

**City of Leawood
Planning Commission Meeting
June 22, 2021
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, Belzer, Hoyt, Elkins. Absent: Peterson.

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any additions?

Mr. Lang: We do not.

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

APPROVAL OF MINUTES: Approval of minutes from the May 25, 2021 Planning Commission meeting.

Chairman Elkins: Are there any revisions to the May 25, 2021 draft minutes? Is there a motion?

A motion to approve the minutes from the May 25, 2021 Planning Commission meeting was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens.

**CONTINUED TO THE JULY 13, 2021 PLANNING COMMISSION MEETING:
CASE 80-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-10.3, MATERIALS AND COLORS, Request for approval of an amendment to the Leawood Development Ordinance, pertaining to required specifications for laminated composite shingles. PUBLIC HEARING**

**CONSENT AGENDA:
CASE 42-21 – ASCENTIST – Request for approval of a Final Sign Plan – Located south of College Boulevard and West of Roe Avenue.**

Chairman Elkins: Does anyone wish to discuss Case 42-21?

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

NEW BUSINESS:

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.

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 69-20 – Hills of Leawood Villas – Request for approval of a Final Plat and Final Plan. Staff wants to turn your attention to an additional comment from Commissioner Peterson that has to do with Stipulation No. 26. This project is approximately 13.5 acres at the northeast corner of 151st Street and Mission Road. The development will include 24 single-family residential units and five tracts. The main entrance of this development will come from Mission Road and the Hills of Leawood development, located to the east of this site. Since the Preliminary Plan was approved by Governing Body, an additional easement was located along 151st Street. A few of the lots along the southern cul de sac on the west side had to be squeezed in to make room for that easement, so that is really the only difference between the plan you're seeing tonight, and the plan that was approved. The applicant is also requesting deviations to the front yard setback for eleven lots to be reduced from the required 30' setback to a 26.5' setback. Staff recommends approval of Case 69-20 with the stipulations listed in the Staff Report, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions for staff? I'll ask about Stipulation No. 26 regarding the funding and ultimate responsibility for the repair and/or replacing the common area improvements.

Ms. Knight: Mr. Musil is here for the applicant. I don't know that he has any issues with the stipulation. Regarding the "joint and several" language, I don't think that's come up in this case. I think we've heard it come up in other cases from Mr. Holland from Polsinelli. The city's position on this is to leave that language. We've had this stipulation or a similar one for 15+ years in cases like this. Mr. Peterson's email made it sound like he would not buy a lot if it had this language because it could mean that he could potentially be liable for the total costs of all maintenance, but that's not what joint and several liability means in this case. We all know that the HOAs sometimes go defunct; developers sometimes leave town. This would only come into play if the developer is gone, and the HOA is gone, and if the city would have to invest money to restore areas in the development. Essentially, say the city spends \$10,000 to restore all the green space and gets everything back to normal. How are they going to recoup their \$10,000? If the deed restrictions say everyone is jointly and severally liable, the city could go after whoever is present, whoever is in Kansas and get the \$10,000 back. Then, it is up to those people to decide how to disperse it among some absent, unowned, and unoccupied lots. The joint and several liability gives the city options to recover money if the developer

and HOA are gone. It protects the city and centralizes the responsibility rather than the city having to go after each owner in the development. City staff would be opposed to removing that stipulation from the application.

Chairman Elkins: I'm not asking for a legal opinion, but I am interested in your comments as to what the legal theories would be for contribution from other landowners if the city was successful in coming after me to get the \$10,000 back.

Ms. Knight: It would be the language that everyone is jointly and severally liable. Because it includes "jointly," it means everyone should pay their share. That would be the theory upon which it could be recovered from other lot owners. The intent is not for the city to go after one person for the \$10,000. Hopefully, this never comes into play; this is if the developer and HOA are gone and the city needs to restore rundown common areas. By including the language, it gives the city options for recovering the cost. It's the easiest way for the city to become whole and let the lot owners argue over who's not there and who hasn't paid their share.

Chairman Elkins: You're a little contradictory there. You say the whole purpose is for the city to go to one place to be made whole, but then you said it would never be the city's intent to do so. That is, in fact, what the mechanism is designed for.

Ms. Knight: I don't mean one lot owner. I guess that would be up to the city to decide how to recover. You have one suit instead of 100 lawsuits.

Chairman Elkins: The application also notes that there's a pending lawsuit on the zoning action taken by the city. Can you give a brief description of the nature of the lawsuit and its current status?

Ms. Knight: If you'll recall, at Preliminary Plan stage, a number of residents were represented by Doug Patterson. A handful of neighbors, with Doug Patterson, have sued the city on the zoning matter. That is pending in Johnson County District Court. It has been delayed, which is why this item has repeatedly shown up on the agenda and has been continued. We were hoping the litigation would get resolved. It was set for trial June 2nd and was continued to August. It is still pending. That is why Stipulation Nos. 1 and 2 acknowledge that. The city is hopeful that the zoning will be upheld, but it is still pending.

Chairman Elkins: Is the general theory there that the city has been capricious in its zoning decision?

Ms. Knight: Yes.

Chairman Elkins: Thank you. Other questions for staff?

Comm. Coleman: The Southwestern Bell substation was not located at the time of Preliminary Plan?

Mr. Sanchez: That is correct. At that time, it was not shown on the Preliminary Plat. I don't think the applicant knew about it. It wasn't until they went to do the Final Plat, that it was found. They then had to make those changes.

Comm. Block: My question might go to Stipulation No. 26 as well. There's a provision for the tree preservation easement at the north and to be delineated with the fence. Since the development is putting in that fence, who's going to be responsible for the fence? All the other statements don't talk about the fence specifically. I live in an HOA that has a situation like this. The homeowners don't want to maintain the fence, and the city says it's not theirs. I think having that memorialized in here somewhere might serve future residents well.

Mr. Sanchez: Normally, any common exterior boundary to a neighborhood would be covered by the HOA in their deeds and restrictions. Staff looked at them, and the applicant will probably be able to address that better.

Comm. Block: If it's not called out and it's in the back yards of homeowners, my fear is the HOA might not see it as common area.

Chairman Elkins: Just to follow up, is it staff's view that No. 26 would extend to the maintenance of the fence he's talking about?

Mr. Sanchez: Yes, to my knowledge, and legal may chime in. This stipulation helps create that HOA because they have to establish a funding mechanism to maintain, repair, and replace all the common areas. That funding mechanism they're creating is the HOA, which would then be liable for that common fence.

Chairman Elkins: Not to put words in Commissioner Block's mouth, but it goes on to list streets, walls, and stormwater system improvements, noting that it is not an all-inclusive list. Your view is that this would extend to the fence.

Mr. Sanchez: Correct.

Chairman Elkins: Thank you. Other questions for Mr. Sanchez? If not, Mr. Musil, welcome back.

Applicant Presentation:

Greg Musil, 5250 W. 116th Pl., Suite 400, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Musil: I'll make this short. We agree with the stipulations. We don't have a problem with No. 26. I just learned about it this evening. I think it's a hypothetical, theoretical thing where, in 99.99% of the cases, the HOA is going to be there. It binds every lot owner in the subdivision anyway. It is their obligation under the HOA declarations and restrictions, so we don't have a problem. This is basically the same plan that you

approved 7-1 back in May, 2020. City Council approved it June 15, 2021. We are hopeful, as Ms. Knight mentioned, that we'll have a decision on the zoning in August and will be able to move forward with the appropriate permits.

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

Comm. Block: Will you be addressing that fence in your declarations?

Mr. Musil: I didn't write the declarations, but I'm sure it will be covered because it's an HOA obligation to maintain the fence and the tree preservation area, replacing dead or diseased trees.

Comm. Block: I think that would be a good addition. I know there was a desire to have a landscape easement on that road that comes off Mission. Is that not going to happen now? I assume it will just be limited to the entrance street?

Mr. Musil: It was always an offer of the developer to the neighbors on either side that we required easement rights from them to put trees and a berm in. Neither neighbor has agreed to that. One of them is one of the plaintiffs in the lawsuit. We tried, but without that agreement, we don't have the right to put in anything other than the street trees.

Comm. Block: Would the monument signs be on that tract, within the development and not closer to Mission?

Mr. Musil: Correct.

Chairman Elkins: Thank you. Other questions? If not, that takes us to discussion. Are there any comments? If not, I would entertain a motion.

A motion to recommend approval of 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 – was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens.

CASE 66-21 – CAMELOT COURT – JOE'S KC – Request for approval of a Revised Final Plan, located east of Roe Avenue and south of Town Center Drive.

Staff Presentation:

City Planner Grant Lang made the following presentation:

Mr. Lang: This is Case 66-21 – Camelot Court – Joe's KC – Request for approval of a Revised Final Plan. The applicant is requesting approval for changes to the façade and the enlargement of an existing patio. The changes to the façade are limited to the patio at the southwest corner and the addition of a pickup window on the east elevation. The patio will expand 267 square feet and will be covered by a polycarbonate roof, enclosed with a

3' high stone wall and a garage door system. The change will allow for twelve additional seats. Staff is requesting that the applicant provide a patio roofing material that is consistent with the existing Joe's KC restaurant. The application meets all requirements of the LDO (Leawood Development Ordinance), and staff recommends approval of Case 66-21 with the stipulations listed in the Staff Report.

Chairman Elkins: Thank you. Questions for staff?

Comm. Block: On the seating, it wasn't clear to me. Are the 162 seats after the twelve tables were added?

Mr. Lang: Yes, that is the total.

Comm. Block: With the roof, can you help me better understand what you're looking for there? I assume it is translucent and light.

Mr. Lang: The polycarbonate material is more of a plastic. We've seen it recently on the aquatic center, where it's used as a window or even the Leawood Parks Maintenance Facility, where it is used as a greenhouse. Currently, in the development, it is on the Corner Bakery, where it's used more on a pergola. Since this is going to be an enclosed, climate-controlled space, we felt it would be more appropriate to have the terra cotta that is seen on the rest of the structure.

Comm. Block: How do you anticipate that will impact the structure? I assume it would need to be stronger to hold a more significant roof.

Mr. Lang: That may be the assumption, but the applicant may be better able to answer that for you.

Comm. Coleman: As of the report, is the applicant open to changing the roof?

Mr. Lang: I think the applicant would like to move forward with what they're proposing. They've seen the material used somewhere else in the development. I think there are structural issues with adding a heavier material.

Comm. Coleman: The only other place in the development is Corner Bakery?

Mr. Lang: That's correct.

Comm. Coleman: And that's completely outdoors?

Mr. Lang: Yes.

Comm. Hoyt: Not to belabor the point, but it is in the Staff Comment section that you're not supportive of the use of the polycarbonate to enclose the top. Am I missing it, or is it reflected in the stipulations? Is this more of an advisory thing?

Mr. Lang: It is No. 3.

Comm. Hoyt: So, we're calling that a patio enclosure.

Mr. Lang: Correct.

Comm. Hoyt: Since No. 3 reads, "shall provide revised plans showing the patio enclosure constructed with materials matching the development and matching the architecture of the building," technically, it does match the development in terms of Corner Bakery. Are you satisfied with that language?

Mr. Klein: What we're looking for is to match more of the materials that are on the permanent structures. Currently, that material is located on top of a pergola on an outdoor patio. This is more sloped and is a different color. Since they are enclosing that space as more of a permanent structure, we are looking for it to have a roof that resembles the rest of the structure, be it stucco, terra cotta, or however they think they can do that's best. It seems like it functions differently than just covering a pergola to provide weather protection.

Comm. Hoyt: Basically, if we approve this with all the stipulations, before it goes to Governing Body, they would have to revise the plan.

Mr. Klein: Correct.

Comm. McGurren: For the record, there are no changes whatsoever to the parking?

Mr. Lang: That is correct.

Comm. McGurren: Are there any existing walkup service windows in Leawood?

Mr. Klein: Currently, there isn't; however, we had another application when Town Center Crossing and Town Center Plaza wanted administrative approval for changes in facades to tenant spaces. We have a storefront that asked for a pickup window in a retail setting. Staff is supportive. We think a lot of this is in response to COVID. They want to be prepared with the ability to have people not have to go inside.

Comm. McGurren: On the other hand, they have an indoor area that is fairly large for indoor pickup. Are they eliminating that by doing the window?

Mr. Klein: I don't believe so, but the applicant could probably tell you a bit more about that.

Comm. McGurren: Is the city concerned at all about the congregation of people 2 feet from parked cars that are right on that sidewalk?

Mr. Klein: We're thinking that we don't expect a lot of people in line. They have a pickup area in the inside of the restaurant. The applicant might be able to explain more.

Comm. McGurren: During COVID, there were probably 10-20 cars with everyone sitting in their car because they were not allowed to go in and pick up, so the people would bring it to the car. If this changed the setup where they required people to stand outside, there would be a significant number of people if it's similar to what happened before.

Mr. Klein: It could be that, during the COVID situation, social distancing and masks were factors. They may choose to go back more to what they had before. I don't believe this is for the COVID situation itself, but it is to allow people to go directly to the window and pick up a little more easily.

Chairman Elkins: Thank you. Additional questions? Mr. Klein, referring to the roof, the current roof is terra cotta tile?

Mr. Klein: They have portions that are sloped terra cotta tile. I think they could probably do a flat roof that would go. There's already a terra cotta, and it might be difficult to add two layers. That is why we have the stipulation written in a general manner to allow more flexibility. This went through a Community Improvement District (CID), and at that time, they came through with different materials and architecture for the overall development that didn't really have Design Guidelines. We're looking to try to match the material and architecture for a more permanent structure.

Chairman Elkins: You mentioned that this material is proposed for some of the city facilities. Can you explain the difference in context for the installation?

Mr. Klein: The Aquatic Center is using it as a decorative feature. This seems much more like an enclosure, so we feel it should be more of a permanent roof to enclose.

Chairman Elkins: Is what is proposed here translucent as well?

Mr. Klein: In the drawings, they are showing it to be black, so it doesn't look translucent in this case.

Comm. Coleman: I assume the patio space will be heated and cooled. Do you know if it will have environmental heating and cooling?

Mr. Lang: I know they're proposing to add heaters in the wintertime. We also have a stipulation that they will have to meet all Fire Code requirements.

Comm. Coleman: It sounds like it will be temporary heat rather than something that would be part of the main building.

Mr. Lang: Yes, the garage doors would allow for them to open up on the cooler days. This is not a traditional space with an actual HVAC system. The heaters would be installed but would be used on a temporary basis.

Comm. Stevens: Not to belabor the roof material, but because it is more of a substantial addition and showing the permanence, it is correct that the polycarbonate roofing would not be an approved roofing material in the LDO.

Mr. Klein: The LDO does allow certain materials. Generally, it goes through Planning Commission and City Council, but polycarbonate is not listed as being used as a roofing material. It is used as a cover on top of a pergola that got approved with the development. It is not meant to be a substantial structure.

Chairman Elkins: Thank you. Any other questions for staff? If not, we would invite the applicant to speak.

Applicant Presentation:

David Escov, David Escov Architecture, 21466 120th Street, Olathe, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Escov: To address all your questions, I'll start with the pickup window. All these changes were designed to address COVID. We're actually making changes on the inside as well. The to-go area we have currently will double in size. We'll reduce some of the interior seating. That whole east side will now be a pickup area. The window is just for those people who have concerns coming inside the building during the pandemic. We don't expect a line to form outside. We'll still have the option to take out to the car as well. The main reason to increase the to-go area is for staging of orders but also social distancing inside when people come to pick up. We are increasing the size of the patio area to help with spacing of seating inside. This will allow us to have more seats outside. Even though we're losing seats inside because of the to-go area, the seating outside can be spaced farther apart than it currently is and will allow more flexibility. The intent of that patio is for about nine months of the year. We don't expect it to be comfortable during extreme cold. We are putting radiant heaters. We're not planning on conditioning it with A/C or anything like that. It's not a full permanent addition to the building; it's still considered more of a patio. We are going to have the garage doors open in cooler months, and in colder months, we'll close them off and turn on the heaters. The increase allows social distancing and spacing of tables and chairs to allow the same seating they currently have but adding spacing. We originally submitted a standing-seam metal roof. We were hoping to do something with a low slope. The concrete tile roofs that are currently out there require a 4/12 pitch. If we do that, it will come up on the existing roof based on the size of the patio, which would alter that roof as well. It's a much more significant change to the building, so we want to do something with a lower slope. We have steel to support that. We've since changed it to a wood that is heavy timbered to match the rest of the building. We've gone to the polycarbonate based on what was approved at Corner Bakery. I did make a slight change to the color and went with bronze, which is a little darker, because I noticed Corner Bakery's clear was showing dirt after 4-

5 years of use. We thought the bronze color would hide that a little better and will also allow more of a patio feel. We don't want to lose that patio feel, but we want to be able to use it more than four months of the year. I hope that addresses the questions or comments. I'm open to any other questions you may have.

Chairman Elkins: Questions for the applicant?

Comm. Block: What happens to the little shed structure that's in the parking lot?

Mr. Escov: That will go away.

Comm. McGurren: Back to the service window and the east side, to make sure that I understand, are you saying that the four windows on the east side will all be part of the pickup area?

Mr. Escov: That is correct. We will move the line in about 8 feet, so we lose almost twelve seats inside to do that. Then, we'll build a new wall, and that will accommodate that whole carryout area. It will have more than enough room for staging of pickup orders and social distancing for those who want to come inside and pick up orders.

Comm. McGurren: So, people would pay and pick up at the window?

Mr. Escov: There's still a counter; we're just rotating it. It will make the to-go area bigger. They can still come inside. The window is only for people who don't feel comfortable entering a building.

Comm. McGurren: But they would be able to pay and pick up at that window?

Mr. Escov: Yes.

Comm. McGurren: Would the space people entering the building be used similar to the space that exists today, or would they use the entire eastern side?

Mr. Escov: It will be similar to the space today; it will just be enlarged. We're using the space today, and the counter will rotate inside. It will be used for staging of pickup orders so they have room to have their sauces behind the counter. In front of the counter will be about 30% larger than it currently is.

Comm. McGurren: How much of the seating on the east side of the restaurant are you removing?

Mr. Escov: We're proposing to remove two six-top tables.

Comm. McGurren: So, the shed outside goes away. Let's say the pandemic comes raging back and you've made all these changes. Your intention is to no longer have employees

exiting the restaurant and bring food out? At that point in time, you would either go in to pick up or pick up at the window, and the employees would not exit the restaurant?

Mr. Escov: That is the intent, yes. If there are large queues, we would have runners take the food out so there would not be people stacked in line.

Chairman Elkins: Additional questions? Mr. Escov, you mentioned that you had contemplated a standing-seam steel roof as opposed to polycarbonate. Did you have discussions with staff about that? As far as you know, is it appropriate roofing material under our LDO for commercial buildings?

Mr. Escov: Staff commented that they would not support the standing seam. They wanted us to match the materials at the center. I didn't look to see if it was appropriate material for Leawood. We looked at the polycarbonate that was there, and the owners liked it better due to the fact that it would allow additional daylight to the patio. They'd like to have an open-air patio; they just want the functionality of being able to use it more year-round.

Chairman Elkins: Thank you. Other questions? We'll move on to a discussion of the application. Mr. Escov, do you have objections to any of the other stipulations?

Mr. Escov: No, we have no other objections.

Chairman Elkins: We'll move on to discussion. It sounds like the primary issue is the question of the roof and perhaps also the delivery window.

Comm. Hunter: As a point of clarification, is the roof they're proposing the exact same roof that was approved for Corner Bakery?

Mr. Klein: I don't believe so. That one is more translucent and flat because it is on top of a pergola. From the drawings, this appears more sloped and is more bronze.

Comm. Hunter: Is it the color that's the problem or the material?

Mr. Klein: It's the material, the color, and the way it's used. The one that is flat really doesn't show. It is on top of a pergola and is not obvious. This is imitating a pitched roof structure.

Mr. Escov: The pitch is a 1/12. It's the same as Corner Bakery. That's the minimum we're allowed with that material. It is the exact same material. I just chose a different color. If you prefer the clear, we can go with it. I just thought the bronze would tie in better. It is on an exposed wood structure. The intent is to match exactly what is there; it will just have garage doors and a little wall to enclose the patio.

Chairman Elkins: Does staff have concerns about the durability of that roof?

Mr. Klein: In staff's opinion, what they're proposing as far as enclosing that patio is different than a pergola with a wood column and rafters with the poly carbonate going across it. It's much more substantial with the wainscoting across the bottom and garage door windows. If the polycarbonate feels a bit more appropriate for a pergola, there isn't a substantial structure.

Chairman Elkins: Thank you. Additional comments?

Comm. Hoyt: I'm not particularly troubled by it because I understand what the applicant is saying. It really is just a more substantially enclosed porch. With current design in even residential homes, there are some very elaborate and very substantial construction, yet, they're still fundamentally outdoor spaces. The garage doors are different than what is on other structures. I don't know that there are any other garage doors on restaurants in Leawood.

Mr. Klein: Cheeseburger in Paradise used to have a garage door. That opened up the entire restaurant.

Comm. Hoyt: I also understand the applicant's point of view that this material is translucent and is more outwardly focused. You still have more of a sense of being outside, and that's really what they're trying to do. I don't think anyone would go in there thinking they're having the same climate-controlled experience they would have in the interior. To my eye, I think making it the bronze color makes it look more similar to the rest of the structure and more in keeping with the design of the shopping center. It may be a matter of taste.

Comm. Belzer: I would agree with Commissioner Hoyt. I don't have a problem with this kind of material on this specific building at all. With the lack of a permanent HVAC system and only using it nine months out of the year, it is not a year-round structure. I think La Bodega had garage doors as well. I actually like the design element of this, and I agree with the comment about the bronze color. Also, hearing from the applicant that the more translucent on Corner Bakery appearing dirty is not a look we want to have. I don't have a problem with the plan as proposed.

Comm. Block: I'll respectfully disagree. I am concerned as well. It sounds like Corner Bakery, though I'm not familiar with it, that it is a secondary covering that can't really be seen with the main structure being wood. This is not an approved roofing material. I think it's hard to allow them to use this, regardless of the application. I would agree with staff.

Comm. Coleman: I would like to keep this stipulation in. I think it would allow time for staff and the applicant to work a compromise out and have further discussions before it gets to Governing Body. They can be the ultimate decider on that.

Comm. Stevens: Maybe I'm also not fully familiar with the neighboring pergola, but it sounds like it's maybe even a freestanding structure and not really tying into the building like this is proposed. If this becomes more of a permanent roofing system, it seems like

what's missing in this application is how guttering, downspouts, and water is handled as well as how it's tied into the exterior walls. It seems that it needs to follow more of a permanent roof condition. It does feel like it could be solved with a different roofing material rather than being limited to clay tile. It could even be a flat roof.

Mr. Klein: Staff is willing to work with the applicant. I agree that the terra cotta might be difficult to use, especially since it's so close. With regard to the pergola, I believe they are actually attached. They are an open structure.

Mr. Lang: They're attached, and they have a fireplace in the middle as the main focal point. It was approved with the plan. It's more of a residential fireplace that can be seen through from one side to the other.

Comm. Hunter: But the city did approve the material that Corner Bakery used?

Mr. Klein: It was shown on the plans that were approved.

Chairman Elkins: I will say that I'm pretty torn on this issue because I'm very persuaded by the fact that the polycarbonate is not an approved roofing material. On the other hand, it is hard to make a distinction on the basis of a garage door being there or not, especially when Corner Bakery and Joe's are in the same development. I tie myself to the LDO regularly, and this material is apparently not an appropriate roofing material. I'm torn.

Comm. Hoyt: Just one comment on the applicant having the gumption, shall we say, to make improvements like this, and while I really hope we don't have to consider pandemics in the future, I think it's commendable that they're moving forward with a plan like this in a time when we're hoping that things are not going to lead us back down that path again. I think it's a good strategic business decision. Whether the roofing material remains as they plan or not, I appreciate the impetus behind the plan.

Chairman Elkins: Are there any other comments? If not, I sense that there's a fair diversity of opinion about Stipulation No. 3. I would propose that we consider a motion to include Stipulation No. 3 in our recommendation and see how that vote goes and then move on to the case as a whole.

A motion to recommend approval of CASE 66-21 – CAMELOT COURT – JOE'S KC – Request for approval of a Revised Final Plan, located east of Roe Avenue and south of Town Center Drive – with 13 Stipulations – was made by Coleman.

Chairman Elkins: I was hoping to talk about No. 3 alone, but we have a motion on the table. Is there a second?

Motion seconded by Block.

Chairman Elkins: Any other discussion?

Comm. Coleman: Just to give some insight, I alluded to it earlier that I trust staff that a compromise could be worked out between now and Governing Body.

Mr. Klein: We're willing to work with the applicant. We think it's a good application and don't have any problems with it outside of that material.

Comm. Hoyt: Even though I am, perhaps, the most vigorous advocate of letting the plan go as is, I think the language in the stipulation is very general. It simply says that the applicant shall provide revised plans. The applicant could still come back with the same roofing material. Even though I'm sympathetic to the applicant, I can live with leaving it in. I think, as Commissioner Coleman said, it gives staff and the applicant time to work together.

Comm. McGurren: I would agree that Stipulation No. 3 is quite general because one could build a case that it should include the wording that says that the building material is approved within the LDO.

Chairman Elkins: Any other comments? I'll take a hand vote on this one.

Motion carried with a vote of 4-3. For: McGurren, Coleman, Block, Stevens. Opposed: Hunter, Belzer, Hoyt.

CASE 67-21 – CHADWICK PLACE – COLBY CAPITAL – Request for approval of a Revised Final Plan – Located south of 135th Street and east of Chadwick Road.

Staff Presentation:

City Planner Katherine Geist made the following presentation:

Ms. Geist: This is Case 67-21 – Chadwick Place – Colby Capital – Request for approval of a Revised Final Plan. This site is being repurposed from a drive-through bank, which is currently Security Bank of Kansas City, to an office building. There are three total drive-through lanes. The innermost one is being changed to an outdoor patio for pedestrian use. This will be covered and will have overhead fans and patio furniture. The site landscaping is being adjusted to meet the requirements of the LDO. The island/interior landscaping will be increased by 462 plantings, and one street tree is being added along the Chadwick Street entrance. In addition, planters with seasonal arrangements will be added to the patio area. New replacement windows will be added to the east side of the building to accommodate for the removal of the drive-through window. Metal screening panels are being added to the east side of the building underneath the canopy to screen the patio. The two additional drive lanes will be converted to parking spaces. Curbs will be adjusted for the repurposing of the site. One luminaire is being added to the south side of the parking lot, and the Photometric Study has been adjusted accordingly. This fixture is required to match the other fixtures in the development. No exterior materials on the building are changing with this application, and no signage is proposed at this time. This plan meets the regulations of the LDO. Staff

recommends approval of Case 67-21 with the stipulations listed in the Staff Report, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions for staff?

Comm. Belzer: Would you mind going over the intended use of the other two drive-through lanes? One will be the patio area. What are the other two going to be?

Ms. Geist: There were three originally. The innermost one will be a patio space close to the building. The other two are going to be parking spaces, more or less. We're not counting them toward the parking count because they are technically too small at 8.5' wide. They meet their parking requirements with the parking outside of these, which, I believe, are to be reserved for executives.

Comm. McGurren: If those were to be used as parking spots, does it preclude people from driving around the entire facility? Is there still a lane or area to drive? It doesn't appear there is a way to navigate past the parked cars.

Ms. Geist: It is my understanding that the drive is staying. I think the hope is that the lack of use of a drive-through will hopefully deter people from driving that way. I don't know if they'll block it off or not during the day.

Comm. McGurren: So, for the general public and people that work there, it's not important that they traverse past that portion of the building? They can get where they need to go via other options?

Ms. Geist: That is correct. The parking lot on the south side is the main entrance. All the parking spots required by the LDO are out front. They should have plenty of room to turn around there as well.

Comm. McGurren: Could you show an aerial shot of that as well?

Ms. Geist: (*displays on monitor*) The applicant did not express concerns.

Chairman Elkins: Thank you. Other questions for Ms. Geist? If not, I'll invite the applicant to step forward.

Applicant Presentation:

Scott Slaggie, Slaggie Architects, 4600 Madison, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Slaggie: It's refreshing to be back here face-to-face. I've looked over the stipulations. I am in agreement. I have one clarification on No. 3. I presume it's just because of the wording that I'm confused. Being that this is an existing facility, we don't plan on adding utilities to the building. I don't know why we would be asked to bury

power lines. There is an existing power line that runs along 135th Street that is the local utility, but I don't think we're being asked to bury that.

Mr. Klein: Actually, the stipulation refers to all the utilities. It's kind of a catch-all. We understand, but we never know if there's going to be power run someplace. We want to make sure someone doesn't just run a line across a building. It's not meant for the power lines along 135th Street.

Chairman Elkins: This is on new construction.

Mr. Klein: Correct.

Chairman Elkins: Are there other comments? You heard a number of questions about the existing drive-through lanes.

Mr. Slaggie: This is being converted from a banking facility to a real estate corporate headquarters. The intent is those two aforementioned parking spaces will be used for the owner and probably an executive, exclusive to their location. The balance will be for visitors that are employees. It's easy to navigate around that parking lot. We don't see this as being an issue with their intended use.

Chairman Elkins: Questions for the applicant?

Comm. McGurren: How many employees will work at this facility?

Mr. Slaggie: It's designed to be expandable at some point. Right now, he has five employees. We have the opportunity for three additional offices.

Chairman Elkins: Other questions? That takes us to discussion. Any comments? Is there a motion?

A motion to recommend approval of CASE 67-21 – CHADWICK PLACE – COLBY CAPITAL – Request for approval of a Revised Final Plan – Located south of 135th Street and east of Chadwick Road – with 25 stipulations - was made by Hoyt; seconded by McGurren. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens.

CASE 68-21 – THREE HALLBROOK PLACE – Request for approval of a Revised Final Plan, located south of College Boulevard and west of State Line Road.

Staff Presentation:

City Planner Grant Lang made the following presentation:

Mr. Lang: This is Case 68-21 – Three Hallbrook Place – Request for approval of a Revised Final Plan. The applicant is requesting approval for changes to the façade and parking lot area. The project was previously approved as Case 03-19. The Site Plan has

been modified by shifting the center parking island and sidewalk three spaces to the south to allow for the sidewalk to align with the front entrance to the building. The elevations are modified, allowing the front entrance to be centered on the building by shifting the entrance south. The proposed elevation shifts the balconies from the south elevation to the west on each level of the building. All materials used for the project will remain the same as approved by Case 03-19, with the exception of location changes of some of the brick to incorporate more windows and open space. The application meets all requirements per the LDO, and staff recommends approval of Case 68-21 with the stipulations listed in the Staff Report.

Chairman Elkins: Thank you. Are there questions for Mr. Lang? If not, I would invite the applicant to join us.

Applicant Presentation:

David Rezac, Vice President, Van Trust Real Estate, 4900 Main, Suite 400, Kansas City, MO, appeared before the Planning Commission via Zoom and made the following presentation:

Mr. Rezac: It's exciting to be back. As staff mentioned, we got approval a little over two years ago. We went hunting for an anchor tenant, and then COVID hit and slowed things down a little bit. We're really excited to be back here tonight. We not only have an anchor tenant but actually somebody who's interested in purchasing the property and building the project. We're in those negotiations with them on that. They're hoping to close 30-45 days from now. Things are moving forward on that front, which is great. Of course, they had some minor tweaks and modifications they would like to make to the building. (*shares screen*)

I'll introduce the team because it's different than two years ago. Van Trust remains the developer. For the next 30-45 days, like I said, the property owner is still Hallbrook Office Center. There is a change in architect, and that's Hoefer Welker. We're excited to have them on board. Phelps Engineering is still our civil. Landscape designers are BBN Architects. Titan Construction is our design/builder. I just want to refresh your memory of the location. It's about 8.46 acres. The site is bordered with State Line Road on the east, College Boulevard on the north, Overbrook Road on the west, and an adjacent Hallbrook parcel on the south. As I said, the original plan was approved in July, 2019. It was a four-story, 120,527-sq.-ft. office building and about 467 surface spaces. The building is sited on the high end of the site, which creates a great presence. It's a primary intersection corner. Per the LDO, the project will be landscaped with trees, shrubs that seamlessly fit into the Hallbrook development. The original approved building was modern with clean lines of materials, subtle scale, and appropriate proportions. It was complementary to One and Two Hallbrook Place and the rest of the Hallbrook development. Within the past year, we have found that anchor tenant, who will purchase the site for the new home. They expect to close in the next 30-45 days. Our schedule is to start construction later this summer, which would allow us to complete this really great project by December 2022. We've worked diligently with city planning staff to ensure our amended submittal aligns with the design requirements of the LDO. We appreciate their assistance and support getting to tonight. Lastly, we have read and agree

to all 32 stipulations in the Staff Report. Now, I'd like to hand it over to Hoefel Welker. They have a couple slides to show the changes to what I just showed.

Michael Goslinga, 11460 Tomahawk Creek Parkway, Suite 400, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Goslinga: To highlight a handful of items, I'll go through the slides. There are very subtle amendments to meet the specific needs of this user. We talked a little about the brick and about the parking. Just because of the unique nature of the site and the parallelogram of the building, that entry needed a very slight shift to center it into the heart of the building. Therefore, some of the sidewalk leading to the front door is centered a little better for the bulk of the parking to the left of the building. It's just a functional improvement. We wanted to keep the brick that was a strong feature of this building, but we needed to add additional windows in some of the large sections of brick you may have seen in the initial renderings mostly just because of how this user lays out in the space. They didn't function well with large sections of the window. We've incorporated a handful of bricks in those windows. We have just artfully added some gaps to the brick to break them down a bit. The balcony pulls along to the west side to get a little better view of the Hallbrook Golf Course to the west and southwest. We opened that up a bit more and tried to embrace the great views adjacent to the site.

Mr. Rezac: From our point, we just wanted to show you where we were, what was approved a couple years ago, and where we are today. We think these moves that Hoefel Welker have proposed here are exciting. Staff seems to be excited about the modifications as well. At this point, we're happy to answer any questions.

Chairman Elkins: Thank you. Questions for Mr. Rezac? I have a couple of questions. As a matter of full disclosure, my daughter is an employee of KBP. I don't believe it's a conflict of interest, but I wanted to be sure to fully disclose it. On your aerial view of the site, can you tell us about why there is a distinction in the lower part?

Mr. Rezac: It's a good question, and I shouldn't have highlighted it. The 8-acre site is really the larger parcel. This is a regional storm detention tract for runoff, for both Two and Three Hallbrook Place.

Chairman Elkins: Also, my recollection is that there was pretty considerable effort to tie the first two buildings together architecturally. Could either you or the architect comment on how this third building will be integrated, if at all?

Mr. Rezac: First of all, Hallbrook has design guidelines from an overall development talk about materials, streetscape, plantings, signage, and lighting. There's a whole list of things from a design standpoint that this building needed to tie in to the other buildings. It was also really important to have a contextual project where the materials that we're using on Three Hallbrook place are in the same family as what's on One and Two Hallbrook Place. It's a combination of brick, glazing, and metals that are all really important. We were not trying to create a twin, but we did want them to be in the same

family and play in the sandbox together. The current landowner has seen this latest iteration and is excited about it. It's a complementary addition to the existing two buildings.

Chairman Elkins: Thank you. Any other questions? We'll then move on to discussion. If not, I would entertain a motion.

A motion to recommend approval of CASE 68-21 – THREE HALLBROOK PLACE – Request for approval of a Revised Final Plan, located south of College Boulevard and west of State Line Road – with 32 stipulations – was made by McGurren; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens.

CASE 69-21 – PARKWAY PLAZA – DESIGN CRITERIA – Request for approval of a Revised Final Plan, located north of 135th Street and west of Roe Avenue.

Commissioner Hunter recused herself from the discussion.

Staff Presentation:

City Planner Katherine Geist made the following presentation:

Ms. Geist: This is Case 69-21 – Parkway Plaza – Design Criteria – Request for approval of a Revised Final Plan. This project is near the corner of 135th and Roe Avenue. The application is intended to modify existing Design Criteria for Parkway Plaza to allow the use of stamped colored concrete in crosswalks as specified in the guidelines as well as a few additional building materials. The first pavers that will be replaced with stamped concrete will be in the crosswalks located in front of Kiddi Kollege at the corner of 134th Street and Briar. Crosswalks are located at the potential future residents of Parkway Plaza building, and those will be initially constructed of stamped concrete, as they do not currently exist. Additional existing brick pavers within a development outside those listed above will be replaced with stamped concrete as the pavers fail. New crosswalks that will be created with the buildings will be of stamped concrete. The pattern of the concrete is to match closely with the existing brick paver herringbone pattern of a deep red color, overlaid with antiquing in the color of walnut. Additional parts of the Design Criteria are being updated as well to include new exterior building materials, which are on the material board. A composite panel rain screen material is being requested to be added to the list of approved materials in the color of dark bronze. In addition, a new cut stone material is being proposed in two potential patterns. They are the same color. One is a smooth texture; the other mimics a stucco texture. At this time, the Sign Criteria remains unchanged. The Final Plan meets the regulations of the LDO. Staff recommends approval of Case 69-21 with the stipulations in the Staff Report, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions? If not, we'd invite the applicant to step forward.

Applicant Presentation:

Bill George, 1300 Lydia Avenue, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. George: I'm the owner of YOLO Leawood, which is the co-applicant, developing the residences of Parkway Plaza. I'm also representing Parkway Plaza Development. We talked to this group about two months ago when we had our Preliminary Plan for the residences. As mentioned, the current pavers, not only in this development but in almost every place they exist, are failing constantly. They are expensive to replace, but tire damage is occurring. Proactively, we want to start our new project using the stamped concrete to replace the existing ones that are failing. Eventually, we'll replace everything through there so it will be consistent. The match is extremely close to the existing pavers. We appreciate working with the city and staff and hope to get your approval.

Chairman Elkins: Thank you. Do you have any objections to the three stipulations?

Mr. George: We do not.

Chairman Elkins: Are there questions for Mr. George? Comments? Do I hear a motion?

A motion to recommend approval of CASE 69-21 – PARKWAY PLAZA – DESIGN CRITERIA – Request for approval of a Revised Final Plan, located north of 135th Street and west of Roe Avenue – with 3 stipulations – was made by Stevens; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: McGurren, Belzer, Hoyt, Coleman, Block, Stevens. Recused: Hunter.

Chairman Elkins: Is there any other business to come before this body? If not, we'll stand in adjournment.

MEETING ADJOURNED