change the overall building. The way we could address it is utilization of color schemes in the upper portion of the building and landscaping at the base. We have a utility/emergency door. The sign is a separate application we'll bring through, but the sign brings interest and differential to the east side of the building.

I'll move on to Stipulation No. 4, which goes to where we put a gate for the service drive. There are deliveries that occur through back doors. Everybody's trash receptacles are back there. We absolutely request that we not be required to put that gate up at the front line of the building, but be able to move it back off and therefore ask that the stipulation be deleted. The city proposes we screen the area right at the interface of the driveway for the shopping center and also the pedestrian crossing area for those moving east to west. We're proposing to move that gate 49.5 feet back. The architects want an open feel. They want landscaping there. To the south is a utility area, but we don't want the feeling that there is a gate; we want the opportunity to provide some landscaping. Maybe most importantly, it's a safety issue. We're going to have trucks pulling in. Where staff is proposing the gate, if the truck had to stop, it would pull across the pedestrian way potentially. A truck of any great length could be in the drive aisle of the shopping center. With the utmost respect to staff, that makes no sense to put the gate there when there will be delivery vehicles. Give them the 49.5 feet to get away from pedestrians and trafficways, to stop and let the gate open, and get the gates closed when

they're done. That's where we are. I would like to ask Steve Harris to speak for a moment about this entry into the vocabulary of offerings into Town Center Plaza. After that, we'll stand ready for questions.

Steven Harris, VP of Development, 180 E. Broad Street, Columbus, OH, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Harris: Thank you. I appreciate the time to speak with you about this project. We really love this building and the use, and we're seeking your support tonight. First Ascent is a state-of-the-art rock-climbing facility in what I would describe as a beautiful building. It will meet Olympic standards and draw people from far away, as we've told you before. It will be a wonderful addition to Town Center Plaza, made all the more precious during this difficult time of COVID. Since last met, we've met with staff and have gone through several design changes, as John went through, enhancing the building and site. We were asked by staff to add brick and other design elements to complement the center, and I'll spend some time talking about that. It would represent a departure, in our view, from the architectural integrity of the proposed building. The justification in the Staff Report is that Town Center Plaza has an iconic look that is well known throughout the metro area. As an architect, the term "iconic" carries with it very high standards. I greatly appreciated that being deferred to us. Please understand we love the Plaza, but other facilities in Leawood, such as the incredible AMC headquarters or the recently completed Tortoise building offer a better use of that term. So would I apply that to the First Ascent building. The architecture of these buildings represents where Leawood's build community is today and where it's heading next: beautiful design that meets definition of international design, which is best to say modern, clean, rectangular forms, surfaces devoid of unnecessary ornamentation, such as brick. In the case of AMC, the building is very modern, and yet, located adjacent to older, brick-clad buildings, as you saw, and it looks terrific. First Ascent will share that same relationship. You can see it in the rendering. It has a bit of a brick-clad look to it. Town Center Plaza, in many respects, reflects Leawood: where it came from, where it is today, how it is evolving. It began in the 1992, as you know, and employed common design themes of the time with brick finishes, which are no long manufactured. It has covered walkways, heavy columns, trade-dressed storefronts. These are not common today. In fact, if this shopping center were built today, little, if any, brick would be used, and more modern design themes would be applied. The design would be closely in line with the proposed First Ascent building, with its clean and elegant rectangular forms. It embodies those same iconic international design elements I mentioned earlier. The juxtaposition of the existing brick-clad buildings of the Plaza echo the same with AMC. The design elements will complement the Plaza. If we were to put those materials on the building, they are the antithesis of international design, which is the lack of ornamentation. It will look forced, awkward, and out of place. We prefer a solution that belongs in the same class as the buildings of AMC and Tortoise. The current design belongs in Leawood, belongs in the same family as the best architecture in Leawood. In deference to staff, it better deserves to be referred to as iconic. As for where Town Center Plaza is going next, First Ascent reflects the next evolutionary step. We plan to eventually reposition the entire mall in order to ensure the center retains its already dominant position in the marketplace. We

need to have relevant architecture to complement that. Solid, forward-looking architecture is an important component of our strategy. The only reason I had delayed in submitting that to this body was because of COVID. It's related to a CID program that we'll look at together, but it's premature. This building emerged, and it is reflective of where we're going. At the same time, it looks appropriate just as it is with the center, as designed.

To echo what John was saying about the service area, this is a life safety matter. We like the idea of a gate. There is no gate at the other building on the opposite side. It was never part of the design, so it's open to the trash areas. You could look right in there if you'd like. We have wanted to put a gate in since the beginning, but there is a material and practical problem. Those gates will remain open unless it's convenient for the truck drivers, meaning if they have to get out of their truck, park it in the middle of the road, walk back, and close the gate, the chances are low that it will happen. It's the same when they come back in. It's also a life safety matter if the trucks are parked in the road with pedestrians and cars. The solution is attractive and practical. It allows trucks to pull in, to safely offload. The truck driver can pull in and close them. When the reverse happens, he can stop short of the sidewalk and close the gate. We can easily enforce that from an operational standpoint. It's a very important issue for us. This is not a disagreement about architectural styling. In my view, it's a dangerous solution to place it out by the street for the reasons I just outlined.

In closing, thank you for your consideration of this project. We're very excited, and we think this will be a game-changer for the north side, which is traditionally a struggle with leasing. This will activate this area and create a reason to come. It will draw for many miles. It needs to look like a very interesting building that lets people know it is exciting and makes them want to see what's inside. Thank you.

Mr. Petersen: For housekeeping, I will put up the two stipulations we have addressed and the applicant's request. We would ask to delete No. 3 and to accept the architecture as proposed. We would ask that No. 4 be deleted and accept the location of the gate as shown on the Final Plan. We'd be happy to answer any questions.

Chairman Elkins: Thank you for your comments. Questions for the applicant?

Comm. Block: Mr. Harris, you're with Washington Prime?

Mr. Harris: Yes, sir.

Comm. Block: You made reference to repositioning the mall. Can you expand on that?

Mr. Harris: It's a little difficult to talk out of context because it's not before you; however, the architecture of the mall is a challenge. We've spent considerable time coming up with solutions to help augment the fact that we have these covered walkways and heavy columns that make it difficult for tenants to be noticed. 21<sup>st</sup> Century architectural styling doesn't approach projects like this. The columns are much thinner, if they are there at all. As we look at what the Plaza should be, it is going to have a significant architectural change made to it in due course. When that is ready, I'll submit it

to you, but at this point, all I can tell you is that is our intent and direction we want to go. In the meantime, we're not putting forward projects, at least in our view, that do anything but complement the center as it sits today. We are simply saying that, as things move forward, you'll see more projects like this until we're able to come in with the entire repositioning. That means an architectural standard change. Repositioning could also mean a merchandising change, but that's not what we're doing. That's not what we're contemplating. Rather, it's more about stabilizing the asset to promote competitive standpoint and to make sure the many competitors are being noticed in the surrounding area. Leawood has brilliant architectural design, and we want to remain relevant to those competitors.

Comm. Block: Rough timing?

Mr. Harris: It's driven by COVID, quite frankly. We need our sales to improve. Sales are stable, but not as robust as they were in 2019. Assuming things ramp up in '21 or '22, you'll see my smiling face again.

Comm. Block: I don't remember the Design Guidelines, but it seems that they were somewhat limited. It will restrict any retailer that would want to make any significant changes in the interim, ahead of that repositioning.

Mr. Harris: Correct, because what we put before you is meant to say that if we never come in with a repositioned mall, it would be fine. We had to do the right thing for the mall today. If we reposition and redesign the mall, we'll have to go through some of the same determinations for the new architectural styling. We feel safe in saying that everything that has been done so far reflects the mall as it is, unchanged; it simply functions better.

Mr. Petersen: If you'll recall, the Design Guidelines we brought through for approval and the process for approving trade dress areas gave us the opportunity to start picking up the types of elements that Steve has described here in trade dress areas, but still, an entire building would come through this process. You're going to see a process down the road that would be a Revised Preliminary and Final Plan, a more extensive overall renovation of the center.

Chairman Elkins: Thank you. Other questions for the applicant? I have a few. The renderings are helpful, and I appreciate them. Could you describe what the view will be as we look at the center from the south. I'm curious if the vertical will overshadow the center on the south side.

Mr. Petersen: I have an exhibit to put up that might help Steve respond (*displays plan*). This shows the view from the south parking lot, looking north. The white you see behind the tower element is an existing screening element on the shopping center. Moving any farther south drops off to 119<sup>th</sup>, which is below the grade of the parking lot. Moving closer to the building, the south façade of Town Center Plaza will block the view. This picture shows the opportunity to see the top of First Ascent, and it is barely visible.

Mr. Harris: Yes, we evaluated this. We tried to draw a rendering to show the height. It is not going to be a towering element from this perspective. Going down the alleyway, it will appear larger, but it will not be a dominating tower element from every perspective. Also, there is a lot of topography. The center is elevated in this area. Everything to the left of the photograph starts to level out, but from this perspective, we don't think it is much of an impact at all.

Chairman Elkins: Mr. Harris, to confirm, you're saying that if the First Ascent building is constructed as designed right now, the difference in height from the top of the tower above The Limited would not be significant?

Mr. Harris: It is all about perspective. As you're looking up to the top of the parapet, you're not looking straight at it. If you were up at the elevation straight-on, the architecture would clearly show the tower is the tallest element of the mall. Because of the way the architecture looks and the perspective, the visual impact is greatly diminished. We have the architect on the call. He might be able to add additional flavor.

Mark Poltorek, RDL Architects, 16102 Chagrin Blvd., Shaker Heights, OH, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Poltorek: Thank you for taking the time. As Mr. Harris indicated, there is a very large falloff as the parking lot falls completely to the south to the road. Looking at a piece of architecture, the view is at an angle. We all have to remember that the left-hand side between the two buildings is 32 feet tall, which is playing well with the rest of the mall portions that are there. The larger tower element will stick up slightly above the existing mall piece, but from the perspective from the parking lot and moving back, it won't be perceptible in real-life vision. In a drawing, it looks like it would stand out because it's a flat plane.

Chairman Elkins: Thank you. Mr. Harris, if I'm looking at the north side of Town Center and am paying attention to what is farther to the west, I'm curious to get thoughts about how or if First Ascent will stand out dramatically. I understand the strategy is to make it stand out, but my concern that I'd like to hear comments on is that, as I look across from the Tortoise building, First Ascent may stand out in a negative fashion.

Mr. Harris: It was in my comments about having the juxtaposition of buildings next to modern architecture. It doesn't shout, "Mistake;" it shouts, "Interesting." That's what we're trying to achieve here. I think if you were to pull back, it would show the peaks and valleys of the architecture of the center today. It undulates quite a bit, frankly, and this fits right in. It doesn't have a tall peak to it. It just needs to have a height that meets Olympic requirements. I think it will complement the center. It's not going to feel like a high rise in the middle of low-rise, single-level retail. I think it's going to be attractive, and we don't think it will pull away.

Chairman Elkins: This is a good rendering. My concern is that it could potentially stick out more as the onlookers move to the west. You've obviously thought about that considerably. Additionally, the commission and the community here have a great concern about a sense of place. Certainly, the architecture currently in Town Center is probably one of the best examples we have in Leawood of a sense of place in the way the entire center is tied together. Acknowledging that there have been substantial differences on some pad sites, the basic center itself certainly has that sense of place. I'd be curious how you reconcile your need to distinguish First Ascent from other tenants in there but yet still maintain the sense of place.

Mr. Harris: That's an interesting term. I actually use that term quite a bit to describe projects that I create. Many times, that is the overarching goal. Sense of place means a gathering place, a place you want to go, a place people want to visit once a week or so. We're trying to create that. We're trying to create these elements. Those are brought to the center in different respects. Architecturally, I see the connection you're trying to make, but also, there's the side of the entertainment. If we have a reason to stay there, there's also a sense of place. Architectural theming, which the center has, leads to twelve different architectural types that can be assigned to the Plaza itself: stucco, brick, columns, no columns, 2 stories at Barnes and Noble. It's quite eclectic, and yet, it's knitted together with brick and other features that draw it together as one continuous theme. Considering it a sense of place is much grander than just the architecture. A sense of place is the activities we create, such as a concert series. It's the tenants we bring, the restaurants, Restoration Hardware, and even the tenants surrounding us, such as Dick's Sporting Goods. Those are all part of that texture that creates the center and creates a sense of place. I'm always looking at the more comprehensive picture when we look at centers like this. It's not just driven by architecture. For example, if we back up and look at it from the perspective of what would drive people to the center, the architecture would probably not be at the top of the list. These are things that are part of the equation. People look at a center and just drift past the architecture. They see it as an attractive lure. They see it as a sense of place, as you're saying. We recognize the architecture and the comfort of design. We're familiar with it. These things are part of it, but the tenants, the activities, the reasons for coming are all knitted together. You're asking why we are departing from the architecture and wondering if the center will be diminished. We are extremely concerned about making sure we do the right thing for our tenants and our center. We really like this building, and we believe it adds to a sense of place by creating an interesting building with a crazy use. We love this stuff. We're all over the country right now doing various marketing campaigns to do things that are totally different. We just won 20 different awards that had one single international design criterion dealing with marketing issues. We create activities that nobody else is doing. This building and this use is state of the art. We are way out in front of many of our competitors. A lot of them have gone dormant throughout COVID. We have pushed forward very hard. This particular building and this particular use is very important to us. I would argue that it's exactly what you're espousing: a sense of place. From an architectural standpoint, it's part of the tapestry of the center.

Chairman Elkins: Thank you. We appreciate the effort you and your company have made during COVID. Other questions?

Comm. Block: The east elevation in our packet is a different rendering than that which you or Mr. Petersen showed. Have any of the others changed? It looks like you added some boxes to mirror the windows on the opposite side?

Mr. Harris: I believe the architectural rendering was our latest. If that somehow did not get in the package, our apologies.

Mr. Poltorek: (*referring to rendering on the monitor*) That is the most recent rendering we put forward to help add a little bit of color and dash to the elevation, per staff's comments, to help enhance it more and keep that modern cutting edge and maintain the nice, straight looks that we want for this. What you're looking at in the rendering is what we're proposing.

Starr DuVall, Director of Construction, Washington Prime Group, 180 E. Broad Street, Columbus, OH, appeared before the Planning Commission via Zoom and made the following comments:

Ms. DuVall: Mark is exactly correct. We met with staff, trying to be respectful of staff recommendations. Although we couldn't come to terms with the brick request, we tried to have a better relationship between the materials in the center and breaking up the façade as requested. What we hoped to compromise with was adding in these colored panels that are reflective of the glass on the west side of the building and then also the color variation in the vertical concrete panels on the lower level.

Mr. Harris: My apologies for this not being in your packet; that was not my intent.

Comm. Block: Have any of the other elevations changed?

Ms. DuVall: No.

Comm. Block: It's kind of hard to tell from what's on my screen and in the packet, but how do the greys and creams in the new building relate to the existing structure?

Ms. DuVall: I believe you have a material board there. Those colors are all represented on that board. You have Arctic White, which is the horizontal metal panel, and then the variation of grey tones that are in the insulated concrete panel.

Mr. Harris: Part of the color palette was inspired by the architectural styling that you see in this rendering.

Mr. Poltorek: That is correct. Just to add to what Starr was indicating on that east elevation, the lower half of the building has colors that are already represented on the

original package. The only thing we changed on that east elevation was adding the colored elongated squares and the metal panels on the top half to emulate the windows.

Comm. Block: How do those colors on the board related to the existing center? Are they the same colors?

Mr. Poltorek: These are not the same colors of anything within the center. This is the trade dress we have set forth with First Ascent for their color scheme.

Comm. McGurren: After hearing the Planning Commission, Governing Body, and staff request that you find a way architecturally to better complement the existing Town Center Plaza architecture, I heard the one singular change was on the east façade, placing those accent pieces, that are really there to mimic the windows on the west façade of the new building that have nothing to do with the Town Center architecture. Is it fair to say that it was the one change from Preliminary to Final Plan, and the request of those three portions of the City of Leawood did not cause any noticeable change to the architecture of the building?

Mr. Harris: I would say that on the east side was where we focused. Quite an evolution has happened on here with windows that staff recommended. It's impractical to get to them, as they're behind this massive rock-climbing apparatus. This is the solution to create the look, as you mentioned. The architectural styling was primarily focused here. Mark, were there any other details that changed over the last 30 days?

Mr. Poltorek: There are not.

Comm. Stevens: I had a series of questions related to the stipulation points that you really answered very well as far as the reasoning for the gate on the east alley and the importance of the position of it being set back. I was a little concerned about how it would actually work with the daily traffic, the service trucks, and emergency access to the backs of those buildings. It can't be a locking gate; it can't actually close off, but you're proposing the addition of the gate to screen the view into the service area, I'm assuming, and maybe to deter parking or entry into the service drive. Is that correct?

Mr. Harris: That's correct. It's back of house and not necessarily pretty back there. We want it screened. Again, we looked at screening since the beginning. We don't typically have people go back by mistake, but this is a way of screening things and a way of getting our truckers to work with us to maintain gate closure, which is a practical problem. This is not a button that can be pushed; it must be done manually. We're thinking about human nature and practical screening.

Comm. Stevens: For clarification, I know the plans aren't necessarily finished for the proposed building, but there are some elements in the imagery that aren't indicated in the plans being shown, like the entry doors in the southwest corner. Is what we're seeing in the images the proposed location for those entrances?

Mr. Harris: I believe you can see an entrance door between the four trees at back of house. You cannot see the entrance to the building in this particular rendering. I'd like to weigh in on the doorways if they're all shown on the package right now.

Mr. Poltorek: I can speak to that. The door that Steve is referring to will be a required egress door. We have two colored, flat-plane photoshopped renderings that show all the materials and might show the entry doors better. There is a bank of doors for the entry that is at each corner, at the corner point of the canopy. There is a pair of doors at the shorter canopy going down the drive lane. Those are the two main entry points into the facility.

Comm. Stevens: The submitted plans are showing the entrance in the middle of the building on the north elevation where you have the precast concrete panel accent. The plans do not show the entrances into the northeast corner. I want to confirm that is where the entry is planned. Is that correct?

Mr. Poltorek: The only floor plates submitted were the civil engineering plans.

Comm. Stevens: We have detailed interior plans showing the layouts of the climbing areas, the rooms, the locker rooms, the fitness areas, yoga studios. The main entrance is into the center of the building on the north, and there is no exit on the east like you were describing in the east rendering.

Mr. Poltorek: Starr, do you know how those were put into that portion? That is not the most current floor plate for that.

Ms. DuVall: Those should not have been included in the package. Those were requested by Grant and staff to show the interior dimensions of the building. The actual floor plans for the building will be submitted by the tenant with their application. Those were only to be shown for dimensional purposes of the first and second level of the building.

Mr. Poltorek: What I can reiterate is the civil drawings show the doors in the correct locations, and the renderings show all the doors in the correct locations.

Comm. Stevens: Okay, thank you.

Chairman Elkins: Are there other questions for the applicant?

Mr. Petersen: I'd like to make one comment before you take it back for consideration. I want to talk about the message sent about creating more compatibility with the center. I'm sensitive to that, and I know Washington Prime is as well, creating a suggestion that we listened and, in fact, just ignored it. We went back to the minutes themselves because this was part of our design review and also trying to be responsive to staff, Planning Commission, and Governing Body. Commissioner McGurren, you stated there was no brick on this and that it would be substantially higher and different than what was built to begin with. You assumed there would be an offsetting benefit somewhere. Commissioner

Coleman, you established that it would be different and wondered if there would be more of an effort to try to make it look like the existing building. You wondered if it would stick out next to all the other brick. Finally, Commissioner Coleman, you stated you were in favor of this development. You stated it didn't have to be brick, but rather that it should complement the existing center. Commissioners Block and McGurren concurred. My point in going through that is that the design team and ownership of the shopping center took that into consideration and complemented the existing structure. I hope the message is that it's not about brick or no brick; it's about complementing. I'd like to sum up the entire presentation to say that complementing in the 21<sup>st</sup> century is different. Eclectic is part of good design in shopping centers. I would go back to the Park Place analogy. It is a multi-use, multi-ownership, multi-building project with a far-flung variation of design styles, but it creates a sense of place and is compatible. I think what everybody is trying to replicate a bit are some of the most successful areas in Kansas City. Take the Power and Light District. It has an ultra-modern arena, 100-year-old buildings, a renovated multi-family building that looks similar to those built in the suburbs. It is the eclectic nature of quality that ties it all together. My point of all this without restating everything is we did not disrespect or disregard the comments. We took them and set the tone for the upgrading of Town Center Plaza as we move forward.

Chairman Elkins: Thank you. Anything to add? Questions from the commission?

Comm. Coleman: Going back to Stipulation No. 3, there were some changes in what the applicant showed us versus what we had in our packet. Do those changes meet what we're trying to accomplish in No. 3, or are we still far apart?

Mr. Lang: I believe they get us closer, but I'd like Richard Coleman or Mark Klein to weigh in.

Mr. Klein: Part of that request was to break up the larger façade on the east side, but it doesn't address making the building tie in with the rest of the center. We were looking for other design elements. We had a conversation with the applicant. They were upfront and let us know their vision, which included repositioning the center, but their solution helps break up the façade but doesn't necessarily help to tie it in with the rest of the center.

Mr. Coleman: Without changing the design of the building, perhaps the precast panels could graduate in color with one of them matching the precast on the existing center. That would help tie it in, to have a color that speaks to the older part of the center and still keeping the new.

Comm. Coleman: It doesn't sound like we're too far apart. Mr. Petersen, do you think that, with a little more work, we can get on the same page with regard to No. 3?

Mr. Petersen: What I heard was color. I'm not the architect. I'd have to defer to the architects. They've given some thought to design and color. I don't want to ever say we'd be closed to consider it. If we do, I'd ask that we consider it between your

recommendation and City Council. I assume we could take one more look at some color elements that might satisfy staff. We're always willing to listen, but we would appreciate moving on to City Council so we can have a decision made. Color can be addressed more easily than a change in design or cladding with a material that doesn't fit with the architectural style.

Mr. Coleman: I'm just suggesting a reference back to the old. It is a complete break from what is out there. This is the last time the Planning Commission and City Council will weigh in on any building.

Mr. Petersen: The stipulation is written such that we would do something prior to Governing Body consideration. It references color, materials, and design. We eliminated materials and design according to staff testimony; we're down to color. I would have to defer to the client that we would continue to talk to staff about that as we move to Governing Body. It may mess up the entire architectural theme, so I don't want to make the commitment without input from Steve or the architect.

Mr. Harris: If you were to go back to the rendering, you would see center color context. We can study Mr. Coleman's idea of color. The other rendering has an interesting juxtaposition of color. There is a cream-colored existing building at the entrance and driveway that is very similar to the architectural design across the way. Mark, how close were those colors? Were they used to match? Are you in the ballpark with the colors on the existing façade?

Mr. Poltorek: We are not fully matching the color scheme. We have an alabaster color that is part of the Sherwin Williams group that is a greyer cream tone. What I don't want to get into is the creamy dirty white tones. This building is more of the whites and the greys and the more iconic international design architecture, which then helps pop the darker grey panels for the entrances with the oranges. I think these colors we have complement the shopping center that is there. We're also looking at brick and stone on the existing center that was built in the '90s. This stuff is probably pigmented and dirty. My fear is that if we add more cream tones from this thing, it may take away from the structure, taking away the clean look of the building.

Mr. Harris: I agree. As John suggested, we can look at this, but the architecture is trying to achieve something, and it may not be easy to apply colors that are in the center, that were designed with a completely different architectural styling.

Mr. Petersen: My role is always to be emphatic, but to bring this to a point, what I'm hearing from the design team is we're always willing to listen if some idea comes up, but for tonight, you can see that thought was given to everything from design to color. With the utmost respect, we stand on our design as presented and ask for you to consider recommending approval of that. That doesn't mean a partner like Washington Prime wouldn't discount a suggestion, but I think with all the work put in by the design team, we'll stand on the design as presented.

Chairman Elkins: Thank you. Other questions? If not, we'll move on to the discussion portion.

Comm. Coleman: Question for staff: if we remove the materials and design elements from the second line of Stipulation No. 3, would that work?

Mr. Lang: I believe that gets to what Richard Coleman was discussing.

Comm. Coleman: I want to thank Mr. Harris. I know having a shopping center is not the easiest these days. I always appreciate the effort that he and Washington Prime bring to Leawood, especially with the concert series and having the drive-in concert series this fall. That definitely is a feather in Leawood's cap. It seems to help bring people to the shopping center. Retail was struggling before COVID. I remember numerous times we discussed it. After and during COVID, it's even more of an upward battle. In addition, with this particular center, across the street on Nall in Overland Park, the Gallerie is under construction, which will bring more competition for Town Center and to the tax revenue for Leawood. The owner stated that the proposed project fits with the vision that they have for the future of the center. I'm very supportive of what they're trying to do: reinvent the center. Straight retail isn't going to work anymore. I understand the entertainment portion and trying to bring that in to bring bodies into the shopping center. In terms of the stipulations, I would like to keep No. 3 in there and remove that line about materials and design elements if staff is okay with that so they could continue discussion between now and Governing Body. I agree with the applicant to remove Stipulation No. 4. I think they have proven that moving the gate farther back is appropriate. Overall, I think it's a great addition to Leawood. It will be a gem in the shopping center.

Comm. Hunter: I agree. Town Center needs a boost, and I think this development is great. I'm glad that you talked through the gate issue. To me, it doesn't make sense to have the gate on the street because it seems like a safety issue. I agree with the applicant to delete No. 4. I agree with removing those two items in No. 3.

Comm. Peterson: I look forward to this addition. One of the things that really stood out in my mind was when Mr. Petersen showed the displays of the Apple, AMC, and Peloton buildings and how they stand out. I think this will bring a new look to Town Center Plaza, while still keeping the same sense of place. The panels with color stand out on their own, and it makes the building distinct so it doesn't look like some of the same old thing. I would agree with the applicant to remove Nos. 3 and 4 altogether. If No. 3 is left in, as Commissioner Coleman suggested, we could remove the reference to materials and design elements. I would agree, but I personally would prefer to just eliminate them.

Comm. Hoyt: I'd like to offer a possibility for alternate language for No. 3: "Prior to Governing Body consideration, the applicant will modify some colors used to provide a stronger relationship between the proposed building and the existing center." That would remove the materials and design reference as well as the large-façade modification language. Also, I think it's an exciting building, and I think it fits with the exciting concept of the business going into it. I think in some ways, this might be the ideal

launching point to redirect some aspects of the center, as the owner is looking to do because it is a very different business from anything that exists. It's not another traditional retail store; it's an experience. If anything, that further justifies the divergent look of the building and makes the very different look and feel of the building a little less jarring.

Comm. McGurren: I would also like to thank the applicant for the effort put forward and today's conversation. Simply put, I am in agreement that the gate should be placed farther back and would be in line with removing No. 4. I am thoroughly disappointed with the lack of progress toward what the Governing Body, Planning Commission, and staff requested before. Nothing has been done to meet that need. I think this is too extreme a change as it exists today. I believe there is a solution that meets what the city has requested and what the applicant wants to do. After all those conversations, to conclude that there isn't one seems very odd to me. I would prefer to have gone down a road where we sent the applicant back to put together a better plan so we could have a chance to see a complete packet with all the right detail included, but I also understand the timing. I agree with what Commissioner Hoyt's proposed language said as a fallback position.

Comm. Stevens: The other commissioners had very similar comments to what I would add. I am in favor of approval of the case and actually was leaning, as Commissioner Peterson said, to remove Nos. 3 and 4. When you think of Town Center Plaza and especially the seemingly connected mall, the structure of the inline shops and even the original design of the center is made to appear with a variety of building elements, building heights, different rooflines, different materials, different colors throughout. There are even facades within the center that are all white and not much different than what is being proposed in these tones of grey, like Pottery Barn Kids and Williams Sonoma. The element of the change in materials and location here seems appropriate. This, just by nature of this building and where it's located, is almost like a pad-site building. It is only connected at the very southwestern corner. It's sitting freestanding and will convey its own image and fresh, new look as is being presented by the applicant. I would still be in favor of approving the case without Stipulation Nos. 3 and 4.

Comm. Block: I support Commissioner Hoyt's proposal to strike the rest of No. 3 but to continue to work on the colors. I am encouraged that there is an effort to reposition the mall. I think that could take some time, though. Trying to pull this in a bit more to the existing center is appropriate. I appreciate that it is somewhat detached but still in the middle of the complex, so having it match a bit closer, at least in color, is an easy one. It can be distinctive in architecture, but I think the colors could be improved to complement the buildings on either side of it.

Chairman Elkins: Other comments? I have a couple that may or may not be relevant. This is an interesting situation that we find ourselves in, and it won't be the last time. Historically, we've had the privilege and opportunity to basically build from scratch. Now, the city has matured to a place where time has passed, and this particular applicant is faced with the prospect of how to modernize the retail center to keep up with the times, to keep up with the iconic architecture of the current times. That's a challenge because

we've seen in other developments within the city that it's been almost a complete teardown. I applaud the applicant for trying to do it proactively in advance of the entire development having to be redone all at the same time. Mr. Harris obviously is thinking ahead and is looking to find a way to update and upgrade the center in real time rather than waiting and doing a massive teardown and rebuild, which is probably prohibitive and expensive and very difficult to do. I think the approach they've taken here is a good one. I struggle a bit with respect to the architectural elements. Quite frankly, I don't see the Apple store or the AMC buildings as being analogous because, for instance, in Town Center Crossing, the basic architectural elements are all cubic. It's the same for the area immediately around the AMC headquarters. That, in fact, kind of makes my point. They were able to keep the basic architectural cubic elements, and with colors and materials, they created a standout that tells you what exactly is in that particular facility. In my mind, that is contrasted with Town Center, which in my non-architectural view, is a series of peaks and columns that delineate the various tenants as opposed to the cubic feature. What is proposed here is to basically insert a cubic approach into what has been a series of peaks. That concerns me. Having said that, I remain willing to throw my architectural tastes to the wind and support the proposal as the applicant has suggested. The one comment I would make about the proposed change to No. 3 is that I just want everyone to be aware that this is not a position that says they will consider and talk about changing the colors; this is a requirement to make at least one change in the colors. I just want to make sure that the commissioners who support it recognize that. If it got to Governing Body and no change had been made, the stipulation would not have been complied with. Beyond that, despite my misgivings about sticking a cube in the middle of a bunch of peaks and columns, I think this is a good application and a good project. Were I to vote, I'd vote for striking Stipulation Nos. 3 and 4. If there are no other comments, I would entertain a motion.

**A motion to recommend approval of CASE 100-20 – TOWN CENTER PLAZA – FIRST ASCENT (HEALTH CLUB) – Request for approval of a Final Plan, located north of 119TH Street and west of Roe Avenue – with removal of Stipulation Nos. 3 and 4 – was made by Peterson; seconded by Stevens.**

Chairman Elkins: There is opportunity for discussion on the motion. Clearly, this is a departure from what Commissioner Hoyt suggested, and some commissioners expressed support for that.

Comm. McGurren: To put it plainly, I would vote nay to what is being proposed; I would vote in favor of Commissioner Hoyt's proposal.

Comm. Block: Same for me, and my intention to support Commissioner Hoyt's verbiage is that there would be a change in the colors to better conform and not just to suggest that it be discussed.

Comm. Hoyt: I would say that the language would still be relatively mild for No. 3 because I said, "will modify some colors used," which is pretty vague. I think there's a lot of wiggle room for the applicant. It's not a terribly strict mandate in my opinion. I

would also vote against the current motion, and if that failed, I would propose alternate language on No. 3.

Chairman Elkins: I think a better way to approach this is to address Stipulation No. 3 and whether it stays in, stays in and is modified, or is removed completely. In order to do that, I would have to ask Commissioner Peterson and Stevens to withdraw their motion to consider Stipulation No. 3 on its own merits. By the silence, I take that neither is willing to withdraw the motion or second. We'll vote on the motion on the floor. Any further discussion? The motion is to recommend approval with the removal of Stipulation Nos. 3 and 4.

**Motion did not carry with a roll-call vote of 2-5. For: Peterson, Stevens. Opposed: Coleman, Block, Hoyt, McGurren, Hunter**

Chairman Elkins: I would now entertain another motion.

**A motion to recommend approval of CASE 100-20 – TOWN CENTER PLAZA – FIRST ASCENT (HEALTH CLUB) – Request for approval of a Final Plan, located north of 119TH Street and west of Roe Avenue – with the deletion of Stipulation No. 4 and modification to No. 3 to read, “Prior to Governing Body consideration, the applicant will modify some colors used to provide a stronger relationship between the proposed building and the existing center.” Was made by Hoyt; seconded by Hunter. Motion carried with a roll-call vote of 5-2. For: McGurren, Coleman, Block, Hunter, Hoyt. Opposed: Stevens, Peterson.**

Chairman Elkins: Is there any additional business to be brought forth?

Comm. Coleman: I would like to recognize our Director of Community Development, Richard Coleman. This is his final Planning Commission meeting. Mr. Coleman joined the city back in August, 2008. His first meeting was August 4, 2008 with the City Council. He was introduced by the City Administrator Scott Lambers. One of the things he said, according to the minutes, was that he thanked the council for the confidence in him and said that he would do everything in his ability to uphold the high standards the City of Leawood is known for. I personally would like to thank Mr. Coleman. I think he has done that and has upheld the high standards of the city with the planning. I appreciate his honesty, his pointed input. One of my favorite Richard Coleman moments was when an applicant would speak, and Richard would grab the microphone, wanting to speak because of something the applicant said that he needed to set the record straight about. I appreciate that for all he's done and that very pointed feedback he gives us. He tells it like it is, and that's helped me tremendously during my years on the Planning Commission.

Chairman Elkins: I would join with Mr. Coleman in recognizing the commitment and the dedication that Mr. Coleman has had to the city and to the residents of our community over the last 12 years or more. I also would note that he has guided us through an unprecedented time of growth and development. At the time Mr. Coleman started, there

was a lot of green space. We really hadn't developed a civic center for the City of Leawood. Certainly, his efforts have contributed tremendously to the quality of life that the citizens of Leawood enjoy. Given that, a motion expressing our gratitude and respect for Mr. Coleman would be in order.

**A motion to honor Mr. Coleman for his 12 years of dedication to the City of Leawood and to the Planning Commission and to wish him well in his farewell was made by Coleman; seconded by Steven. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt, Peterson.**

Chairman Elkins: Richard, thank you so much for what you've done. Do you have comments?

Mr. Coleman: I'll make them brief. Thank you very much. I have really enjoyed working at the City of Leawood for the past 12 years. It's been great. I'm very fortunate to have been here. I've worked for a lot of other cities, and I can say that Leawood is one of the best-run cities probably in the nation. Scott Lambers has a lot to do with that; he does a great job. I want to thank all of you because I think that the Planning Commission does so much work and gets so little thanks for it. You sit here every couple weeks and listen to us and the applicants go on and on. I really appreciate everybody's support and hard work for the city. You're not acknowledged as much as you should be. I want to thank you for that.

Chairman Elkins: Thank you. We wish you the best. Let the record reflect that Mr. Petersen is signifying his affirmation of those comments.

Mr. Petersen: If I had a chance to vote, I would have voted aye. Richard and I have butted heads over the years, but I hope to think that our back-and-forth conversations have made things better for the City of Leawood. Richard, good luck to you.

Mr. Coleman: Thanks.

Chairman Elkins: Thank you, Mr. Petersen. Any other business? If not, we will stand in adjournment. I wish everyone a happy holiday in these unusual times and best wishes for a better 2021.

*MEETING ADJOURNED*