City of Leawood
Planning Commission Agenda
October 13, 2020
Leawood City Hall – City Council Chambers
Planning Commission Meeting
Meeting – 6:00 p.m.
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160

CALL TO ORDER/ROLL CALL:
McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson, Elkins

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

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 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 planning@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 planning@leawood.org. 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 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:

APPROVAL OF MINUTES:
Approval of minutes from the August 25, 2020 and September 22, 2020 Planning Commission meetings.

CONTINUED TO THE OCTOBER 27, 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.

NEW BUSINESS:
CASE 74-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-3, ADMINISTRATIVE APPROVALS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Tenant Finishes. **PUBLIC HEARING**

CASE 66-20 – TOWN CENTER CROSSING – REVISED DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located south of 119th Street and east of Roe Avenue.

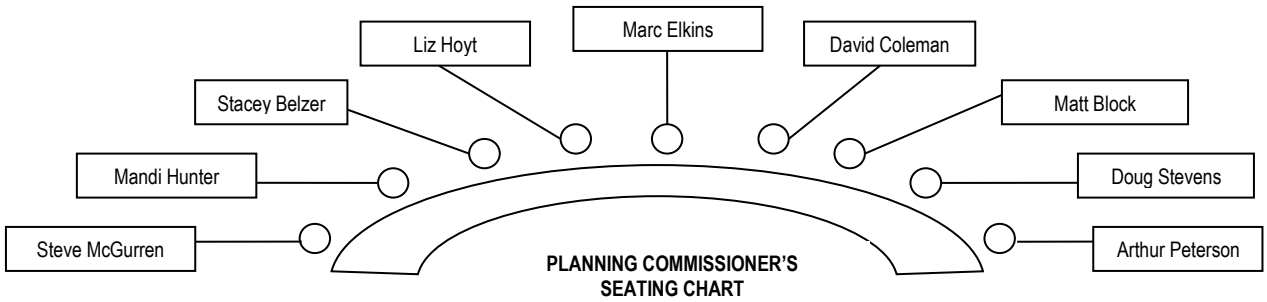
CASE 67-20 – TOWN CENTER PLAZA – REVISED DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located north of 119th Street and west of Roe Avenue.

CASE 82-20 – TOWN CENTER PLAZA – REVISED SIGN GUIDELINES – Request for approval of a Revised Final Plan, located north of 119th Street and west of Roe Avenue.

CASE 83-20 – TOWN CENTER CROSSING – REVISED SIGN GUIDELINES – Request for approval of a Revised Final Plan, located south of 119th Street and east of Roe Avenue.

ADJOURN REGULAR MEETING:
Meetings will end at 9:00 p.m. unless the Commission votes to extend the meeting for a period of thirty (30) minutes. An additional thirty (30) minute extension, for a maximum of two (2) extensions, may be voted by the Commission members.

LEAWOOD PLANNING COMMISSION



The Leawood Planning Commission is a nine member non-partisan body whose members are appointed by the Mayor and confirmed by the Governing Body.

The Planning Commission prepares the Comprehensive Plan that is used as a general guide for the development of the community. The Comprehensive Plan is reviewed and updated annually as part of the commission's ongoing process of evaluating trends and patterns. The Commission also reviews all zoning, special use permit, and site plan and plat applications prior to making recommendations to the governing body for final action.

The regular scheduled public meetings of the Planning Commission are held at 6:00 PM on the fourth Tuesday of each month in the City Council chambers, 4800 Town Center Drive. The Commission may also conduct a study session followed by a meeting on the second Tuesday of each month.

Anyone wishing to appear on the Planning Commission agenda or study session agenda should contact Planning Services at (913) 339-6700.

REZONING AND SPECIAL USE PERMIT PROCEDURES FOR LEAWOOD, KANSAS

Newspaper publications: The city will be responsible for publishing the notice of public hearing in the official City newspaper not less than 20 days prior to the end of the public hearing.

Posting of the sign: Upon submission of the application, the City will supply the applicant with a sign to be posted on the property. The sign must be posted not less than 20 days prior to the public hearing.

Letters of notification: The applicant will be responsible for mailing notices by certified mail, return receipt requested, of the proposed zoning change to all land owners located within 200 feet of the area proposed to be altered. These notices must be sent a minimum of 20 days prior to the Planning Commission hearing.

Public hearing: The Planning Commission hears all zoning requests, hearing from the applicant and anyone in the audience wishing to speak for or against the proposal. The Commission will then make a recommendation for approval or denial to the City Council or continue the application to another Planning Commission agenda. The following is an outline of the public hearing process.

1. Staff summarization of comments and recommendations.
2. Applicant presentation and response to staff comments and recommendations.
3. Public Hearing
   a. Anyone wishing to speak, either in favor or in opposition has an opportunity to speak.
   b. It is appreciated if the speakers keep repetition to a minimum.
4. The applicant will have an opportunity to respond to points raised during the hearing.
5. Planning Commission discussion.
6. Motion and second by the Planning Commission.
7. Planning Commission discussion of motion.
8. Planning Commission vote on the motion.

Protest period: Certain property owners may file a petition protesting the application within 14 days after the close of the Planning Commission public hearing. The petition must be signed by the owners of record of 20% or more of any real property proposed to be rezoned, or by the owners of record of 20% or more of the total real property within the area required to be notified in Article 16-5-4.1 of the proposed zoning of specific property, excluding streets and public ways and property excluded pursuant to 16-5-4.3.

City Council Action: After the protest period has concluded, the application will be placed on an agenda for a City Council meeting. The Council may then take action on the proposal. The Council may approve the Planning Commission's recommendation, or it may amend and approve or remand the proposal to the Planning Commission for further consideration.

DRAFT

City of Leawood
Planning Commission Meeting
August 25, 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, Belzer, Hoyt, Peterson, Elkins.

Chairman Elkins: I'd take a motion to suspend the rules of the Planning Commission as they relate to the presence of a quorum and to the participation of commissioners by teleconference as well as witness presentation of testimony by teleconference.

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 Stevens. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

MEETING STATEMENT:

Chairman Elkins: 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 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. I have a list of those who have already indicated a desire to make statements tonight.

Electronic copies of tonight's agenda are available on the City's website at 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: Does staff have any revisions to the agenda?

Mr. Sanchez: We do not.

A motion to approve the agenda was made by Coleman; seconded by McGurren. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

APPROVAL OF MINUTES: Approval of the minutes from the July 28, 2020 Planning Commission meeting and the August 11, 2020 Planning Commission work session.

Chairman Elkins: I believe there was some confusion, but staff has provided a complete set of minutes for the July 28th Planning Commission meeting. Are there corrections? Seeing none, I would entertain a motion.

A motion to approve the minutes from the July 28, 2020 Planning Commission meeting was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

Chairman Elkins: Are there any revisions to the August 11, 2020 Planning Commission work session?

Comm. Hoyt: On Page 3, my comments 2/3 of the way down should read, "invisibly operating."

A motion to approve the amended minutes from the August 11, 2020 Planning Commission work session was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

CONTINUED TO THE SEPTEMBER 22, 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.

CONSENT AGENDA:
CASE 65-20 – TOWN CENTER PLAZA – AMENITY AREA – Request for approval of a Revised Final Plan, located south of Town Center Drive and West of Roe Avenue.

Comm. Coleman: I'd like to commend Town Center Plaza for taking an eyesore of a fountain that has not worked for many years and turning it into a very nice space that will be useful for the patrons of that area.

Chairman Elkins: Does anyone wish to hear a presentation from either staff or the applicant? If not, I would entertain a motion.

A motion to approve the Consent Agenda was made by Coleman; seconded by Peterson. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

NEW BUSINESS:
CASE 04-20 – 135 STREET AND KENNETH – MIXED USE AND MEDIUM DENSITY RESIDENTIAL - Request for approval of a Revised Preliminary Plan, located south of 135th Street and west of Kenneth Road. **PUBLIC HEARING**

Chairman Elkins: Before staff's presentation, Commissioner Peterson, do you have a comment?

Comm. Peterson: My comment is related more so to Case 49-20, but it is related to this. I want to make sure staff and the members of the public are aware that I received in the mail an Interact Notice on June 8th, which was to be held on June 10th. Not having ever attended an Interact Meeting before in my life, I was very curious to listen in, but primarily, I was most interested to see how it was being conducted using Zoom. I listened to the entire presentation. I was connected the whole time, but unfortunately, half the time, my audio did not work, so I could not hear most of what was being said. I was surprised that it appears, out of all the attendees, the majority attended by technology. It impressed me that this probably will be much more useful going forward to increase the attendance of residents.

Chairman Elkins: Thank you, and for clarity for the sake of the record, do I understand that the Interact Meeting you observed was for Case 49-20 and not 4-20?

Comm. Peterson: Correct.

Staff Presentation:
City Planner Ricky Sanchez made the following presentation:

Chairman Elkins: I would ask that you provide clarity on exactly what it is that we're considering tonight. I felt there was some ambiguity on the information we received on the record from the Governing Body, and I think perhaps there were changes to the plan after Governing Body considered it.

Mr. Sanchez: This is Case 04-20 – 135th Street and Kenneth Road – request for approval of a Revised Preliminary Plan and Revised Preliminary Plat. Before we get to the case, staff would like to make some changes to the Staff Report. On Page 5, under the Site Plan comments, instead of 25% for the deviation given for the Floor Area Ratio (F.A.R.) for the development and should actually be 55%. Also, the 182 residential units should be

183 residential units. Finally, on Page 9, under Staff Recommendations, within the first stipulation, it should be 55%.

To give the Planning Commission a little background, this project was heard by the Planning Commission on January 28, 2020. It was denied that night and then moved on to Governing Body. The applicant worked with staff a little bit regarding the financing, which was the main point of the meeting for the burial of power lines and 135th Street work. They were heard by Governing Body on July 20, 2020. At that meeting, the applicant showed a revised plan to the Governing Body, which they deemed should go back to staff. It was remanded at that meeting to go to the Planning Commission for the townhouse portion. After review by staff, it was deemed that it was a substantial change to the development. Per the Leawood Development Ordinance (LDO), if there is a density increase of over 5%, it is a substantial change to the plan. That means the project must go through the planning process, including Interact Meeting and mailers. After telling the applicant that was the case, they then made additional changes to the mixed-use portion of the development, all on the west side of High Drive. That is what we are reviewing tonight. I'll go through all the changes, but we are reviewing the whole project again.

Chairman Elkins: So, technically speaking, under the LDO, this is not on remand from Governing Body; this is a new review of a modified proposed plan.

Mr. Sanchez: Correct. I would like to show some visuals. I'll highlight the areas that stayed the same. These include the residential areas on the south side of 137th Street, the mixed-use area east of High Drive, the square footage within the Mixed-Use Development (MX-D), the locations of the public streets, including the 137th Street connection to Chadwick, and the community area in Phase 2. The areas that changed include the northern portion of the RP-3 north of 137th Street, which went from 18 duplexes to 15 townhouses with a total of 59 units. It is a gated area with a centralized park and driveways that wrap around the townhouses to allow parking in the back. Other changes include the western portion of the proposed High Drive, changing from four to three buildings with a rearrangement of square footage. There is now a covered parking area with a pool deck on top. The tallest building increased in height from 71 feet to 75 feet. The site design changes, but the square footage stayed the same, as did the density in the mixed-use portion. Because the road changed from public to private, the plat was changed. The project is still proposing changes to the phasing, as they did before. Previously, the whole RP-3 area was the first phase. The second phase was the western portion of the mixed-use. The third phase was the eastern portion of the mixed-use. Again, they are proposing the same phasing with the first phase being the residential area south of 137th Street. The second phase would be the community area south of 137th Street. The third phase would be the duplex area north of 137th Street. The fourth phase would be the mixed-use area west of High Drive. The final phase would be the mixed-use area east of High Drive. Staff is not supportive of the gated entry to the townhomes on the north side of 137th Street. The Comprehensive Plan states, "To ensure residential growth patterns result in neighborhoods that have their own sense of place, yet are closely linked to the community as a whole," with a directive that states, "Additional gated communities will not be allowed within the City of Leawood in order to promote a

sense of community." Although the application meets all the requirements per the LDO, staff recommends denial of Case 04-20 because the applicant does not comply with the 135th Street Community Plan. I am happy to answer any questions.

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

Comm. Hoyt: Just circling back, I want to make sure I'm 100% clear. On the last page of the City Council minutes, Ms. Bennett says that it will be clear when we read the minutes that we are not being asked to reconsider our decision based on stipulations for road construction and burying of power lines, but only the phasing and the townhomes. Is that correct?

Mr. Sanchez: Because the whole development ended up changing, we are looking at the townhomes and the mixed-use portion. With regard to funding, the Governing Body made it clear that it is done at the time of Final Plan consideration. Staff kept stipulations with regard to financing in the Staff Report, and it will come up at Final Plan.

Comm. Hoyt: So, basically, we should ignore that directive, then.

Mr. Sanchez: I believe so.

Chairman Elkins: I think the circumstances changed after the City Council meeting. This is as if we were looking at it for the first time. It's not to say that we shouldn't consider comments we made the last time, but from a procedural standpoint, we are effectively starting over from scratch.

Comm. Stevens: I do see another change. Under Staff Comments on Page 9, the first bullet was meant to stipulate about the gated communities not being allowed. It is actually Stipulation No. 9 instead of No. 8. I also have another comment from the history. In previous applications, there was also a Special Use Permit (SUP), and those were Stipulation Nos. 10 and 11. They dealt with the assisted living facility needing an SUP. None of that appears again in tonight's application.

Mr. Sanchez: The application is only for a Revised Preliminary Plan and Revised Preliminary Plat. The SUP still carries forward as its own separate thing. It could have come in as a separate application without a plan or anything. The SUP is just for the use, so it is not a part of this.

Comm. Stevens: From the prior approvals.

Mr. Sanchez: Correct.

Comm. Stevens: Under Bulk Regulations, there is a comment about the minimum residential units, quantity, and percentages required. It is noted that it is not provided, and it is acknowledged by the applicant. Would this be required prior to Final Plan?

Mr. Sanchez: Normally, during the preliminary phases, the applicant may not know the exact square footage of things; they just use an estimate. They should know approximately so they can avoid the 5% change. Sometimes, they don't have the floor areas done. We want to make the applicant aware that these are the boundaries they have to fit in: 980 square feet for 80% and 700 square feet for everything else for the rest of the 20%. We want to make them aware as soon as we can so they're not coming in with a Preliminary Plan that will automatically not be met at the time of Final Plan consideration.

Comm. Stevens: I noticed that staff notes that the traffic study done in March, 2019 had been approved but is part of the Public Works review. I noticed there's a request that the recent changes of this development require the traffic report to be updated. Is that correct, or should that actually be a stipulation? Is that included by reference of Public Works?

Mr. Scovill: That is included by reference that they update the traffic study to accommodate additional density in Phase Three.

Comm. McGurren: Is it fair to say that staff is continuing to work with the applicant regarding places where they are not in compliance?

Mr. Sanchez: The applicant has submitted this, and they want to see where it will fall. This may be a better question for the applicant.

Comm. Coleman: Just to confirm, north of 137th Street is considered MX-D?

Mr. Sanchez: The way the zoning works for this development, everything north of the red line is MX-D. The small portion here (*refers to plan)* is RP-3.

Comm. Coleman: Which is medium density?

Mr. Sanchez: Correct.

Comm. Coleman: Can you point out the gated area?

Mr. Sanchez: There is only one entry into the northern part.

Comm. Block: Help me understand private streets and why a developer would want to do that.

Mr. Sanchez: Private streets are not maintained by the city; they are maintained by the HOA or whatever body is created to maintain it. There are things they can and cannot do within the LDO. They still have to meet city standards for road construction. They don't have to meet interior setbacks. There are some gives and takes to having a private street.

Comm. Block: We spent a lot of time the last time we considered this on new turn lanes and what would happen on 135th Street. I didn't see any of that in this.

Mr. Sanchez: All of that has stayed the same from what was previously shown.

Comm. Block: I understand the splitting of costs was talked about in the Governing Body discussion. Is there an agreement on any of that?

Mr. Sanchez: That may be a better question for the applicant.

Comm. Hoyt: As a point of clarification, on Page 9, it lists three primary objections that staff has to the plan. Is that a correct assumption that these are the three main sticking points, or are there other points that ought to be included?

Mr. Sanchez: The private drive into the new RP-3 portion of the development is a sticking point. One of the big changes that occurred between the previous proposal and this one was all talked about during Governing Body consideration. The previous application asked for changes to the stipulations and phasing. They still want changes to the phasing; however, they understand that the stipulations coincide with the financing at this point. Those remain in the Staff Report. Those were the main contentious points of the previous application; we just moved it along to this one. We are all in agreement that it will have to be discussed with Governing Body at the time of Final Plan consideration.

Comm. Hoyt: You're saying phasing and financing are along for general information, but we shouldn't necessarily be focusing on them tonight?

Mr. Sanchez: I believe so. Phasing is still a part of this application; however, the applicant may be able to tell you a bit more about the financing part of it and if they would like for the stipulations to be removed. Staff included them to keep the staff's position forward, as we would like for those to still be followed.

Comm. Hoyt: So, the gated entryway, improvements in public utilities, street construction, and private street issue are critical pieces that are disagreed upon; is that correct?

Mr. Sanchez: The private street is not as critical. We do allow private streets within the City of Leawood; we just want the applicant to be aware of the requirement to meet LDO's Section 16-8-3.2, which refers to all the regulations that go into a private street.

Comm. Hoyt: So, gated entry, improvements in public utilities, and street construction are the big points.

Mr. Sanchez: Correct.

Chairman Elkins: With fairness, the applicant may have a different view of things. That is staff's perspective.

Mr. Sanchez: Correct.

Comm. McGurren: Is the side setback deviation a concern, also?

Mr. Sanchez: That was an additional deviation completed with this application. Since this is a renewed Preliminary Plan, those deviations have to be approved again.

Chairman Elkins: For clarity, we are starting over again. Nothing has been approved.

Comm. McGurren: With the height of the building going from 71 to 75 feet, what are staff's thoughts?

Mr. Sanchez: Within the MX-D, 90 feet heights are allowed. They fall well below the requirement, so staff is fine with it.

Chairman Elkins: Has the phasing changed from the prior plan?

Mr. Sanchez: It has not changed. They are going from three to five phases. It is the same phasing plan we saw when this case came previously. The first phase was all of the RP-3 portion; the second was the MX-D on the western portion of High Drive; the third phase was the MX-D on the eastern portion of High Drive. When we heard this case in January, part of the application was to change the phasing. That is now carried over again. We heard the phasing changes in January, and we are now hearing them again.

Chairman Elkins: And there is no change from what the applicant proposed in January?

Mr. Sanchez: Correct.

Comm. Coleman: Going back to the gated communities, the 2019 update to the Comprehensive Plan states that additional gated communities will not be allowed within Leawood. Does anyone remember the last gated community that was approved?

Mr. Sanchez: I don't know that. Richard Coleman may be able to answer better.

Mr. Coleman: The last gated community was Milano, and that was due to a lawsuit filed that required the city to allow it. It was basically because they had a vested interest from a zoning many years prior.

Comm. Coleman: How many gated communities would you say there are in Leawood?

Mr. Coleman: There were probably three that had gates. Some of them now are permanently left open and are actually not gated. There's one right by City Hall and one in Hallbrook that is permanently left open.

Chairman Elkins: Are there any other questions for staff? If not, we'll hear from the applicant.

Applicant Presentation:
John Petersen, Polsinelli Law Firm, 6201 College Boulevard, appeared before the Planning Commission and made the following comments:

Mr. Petersen: I have the privilege of appearing on behalf of Leawood 135, LLC, who is the proposed developer for this project. Rick Lashbrook, principle with Leawood 135, is with us online and can answer questions. I'm going to take the lead and reset the conversation just a bit about this project. I will attempt to not sound like a lawyer but state for the record that I disagree a bit with the procedural position we're in. This is a remand, in my opinion, from Governing Body. I don't think it makes any difference in terms of the decisions we make this evening, but I will say that Commissioner Hoyt nailed it with message we left City Council with that evening. One other thing I want to say to clean the atmosphere in terms of compliance with the LDO is we are in 100% compliance for each phase of this project, save the issue of the gating of the driveway into our townhomes.

As you recall, we brought through the plan that is in front of you on the screen right now. It was ultimately approved on December 3, 2018. The city then modified the Master Plan in 2019, reflecting what you have before you. As we can see, it was the continuation and full completion of 137th Street of Kenneth Road to its current terminus the west, the construction of the public streets of High Drive, entering off 135th Street, the cul de sac supporting the villas south of 137th, and the pod of villa product to the northwest portion of the site. The frontage along 135th was bifurcated west and east of the High Drive entrance. The left piece is the piece that Mr. Lashbrook will ultimately develop; the right piece will be developed by the Regnier group. It was all approved at the same time. I want to draw a distinction because that plan spoke to phasing. Staff walked through it accurately. At that time, we had three phases. The first phase included the villas, 137th Street, supporting cul de sacs, the entrance off 135th and High Drive, and the deceleration lanes required on 135th Street to access the right turn down High Drive to the south. Our amenity area for the villa concept was Phase Two, and then the mixed-use portion was Phase Three. That's the phasing concept. We changed a little bit and now have five phases. Just because they're numbered differently, it doesn't meant that we're required by approval or by the LDO to start with the one that we call Phase One. It is merely just the game plan, but it is not restrictive. There's another concept of phasing that comes into play when we start talking about financing. For the most part, we're not going to talk a lot about the financing tonight. It was the financing of 135th Street with an additional through lane, burying of the power lines. Those significant costs were causing quite a bit of bumpiness in the road. There's a phasing element there, too, because right now, these stipulations say that before we can plat the first villa in the southeast corner of the project and before we can get an occupancy for one villa, we have to build 135th Street and bury all the power lines. That is financial phasing, and that is the part that is still unresolved. We're trying to work out those issues as we attempt to work out a financing plan for certain public improvements. I don't want to speak for staff, but I think there's a recognition that 135th Street wouldn't have to be widened if we're just doing the villa project. That really goes back to Commissioner Hoyt's position. This plan was approved. Rick and his development team started looking at how to implement this. We started bumping in to those extraordinary costs of $1.8 million. We filed a Revised Plan

because we had to change proposed stipulations. That's what we brought to you last time on the back of this exact plan. It went to City Council saying that we had to pay $1.8 million in accordance with what was originally proposed. As we worked with the financial staff, we tried to find common ground to address finances and financial phasing issues. While we did that, Rick kept trying to make the product better, interjecting a new living component to the community. That's when the townhome concept was brought in, and it brought in some more units. As we talked with staff about the financial issues, the team started to design and took a very good product and took it to a higher level. We showed City Council and discussed the financing issues. We diverted off because there was a work session that is somewhat related. In the meantime, they asked for this body to look at the townhome concept and the new reconfiguration of the MX-D because they wanted input in terms of land-planning issues. That is the reason we're back. Whether it's a new application or remand, I would have a conversation about it if it ever becomes important in terms of ramifications. For now, I don't think it matters.

Our new proposal is identical from 137th Street south. There was reference about moving 137th Street farther north, which I think was leftover from last time; we already moved it north. Everything is exactly as it was approved. What is changed is the townhome concept, and we really made the mixed-use multi-family over commercial area better. It went from four buildings to three. The multi-family is on the hard corner of 135th and High Drive, and it is really state-of-the-art with structured parking, the mixed-use element you're looking for, and increased amenities. They were back and forth on trying to get traction in the market by taking it to a lower price point, but it was decided to take it up. We are excited about the townhome villas. It is a sought-after option for those moving out of the big homes and want to move to a maintenance-provided community with a little less square footage. Maybe they're not quite yet ready to move into the multi-family for-rent product like in the MX-D. These are projected to be 2,000-2,400 square feet. They sell for about $500,000 a unit. This is not necessarily trying to really push a price point out of what we have in the rest of the area. It brings a new living concept into the area as a go-between from the villa to the true for-rent multi-family living over some commercial activity. The heights went from a mixture of a four-story split concept to five stories with covered parking and a pool on the deck. We added another unit for a total of 183. When we get to Final Plan, we'll scale our floor plan to make sure we meet the minimum requirements of the LDO. That could change a little bit. As staff has indicated, the increase in density is not a relevant factor. In terms of the RP-3 plan north of 137th, there are 15 buildings with 59 units, which is a slight increase from 3.07 units per acre to 3.68. There's an architectural theme with a dense multi-family piece tied in with some of the same materials and different architectural vocabulary. This is the plan we'd like you to consider approving. We're in compliance with the LDO. We have one deviation in there, which was the side yard on the villa product. We had that before, so we're asking for that to be approved. What is not approved and what is not resolved is the 135th Street expansion today, burying of power lines today, breaking up the median today, signalization today, and responsibility of the property owner toward those costs.

I'm going to make a suggestion. We have Stipulation No. 1A in our package, and staff corrected it, so we don't need to talk about it. Stipulation No. 9 speaks to the gated community. We ask to delete this stipulation. It's not an LDO requirement; it's a Master

Plan element that speaks to not wanting a lot of gated communities because it goes against the feeling of openness. We understand that, and it makes sense with single-family neighborhoods. I would suggest in the application we're proposing here, which is really multi-family living, it is one gradation from the multi-family that will be directly to the north, which is a gated community as well. It is designed for individuals that want a sense of security, and that is the reason we think it makes sense and not totally violative of the concept of the Master Plan. We think this will make it a better, more attractive project.

I'd like to talk about the Public Works memo, which is in Stipulation No. 19. It has a number of conditions in and of itself. You are not going to make a decision to recommend to Governing Body to build 135th Street today or bury power lines today. City Council has clearly indicated that is their decision. I would merely ask that the stipulations that speak to that and the Public Works memo that speak to those issues, along with the phasing issues, merely be stipulations left in place, but I would be hopeful that if you like our new plan from a planning standpoint, you would support the project and recommend approval, deferring to Governing Body about the decisions related to burying power lines and the Public Works memo. The other option is to approve it, subject to the stipulations staff has offered. Stipulation No. 7 calls for burying the power lines on day one. No. 9 says that we can't have the gate. The rest, we accept. The Public Works stipulations call for building 135th Street in its entirety, burying power lines, and the phasing. With that, we would stand for questions.

Chairman Elkins: The parts that are now in orange on the plan are the townhomes, correct?

Mr. Petersen: Yes, sir.

Chairman Elkins: The multi-tenant units are above the MX-D section?

Mr. Petersen: Correct.

Chairman Elkins: Then, the buildings in the lower righthand corner are all the villas?

Mr. Petersen: Yes.

Chairman Elkins: Is the upper righthand corner the assisted living facility?

Mr. Petersen: The purple is the assisted living, and the blue buildings are a variety of different styles of commercial utilization. Those will be developed by Mr. Regnier. We haven't touched that component of the project.

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

Comm. Belzer: Can you talk me through the townhomes a bit more? How many are in each building? How many families would be in each?

Mr. Petersen: Four families and one with three.

Comm. Belzer: Is each entrance separate?

Mr. Petersen: Each unit has its own front door. The parking garage is in the rear. It's a bit of a Georgetown concept of row homes with a bit of a community out front. It is quite similar to the townhome concept on the lake at Mission Farms. Those are gated, by the way, and happen to be for rent. These will be for sale.

Comm. Belzer: I really like the improvements you made to the MX-D buildings in the front. I really like the improvements in the townhome concept that has been created.

Comm. Hoyt: Just so I'm clear on what everybody's position is here, I seem to have understood you saying that even though you've had issues with the handful of stipulations you bracketed, including the prohibition on the gate, it would be a victory for us to approve the plan with the stipulations. Is that correct?

Mr. Petersen: That's a fair statement. I don't expect the Planning Commission to solve my funding issue. We're proud of the plan. I think City Council was interested in the Planning Commission seeing the plan.

Comm. Hoyt: Echoing Commissioner Belzer's comments, having the townhomes at that price point makes me think of a big work session we had with the Leawood Chamber of Commerce and City Council, where we looked at the need for this price point of housing. That piece seems to be something we've been trying to work on.

Comm. McGurren: I, too, am impressed that we have found something that is a possibility that fits within that price range. Is each individual unit two or three stories?

Mr. Petersen: I think they're two levels.

Comm. McGurren: It appears there are maybe sliding glass doors or maybe windows on a third level. They obviously go vertical and not horizontal.

Mr. Petersen: Yes.

Chairman Elkins: With respect to the Public Works stipulations and the others that do not relate to the gate, what is your ask of us? I'm hearing two different things. I thought I heard you say that you weren't looking to us to solve the financing problem, and City Council made it clear that it's their prerogative. On the other hand, in your presentation, you indicated you were looking for relief on those stipulations. Can you tell us more about what you're asking?

Mr. Petersen: I'm not asking for relief from the Planning Commission on those stipulations.

Chairman Elkins: That's good news. Any other questions? Seeing none, I believe this calls for a Public Hearing. I would note that the Public Hearing is being conducted via Zoom. Prior to the opening of tonight's meeting, a group of people identified a desire to testify. I have a sequence I'll use to call on individuals. We will keep a timer for four minutes per presentation.

Public Hearing

Chairman Elkins: Is there anyone who wishes to be heard on Case 04-20?

As not one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Hoyt. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

Chairman Elkins: That takes us to discussion of Case 04-20.

Comm. Coleman: I want to make three points. First, we are starting over with a new proposal and not a remand because of the changes from the duplexes to the townhomes and the percentages. Second, I am definitely in favor of removing the gate from the plan and keeping the stipulation. Third, after looking at staff comments in previous minutes, we have a 135th Street Corridor Plan. When we looked at this originally, we denied it because it didn't comply with it. City Council approved it after our initial denial, so I'm torn. On one hand, it is a new proposal. It still does not meet the 135th Street Corridor Plan. On the other hand, City Council has already approved this in nature. That's not really for or against; I just wanted to make it clear. In addition, since we have other proposals tonight, I think this plan, being one of the first on 135th Street, will set precedent with the other projects coming. Again, I'm just giving history with where we are.

Comm. Block: I have the same concerns. The 135th Street Community Plan had a lot of work going into it. While components of this plan are nice, it doesn't fit in that plan. For that reason, it does give me pause.

Comm. Stevens: I have similar concerns, but with respect to the changes in the plan, I think the townhome housing and RP-3 north of 137th Street is fine as being a denser topology, even with the increase in density from 36 to 59 units. The proposal for the gated community is a side piece from the rest of the development that was to be mixed-use, both separate in security of that neighborhood, turning its back on the rest further separates the plan from what it could be as being part of that northern development. I think it's too bad the row houses, which are a nice concept of density housing, don't have a transition section or an opening up to the north, facing the apartments and retail area. Instead, it's being closed in, in a separate area, which is not representative of what mixed-use should be. Despite the improvements and change to the townhome area, because of the current plan configuration, I would be voting for denial. The revised phasing was also part of what we are reviewing, and that has come together basically the same with the potential of what might be delayed or not realized in the development, which is a

concern. However, the proposed change in phasing is very similar to what was previously approved, and we're way down the road on that. I would be in support of that alteration, subject to the various stipulations that relate to the phasing. The phasing plan in the submittal describes the steps with descriptions that aren't consistent with the stipulations on what gets built and when.

Comm. Hoyt: Could I ask a question of the applicant, even though we're past that point?

Chairman Elkins: Sure.

Comm. Hoyt: This discussion about consistency with the 135th Street Corridor Plan reminded me of a point I had a question about. In our most recent examination of this report, we spent a fair amount of time talking about the degree to which this plan did or didn't address the objective of developing neighborhoods with a distinctive sense of place, and that was part of what was missing, in a sense. On Page 8 of the Staff Report, it comes up again. I would love to hear a statement from the applicant on their envisioned sense of place. What would tie the entire development together such that some commissioners who are currently thinking it doesn't seem as cohesive and integrated as the intent was for MX-D might change their view and think it is the kind of place they would want to live in.

Mr. Petersen: I understand the 135th Street Corridor Plan was the background, but the decision was made ultimately that this would fit with the Master Plan. The Corridor Plan is guidance. The Master Plan is the document within the milieu of zoning. The Master Plan was changed in 2019 to reflect this plan, even though the townhomes are different. Some could say that the 135th Street Corridor Plan was distinctive. There are other ways to be distinctive, and what might be so in one part of Leawood may not in another. We tried to play to a community that likes to be outside, walk, take advantage of the extensive bike/hike trails that we implemented in the first plan, tying into the 137th Street Corridor and tying into our neighborhoods, making sure the trails connected to commercial activity. We see it as a quality housing development with access to the trail system. In the same community with a common architectural feel and common landscaping, there is a place to rent. It is not interspersed like downtown Kansas City. It is not dense with tall office buildings and parking garages. Maybe there are places on the corridor that will support that. I don't think it will be supported everywhere. I think this is a great piece of the mosaic for the 135th Street Corridor that is distinctive to its quality, design, and the different opportunities it presents for the living public.

Chairman Elkins: Thank you. Other comments?

Comm. Coleman: Is what the City Council passed last year part of the Comprehensive Plan now? Are we splitting hairs with the intent of the 135th Street Corridor?

Mr. Sanchez: The first application was Case 71-18. Back in 2018 was the first time we saw this plan, and it was approved by Governing Body. Staff made updates to the Comprehensive Plan Map to show MX-D on the north side with RP-3 on the south side

for this property. That still stands. Staff's position is still that it does not meet the overall sense of what the Comprehensive Plan wants for MX-D. We are still opposed to the alignment of 137th Street and the RP-3 portion on the north side of 137th Street. Those are still concerns; however, because it was changed in the Comprehensive Plan Map, we didn't bring them up.

Chairman Elkins: Additional comments? If not, is there a motion?

A motion to recommend approval of CASE 04-20 – 135 STREET AND KENNETH – MIXED USE AND MEDIUM DENSITY RESIDENTIAL - Request for approval of a Revised Preliminary Plan, located south of 135th Street and west of Kenneth Road – with all staff and Public Works stipulations – was made by Hoyt; seconded by McGurren. Motion carried with a roll-call vote of 6-2. For: McGurren, Coleman, Hunter, Belzer, Hoyt, Peterson. Opposed: Block, Stevens

five-minute recess

CASE 49-20 – CAMERON'S COURT – Request for approval of a Rezoning from AG (Agricultural) and SD-O (Planned Office) to RP-2 (Planned Cluster Residential Detached) and MXD (Mixed Use District), Preliminary Plan, and Preliminary Plat, located south of 133rd Street and west of State Line Road. **PUBLIC HEARING**

Chairman Elkins: I would note for the record the comments Mr. Peterson made regarding the Interact Meeting in June had to do with this case.

Staff Presentation:
City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 49-20 – Cameron's Court – Request for approval of Rezoning from AG and SD-O to RP-2 and MX-D, Preliminary Plan, and Preliminary Plat. This project is on a total of approximately 116 acres, reaching from Pawnee Lane to State Line Road and 133rd Street to 135th Street. In total, the development will include 66 single-family lots, 662 multi-family units, 444,864 square feet of retail/office space, and 66,472 square feet of a hotel. The project has been broken into different tracts and phases. Staff would like to show a visual (*projects on the monitor)*. The first phase is the RP-2 portion, which is on 133rd Street and Pawnee. The second phase is Tract B, which is proposed to be mixed use. Tract A would be Phase Three, just south of the RP-2 portion, the majority of which is on 135th Street. Phase Four is Tract C and is on State Line Road.

This proposed project does not meet a number of regulations and standards set forth by the LDO, 135th Street Community Plan, and Comprehensive Plan. We'd like to talk about the parking study. Section 16-4-5.4a of the LDO allows for a parking study to be created and adopted by Governing Body. That then allows for changes in the parking ratio allowed. The study that was submitted to staff was for the development to the south. Staff is not supportive of this, as there are major differences in those developments. Staff would like to see a new parking study done for this development. They are also proposing 1.46 parking spaces per unit within the residential portions of the mixed-use part of the

development, which are in Phase Two and Phase Three. Normally, those would require two parking spaces per residential unit, one totally enclosed, and 3.0-3.5 parking spaces per 1,000 gross feet for nonresidential space. The two residential areas are also proposed to be gated, which does not allow for cross-access easements for parking. Staff does not support the reduction and required parking for the gated residential areas. The Planning Commission may also remember that we updated the LDO requirement for the parking not too long ago to have one totally enclosed and gross square footage. This proposed project also shows private streets within Tracts A and B. Section 16-8.3.2a of the LDO states that private streets within residential are only allowed within residential developments only. Because this is within the mixed-use development, it is not technically allowed. The streets will have to meet city standards if they are private. The applicant also does not meet corner lot street side setbacks within the RP-2 portion of the development. Corner lot street side setbacks are supposed to have a 20' setback, and the plan shows a 10' setback. The applicant is proposing covered parking areas. Per the LDO, they have to be connected to the primary structure and also has to be a maximum of 15 feet away from the primary structure. This is showing a covered parking area with a walkway that goes into an island, which is approximately 45 feet. The actual structure itself is 75 feet away from the primary structure. Since this is considered covered parking, the applicant is using them to meet the covered parking requirements. Removal of the structures would affect the parking numbers. Additionally, per the LDO, 6' retaining walls are allowed; however, they have to be stepped back for each foot in height. A 7' wall would require an addition 1' setback. One retaining wall is 6 feet high; however, it is within the parking setback. Another wall has a maximum height of 10 feet. Staff would prefer a maximum of 6 feet. It could be broken into two 5' walls that are terraced so there is not one massive wall. It would also have to be set back 5 feet. Those are all elements that don't meet LDO requirements.

Within the Comprehensive plan is another set of regulations it does not comply with. Per the map, the RP-2 portion should be MX-D. We discussed gated communities with the previous application. This development is proposing two gated communities. To create a sense of community, we do not allow gated communities per the Comprehensive Plan. Within the MX-D plan, unity and connection should be a part. Gated communities disconnect the overall sense, really creating four separate developments that the applicant chooses to apply as one. High Drive already separates RP-2 and one part of the apartments on the south facing 135th Street. All of the uses are already disconnected. All the commercial and office are along State Line Road. There is another development of apartments and a third development of apartments, and then single-family residential. Pedestrian activity is only shown within the separated areas, so they really don't connect to each other much. What does connect is across High Drive, and staff would like to see more connection between these items. Also, this project is so large that it would be hard to get from one end of the development all the way to the commercial portion by a pedestrian route. The site design alone does not meet the human scale, village style, and main street style for mixed-use developments that Leawood is looking for. It is staff's position that these are four separate developments that really don't speak to each other, and two being gated really does not help.

Within the 135th Street Community Plan are regulations that this plan does not meet as well. The applicant has submitted a plan that shows a variety of road types

distinguished in the 135th Street Community Plan, including neighborhood streets. In the Comprehensive Plan is a broad guide, including widths, sidewalks, and rain gardens. The applicant has proposed this within the gated communities and some in the commercial area. Staff does not think these are great uses or that they are the intent behind the 135th Street Community Plan, which is to create pedestrian connections that can be traversed with ease. They also use a destination street that does not meet the intent of a destination street. It is supposed to have 16' sidewalks with enough room for multiple groups to walk next to each other, bike racks, seating, active businesses on the street, and on-street parking. This plan does not meet any of that. The applicant is also proposing to not construct Kenneth Road and Chadwick Road. Staff sees this as something that could potentially really hurt the development, as these are huge north-south connectors that could help the development and hurt the ability to create grid streets, which staff sees as more efficient and more sustainable. Grid streets also create walkability. The future street network approved by Governing Body shows Chadwick going through the development. It also shows a 10' hike-bike trail on the west side of Kenneth Road. They are not proposing Kenneth Road or Chadwick. The 135th Street Community Plan talks about transects. This provides a sort of transect with low-density residential, moving to high-density residential, another high density residential, and then the commercial. That was not the intent of a transect; it is to be able to easily transition from one use to another use with different densities and to be able to connect all those things seamlessly. This has separated all those parts of the development, and we do not see it as a true use of transects. In the 135th Street Community Plan, the low-density residential is supposed to be on 133rd Street. To the north is the lower density. It transitions further to the south, and then it would be the grid street network. Then, there is another sense of density closer to 135th Street.

Stipulation Nos. 2-13 are necessary for staff to do a full review of the proposed project. Staff believes if Nos. 2-13 are applied in any way, it could cause a substantial change to the plan, which could cause the plan to come back. Additional changes may be created with other issues that need to be reviewed by multiple city departments. We have been in contact with the Fire Department and Public Works. As you can see, we see a lot of issues with this project, and we need time to review them. We need to work with other departments to gauge their concerns to be able to give a full review of the project. Thank you.

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

Comm. Coleman: From what you just proposed, there seems to be a big disconnect between you and what the applicant is proposing. Can you go into a bit more detail about your work with the applicant and how we got to this point?

Mr. Sanchez: With every application that comes in to the City of Leawood, we do a pre-application meeting. At that time, the plan is in early stages. That is normally where all the design-type work happens with staff and the applicant. From that point to this point, not a lot has changed. There have been minor changes due to not meeting LDO requirements. We have reiterated often that it does not meet the 135th Street Community Plan and the Comprehensive Plan. The applicant could talk more about their process.

Comm. Hoyt: It's basically what Commissioner Coleman just said, except I can't really remember a plan of this scope coming through with so many nonconforming elements, even with just the LDO, which is a preliminary benchmark of acceptability. Then, we get into the Comprehensive Plan issues, which is another pretty firm guideline that we try to follow. The 135th Street Corridor Plan is maybe a bit more subjective at times, but it just seems to me that it would be very difficult to approve this plan, even with the stipulations, and know what we were approving.

Mr. Sanchez: I forgot to end our presentation. The proposed application does not meet multiple requirements within the LDO, 135th Street Community Plan, and Comprehensive Plan. Therefore, staff recommends denial of Case 49-20. We just wanted that on the record.

Chairman Elkins: Thank you. Did you have a response to Commissioner Hoyt's question?

Mr. Sanchez: That is where staff is, also. They wanted to move forward with the application. We tried to work with them, and this is where we are.

Chairman Elkins: Is it accurate for us to conclude that, at least for conflicts with the LDO, we don't really have the discretion to approve a plan that conflicts with the LDO itself; correct?

Mr. Sanchez: That is correct. The Planning Commission cannot approve a plan that does not meet the LDO.

Chairman Elkins: In contrast, we may have some discretion relative to the Comprehensive Plan or the 135th Street Community Plan.

Mr. Sanchez: Correct.

Comm. Hunter: My understanding was that, even if the applicant agreed to all the stipulations, the city still wouldn't recommend approving this. If we can't approve it because it doesn't meet the LDO, how did we get here?

Mr. Sanchez: You are correct. If the retaining wall has to move within the setback, we don't know what that will do to the entire site. Units may have to move to another area. We would like for the applicant to meet the LDO, 135th Street Community Plan, and the Comprehensive Plan and then resubmit the plan. We are unaware of what may happen.

Chairman Elkins: When you say that, even with the stipulations, it would require additional review by the staff and various departments. Can you explain that in a bit more detail?

Mr. Sanchez: Planning staff works closely with all the other departments in the city. If they were to add Kenneth Road, it affects the planning side, Fire, Police, and Public Works potentially. Any change could affect all departments, and all would need to consider the changes.

Comm. Stevens: This is a little off subject, but for clarity, regarding the planned heights shown, the apartments in Tract B are all to be five-story apartment buildings. Maybe it's a better question for the applicant, but it appears there is confusion in even the heights of the density being shown.

Mr. Sanchez: Building heights have to meet LDO requirements of 90 feet in MX-D. All of the buildings are in that range, so that is fine. We do a preliminary check on the building elevations, but it is not a requirement until Final Plan consideration.

Chairman Elkins: What is the total distance from the western side of Tract A to the eastern side of Tract B? Do you have a ballpark estimate? One of the concerns of staff is the distance between the various tracts.

Mr. Sanchez: I don't know off the top of my head.

Chairman Elkins: Are there further questions? If not, I would invite the applicant to speak. Mr. Holland, will you be presenting?

Mr. Holland: No, it will be Rick Oddo. We'll also have Henry Klover as the architect. I'll probably follow him and get into some of the stipulations.

Applicant Presentation:
Rick Oddo, appeared before the Planning Commission and made the following comments:

Mr. Oddo: I've lived in Leawood for 42 years, and whatever I build will be something that will add value to the neighborhood and not detract from it. I'm happy to present a viable MX-D plan that is market driven and ready to start now. Over a year ago, I saw a plan come before this commission, and it had very large buildings, multi-story structures, and criss-cross streets. The neighborhood hated it. They didn't want the streets, the parking garages, the attached parking, and big buildings. They kept saying they wanted a Villa Milano community, like we have done just a half mile to the south. I'm giving you Villa Milano-type housing, plus, I'm giving an extra two rows of single-family homes along 133rd as an additional buffer. Cameron's Court starts on State Line and goes to Pawnee. It's almost 4,800 lineal feet. You could put five Park Places in this thing. It's going to be hard to make everything all interconnected. This is why we've broken it up into four chunks. However, I do want to bring up that this is the MX-D zoning in Leawood. It was proposed 18 years ago. Since that time, only three communities got started, all of which failed because of all the interconnecting streets to make it impossible to build something or to make the setbacks work. They basically failed because retail doesn't work if it's not concentrated. It needs to be easy to get to, in high-traffic areas,

and without parking garages. Retail must have easy-access parking. Unfortunately, MX-D calls for way too many streets. It hides the retail and makes it too difficult to find. Criss-crossing streets make it impossible for it to work. No national tenant will go in a mixed-use development with these requirements. Therefore, you can't get financing, and that's why what little has started has stopped. Nothing is going to be built if the exact LDO is followed. I'm asking for just a slight modification on the MX-D plan like you did across the street at 135th Street, where you've got a little bit of commercial and retail in one area and the residential component in another area. This is what works in suburban Leawood. In Johnson County, they don't want to be in 10-story buildings; they want to have elbow room. They want to have a lot of green space. If you notice, we have lots of green space, far more than any that has ever been proposed before. We placed a high-density retail/commercial aspect on the east side by State Line, and we already have the high-density retail center where Price Chopper is. Between, we have residential communities. This is the ideal way to do an MX-D community. We have low-density apartments going into RP-2, which is single-family homes into more single-family homes. The other items I'm asking for are some practical design standards that are more in line with what the market wants so we can build a viable community. Oddo Development has designed a unique plan that we believe not only meets the intent of the city's Master Plan for the 135th Street Corridor, but will also bring much-needed housing options to the neighborhood and much-needed additional property taxes to the schools and the city with very little impact to either. The site layout proposes a graduated density from apartments to RP-2 as a buffer, placing commercial and retail at the highest-traffic intersection, which is at State Line and 135th Street where it should be. We're also trying to dedicate as many natural zones as possible on both sides of the church. We have all the green space and natural trees staying in that area. We're even trying to save the natural trees in the Chadwick area. That's why we have our entrance opening up on both sides of the big large lot of trees. This development will create millions in property taxes for the city and nearby schools with minimum impact to student population. After 20 years of the 135th Street Corridor remaining undeveloped, the proposed plan is viable, and we can begin development immediately. This plan meets the spirit of MX-D without requesting deviations or density increases and places commercial and retail development where it's appropriate along State Line. It's also market driven. I've had a lot of Interact Meetings, probably more than any other developer. I've met with dozens of individuals. I've met with three HOAs multiple times, and I've tried to incorporate their suggestions into our plans. The number one thing was to offset High Drive, which we did. The neighbors didn't want High Drive to line straight up so cars could fly from one end right into Wilshire. They also wanted to limit the entrances on commercial sites off State Line. Instead, we made only one turn-in at Kenneth. They also didn't want Kenneth to be a straight-through street, as staff is proposing. They wanted it for the same reason they wanted High Drive offset; they didn't want cars running straight through. Kenneth just goes a few feet on the other side, so to have it carry through doesn't do much. It also will end up killing all the trees on both sides of the church, or at least on the east side. The neighbors also want us to direct as much traffic away from 133rd Street as possible, which we have done. None of our apartments open up onto 133rd. As long as I can gate it, the only exit will be an emergency exit. We've really tried to help them with that. We also wanted to minimize the density as much as possible. Along 133rd, those are not five-story

buildings. The five-story buildings are on 135th Street across the street from six-story buildings you were just reviewing. We have three-story buildings along 133rd. It is in conformance. The other thing people ask is to keep the commercial area away from the residential area and keep it at State Line. They wanted 133rd walkable and to be able to ride bikes, and that's what we've done. After meeting with all of the people, we tried to incorporate their wants into our plan. That's why we do have a couple HOAs approving it, and the third is unfortunately split. I wish I could have all, but two out of three isn't bad.

Before we get into the highlights of our community, I do know you received some letters and will hear people speak later that are worried about things or have some misconceptions. One thing I can't overcome is those who just want single-family homes. That's not fair and reasonable. This ground needs to be highest and best use, but it needs to be something that's not going to destroy the integrity of the neighborhood. That's what my plan does. It works with the neighborhood. The other thing that is not reasonable is to have all single-family homes. It just can't be done. We need a community with multiple housing options, and we also need to bring in some tax dollars. My product is needed, and the tax dollars this will bring in are greatly needed by they city. One of the problems we're having is most of the people don't understand who our residents are. These are the highest-end apartments. I've won several awards for apartments I've built. We build a gated community, stucco, stone, high finishes. Because of that, we attract high-end homeowners. The average income is over $124,000 a year. Our average age is 52 years old. As a matter of fact, 1/3 of them are over 65. Of the other residents, 1/3 are divorcees who live in the neighborhood and want to live within two miles of their families, and the other 1/3 executives who travel a lot who like the gated community so they can have the "lock and leave" feel. The other issue we hear as a worry is there will be too many kids, and the schools will be overwhelmed. Typically, because they're so high-end, we only have 3-5 kids per apartment community. That's because we normally have 20% with three bedrooms, and the other portion is split 50/50 between one and two bedrooms. Because of their concerns, I removed all three bedrooms from this community, which are the biggest driver of kids. We've gone from 50/50 to 65% one bedroom and 35% two bedrooms. Therefore, we'll have very few kids. If we have 3-5 kids per development, I would be surprised. The other issue we hear about is traffic. This plan will add traffic to 133rd and 135th. Everything will add traffic. However, this plan is a fraction of what the LDO allows. You saw the plan for eight- and ten-story buildings. Those areas allow up to 96 units per acre. We are at 11.17 units per acre, so we're very low density. Across the street, just the residential component is at 26.9 units per acre. I can't build something lower density than this. This is what people in Johnson County and the suburbs want: lots of elbow space, lots of green walkable space, and beautiful, wide-open spaces. This is how you build a beautiful, sustainable property, and it does not produce much traffic. These streets were designed to handle 6-10 times more traffic than what we're proposing, so we know they will handle it. I hear about home values. We know that high-end apartments don't hurt the values of homes. We saw that when I built Villa Milano. Home values continue to skyrocket. They've built million-dollar homes right next door. I'm so sure of it that I'm going to be building $750,000-$800,000 homes as a buffer. I will have more expensive homes than the homes to the north. What brings prices down is the uncertainty of what could be built, like high rises, parking garages, what has been

proposed before, or what the LDO actually asks for. What keeps prices low is good buffers, low density, and high quality, which is what I plan to do. We also know that high-end apartments don't have any crime. You know that. I know that, especially if it's gated. The outside people can't come in. They can't do the quick smash-and-grab. All that is eliminated if the apartments are gated. The last issue that we had dealt with color, texture, and design. Everybody has an opinion. Unfortunately, we'll never please everybody, but I do have three different styles of homes from single-family homes to traditional and then more modern. I can't please everybody, but I'm sure trying to. Overall, most people like the plan. Even those who are against it like 80% of the plan. Overall, most of the neighbors know that something needs to be built on this site, or something will be built sometime. It was stated by several neighbors that this plan is far better than anyone ever suggested or thought was possible because of the single-family buffers. Plus, they like the traditional look of the two-story apartment buildings that we have, and they understand the other is a modern look. Both apartment units are very low density with 11.17 units per acre. Remember, across the street, it was 26.9 units per acre, and it was just approved. The minute we designed office and retail, not what we think is needed there, but the absolutely minimal that is allowed in MX-D. We are asking for the minimum required by your ordinance. This is a little bit of everything for everybody, which is what MX-D is. This happens to be a horizontal MX-D that works instead of one that is on top of each other that is having problems with financing and finding tenants.

Let's look at what this community will bring in tax benefits. Just for the single-family homes, the starting prices are $750,000 and will probably go closer to $800,000. This will bring in about $546,000 a year in property taxes. Of that, 52% goes to the school district. They're going to get $284,000 a year in taxes. City of Leawood will get an additional $65,000 a year. The west apartment community is going to be valued around $76 million. With its assessments, it will pay almost $1 million in property taxes, which is pretty close to what I'm paying at Villa Milano based on units. The school would get $517,000 a year. The city would get $119,000. By the time we get this built, it will probably be well over $120,000 in property taxes. The east phase is $72 million and has fewer units. Property tax there will be a little over $940,000. Once again, the school gets almost $.5 million per year, and the city will get $113,000 a year. The tax benefits of the residential side alone is over $248,000 a year. School districts will get $1.2 million, all for 6-8 kids. The city will get 12%, which is almost $300,000 a year. The apartments and commercial will take care of their own streets. It is relatively no additional expense to the city from the apartments and commercial parts. The commercial, we believe, has a lot of moving parts, but it's going to be around $150 million. Once again, that should be a higher assessment, but it's the right number of $1.9 million in property taxes. School district will get a little over $1 million a year, and the city will get $234,000 a year. In 10-20 years, the total property tax generated by this community is over $18 million. For the last 20 years, it's been sitting vacant, and it's what you would walk away from. Taxes for the schools are $46 million over 20 years with $2.3 million a year for 6-8 kids. Let's say we double the number of kids. That's still a pretty good rate. The city will get over $.5 million a year with relatively no additional expense. Plus, there are over $2 million in impact fees, park fees, and fees I have to pay before I even get building permits.

Let me work through some of the major benefits that we've got. We have a variety of living styles with single-family homes and two different styles of apartments.

We are going to do the big-home look, similar to Villa Milano and Sonoma Hill. We're going to have two rows of single-family homes between $750,000 and $850,000, which proves that these do not hurt the values of homes. As a matter of fact, I've already got 8-10 people who have told me to call them because they want to be first in line to pick their lots. It's hard to find homes in the city that are under $1 million. As you saw across the street, townhomes at $.5 million and duplexes at $600,000. It's really hard this day and age to build a single-family house for less than $750,000. The west apartments are the big-home look. They're made of stucco, stone, and wood trim. Some of the roofs have metal roofs to add extra texture and other elements. The main entrance is off Chadwick, and we tried to conserve the trees. Yes, we want it gated. I think it adds so much to a community. That's one of the reasons we were considered the highest and best in our community with Villa Milano. I want to keep that going. The other two entrances are off High Drive and Pawnee. We're trying to keep all our apartment traffic off 133rd. If Chadwick were to go through, it would destroy the single-family community, and it eats up all the trees. It destroys the look. Everybody wants green space. They want elbow room. I'm giving them tons of walking space, bike paths, and everything around here. The eastern apartments are the five-story buildings. The four buildings on the north end are all three-story buildings, and there is a one-story clubhouse. The eastern development has only two buildings adjacent to 133rd. The two buildings have been designed to have limited cross-section, so it's just the ends of the buildings to reduce the profile along 133rd. The eastern development acts as a transitional phase between the big houses and the commercial. There is a large draw running through, and the design of the buildings helps transition due to changes in elevations throughout that area. It's a different high-end style of living. These are called tuck-unders. The problem we're having is the tuck-under design is the most predominant new design of high-end apartments, and it's really hard to build under the LDO because you want parking garages, and we're trying to avoid parking garages because it makes the building too big. I want to stress that both communities are very low density, and you just approved a horizontal MX-D across the street with residential in one area and commercial/retail in another. I want to do the same kind of thing. I'll also remind you that the area with the apartment ended up being zoned at 26.9, which is 2 ½ times denser than what we have. We're at 11.1. All the commercial and retail is concentrated on the east end of the community, where the concentration will help strengthen the retail and keep the traffic away from residential areas, which was asked for at every single meeting. I'm sure some will talk about it. They don't want retail/commercial brought in west of Kenneth Road. Please keep in mind that residents will drive the retail and commercial. Without the residential, there is no need for commercial and retail. I think you have a plan that said that there really isn't a need for more commercial buildings; residential is what we need.

You saw a lot of differences from staff on what they say doesn't meet the LDO. I'm going to go over some of the differences. Basically, the LDO wants dense buildings and taller buildings with parking garages. It makes these buildings much bigger. The scale gets too big. They're not needed or wanted. Johnson County wants low-profile buildings that are smaller with lots of green space and walking trails. That's what I did. If you cut it up with streets, it doesn't come out as nice. We're going to have private drive. We need them. We want to gate the community. As John Petersen just said, parking garages have gates to keep people out. We're doing it at the street before people come in.

I don't spend $700,000 if it's not needed. I do it because it's a major asset and benefit to the community and the residents. It reduces crime from outsiders. People don't come cruise the street, looking for opportunities for "smash and grab." With all the seniors and traveling executives that we have, they like the added security the fencing and gated community bring. Our residents like the "lock and leave." A lot of our seniors have places in other cities. Now, they're not traveling, but normally they do, and they love the extra security of the gate. Another odd reason we like the gated community is it keeps our grounds much cleaner. We DNA test all our dogs, so if we find feces in the ground, we test it, and we find the tenant who didn't pick up after their dogs. If it's not gated, we'll get too many dogs coming through, and we won't be able to monitor it. Therefore, for our clean grounds, we want to be able to monitor it. It doesn't hurt the communities. These communities are so large that 30 acres and 25 acres have plenty of room. On the east community, the only entrance we have and the reason we want gates is it will allow us to have the one exit onto 133rd Street to be controlled access to only emergency services in and out. We will have no access to 133rd if I'm allowed to be gated. This is why some of the neighbors want us to have a gated community, just like we did at Milan. Gates, to me, add prestige. Villa Milano has been a great asset to Leawood, and we want to do the same thing here. On the big homes, staff has suggested that we remove the gutters. I don't think they cause a problem to the looks of the building. They're on the corners of the buildings. This is supposed to look like a house, and it's residential-style construction. It's not a good idea to have no gutters. On the east community, we have a flat roof and commercial-style construction, so it will have internal gutters. These are residential-style construction and should not have water introduced to the walls; it will just bring mold. We could eliminate the gutters completely, but that would cause erosion, and we don't want that, either. Please don't ask us to do something that goes against common sense, even if it's in the LDO. Another difference that is required in the LDO is tile roofs. It becomes cost prohibitive. It is over $2 million to add tile roofs to the west community and adds no value to the residents. As a matter of fact, staff asked early on if the homes were for sale or rent. I asked why they wanted to know. They said there are different standards for rent or for sale. For sale doesn't need tile roofs, but if it is for rent, it does. I would be very careful with stuff like that because it could be interpreted as redlining, discriminating, adding extra costs to keep renters out. I'd be very careful of that. As a Leawood resident, I don't want to bring that upon us. None of the homes in our area have tile roofs; they're all asphalt shingles, so we should have the same. We designed it like we did Villa Milano, which didn't have tile roofs. I think it's an unreasonable expense or just a misunderstanding. The next difference is really important, and it goes back to what they said about 75 feet, which goes to the middle of the hallway. We have one garage for every unit. We have to have separation so that people can back out. It is called a tuck-under because the garage is tucked underneath. Unfortunately, we can only get about 1/3 of the garages in the building. With the detached garages, every unit has one, which is nice asset that is needed and wanted. To have them attached would require some type of structure connecting the two. That's silly. It doesn't make sense. It has to be tall enough that fire trucks and moving trucks can get under. It's not smart. The LDO just needs to be updated to handle something that is being built in the last 20 years. This is the only city whose LDO doesn't allow this. This is the most sought-after product. Staff also wants us to have trash compactors attached to the buildings. This goes back to the same thing.

Trash compactors should never be attached to a residential building. They stink, and they're a fire hazard. As we know, sometimes, fires can start inside. Therefore, we want the trash compactors by High Drive. It is detached from the buildings and provides easy access. We drive by twice a week to pick up trash. We also want it inside the gates because if we don't have gates, neighbors drop off tires, batteries, and couches. We like to keep it clean, and the gated community helps us with that. Staff wants more streets, but if you look at the occupancy level of those that are all chopped up, you'll see they're not as high as what we get. We're getting higher values for our communities than anyplace else in the city because we build it best. Staff wants Chadwick to go through. I think it would destroy it and serve no purpose. We've got traffic studies that show that Chadwick does not need to go through. We also show that the street over in Kenneth could loop around to commercial, which is not needed. These wants destroy the green space and what we discussed to be successful. I want to stress that the church has also asked that Kenneth Road gets looped around and not go through. They want to preserve those trees. They don't want the noise of the traffic going by their school and church. Kenneth will destroy that seclusion. Everybody wants to save those trees. We're talking about 1,100 feet of trees about 80 feet wide that we'll save by looping Kenneth around. Once again, the traffic report supports all of this.

In short, staff is pushing for a design with lots of streets that go from 135th to 133rd, which the neighbors do not want. The design requirements are so costly that we can't afford to build them, or if we do, we end up having to put parking garages that the neighbors don't want, and both height and density increase. I'm trying to keep the cost reasonable and keep a low profile with lots of green space. The MX-D plan as designed in the LDO doesn't have a market, especially three miles of it. I can't imagine how many Park Places that is, and you know that Park Place isn't really knocking them dead with residential or retail. Other projects built as MX-D got started and have just stalled. If the current LDO is enforced, nothing will ever be built here. The neighbors don't want streets doing through like Chadwick. The developer doesn't want it, and the traffic study shows that it's not needed. Why destroy the trees and green space? People move to the suburbs for elbow space, and they don't want a College Boulevard on steroids. Plus, we need a design that can get tenants and keep residents here. Plus, I can get financing with this; whereas, the other products really can't get financing.

In conclusion, I have a viable MX-D plan that is market-drive, that the community can support, and so will the market. The development team has worked very hard to design a plan that differs significantly from what others have tried to bring to the area with a lot less density and smaller scale. We may not have done what staff wanted, but we did what the neighbors wanted. We maintained the integrity of the neighborhood and dispersed the traffic away from the existing single-family homes, moving it to 135th and to State Line. The proposed High Drive connection at 133rd has been offset to the south, so it doesn't line up correctly with the north side to disperse traffic from High Drive going straight through to Wilshire Place. Once again, it was requested by the neighbors. We moved commercial and retail away from the existing residential communities toward the high-density State Line Road. We also have different residential products that are needed and will make the retail more viable. We'll produce millions of dollars in taxes that are needed, and we're ready to start now. With that, I'm going to turn this over to Henry Klover, who worked hard with us and the community to try to get a

plan together. We'll let him go through some of the notes and things that staff brought up as well.

Henry Klover, Klover Architects, 8813 Pembroke Lane, Lenexa, appeared before the Planning Commission and made the following comments (*Chairman Elkins tried to interject throughout, but Mr. Klover could not hear him)*:

Mr. Klover: The first thing we wanted to talk about was the design. Rick went through a lot, so I'll be brief. The big homes are designed to have individual garages that have internal access to each unit. They have direct access from the outside. There are no hallways or corridors. It is a very secure environment. The second type is what we call the tuck-unders. They are very popular, and it is not currently allowed by the LDO because of the garage issue and the attachment, which we view as an interpretation issue. We would like to ask to do that as well. The commercial is designed as all of those around the 135th Street Corridor are because of the rules. We are asking for a hotel, we can't have limited parking. We are asking for a gas station. We have tried to encompass all the parking. We have a lot of trees at the request of the neighborhood. They did not want direct access to Overbrook. The design is in relationship to the ordinances. I'll get into comments from staff briefly to deal with those as well. We do intend to comply with the LDO. The only differences are things that popped up fairly recently. For example, we planned on using the same basic analysis for this side of the street as was used on the other side of the street, but that is not actually what we're asking for. The actual average is around 1.66. The 1.46 was a number that came from a study that we did. I told them it was something we had from before, but I actually gathered the information, did the research, worked with EPC on the units that had been stabilized, came up with the square footage. I could have just as easily taken the information I gave to Jeff that he put in the report and did it myself. All the information is accurate. The only reason it was put on there was because it was a very last-minute request on his part. He wanted documentation, and we gave it to him. Other than that, we would have been able to provide it. All three developers have come to the same basic conclusion in how they want to operate. I don't think staff will have any objection because they don't want parking spaces that will sit empty. The reality is we can put the deferred parking today; it is not really an issue. We can get more parking. We can put deferred parking that we don't need, but we've all looked at it. We can provide a study again, which I actually did and wrote myself. This wasn't really designed for a shared use because of the fact that residential in shared use stands on its own and doesn't share parking. We're more than happy to provide a parking study. We didn't see an issue; it was a last-minute request. With regard to private streets and the number that they want, I'll get into that in a bit. I kind of got ahead of myself because I'm trying to deal with comments from staff. What you see is my 18 years of working in Leawood. I started with Cornerstone in 2002. We did a proposal to staff in 2003 to put big box retail that is now existing on the other side of the street in Missouri. It wasn't accepted in Leawood. In 2005-2006, we did Mission Corner, which did get approved. One of the buildings got designed, but it fell apart and failed. We worked on Blue Valley Promenade in 2006, which was a very grandiose plan that would have been a game-changer for the community, but the market didn't accept it. Westside Mission was a project we went through the process and did not get approved.

The Village of Seville was built in 2007, and the neighbors have all brought up that it's partly empty. We worked on Villagio in 2014, which was to try to get the grocery store moved into that area. We did Leawood Market also in 2014. We worked on 135th and Kenneth, which you just approved across the street, and now Cameron's Court. We have nine projects over 18 years. You might notice that none of them have anything built with the exception of Cornerstone. Cornerstone had an office building with structural steel, and it failed. It's partly to point out that we've been working on this for a very long time. The Regniers have owned a lot of this property, and Bob will talk in the future. Obviously, this is MX-D, but one of the principles of design is what we call the dog bone, which is usually putting the highest and best use of commercial on the corners. It has been noted in appraisals that the properties on the corner of 135th and State Line are going to sell a lot more than the property in the middle of Kenneth or High Drive. The dog bone means retail at each end, and lesser uses go between. One of staff's comments was about the streets. Putting intersections in just to put in a grid section is an urban environment, and it is not what we consider to be appropriate in this type of area because of sheer mass. You can see the densities they ask for. Inside of that block, there are 40 corners inside. There are 20 corners on 135th Street and 20 on 133rd Street. The nodes they call for are supposed to be activated by retail and restaurants. There is no way we can create anywhere close to 40-80 corner retail/entertainment environments. The intent is to have something like Park Place. It would be 6 million square feet if you multiply Park Place by 4 or 5. It's not a feasible plan. It is more important to understand what can happen. This property has sat for a very long time. Obviously, this is straight out of your guidelines, and none of the residents have wanted it. They don't want high rises; they don't want density; they don't want a 150' building next to them.

I do want to go into staff comments. As I stated, the first was on the LDO. We do intend to comply with the LDO. We can provide the parking study. The private streets and the grid are not in the ordinance; they are in the 135th Street Community Plan. It does have sizes and connections, but the issue is that there is no way those can happen under your LDO. For example, the three types of streets that were mentioned all would have to be twice as wide as what they suggest, per the LDO. With all that is asked for: sidewalk, parking, median in the middle, the tightest is around 90 feet. By ordinance, it can't be more than 116 feet or 140 feet with a setback reduction. If you know anything about urban design or these types of projects, the tightness and ability to connect is what's important. There is a disconnect. I don't remember who the councilmember was, but on the last project, he said it was like playing Whack-a-Mole. The minute we meet one, we get another one we can't meet because they're not compatible. We would request you review that. The accessory structure is the only thing we would ask for relief on because we do have a product we'd like to get built. We do intend to comply with the retaining walls. We thought we'd answered the question, but obviously, we didn't answer it to their request. The comments from Public Works showed up a few days ago, and we'll deal with those issues. The Fire Department comments came in only a few days ago, which is basically asking for circulations, patterns, and changes in radius. We're able to do all those things. At this point, I'm going to turn it over to my colleague.

Curtis Holland, attorney with Polsinelli Law Firm, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Unidentified Speaker: We need to take a small break and fix some technical issues.

Chairman Elkins: While the technical issues are getting resolved, we need to address the time. Do I hear a motion to extend the meeting?

A motion to extend the meeting for 30 minutes was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Stevens, Hunter, Block, Hoyt, Belzer. Not present due to technical issues: Peterson.

Chairman Elkins: Our meeting is continued until 9:30. Mr. Holland, are you with us?

Mr. Holland: I am.

Chairman Elkins: We heard all of Mr. Klover's presentation, despite my efforts to interrupt, and it is part of our record. We would be grateful.

Mr. Holland: I'm going to try to speak briefly on the issues concerning what you've always called the Golden Criteria and talk briefly on some of the stipulations. There's a lot that I'm not sure I can go through in detail on every one, but I do want to talk about a couple of the ones that are more important. With respect to the Golden Criteria, staff prepared their comments. I'm not going to go through every one, but there are few I want to touch on. I'd like to speak to the one that says, "Suitability of the subject property for the uses to which is has been restricted." I don't know how long we've been talking about what the 135th Street Corridor Plan, Comprehensive Plan, and LDO all speak to. Of course, the LDO is an ordinance. The Comprehensive Plan and Corridor Plan are not ordinances, but I know staff likes to talk about the 135th Street Corridor as it relates to MX-D as well as the Comprehensive Plan. We've talked quite a bit about why it doesn't work. I will just mention that I know Bob Regnier is here and wants to speak a little about the highest and best uses of the property. From our side, you've all heard that we don't think MX-D as presented in the 135th Street Corridor Plan is a viable, workable, marketable development that can be done in this area. As Rick Oddo mentioned earlier, in all of our conversations with the area residents, none of them want to see that. Frankly, we don't think that development of this area in accordance with the 135th Street Corridor Plan is suitable. We like the term Horizontal Mixed Use. We think that works well here. I also want to talk about the extent to which the removal of the restrictions will detrimentally affect nearby property. All I would say is we think we meet the spirit and intent of MX-D in that it's horizontal and may not be the vertical that you want. It doesn't seem appropriate here, and the neighbors don't want to see that. Regarding the relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed as a result of denial of the application, I guess we would say that there's really no gain to the public to deny the application as it was presented. I think some of the residents have issues with particular parts of our plan, but overall, the comments we got were pretty positive. We have a couple HOAs that submitted letters, and they may speak tonight. There is no real gain for denial. I would

also say that Henry Klover has been involved with the 135th Street Corridor for 18-19 years, and there's no true MX-D that has been built out there. Frankly, denial to build something in conformance with the 135th Street Corridor is something that seems like you are restricting development of the property and making it almost unusable. For the Regnier family, I feel real sympathy for them because they've had to hold on to this property for so long without a plan being allowed to develop that makes sense and fits within the Leawood development patterns that we've seen and that made Leawood successful.

I'd like to move to the stipulations. There are a lot, and I know you've spent a lot of time listening to us, and I don't want to delay it longer than I have to. Relative to the stipulations, I think we're probably going to need to keep working with staff on some of this, but there are 31 stipulations that are written by staff, and I don't know how many more that are listed in the Public Works memo. I want to speak to a couple of them. We are agreeable to at least half of these, which are toward the end. We can address how we're handling trash and the memos in Nos. 3 and 4. Some, we simply can't agree to. For example, No. 6 requires removal of RP-2, and it is directly against what the neighbors want. We can't really do it. It's easy for staff to say to follow the Comprehensive Plan and do everything in the stipulations, but if we do, we're not going to have a marketable product, and frankly, no one in the neighborhood is going to like it. We disagree on a lot of the stipulations; we can agree on some. Overall, I think we need to keep working on them. We talked about them a lot throughout our presentation. For example, No. 9 requires a street grid network. It's really not feasible. Connecting Kenneth Road and Chadwick is not wanted by anybody, and they are streets to nowhere that serve no purpose. Attaching our accessory structures to the primary buildings in No. 10 is one we talked about. No. 13 talks about an updated Tree Inventory Plan. We've already provided that, so we're okay with that. No. 14 requires a Special Use Permit for gas station and hotel, and we can do that. There is one that talked about building all the streets in a single phase, which is not appropriate. No one would do that, and we're not going to get a bank to finance something like that. We're going to build the project in phases, and I think that's what everybody else will do. We'll meet and build the infrastructure as needed for each of the phases, and that's No. 25. I'm trying to speed this up because I want Mr. Regnier to have time to talk after me. One of the comments that is really going to be challenging for us is to build a third lane on 135th Street. For us, that is a big legal issue. Maybe that is something you can't necessarily deal with. Our traffic report doesn't indicate a need for widening 135th Street, and frankly, it's against the law because 135th Street is an arterial street. That is a city street, and there is case law in Kansas to support that it's the city's responsibility. We build collectors and local roads; instead, we have the privilege of paying fees that the city will collect to ultimately build arterial streets. That is, in fact, what is happening with the collection of the 135th Street Corridor Traffic Impact Fee. There are other fees in here as well. We don't agree that we should be financially responsible for constructing 135th Street to widen it. The Public Works memo talks about the right-of-way, and I think maybe we can work with the city on the right-of-way dedication, but at least for construction of 135th Street, that is not our responsibility; that is the city's. The only other thing I want to emphasize is that this is going to be a phased development. We'll build the infrastructure as it's need, bury the power lines as

they're needed in an appropriate phase. With that, I will close and yield the rest of my time to Bob Regnier.

Bob Regnier,

Mr. Regnier: Thank you for the opportunity to speak. I'm going to talk about feasibility and a little bit of history. All of this property, except for State Line Airport, was purchased by my father. He died in 2000, so we've owned most of this property for somewhere between 30 and 40 years. Since 2000, I've been the person responsible for the management of the property and have talked to numerous people about development of this property, none of which has come to fruition except for the Lashbrook proposal, which has been in process for over two years. Along this process, after having talked to so many people and reviewing the 135th Street Corridor Plan, there was a disconnect. There were a lot of plans, but to my knowledge, there has never been a feasibility study done on what the highest and best use for this property is. I commissioned one from RLCO, which is The Robert Charles Lesser Company. It has been around for 55 years and is very well regarded. It touches over 5 billion square feet of real estate projects annually. They provide strategic and tactical advice. It's an excellent company with sterling reputation. We engaged them to give a study of our property for highest and best use analysis. It was done June 19, 2019. I would suggest that it would be a little harsher today, given the COVID issues and impacts on commercial/retail development. The survey has 205 pages, and I would ask you to take a hard look at the Executive Summary on page 5 and the Key Findings on pages 60-63. I'm going to read a couple sentences in each of those sections. It indicates that there is no near or medium-term market support employment-oriented land uses. They're saying that office is not a possibility here. Office tends to come together in a sector, like 135th Street or Corporate Woods. There is just no core of office in this area, so the possibility is very limited, if not impossible. I don't have it actually set out in a separate slide, but I'll read for you. "Conceptual zoning plans like those contemplated in the 135th Street Community Plan that call for vertical mixed-use development and/or higher density residential and/or commercial uses are not supportable in the overall Leawood marketplace, nor at the subject property in the near, mid or even long term." Read the top two paragraphs, and it will give you RLCO's opinion of vertical mixed-use in this corridor, which they feel is really not supportable. The report was done in July, 2019. My contract with Mr. Oddo is dated November, 2019. He had not seen this report when we first started talking. What he is proposing is exactly what this report says is feasible: low-medium-density residential and then medium-density residential and retail on the State Line property. This reflects the fact that what they said in '19 is feasible for this property. Page 61 talks about a very strong opportunity for rental apartments in this subject site, which reiterates what Rick already said. It recommends to phase the property in 260 units every two years, which is exactly what Rick is proposing. I will finish by saying that to my knowledge, there has never been a feasibility study. I'm more than happy to have this fellow come back and talk to the Planning Commission or City Council. I have been approached by the members of City Council on numerous occasions over the last 20 years saying, "Why aren't you doing anything on 135th Street? We want you to develop that property." My answer is the same: the city can't dictate what goes on this property. I can't dictate what goes on the property. The market will tell

us what is feasible. We've got a well-regarded developer that has the financial capacity to do this and move it forward, and that is the market today and probably for years into the future. The one comment that wasn't brought up had to do with potential benefits for the City of Leawood by way of tax revenue. For Agricultural zoning, we pay about $1,000 a year in taxes on this property. That is really all I have. We would like to develop this and create something that is additive to the City of Leawood. We'd like to do it in the current time frame. For that, I will turn it back to Mr. Oddo in case he has further comments. If not, we'll turn it back to you for questions.

Chairman Elkins: Thank you. We appreciate your comments.

Mr. Oddo: That's all from our side. We have a team of engineers here as well to answer questions. We appreciate the time you've given us. We look forward to the discussion.

Chairman Elkins: Thank you. I'm going to depart from my normal practice to let the rest of the commission ask questions first and take the first question. This is primarily for Mr. Holland. A lot of our discussion tonight has been around the Comprehensive Plan and 135th Street Corridor Plan, but I note in staff's presentation, there are a series of attributes that either violate or are inconsistent with the LDO. How would you advise us to even contemplate moving forward, varying from either the Comprehensive Plan or 135th Street Plan, in light of it?

Mr. Holland: I wrote down the various alleged issues where we were out of compliance. I'd like to just go through several of them. I think we're frankly not terribly inconsistent; it's just the way staff interpreted the LDO. We did address whether or not there was a parking study. Henry Klover did one specific to this project. We certainly feel we complied with that even though staff says it is not specific to this project. All of the information relative to the amount of parking that would be necessary has been met. The other issue is with respect to gates, which are not in violation of the LDO. They talk about regulations, and they used that word freely when talking about the 135th Street Corridor. Those aren't really regulations; they're guides. We talked about gates and why we want them, and I don't think that's a violation of the LDO. We also talked about private streets, which are permitted in the city and are not a violation of the LDO. They may not be consistent with the Comprehensive Plan or the 135th Street Corridor, but there are private streets in Leawood, and that's what we're asking for. They talked about retaining walls and encroaching. We don't think that's an issue. In this 114-acre development and all the units and square feet that we're talking about, the retaining walls are the least problem we might have. I know Henry Klover said it was a late comment from staff. We had three rounds of submittals, and that was never mentioned. We think we addressed it, but we will address it and will be compliant with the LDO. The only real one that is potentially an issue is accessory structures not being attached to the primary buildings. We talked about how it's impossible with the multi-family components we were seeking to get approved. Maybe we need to work on that one a little bit. With respect to the other ones, we meet the LDO or can meet it.

Chairman Elkins: I believe one of the other stipulations was the corner setbacks in the middle of the single-family residential elements.

Mr. Holland; Thank you; I forgot to mention that one. It is in the Staff Report, and I don't know if we had it in the comments. We will meet it. That's not an issue for us.

Chairman Elkins: Thank you. I'll now defer to the rest of the commission. My concern was there are some good issues raised by this plan relate to our Comprehensive Plan as well as the 135th Street Plan. Mr. Regnier, as well as Mr. Oddo made some fairly strong policy comments. I still was concerned about how to get to that discussion. With that, I think it's fair game to ask about the plan.

Comm. Coleman: Mr. Oddo, I asked the same question of staff. Can you give me some background of working with staff? I know we've talked about a big disconnect between the Staff Report and your comments, but I wanted some more background from your viewpoint.

Mr. Oddo: We went in and talked to several people upfront. They said, "If you do this and this, it's really a good plan. We'd like to see that. Why don't you submit it?" We went back and forth with a couple people. They were pretty receptive of it but wanted to see everything in one big plan, so we did that. Then, we got further in the meeting with staff, and basically, it was, "This won't work because you have to have all the streets in, all the parking garages, etc." Well, those don't work. We already discussed the problems. We did the Interact Meetings, and those wanted one thing, which is what we designed. Staff was insistent on following some of these guidelines. We knew we couldn't meet them. There really was no discussion. We tried to meet everything we could. I gave a lot with the residents, and we presented to staff, and they basically want to follow the LDO. I understand the position because their hands are kind of tied with that. I think the LDO is outdated and doesn't keep up with the market that we're dealing with now or the products that have come out. We're trying to meet what the market needs and what the neighborhood wants and needs.

Chairman Elkins: Thank you. Other questions? Mr. Oddo, you mentioned a couple times that you had multiple Interact Meetings with different HOAs. I believe there were minutes from only a single meeting. Do you have the minutes from the other meetings you mentioned?

Mr. Oddo: Maybe I should clarify: I had meetings. The legal Interact Meeting was once, and from there, it broke off into meeting with the different subdivision HOAs and people they said were professionals. We had lots of different meetings. We went to the site to look at things with them. We had lots of meetings. Some were over the phone; some were in person. We kept modifying things so we could get approval from the church, a couple of the HOAs, and individuals. We met with representatives from various HOAs.

Chairman Elkins: Thank you. Do I hear a motion to extend the meeting for an additional 30 minutes? Under our rules, this will be the last extension tonight

A motion to extend the meeting period for 30 minutes was made by Coleman; seconded by McGurren. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

Chairman Elkins: Mr. Oddo, you talked at some length about the density of this project as opposed to the one we spoke to earlier. Can you tell me what the density is in the Villa Milano complex?

Mr. Oddo: I'm going from memory, but I think it's 13-14 units per acre with 15 at the max.

Chairman Elkins: You said it's 11.7 for this development?

Mr. Oddo: 11.17; we really like our green space.

Chairman Elkins: That's good. The city does as well. You also mentioned the tile roofs. Can you talk a bit more about what you understand to be staff's view of the requirement for tile roofs?

Mr. Oddo: In the first couple meetings, they asked about that, and they want tile roofs. There is a possibility for a ½" shingle, but it doesn't exist in the market. What they've asked for doesn't really exist. They have Class A products, which would include the TPO roof on the flat roofs in the commercial space, tile, the metal roof we have in some areas, and a 50-year impact-resistant asphalt shingle that is 3/16", which is the same as we have at Villa Milano. Nothing is perfect, but it is designed to handle the majority of what we get here in the Midwest. It's a Class A product, so it's technically allowed by ordinance, just not in MX-D.

Mr. Klover: It's an aggregate, so it doesn't have a thickness requirement. It doesn't say it's not permitted.

Mr. Oddo: It says you have to have ½", but that doesn't exist, so I don't know if that's a typo or what. We're still doing a first-class product, and it's the same as or better than what is on the neighbors' houses all around us.

Chairman Elkins: My last question relates to Mr. Klover's presentation. He went through quite a history of projects along 135th Street Corridor over the last 18 years that have been less than successful. What is it about this project that gives you confidence that it will succeed where the others have not?

Mr. Oddo: That is a great question. First, we don't have parking garages. Parking garages in suburban markets don't work for lots of reasons. It makes the mass and scale of the buildings a massive box. People don't want them. Second, we did a more traditional layout on the retail that has parking front of retail so you can go right to it. Parking garages destroy retail. Look at Park Place. We all know how the retail is going

there. For that matter, the residential isn't doing much better. They're in the 70s for occupancy; we're at 98%. Our product is one that's proven successful. I don't know if I answered that well. People don't want parking garages and the multitude of streets going through. They want retail right upfront where it's easily seen. You look at the three successful retail communities in Leawood built in the last 30 years are at 119th and Roe: Town Center, where the Apple Store is, and across the street where Hen House is. That is traditional suburban design, and it works. When you try to put a downtown in a cornfield where we want elbow space and green space, it doesn't work.

Mr. Klover: I was involved with a lot of them. A lot didn't get approved by the city or got rejected for various reasons, but the ones that did, including Cornerstone and Mission Corner, all died on the vine because there were too many upfront restrictions, too much cost. It couldn't phase in. The problem is that projects need to develop organically. When there are so many upfront costs, it takes very few hiccups to make the project fail. In the case of Cornerstone, a tenant disappeared, and the next thing you know, things crumbled.

Mr. Oddo: I'm going to go a step further. Businesses go where businesses want. Also, I don't think the design standards in Overland Park are low, but they're more reasonable and more in the marketplace. The development stops at Leawood. I'm not trying to pick on anything; I'm trying to be positive, but I live in Leawood. I want this to be developed. I want the tax dollars brought in. We need it. If you look at what has been successful in the suburban market, it's not MX-D. Even Prairie Fire, with the millions of dollars they got in special financing, they still can't make it work, let alone trying to do it without $20 million in special financing. We are not asking for that for this project. Without extra help, it's hard to make anything work, especially when the design standards make construction costs more expensive than any other city, and your property taxes are higher. Those all factor in to a product that is difficult to make work.

Chairman Elkins: Thank you. Other questions?

Comm. Hoyt: It's really not a big point, but I'm trying to make sure I understood Mr. Oddo correctly. When you predicted only 6-8 children living in this entire development, is that what you said?

Mr. Oddo: We said 3-5 school-age children per apartment community, and that's based on other communities in the area. I believe this will have even fewer because we have even fewer three-bedroom apartments.

Comm. Hoyt: I guess I was referring to the slide where you were showing all the money that was coming in versus the number of children in reference to the school children. I just assumed that the 56 single-family homes will be producing a lot of children going into the schools.

Mr. Oddo: I didn't pick up on that part because single-family is single-family. Like Mr. Regnier said before, I independently came up with the same conclusion that RCLO did, and that is that my market is more mature. We are trying to get empty nesters. We are

going to build predominantly single-story or reverse ranches, which don't typically lead to families. It's not that they can't live there; I was just pointing out that the apartment communities aren't going to flood the schools. There may be some families, and I'm not opposed to that.

Comm. Hoyt: I wouldn't think that would be a problem; I was just trying to make sure that I understood. I'm doing this remotely, so I don't know what is in Council Chambers right now in the way of additional documentation. Does the city have copies of this RCLO report?

Mr. Oddo: I submitted it to staff months ago. I resubmitted weeks ago. It's also on our website for anyone to look at.

Mr. Klover: It was formally submitted with the package.

Comm. Hoyt: For my own sake of getting a handle on it, where specifically could I find that then?

Mr. Oddo: We can email it again. Staff has it, and I can send it after the meeting tomorrow?

Chairman Elkins: I think it would be appropriate for staff to send a copy out to the commissioners and have it as part of the record.

Comm. Hoyt: Any maybe this is more for when we ever get to the discussion phase as a Planning Commission, this plan has a number of LDO nonconformance issues. Then, we get into the Comprehensive Plan and 135th Street Corridor and fundamental differences, but also philosophy, sense of the marketplace, and best use, which is clearly going to take a lot more discussion. It seems like whatever resources we can get to fuel that additional discussion is going to be really helpful. As far as I'm concerned, it's hard for me to see exactly what the next step will be, other than simply looking again at a lot of the plans that the city has set in place.

Chairman Elkins: Thank you. Additional questions for the Cameron's Court team? Just a couple comments as we wind down. The next step in our process would be to open the Public Hearing, and I do propose to do that because I think a number of people have sat very patiently. I think that I will limit the Public Hearing tonight to about 15 minutes because we have administrative details we have to take care of. The process is that, once the Public Hearing is over, the Cameron's Court group will have an opportunity to respond. The Planning Commission will have a chance to ask questions. Then, we'll move on to a discussion, and obviously, that's all not going to get done tonight. We will be continuing, with Planning Commission's approval, to September 9th, which is a Wednesday because of conflicts with the Governing Body's schedule. Then, we'll also be looking at continuing the additional cases that were on our docket for tonight to September 9th as well. With that, before I open the Public Hearing, I'll go over the ground rules. Because we're doing this via Zoom, I'm going to go off the list I received from

staff. We ask that your comments be limited to four minutes. I would also note that we are very appreciative of the interest the public has in this case. I think we received more written input than we have in almost any case I've been involved with. Please rest assured that we have read all those written comments, and they become part of the record for our deliberations.

Public Hearing

Mr. Holland: I just wanted to mention that the first two names are on our team. They are in favor of it, and they don't need to speak.

Julie Kincaid, appeared before the Planning Commission and made the following comments:

Ms. Kincaid: I'm a resident at The Enclave at Cedar Point, and I'm also the current President of the HOA. I've built two homes in Leawood and have had a third primary residence in Leawood. The value of the quality of living here for the last 21 years has been something we have really appreciated. We also appreciate the time that the Planning Commission is putting in. We've also spent two months as a group, working on this project with members of the staff and also Public Works. We've worked with the developer, and we appreciate everybody's time in listening to our concerns. After the Interact Meeting that was held by Oddo on June 8th, we met with our Enclave neighbors and assembled a team to meet with the developer, architects, and representatives of the landowner to address our neighborhood's three areas of concern. Our concern was mostly with the commercial side of the development. I don't know if you know where Enclave is, but it's located just behind Village of Seville, directly across where they are proposing the commercial development. We're right on Overbrook. We have a community of 24 homes. Once we attended the Interact Meeting, we put together a group of volunteers from our neighborhood and some members from the board. We met with the developer to discuss our three objectives. These conversations occurred over a two-month period with the final revisions being made to the Site Plan submitted to us on August 11th. The original plan called for three entry-exit points east of the church to State Line, which was directly in front of our development. Our objective with the developer was to limit the number entry points from the commercial development onto 133rd, so all the ingresses and egresses to State Line. Through the revisions, the current plan reduces the number of entry-exit points to one entry at Kenneth and one right-only across from Village of Seville. It eliminates the Overbrook entry-exit, which was a big safety concern to our neighbors. There's no outlet in our neighborhood. Having a commercial entry directly across from Overbrook would cause people to come into our neighborhood. There was also concern about headlights in parking lots and exit across from Overbrook shining down into homes. We also have the revision that shows that the elimination of the Kenneth Road cut-through from 135th north to 133rd. I work and live in the same area, and there is a lot of traffic on 135th and State Line, especially at rush hour, and it backs all the way up to Pawnee. The traffic study pointed that out. If Kenneth Road cuts through from 135th to 133rd, I guarantee that traffic will come straight down Kenneth to 133rd to bypass the congestion at 135th and State Line. We have serious concerns about that

because right where Kenneth hits 133rd is the end of our community sidewalk. We have to cross 133rd at Kenneth to get to the sidewalk. It ends on the north side and picks up on the south side at Kenneth. That's another concern for our walkers, runners, and cyclists. We also appreciate the bike and hike trail that was mentioned by Mr. Sanchez that goes along the 135th Street Plan for Kenneth. Even if you eliminate Kenneth where you just come in and do a U shape through the commercial development and back out to 133rd, perhaps you could retain that hike-bike trail along that tree preservation that the current plan reflects. I hope you're following me there. Diffusing traffic through the commercial development reduces the traffic to 133rd. Information from the traffic study will be addressed by another neighbor of ours later on. Those are concerns we've had with the traffic that the developer has addressed in his revised plan. Our second objective was to retain the tree line along 133rd, which preserves our residential quality, green space, walkability, privacy. Those are very dense trees with a lot of natural habitat along 133rd. This plan, between Kenneth and Village of Seville along 133rd is loaded with trees. We appreciate the retention of that. Our third objective in working with the developer was to move the high-density multi-story commercial, like the hotel and some of the taller buildings, more toward 135th, away from 133rd. We wanted the commercial portion on the commercial end of State Line Road and 135th and keep 133rd residential. The 135th Street Community Plan supports the development of a high-density infrastructure with retention of green space and walkability. We also think the Revised Site Plan by the developer addresses our original concerns and also appears to uphold the standards that the city has. I realize that, for you, this is very procedural, and it sounds like I'm hearing it's a two-year process sometimes. For us, any kind of change is an emotional process and not so procedural because it affects the enjoyment of our homes and the safety of our families or the perceived safety of our families. We feel that when the developer came across the table and worked through these three objectives, there is a sincere interest in doing what's best for the community. If I have another quick second, I'd like to make a couple comments on a personal note. I read through all the concerns. I own a property management company and have been in property management for ten years. I rarely see children in multi units. School-age children live in single-family homes. I think the trend in housing right now, with the aging population, is a downsizing luxury lifestyle with maintenance provided. That's why a lot of us live here in The Enclave with maintenance provided. I personally believe the combination of high-end single-family maintenance-provided communities with nice amenities like what was just approved across 135th is a big improvement to the cornfields that we currently have. We also have a transient homeless population that we've dealt with in our neighborhood. We have people coming in and out of those woods. I just saw a transient person coming out of the woods last night. For me personally, I think that this kind of development is a good development for our community, a I really appreciate the time to let us voice those opinions.

Chairman Elkins: Thank you. We appreciate your comments. We're coming up to the end of our hour. For those in the public who are still online, we would invite you to rejoin us on September 9th. The continuation of this case will be the first thing on our docket, and we'll move through to the conclusion of those who wish to be heard. If any of your friends or neighbors couldn't join us tonight and can on the 9th, they are certainly invited

to join us. As time winds down, I would entertain a motion to continue Case 49-20 to the September 9th Planning Commission Meeting.

A motion to continue CASE 49-20 – CAMERON'S COURT – Request for approval of a Rezoning from AG (Agricultural) and SD-O (Planned Office) to RP-2 (Planned Cluster Residential Detached) and MXD (Mixed Use District), Preliminary Plan, and Preliminary Plat, located south of 133rd Street and west of State Line Road – to the September 9, 2020 Planning Commission meeting was made by Coleman; seconded by McGurren. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

Chairman Elkins: I would now entertain a motion to continue the following cases: Case 74-20, Case 75-20, Case 66-20, Case 67-20, Case 64-20, Case 68-20, and Case 70-20.

A motion to continue Cases 74-20, 75-20, 66-20 64-20, 68-20, and 70-20 to the September 9, 2020 Planning Commission meeting was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

CASE 74-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-3, ADMINISTRATIVE APPROVALS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Tenant Finishes. **PUBLIC HEARING – CONTINUED TO SEPTEMBER 9, 2020**

CASE 75-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.3, SD-CR (Planned General Retail) - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to building heights within SD-CR. **PUBLIC HEARING - CONTINUED TO SEPTEMBER 9, 2020**

CASE 66-20 – TOWN CENTER CROSSING – TENANT STOREFRONT DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located south of 119th Street and east of Roe Avenue. - **CONTINUED TO SEPTEMBER 9, 2020**

CASE 67-20 – TOWN CENTER PLAZA – TENANT STOREFRONT DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located south of Town Center Drive and west of Roe Avenue. - **CONTINUED TO SEPTEMBER 9, 2020**

CASE 64-20 – TOWN CENTER PLAZA – FIRST ASCENT – Request for approval of a Preliminary Plan, located south of Town Center Drive and west of Roe Avenue. **PUBLIC HEARING - CONTINUED TO SEPTEMBER 9, 2020**

CASE 68-20 – PLAZA POINTE – GUIDEPOST MONTESSORI – Request for approval of a Revised Preliminary Plan, Revised Final Plan, and Special Use Permit for a

Daycare/Montessori, located south of 136th Street and west of Roe Avenue. **PUBLIC HEARING - CONTINUED TO SEPTEMBER 9, 2020**

CASE 70-20 – VILLA DE FONTANA – Request for approval of a Preliminary Plan, Preliminary Plat, and Rezoning from SD-CR (Planned General Retail), SD-O (Planned Office), and RP-3 ((Planned Custer Attached Residential District)(6,000 Sq. Ft. Per Dwelling)) to RP-2 ((Planned Cluster Detached Residential District)(6,000 Sq. Ft. Per Dwelling)), located south of 135th Street and east of Roe Avenue. **PUBLIC HEARING - CONTINUED TO SEPTEMBER 9, 2020**

Chairman Elkins: I want to extend my thanks to staff and the Cameron's Court team for their great presentations tonight and to the commission for deliberation and consideration on this important issue. I look forward to picking it up again on September 9th. Is there any other business that needs to come before the commission?

Mr. Sanchez: Staff would like to introduce Katherine Geist, our new planner.

Chairman Elkins: Welcome to the team. You got to go through one of our marathon meetings.

MEETING ADJOURNED

DRAFT

City of Leawood
Planning Commission Meeting
September 22, 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, Bock, Stevens, Hunter, Peterson, Elkins joined after the meeting began: Belzer. Absent: Hoyt

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 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Peterson.

MEETING STATEMENT:

Chairman Elkins: 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 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. 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 pcpubliccoments@leawood.org on or before Friday, September 18th 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 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 changes to the agenda?

Mr. Lang: We do. Cases 82-20 – Town Center Plaza Revised Sign Guidelines – and Case 83-20 – Town Center Crossing Revised Sign Guidelines – will be continued to the next Planning Commission meeting.

Chairman Elkins: Is that October 27th, or does that remain to be seen?

Mr. Lang: I believe that decision is still up in the air.

Chairman Elkins: Thank you. Any additional changes? If not, do I hear a motion?

A motion to approve the agenda, including the two continued cases, was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Peterson.

Ms. Knight: Commissioner Belzer joined the meeting.

APPROVAL OF MINUTES: Approval of the minutes from the August 25, 2020 Planning Commission meeting.

Chairman Elkins: Are there corrections or amendments to the minutes?

Comm. Stevens: I have a minor change on Page 3. After Commissioner Peterson's description, there was a comment by Chairman Elkins, and then I believe it should be Commissioner Peterson rather than Stevens.

Comm. Coleman: I just want to mention I am missing some of the even pages.

Chairman Elkins: I have only odd-numbered pages as well. It looks like there is continuity of commentary, which is why I didn't pick it up to start with.

Comm. Peterson: They were printed in odd-numbered page order, so I downloaded the packet from the website. It provides the correct pagination there.

Mr. Sanchez: That is correct. For some reason, the printed ones are odd-numbered, but the one online is correct. We can continue this agenda item for the minutes to be approved at the next meeting if you would like to.

Chairman Elkins: If the substance of the minutes is correct, we'll make a note that the pagination is off.

Mr. Sanchez: Actually, the even pages are missing.

Chairman Elkins: Then we will not entertain a motion to approve the minutes, and we'll look for those at our next meeting.

Comm. Peterson: This has happened before. What I would suggest is we go to the packet online and download the minutes there. They are correct there.

Chairman Elkins: That raises the issue of which is the official copy. I'd just as soon have them come to the meeting correctly if that's possible, but good suggestion.

CONTINUED TO THE OCTOBER 27, 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.

Chairman Elkins: Does staff wish to keep this as is or to be subject to call as well? Staff indicates the case should be continued for a time certain for the October 27, 2020 meeting as noted. When we amended the agenda, Case 82-20 – Town Center Revised Sign Guidelines – and Case 83-20 – Town Center Crossing Revised Guidelines – have both been continued to a future meeting, subject to call.

CONSENT AGENDA:
CASE 80-20 – PARKWAY PLAZA – WEBER CARPET – Request for approval of Final Plan, located north of 135th Street and east of Briar.

Chairman Elkins: Do any commissioners wish to hear from staff and/or the applicant? If not, is there a motion?

A motion to approve the Consent Agenda was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Block, Stevens, Peterson, Belzer, including a recusal from Hunter.

OLD BUSINESS:
CASE 68-20 – PLAZA POINTE – GUIDEPOST MONTESSORI – Request for approval of a Special Use Permit, Preliminary Plan, and Final Plan, for a Daycare/Montessori, located south of 135th Street and west of Roe Avenue. **PUBLIC HEARING**

Chairman Elkins: Does staff have any additional information regarding developments since our last meeting?

Staff Presentation:
City Planner Grant Lang made the following comments:

Mr. Lang: Since the previous meeting, the applicant met with the property owners to discuss concerns, and changes were made to the plan. The playground on the east side of the building was reduced, allowing for better pedestrian sidewalk connections to the parking lot. The applicant has removed parallel parking on the west side of the structure, creating more room for open space. The proposed sidewalk connection to Roe Avenue was removed at the request of the neighboring property owners. The application does meet all requirements of the Leawood Development Ordinance (LDO), and staff recommends approval of Case 68-20 with the stipulations listed in the report.

Chairman Elkins: Thank you. Mr. Horney, are you present on behalf of the applicant?

Applicant Presentation:

Mr. Horney: As Grant mentioned, we met last Thursday to discuss the concerns from the letter you received previously. As Grant said, we addressed the 24' width, the concern about the parallel parking, the concern about the sidewalk connection to Roe Avenue, and did our best to clarify the questions around the number of staff and parking. I know you also received a new letter recently. I want to make a note that, from the staff recommendations, Item No. 9 asks for a cross-parking easement to be recorded. This was recorded when the original development happened in 2002. I won't be re-recording a new easement, but we will work within the existing easement. I don't know if now is the appropriate time to address some of the concerns from the letter that I receive a couple hours ago.

Chairman Elkins: Thank you. Let me take up one issue first with Mr. Lang regarding the recording. Is it staff's position that something in addition needs to be recorded in the county records, or does the existing recorded cross-easement suffice?

Chairman Elkins: Thank you. Mr. Horney, if you could address the concerns in the most recent letter that would be helpful.

Mr. Horney: Let me start by saying that I'm not sure, based on the initial letter and now the second letter, if there is anything I can do to satisfy some of the neighbors, one of which owns an existing daycare nearby. It is clear that, despite addressing as many concerns as I can, I'm not going to be able to address the concern that he just doesn't want it to be there. I'll highlight some of the concerns in the new letter. The first page talks about the changes we've already made that you see in the plan. We've confirmed we have 24 feet. We removed the parking on the west side. On the second page, I'm supposedly being accused of baiting and switching the number requirements. I believe you received a copy of the letter of us responding back prior to the meeting.

Chairman Elkins: I believe that is the case.

Mr. Horney: The Kansas Department of Health and Environment has specific laws about this. Under our current plan, we have a 115-child plan. That requires us to have 17 staff.

The reason we are seeking 5,025 square feet is, as you may know, plans can change. There is nothing bait-and-switch about it; we're trying to make sure if the population or age groups of our school change, we don't then become noncompliant with the current requirement. We're trying to make sure we have the ability to change because if there is an infant classroom that goes from nine students to a 3-6-year-old classroom that could have 20-24 students, it would require fewer staff with almost double the number of children. We're trying to give ourselves enough flexibility to grow as the school grows over time. That's why we're proposing the 5,025 square feet. That does not mean that we will have increased staffing. Quite likely, it would be the opposite. As far as capacity or traffic, we provided a study. I'm not sure if it's appropriate to comment on that. We provided the specific parts of the Kansas Department of Health requirements regarding parking. You have the floor plan. I do want to comment that there are comments about assistant teachers and cooks. We have a warming kitchen, so cooking will not happen on the property. Assistant teachers are not required. To me, the third page reads about how someone else believes they would run the property and not how we're required to run the property. I'm not interested in getting into a debate about that. There are clear requirements from the Kansas Department of Health. On the parking lot space and landscaping, all I could refer to is the Staff Report. We've complied with all the requirements and the LDO. Regarding child safety, we created the 2' wall that surrounds the parking lot that will be lined with brick. It will match the property, but the height would stop a car from potentially injuring a child or entering the playground. As far as walking a child from the parking spaces and the lack of parking, I guess we should talk about the plan of how we would actually park this. All of the employees would park in the southeast corner. The parents would drop off in the front or the northeast corner, which is directly accessible to the sidewalk that comes out. These are children under six, and it's a requirement of the school that every parent walks the child into the school. Kids aren't running around in the parking lot. There was a comment about a rear setback. We're not changing the structure of the building, so I would defer to Grant and his team on that. Regarding the sidewalk and shared easement, the sidewalk is there. He is correct in saying that we will be building a playground. Per our access and easement agreement, we have the ability to do so. I'm not sure what to say other than that. On Page 5, there are comments about façade changes. We will be swapping out a couple windows for doors, but the property already has transoms. It wouldn't be much different than what you see today. It will continue to be a glass door with a different window. I'm not sure how to address the snow removal concern. I don't think it's appropriate to comment on the issues that need correction on the Staff Report and LDO violations. If there are questions, I'd be happy to answer them.

Chairman Elkins: Thank you. Does the commission have questions?

Comm. McGurren: Would it be fair to say that you're in agreement with all staff recommendations?

Mr. Horney: Yes.

Chairman Elkins: Thank you. Are there other questions? If not, this case requires a Public Hearing. It will be using the Zoom format. Staff has received indications to provide additional testimony from a number of individuals. Before I open the Public Hearing, I'd like to cover ground rules. We permit four minutes for commentary. You'll see a clock that will count down. When we get down to about 30 seconds, I will attempt to let you know time is running out. We would ask that you be respectful of the clock. We certainly want to hear your comments.

Public Hearing

Kerry Lawing, 4745 W. 136th Street, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Lawing: I'm in the building adjacent to the property we're discussing. The first thing that I guess I would say I'm concerned with because of COVID is our building, which is about 14,000 square feet, only has about 40% occupancy right now. Frequently, the parking is already very tight. One of my predominant concerns is that there are eight parking spots removed. The entire development has shared parking. There is no reserved parking for one building versus the other. I have no qualms against any business – daycare or other. I do think that it's not likely at 7:30 in the morning and in the afternoon that this parking doesn't become a much bigger problem as parents are dropping kids off. We're an investment business. All our staff starts at about 7:30-8:00. We don't even have enough spaces when everybody shows up now. What will it look like when we remove nine spots for parking, certainly at the peak times? That is a major concern. The second thing I would look at is our executive offices will literally be overlooking the playground. I'm not sure what the answer is, and I'm not against any business, but our entire suite of offices looks at the Carpet Corner building. I don't know that it's necessarily what we thought we were getting, and I didn't really think it could be changed in such a significant way as it relates to the setbacks. We had to get approval from the City of Leawood for a paint color. I can't believe we can do the playground. There doesn't seem to be a setback or green space on our side. It seems to be inconsistent with some of the other rules. Lastly, a lot of noise comes from playgrounds. There are other schools in the area. It is literally right next door to our building, so I don't think there's any way to address that. Those are the major concerns with a significant investment with employees and other people from when we bought the building. This is a significant change. I'd respectfully ask that the committee consider those things as we considered the changes overall. Thank you.

Brad Tally, 13650 Roe avenue, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Tally: I just want to thank you for a forum that lets us attempt to be good neighbors. I'm living on faith that people who guide us are using a vision of prosperity. With that said, I've been a faithful community business owner in Plaza Pointe for about 17-18 years. I was one of the first buildings in the development. I worked with the developer and his architect from California. I was also there when the development was transferred from the developer to the owner-run Plaza Pointe Owners' Association. I know a lot went

into the development, the design, and the queues. I sat through all the Planning Commission and City Council meetings. It was quite a project to get through. I would like a new neighbor. The building has been disregarded and kind of an eyesore for many, many years. I have tried with the landscaping to help with that, but it's really been a challenge. I'm not against a business or anyone coming in and doing their job. I'd encourage every one of you to visit our corner. It's a very high-traffic corner in the neighborhood. It has special nuances that can't be seen on a piece of paper. I've been in practice for 26 years in the area. My patients are 55 years old on average – anywhere from 3 to 103. I have three major concerns to talk about. Number one is the traffic flow around the buildings. It is very tight where this minimum 24 feet comes into play. That's not the measurement I get between the curbs. It's more like 22 feet. I know the plans will be exact when they come through. I worry about the traffic flow, and I want people to think about that. I would encourage you to look at the Olsson Traffic Impact. Currently, in the morning, the peak AM time, there are only three trips. The proposed trips are going to be 79 between 7:00 and 9:00 a.m. In the afternoon, there are five trips between 4:00 and 6:00 p.m. currently. There will be 90 trips in the afternoon. We're talking about five parking places in the front of that building for 90 or 130 children there. It just seems really challenging that it's going to work. 136th comes out to Roe, and there is a median in the center of Roe. If people are dropping off children, they will have to figure out a way to either cut back through my parking lot and work their way back around to 137th and Roe to turn left to go back toward north, which is Corporate Lakes and Kansas City and where a lot of people are going to head off to work. The traffic flow is a real problem. I guess I don't understand how easement agreements and all of that type of stuff work when you're able to sign all of that and make it a priority that we can just remove sidewalks. There is an open space between my building which is directly south. Our two buildings are 36 feet across. That concrete area was set by the City of Leawood to be an area where people gather and walk through. Chris is pushing the playground right to the edge of the property line, which goes over the sidewalk. There will no longer be access from that side of the building for patients, for people with dogs going to Sydney's Pet Spa. They will have to walk back along that side to the front of the building to get their children in the front door. On the west side of that area between our two buildings, the sidewalk is actually on my property. I'm not quite sure how that works. I believe there is some type of rule where the Kansas Department of Health requires a fence all the way around an existing daycare. I'm not up on that, but I'm assuming I'll end up with a fence between us, in the middle of a concrete patio that is designed, landscaped, and supposed to be an area to look at that is nice. All of my patient chairs face north and look out onto that center area. They'll no longer have access to that. During the pandemic, I have patients waiting out there and families waiting for patients. They're not going to have access. The parking, traffic flow, and access to the center patio while covering up the sidewalk access are points I really don't understand. Thank you for listening to my comments.

Ken Bowdy, 15415 Ironhorse Circle, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Bowdy: In 2001, my wife Anita and I applied for a Special Use Permit for the Primrose School of Leawood, a childcare facility in the Plaza Pointe development. Plaza Pointe was the first project developed along the 135th Street Corridor, and we were among one of the first projects proposed in the development. We were concerned about the significant number of requirements the city required of our project to meet the Special Use Permit. One requirement was related to the playground. The city required an extensive amount of brick walls to screen the playground from view, combined with a large amount of landscaping to screen the brick walls. We were also required to use a premium-quality metal decorative fence material, and the landscaping was required to soften the view of the fencing. This was just one of many requirements for us to receive a Special Use Permit, and we agreed to these requirements. We knew these needed to be met in order to maintain the standards of the City of Leawood and the Plaza Pointe development. We also knew that, as other projects developed throughout the area, the city would require others to be held to these same high standards. Not only was this evident in the projects presented in just the last two Planning Commission meetings, but also recently in the approval of the Kiddie Kollege childcare facility at 134th and Briar. Kiddie Kollege, Primrose School of Leawood and Crème de la Crème are just a few examples of nearby childcare facilities that required Special Use Permits, and they were all required to these high standards. The proposed design of Guidepost Montessori is clearly not meeting this high standard and is not meeting the requirements for a Special Use Permit. The design of the playground does not meet the requirement for a Special Use Permit. The proposed design is extremely unsafe and would be detrimental to the public health. The lack of an appropriate setback and the fact that cars would be traveling inches from the fence separating the children from moving vehicles is extremely dangerous. This proposed use is in no way operating in a manner compatible with the surrounding uses. These issues are a violation of the LDO standards for approval 16-4-3.5 a. and b. The removal of a significant number of parking spaces does not meet the minimum number of spaces that are required throughout the Plaza Pointe development. Every lot in the development was required to have 4.7 spaces per 1,000 square feet of building and is subject to a shared use of these spaces. The removal of any parking spaces would violate this agreement. This is also a violation of the LDO, Section 16-4-3.1, which states that the impact of a Special Use Permit cannot inappropriately affect or impair the use and enjoyment of neighboring properties. The proposed removal of sidewalks would create unsafe access to the only entrance on the north side of the building and would restrict access throughout the development. This is also in violation of the standards of approval, Section 16-4-3.5. The result would be detrimental to the public health and safety, as well as not being compatible with the surrounding uses. The restricted access would inappropriately affect or impair the use and enjoyment of the neighboring properties and be in violation of Section 16-4-3.1. These are only a few of the many reasons this proposal does not meet the standards for approval of a Special Use Permit. The applicant has every right to bring their business to the City of Leawood, but they should be required to find the location and present a design that meets the standards for approval. I'd like to thank each of you for the difficult decision that you make on behalf of the community. I'd also like to thank you for the opportunity to speak tonight, and I recommend that 68-20 be denied approval of a Special Use Permit in this proposed plan.

Sudha Amoran, owner of Primrose School of Leawood, 4820 W. 137th Street, appeared via Zoom and made the following comments:

Mrs. Amoran: A few things have been mentioned with regard to the Guidepost Montessori project, and I wanted to add some context from experience owning and operating a childcare center in Leawood. Most of the traffic and parking space for a center in use is during the morning and evening during pickup and drop-off time. There was a comment made in the last meeting that it would only need to have 3-7 teachers in the center for the morning. This is highly misleading and incorrect. They would require more teachers than that. If you look at the parking space calculation, you'll see that they say the employees at max shift will be 17. They do not include an assistant director, which is required by the State of Kansas for a center over 100, a cook for the planned kitchen, and an assistant teacher required for restroom breaks and to do the staff lunch breaks in the building. Meals will need to be prepped and served to the children, as required by licensing. They cannot possibly do this without a cook or a teacher that will be in charge for all of this. As proposed, they would need at least 21 staff to do this. The project does not take children's safety into consideration. They are removing a sidewalk on the east side of the building. There is no way for children to safely get to the front entrance without a sidewalk. When we do pickup and drop-off for the children, they go to the sidewalk and then inside the building. That's how our procedure is. With this design, parents and children will walk on the driveway where cars are going to go to the front of the building. At the meeting last week, the applicant mentioned that this is like a grocery store without a sidewalk. I want to say very clearly that a childcare center is not the same as a grocery store. There should be a sidewalk on the side of the building if that is parking. There is no space between the playground and the driveway on the site. In the front, there is no landscaping setback before the playground fence. This is very dangerous. At a childcare center in Texas, a car ran into a fence and injured children. They should be required to have a setback like we have at Primrose and at Kiddie Kollege of Leawood. All of you should have a letter from the Association showing the business owners of Plaza Pointe are against this proposed land. Please do not approve this Special Use Permit for this project, and thanks for the time.

Chairman Elkins: Thank you. Is Matt Mitchell present? Is there anyone else from the public who wishes to be heard on Case 68-20?

As no one else was present to speak, a motion to close the Public Hearing was made by Coleman.

Daniel Burkado, 605 W. 47th Street, Suite 200, Kansas City, MO, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Burkado: I'm here on behalf of Matthews Real Estate Group, the current owner of the Carpet Corner building. I just wanted to say that the current owner is in full support of pushing this forward. Of course, one thing to take into consideration is there would be some pretty drastic improvements to the property, which would in turn increase property values for people who are already occupying these buildings. It sounds like Mr. Horney

has gone through rebuttals to some of the issues that were brought up. I just wanted to let you know that the Matthews Real Estate Group is also in support of the Special Use Permit.

Chairman Elkins: Thank you. Any other comments from the public on Case 68-20?

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

Chairman Elkins: This is the time for the applicant to respond to the comments in the Public Hearing. Mr. Horney, do you care to be heard?

Mr. Horney: (*Shares screen)* I'd like to start with a few statements that are, perhaps, a bit misleading. There was a mention of Kiddie Kollege having the same requirements as Primrose. I guess they do not have a brick wall around their fence. It is just a simple metal, ornate fence, similar to the type we would have. That fence would sit above the 2' wall that was put in place to ensure we could have a safe playground. I want to clear up a comment about removing the sidewalk connection. To be clear, the sidewalk that is south would not be removed, and we would not have fencing alongside the property. The only fencing would be around the playground. With that, I'm happy to stop and answer questions if you have any.

Chairman Elkins: Thank you. Questions for Mr. Horney? I know you've addressed this a time or two, but it continues to arise. Can you give us your perspective on the staffing requirements from the State of Kansas for your facility and the question about the need for a cook and assistant teacher and assistant director?

Mr. Horney: In our application, we said 18. In the letter we provided to the neighbors, we have a total of seven classrooms. One infant classroom has nine students and three staff. Two toddler classrooms have ten students each and two staff each. One 2-3-year-old classroom with 14 and three with an age range of 3-6 have 24 students each and six staff. We will have at least one administrator but may end up having two. This is a total of 15 staff, plus the administrator and assistant, which makes 17. We are not required to have a cook. The food is brought in. Even if we were, it would be 18, which is exactly what we said in the application and on the drawings. All of this is dictated by the Kansas Department of Health. When you get a license to run a daycare, they dictate all of this. This isn't something that is really debatable. It is somewhat formulaic. I'm not sure why there is as much confusion or concern about it.

Chairman Elkins: Just for the record, at this point, do you have a license, or is the appropriate time to get one once the building is done?

Mr. Horney: You can't get your license until after the facility is complete and they come out to inspect the facility to ensure that we've actually met all the guidelines. We wouldn't even get that until after we got the Certificate of Occupancy.

Chairman Elkins: So, if there's an error in your analysis of the Kansas regulations, you're at risk for not obtaining the necessary license to operate your business, correct?

Mr. Horney: Absolutely, and by that point in time, we would have spent millions of dollars in doing this. Guidepost Montessori, which is Higher Ground Education, has 45 schools across the country. They're very well versed in ensuring they follow the rules and guidelines of each respective Department of Health.

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

Comm. Coleman: There are some alarming accusations from some of the people in the Public Hearing, both written and verbal, that we are not meeting the LDO or adhering to our local laws. I just wanted to get your response to that.

Mr. Lang: It looks like a little bit of the confusion is coming from previous installments where they built Primrose or Kiddi Kollege. A lot of times, those setbacks that they're referring to are exterior lot line setbacks. Those are much different than what we're looking at here as far as interior. Currently, the playground doesn't have an additional setback. Where they are at Kiddi Kollege, the main setback would be from that space. That's probably why they required additional landscaping.

Comm. Coleman: To the best of your knowledge, the report says they meet all of the regulations. Is that correct?

Mr. Lang: That is correct.

Comm. Coleman: In this development, everyone owns their own building and property, but they're part of the association for the entire development. Is that correct?

Mr. Lang: I believe so.

Comm. Coleman: On Page 1 of the Staff Report, you highlight an orange rectangle. Is that the property line for the building that is being proposed?

Mr. Lang: Those will be the interior lines for that property.

Comm. Coleman: Then, under the ownership, they can do what they want within regulations for their property that they're purchasing.

Mr. Lang: I believe so. It looks like they have specific deeds and covenants, but as long as they're within those guidelines, they're okay.

Comm. Coleman: Can you also point out the tenants in the building to the west of the proposed building?

Mr. Lang: I believe the tenant in that building spoke earlier today. That was Kerry Lawing. I'm unsure of the business name.

Comm. Coleman: The building to the south?

Mr. Lang: That is Brad Tally's building. He's a dentist. There is also a pet spa.

Comm. Coleman: I believe the building to the west was an investment company. To the best of your knowledge, are there any other businesses in that building to the west?

Mr. Lang: I don't believe so.

Comm. Coleman: The southwest corner of this tract has three buildings and this very large parking lot to the southwest. To me, in looking at the entire development, that tract of land is meant to be shared parking for all three buildings in that square of the development site.

Mr. Lang: Yes, they all have a shared parking agreement.

Comm. Coleman: But I'm not seeing Primrose using that parking lot; it will basically be those three buildings in that tract. Do you know how many parking spaces are in that lot?

Mr. Lang: Off the top of my head, I do not.

Comm. Coleman: It's a significant number.

Mr. Lang: Yes, it looks like it.

Comm. Block: There were comments made about the landscaping around the fence at Kiddi Kollege and the school closer to the subject property. Was that a requirement then?

Mr. Lang: I'd have to refer to Mark Klein on that to know if it was a requirement at that time.

Comm. Block: But it definitely isn't now.

Mr. Lang: No.

Comm. Block: I thought there was a rendering of a vinyl fence, but then Mr. Horney said it was going to be something similar to a metal fence.

Mr. Lang: There is a stipulation listed that they will match what is existing within the development. There is an example at the Primrose Schools with a metal, wrought-iron look.

Comm. Block: That will be the case, and the stone 2' structure would be brick to match the existing. Thank you.

Chairman Elkins: Mr. Lang, are there two different traffic studies? Is there a traffic study done by the neighbors and one by the applicant?

Mr. Lang: I believe only the applicant has done one. If the neighbors have one of their own, I haven't seen it.

Chairman Elkins: So, this Olsson traffic study we heard about was done at the applicant's request.

Brian Scovill, City Engineer, made the following comments:

Mr. Scovill: The Olsson traffic study was requested by the city from the developer. We simply asked for a traffic generation comparison to consider what kind of traffic impacts this development might have on public streets surrounding the development. We did not evaluate internal circulation or impacts within the development.

Chairman Elkins: What conclusion did staff draw from reviewing the traffic report?

Mr. Scovill: There would be a significant increase in traffic compared to the previous building. The increase would be very marginal when compared to the capacity of the street network.

Chairman Elkins: Can you tell us a little about how either Olsson or your staff have factored in the current pandemic? I assume they looked at traffic recently, and we hope that's not normal, though it may be the new normal.

Mr. Scovill: That's a great question. With respect to what was evaluated in this case, we really didn't have to look at traffic volumes and the capacity of the current volume on the road. We looked at the trip generations based on the use of the site. If we were to look at the volumes, we would look at the most recent volumes and compare current volumes. Then we look at a factor to grow the volume based on several variables, including what we might consider traditional growth based on commercial and residential development in the area.

Chairman Elkins: Thank you. Could either you or Mr. Lang comment on the analysis that staff has put into the impact of the removal of the five parking spaces?

Mr. Lang: What we're mostly concerned about is needing to maintain a ratio of 5.1 parking spaces per employee on a maximum shift. With this plan, they meet that, and it comes from the LDO.

Chairman Elkins: What about the cross easements?

Mr. Coleman: I think you meant to say 1.5.

Mr. Lang: That's correct; it's 1.5. As far as the cross-access easements go, it appears that they are meeting that within their deeds and covenants.

Comm. Block: We don't typically look at circulation within the property; it is only on the adjacent streets other than for fire apparatus, for example. Is that correct?

Mr. Scovill: Public Works typically does not look within the property. Occasionally, we're asked to help or review it or have our consultants look at it. We don't generally evaluate the circulation unless there's something to flag that. In this case, we didn't have a lot of discussions on the circulation. It's a fairly simple circulation plan here as opposed to the discussion we had with Cure of Ars with significant delays in queuing onto Mission Road.

Comm. Block: Even with the public comments, you don't think that's necessary in this case?

Mr. Scovill: We could look at it if requested. I don't think we'll have any surprises. I don't anticipate the evaluation to come back with any major red flags. It's a very basic grid network within this site. The number of vehicles coming out and utilizing the site during morning drop-off and pickup would be the item to look at and the number of parking spaces utilized for that. I would have to consult with probably Olsson and Associates. Since the developer used them, we would look to another consultant. We could certainly look into that.

Comm. Block: That's okay; I just didn't know if it was typical or not.

Chairman Elkins: Thank you. Mr. Lang, the provisions of the LDO around Special Use Permits direct us to consider the impact of the Special Use on the uses and enjoyment of the neighboring properties. Can you tell us a little about how staff analyzed that in recommending the Special Use Permit, especially in the context of this internal flow of traffic?

Mr. Lang: I would have to refer that question to Mark Klein.

Mr. Klein: You're absolutely right that a Special Use Permit is different than a business that is coming in and doesn't require a Special Use Permit because we are supposed to consider the impacts. It is my understanding that the site came in and looked at the number of required parking spaces of 1.5. I wanted to make note that they are required to still have that amount of parking over time. If they have a maximum of 18 staff, it allows 27 parking spaces. They couldn't go over that amount of staff because they'd be in violation of the Special Use Permit. With regard to circulation, we are requiring 24' drive aisles. I imagine some of the traffic will continue south to go down to 137th Street. I imagine there might be others on the north side that go up to 136th Street and out that way. Obviously, that's a right-in, right-out at that intersection.

Chairman Elkins: What is the term being proposed for this Special Use Permit?

Mr. Klein: By default, there is a 20-year time period. The Planning Commission has the ability to restrict that further.

Chairman Elkins: We have the authority to recommend for approval a shorter term if we think it might be appropriate.

Mr. Klein: Correct.

Chairman Elkins: Mr. Lang, was there another question you referred to Mr. Klein?

Comm. Block: I think it was the history of why fences had screening in the past but this one doesn't need it.

Mr. Klein: I'm not aware of a specific requirement of the screening of the fences. When Plaza Pointe came in, it was in 2000. This is one of the first projects I was exposed to. Market Square was the first development along that corridor because it was here when I arrived in 1999. Plaza Pointe was designed to have a village feel to it. That's why the buildings are lined up along 135th and Roe. The buildings are spaced out with parking interspersed. Some of those features are design features. Primrose Daycare on the northwest corner of 137th and Linden has areas of semicircular landscaping around a drive. The fencing is 5-6 feet from the property line. Staff probably tried to screen to add a softness. It is along 137th Street, which is a public street. In this case, the parking and landscaping go along Roe Avenue, which will help soften it from the public right-of-way. I know there was a question about parking. This was approved in 2000. The current ordinance went into effect in 2003, adopted in 2002. At the time Plaza Pointe came through, they were required to have a minimum of five parking spaces per 1,000. That was citywide with office and retail. In this case now, since we're in the current ordinance, we have a minimum and maximum. We have 3.5-4.5 within the SD-CR district, which this is part of. This development has both office and retail.

Chairman Elkins: Thank you. Among the standards for approval are the requirement that the proposed use not be detrimental to the public health, safety, or general welfare of the city. In some of the public comments, there was concern expressed about the safety issues relating to children and parents entering and exiting this proposed school. In addition, we're directed to determine that the proposed use is operated in a manner that is compatible with the surrounding uses. Can you comment a little bit on staff's take on those two standards?

Mr. Klein: As far as the location within Parkway Plaza, a lot of the circulation will go through common area parking. Even if you're at Primrose Daycare, there is a chance you'll be traversing to the north to 136th Street. It is not uncommon for this development. Staff is looking at the fact that parking is adjacent to the fence, and there really isn't too much of a barrier between the drive aisle and the parking to the east. That is the reason

the 2' wall was important to staff. With regard to cars going parallel to that, the 2' wall would help protect there as well.

Chairman Elkins: Thank you. Other questions for Mr. Klein? Mr. Horney, I have a question for you, and then I want you to have the last comment before the commission makes a decision. We've talked a bit about the license that your client's business is required to have to operate the school. Does that license have a term? Is it renewed annually? What is the term of the initial license that you'll get from the State of Kansas?

Mr. Horney: I'd rather have the tenant answer.

Jocelyn Scotty, VP of Schools for Higher Ground and Guidepost, 100 Orchard, Suite 200, Lake Forest, CA, appeared via Zoom and made the following comments:

Ms. Scotty*:* Every state is different, so I'm going to apologize in advance. I don't know the length of time for Kansas. We have a whole compliance team that does all of our licensing for all of our schools to make sure we are renewing and are being successful in all of the licensing we pursue.

Chairman Elkins: I'm just curious as a data point for us. Typically, in the states you are aware of, are the licenses for multiple years, or do they have to be renewed annually?

Ms. Scotty*:* Typically, they're for multiple years, or sometimes, we might need to renew a license if there is a change in leadership.

Chairman Elkins: Any other questions for the applicant? Mr. Horney, do you have anything to add?

Mr. Horney: I guess I appreciate you guys spending the time to listen to us and allow us to answer questions. I would say we did our best to address the concerns of our nearby neighbors. We certainly don't want to go into a situation where we're making our nearby neighbors, that we're going to be part of an association with, unhappy but at the same time, we believe that this is a great use for the area. We believe its additive for the City of Leawood. Unfortunately, I don't know if there's anything we can do to address the underlying concerns of a couple of the residents. I guess we did our best, and I believe we have done the best to satisfy the Planning Commission. I appreciate your time. If you have anything else, let me know.

Chairman Elkins: Thank you. That moves us on to a discussion of the application. Are there commissioners who wish to be heard on this?

Comm. Coleman: In my time on the commission, I cannot remember a period where all the neighbors for a new development were very much against a project, including the property manager as well. With that, I feel for the tenants. This is a big change for the area with the shared parking, but I also do want to point out that there's a very big parking lot to the southwest, which has an intended use for the three existing buildings in

that quadrant. While it's not ideal and not directly in front of the building, it's a short walk. I think it's a viable alternative if there is less parking directly in front of the buildings, especially for staff. I could see them very easily parking in that lot and walking in. I've had much longer walks for my jobs. With that, it meets our guidelines. While the tenants and other owners may not see that this is a good use of the facility, it does meet everything of our LDO. It meets our requirements. I think it's a good addition. Obviously, there's a great need in this area for good quality daycare. I would think they would meet that need. I think it's a good use of the land and of that building.

Mr. Bowdy: Would I have the ability to interject a correction?

Chairman Elkins: We've closed the Public Hearing. I apologize for that.

Mr. Bowdy: There's a misunderstanding of the parking to the Prevail building. That is private property. It is not common area.

Chairman Elkins: Is there a cross easement to that parking?

Mr. Lang: Yes, there is for the entire development.

Chairman Elkins: Thank you. The point I would interject for the commission's consideration is that the public and neighbors in particular have raised questions about the impact that this use might have on their use of their property and the property they've enjoyed since, in some cases, the beginning of the project and also have raised a question about public safety with respect to both the use of the playground as it's configured and to the parking, ingress, and egress from the building. One regulatory tool we have available is the ability, if we think there is a substantial question, of shortening the length of the Special Use Permit and revisiting that after some appropriate time, balancing appropriately the impact on the applicant and their substantial investment but also giving the city the opportunity to revisit the actual impact sooner than 20 years. At this point in time, all we really have is speculation about what we think might happen. One opportunity might be to limit the term of the Special Use Permit to five or seven years and give us a chance to revisit later on. I don't know that I'm advocating that, but I raise it as a possibility. Other comments?

Comm. McGurren: I agree with what has been said. The thing that made me feel better about the conversation we had during the Public Hearing as compared to the subsequent insights was not only that it met the LDO and that staff was in favor, but that the State of Kansas will provide a license and will only do so after having had their onsite review and full assessment, obviously to the intent of protecting children on the property. To me, that's another support mechanism. Your idea of having a shorter time frame and reassessment does seem reasonable.

Comm. Block: With all due respect, I don't like the idea. I think that it is a significant capital investment, and I think we either approve it or don't. I think shortening that time and giving an unknown in five years shouldn't be a factor.

Chairman Elkins: Frankly, that was one of the questions I asked about the term of their license because it would make sense to tie the Special Use Permit to the term of their license. It's unfortunate they're not in a position to share the term of that license. Other comments?

Comm. Peterson: I do agree with Commissioner Block. I don't think we should consider shortening the term of the Special Use Permit from 20 years primarily because the State of Kansas ultimately could close them down within months if they wish to. If there is any hazard to the children or any violation of state law, I would hope the State of Kansas would step in and take appropriate action. I am somewhat confused. I've been in that area many times before, especially because of Sydney's Spa. There appears to be, to the south and west, a reasonable amount of parking available. I do not know what the peak times are because the times I've been there are probably not peak times; however, the large area to the west of Dr. Tally's building and Sydney's Spa is one that I was not aware was not a common area. It is fairly significant. Getting back to Commissioner Block's point, I don't see any reason to shorten the time period on the Special Use Permit. Frankly, if something goes seriously wrong, the most important thing would be the safety of the children. The school wants to protect the license with the State of Kansas and do everything in their power to continue operation. Otherwise, this is going to be a very expensive project for them. That's really the bulk of what I would like to say. I personally propose to support this.

Chairman Elkins: Thank you. Other comments? Is there a motion?

A motion to recommend approval of CASE 68-20 – PLAZA POINTE – GUIDEPOST MONTESSORI – Request for approval of a Special Use Permit, Preliminary Plan, and Final Plan, for a Daycare/Montessori, located south of 135th Street and west of Roe Avenue – with the elimination of Stipulation No. 9 - was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Hunter, Belzer, Coleman, Block, Stevens, Peterson.

Chairman Elkins: Thank you to the applicant and to the public.

Adjourning for a five-minute recess

NEW BUSINESS:
CASE 70-20 – VILLA DE FONTANA – Request for approval of a Rezoning from SD-CR (Planned General Retail), SD-O (Planned Office), and RP-3 ((Planned Cluster Attached Residential District)(6,000 Sq. Ft. Per Dwelling)) to RP-2 ((Planned Cluster Detached Residential District)(6,000 Sq. Ft. Per Dwelling)), Preliminary Plan, and Preliminary Plat, located south of 135th Street and east of Roe Avenue. **PUBLIC HEARING**

Staff Presentation:
City Planner Grant Lang made the following presentation:

Mr. Lang: This is Case 70-20 – Request for approval of a Rezoning from SD-CR, SD-O, and RP-3 to RP-2. This is a Preliminary Plat and Preliminary Plan. The applicant is proposing a residential development consisting of 63 single-family homes. Planning staff is not supportive of this development, as it does not represent the highest and best use for the 135th Street Corridor or the City of Leawood. The project will create two nonconforming properties located in the existing SD-O and SD-CR zoning districts. Building setbacks to residential from SD-O are 75 feet and 125 feet from SD-CR. These zoning districts are also to maintain a minimum of ten acres. The proposed application does not conform to the LDO, stating that private streets shall be built to public standards, as the current infrastructure was built with commercial development in mind. The proposed application does not conform to the LDO stating lots fronting on a cul de sac shall maintain a frontage of 45 feet on the turnaround and 100 feet at the building line. Lots shall not have a depth greater than three times the width. The application does not meet all requirements per the LDO and Golden Criteria. Staff recommends denial of Case 70-20 with the stipulations listed in the Staff Report. I will answer any questions.

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

Comm. Block: We had a revised Staff Report on the dais. It looks like the only addition was on the fourth page with lot widths. Is that the only addition?

Mr. Lang: Yes, and I believe Staff Comments include the definition for 16-8-6.1, relating to hardships and special requests.

Chairman Elkins: I believe Mr. Lang sent out an email to the commission early this afternoon about it.

Mr. Lang: It might have come from Mark Klein.

Comm. McGurren: I'm curious. This has a bit of the undertones from a case we had last month where land sits almost exclusively vacant. What had originally been intended within the Comprehensive Plan or 135th Street Corridor Plan has never happened on this property. I was curious if staff had a conversation with others within the city or with the applicant. Even though it does not meet the Comprehensive Plan or the 135th Street Plan if it did meet the LDO if there were adjustments made by the applicant, would this come closer to staff recommendation?

Mr. Lang: I don't believe it would as this use is comprehensively planned for MX-D.

Comm. McGurren: To me, that goes back to the idea that the Comprehensive Plan hasn't worked for 20 years or more, and we end up with all this land just sitting there. In the case of this property, it looks quite odd when all the streets and everything are all ready to go and only one or two buildings have been built and obviously a minor portion of what was intended on this property. I fully get the concept that says that this isn't what it was intended to be. On the other hand, I'm curious if there has been much of a conversation

of beginning to adapt to what might be more realistic. For example, when we look at the plan that Mr. Regnier paid for. None of what we want on this property is currently viable. What Mr. Simpson is bringing is listed as viable in the marketplace. That was before the pandemic and not after. I'm just curious whether the Planning Department is beginning to have more of a conversation about whether or not the Comprehensive Plan or 135th Street Corridor Plan is viable.

Mr. Lang: At my level, I don't believe any of those conversations have happened. We might refer to Richard or Mark on that one.

Mr. Coleman: First, we weren't approached to ask about the use of the property. The plan was submitted as you're looking at it. We would have looked to have probably some of the residential south of 137th Street and then have it transition into some commercial, some small retail and other residential north of 137th Street. Not only does this not meet the Comprehensive Plan, as it is, it's creating nonconforming parcels of land, which is against the LDO. They're going to ask you to overlook that. Our recommendation is not to overlook it.

Chairman Elkins: Thank you. Other questions for staff? If not, I would welcome Mr. Petersen.

Applicant Presentation:
John Petersen, Polsinelli, PC, 11817 Norwood Drive, Leawood, appeared before the Planning Commission via Zoom on behalf of Fontana Land Co., LLC and made the following comments:

Mr. Petersen: Mark Simpson and Saul Ellis are very familiar names to the City of Leawood for residential developers for foresight, uniqueness, and quality. We're pleased to bring this application before you. I'm going to ruin your evening tonight and make a point to explain why I'm going to pick up my case tonight. I am the applicant for every remaining agenda item. I know how packed your agendas have been, so I'm going to try to really go through this. Not to be rude or dismissive, but I want to get my presentation in and then be happy to answer any questions so maybe we can get to some of the other applications. I want to start by talking about the context of this application. Commissioner McGurren, thank you for bringing us back to a sense of reality, to look at 135th and Roe and the application of this use against a thought and idea that has had 20 years to come to fruition. This isn't land planning, but this story will put into context and allow you to understand why we are bringing this forward. I'm going to make a contradiction of staff, who says it's not in compliance with the LDO. That's not true. It is in compliance if you use some of the features and some of the mechanisms in the LDO, which allows the Planning Commission and City Council to exert discretion in a unique set of circumstances. The story is represented by the beautiful fountain at 135th and Roe, which is probably one of the more iconic features in the corridor and one of the few vertical features. That fountain is almost analogous to a monument over a battlefield where a battle was lost. The battle plan was the Comprehensive Plan. It wasn't the 135th Street Corridor Plan; it was the plan from the early 2000s that said to build a bunch of

commercial, have it inward focused, pack it up with density, and make it walkable inside. That was good street design and all those things that were the idea of the day before we decided to double down on the idea with the 135th Street Corridor Plan and go vertical. That plan with the street system was there in good times, through some bad times, and also through the greatest development atmosphere I've ever experienced before COVID-19. This plan was marketed. People tried to do it. Fifteen years later, its one fountain, one office building in the southeast corner, and one building in the northeast corner. The bank couldn't survive, so now it's being utilized for office. We're trying to be creative to bring a win not only to this landowner but also to the city. This piece of ground is in the deepest financial hole you'll see as a Planning Commission. To create that grid system, buy that land, put the sewers in, put the streets in, the developer went hard, close to $10 million. This is an epithet over this dead battlefield of overleverage, overutilization of public money. The public, including the City of Leawood, the county, and all the taxing jurisdictions in Johnson County were not paid back. One TBD bond issuance, three SBD bond issuances totaled almost $7 million. There were two bank foreclosures, and defaulted bonds. The SBD bonds did not default because the City of Leawood started picking up the tab. Property taxes haven't been paid. $1 million of general real estate property taxes are in arrears. The City of Leawood is approaching $2 million out of pocket to continue to pay the general obligation bond that was the risk factor to see if commercial in this type of density would work on this property. Finally, those bonds are still outstanding. We have a very unique approach. We're not asking for incentives to tackle the problem. We're asking for the opportunity to bring a project forward that is viable, actionable, will be a great addition to a different type of residential use in the mosaic of the 135th Street Corridor, will help other retailers who are struggling, and will help bring some retail to other projects that have already been approved. Before we begin, we'll write the city, the county, and all the taxing jurisdictions a check in the neighborhood of $3 million, filling in the financial abyss, and taking over the responsibility for the outstanding general obligation bonds. We have a product there is actually a market for. It is not a theory or a plan; it is something that can be acted on.

We're going to utilize the street grid system and improve it with some eyebrows and small cul de sacs. We're going to bring the flair and panache of Mark Simpson and Saul Ellis. We're not just going to create some residential to solve the problem; we're going to follow up on the iconic nature of the fountain and create an iconic piece of the puzzle of the 135th Street Corridor. Because it's on a thoroughfare, there will be a wall system around the thoroughfare portion. We're going to pick that theme of the fountain up. The wall will be used for retaining, for part of the grading, and as a buffer from the thoroughfares. It is also going to be part of the décor and the theme and elegance of the project. Our grand entrance is off 135th and Granada. The fountains and statue will be a hallmark of this project. On the right is the wall system with a design that will be incorporated into the wall as the wall moves from the main entrance back to the west toward Roe.

Next is an idea with new eyebrows and cul de sacs. Each street addition will be a place for a fountain or piece of art that will pick up distinctive character and flavor for the 63-lot neighborhood. On the south part of 137th had a multi-story senior care facility approved. We're planning to put one new cul de sac in with seven lots surrounding the cul de sac. We have two lots that will access directly onto 137th Street moving next to the

cul de sac, and then two more lots are farther east. The area is also going to be the amenity area. It's important to note that we have a wall around the project because of the interface with the thoroughfares primarily and becoming part of the art of the project. We're not trying to be so exclusive that we don't want people coming in. We brought the amenity areas out that will be visual improvements for those using the bike-hike trail along 137th Street. Also, the public will be welcome in one. Tract F, which is farthest west, is going to be a Pitch and Putt. It is styled and designed appropriately with a synthetic grass surface and a bunker to do short putting and pitching. The quality of the synthetic grass is unbelievable. It will be a wonderful pocket visual amenity. Tract G to the east will be accessed by the public more often. It will have Bocce, Pickleball, yard bowling, and a pavilion. It is going to be a great open amenity area along 137th Street. There will be a sun shade for the bike-hike trail and a place to sit.

There will be three builders for the project. In terms of size and value, it is 2,200-2,600 square feet on the main floor, 1,200-2,200 on the lower floor, depending on if there is a walkout and if people want to utilize the lower level, with a price range of $800,000-$2 million. These will be the villa concept with concierge services. It is another nice piece to bring interest.

We'll move to the issue staff raised. I'm going to move through these quickly, and we can talk about the ones you want to talk about. I made the best case I can make that this is going to be a unique housing addition, but this is the type of project with the flexibility that can fill the financial abyss before we start. Millions of dollars that were expended due to prior developer's failure will be paid. It wasn't these developers. We have a needle to thread and a piece of thread that will be good, but we just don't have all sorts of perfect flexibility to make it nice and tidy for staff. They go to their code where you have the flexibility to work with us. We must use the existing infrastructure. We must officially maximize the site in terms of setbacks. We need to develop and sell 63 lots. I'll emphasize one more time that we designed and can build it within the parameters of the LDO.

Forget the 135th Street Corridor Plan. With all due respect to all those that want to hold out for it, this site is not going to develop in the model of the plan in our opinion. You have heard testimony from other developers and a nationally respected company that did a feasibility study. It's not going to happen. The shopping center with Gaslight Grill has retail, and it still has 40% of the project that hasn't been built yet because of the market. Take the ones that are already zoned and approved and add in the Cameron project and the Lashbrook project that has retail as a part of it. From Roe to State Line is 1.8 million square feet of commercial.

The takeaway from the study done on the 135th Street Corridor is that retail is 300% overbuilt for the area. I not only am going to bring an excellent residential plan; I'm going to suggest that bringing 63 new residences to this corner, within a five-minute walk to the built retail that is struggling, within a five-minute walk to the retail zoned to the east, and a 15-minute bicycle ride down 137th Street to another 700,000 square feet of retail that is approved or pending approval is an asset.

Staff raised some issues. We have two residential-style office buildings on the northeast and southeast corner. Staff says it is out of compliance because it doesn't meet requirements. No. 2 indicates, "The project shall comply with the bulk regulations for SD-O and SD-CR." We're rezoning to RP-2. Those are requirements for an office or CR

commercial development that would not be able to build office buildings too close to residential. The buildings are there. We're bringing residential. With a villa concept, the buying public is okay with snuggling up a little closer to a non-residential use, particularly with a residential-style office building. We're going to use it with buffering our wall system and landscaping. We're going to make the transition just fine. It isn't going to be neighbors asking why you let the office building get built this close to their houses. This stipulation should be deleted because it's not even applicable to our application because we're not operating under that zoning. By the way, the owners of both office buildings support our project and have, in fact, written letters of support. Stipulation No. 8 talks about the new cul de sac or the mini cul de sacs in the main part of the project and how we need to build them to the same standards. I'm good with that. If I read it right, they're saying to tear out the streets.

The next issue is the existing private streets. I could read Stipulation No. 8 as staff saying that the mini cul de sacs are built to exact city standards, which is something we're doing, but it seems to read that we should tear all the streets out and start over from scratch. We're going to pay $3 million or more to pay for the streets and get the public off the hook for the streets. This doesn't work if we tear the streets out. They work fine. They're going to be private drives. To tear those streets out would mean tearing out all the stormwater, all the utilities, and it's a deal-killer. We don't have to do that. The code allows, under a rule exception, that you and Governing Body have the discretion to wave requirements that the streets are as perfect as they could be if they were built on a virgin piece of dirt and started from the beginning. In our Revised Stipulation No. 8, that is what we are asking to do. All new street construction, we will do to city standards. We'll repair the existing streets. We've had them evaluated by O'Donnell and Sons, who indicated they were in great shape. Given the financial constraints of this project, that's how we must move forward.

I'm moving fast and may sound frustrated, but I know there's a lot on the agenda. I'm a little frustrated by the situation with the cul de sacs and two issues: we have to work to keep the front yard along the street at 45 feet, which we have, and the build line of the house can have a deviation to from 100 feet to 80 feet, which we did on 13 of the lots. Staff is recommending denial because they don't support that deviation. They granted the deviation for front yard setbacks because they always do with villa projects. They've recommended approval on this exact same configuration with Village of Leawood, Hills of Leawood, Leabrooke Town Manor, Hallbrook. We would modify Stipulation No. 11 to allow us to have that deviation.

We have one lot in the southeast corner where the back yard runs up against 137th next to the office building. You can see it's a fairly deep lot. It's deeper than the typically preferred minimum. It's good for that house because of the location. Staff says the lot is too deep. To cure that, all we would have to do is draw a line from east to west at the perfect depth of that lot and have a dangling tract of grass that is inefficient. Again, a rule exception would allow this. We would ask for a deviation for Stipulation No. 11.

We had a cul de sac coming off 137th for seven lots. We have four lots that face onto 137th. Two of them, we were able to put an eyebrow system off 137th to access the drive. We don't have the depth to do it for these two lots because we promised the neighbors to the south that we would stay out of the original no-build area beyond the setback that runs along the south property line. Its two drives that we would require side-

entry garages with a turnaround, which would logically tell you the cars would enter 137th. This is minimal traffic impact. That would be a modification to Public Works Stipulation No. 1A.

The last issue involves an exaction in place in 2002 that the commercial developer of 300,000 square feet of retail would pay $140,000 toward the future light at 137th and Roe, which is the street that goes west toward Church of the Resurrection. Their share of it would be $140,000, so we are proposing to pay $70,000. Staff is stuck on the 20-year-old estimate. That is all I have. I went through it quickly for a number of reasons. I tried to be as direct and to the point as I could. We ask for your support to move us on to Governing Body to solve past problems and create new opportunities for the corridor. I'd be happy to answer questions.

Chairman Elkins: Thank you. Questions for Mr. Peterson? I guess I get to start. You have appeared repeatedly on behalf of a number of clients who have challenged the potential success of the Comprehensive Plan and the 135th Street Corridor Plan. You've made the case repeatedly before this commission that it is not workable and that we should contemplate exceptions. The commission and City Council revisit the Comprehensive Plan on an annual basis. As part of that, the 135th Street Corridor Plan is a subset. Every year, when we look at it, we hear from staff. We have a working session on it. We then have a meeting and Public Hearing, in my recollection, I don't recall you or your clients ever approaching us about a comprehensive approach to revising the Comprehensive Plan. I'm putting you on the spot by asking why not. These plans must have been on the books for at least a year. Why not take advantage of the process and take a comprehensive approach rather than a spot approach?

Mr. Petersen: It's a legitimate question, and it's not unique to Leawood. You don't have developers and representatives on spec just for the good of the order going to cities and saying that something isn't working. They wait until they have a viable project that challenges it. The plans are guides, visions, and in some ways, hopes. It is a challenge to try to take some pieces and move forward. Overland Park did it with Vision Metcalf. Every corner has a ten-story building with a parking structure. Pieces of it were taken. There are still fast-food restaurants along Metcalf, and it's a flavor. The theme is the mixture of uses. I had the client that owned this property before these guys. He came to a session and pointed out that mixed-use wouldn't work without a lot of incentives. There is no office market here. There is too much retail now, and it is never going to be an office building of any significance. You talk about walkability, multi-family, villas, attached villas, townhomes, and single family. All the pieces come together with a submarket for some leisure and retail opportunities. That is how it works, just like it did with the Lashbrook project. Today, the Master Plan has been changed to reflect the Lashbrook project. The 135th Street Corridor is not the Master Plan. It is a planning tool. My client knew the consultant that did your study.

Chairman Elkins: You talked to us about Tracts F and G as amenities. I note that there is a Tract A along 135th Street. Can you tell us what's planned for that?

Mr. Petersen: That's our dog park to be utilized by the residents primarily because of where it's located. It's a nice area with a sidewalk and an area for the dogs.

Chairman Elkins: That will be a private dog park for the residents of the Villa de Fontana group?

Mr. Petersen: I think, given its location that is the way it will be utilized. There won't be restrictions that say the public can't access it.

Chairman Elkins: You mentioned Tract G would be available to the public. Would Tract F be as well?

Mr. Petersen: That, we would probably leave up to the residents to decide. What would be more likely to be open to the general public would be the Bocce area.

Chairman Elkins: I'd like to ask you to comment on the value and size of the homes that your clients are contemplating. They certainly fit with what we like to see in Leawood. Part of the 135th Street Plan and Comprehensive Plan have always suggested that some sort of buffer between 135th Street as it exists today and residential units should be considered. Your client is contemplating six, if not eight $850,000 homes that back onto 135th Street. Can you talk about the financial feasibility of that?

Mr. Petersen: First of all, anything facing the two thoroughfares will have a wall system that is decorative and quality and extensive landscaping. These gentlemen know this market, and this is not affordable housing. This is the Leawood residents who like being at 135th and Roe. They still want to walk to Gaslight Grill and the retailers. They like being in the center of things, but they want a little buffering and something that is special. Meadowbrook is not much different. It sits off Nall just of 95th. The kind of living may not be to every person's liking, but there is a market for this size.

Chairman Elkins: Thank you. You found a provision in the LDO that I was not aware of, so I need your thoughts in a bit more detail. It relates to 16-8-6.1 and the rule exceptions. To paraphrase my understanding, it permits us, in the event of finding a substantial hardship or inequity, to permit a variance from design requirements, but it specifically calls out that the exception does not apply to procedure or improvements. You can correct me, but my sense is that the streets themselves constitute improvements. How do I get from the requirement around the specifications for the private streets that we currently have to your exception, given that there is a proviso in the exception that it cannot be used to modify the requirements of improvements?

Mr. Petersen: You're right that it is our provision. Also, one of the other requirements is so that the public welfare and interest of the city is protected. In this case, that is the reason I spent some time bringing the city back on this whole commercial endeavor. Remember, we are not making an improvement to the streets other than maintenance. We want a rule exception for design. The streets we are building are to the exact city standards and city design. We are asking for a variance from said requirements of design.

Our streets are slightly narrower than a city street, and obviously, because they're private drives, we don't give the same amount of right-of-way. We have utility easements. They fit perfectly with the villa concept. We're asking for a variance from the design requirements. The reason staff is suggesting a stipulation, I think, is that they don't meet the design requirements.

Chairman Elkins: How much narrower are the current streets from what is typically required?

Mr. Petersen: 2 feet.

Chairman Elkins: Are there other deviations from the specifications that the city requires of the streets, other than just their width?

Mr. Petersen: It's mostly the amount of right-of-way to get sidewalks in, which doesn't fit as well because it pushes the front yard back and doesn't work as well in the villa. If you built the street today, there may be some different specs with some of the asphalt mixes used. These streets were designed to handle commercial traffic, and we're going to do a typical maintenance of them with milling the top and adding asphalt to bring them to absolute an "A"grade.

Chairman Elkins: What circumstance, in your reading of 16-8-6.1, would the "but not of procedure improvements" apply to?

Mr. Petersen: I have to be honest; I don't understand that phrase. I'm not building anything here; I'm just going to maintain it.

Chairman Elkins: Would you agree that the streets and infrastructure put in by the prior developer would constitute improvements?

Mr. Petersen: Yes, but they weren't seeking a rule exception, and they were approved. I doubt if, magically, someone wanted to use the street system, staff would say that we didn't use the right asphalt mix that we use today, so the streets would need to be torn out. I think maybe they don't like it because it's against the Master Plan. I think we're on firm ground to use the rule exception. I think its common sense. It's not going to do anything to detract from the quality of the project. We're going to pay the $1.5 million that was already paid to put in the streets and then another $1.5 million to solve a problem that will remain exactly as it is today because of that deep financial abyss. That is the concept under hardship, welfare, and interest of the city. Let's do something to solve the past mistakes and bring something cool and viable to the corridor.

Chairman Elkins: I understand that. The question I asked was if the streets are an improvement.

Mr. Petersen: Well, if you want to say it is an improvement as a noun, yes. I think the ordinance speaks to improvement as a verb.

Chairman Elkins: Pretty rare to have an "S" on it and still be a verb, but I follow your thinking.

Mr. Petersen: Would you agree that it's motion and moving forward?

Chairman Elkins: You made the point earlier that the hardship or inequity that would form the basis for the exception is the burden of removing the streets and replacing them with streets of the proper width. Is that correct?

Mr. Petersen: Yes.

Chairman Elkins: Is there anything else to point us to as a basis for meeting the substantial hardship or inequity test?

Mr. Petersen: Storm sewers would have to be moved, and utilities are already in place that would have to be moved. Honestly, as a city, utilizing this rule exception, I don't think it is necessarily just a substantial hardship or equity of the developer; I would make the case that the city is left holding the bag of over $2 million in general obligation bonds paid and another $2 million left to pay for this to sit and $1 million general property taxes that haven't gone to our schools or libraries. That is a hardship to the public at large that needs to be rectified.

Chairman Elkins: Thank you. Could you move to the slide that indicated the action items? I want a clear sense for the record of which of the action items you want us to apply the 16-8-6.1 exception to.

Mr. Petersen: The rule exception approach would be Lot 62 in terms of its depth, which is a unique circumstance, and the hardship is that the lot will look exactly the same but will just sit there. It's a lot we can sell that will keep the house a distance away from 137th Street. We want it for the private streets.

Chairman Elkins: That is Stipulation No. 8, correct?

Mr. Petersen: Stipulation No. 11 is the lot depth; No. 8 is the private streets.

Chairman Elkins: It is the second, third, and fourth bullets you would ask that we apply the exception to.

Mr. Petersen: There's a mistake on this. Stipulation No. 11 with the 80' wide building line is really a deviation. Staff initially said that needed to be a rule exception, but it has now changed to deviation.

Chairman Elkins: It is the second and fourth bullet.

Mr. Petersen: Yes, and the deviation is the third, and it has been granted on the projects I mentioned before.

Chairman Elkins: Thank you. Do any other commissioners have questions? If not, this requires a Public Hearing as a result of the request for Rezoning. I would reiterate the standing practice that comments be limited to four minutes. I do not believe that any member of the public cared to comment.

Public Hearing

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

Chairman Elkins: That takes us to discussion on Case 70-20. Comments from the commissioners?

Comm. Block: Overall, it's a nice plan with good use of a hard-to-use area with existing streets. As I've said on previous cases in this corridor, if it doesn't comply with the Comprehensive Plan and 135th Street Community Plan, I don't feel comfortable approving it. Leawood doesn't have much land left, and since so much was put into that plan, at this point, we should follow it and wait for something that comes along that fits it.

Comm. Coleman: I was reviewing my packet over the weekend, and I saw that this was single-family houses on 135th Street and wondered if I was reading it right. This doesn't even come close to the 135th Street Plan. I agree that Leawood needs housing like this. We've seen villas coming through time and time again. Obviously, there is a need for it; however, like Commissioner Block, we have certain regulations and rules that we need to follow as a Planning Commission. One is the LDO; one is the Comprehensive Plan, which includes the 135th Street Community Plan. To my knowledge, we have not started a new committee to look at any of these things. As the chairman said, we have an annual review of the Comprehensive Plan, which includes the 135th Street Community Plan. We don't get input written or in person. That is the opportunity. If this plan is not viable, we can take another look, but it is what we have to go on right now. As far as I'm concerned, this development has merit, but it is spot zoning. With that, I cannot support it in its current form.

Comm. Peterson: I really do appreciate the study brought in by Mr. Regnier. It led me to question the whole 135th Street Plan. I believe it needs to be revisited and probably very quickly. I shared that the full 208 pages that I was able to find on the web have a lot of interesting statistical data. Mr. Petersen makes some interesting points. Where have we gone in 20 years? This land is still basically undeveloped. In the current environment, office space is beginning to crater. Retail space is also under a great deal of pressure. There is a significant need for this type of residential development. I believe that the 135th Street Community Plan needs to be addressed sooner rather than later; however, I

must absolutely agree with Mr. Petersen, and I greatly appreciate the comments from Commissioner McGurren. We need to look at this. I basically am fully in support of this plan and the deviations they request.

Comm. Stevens: I feel Commissioner Block and Coleman said the very same things I would say. Single-family development right on the edge of 135th Street and surrounded by commercial seems inappropriate. I can't get past the nonconformance items of the LDO, Comprehensive Plan, and 135th Street Community Plan. Then there are compliance issues with the Public Works memo. For those reasons, I am not supportive.

Comm. McGurren: First, I'd like to thank Mr. Simpson and Mr. Petersen for bringing a viable option that could finally enable this land to be put to productive use. It is obviously a blue-sky scenario that we would look at a plan that brought residential to the area, where the other forms of development have never panned out if this met the LDO and the Comprehensive Plan, or the 135th Street Plan had been adjusted or updated. I get the logic that says developers ought to ask for changes to the plan, but on the other hand, I would hope that the city would be proactive enough after 20-some years to realize that certain things aren't going to happen and make necessary adjustments. We all sat at a meeting a year ago where we sent people out to Colorado and Lee's Summit and found developments that were a bit different than this one. They plotted them on existing 135th Street land and showed us what had been built in Lee's Summit that was more in the $400,000-$500,000 range that would allow people to downsize and stay in Leawood would fit on these parcels of land. There's a part of me that wonders why we keep sitting here having the same conversation, and yet we say we have a goal that would enable us to utilize this land. I think it's a little odd to forget that Hallbrook homes that are of higher value than these sit on State Line and 119th Street with the appropriate landscaping screening, and everybody thinks they are fabulous. I don't see any reason why a development like this couldn't be built on 135th and 137th Street. We basically move into a logic that says that we're not going to have everything in mixed-use in every spot on 135th. We're going to have mixed-use along 135th, and we're going to have developments that are viable and finally fill in this land over some period of time. I would love to be able to say I would vote for that type of plan. Yet, it needs to meet the LDO, and it needs to get the appropriate deviations. I asked staff about whether they would lean toward an approval if the project was not deviating from the LDO but did deviate from the existing Comprehensive Plan. The same question could be asked of the applicant. Would you sign up for the staff stipulations? Obviously not, but it seems that there should be middle ground that would enable this land to finally be put to appropriate public use. I think we're going to come to the conclusion at some point that we should have been reacting much sooner to the market conditions that exist. I, too, would be unable to support the plan as it exists without the changes that staff recommends, but I also would have hoped that before now or subsequent to now, there is a lot more conversation about how we get to the point that the plan becomes one that is approvable.

Comm. Belzer: I agree with Commissioners Peterson and McGurren that it is time for us to start looking at things differently and what the market is going to support. This may not be the exact intended mixed-use that is part of the 135th Street Plan, but I really feel

that, based on the amenities and the things that are open to the public and the likeness to Meadowbrook, this proposal has a very strong sense of place that would bring community together. I feel, like Commissioner McGurren, that there needs to be middle ground. I'm not sure how that gets solved here tonight, whether it's Mr. Petersen and Mr. Simpson deciding they can work within the LDO or how that all works out. I so want to support this plan, and I'm not sure I can the way that it is right now. I really feel very strongly that we have to look at our 135th Street Community Plan sooner rather than later.

Chairman Elkins: Thank you. We're coming up on the 9:00 hour. Is there a motion to extend the meeting?

A motion to extend the meeting for 30 minutes was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Hunter, Belzer, Coleman, Block, Stevens, Peterson.

Chairman Elkins: Any other comments relative to this case? I'll make some comments. Some were indicated by some of my questions. I will confess to a certain amount of frustration. Mr. Petersen expressed frustration by a number of his developer clients as he has appeared. Both statutorily and as a matter of common sense, land use planning should be done on a comprehensive basis. That's what a case long ago taught us. That's become a hallmark of planning around the United States. I understand that the developers have been frustrated with the city and with this commission, but we have a statutory process that is mandated by the State of Kansas for us to revisit our Comprehensive Plan on an annual basis. I've served on this commission for more than a decade, and I cannot recall an instance when a developer chose to participate or address their concerns about our Comprehensive Plan. We had the workshops with respect to the 135th Street Plan, and a few developers attended that, but this is an annual thing, and it's frustrating for us to be asked, on a piecemeal basis, to come in and make decisions. We're not bound by statute. The Comprehensive Plan is not something we're mandated to follow, but it is something we should pay heed to. Mr. Petersen and his clients have made very persuasive arguments about the viability of the city's commitment to mixed-use in the traditional manner. Certainly, this commission has indicated a desire to revisit that. We can't revisit in a vacuum. We have to have participation by the public and by the development community. For whatever reason, the development community has opted not to do that. The potential outcome here is exactly what Commissioner McGurren spoke to. We have the potential, if we were to approve this plan, to have one housing development along 135th Street that backs onto that. With the other developments Mr. Petersen's clients have proposed, the rest would be either commercial or office space. Again, trying to abide by the spirit of the mixed-use idea in other context, we have approved the use of that space directly contiguous with 135th Street for commercial and office uses as a barrier toward residential uses deeper in, especially to the south. This is exactly why it is difficult for us to move forward on a case-by-case basis. Having said that, I commend Mr. Ellis and his partner on this plan. This is more again to redevelopment than it is to what has been the history of development in Leawood for the last 75 years. It's not true redevelopment because we're not tearing something down, but this is space that the city and a parade of developers have invested in. It hasn't failed because of time; it has failed for lots of other

reasons. This is essentially along the lines of redevelopment. That's why, in many cases, despite my frustration, were I to vote, I might well support this. Having said that, I think we need to approach this in two respects because of this unusual power that we suddenly find ourselves having with respect to recommending an exception to the rules. I have my concerns about whether it applies to the streets, but I will say that I think the idea of tearing out the streets, utilities, and stormwater infrastructure would certainly qualify for the standard we have with respect to the exception in Section 16-8-6.1 of the LDO. I would suggest that we have an obligation to take up and consider the applicant's request for a rule exception with respect to those two stipulations. What I would ask the commission is to suspend your thoughts about the project overall and consider whether, in the event that we did decide to move forward with this plan, we would be willing to support the application of the exception. I'd ask for conversation from the commission with respect to that specific request.

Comm. Block: Only as it applies to the roads?

Chairman Elkins: We can take them up one at a time. The other had to do with the depth of Lot 62.

Comm. Block: As it relates to the roads, I think the roads can stay, and a deviation is fine. As far as the lot is concerned, as I mentioned, I don't think this plan fits this space, so I wouldn't want to give a deviation on that.

Chairman Elkins: It's a fine point, but it's a rule exception as opposed to a deviation.

Comm. McGurren: Mr. Petersen made the point that an exception similar to that requested on Lot 62 has been done in other places. I believe he referenced Hallbrook, where the 100 was reduced to 80. Was that something the city can confirm?

Chairman Elkins: Just to clarify, the frontage from 100 to 80 feet is in the nature of a deviation. The lot depth, which is the second part, is the matter that requires a rule exception. Does staff have a recollection of a rule exception such as this?

Mr. Klein: Honestly, I can't remember the instance. I know that Hills of Leawood used the deviation for the 80' lot width, but I don't recall one with the rule exception, though.

Chairman Elkins: Mr. Petersen, I know we don't typically let you speak once we get to discussion, but are you aware of an instance in which the rule exception has been applied to the lot depth?

Mr. Petersen: I can't; it just seemed like such a simple issue. I didn't do the research on that. The deviation we asked for on the 80 feet, Mark mentioned one. There are four other subdivisions that they have supported the 80' build line. That is commonly supported by staff.

Chairman Elkins: Thank you. Any other comments about the rule exception?

Comm. McGurren: I would support both of those rule exceptions.

Mr. Scovill: I just wanted to bring to your consideration that, when these roads were constructed, they weren't required to be constructed to city standards. At that time, the city standards did include utilizing things like the Kansas City Metropolitan Materials Board for Concrete. These curbs are not to standard. They are built with substandard materials like poor-quality limestone. We've gone through the city and replaced a lot of the public curbs that were built with that years ago. Another item I might point out is Public Works hasn't seen any information regarding the condition of the road. I would just mention that we would like to evaluate the condition of the road. We just don't want to get into a situation where these roads are passed on to the residents of 63 properties and then later, they can't afford to maintain them. If the road isn't built to the thickness required by standards, which we don't know if it is or isn't, it could be a substantial hardship on those residents.

Chairman Elkins: Thank you. Mr. Petersen, would you like to respond?

Mr. Petersen: They were built to standard. We had the roads inspected by O'Donnell, one of the leading street construction groups in the city. Once they do the mill and overlay, they'll operate at the same level of serviceability as a new public street. By the way, these are private streets. There is a provision in the code that speaks to utilization of private drives and private streets in a villa-type project with all protection built in for the city, including that anybody can't get an occupancy permit until they acknowledge that they are on a private street and it's their responsibility to maintain it. We have reserve funding in place. We're required, as part of this application, to submit a CCNR, in which is the ability fund the streets. This is a red herring.

Chairman Elkins: Thank you.

Ms. Knight: I just wanted to make the commission aware that it is in your Revised Staff Report on Page 6 that it isn't merely something that sounds like a good idea; the commission has to find an unusual hardship, the tract to be subdivided is an unusual size or shape or is surrounded by unusual conditions that strict application would result in a substantial hardship. That section was written in such a way that the intent may not cover this. Mr. Petersen was saying the hardship may be to the city at one point, but if you read on, it says that there must be a finding of unusual hardship. You would have to make that finding on the record, and it does require a vote of ¾ of the commission membership, which would require seven.

Chairman Elkins: Thank you. Additional discussion around this idea of rule exception or deviation?

Comm. Block: I find that pretty compelling with what Mr. Scovill said. As a resident of a neighborhood with a small homeowners' association, I wouldn't want to buy an $800,000 house and then think the streets would be fine, only to find out that 2-3 years

later, all the curbs would need to be pulled out. How were the streets put in, in the first place if they didn't meet city standards?

Mr. Scovill: At that time, we did not require private streets or private developments to be built to city standards. That requirement came around 2010 as I understand.

Comm. Block: I guess getting more information would be important. We don't have a report or anything. The contractor has told the applicant that they just need a mill and overlay, but I do think there's something to be said about the city inspecting before we take action.

Comm. McGurren: I would agree.

Chairman Elkins: I think what I would like to do is take these up one at a time and get a decision on them. Is someone willing to make a motion with respect to Stipulation No. 8? The motion should include a reference to a substantial hardship that justifies application of the 16-8-6.1 rule exception. Hearing none, the idea dies for lack of a motion. I take up the second issue, which relates to the deviation relating to the frontage on cul de sacs. It is a reference to Stipulation No. 11. Would anyone care to make a motion recommending approval of a deviation with respect to the frontage?

Comm. McGurren: Is this in reference to the 100 feet to 80 feet on all lots that would be reduced?

Chairman Elkins: Yes, it approves a deviation to allow Lots 12, 14-17, 21, 54-56, 61, and 62 to provide a minimum frontage of 80 feet at the building line.

Comm. McGurren: If we had a validation from the department that it has occurred in four other locations over time, I would gladly provide my recommendation that we provide that deviation, but I'm a little reluctant not knowing if that is the accurate truth.

Mr. Klein: The deviation has been used in other developments in which staff was supportive. In this case, staff is generally not supportive of the application overall.

A motion to recommend approval of the deviation to allow Lots 12, 14-17, 21, 54-56, 61, and 62 to provide a minimum frontage of 80 feet at the building line – was made by McGurren; seconded by Peterson.

Comm. Block: I'm going to vote against it. I don't think we should be setting policy. I'm going to vote to deny the application, so I don't think setting a standard for changing the rule exception is appropriate. I think we should take it up and change the ordinance if that needs to be done aside from this so we can understand those other scenarios and not take it on blind faith.

Chairman Elkins: The pending motion is on a deviation, which we do regularly. It's not unique at all.

Comm. Block: But if I don't support the underlying application, I don't know why I would approve that.

Chairman Elkins: To inform the City Council. Part of our function is to advise them on how we feel on these things. Any other comments?

Motion did not carry with a roll call vote of 4-3: For: McGurren, Hunter, Belzer, Peterson. Opposed: Coleman, Block, Stevens.

Chairman Elkins: That takes us to the third item, which is the rule exception. Commissioner Block's points are well taken there. With respect to the approval of a rule exception under 16-8-6.1. In order to recommend this to the Governing Body for approval, we must make a finding that there is substantial and unusual hardship in enforcing the lot depth requirements of the LDO. I will admit that I'm not sure I've heard what the hardship is with respect to that particular provision. Is there anyone who would like to make a motion and propose unusual hardship? I don't want to put words in the applicant's mouth, but my sense is that the applicant would tell us that the hanging piece of property would be the hardship. Is there such a motion? If not, that idea dies for lack of a motion. That will take us to consideration of Case 70-20.

A motion to recommend denial of CASE 70-20 – VILLA DE FONTANA – Request for approval of a Rezoning from SD-CR (Planned General Retail), SD-O (Planned Office), and RP-3 ((Planned Custer Attached Residential District)(6,000 Sq. Ft. Per Dwelling)) to RP-2 ((Planned Cluster Detached Residential District)(6,000 Sq. Ft. Per Dwelling)), Preliminary Plan, and Preliminary Plat, located south of 135th Street and east of Roe Avenue – was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Hunter, Belzer, Coleman, Block, Stevens, Peterson.

Chairman Elkins: I believe this next case is moot for lack of approval of a Preliminary Plat and Preliminary Plan.

CASE 81-20 – VILLA DE FONTANA – Request for approval of a Final Plan and Final Plat, located south of 135th Street and east of Roe Avenue.

Mr. Petersen: I'd like to try to short-circuit this. First Ascent is under a time constraint, and I'd really like to try to get that considered by the Planning Commission tonight. We would ask that you take the action to deny the Final Plan and move it to City Council. We'll have them look at this. There's one shot, and if it doesn't work on October 12, this property will go into bankruptcy. We need to get the Final Plan up there to keep the procedure going. We have bonds in default. We have all sorts of intricate financial measures. We need a final decision on the 12th. With that, you're going to deny. We'd ask for a vote to deny and send it on.

Chairman Elkins: Do I have authority to do that?

Ms. Knight: You can consider and deny it. The October 12th Governing Body meeting is a special meeting. I don't know that it's set specifically for this case; it was just due to the backlog.

Chairman Elkins: Mr. Petersen, would you ask that the record that was made on the Preliminary Plan be included as the record for Case 81-20?

Mr. Petersen: I so request; thank you.

Chairman Elkins: The chair notes that the record made for Case 70-20 shall become the record for Case 81-20 as well.

A motion to recommend denial of CASE 81-20 – VILLA DE FONTANA – Request for approval of a Final Plan and Final Plat, located south of 135th Street and east of Roe Avenue – was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Hunter, Belzer, Coleman, Block, Stevens, Peterson.

A motion to extend the meeting for an additional 30 minutes was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Hunter, Belzer, Coleman, Block, Stevens, Peterson.

CASE 75-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.3, SD-CR (Planned General Retail) - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to building heights within SD-CR (Planned General Retail). **PUBLIC HEARING**

Staff Presentation:
City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: You may remember from the August 11 work session that we talked about LDO amendments. This is one we discussed, which is the increase in height to the SD-CR building heights. Previously, in the work session, we showed examples, including an additional 1 foot and 2 feet per 1 foot of height for a building. After the comments we received from the Planning Commission, we thought maybe the setback was too small, so we increased that from 1 foot to 10 feet on each side per 1 foot in height. The LDO amendment we're bringing forward would allow a building to up to a height of 65 feet, but it would increase the setback to 150 feet. We are available for questions.

Comm. Coleman: What is the reason for increasing the height of the buildings from 50 feet to 65 feet?

Mr. Sanchez: We have heard from developers, such as in the next case, that some want taller buildings in existing SD-CR developments. Staff thought it would be okay if this taller building is not near a close-knit neighborhood, or if it is a true SD-CR retail area

and is already set back far enough, the taller building may be acceptable in that range. That is why we even pushed it out to 10 feet. If a developer wants a 65' tall building, it will require a lot of room to do that.

Comm. Coleman: Are there any 50' structures in Leawood now?

Mr. Sanchez: Within Park Place, there are a lot, but that's mixed-use. Mark may be able to answer better if there are others.

Mr. Klein: Within SD-CR, the tallest one I'm aware of is the Restoration Hardware, which is about 49 feet. There are buildings that are taller in SD-O (Planned Office), which is allowed to go to six stories and 90 feet. MX-D also allows up to 90 feet.

Comm. Coleman: Are the tallest buildings in the city in Park Place, then?

Mr. Klein: Yes.

Comm. Coleman: It's about 90 feet?

Mr. Klein: Yes, but parapets aren't included in the height, so it may even be a bit taller than that.

Comm. Coleman: How many stories is 65 feet?

Mr. Sanchez: It is around 4-5 stories, depending on how thick the floors have to be.

Comm. Coleman: How many SD-CR zoning areas are there in the city?

Mr. Sanchez: Maybe 7-10, but I would have to look at a map to give an exact number.

Comm. Coleman: They're variously spread out from 151st Street?

Mr. Sanchez: They are spread out throughout the city. Because the developer has to have so much of a setback, it is not plausible to do within the smaller SD-CR developments, and that was really the intent.

Comm. Coleman: Which SD-CR areas is this a viable option for?

Mr. Sanchez: Town Center Plaza makes sense. Town Center Crossing may be able to utilize this as well, but we would have to check the setbacks.

Comm. Coleman: Anywhere else in the city?

Mr. Sanchez: There might be, but I would have to look.

Comm. Stevens: I think you answered this in the opening statements, but I had a conflict or wanted to make sure I understood the difference between what's listed in the memo and the approved changes in the bulk regulation chart. In the example, if a developer wanted to build to the max, the memo indicates the building will have to have a setback of 150 feet from the property line. I think what we're really saying is that's an additive of 150 feet to the original setbacks to the property lines in the bulk regulations.

Mr. Sanchez: Correct, and we want to clarify that it is an additive.

Chairman Elkins: Thank you. Other questions? Because this is a proposed amendment to the LDO, a Public Hearing is required.

Public Hearing

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

Chairman Elkins: That takes us to discussion of the proposed amendment. Are there comments?

Comm. Coleman: One of my questions to Mr. Sanchez was about the SD-CR areas. I have absolutely no problem putting a tall building in Town Center, and I think it's appropriate. I would have a problem putting it in more of a residential area. This is a concern if we throw it out for all SD-CR, even though it may not be practical in the area. I just don't want to open a can of worms and have a developer come in down the road, wanting to put something in the area that really shouldn't be in the area. I'd like to tighten it to just allow it in Town Center Plaza or something more specific instead of the whole SD-CR category or at least have some assurances that it is not viable in those areas that are more residential.

Chairman Elkins: Would that be spot zoning effectively? I don't have an answer to that.

Comm. Coleman: If we get clarification or confirmation that a developer can't have that kind of setback in one of the SD-CR developments, I'd be more comfortable with it.

Comm. McGurren: Your point is interesting. I thought about Ranchmart North and wondered about the bank in the back corner and if there is plenty of room there to have a setback in addition to 150 feet that would be quite visible to the homes on the cul de sac behind Cure of Ars. That would be a good example in my mind. I can see a scenario that would merit a limit or a justification that disqualified that situation and only allowed it in the two Town Center options.

Mr. Sanchez: If this gets continued, we can bring it back to the Planning Commission with a study for each SD-CR zoning that we have to show you where 150 feet plus the setbacks would be. We want to note that this does affect the next case on the docket.

Comm. Block: When we talked about this in the work session, my recollection was there were other situations that were 1-2 feet per 1 foot of height. This goes all the way to 10 feet to account for things like you're talking about. It probably wouldn't even apply to Ranchmart North because of the room needed. I'm comfortable with the 10 feet. I think the calculation was to push it back far enough away from the residential areas in close proximity that the sight line would not be as daunting. I'm supportive.

Comm. Coleman: I'm in support of the ordinance; I just think maybe before it gets to Governing Body that it gets researched a bit more for them. They're going to read our minutes and understand our concerns, and you could have the answer ready for them.

Chairman Elkins: Good thought. Is there a motion?

A motion to recommend approval of CASE 75-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.3, SD-CR (Planned General Retail) - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to building heights within SD-CR (Planned General Retail) – was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Peterson.

CASE 64-20 – TOWN CENTER PLAZA – FIRST ASCENT (CLIMBING/HEALTH CLUB) – Request for approval of a Preliminary Plan, located north of 119th Street and west of Roe Avenue. **PUBLIC HEARING**

Staff Presentation:
Planning Official made the following presentation:

Mr. Klein: This is Case 64-20 – Town Center Plaza – First Ascent (Climbing Health Club) – Request for approval of a Preliminary Plan, located north of 119th Street and west of Roe Avenue. This will remove five existing tenant spaces and construct a 64' tall rock-climbing / health club. The square footage of the building will be 24,719 square feet. It is located directly east of Bravo Italian restaurant on the north elevation. The eastern half will go up to 64 feet. Another portion to the west will stay at about 32 feet. It does meet the setback discussed and approved in the previous application. I would like to change Stipulation No. 1 to refer to approval of a health club rather than the name Ascent. Staff is recommending approval of this application, and I'll be happy to answer questions.

Chairman Elkins: Questions for Mr. Klein?

Comm. McGurren: My question relates to the nice arial shot that shows the proposed location. Based on the height and the new setback, this doesn't appear to show it back any farther than Bravo on the front of the proposed building. Should it be different?

Mr. Klein: The setback for the main center is already pretty substantial and goes well beyond the required setback for the development. The exterior property line is by Town Center Drive.

Comm. McGurren: So, because this is in a large facility, the height of the building will be dramatically higher but no farther from the people driving by on that side street or walking in front of it? It will sit on the exact same property that exists today? In a sense, there is no benefit to seeing a whole bunch of additional landscaping or sidewalks or whatever the case may be because the building is not going to be set back.

Mr. Klein: Correct. Right now, the building is almost 500 feet from Town Center Drive. The building will be about 14 feet taller than the limitation. It's so far back that it really wouldn't have an impact as far as planting additional trees.

Comm. Coleman: The setback is from the property line all the way over by Hereford House.

Comm. McGurren: I understand, but at the same time, the city is allowing additional height that has no consequence based on the hugeness of this particular development. I was thinking there was a give-and-take or visible adjustment. The setback is obviously appropriately figured out. It seems surprising.

Mr. Sanchez: Staff would like to add that we discussed green space in the work session. The issue is it's hard to calculate those types of numbers when discussing height and square footage. It made it a whole lot harder to try to make a calculation.

Comm. McGurren: I was thinking that we are going to potentially allow the character of the development to look very different. There is no brick on this. It will be dramatically higher and substantially different than what was built to begin with. I just assumed there would be an offsetting benefit somewhere. Thank you.

Comm. Coleman: I'm not familiar with all the retail there now. I know Kim's Tailor was in the road between. What is currently there, and what will be demolished?

Mr. Klein: Kim's Tailor is in there. Z Gallery used to be in that location.

Mr. Lang: Kansas Sampler used to be there.

Comm. Coleman: Commissioner McGurren brought up a good point about the building looking vastly different than the shopping center. I'm not complaining. I am all for repurposing the shopping center because, as we all know, retail is struggling now, and if we can get a business in there, I'm more than happy to do it. I'm just wondering if there was more of an effort to try to make it look like the other existing buildings? It's really going to stick out next to all the other brick.

Mr. Klein: They have not given elevations because it is a Preliminary Plan. There is still time for conversation with the applicant. Staff is supportive based on the fact that it provides additional opportunities. The site is large enough. I don't think we're looking at the LDO as a bonusing kind of thing; it is more ensuring that any site where the extra height is allowed is actually large enough to meet those setbacks. You're going to see some future applications that have to do with design guidelines for Town Center Plaza and Town Center Crossing.

Chairman Elkins: Other questions? If not, Mr. Petersen, please proceed.

Applicant Presentation:
John Petersen,

Mr. Petersen: First Ascent is a critical find for Town Center Plaza, and we'd really like to get a vote on it tonight. They are a national retailer and are in demand all over the country. We want to keep them here. Architecture is a Final Plan issue, as is stated in the Staff Report. Very quickly, I have Steve Harris, VP of Development from First Washington; John Shepard, Cofounder of First Ascent; John Zentmyer, CFO of First Ascent; and our architect. I'm going to run through some slides. You have the location just east of Bravo before it was vacated. Staff has given the size. We're going to work on the architecture with staff as we come back with a Final Plan. It is different. That's what retail is today. If we had time for Steve Harris to get on as manager of First Washington's properties all over the US, you'd hear that. We want eclectic impact, places that bring a buzz, people that bring excitement, particularly on the north side of this center. We want tasteful but not all the same. That's what we're bringing. I remember sitting there when Crate & Barrel came in. Everybody wondered about it, and what's evolved is Apple and an eclectic feel in probably one of the coolest shopping centers in all of Kansas City. All the materials meet LDO standards, and again, they'll be addressed in more detail at Final Plan. First Ascent is buzzed about coming to Town Center with climbing, fitness, community. Climbing is the fastest-growing sport in the US. It will be in the 2021 Olympic Games. This is not a wall in the back of Dick's Sporting Goods. This is sophisticated. It is for people who are serious climbers and in events all over the US with the desire to be an Olympian. It is 64 feet because it is the required height for Olympic competition. It's also climbing for fitness buffs, and they want to be part of a fitness center. Another element is that it is a fun event. Families come to try it out. People come from all over to enjoy the opportunities. People are dedicated, and they are part of a community. They stay and eat and shop. Retail is experience today. Tie it in with health and fitness. We think this is a great plan. We'd ask you to move this on to City Council for approval. We would very much appreciate a vote tonight to stay within the timeline. Thank you.

Chairman Elkins: Questions for Mr. Petersen? This does require a Public Hearing.

Public Hearing

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

Chairman Elkins: Comments regarding the case?

Comm Coleman: I am definitely in favor of this development. Not that it has to be brick, but I would ask the applicant to complement the existing structure of Town Center.

Comm. Block: I concur.

Comm. McGurren: I concur.

A motion to recommend approval of CASE 64-20 – TOWN CENTER PLAZA – FIRST ASCENT (CLIMBING/HEALTH CLUB) – Request for approval of a Preliminary Plan, located north of 119th Street and west of Roe Avenue – was made by Coleman; seconded by Block.

Mr. Klein: As far as the change to Stipulation No. 1, it would change out "First Ascent" to "Health Club."

Motion amended to replace "First Ascent" with "Health Club" by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Hunter, Belzer, Coleman, Block, Stevens, Peterson.

Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Hunter, Belzer, Coleman, Block, Stevens, Peterson.

A motion to continue Cases 74-20, 66-20, and 67-20 to the next available Planning Commission meeting was made by Coleman; seconded by McGurren. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Hunter, Belzer, Coleman, Block, Stevens, Peterson.

CASE 74-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-3, ADMINISTRATIVE APPROVALS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Tenant Finishes. **PUBLIC HEARING** - *Continued to the next Planning Commission meeting*

CASE 66-20 – TOWN CENTER CROSSING – REVISED DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located south of 119th Street and east of Roe Avenue. *Continued to the next Planning Commission meeting*

CASE 67-20 – TOWN CENTER PLAZA – REVISED DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located north of 119th Street and west of Roe Avenue. *Continued to the next Planning Commission meeting*

DRAFT

MEETING ADJOURNED

Memo

To: City of Leawood Planning Commission

From: Ricky Sanchez, Planner II

CC: Richard Coleman, Director of Community Development
Mark Klein, Planning Official

Date of Meeting: October 13, 2020

Date of Memo: September 17, 2020

Re: Case 74-20, Leawood Development Ordinance Amendment to Section 16-3-3, Administrative Approvals, pertaining to the exterior tenant façade of a development.
****PUBLIC HEARING****

The amendment proposes to add a section within the Administrative Approvals section of the Leawood Development Ordinance.

Currently, exterior tenant finishes must go through the Planning Process which includes: Staff Review, Planning Commission Recommendation, and Governing Body Approval. In total, this process may sometimes take a total of up to 90 days from application to approval.

The proposed amendment to the Leawood Development Ordinance will allow the Director of Community Development to administratively approve exterior tenant finishes, which could reduce the amount of time for approval down to 2 weeks.

The applicant will still have to get an approval letter from the development stating that they have reviewed the plan against their own design criteria and that they approve of the changes made.

If an applicant is not content with the decision to deny an application from the Director of Community Development, they may have the opportunity to move forward through the current Planning Process.

or changed uses of property as well as certain site alterations, as specified herein, if the location and circumstances are appropriate to the use or change under the standards provided in this Article. It is also the intent of this Article to increase the flexibility of development design by authorizing deviations to the standard district regulations subject to the conditions and/or approval of the Governing Body. Any approval of any development plan shall be deemed to incorporate the provisions of this Ordinance.

16-3-2 DEVELOPMENT PLANS — WHEN REQUIRED

In any zoning district, an approved development plan as provided by this Article shall be required for (A) any change in zoning district classification, other than to the AG district, or (B) any change in use, or (C) any construction or alteration of a structure, landscaping, parking, or drive isles on property or other exterior change in any zoning district except when such change is:

A) Authorized by a previously approved development plan under this Planned Development Procedure that has not expired by its own terms or as provided for in this Article;

B) Expressly exempted from the development plan requirements by the underlying zoning district;

C) An alteration or construction of one or more single-family dwellings where no subdivision of land is required, provided a plot plan for the property is submitted and approved;

D) A change only in use that does not require a change in underlying zoning district or special use permit and does not propose or require the alteration of parking, traffic volume or patterns, exterior change or construction, or other physical site requirements;

E) An authorized Agricultural use in the AG Agricultural District;

F) Ordinary maintenance which does not change the exterior color, style, design, or material type;

G) Otherwise exempted from development plan requirements by state or federal law;

H) Changes authorized to be administratively approved by the Director of Planning pursuant to Section 16-3-3.

16-3-3 ADMINISTRATIVE APPROVALS

The following changes to a site, building or structure may be approved by the Director of Planning and shall not require approval or amendment of a Development Plan:

A) Change of permanent signage or sign facing if the size, characteristics, and number of signs remain the same;

B) Change in landscaping (including location, bed material, related species, etc.) if the size and type of landscaping remain the same or if the number of landscaping specimens is increased;

C) Change in architectural detail if it is consistent with the general intent and requirement of the Development Plan approval; and

D) Changes in lighting if the changes otherwise satisfy the Development Plan requirements and applicable provisions of this Ordinance.

~~D)~~E) Changes to exterior tenant façade of a development, provided an authorized representative of the development has acknowledged in writing it (1) has reviewed the application, (2) approves the changes, (3) the changes meet the design guidelines set forth by the development.

The Director of Planning may administratively approve these changes if the proposed change is consistent with the provisions and intent of an approved Development Plan and other applicable regulations. The Director may deny the change, impose conditions necessary to satisfy applicable requirements, or refer the request to the Planning Commission. If a party is aggrieved by a denial or conditions imposed on an administrative approval, the change shall be resubmitted pursuant to the ~~Development Plan P~~procedures established in this Article.

16-3-4 DEVELOPMENT PLAN APPROVAL PROCESS

A "Development Plan" shall consist of both a preliminary and final development plan approved as provided in this Article. No construction of a structure or commencement of a use, or change or alteration in a use, structure or site, requiring a development plan shall be authorized until approval of the final development plan. Approval of the preliminary development plan shall be considered an act of rezoning subject to the procedural requirements for rezoning as set forth in Article 5, except as provided herein. A final development plan is intended only to provide final additional details or minor changes but shall otherwise conform to the approved preliminary development plan.

The minimum steps required for approval of a Development Plan approval required by this Article are summarized as follows:

A) Application for preliminary development plan (Section 16-3-5)

B) Notice and public hearing before the Planning Commission (Section 16-5-3)

C) Recommendation on preliminary development plan by the Planning Commission

D) Governing Body enacts ordinance approving or approving with conditions the preliminary development plan or denies the plan

E) Submission of Final Development Plan to the Planning Commission

F) Approval of Final Development Plan:

1) No changes or minor changes – approval by the Planning Commission and review by the Governing Body for final approval, conditional approval, or denial in accordance with voting procedures for preliminary plan approval.

2) Substantial changes – submission of new preliminary development plan and repeat of development plan process.

G) Once a Preliminary and Final Development Plan has been approved for a development, each lot will be required to receive preliminary site plan and/or final site plan approval prior to construction.

(Ord. 2808, 11-01-2016)
(Ord. 2957, 08-12-2019)

City of Leawood Planning Commission Staff Report

MEETING DATE: **October 13, 2020**
REPORT WRITTEN: **September 17, 2020**

TOWN CENTER CROSSING – REVISED DESIGN GUIDELINES – REQUEST FOR APPROVAL FOR A REVISED FINAL PLAN – LOCATED SOUTH OF 119th STREET AND EAST OF ROE AVENUE – CASE 66-20

STAFF RECOMMENDATION:
Staff recommends denial of Case 66-20, Town Center Crossing – Revised Design Guidelines – request for approval of a Revised Final Plan for the reasons stated in this report.

APPLICANT:
- The applicant is John Petersen with Polsinelli.
- The property is owned by 119 Leawood, LLC.

REQUEST:
- The applicant is requesting approval of a Revised Final Plan to modify the existing design criteria for the Town Center Crossing development, in the SD-CR zoning district.
- If Case 74-20 (Leawood Development Ordinance amendment to Section 16-3-3, Administrative Approvals) is approved, City staff will use these design guidelines to administratively approve changes to the exterior facades of tenant finishes within Town Center Crossing.

ZONING:
- The property is currently zoned SD-CR (Planned General Retail).

COMPREHENSIVE PLAN:
- The Comprehensive Plan designates this property as Retail.

LOCATION:

SURROUNDING ZONING:

- North — Directly north of 119th Street is Camelot Court Shopping Center, zoned SD-CR (Planned General Retail).
- South — Directly south of Tomahawk Creek Parkway is open space, zoned REC (Planned Recreation).
- East — Directly east of Tomahawk Creek Parkway is open space, zoned REC (Planned Recreation).
- West — Directly west of Roe Avenue is Hawthorne Plaza, a retail development within Overland Park, Kansas.

PROPOSED DESIGN GUIDELINES:

- This application is intended to modify existing design criteria for the Town Center Crossing development to allow administrative approval to changes in the tenants trade dress zones as identified in the guidelines.
- The applicant has stated that the revisions to the design guidelines are to encourage the exterior finishes to reflect the tenant's national branding within the trade dress zones.
- The dress trade zones within the main center are graphically identified and may or may not cover the entire façade of a specific tenant space. However all exterior facades of the out parcels are considered to be within the trade dress zones, and therefore may be modified.
- Within the main center, a landlord controlled canopy is graphically identified. Within these areas canopies are not allowed to be modified by the tenant unless approved by the landlord.
- The revised design guidelines do not place limitations on materials and colors.
- Materials and Signage will follow the approved sign guidelines for the development, along with the Leawood Development Ordinance.

SIGNAGE:

- Town Center Crossing has sign criteria approved by the Governing Body, and will not be altered with this application.

STAFF COMMENTS:

- The proposed design guidelines do not contain specifics regarding permitted materials, colors or design elements. If Case 74-20 (Leawood Development Ordinance amendment to Section 16-3-3, Administrative Approvals) is approved, City staff will use these design guidelines to administratively approve changes to the exterior facades of tenant finishes within Town Center Crossing. As currently written, the City will have little control regarding the exterior changes to facades, other than where on the facades the modifications are permitted. In the case of out parcels, the entirety of all facades are identified as trade dress zones that may be modified. This would reduce the City's ability to have oversight over exterior changes to protect the aesthetic integrity of the development. **(Stipulation 2)**
- Prior to Governing Body consideration the design guidelines will be modified as follows.
  - Make clear that all exterior tenant finishes, including awning section of the design guidelines, must be approved by both the landlord and the City of Leawood. **(Stipulation 3a)**
  - The list of materials prohibited by the Leawood Development Ordinance shall in included by reference. **(Stipulation 3b)**

- An appeal process to the Planning Commission for recommendation and Governing Body for approval shall be added if a resolution between the applicant and the City of Leawood for administrative approval cannot be reached. **(Stipulation 3c)**

- The current design criteria for the Town Center Crossing development is attached as an example of what design guidelines typically include. **(Exhibit A)**

STAFF RECOMMENDATION:

Staff recommends denial of Case 66-20, Town Center Crossing – Revised Design Guidelines – request for modifications to Town Center Crossing's design guidelines for the reasons stated in this report. If the Planning Commission were to approve, staff offers the following stipulations:

1. The project is limited to changes to the design guidelines for the Town Center Crossing development, zoned SD-CR.
2. Prior to Governing Body consideration, the applicant work with City staff to develop specifics regarding allowed materials, colors, and design elements permitted by these design guidelines.
3. Prior to Governing Body consideration, the design guidelines shall be modified as follows.
   a. Shall clarify that approval of exterior changes to tenant spaces, including the awning section of the design guidelines, shall require approval of both the landlord and City of Leawood prior to building permit approval.
   b. The list of prohibited materials within the Leawood Development Ordinance shall be incorporated into the design guidelines by reference.
   c. An appeal process to the Planning Commission for recommendation and Governing Body for approval shall be added in cases where a resolution between the applicant and the City of Leawood for administrative approval cannot be reached.
4. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through four.

TOWN CENTER
PLAZA • CROSSING

TENANT STOREFRONT DESIGN CRITERIA - CROSSING

ORIGINAL SUBMISSION: JULY 21, 2020

REVISED SUBMISSION: AUGUST 07, 2020

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TOWN CENTER
PLAZA • CROSSING

TENANT TRADE DRESS ZONE

APPROVALS

The approval process consists of the Landlord receiving plans, elevations, and other requested materials that conform to Landlord's criteria requirements. Landlord must approve exterior tenant storefront and trade dress in writing prior to submission to the City of Leawood. All plans for these exterior improvements must conform to all building code requirements. City of Leawood will confirm Landlord approval review plans and materials to affirm the plans are also in general conformance with the Final Site Plan Resolution for the Center. If so, the City of Leawood will process the submitted plans for a building permit. The Tenant improvements for the interior are subject to building permit review only.

TENANT EXTERIOR FINISHES

Exterior finishes reflective of tenant's national branding are encouraged within the Tenant Trade Dress Zones. Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more other locations. All colors, materials, and finishes used to convey tenant trade dress selected by Tenant must suggest quality, craftsmanship, elegance, innovation, and creativity and Landlord shall have the sole right to require modifications to ensure these finishes are appropriate for the center overall and conducive to all other tenants. If Trade Dress is not applicable, Landlord shall have the sole right to require modifications to ensure these finishes are appropriate for the center overall, conducive to all other Tenants, or otherwise in conformance with this document.

GENERAL INFORMATION

A. Tenant's storefront shall be established six inches (6") back from the face of the neutral pier.

B. Landlord will require glass, display windows, or other translucent materials within Tenant's storefront.

C. Tenant shall not be permitted to install any opaque section of storefront over a length of six feet (6') unless specific approval is granted by the Landlord.

D. Should Tenant's storefront be located within a curved or radial lease line area, it must be kept four inches (4") back of Tenant's lease line.

E. Construction that flattens or otherwise alters Tenant's curved or radial lease line is not permitted.

F. Recessed out-swinging doors shall not extend past Tenant's lease line when fully open.

G. Doors may be fully glazed, solid or any combination thereof.

STOREFRONT FINISH TREATMENTS

A. As a guideline, acceptable treatments include:

1. Limestone, marble, granite and other natural stone products carefully articulated and detailed;
2. Lacquered surfaces in a minimum of four (4) coats;
3. Metals, excluding laminates; and
4. Stained or natural finished hardwoods.

B. The following are unacceptable finishes:

1. Painted drywall, wallcovering, undetailed brick, rough stucco, or anything Landlord would consider a non-durable material or lacking in visual quality.
2. ALL finishes that Landlord deems unacceptable for the center.

C. Glazing:

1. Simulated, applied or reproduced glass in acrylic or Plexiglas is not permitted.
2. Mirrored glass is not permitted
3. The use of attractive and high quality clips or brackets that complement the design of store is required.

D. Lighting:

1. Tenant shall not install pulsating or blinking, strobe, neon, or otherwise an animated illumination.

EXTERIOR AWNINGS

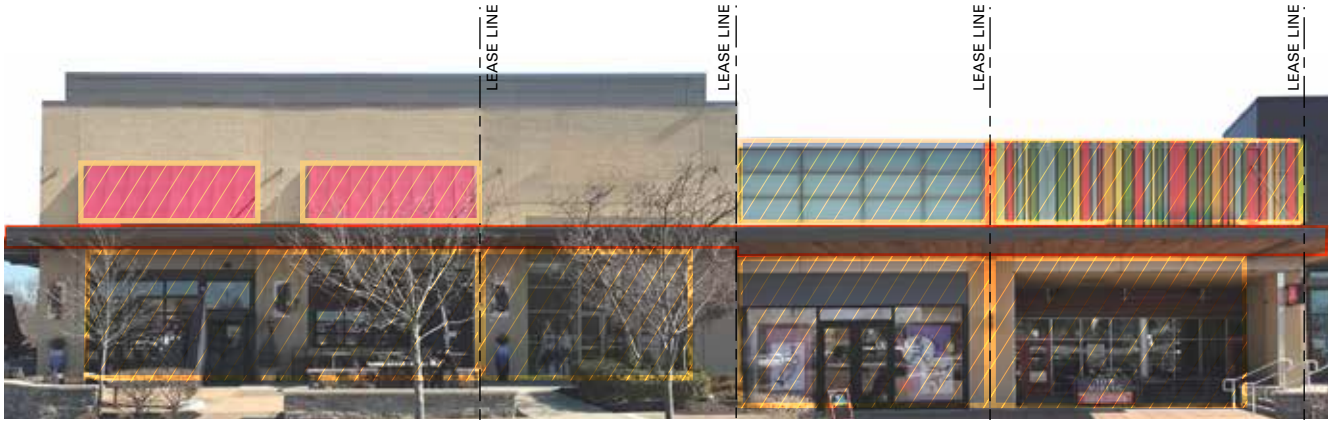
Overall, awnings are not required. However, creative awnings at tenant entrances are encouraged which can be fabric or other materials approved by the Landlord. Awnings are provided and installed by the Tenant as a part of the Tenant's improvement work. Awning design, colors, and finishes are subject to Landlord approval. Awnings may be required by Landlord to convey a consistent architectural vocabulary at entrances and storefronts.

LANDLORD EXTERIOR MATERIALS

Exterior finishes outside the Tenant Trade Dress Zones shall not be altered by Tenant without prior approval by Landlord. Modifications to the building

outside the Tenant Trade Dress Zones are subject to Planning and Zoning approval by the City of Leawood. Landlord will consider modifications to ensure tenant visibility, alignment with tenant trade dress needs, and quality of the modifications. Proposed modifications should not significantly modify the overall architectural vocabulary of the center, however changes will be encouraged and supported by Landlord if those modifications suggest quality, craftsmanship, elegance, innovation, creativity, and general compatibility with the center.

TOWN CENTER CROSSING



END-CAP LOCATION

1 ELEVATION 1 - TRADE DRESS ZONE EXHIBIT

TENANT TRADE DRESS ZONE

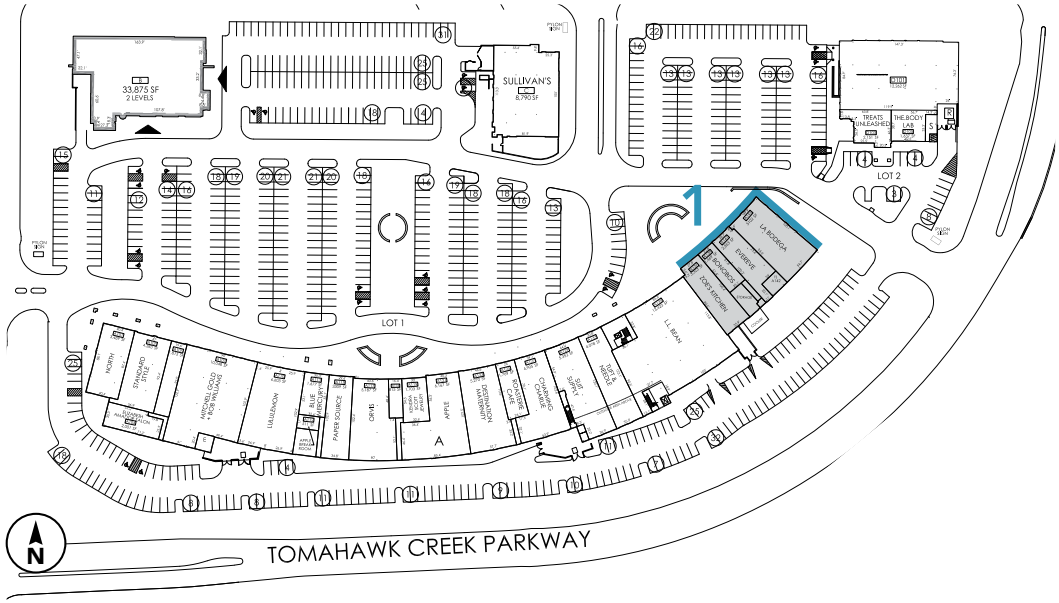
LANDLORD CONTROLLED CANOPY

Exterior finishes reflective of tenant's national branding are encouraged within the Tenant Trade Dress Zones.

Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more locations.

Landlord controlled canopies are not allowed to be modified by Tenant and must remain as is, unless otherwise determined by Landlord.

Refer to sheet 2 for more information



2 ELEVATION 2 - TRADE DRESS ZONE EXHIBIT

TENANT TRADE DRESS ZONE

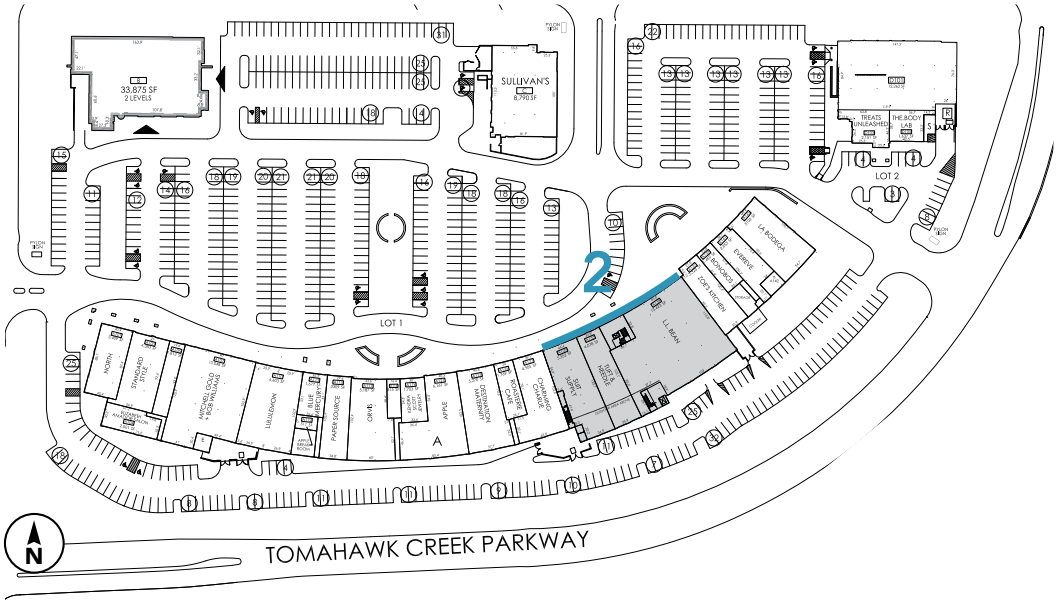
LANDLORD CONTROLLED CANOPY

Exterior finishes reflective of tenant's national branding are encouraged within the Tenant Trade Dress Zones.

Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more locations.

Landlord controlled canopies are not allowed to be modified by Tenant and must remain as is, unless otherwise determined by Landlord.

Refer to sheet 2 for more information



3 ELEVATION 3 - TRADE DRESS ZONE EXHIBIT

TENANT TRADE DRESS ZONE

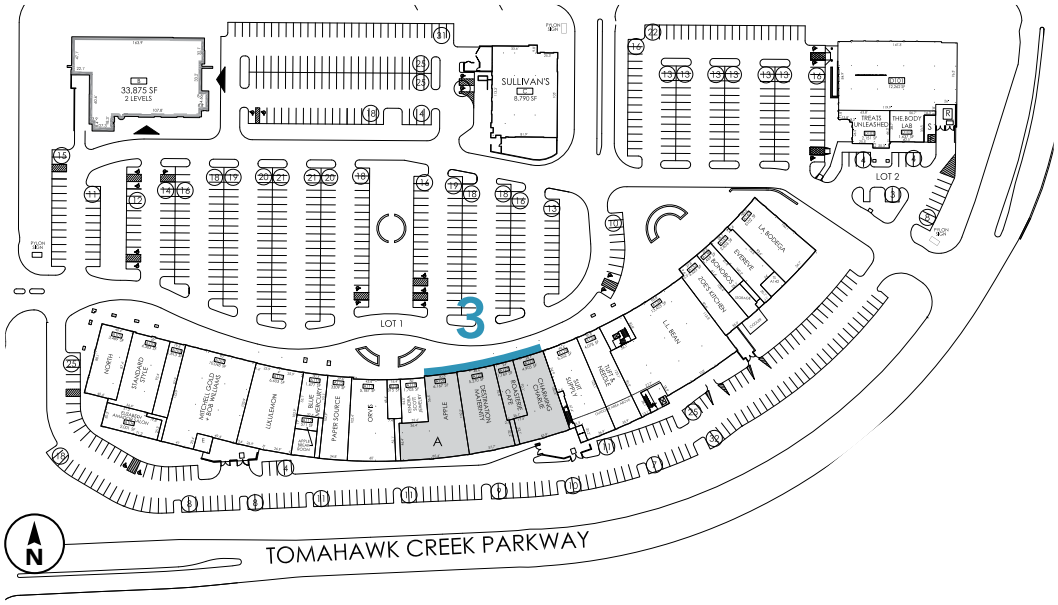
LANDLORD CONTROLLED CANOPY

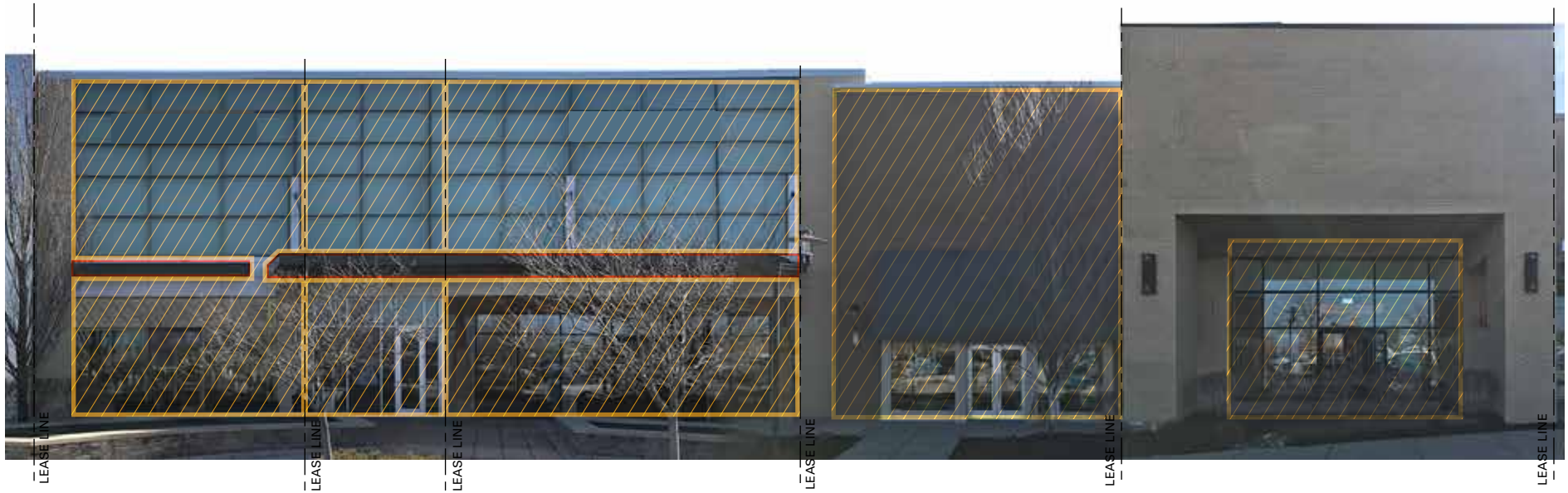
Exterior finishes reflective of tenant's national branding are encouraged within the Tenant Trade Dress Zones.

Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more locations.

Landlord controlled canopies are not allowed to be modified by Tenant and must remain as is, unless otherwise determined by Landlord.

Refer to sheet 2 for more information





4 ELEVATION 4 - TRADE DRESS ZONE EXHIBIT

TENANT TRADE DRESS ZONE

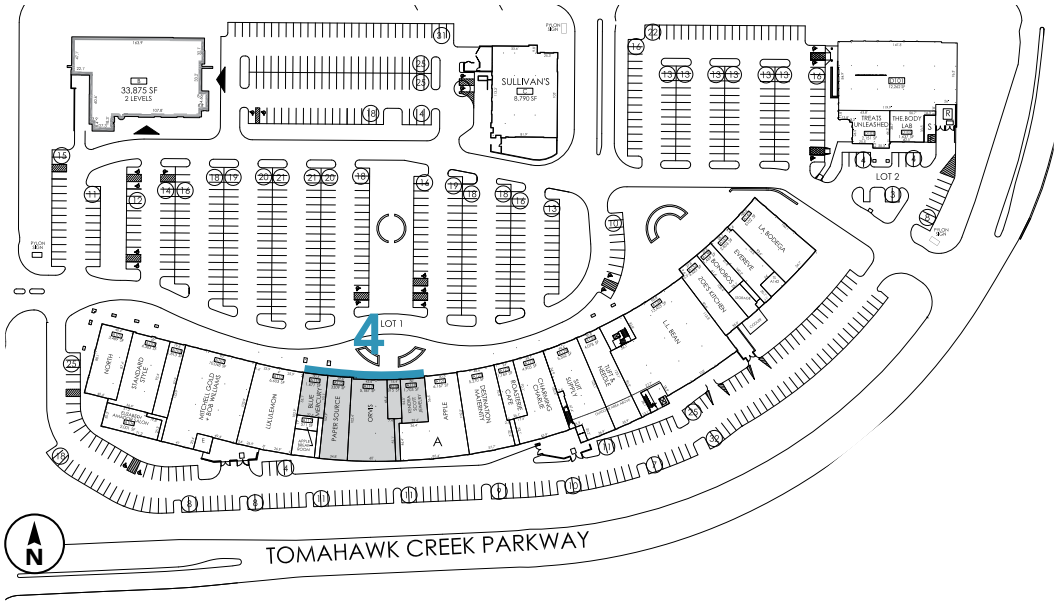
LANDLORD CONTROLLED CANOPY

Exterior finishes reflective of tenant's national branding are encouraged within the Tenant Trade Dress Zones.

Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more locations.

Landlord controlled canopies are not allowed to be modified by Tenant and must remain as is, unless otherwise determined by Landlord.

Refer to sheet 2 for more information



5 ELEVATION 5 - TRADE DRESS ZONE EXHIBIT

TENANT TRADE DRESS ZONE

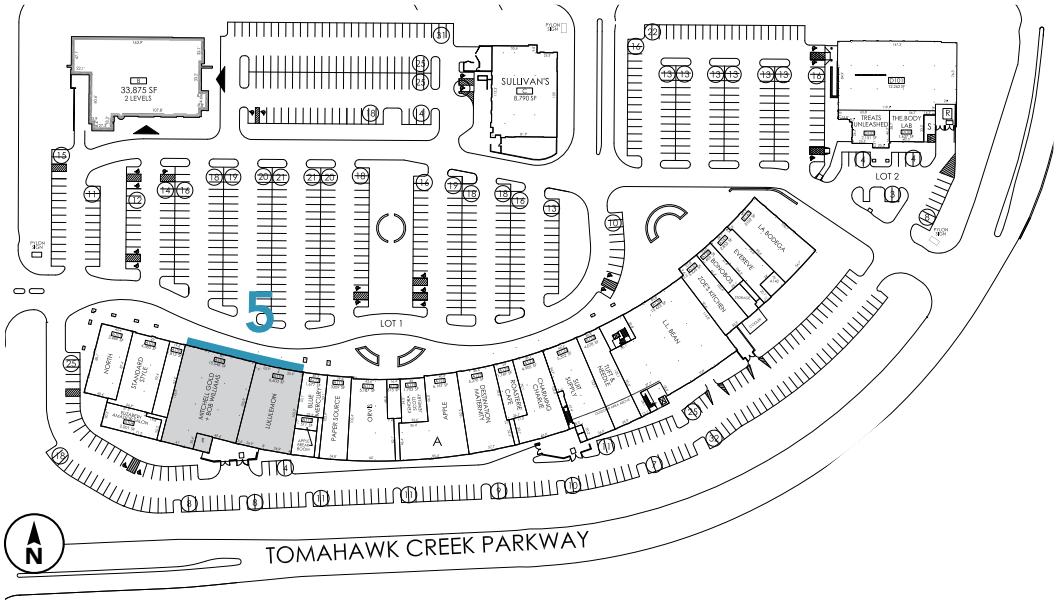
LANDLORD CONTROLLED CANOPY

Exterior finishes reflective of tenant's national branding are encouraged within the Tenant Trade Dress Zones.

Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more locations.

Landlord controlled canopies are not allowed to be modified by Tenant and must remain as is, unless otherwise determined by Landlord.

Refer to sheet 2 for more information



Designates storefront behind, excludes Landlord controlled brick column

END-CAP LOCATION

6 ELEVATION 6 - TRADE DRESS ZONE EXHIBIT

TENANT TRADE DRESS ZONE

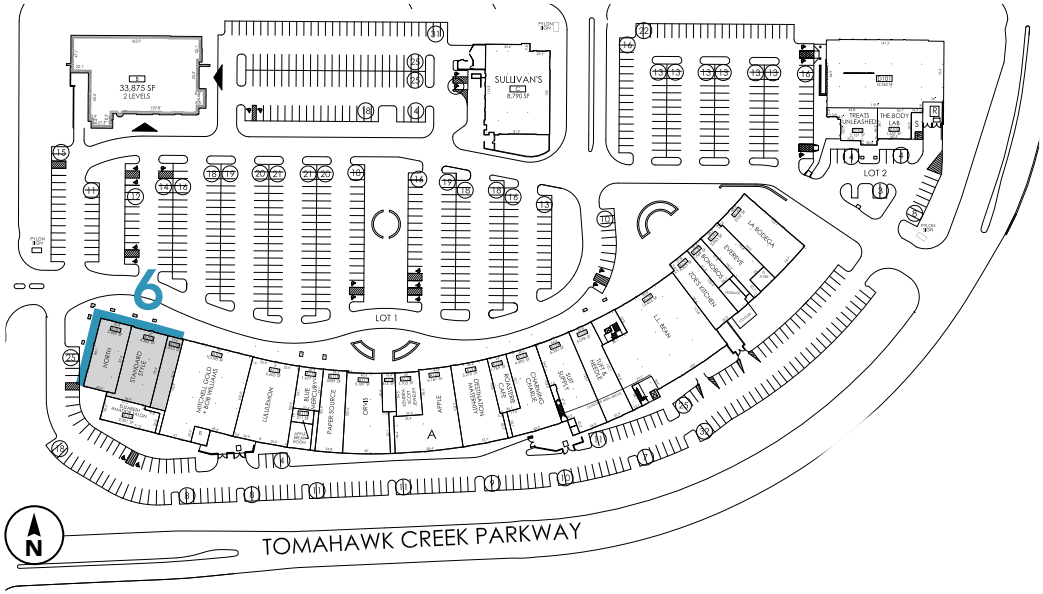
LANDLORD CONTROLLED CANOPY

Exterior finishes reflective of tenant's national branding are encouraged within the Tenant Trade Dress Zones.

Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more locations.

Landlord controlled canopies are not allowed to be modified by Tenant and must remain as is, unless otherwise determined by Landlord.

Refer to sheet 2 for more information



LEASE LINE

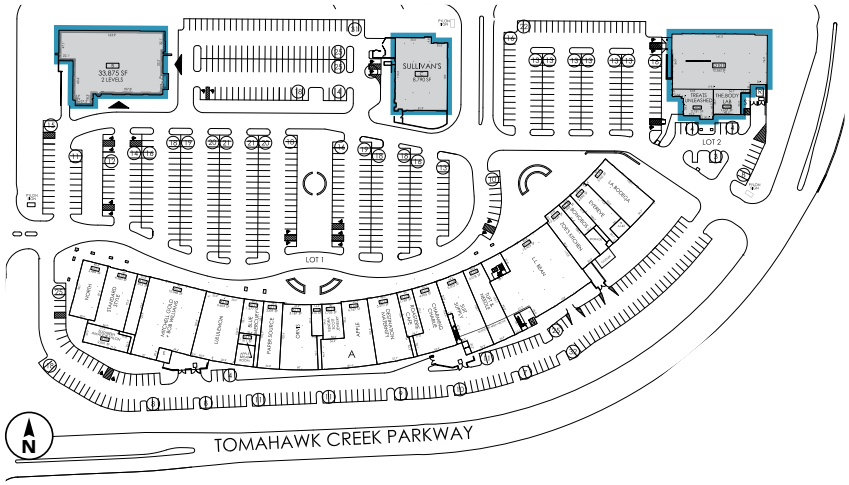
OUTPARCEL TENANT DESIGN

TENANT TRADE DRESS ZONE

Exterior finishes reflective of tenant's national branding are encouraged within the Tenant Trade Dress Zones. Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more locations.

Outparcel tenants are allowed to express their Trade Dress on all exterior facing facades with the exception that they follow the Landlord's Exterior Finishes Guidelines.

Refer to sheet 2 for more information



STOREFRONT DESIGN REFERENCE

The unique characteristics and quality Tenant mix of Town Center Crossing calls for bold, dynamic storefronts. Critical to the design integrity and success of the shopping center's image are the individual contributions of each Tenant's store.

EXHIBIT A

DESIGN GUIDELINE EXAMPLE

TOWN CENTER CROSSING TENANT HANDBOOK AMENDED AND RESTATED - MAY 2020

SECTIONS AMENDED HEREIN:

(a) **All Sections referring to the shopping center as One Nineteen will be amended to reflect the correct name as Town Center Crossing**

(b) **See Section Three, page 3.1 - Design Criteria**

(c) **See Section Three, page 3.2 - Neutral Pier**

(d) **See Section Three, page 3.3 - Storefront Bulkhead**

WASHINGTON PRIME GROUP

RESOLUTION NO. _____

A RESOLUTION APPROVING A FINAL SITE PLAN AND FINAL PLAT FOR SHOPS AT 119TH STREET, LOCATED AT THE SOUTHEAST CORNER OF 119TH STREET AND ROE AVENUE, LEAWOOD, JOHNSON COUNTY, KANSAS.

WHEREAS, Shops at 119th Street, submitted a request for a final site plan and final plat, for real property located on the southeast corner of 119th Street and Roe Avenue, and;

WHEREAS, such request for approval was presented to the Planning Commission on November 29, 2005; and

WHEREAS, the Zoning on the property is SD-CR, Planned General Retail, and;

WHEREAS, the comprehensive plan shows the property as Mixed Use and Retail, and;

WHEREAS, the project will be limited to 163,777 sq.ft. on 15.64 acres for an F.A.R. of 0.24, and;

WHEREAS, if the proposed landscaping does not adequately screen parking that is adjacent to the public right-of-way, as determined by City Staff, the applicant shall work with Staff to provide an adequate screen, and;

WHEREAS, additional pedestrian connections will be provided between the main entrances of buildings to perimeter sidewalks, and;

WHEREAS, the walls of the trash enclosure shall be constructed of cultured stone to match the building, and;

WHEREAS, not less than four, but a maximum of five signs shall be permitted on building "B" (Crate and Barrel), and;

WHEREAS, the Planning Commission reviewed the application and recommended the following stipulations of approval:

1. The project is limited to 163,777 sq.ft. of construction on 15.64 acres for and F.A.R. of 0.24.
2. The applicant/owner shall be responsible for a public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council and Planning Commission at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $.10/square foot of finished floor area prior to building permit, estimated at its current amount to be $16,377.77 ($.10 X 163,777 sq.ft. = $16,377.77) or $3,350.00 ($0.10 X 33,500 sq.ft.) for the 1st phase. This amount is subject to change by ordinance.
3. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed

underground. This must be done prior to final occupancy of any building within the project.

4. The project shall include the following deviations:
   1) A 0' internal parking setback.
   2) The development shall be permitted 64.6% parking areas along 119th Street, 62.3% paved areas along Roe Ave. and 95% paved areas along Tomahawk Creek Parkway.
   3) The corrugated metal manufactured by Barge that was presented at the Planning Commission meeting on September 27, 2005 or a corrugated metal of equal quality may be used on building "B" (Crate & Barrel).
   4) A maximum of 5, but not less than 4 signs shall be permitted on building "B" (Crate & Barrel).
   5) A 13.75 exterior parking setback to accommodate an acceleration lane off of 119th Street. The parking shall be setback a minimum of 25' from the back-of-curb from the acceleration lane.
   6) A random patterned, tumbled concrete masonry unit may be used on the retaining walls along Tomahawk Creek Parkway.
5. If the proposed landscaping does not adequately screen parking that is adjacent to the public right-of-way, as determined by City Staff, the applicant shall work with Staff to provide an adequate screen.
6. In accordance with the Leawood Development Ordinance, all trash enclosures must be screened from public view with a solid masonry structure to match the materials used in the buildings and shall be architecturally attached to the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.
7. All downspouts are to be enclosed.
8. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities, meter banks and air conditioning units, shall be painted to blend with the building and screened from public view with landscaping or with an architectural treatment compatible with the building structure.
9. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. For purposes of this subsection, the phrase screened from public view," means not visible at eye level from an adjoining property line or any street right-of-way.
10. All development monument signs shall be placed within a common area designated as a separate tract of land to be maintained by a development association.
11. Wall pack lighting that is visible from the exterior of the building shall be prohibited.
12. Ground mounted light fixtures including landscaping light fixtures shall be screened from view.
13. The site amenities used by building "B" (Crate and Barrel), including pedestrian light fixtures, trash receptacles planters, pavers etc. shall match the remainder of the overall development, but may be a different color with the approval of City Staff (white to match the white Crate and Barrel building).
14. A maximum of 0.5 footcandles shall be permitted at the property line.
15. Lighting of the signs facing adjacent residential development shall be turned off from 11:00 p.m. to 6:00 a.m.
16. Staff recommends the following modifications to the sign criteria of the development:

1) The maximum height of multi-line signs shall be 42" for sub-major tenants.
2) The maximum average character height of any signage on the rear façade of the main center shall be 12" and the maximum height of any multi-line sign on the rear façade of the main center shall be 24".
3) The maximum average character height for out parcels shall be 24" and the maximum height of multi-line signs for out parcels shall be 36".
4) Per the Leawood Development Ordinance, the maximum size of all permanent wall signage shall be 5% of the façade.
5) Per the Leawood Development Ordinance, construction/builder signs shall be limited 16 sq.ft.
6) The maximum width of all logos shall be twice the height of the maximum average character height.
7) The maximum height of all logos shall be 150% of the average character height permitted.
8) A statement shall be added that any changes to the specific sign criteria outlined in the sign criteria shall require the approval of the City of Leawood.
9) A statement shall be added that all signage shall require an approved sign permit from the City of Leawood prior to the erection of any sign.
10) Window signage shall be limited to a maximum of 5% of the window area.
11) No tag lines shall be permitted.
12) Permanent wall signs and tenant monument signs shall be limited to the legal name and logo of the business only.
13) A maximum of two walls signs shall be permitted on out parcels. However, a third sign shall be permitted provided it faces the interior of the development and cannot be seen from the public right-of-way.
14) A statement shall be added that any sign, notice or other graphic or video display, particularly self illuminated signs, located within the store and which is easily visible from the shopping center shall be prohibited.
15) The lettering of the individual tenant monument signs shall be a maximum of 14" in height.

17. A sign permit from the Planning Department must be obtained prior to erection of any signs.
18. Pedestrian crosswalks and plaza areas shall be demarcated with a minimum of 50% pavers.
19. The following direct sidewalk connections shall be added between the entrances of the buildings and the adjacent perimeter sidewalks:
    1) A sidewalk connection from the east entrance of building "B" north to 119th Street.
    2) A sidewalk connection from the entrance of building "C" north to 119th Street.
    3) Sidewalk connections from the entrances of building "D" north to 119th Street and east to Tomahawk Creek Parkway.
20. Sidewalks shall be constructed on both sides of the proposed driveway off of 119th Street.
21. All landscaped areas shall be irrigated.
22. A more detailed landscape plan that meets the requirements of the 135th Street Corridor Design Guidelines must be submitted with final documents for each phase of the development.

23. All shade trees must be at least 4 inch caliper and all evergreens shall be 7 feet tall when planted. In addition, all shrubs shall be at a minimum five-gallon with a minimum height of 36" at the time of planting.
24. A letter, signed and sealed by a Kansas registered Landscape Architect, shall be submitted prior to final occupancy that states that all landscaping has been installed per the approved landscape plan and all plant material used is to the highest standards of the nursery industry.
25. A cross access/parking easement for the entire development shall be recorded with the Johnson County Registrar of Deeds prior to issuance of a building permit.
26. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo on file with the City of Leawood Planning and Development Department, prior to recording the plat.
27. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal's memo on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.
28. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at the time of application for building permit.
29. A cross access/parking easement for the entire development shall be recorded with the Johnson County Registrar of Deeds prior to issuance of a building permit.
30. The Owner/Applicant must establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.
31. All sidewalks shall be installed as per street construction standards.
32. This final plan approval shall lapse in five years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the City Council to request an extension of this time period. The City Council may grant such an extension for a definite period of time for good cause shown by the developer.
33. No building permit for any construction on pad sites or out lots, with the exception of building "B" (Crate and Barrel building) shall be issued until the principal shopping center buildings has been approved and their construction started. All buildings on out parcels or pad sites other than building "B" (Crate and Barrel building) will conform to the architectural style of the principal center buildings as set forth by the developer and recommended by the Planning Commission and approved by the Governing Body.
34. No monument sign shall be permitted at the northwest corner of the development (at the intersection of 119th Street and Nall Ave.).
35. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through thirty-five.

WHEREAS, the Planning Commission's recommendation was presented to the Governing Body at its regularly scheduled meeting on Monday, December 5, 2005; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: The Governing Body hereby approves the applicant's request, and the Planning Commission's recommendation of approval for said final site plan and final plat and subject to the same stipulations.

Adopted by the Governing Body this 5th day of December, 2005.

Signed by the Mayor this 5th day of December, 2005.

_____
Peggy Dunn, Mayor

[SEAL]

ATTEST:

_____
Debra Harper, City Clerk

APPROVED AS TO FORM:

_____
Shannon M. Marcano, Assistant City Attorney

Current Design Guidelines for Town Center Crossing

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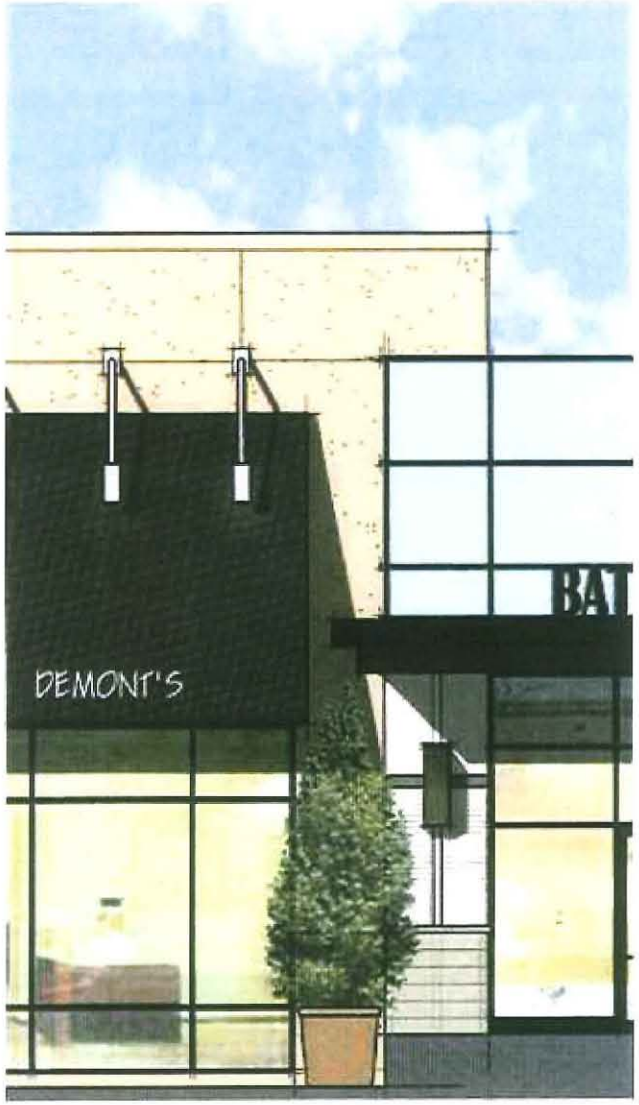
canberra



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INTRODUCTION

This Handbook identified as an Exhibit in your Lease has been prepared to guide you, as well as your architect, store designer, and contractor in expediting the construction of your building or lease premises. This information is a guideline for your architect, and describes the Landlord's obligations, the Tenant's design responsibilities, and your contractor's requirements.

Project Description

One Nineteen is a collection of high quality, pedestrian oriented shops offering an exciting mix of hard goods, soft goods, personal services and restaurants. Anchored by Crate and Barrel, the multi-building collection offers both in-line space as well as freestanding pad opportunities. The highest quality Landscape and site amenities will make this shopping experience a truly unique one for Leawood, Kansas.

One Nineteen is currently planned for approximately 168,000 square feet on 16 acres at the corner of 119th Street and Roe Avenue. Crate and Barrel will have a two story presence at the corner of 119th Street and Roe Avenue. The remaining retail space is distributed within three additional buildings, one with approximately 115,000 square feet and the other two as smaller pad buildings.

Landlord's Design Philosophy

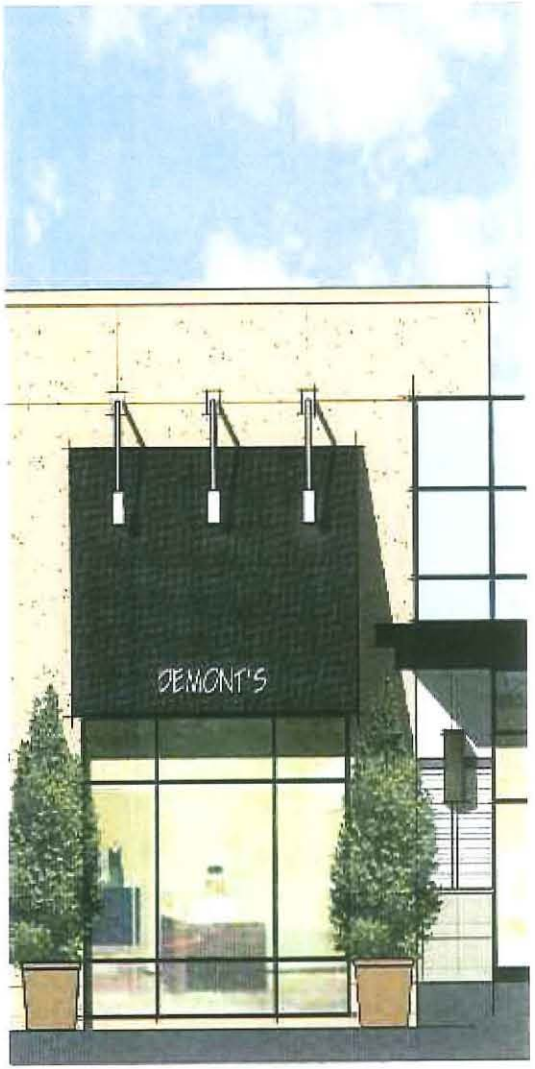
Exciting and unique storefronts and merchandising designs create a shopping and entertaining environment that attracts customers and results in increased sales. Tenants are encouraged to create innovative and dramatic storefronts (if not provided by the Landlord), shop interiors and graphics. Through the dramatic use of lighting and color, as well as careful attention to detailing, fixturing and graphics, each store can become an inviting and effective retail establishment, which will be compatible with the overall design quality of One Nineteen.

Through the criteria in this Handbook, the Landlord has set certain quality and design standards that will help Tenants create stores compatible with the overall design concept of One Nineteen.

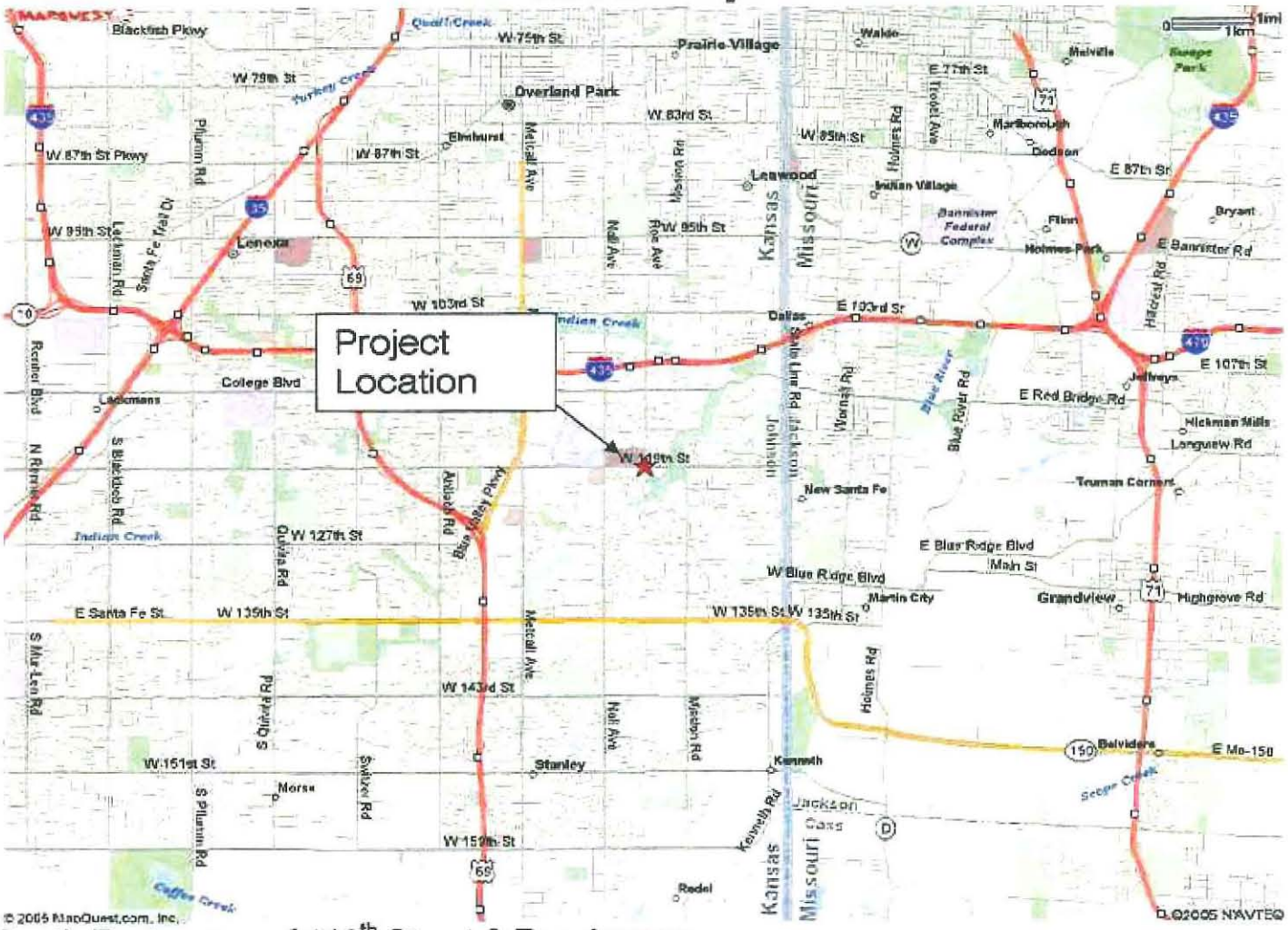
Project Narrative

One Nineteen is a collection of high quality buildings that capture the energy and excitement of today's pedestrian oriented retail. With a striking two story contemporary Crate and Barrel on the hard corner of the site, the overall architecture of One Nineteen is forward thinking, creating a "Warm Contemporary" architectural language. Simple classic modern forms crafted largely in quality masonry and detailed to ensure richness for the pedestrian typify the components that are the foundation for confident bold "frames" that will feature great retail Storefronts. The masonry palette that will have accent areas of both glass and stucco will be light in color, utilizing light earth tones that will compliment Crate and Barrel's "white" structure. The architecture vertical scale is purposely "tall" giving retailers not only a larger canvas for their unique storefronts but also a generous view both in and out from the north facing collection of shops.

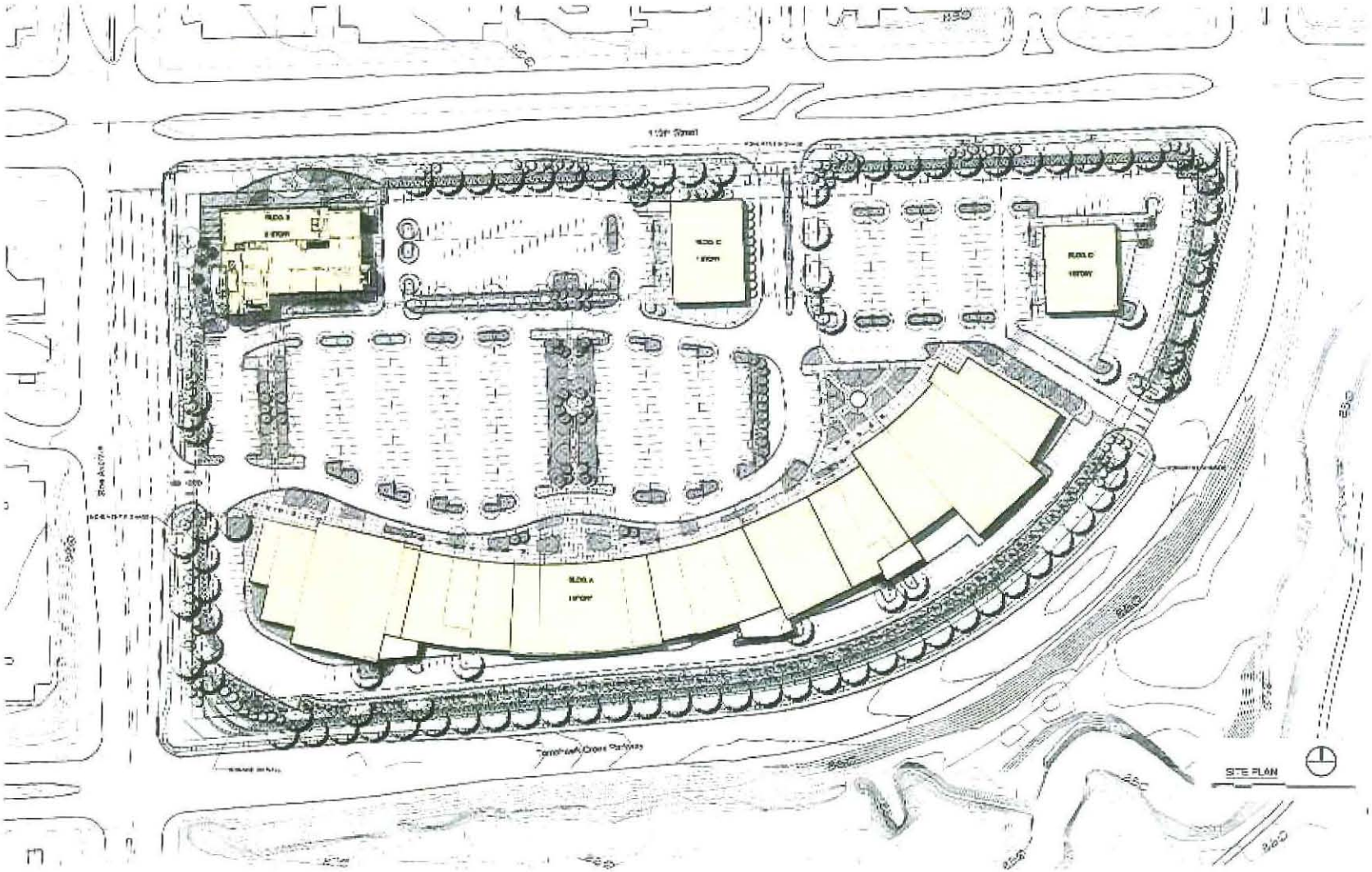
The landscape, hardscape and site amenities will significantly contribute the retail experience at One Nineteen. Wide covered walkways at the storefront will be embellished with broad landscaped areas providing plenty of room to pause and relax. Two pedestrian areas are extra spacious providing great opportunities for seasonal activities and gatherings.



Area Map



South-East corner of 119th Street & Roe Avenue
Leawood, Kansas



Overall Site / Lease Plan

(Site plan is provided for location and orientation and is subject to change. No representation is made herein.)

CODES:

Building: 2000 IBC (as amended)

Mechanical: 2000 IMC (as amended)

Plumbing: 2000 IPC (as amended)

Electrical: 1999 NEC (as amended)

GOVERNMENT AGENCIES LOCAL UTILITY COMPANIES:

Building Department (Building Permits)
City of Leawood
Planning and Development
4800 Town Center Drive
Leawood, KS 66211
Ph: 913.339.6700

Fire Department – Non Emergency
Leawood Fire Department
14801 Mission Road
Leawood, KS 66211
Ph: 913.339.6700

Johnson County Dept. of Health
11180 Thompson Ave.
Lenexa, KS 66219
Ph: 913.492-0402
Fx: 913.492.0142

Telephone
SBC
9444Nall Ave,
Overland Park, KS 66207
Ph: 913.383.4884

Gas
KCPL Gas Service
P.O. Box 418679
Kansas City, MO 64141-9679
800-794-4780

Cable Television
Time Warner Cable
6221 West 119th Street
Overland Park, KS
Ph: 913.451.6464

Sewer Utility
Johnson County Waste Water District
7311 W. 130th Street, Suite 100
Overland Park, KS 66213-2637
Ph: 913.681.3200

Electrical
Kansas City Power & Light
P.O. Box 418679
Kansas City, MO 64141-9679
Ph: 816.471.5275

Water
Waterone
10747 Renner Blvd.
Lenexa, KS 06219
Ph: 913.895.5727

Owner / Landlord:
119th Street Development, LLC.
4717 Central
Kansas City, MO 64112
Phone: 816-777-3500
Fax: 816-777-3501

Leasing:
R.E.D Development
6263 N. Scottsdale Road
Suite 222
Scottsdale, AZ 85250
Ph: (480) 947-7772
Fax: (480) 947-7997

Landlord Representative/ Tenant Coordinator:
Randy Frey
RED Development, LLC
4717 Central
Kansas City, MO 64112
Phone: (816) 777-3500
Fax: (816) 777-3501

Coordinating Architect:
Nelsen Architects, Inc.
905 Congress Avenue
Austin, TX 78701
Ph: 512.457.8400
Fax: 512.457.8770

Civil Engineer:
Brungardt Honomichl & Company P.A.
10895 Grandview
Suite 150
Overland Park, KS 66210
Ph: 913.663.1900
Fax: 913.662.1633

Structural Engineer
(To be determined)

Mechanical/Electrical Engineer
(To be determined)

Landscape Architect:
Ochsner Hare & Hare
2600 Grand, Mezzanine Suite
Kansas City. MO 64108
Ph: 816.842.8844
Fax: 816.842.9988

TENANT DESIGN HANDBOOK DEFINITIONS:

Blade Sign:
Supplemental signage installed perpendicular to the storefront for visibility to pedestrians. All signage is to be provided by Tenant and approved by Landlords Architect.

Mall or Landlord's Bulkhead:
Element above Tenant's storefront and below the Landlord's ceiling at small shop buildings. It defines the height of a Tenant's storefront. Tenants will not be permitted to use a storefront system that does not extend up to the Landlord's bulkhead. Tenants shall install all required vapor barrier and gyp. board sheathing at bulkhead.

Construction Coordinator:
Landlord field representative(s) responsible for oversight of all Tenant construction and compliance.

Curtain Wall:
A non-bearing exterior building wall, between piers or columns, which is not supported by the beams or girders of a skeleton frame.

Demising Partition:
A common, rated wall between two adjacent shops or between a shop and a common area. The centerline of the demising partition defines each Tenant lease premises. Demising walls shall be constructed of 3 5/8" metal studs only. Gyp. board sheathing and insulation shall be supplied and installed by the Tenant unless otherwise specified in the Lease Agreement.

Storefront Control Area:
The area below the bulkhead at the storefront and 4'-0" behind the lease line. The Landlord reserves the right to require above average materials in this area and to apply all tenant sign criteria guidelines, submittals and approvals within this area.

Facades:
The exterior face of the building which is the architectural front, sometimes distinguished from the other faces by elaboration of architectural or ornamental details.

Graphics:
Lettering, symbols and logos used for signage at the storefront and/or throughout the store interior.

Lease Line:
The line shown on the Tenant Lease Diagram (LOD), which defines the confines of the Tenant's demised premises.

Mall Common Area:
Shopping Center streetscape, sidewalks, parking lots, service halls, restrooms (if any), landscaping, children's play areas, etc. and all other areas of the Shopping Center not part of a defined lease premises.

Neutral Pier:
Architectural element separating two adjacent storefronts, or a storefront and a service corridor. Neutral piers are installed and maintained by the Landlord. The Tenant at its own expense shall repair any damage to the neutral piers by the Tenant. The Tenant shall provide flashing and/or caulking as approved by Landlord's Architect (or as directed by Landlord's Tenant Coordinator) when adjoining Tenant's storefront to a neutral pier.

Mechanical Zone:
A "mechanical zone" has been designed to accommodate roof top unit placement. The "mechanical zone" shall be located per the building shell construction documents. Roof top equipment shall not be placed outside of the "mechanical zone". In the event that a Tenant requires roof top equipment located outside the "mechanical zone", the Tenant is required to submit calculations prepared by a certified structural engineer for review by the building shell structural engineer. Additional engineering services and any additional reinforcing shall be at the Tenant's expense.

Parabolic:
A type of reflective lens, which provides a better control of light, reduces glare and maintains better light output.

Reveal:
Recessed separator strip between two different materials. Also used to separate Tenant's storefront from Landlord's neutral piers and bulkheads.

Show Window:
Transparent portion of storefront used for merchandise display; display window

Sign Block:
Rectangular areas on building elevations, which define the allowable sign areas. Sign areas shall be in conformance with local sign ordinances.
Simulated:
Artificially produced to look or seem like a natural building material.

Soffit:
The exposed undersurface of any overhead component of a building, such as an arch, balcony, beam, cornice, lintel or vault.

Storefront:
Front face or other exposed exterior building wall of the store.

Store Name:
Official name of the store as written in the lease documents

DRAWING SUBMISSION AND APPROVAL PROCEDURE

The Landlord has established the following procedures to expedite the required approvals of the Tenant's drawings for the lease premises. Deviations from these procedures could result in needless delay and redrafting of the Tenants Contract Documents.

All submittals shall be submitted to the Landlord's Representative (see Introduction).

Selection of Tenant's Architect

The Tenant, at its expense, must select a Kansas registered architect(s) and engineer(s) to prepare complete plans and specifications for the improvements to the premises including, but not limited to, applicable structural, plumbing, mechanical, and electrical. Tenants needing assistance in locating an experienced, locally licensed architect and engineer(s) should contact the Landlord's Representative. The Tenant must forward a copy of this Handbook along with a print of the Tenant Lease Diagram and associated details to their architect. It is the Tenant's architect's responsibility to obtain, review, and comply with all applicable codes. Tenant shall also notify the Landlord's Representative of the architect's name, address and telephone number. All drawings must be signed and sealed by an architect and engineer registered in the State of Kansas.

In case of any discrepancy between this booklet and the Tenants Lease Document, the Lease shall govern.

After receiving the Tenant Lease Outline Diagram, carefully review the design criteria and applicable codes. Prior to starting construction drawings, the Tenant's architect (in conjunction with the Tenant) shall proceed with the preliminary design of the Tenant's premises.

It is the responsibility of the Tenant and his architect to schedule adequate time for Landlord's preliminary review, Tenant's subsequent revisions if required, final construction drawings and Landlord's final review per the Lease Agreement.

It shall be the Tenant's responsibility to visit the site and verify all existing conditions prior to finalizing construction documents.

Small Retail Shops

Upon execution of the lease the Landlord will provide the following:

1. Lease Outline Diagram for the proposed Tenant.
2. Tenant Design Criteria Booklet.
3. Site/Leasing Plan
4. Construction Documents, if available.
5. Tenant Contractor Rules and Regulations

Upon receipt of this information the Tenant has 30 days in which to produce preliminary documents for Landlord's approval. The Landlord will review these documents within 2 weeks and return them to the Tenant marked as "Approved", "Approved as Noted" or "Returned for Corrections".

The Tenant will be required to submit final Construction Documents within 60 days of receipt of Landlord comments. Landlord shall again review the documents within 2 weeks and mark them as noted above. If final documents are marked "Return for Correction" Tenant shall address all items and resubmit for final approval within 10 working days.

Failure by the Tenant to comply or show due diligence to the above schedule shall be considered in nonconformance with lease requirements.

Out-Parcel Pads

Upon execution of the lease and/or sales contract the Landlord will provide the following:

1. Preliminary Site/Grading Plan.
2. Preliminary Site Utility Plan.
3. Tenant Design Criteria Booklet.

Upon receipt of the above information the Tenant has 30 days in which to produce preliminary documents for Landlord's approval. The Landlord will review these documents within 2 weeks and return them to the Tenant marked as "Approved", "Approved as Noted" or "Returned for Corrections".
The Tenant will be required to submit final Construction Documents within 90 days of receipt of Landlord comments. Landlord shall again review the documents within 2 weeks and mark them as noted above. If final documents are marked "Returned for Corrections" Tenant shall address all items and resubmit for final approval within 10 working days.

Preliminary Design Phase

The purpose of this phase is to acquaint the Landlord with the Tenant's intentions so that the Landlord may comment and/or advise Tenant of any changes necessary to meet the criteria before the working drawing phase.

Tenant's architect shall submit the preliminary design to the Landlord's Representative for preliminary review and approval. The preliminary design shall be submitted within thirty days of receipt of the Tenant Lease Outline Diagram.

Please submit three (3) scaled, half size sets of all drawings to the Landlord's Representative for review of Lease Agreement compliance. The drawings will then be forwarded to the Landlord's Architect for review of Design Criteria compliance. One (1) set containing review comments will be returned to the Tenant.

Drawings shall be clearly identified with the shopping center name, Tenant's store name, Tenant's space number and key plan, and must include the following information as a minimum (additional information is encouraged).

- Preliminary floor plans (scale ¼" = 1'-0") indicating interior design concept, approximate location of fixtures and equipment, interior partitions, toilet rooms, exits, seating, etc., identifying all materials and colors.
- Reflected ceiling plan indicating all soffits, ceiling heights, materials, lighting layouts, locations of HVAC diffusers, and approximate location of HVAC units within the predetermined "mechanical zone".
- Storefront elevation and section, including any graphics and signage. Indicate all materials and finishes (scale ¼" = 1'-0").
- Sketches, perspectives, sections or other details that will clarify the design of the storefront and the Design Control Area, or photographs of similar storefront, if related to Tenant's submission.
- Material finish and color sample board(s), properly mounted and labeled.

In addition to the above, one set of catalog cuts and/or photographs and/or samples showing the store fixtures specialty, lighting fixtures, and other special treatments used in the sales area must be submitted so that all aspects of the public areas of the store can be reviewed by the Landlord's Representative.

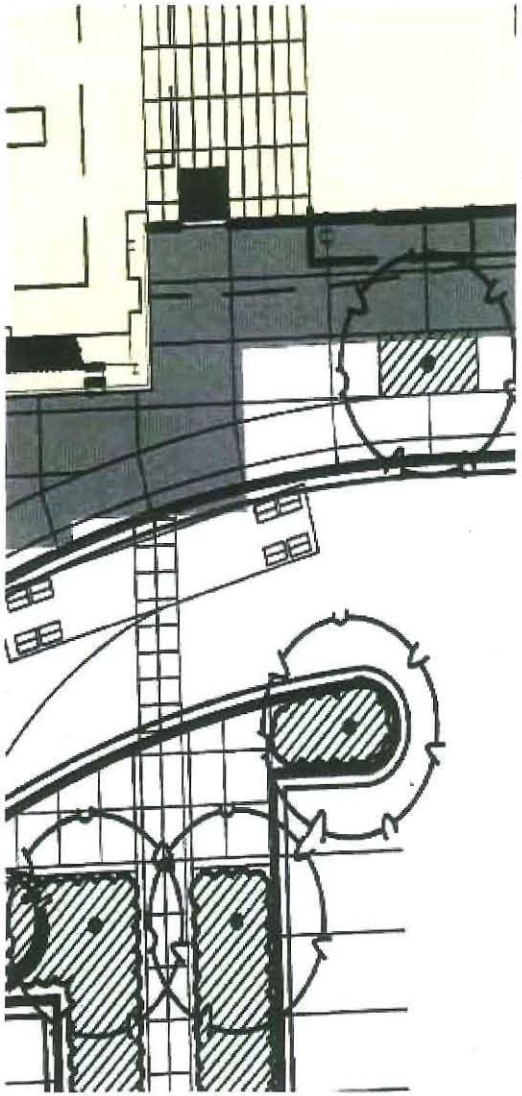
If Tenant's storefront design follows a specific prototype, photographs of comparable stores should be submitted to aid the Landlord's Representative in the review process.

The Landlord's Architect will review the preliminary design and make necessary corrections or suggestions and return, with his comments and/or approval or disapproval, one marked-up set of prints to the Tenant's architect.

Construction Document Phase

After the preliminary drawings have been approved in writing by the Landlord's Tenant Coordinator and Architect, the Tenant's architect shall proceed with the final construction documents and specifications incorporating design suggestions and comments of the Landlord's Representatives, in accordance with the criteria contained in this Handbook and the Tenant Lease Plan. Additional information may be required as deemed necessary by Landlord upon review of Tenant's drawings.

Final construction documents shall be submitted on or before the date required by the Lease. Final construction documents shall be submitted in three (3) scaled, half size sets of prints to the Landlord's Tenant Coordinator. All drawings and specifications must be clearly identified with the Project name, the Tenant's store name, a Key Plan with the Tenant space number, and the name and seal of the architect or engineer preparing these drawings indicating that he or she is registered in the State of Kansas. Final working drawings and specifications shall consist of a minimum of the following:



ARCHITECTURAL PLANS

- **Architectural Floor Plan (Scale:¼" = 1'-0")**

Demising wall locations and dimensions.
Dimensioned interior partitions.
Restroom facilities with all applicable accessibility requirements.
Location of fixtures and equipment.
Recessed service door (if applicable).

- **Reflected Ceiling Plan (Scale:¼" =1'-0")**

Ceiling heights including drops and curtain walls.
Types of ceiling construction.
Decor at ceiling.
Location of lighting fixtures, sprinkler heads, air diffusers, grilles, access panels and heat detectors (if applicable).

- **Storefront and Interior Elevations (Scale:¼" = 1'-0")**

Material samples, (if not submitted with preliminary design).
Color storefront elevation and/or submit photograph of similar stores as required.
Finishes and colors.
Signing.

- **Necessary Sections and Details**

Large scale section through storefront to roof 1" = 1'-0" showing relationship to interior ceiling.
Security grille detail, if applicable.
Details at neutral piers and Landlord's bulkhead at ceiling 1 ½" = 1'-0".
Storefront details and wall sections.

- **Schedules**

Door schedules/details.
Room finish schedule.

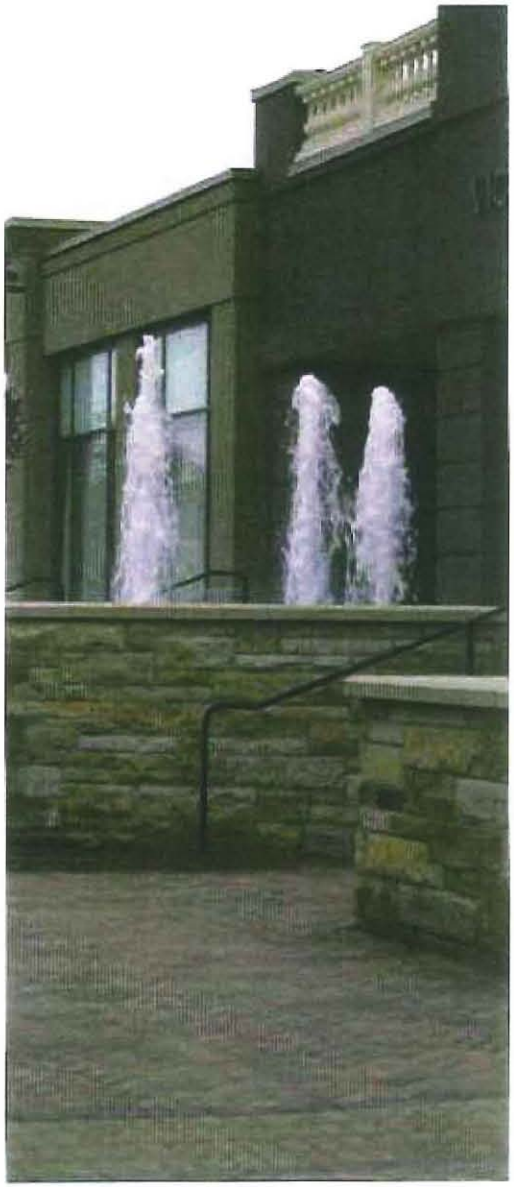
PLUMBING PLANS

These drawings shall incorporate all minimum design and construction requirements as stated herein. If the Tenant's particular occupancy requires that these standards be exceeded to meet code or the Tenant's requirements, the Tenant shall be responsible for making the adjustments.

- **Plumbing Plan (Scale: 1/4" = 1'-0")**

Toilet facilities.
Location of other plumbing fixtures.
Location of sewer connection.
Location of plumbing vent connection.
Clean-out and floor drain location.
Domestic water distribution.
Gas piping layout (restaurant tenants, if applicable).
Water meter.
Sanitary system isometric drawings including line sizes.
Domestic water isometric indicating pipe sizes.
Water heater detail with relief valve and piping to floor drain.
Detail of connection to Landlord's vent stack.

Note: Tenant's are required to use the Landlord's building shell roofing Contractor for any and all roof penetrations.



HEATING VENTILATING AND AIR CONDITIONING

The HVAC drawings shall incorporate all minimum design and construction requirements, including complete calculations, indicating heat gain to and heat loss from the space for all lights, occupancy, exterior exposure (if any) and other heat producing elements. All roof top equipment shall be located within the "mechanical zone".

- **Mechanical Plan (Scale: ¼" = 1'-0")**

Ductwork layout and sizes.
Heights above finished floor.
Damper locations.
Return air openings through demising walls.
Type of insulation.
Locate diffusers, grilles and registers.
Show thermostat location.
Return Air Systems:
    Direct.
    Indirect.

Note: Tenant's are required to use the Landlord's building shell roofing Contractor for any and all roof penetrations.

Photo representation only

- **Schedules and Details**

Diffuser and Grille Schedule indicating CFM capacities.
Equipment schedule.
Toilet exhaust duct connection detail.

- **Exhaust System**

Show windows (if required).
Cooking equipment (if applicable).
Specifications of exhaust equipment.
Location of equipment.
Methods of installation.
Ventilation requirements (by Tenant in the event of unusual or excessive requirements).
Fresh air intake.
Specify minimum CFM requirements.

ELECTRICAL

Electrical drawings and specifications shall show all circuits for store lighting (including emergency and night lighting), sign lighting, receptacles, toilet exhaust and other fans (if different or supplemental to Landlord's central system), and service to heating, ventilating, and air conditioning system.

Show single line power riser diagram indicating main disconnects, size of wire, conduit, panels, transformers, time clock, etc.

Show panel schedule and itemized load breakdown in connected kilowatts for the premises, including lighting, receptacles, sign lighting, water heating, special appliances, toilet exhaust fans (horsepower), make-up air fan (horsepower), miscellaneous space heating, sales door, operator motor (horsepower), fan coil unit (horsepower), return air fans (horsepower) and large motors (starter type).

These drawings shall incorporate all minimum design and construction requirements including complete calculations and show the total simultaneous load maintained at three hours or more for the store area and all other lighting, HVAC, and miscellaneous loads per square foot.

- **Electrical Floor Plan (Scale: ¼" -= 1'-0")**

Location of all floor and wall outlets.
Location of Landlord's service.
Location of all fans, motors and HVAC equipment.
All loads assigned to circuits - itemized load breakdown.
Itemized Load Schedule.

- **Electrical Ceiling Plan (Scale: ¼" = 1'-0")**

Lighting fixture layout including night lighting and sign lighting.
Toilet exhaust and other fans.
Emergency and exit light locations.
All lighting assigned to circuits.
Indicate sign and lights which are connected to time clock.

- **Schedules**

Lighting Fixture Schedule.
Electrical Panel Schedule.

- **Miscellaneous Details**

Electrical Distribution Riser Diagram.
Feed conduit and wire size.
Arrangement of panels, transformer, time clock, etc.
Indicate telephone conduit locations for connection to empty telephone conduit.
Conduit and wire size to Individual Units, HVAC equipment and panels as applicable.

- **Fire Protection Plans**

These plans must be prepared by a Landlord approved sprinkler contractor and submitted to Mall Operations Manager to verify compliance in accordance with the requirements of Landlord's insurance underwriters and must indicate the following:

- **Fire Marshall's Approval**

Location of existing sprinkler head grid with main and branch pipe sizes.
Location of branch piping.
Heights of ceilings and dropped soffits, etc.
Location of surface mounted or dropped lighting and decorative beams.
Location of curtain walls or lighting baffles.
Other construction which will affect sprinkler coverage.

- **Shop Drawings**

The Tenant shall submit to the Landlord's Architect for approval, three copies of the sign shop drawings.

Menu boards must be submitted to the Landlord's Architect for approval. Tenants are required to submit drawings or photographs that clearly indicate the size, colors and materials to be used. The Tenant must submit three sets of the sprinkler shop drawings approved by the Fire Marshall to Mall Operations Manager.

Landlord's Architect reserves the right to request additional detailed shop drawings for review after final working drawings have been approved.

- **Final Construction Drawing Approval**

Upon receipt of complete sets of drawings and specifications as outlined above, the Landlord's Consultants will review these drawings for compliance with the previously approved preliminary design and the other criteria of this Handbook, and return to the Tenant one set of prints marked with the approval stamp. The drawings will be marked "Approved", "Approved as Noted" or "Returned for Corrections". Drawings stamped "Returned for Corrections" or "Approved as Noted" requesting resubmittal of specific sheets shall be revised and resubmitted within ten (10) days of the receipt of the Drawings.

Simultaneously, the Landlord's Representative will forward one (1) set of stamped approved drawings to the Landlord's Project Manager for field verification during construction. It is the Tenant's responsibility to see that the approved set of drawings with comments, if any are distributed to his construction staff. Prior to the removal of the construction barricade, the Contractor shall request of the Project Manager and Construction Coordinator a review and Punch List of the lease space. All Punch List items shall be completed prior to the removal of the barricade.

No deviation from approved drawings will be permitted without prior written approval by Landlord. It must be understood that the Landlord's approval of the working drawings is for compliance with the criteria established in this Handbook only. By reviewing these drawings, the Landlord and its agent(s) assume no responsibility for code compliance, dimensional accuracy, engineering accuracy or completeness of these drawings for construction purposes. The Landlord reserves the right to review compliance based on the highest quality construction and craftsmanship.

CIVIL (OUTPARCEL BUILDINGS ONLY)

The following is a list of Civil Engineering drawings that must be submitted for review. All drawings must: be a minimum of 22" x 36", be to scale (min. of 1"=50'), have a north arrow, show basic site plan information, contain appropriate general notes, identify materials to be used in construction, and contain any other engineering data necessary for determination of site construction. Each plan is further required to show the following:

Dimensioned Site Plan

- Property lines, setback lines, buildings, signs, sidewalks, and curbs.
- Parking stalls, aisles, and driveways.
- Accessible Route and Exit paths

Grading Plan

- Finished surface contours
- Erosion control methods
- Drainage structures

Utility Plan

- Existing utilities (or those provided by the landlord)
- Proposed service connections for water, sewer, storm sewer, power, natural gas, telephone, cable TV or any other underground utility.
- Appropriate details for manholes, cleanouts, hydrants, etc.
- Landlord approved location for grease trap (if required)

Pavement Plan

- Sidewalk and curb locations
- Elevations of curbs, parking lots, and sidewalks
- Drainage paths

Site Lighting Plan

- Pole locations and fixture mounting heights and number of and orientation of all fixtures.
- Point by point footcandle (fc) plan of parking lot with points not exceeding 20' on center grid.
- Average, maximum, and minimum fc at ground surface.
- Uniformity ratio: average-to-minimum fc and maximum-to-minimum fc.
- Pole manufacturer and model number.
- Fixture manufacturer and model number.

Landscaping Plan

- Location and identification of all plant materials
- Botanical and common name
- Size of plant material at time of installation
- Plant installation detail
- Site furnishings details (site furnishings include benches, trash containers, ash trays, tables, etc.)
- Irrigation Plans

Important note: The plans must also show and define any structure or improvement that is to be constructed on the premises. Such items may include but are not limited to: retaining walls and traffic control signs. The Landlord reserves the right to include those items as part of the approval process.

SMALL RETAIL SHOPS AND INTERIOR DESIGN

Philosophy and Design Concept

One Nineteen will be a premier shopping center of Leawood, Kansas. The quality of today's retail environment demand distinctive and high quality storefronts and presentations to enhance the shopping environment.

Storefront Design

The unique characteristics and quality Tenant mix of One Nineteen calls for bold, dynamic storefronts. Critical to the design integrity and success of the shopping centers image are the individual contributions of each Tenant's store. It is essential that proper attention be paid to proportion, scale, color, and detailing so that the Tenants can enhance the image of the shopping center and themselves. Refer to page 3.13 and 3.14 for more detailed information on Storefront Design.

Storefront Entry Element

Storefronts should be designed to incorporate an entry feature at the entrance into each leased space.

For the intent of the criteria, the term "Entry" shall be described as a grand or imposing entrance and shall encompass the whole architectural composition surrounding and including the doorway. A single portal or a series of multiple portals may be featured in the storefront design.

Entry elements shall be attached to the storefront and provide a weatherproof barrier to the public way. Recessed storefront entry elements are permitted; tenant responsible for frost footings where required. Tenant responsible for any damage if footing is omitted. Tenants are required to provide innovative floor and ceiling finishes which are subject to approval by the Landlord's Architect.

Special lighting effects such as cove lights or uplights are subject to approval of the Landlord's Representative and will be reviewed on an individual basis.

Design Criteria

This criteria is a basic "set of tools" that the Tenant is required to work with and expand upon. Criteria are written to encourage freedom of individual expression and to provide a common point of departure for all Tenants.

Storefronts should emphasize a "sense of entry", and display of merchandise. National or regional Tenants who have a typical or recognizable storefront design are expected to review this design criteria of One Nineteen and adjust their design to ensure compatibility and compliance and work closely with the Landlord's Architect to achieve the same level of quality as One Nineteen.

Key Plan

Reference Section One of this Design Criteria for the general overall configuration of the property. Each Tenant should refer to his Tenant lease plan for specific information and details relative to its leased space.

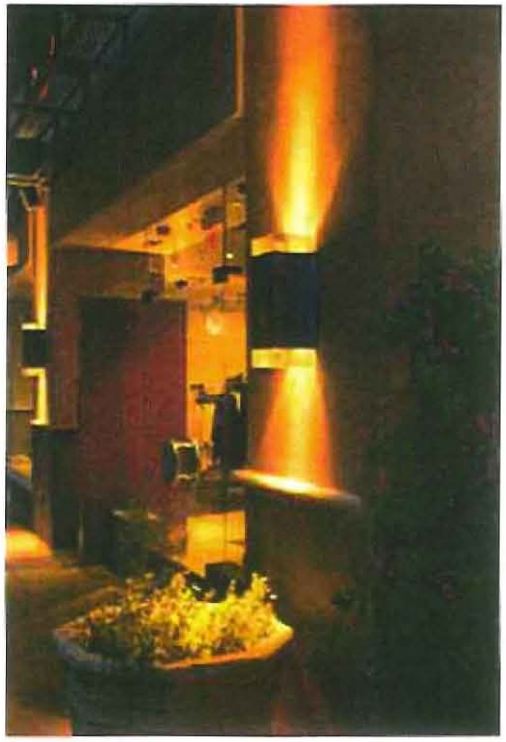


Photo representation only

PROPOSED AMENDMENT TO PAGE 3.1

Design Criteria

This criteria is a basic "set of tools" that the Tenant is required to work with and expand upon. Criteria are written to encourage freedom of individual expression and to provide a common point of departure for all Tenants.

Storefronts should emphasize a "sense of entry", and display of merchandise. National or regional Tenants who have a typical or recognizable storefront design are expected to review this design criteria of ~~One Nineteen~~ Town Center Crossing ~~and adjust their design~~ to ensure compatibility and compliance and work closely with the Landlord's Architect to achieve the same level of quality as ~~One Nineteen~~ Town Center Crossing.

Design or materials utilized that do not strictly comport with the Design Criteria may be used by tenant if approved by Landlord after determination that the spirit and intent of the Design Criteria is met.

Neutral Pier

The neutral piers where they occur between separate, adjacent lease spaces are provided and maintained by the Landlord. The Tenant is not responsible for the neutral piers and cannot modify them or hang their finishes from them in any way. Tenants should refer to the detail sheets, which are forwarded with the Shell Building Drawings for detailed information regarding the configuration and construction of the neutral piers. Tenants are also required to verify the location of any fire hydrant cabinets or roof drain down spouts in neutral piers and neutral piers at stairs. The neutral pier detail indicated on this sheet is conceptual. Refer to Construction Documents for details specific to each lease space. Tenants shall be required to provide break metal at locations other than structural piers.

PROPOSED AMENDMENT TO PAGE 3.2

Neutral Pier

The neutral piers where they occur between separate, adjacent lease spaces are provided and maintained by the Landlord. The Tenant is not responsible for the neutral piers ~~and cannot modify them or hang their finishes form them in any way~~ but may propose modifications to them, if approved by the Landlord under the Drawing Submission and Approval Procedure outlined in Section 2. Tenants should refer to the detail sheets, which are forwarded with the Shell Building Drawings for detailed information regarding the configuration and construction of the neutral piers. Tenants are also required to verify the location of any fire hydrant cabinets or roof drain down spouts in neutral piers and neutral piers at stairs. The neutral pier detail indicated on this sheet is conceptual. Refer to Construction Documents for details specific to each lease space. Tenant shall be required to provide break metal at locations other than structural piers.

Storefront Bulkhead

The bulkhead above the storefront is a standard Shell Building finish, provided and maintained by the Landlord on the outside of the lease premises. The Tenant cannot change or modify the bulkhead, nor is the Tenant responsible for its maintenance, except for patching and repairing the bulkhead to new condition of any damage caused by the Tenant during construction. Storefronts may attach to the bulkhead but may not be structurally dependent on such attachment. All storefronts shall be self-supporting and attached to the Landlord structure for lateral support only.

PROPOSED AMENDMENT TO PAGE 3.3

Storefront Bulkhead

The bulkhead above the storefront is a standard Shell Building finish, provided and maintained by the Landlord on the outside of the lease premises. The Tenant ~~cannot~~ may change or modify the bulkhead, if reviewed and approved by the Landlord in accordance with the Drawing Submission and Approval Procedures outlined in Section 2. ~~nor is t~~The Tenant is not responsible for its maintenance, except for patching and repairing the bulkhead to new condition of any damage caused by the Tenant during construction. Storefronts may attach to the bulkhead but may not be structurally dependent on such attachment. All storefronts shall be self-supporting and attached to the Landlord structure for lateral support only.

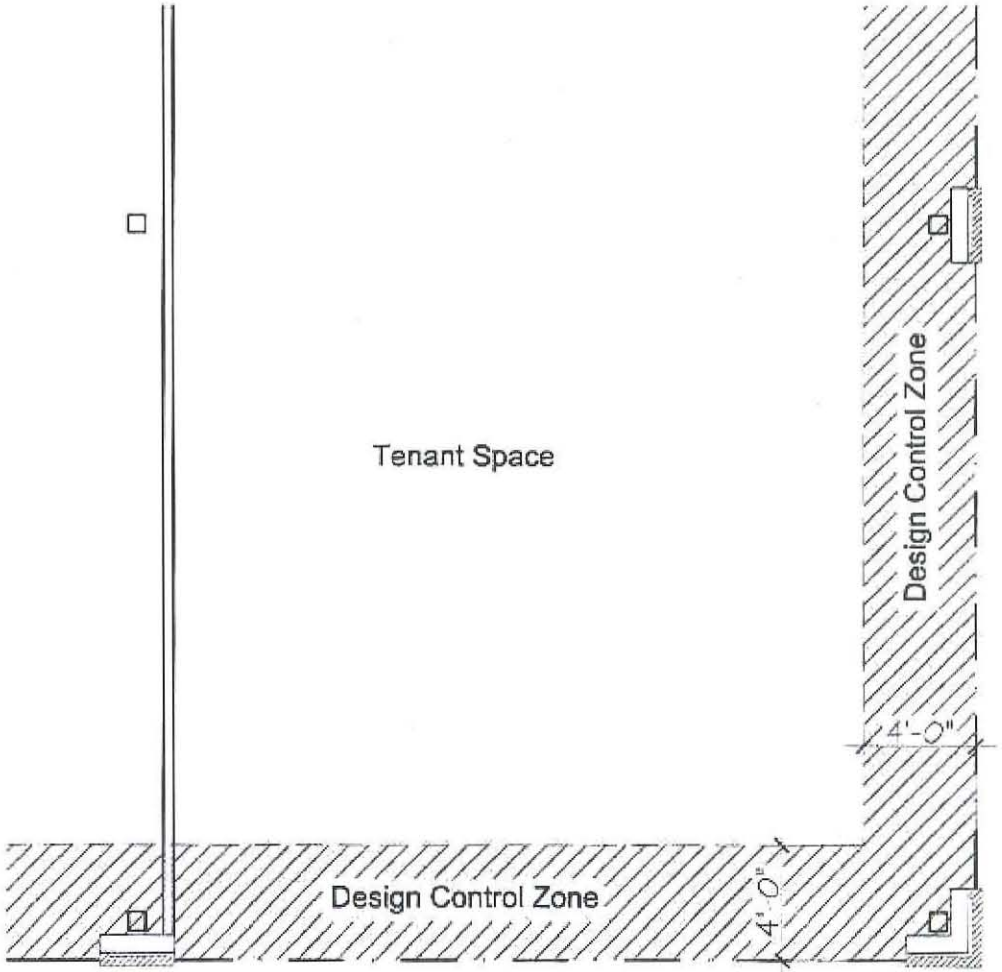
Design Control Zone

The Design Control Zone includes all display windows and retail graphics, display fixtures, signs, materials, finishes, colors, and lighting from the leaseline to 4' behind the lease line.

If a Tenant chooses to recess the store closure behind the designated Design Control Line, the Design Control Area will be enlarged accordingly.

The Landlord will closely control all elements in the Design Control Zone.

The soffit at the storefront entrances may be finished in the same material as the storefront. The soffit height shall be not less than 14'-0" above the Mall floor. Acoustical tile is not an acceptable ceiling for any part of the Design Control Zone.



Design Control Zone Plan
(See Shell Building Drawings for specific condition)

Display Windows

Display windows should be unique and individual. Window displays should thus be integrated into the architectural design and character of the entire storefront. A variety of textures in display and window treatment should be explored, as well as innovative lighting and window designs (see Signage Criteria). Display windows shall be transparent and open to the store. No back drops behind displays will be allowed.

A minimum of 80% of the storefront width is recommended to be used for display windows. The Landlord's Architect will evaluate exceptions on specific merchandising situations and requirements.

For greater transparency, a storefront glazing with a minimum use of mullions or frames is required.

Corner Tenants must install display windows and/or store openings on both elevations. Solid walls will not be permitted along the Lease Line without approval from the Landlord's Architect.
Should storefront glazing extend to the floor, a minimum 6" durable base or frame is required.

Store Closure

The level of the finished floor within the Tenant area must correspond within ½" of the level of the public walkway finished floor at the Lease Line and specifically detailed on the plans. Applicable threshold accessibility is the responsibility of the tenant.

The store closure may be any one of the following:

Pivoting glass doors.
Pivoting wood doors.
Electric Sliding doors.
Revolving doors.

Doors

Sliding doors shall be electric horizontal doors with integrally colored aluminum frames operated by a motion sensor. Doors shall be located so motion sensor will not activate continuous due to passers by. All door tracks are to be recessed and as much as practical hidden from view. No depressions are permitted in the floor slab for this or any other purpose. Pivoting doors may be frameless glass outswinging doors on pivots.

Outswinging doors are to be recessed a minimum of the width of the door, as the door swing may not extend beyond the Lease Line. All locking mechanisms shall comply with the ADA.

All door systems shall be weather tight as required for open-air Retail. If the use of an air lock or vestibule is preferred it shall be designed as part of the storefront design and shall be located within the lease premises.

Floor and Base

The interior floors and base should be covered with the highest quality materials, conforming to the basic quality criteria outlined later in this manual. Ease of movement, safety, and maintenance should be primary considerations in floor covering.

Tenant shall have a flush transition between the shopping center walkway surface and the Tenant's floor finish, feathering the floor as necessary. Tenant shall be required to finish any flooring in any exterior recessed storefront areas.

Tenant shall be responsible for the sealing and finishing of area within pocket of pivoting doors.

The storefront base may be stone, precast, masonry, metal or tile, and should complement the Tenant's storefront material. A base is not required where Tenant's stone storefront extends to the floors. The base must be of a durable material capable to withstand standard exterior cleaning and snow removal equipment.

Where storefront glazing continues to the finished floor, it must terminate in a minimum 6" high base compatible with the store design.

Any other durable base material, easy to maintain and that matches or is compatible with the Tenant's other storefront finishes may be used. Storefront base should reflect the dimensional quality of the storefront.

Lighting

Tenants are encouraged to use decorative lighting elements as an integral part of their storefront and interior store design. In recent years, a wealth of lighting fixtures and techniques has come on the market, and innovative lighting should be explored. Lighting can play an important role in attracting customers and enhancing merchandising strategies.

All storefront and general store lighting must be reviewed and approved by the Landlord's Architect, subject to the following basic guidelines:

- The Tenant shall provide a high quality of illumination above the display area and entrances.
- No storefront lighting shall be installed in the soffit area ceiling beyond the leaseline. Up lighting and halo lighting are encouraged.
- No strobe, spinner, or chase type lighting shall be used. No animated flashing or intermittent lights, black light, or strobe lights will be permitted.
- For illumination in the Design Control Area, Landlord Architect must approve decorative type lighting (i.e. luminous ceilings, chandeliers, pendant fixtures or wall units). Fluorescent light fixtures will not be permitted within the Design Control Area. All fluorescents outside of the Design Control Area must be deep cell parabolics.
- All signs, logos, and display windows shall be illuminated during the hours the center is open and controlled by a time clock, which will be connected to the Tenant's power supply.
- All showcase and display cases must be adequately lighted and ventilated. Direct visual exposure of incandescent bulbs and/or fluorescent tubes is prohibited. No lamp shall extend below the ceiling line or below the window head at show windows within the Design Control Area.
- No TV monitors will be permitted in the Design Control Area.
- Mixtures of lighting types are encouraged in the Sales Area.

Finishes

Materials for the storefront should suggest quality, craftsmanship, elegance and stability. Innovation and creativity are encouraged. With that in mind, the use of the following materials on the storefront is **strictly prohibited:**

- Imitation or simulated materials (including those available in plastic laminates); i.e., imitation brick, simulated wood, synthetic marble, etc.
- Slat wall.
- Pegboard in any form.
- Vinyl or suede wall covering or wallpaper.
- Chain link fencing or rough metal.
- ~~Softwood storefronts (i.e. rough sawn cedar). Avoid images that are strongly rustic or residential~~.
- Plywood paneling.
- Carpet or fabric (except in canvas awnings).
- Painted drywall, including Zolitone or Polymix type products.
- Metal or plastic laminates.

Signage

Signage shall be as outlined in Section Eight of this Design Criteria Booklet.

Awnings

Awnings shall be provided and installed by the Tenant as part of the Tenant's improvement work to the building shell. Several awning options have been designed by the Landlord's Architect and the Tenant should consult those drawings included as part of the Tenant Package. The tenant shall submit awning shop drawings for review and approval. Deviations from the standard awning design will be reviewed on and individual basis.

MERCHANDISING AND DISPLAY

Storefront Philosophy

One of the aspects of One Nineteen is the merchandising opportunity afforded the Tenants by the storefront design. The storefronts create an area visible from the shopping center that extends the store beyond the display window into the shopping center. Basically, the entire front portion of the store becomes part of the display design.

The opportunity to display merchandise to shoppers passing by opens a wealth of marketing strategies. It also affects the front layout of the store. Attractive fixtures and appropriate materials are just as crucial in the front part of the space as in the display window itself. Standard light levels should be maintained to adequately light merchandise. As the storefront exposes a portion of the store to view, all lighting and display fixtures should be of exceptional quality, and are subject to Landlord approval.

Merchandising Opportunity

Fixture layout and lighting can be used to highlight particular merchandise, to attract passing customers, and to enhance the image of the store. As one example, a bookstore, which normally displays best sellers and new releases in its display windows now, has the opportunity to also display its videotape library, gift books, or special interest or seasonal titles as well.

However, the wide visibility of the store interior also creates some restrictions. The same bookstore mentioned above would need to be careful not to place messy discount tables, magazine racks, or plainly stocked shelves in areas visible from the courtyard.

If creative inspiration is needed in developing strategies to take full advantage of this expended display area, please consult the graphic examples in this manual. With ingenuity, any challenge can be easily mastered, opening up exciting merchandising possibilities.

General Store Criteria

With recent trends in store design evolving to more open and transparent storefronts, it is often not possible to differentiate between the storefront and the store interior. The way the Tenant displays their merchandise, the fixturing layout, and the fixtures themselves combine with the storefront architecture to create an image to the public. The Landlord is therefore concerned that the store interior be designed with the same care and attention to detail as the storefront itself. Therefore, the following criteria for interior design have been created to guide the Tenant.

Layout, Fixturing, and Merchandising

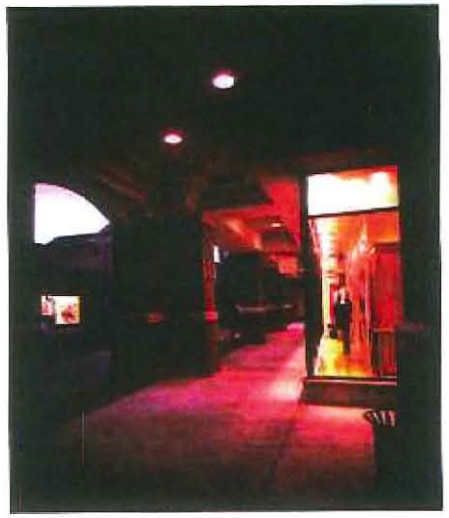
The Tenant is encouraged to use the services of a professional store planner, visual merchandiser, and/or fixturing specialist in the design and layout of his store.

A properly designed floor layout will always mean an increase in sales.

Display fixtures should complement the overall design of the store and present the merchandise in an appropriate manner. The Tenant is required to use only new, first quality fixturing throughout his store. Used or reconditioned display fixtures are not permitted; high quality bona fide antique furnishings may be used with prior approval.

The use of pegboard on display fixtures or as a wall finish is not permitted.

The use of standard continuous slat wall is also discouraged.



Floor Finishes

All areas of the Tenant's premises must have a finished floor.

The following are approved floor finishes.

- Quarry tile or ceramic tile.
- Stained or sealed concrete.
- Marbled or other natural stone terrazzo.
- Carpet (outside of design control area), which must be commercial grade and no less than 28 oz. Per square yard face weight.
- Vinyl composition tile and base is not permitted in the sales area or anywhere visible to the public. Vinyl composition tile may be used in stock rooms or restrooms.
- Bullnose tile or carpet reducer strips are not permitted.
- Wood flooring is acceptable however, a transition at the entry area of walk off mat or tile is suggested.

Ceilings

The ceiling is an integral part of the store design and as such requires appropriate emphasis. The ceiling helps define the character of the store and when properly designed will enhance a store's appearance. The Landlord discourages the use of a ceiling in one plane throughout the store.

Through the use of coffers, drywall soffits and bulkheads, an interesting ceiling design will result. A well-designed ceiling can also help to define different lighting values.

In general all areas of the Tenant's store must have a ceiling. Exposed structure (even in storage areas) will be allowed only on an individual basis and when part of a quality design. Ceilings above 12'-0" in height may encounter building obstruction (i.e. sprinkler, structure, etc.). Tenant shall field verify all existing conditions. Ceilings may not be attached to roof deck, sprinkler pipes, electrical conduits or ductwork.

All ceiling in the Design Control Area must be drywall or a continuation of the storefront material.

All ceiling in the remaining areas of the store must be drywall, metal linear or acoustical ceiling tiles, or any combination thereof. Additional materials may also be approved; however, samples and photographs will need to be submitted.

If acoustical ceiling tiles are used, the following types are acceptable:

2'x2' regular edge acoustical panels.

2'x4' acoustical panels scored to disguise the 2'x4' module (such as Armstrong Second Look).

2'x2' designer panels (such as Armstrong Syllables).

Concealed spline acoustical tiles.

The Tenant shall provide access to all ductwork, heaters piping, controls, or valves located within the premises by means of accessible ceiling tile or flush access panels.

Walls and Wall Finishes

All demising walls (walls between adjacent Tenants or between a Tenant and a common area) must be constructed with 5/8" fire rated drywall, fire taped from floor slab to the underside of deck above.

All demising walls must be finished to achieve a one-hour fire rating. Where a demising partition of the Tenant's premises is adjacent to a service corridor or other Landlord-related facility between adjacent Tenant spaces, and is not an exterior wall, the Landlord has provided a demising partition from floor slab to underside of structure above. This partition is of either 6" or 3 5/8", 25 gauge steel stud construction at 24" on center or greater.

Structural columns, which occur in a demising wall, must be covered with fire rated drywall as part of the demising wall.

Where Tenant elects to use any type of music system or sound generating device within the premises, perimeter wall construction must be such that it does not allow the transmission of sounds to adjacent spaces. Tenant must provide any necessary construction such as sound insulation blankets or sound deadening panels to assure adjacent Tenant of the quiet enjoyment of their space.

If the Tenant plans to use a demising wall for the support of shelf standards or heavy attachments, Tenant must reinforce the wall as needed, such as by providing additional steel studs, or providing independent supports for the shelf standards. However, the wall shall maintain a one-hour UL rating.
Tenant may not install any attachments, such as shelving equipment, etc., directly against department store or exterior masonry walls without providing a furring or stud separation (while maintaining any existing expansion joints). The furring or stud separation must be adequate to support the attached shelving equipment, etc. All interior partitions must be built with metal stud framing. Fire treated wood framing is permitted for incidental blocking only.

All interior wall surfaces in the sales area must be finished in an appropriate manner. Three coats of paint, wall covering, paneling, mirror, plastic laminates, finish masonry or metal are considered suitable finishes.

Exposed pegboard on walls or sales fixtures is not permitted in any area of the store visible to the public.

Non-Combustible Construction

All Tenant construction, including storefronts must be non-combustible and subject to the approval of the Building Department and the Fire Marshal. Treated fire-resistant materials will be permitted only where approved by jurisdictional authorities.

No Modification to Landlord's Structural Members or Building Systems

Under no circumstances shall Tenant's Contractor cut or modify Landlord's structural members, expansion joints, wind bracing, columns, beams, and bridging. Any structural framing or bracing required for Tenant's construction and to be attached to Landlord's structure must be designed by a Structural Engineer and approved by Landlord's Architect and Engineer.

Landlord reserves the right to refuse to permit the installation of any roof- or wall-mounted equipment which exceeds the capability of the structural system; or to require screening if the appearance of such equipment would be detrimental to the appearance of the center.

Tenant's Contractor shall not be permitted to modify, attach or hang from landlord's duct work, water lines, sprinkler lines, conduit or roof deck to accommodate Tenant's construction including, but not limited to, Tenant's ceiling grid, ductwork, pipes, conduit, etc.

Mezzanines

Tenant, upon obtaining prior written approval from the Tenant Coordinator, may construct a mezzanine or storage platform subject to the following:

The mezzanine framing must be completely independent of the basic building structural frame and demising partitions, and must be designed by a structural engineer licensed in the State of Kansas.

Roofing System

Access to the Mall roof is restricted to Landlord's personnel and Landlord's designated Contractors only. No Contractor or Subcontractor will be permitted on the roof unless written permission has been obtained from the Operation Managers. The installation of all flashing and curbing for Tenant related equipment must be by Landlord's roofing Contractor at Tenant's expense. The furnishing of the roof curb and the installation of equipment on the roof will be by the Tenant's Contractor.

Filters used in all kitchen exhaust systems shall be of non-combustible construction and comply with NFPA requirements. All systems shall be provided with access panes and a means of collecting grease drippings from the filters.

Roof-mounted kitchen hood exhaust fans shall be of the "mushroom" type and have grease pans adequate to protect the roof. These pans shall be installed, cleaned and maintained regularly by the Tenant. All roof mounted exhaust hoods, equipment, etc. must been located to be concealed from public view.

Tenant Security System

Electronic security systems and shoplifting detection services shall be designed to be concealed from public view. Freestanding posts, suspended rails, or walk through portals are discouraged. The Landlord prior to installation must approve installation of Tenant security systems.

Fire Protection Sprinkler System

The Landlord has provided a fire protection main within 5'-0" of the Tenant's Lease premises, unless otherwise provided for in the Lease Agreement. All sprinkler heads in the storefront design control area shall be fully recessed and semi-recessed in the sales area. Note: Tenant provides all cross-mains, branch lines, valves, annunciations and sprinkler heads.

Any revisions, extensions or relocations to the Landlord's portion of the sprinkler system shall be by the Tenant at the Tenant's expense. Work to be performed by Landlord approved Sprinkler Contractor at Tenant's expense. Connections to the Landlord's fire protection panel (if any) shall be at the Tenant's expense. If the Landlord is required by the local authority to install sprinkler systems within the Tenant lease premises prior to turnover, the Tenant shall reimburse the Landlord for their share of that work.

Fire Extinguisher

Tenant shall furnish and install fire extinguishers as required by the Fire Marshal.

Floor Slabs

Concrete floor slabs have a smooth troweled finish and are slab on grade. No depressions or recesses in slabs will be permitted without prior written approval.

Any rework, cutting for underground plumbing and patching of the existing floor slab shall be at the Tenant's expense and must be approved by the Landlord's Architect.

Grease Interceptors

If the Tenant's occupancy requires the use of a sanitary sewer grease interceptor it shall be provided and installed by the Tenant at it's own expense. The location of the interceptor is subject to approval of the Landlord or it's Architect.

Exterior Furniture

Tenants that have an approved exterior seating area shall supply exterior furniture per shopping center standards. See Section Ten for more information.

All Tenant exterior seating areas shall be per an established Lease Agreement and shall be in conformance with local codes and ordinances.

Storefront Design and Colors

The unique characteristics and quality Tenant mix of One Nineteen calls for bold, dynamic storefronts. Critical to the design integrity and success of the shopping centers image are the individual contributions of each Tenant's store. It is essential that proper attention be paid to proportion, scale, color, and detailing so that the Tenants can enhance the image of the shopping center and themselves.

All storefront designs shall be carefully reviewed and approved by the landlord. Please reference storefront examples one, two, three, and four; these designs are to establish a precedence for storefront design at the shopping center and tenants are encouraged to submit alternatives similar in concept.

Example #1

Example #3

Example #2

Example #4

SUB-MAJOR BUILDING DESIGN
(15,000 s.f. and above)

General Store Criteria

The Landlord has provided standard aluminum storefronts or storefronts as specified in the preliminary design approvals for each Tenant premises. Each Tenant is encouraged to design within the storefront provided.

Storefront Design

The use of imaginative forms, approved materials, approved color combinations, and graphics is encouraged. Only original and innovative modifications to standard storefront designs compatible with the overall design of the shopping center will be approved.

Show windows must have concealed lighting without pulsating, strobe, or otherwise animated illumination. All interior and exterior surfaces shall be a high quality finish materials. Show windows should minimize the use of back walls that tend to close off the store area visually from the public view.

Required Exterior Building Materials

All buildings shall meet the minimum requirements of the material standards noted below.

- Minimum 60% Masonry or Stone veneer system.
- Maximum 40% stucco systems
- Final Exterior Building Design shall be as designed by or subject to approval of the Landlord's Coordinating Architect.
- Exposed pitch roofs and shade devices –shall be a pre-finished metal system to match shopping center standards.

Note: All design modifications and materials shall be in strict accordance with the Design Criteria and previously stated and approved building facade materials. All variations are subject to Landlord approval. All building materials are subject to change in accordance with local design ordinances. Approval shall be obtained from the City by the Landlord's Architect.

Layout, Fixturing and Merchandising

The Tenant is encouraged to use the services of a professional store planner, visual merchandiser, and/or fixturing specialist in the design and layout of his store. A properly designed floor layout will always mean an increase in sales. A high standard of finish is expected.

Floor Finishes

All areas of the Tenant's premises must have an appropriately finished floor as approved by Landlord's Architect.

Ceilings

The ceiling is an integral part of any store design and as such requires appropriate emphasis. The ceiling helps define the character of the store and when properly designed will enhance a store's appearance. All ceilings shall conform to support requirements and may not be attached to roof deck, sprinkler pipes, electrical conduits or ductwork.

The tenant shall provide access to all ductwork, heaters, piping, controls, or valves located within the premises by means of accessible ceiling tile or flush access panels.

The tenant shall provide access to all ductwork, heaters, piping, controls, or valves locate within the premises by means of accessible ceiling tile or flush access panels.

Walls and Wall Finishes

All demising walls shall be as required by local governing authorities. All interior wall surfaces in the sales area must be finished in an appropriate manner (i.e. consistent with first class retail store).

No Modification to Landlord's Structural Members or Building Systems

Under no circumstances shall Tenant's Contractor cut or modify Landlord's structural members, expansion joints, wind bracing, columns, beams, and bridging. Any structural framing or bracing required for Tenant's Construction and to be attached to Landlord's structure must be designed by a Structural Engineer and approved by Landlord's Architect and Engineer.

Landlord reserves the right to refuse to permit the installation of any roof- or wall-mounted equipment which exceeds the capability of the structural system; or to require screening if the appearance of such equipment would be detrimental to the appearance of the center. Tenant's Contractor shall not be permitted to modify, attach or hang from Landlord's duct work, water lines, sprinkler lines, conduit or roof deck to accommodate Tenant's Construction including, but not limited to, Tenant's ceiling grid, ductwork, pipes, conduits, etc.

Storefront Signage

Signage shall be as indicated in Section Eight of the Design Criteria.

Floor Slabs

Concrete floor slabs have a smooth troweled finish and are designed as on grade. No depressions or recesses in slabs will be permitted without prior written approval. The Tenant's Contractor shall furnish and install that portion of the concrete slab in all areas where the slab has been blocked out in conformance with Landlord standards.

Exhaust System

Tenants who have special exhaust requirements as a result of odor; moisture or high heat-producing operations shall provide separate special exhaust and make-up air facilities, to be approved by the Coordinating Architect.

Any unacceptable odor, as determined by Landlord, shall be exhausted by means of centrifugal blowers located within the premises and ducted through the roof to the atmosphere.

No openings for fans, vents louvers, grilles or other devices will be installed in any demising partition, exterior wall, or roof without Landlord's written approval and Landlord supervision.

Fire Protection Sprinkler System

Any revisions, extensions or relocations to the Landlord's standard sprinkler system shall be by the Tenant at the Tenant's expense. Work to be performed by Sprinkler Contractor acceptable to Landlord.

Roofing Systems

Access to the Mall roof is restricted to Landlord's personnel and Landlord's designated Contractors only. The installation of all flashing and curbing for Tenant related equipment must be by Landlord's roofing Contractor at Tenant's expense.

Exterior Furniture

Tenants that have an exterior seating area shall supply exterior furniture per shopping center standards. See Section Ten for more information.

All Tenant exterior seating areas shall be per an established Lease Agreement and shall be in conformance with local codes and ordinances.

Site & Building Design Criteria

This section applies to all hardscaping/ landscaping materials and palette, site lighting (other than the parking areas), site amenities (benches and trash receptacles) and building materials, including the Crate & Barrel pad building.

(A) Hardscape/paving: The Center will utilize a mix of integrally-colored concrete, scored and/or stamped and a variety of concrete pavers.

Surface Finish

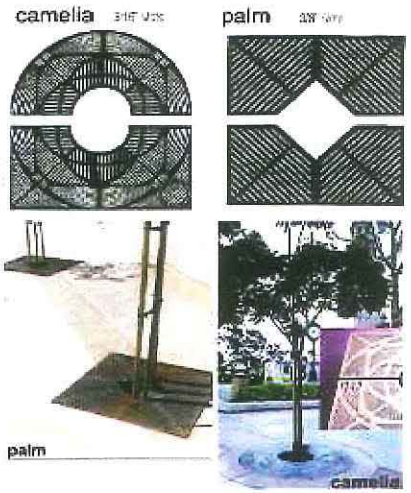
Surface Finish

Stamped Concrete

(B) Retaining Walls: Mosaic retaining wall "Versa-Lok"

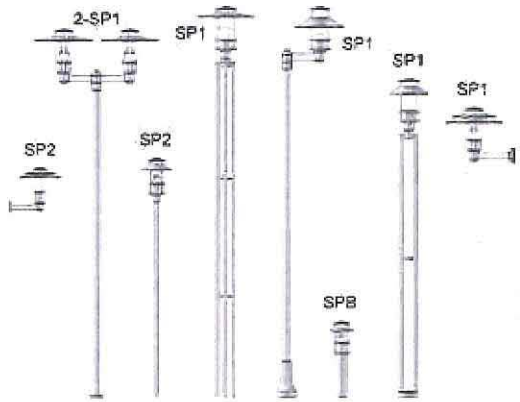
(C) Retaining Walls (at Crate & Barrel): Natural Stone, Dry-Stack

(D) Landscaping: Refer to the Landscape Plans of the entire site for information pertaining to the palette and materials proposed. Refer to the Landscape Plans of the Crate & Barrel store for information pertaining to the palette and materials proposed as well as hardscaping and site lighting.



(E) Proposed Site Lighting-For other than the parking areas:

- Architectural Area Lighting (AAL)- "Spectra Indirect"



(F) Site Amenities (benches and trash receptacles): Throughout the site, in select areas, there will be benches and trash receptacles. These will be the "Plainwell" bench by landscapeforms in black powder coat or aluminum. The coordinating trash receptacle will be specified. At Crate & Barrel, a "Sedona" collection planter in stainless steel by Heltzer Furniture will be used. Also, the "Plexus" trash receptacle by landscapeforms is proposed in white powder coat.

(G) Architectural Building Materials (Crate & Barrel)- The following materials are proposed for the exterior of building B:

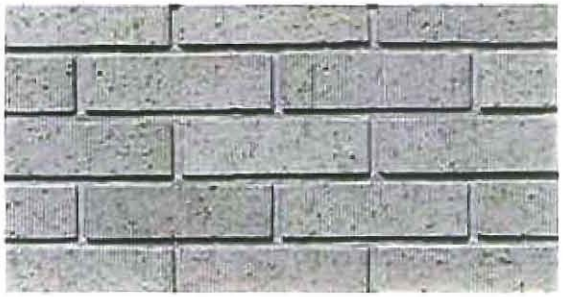
1. Exterior Insulation and Finish System (EIFS): *Dryvit Systems, Inc.; Finish: Omega Products, Sand finish, Color A104 or similar*
2. Mortar Adhered Manufactured Stone Veneer: *Cultured Stone; Pro-fit Ledgestone Southwest Blend or similar*
3. Corrugated Metal Wall Panel: *Berridge Mfg. B-6 Profile; Finish: Zinc Cote or similar*
4. Shiplap Stained Cedar Siding: *Grade A Western Red Cedar, WRCLA Finish:*
   a) Sherwin Williams Semi-Transparent Oil Stain A14T5 (full tint to specified color)
   b) Sherwin Williams SuperPaint Machine Finish Acrylic Semi-Transparent Stain A15T705 (50% reduced tint to specified color)
5. Preformed Metal Wall Panel: *Alcoa Cladding Systems, Reynobond; Finish: Bone White or similar*
6. Thin Brick: *Endicott Tile, Ltd., Color: Grey; Texture: Wirecut; Finish: Benjamin Moore, MoorGard Latex House Paint No. 103 or Sherwin Williams SuperPaint Exterior Latex Satin Wall Paint A89 Series or similar*

(H) Architectural Building Materials (other buildings)- The following materials are proposed for the exterior of buildings A & C:

1. Arriscraft Stone Base: Arriscraft International Renaissance Masonry Unit, 3-5/8"x11-5/8"x23-5/8", smooth, color: *Pecan.*

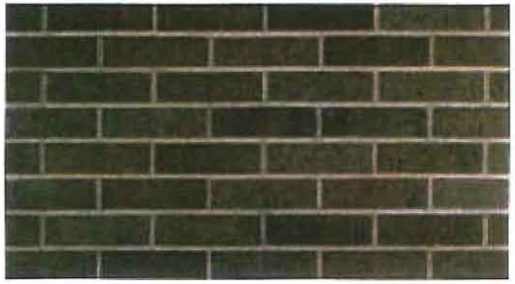
2. Brick Wall #1: Cloud Ceramics, "modular" size brick, color: *Coronado Grey.*

3. Brick Wall #2: Cloud Ceramics, "closure" size brick, color: *French Grey.*

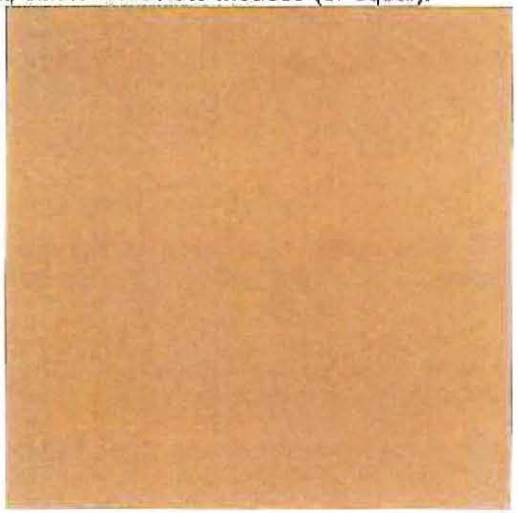


4. Arriscraft Stone Accent #1: Arriscraft International Renaissance Masonry Unit, 3-5/8"x7-5/8"x23-5/8", smooth, color: *Cream.*

5. Brick Accent #2: Kansas Brick & Tile, "standard" size brick, color: *500 Mit Gray.*



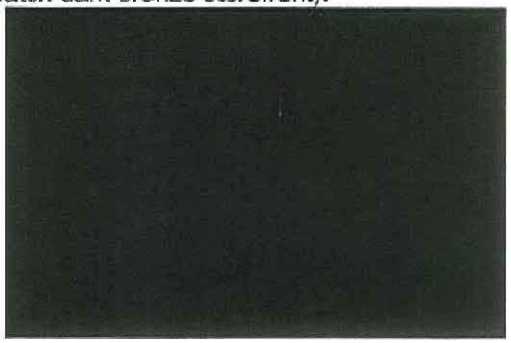
6. Stucco Wall: 2-coat synthetic stucco system (smooth sand finish) with elastomeric top coat, color: *Chocolate Mousse* (or equal).



7. Storefront (at grade): Aluminum-frame storefront glazing system, color: *Dark Bronze*, with 1" clear insulated glazing.

8. Storefront (elevated): Aluminum-frame storefront glazing system, color: *Clear Anodized*, with 1" green-tint, sand-blasted insulated glazing.

9. Prefinished Metal Canopy: High performance exterior metal paint, color: *Dark Bronze* (to match dark bronze storefront).



10. Wood Soffit: 5-1/2" tongue & groove, Western red cedar, smooth finish, color: *Olympic exterior, semi-transparent #726.*

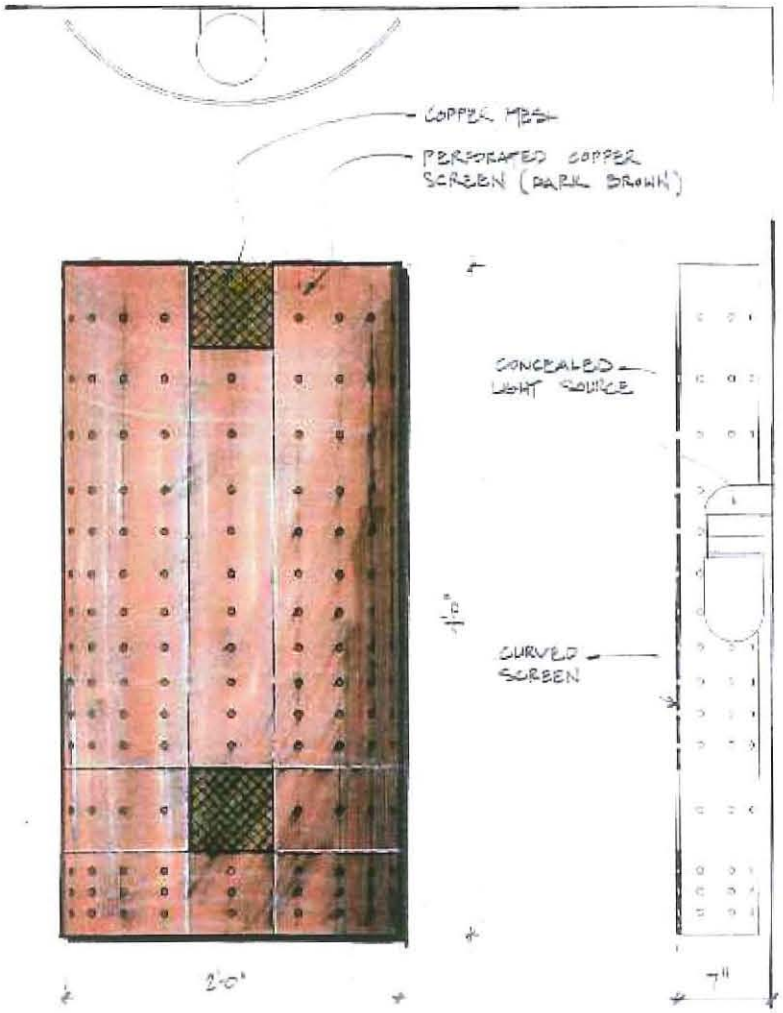
Storefront: Treated Cedar Plank (painted to Tenant's prototypical trade dress) is allowed.

11. Stucco Soffit: 2-coat synthetic stucco system (smooth sand finish) with elastomeric top coat, color: *Oyster Shell* (or equal).

12. Fabric Awning: Sunbrella canvas, color: *Black*.

Partial Elevation – Building A

North Elevation – Building A



Exterior Wall Sconce Study
Buildings A & C

IN-LINE RESTAURANT DESIGN

General Store Criteria

Since the Individual In-line Restaurant represents a major attraction to the shopping center, and is directly attached to shops within the center, their building design needs to reflect a dramatic and individual design image, while maintaining similar design elements of the shopping center. This criterion is intended to establish design standards to encourage the In-line Restaurant buildings to become a unique, yet consistent part of the overall shopping center.

These criteria are a basic "set of tools" that the Tenant is required to work with and expand upon. Criteria are written to encourage some freedom of individual expression and to provide a common point of departure for all Tenants while adhering to shopping center guidelines.

The building facades should be designed to give an innovative design concept. Tenants are encouraged to take full advantage architecturally of the shopping center design standards.

National or regional tenants who have a typical or recognizable building design are expected to review the design of One Nineteen and these criteria and adjust their design to ensure compatibility and compliance with these criteria.

- Main building facades – 60% minimum approved masonry materials. 40% scored stucco maximum.
- Building parapet cap element - prefinished metal. All facades of building.
- Entry Facade Element - maintain a minimum of 60% minimum approved masonry materials.

Other acceptable exterior material - subject to Landlord design review and approvals. See Section Five for more information.

Roofs

The roof materials and roofline compositions shall be consistent or compatible with the shopping center design and provide an integral part of the individual building design. The following are acceptable roof materials:

- Typical EPDM roof with exterior wall screening parapet.
- Exposed pitch roofs shall be Landlord approved simulated slate or concrete.

All roof slopes and configurations are subject to Landlord approval. No standing seam metal or asphalt shingles will be allowed.

Storefront Signage

Signage shall be as indicated in Section Eight of this criteria.

Trash Enclosures

All trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosures and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction and shall match shopping center standard. All trash enclosures shall meet the City codes and planning criteria and approvals.

Screening

The following items shall be either located out of direct public view or adequately screened by a screen wall utilizing the appropriately approved masonry materials:

- Gas meters and any associated piping.
- Electric meters and any associated conduits.
- Transformers.
- Trash compactors.
- Any ground installed equipment.
- Trash dumpsters, service areas and recycling bins and grease interceptors.

All roof-mounted equipment shall be adequately and completely screened from any property adjacent public right of ways and/or pedestrians views by means of exterior building walls or Landlord approved equipment screening. All rooftop screening shall be integrally designed into the building by use of roof parapets and walls. Painting of equipment is not allowed.

Store Closure

The level of the finished floor within the Tenant area must correspond within ½" of the level of the public walkway finished floor at the Lease Line and specifically detailed on the plans.

The store closure may be any one of the following:

Pivoting glass doors.
Pivoting wood doors.
Electric Sliding doors.
Revolving doors.

Doors

Sliding doors shall be electric horizontal doors with integrally colored aluminum frames operated by a motion sensor. Doors shall be located so motion sensor will not activate continuous due to passers by. All door tracks are to be recessed and as much as practical hidden from view. No depressions are permitted in the floor slab for this or any other purpose. Pivoting doors may be frameless glass out swinging doors.

Out swinging doors are to be recessed a minimum of the width of the door, as the door swing may not extend beyond the Lease Line. All locking mechanisms shall comply with the ADA, and local building codes.
All door systems shall be weather tight as required for an open-air mall. If the use of an air lock or vestibule is preferred it shall be designed as part of the storefront design and shall be located within the lease premises.

Floor and Base

The interior floors and base should be covered with the highest quality materials, conforming to the basic quality criteria outlined later in this manual. Ease of movement, safety, and maintenance should be primary considerations in floor covering.

Tenant shall have a flush transition between the shopping center walkway surface and the Tenant's floor finish, feathering the floor as necessary.

Tenant shall be responsible for the sealing and finishing of area within the pocket of pivoting doors if they are recessed

The storefront base may be stone, precast, brick masonry, metal or tile, and should complement the Tenant's storefront material. A base is not required where Tenant's stone storefront extends to the floors. The base must be of a durable material capable to withstand standard exterior cleaning and snow removal equipment. Base materials are subject to Landlord design review and approval.

Where storefront glazing continues to the finished floor, it must terminate in a 6" high base compatible with the store design.

Any other durable base material, easy to maintain and that matches or is compatible with the Tenant's other storefront finishes may be used. Storefront base should reflect the dimensional quality of the storefront.

Non-Combustible Construction

All Tenant construction, including storefronts must be non-combustible and subject to the approval of the Building Department and the Fire Marshal. Treated fire-resistant materials will be permitted only where approved by jurisdictional authorities.

Tenant Security System

Electronic security systems and shoplifting detection services shall be designed to be concealed from public view. Freestanding posts, suspended rails, or walk through portals are discouraged. The Landlord prior to installation must approve installation of Tenant security systems.

Tenant Paging System

The Tenant shall provide a seating available pager type notification System. System shall send an adequate signal strong enough to cover the entire Shopping Center. Tenant shall verify o\prior to installing system in order to obtain a frequency identity specific to Tenant's space.

Fire Protection Sprinkler System

The Landlord has provided a fire protection main within 5'-0" of the Tenant's Lease premises, unless otherwise provided for in the Lease Agreement. All sprinkler heads in the storefront design control area shall be fully recessed and semi-recessed in the sales area.

Note: Tenant provides all cross-mains, branch lines, valves, annunciators, and sprinkler heads.

Any revisions, extensions or relocations to the Landlord's portion of the sprinkler system shall be by the Tenant at the Tenant's expense. Work to be performed by Landlord approved Sprinkler Contractor at Tenant's expense.

Fire Extinguisher

Tenant shall furnish and install fire extinguishers as required by the Fire Marshal.

Floor Slabs

Concrete floor slabs have a smooth troweled finish and are slab on grade. No depressions or recesses in slabs will be permitted without prior written approval. No raised floors or raised slabs will be permitted without prior written approval.

Any rework, cutting for underground plumbing and patching of the existing floor slab shall be at the Tenant's expense and must be approved by the Landlord's Architect.

Grease Interceptors

If the Tenant's occupancy requires the use of a sanitary sewer grease interceptor it shall be provided and installed by the Tenant at it's own expense. The location of the interceptor is subject to approval of the Landlord or it's Architect and any local jurisdiction.

Johnson County Environmental Services
11180 Thompson Avenue
Lenexa, KS 66219
Phone: 913.492.0402
Fax: 913.492.0142

Exterior Furniture

Tenants that have an exterior seating area shall supply exterior furniture per shopping center standards. See Section Ten for more information. All Tenant exterior-seating areas shall be per an established Lease Agreement and shall be in conformance with local codes and ordinances.

OUT PARCEL BUILDING DESIGN

General Store Criteria

Since the Individual Outparcel Tenant represents a major attraction to the shopping center, their building design needs to reflect a dramatic and individual design image, while containing shop design elements of the center. This criteria is intended to establish design standards to encourage their out parcel buildings to become a unique, yet consistent part of the overall shopping center.

These criteria are a basic "set of tools" that the Tenant is required to work with and expand upon. Criteria are written to encourage some freedom of individual expression and to provide a common point of departure for all Tenants while adhering to shopping center guidelines.

The building facades should be designed to give an innovative design concept. Tenants are encouraged to take full advantage architecturally of the shopping center design standards.

National or regional tenants who have a typical or recognizable building design are expected to review the design of Village Pointe and this criteria and adjust their design to ensure compatibility and compliance with these criteria.

- Main building facades – 60% minimum approved masonry materials. scored stucco maximum 40%.
- Building parapet cap element - prefinished metal. All facades of building.
- Entry Facade Element - maintain a minimum of 60% minimum approved masonry materials.

Other acceptable exterior material - subject to Landlord design review and approvals. See Section Five for more information.

Roofs

The roof materials and roofline compositions shall be consistent or compatible with the shopping center design and provide an integral part of the individual building design. The following are acceptable roof materials:

- Typical EPDM roof with exterior wall screening parapet.
- Exposed pitch roofs shall be Landlord approved simulated slate or concrete.

All roof slopes and configurations are subject to Landlord approval. Absolutely no standing seam metal or asphalt shingles will be allowed.

Site Lighting

The Architect should make every effort to create an exciting and functional lighting program for the needs of the Tenant. Therefore, the Landlord has established the following requirements for Tenant lighting:

- Site lighting shall be as per the shopping center standards. Landlord will provide general specifications for tenant design.
- Tenant is responsible for all lighting within the entire out parcel premises.
- No lighting shall be installed outside the out parcel premises.
- Incandescent pendant units may be used for general exterior lighting only if Tenant has established an identity based on this theme or motif, and only at Landlord's discretion.

In general, all site lighting shall be as shopping center standards and be shielded to reflect downward or direct light away from residential areas, or any other areas deemed unacceptable by the Landlord or the City.

Trash Enclosures

All trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosures and service

areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosures shall meet the City codes and planning criteria and approvals.

Screening

The following items shall be either located out of direct public view or adequately screened by a screen wall utilizing the appropriately approved masonry materials:

- Gas meters and any associated piping.
- Electric meters and any associated conduits.
- Transformers.
- Trash compactors.
- Any ground installed equipment.
- Trash dumpsters, service areas and recycling bins and grease interceptors.

All roof mounted equipment shall be adequately and completely screened from any property adjacent public right of ways and/or pedestrians views by means of exterior building walls or Landlord approved equipment screening. All rooftop screening shall be integrally designed into the building by use of roof parapets and walls. Painting of equipment as a method of screening is not allowed.

Civil/Sitework

This section applies to tenants and/or purchasers of Outparcel pad sites for The Shops at 119th. Civil/Sitework plans for each Outparcel should be prepared and submitted to the Landlord's Engineer in the same manner outlined for the architectural review and approval process.

No construction may proceed on any Outparcel pad site prior to receiving notification from the Landlord's Engineer that the Civil/Sitework plans have been approved. Civil/Sitework plans must be submitted directly to the Landlord's Engineer,

Civil Engineer:
Brungardt Honomichl & Company P.A.
10895 Grandview
Suite 150
Overland Park, KS 66210
Ph: 913.663.1900
Fax: 913.662.1633

No construction may proceed on any Outparcel pad site prior to receiving notification from the Landlord's Engineer that the Civil/Sitework plans have been approved. Civil/Sitework plans must be submitted directly to the Landlord's Engineer,

The Landlord's engineer will review the plans and comments will be issued to the tenant stating either Approved, Approved as Noted, or Returned for Corrections.

Civil/Sitework plan submittals shall include, but not be limited to the following plan/profile sheets:

- Site Plan (Approved by Architect)
- Proposed Grading Plan
- Proposed Utility Plan
- Proposed Paving Plans
- Proposed Site Lighting Plan
- Proposed Landscaping Plan

The Landlord's engineer will review the plans and comments will be issued to the tenant stating either Approved, Approved as Noted, or Returned for Corrections.

Civil/Sitework plan submittals shall include, but not be limited to the following plan/profile sheets:

1. Site Plan (Approved by Architect)
2. Proposed Grading Plan
3. Proposed Utility Plan
4. Proposed Paving Plans
5. Proposed Site Lighting Plan
6. Proposed Landscaping Plan

Plan submittals shall also include all details of construction showing type, size, location and materials for any proposed: retaining walls, sidewalks, traffic control signs or any other structure that is to be located on the property.

The following are general guidelines for general site design and plan submission. Exceptions to these guidelines will be evaluated on an individual basis.

Grading Plan

- The first floor elevation shall be the elevation given to the tenant by the

Landlord. (Landlord shall provide first floor elevation prior to site design.) If the Tenant requires the finished floor to be anything other than the elevation given by the Landlord, the Tenant shall be responsible for contacting the Landlord's Engineer stating the reasons for the new finished floor elevation. The Landlord's Engineer shall then evaluate the basis for the change and respond to the Tenant's request.

- Parking lot grades shall not exceed 4%.
- Slopes in green areas shall not exceed 3:1 (horz:vert).
- Methods to control siltation and erosion of soil onto adjacent properties during construction must be incorporated into the tenant's design plans. It shall be the Tenant's responsibility to erect and maintain erosion control measures.

Utility Plan

- Connections for water service and sanitary service shall be shown and shall be designed to the City of Leawood standards and any other applicable local, state or federal standards.
- Underground storm water collection systems shall be utilized to collect storm water runoff for the 10-year storm. (Overland flow across lot/parcel lines is allowed only in areas where no receiving storm sewer is present.)
- Storm sewer curb and grate inlets shall be used to collect surface water. Inlets used shall match those used within the shopping center. Plans shall include construction details of inlets. (Contact Landlord's Engineer for appropriate inlet types.)
- Location of electrical transformer must be shown.
- Tenant is responsible for contacting local phone, cable, and natural gas providers to coordinate service locations. Schematic location of these services must be shown on plans.

Paving Plan

- Plans shall include typical stall dimensions, including location of handicap stalls.
- Plans shall include dimensions of all driveways, aisles, and islands.
- Plans shall include spot elevations sufficient to determine slope of all pavement sections.

Site Lighting Plan

- See Chapter Nine for site lighting requirements.

Landscape Plan

- See Chapter Ten for Landscaping requirements.

General Notes for Out parcel Tenants

1. Due to the changing nature of the project, the Landlord may have criteria not explicitly defined in this manual which may apply to all or portions of the project. As the project moves forward, additional criteria may be added and/or existing criteria modified or clarified which may affect the Tenant's design documents. Please contact the Landlord and its Engineer for supplemental criteria, which may be available. The Landlord also reserves the right to evaluate specific items not addressed by these criteria if those items affect the function or overall appearance of the project.

2. Substitutions and exceptions to these criteria may be granted in extreme cases.

3. Local Government rules and regulations shall govern if in conflict with these criteria.

4. Review of the plans by the Landlord's engineer is for checking conformance to the shopping center design criteria provided herein only. Review and approval of the Tenant's design plans is not meant to provide quality assurance/quality control measures or code compliance.

SIGN CRITERIA

Building Parameters:

Small Shop Tenant -
Leaseable area 0 - 14,999 s.f.

Sub-Major Tenant
Leaseable area 15,000 and above.

All signs shall meet requirements of The City of Leawood Development Ordinance.

Sign Submittal Requirements

All Signage is to be submitted as a complete package for review and approval. Incomplete submittals lacking blade sign shall not be approved.

- Façade sign or marquee sign:

Provide a storefront elevation of each sign proposed as well as detailed shop drawing elevation and section through sign indicating sign makeup, dimensions, materials and colors.

- Over-door transom sign:

Provide a storefront elevation of each sign proposed as well as detailed shop drawing elevation indicating sign dimensions, materials and colors.

- Storefront safety glazing decals:

Provide a storefront elevation of each sign proposed as well as detailed shop drawing elevation indicating dimensions, materials and colors.

- Blade signage: (REQUIRED)

Provide a storefront elevation and section of each proposed sign indicating mounting location and height. Provide a detailed shop drawing section and elevation indicating sign makeup, dimensions, materials and colors for sign and decorative bracket.

- Additional signage / graphics in design control zone:

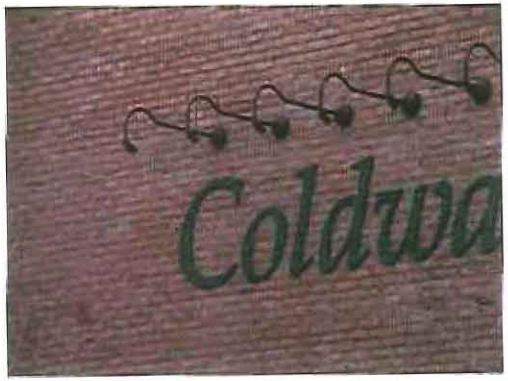
Provide a storefront elevation, plan , and or section indicating any additional proposed signage as well as detailed shop drawings indicating sign makeup, dimensions, materials and colors. All additional signage shall be reviewed on an individual basis.

Sign Types and Parameters

The following types and amounts of signs will be permitted:

1. Small Shop Tenant Sign Parameters

- The maximum height for letters within the sign band shall be 24"
- Maximum one façade / marquee sign per storefront with a maximum of (2) two façade / marquee signs at end-cap locations.
- Signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted.
- All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted.
- Signage shall be reverse channel, halo light illuminated individual letters mounted to the building face. A colored opaque face is required. One façade / marquee sign per façade with a maximum of two total are allowed. One additional 8" over door transom sign is allowed per storefront.
- Indirectly illuminated pin-mounted signs will be considered for approval, but will be reviewed on an individual basis.



- No logos will be allowed on Tenant storefronts without prior written approval.

- Double stacked lettering shall be allowed on an individual basis only and are subject to Landlord approval. Multi-line signs shall be 36" high total maximum and shall comfortably fit within the Landlord bulkhead as determined by the Landlord's Representative.

- Marquee/Canopy Signage shall be allowed on the vertical fascia of the canopy only: one (1) per storefront in lieu of Façade sign - 15sf. square feet maximum, letters shall be 16" maximum; maximum of two (2) total. Sign shall be individually illuminated letters, pin mounted to existing projected metal marquees. All exposed conduit shall be concealed from public view and painted to match marquee structure. Exposed raceways behind letters are not permitted.

- Blade Signs:
  Required one (1) per Storefront, four (4) square foot max. Letter height shall be six (6) inches max. Blade sign design shall be submitted with tenant package for review and approval. The blade sign shall be located on an elevation and clear height to bottom of sign shall be indicated. Decorative brackets and sign design, reference example 1, are to reflect the qualities of the tenant and the shopping center in its entirety. Blade signs are encouraged to have a three-dimensional quality and will be reviewed on an individual basis. Internally lit box sign type blade signs are prohibited.

2. Sub-Major Tenant Sign Parameters

- Tenant sign area shall be on the building faces above the entrances and as part of the building design.

- The maximum height for letters in the body of the sign shall not exceed 30" 36 in height.

- The sign areas shall not exceed ten percent (5%) of the tenant's facade.

- Maximum one sign per storefront with a maximum of (2) two.

- Signage shall be reversed halo lighting mounted to the face of the building. The use of a colored or frosted Plexiglas face is required.

- Indirect, illuminated, pin-mounted signs will be considered for approval, but shall be reviewed on an individual basis.

3. Not Used

4. In-Line Restaurants

- The maximum height for letters within the sign band shall be 24".

- Signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted.

- All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted.

- Signage shall be reverse channel, halo light illuminated individual letters mounted to the building face. A colored opaque face is required. One wall sign per façade with a maximum of two total are allowed. One additional 8" over door transom sign are allowed per storefront.

- Direct illuminated signs will be considered for approval, but will be reviewed on an individual basis.

- Double stacked lettering shall be allowed on an individual basis only and are subject to Landlord approval. Multi-line signs shall be 36" high total maximum and shall comfortably fit within the Landlord bulkhead as determined by the Landlord's Representative.

- Marquee/Canopy Signage shall be allowed on the vertical fascia of the canopy only: one (1) per storefront in lieu of Façade sign - 15sf. square feet maximum, letters shall be 16" maximum; maximum of two (2) total. Sign shall be individually illuminated letters, pin mounted to existing projected metal marquees. All exposed conduit shall be concealed from public view and painted to match marquee structure. Exposed raceways behind letters are not permitted.

- Blade Signs:
  Required one (1) per Storefront, four (4) square foot max. Letter height Shall be six (6) inches max. Blade sign design shall be submitted with tenant *(Blade sign Example 1)* package for review and approval. The blade sign shall be located on an elevation and clear height to bottom of sign shall be indicated. Decorative brackets and sign design, reference example 1, are to reflect the qualities of the tenant and the shopping center in its entirety.

5. Out Parcel Tenant

- The maximum height for letters in the body of the sign shall not exceed 30" in height or as allowed by Landlords Architect.
- The sign areas shall not exceed ten percent (10%) of the area of the storefront.

- A maximum of three (3) wall signs with one monument sign are allowed. Refer to "Monument Signage - Out Parcel" for monument sign information.

- Signage shall be illuminated individual letters mounted on the buildings opaque background or as approved by Landlord's Architect. The use of a colored or frosted Plexiglas face is required. Colored backer panels are not allowed.

General Sign Parameters

All signs must be made up of individual illuminated letters; conventional box signs will not be approved.

- Lettering on all store signs shall be limited to business or trade name of the premises as it appears on the lease. No sign manufacturer's name, union labels, or other lettering shall be visible. Logo signs will be reviewed on an individual basis, but in general logos will not be allowed.

- No exterior sign or sign panel will be permitted to extend above any roof or parapet line.

- Any sign, notice or other graphic or video display, particularly self-illuminated signs, located within the store and which is easily visible from the shopping center.

- Manufacturers' labels, underwriters' labels, clips, brackets, or any other form of extraneous advertising attachment or lighting devices shall be fully concealed from public view. Labels installed on sign returns are not permitted.

- No exposed lamps or tubing will be permitted.

- No exposed raceways, crossovers or conduits will be permitted.

- All signage returns shall either match face color of sign or blend with adjacent building color.

- All cabinets, conductors, transformers and other equipment shall be concealed from public areas, visible fasteners will not be permitted.
- All metal letters shall be fabricated using full-welded construction, with all welds ground smooth so as not to be visible.

City of Leawood Planning Commission Staff Report

MEETING DATE: **October 13, 2020**
REPORT WRITTEN: **September 17, 2020**

TOWN CENTER PLAZA – DESIGN GUIDELINES – REQUEST FOR APPROVAL FOR A REVISED FINAL PLAN – LOCATED NORTH 119th STREET AND WEST OF ROE AVENUE – CASE 67-20

STAFF RECOMMENDATION:

Staff recommends denial of Case 67-20, Town Center Plaza – Revised Design Guidelines – request for approval of a Revised Final Plan for the reasons stated in this report.

APPLICANT:

- The applicant is John Petersen with Polsinelli.
- The property is owned by Leawood TCP, LLC.

REQUEST:

- The applicant is requesting approval of a Revised Final Plan to modify the existing design criteria for the Town Center Plaza development, in the SD-CR zoning district.
- If Case 74-20 (Leawood Development Ordinance amendment to Section 16-3-3, Administrative Approvals) is approved, City staff will use these design guidelines to administratively approve changes to the exterior facades of tenant finishes within Town Center Plaza.

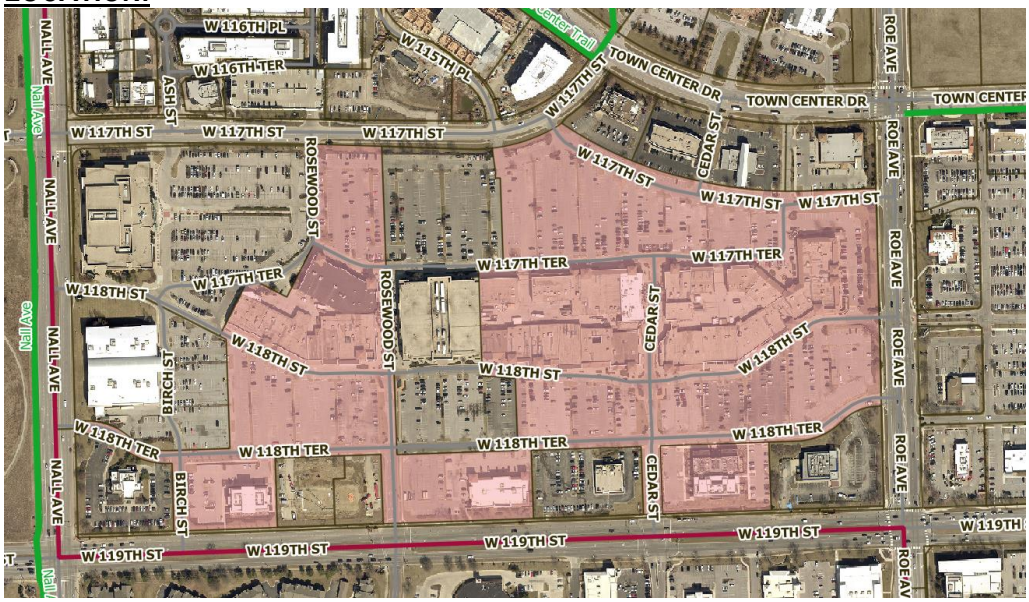
ZONING:

- The property is currently zoned SD-CR (Planned General Retail).

COMPREHENSIVE PLAN:

- The Comprehensive Plan designates this property as Retail.

LOCATION:



SURROUNDING ZONING:

- North — Directly north of 117th Street is Parkway Plaza, zoned MXD (Mixed Use District), Directly north of Town Center Drive is the City of Leawood City Hall and the Johnson County Public Library, zoned RP-4 (Planned Cluster Residential, previous LDO)
- South — Directly south of 119th Street is the City of Overland Park, zoned R-1 (Single Family Residential).
- East — Directly east of Roe Avenue is Camelot Court, zoned SD-CR (Planned General Retail).
- West — Directly west is Nall Avenue and the City of Overland Park, zoned CP-O (Commercial Office)

PROPOSED DESIGN GUIDELINES:

- The revised design guidelines are limited to those tenants/buildings that are owned by Leawood TCP LLC.
- Properties not included are: Macy's, AMC, Dick's Sporting Goods, Bristol, Hereford House, Shake Shack, Helzberg, Verizon, Houlihans, Restoration Hardware, Chase Bank, Walgreens, Central Bank, and T-Mobile.
- The proposed application will modify existing design criteria for the Town Center Plaza development to allow administrative approval to changes in the tenant's trade dress zones as identified in the guidelines.
- The revisions to the design guidelines encourage the exterior finishes to reflect the tenant's national branding within the trade dress zones. They also encourage tenants to maximize their storefront height to increase their presence.
- The trade dress zones within the main center are graphically identified by type, in-line tenants and specialty in-line tenants. The trade dress zones for in-line tenants generally covers the storefronts of the tenant space. The trade dress zones for specialty in-line tenant storefront design covers the entire façade of the specialty in-line tenant.
- The revised design guidelines also address when the existing brick piers within the Town Center Plaza main center may be modified and/or removed.
  - Piers that are in line with the tenants demising walls must be maintained and cannot be modified.
  - Piers that are connected by an architectural header/bridge element to exterior colonnade columns cannot be removed of modified.
  - Piers that encompass all landlord controlled piers that are part of an architectural corner/sidewall can be modified by the tenant.
  - Piers along tenants lease line, but not connected architecturally to the exterior colonnade, can be modified or removed by the tenant.
- All exterior facades of out-parcels included in these design guidelines are considered to be within the trade dress zones, and therefore may be modified.
- The design guidelines provided by the applicant does not include out-lots not owned by the applicant.
- The revised design guidelines do not place limitations on materials and colors.

SIGNAGE:

- Town Center Plaza has sign criteria approved by the Governing Body, and will not be altered with this application.

STAFF COMMENTS:

- The proposed design guidelines for Town Center Plaza do not contain specifics regarding materials, colors or design elements. If Case 74-20 (Leawood Development Ordinance amendment to Section 16-3-3, Administrative Approvals) is approved, City staff will use these design guidelines to administratively approve changes to the exterior facades of tenant finishes within Town Center Plaza. As currently written, the City will have little control regarding the exterior changes to facades, other than where on the facades the modifications are permitted. In the cases of specialty in-line tenants and out parcels, the entirely of all facades are identified as trade dress zones that may be modified. This would reduce the City's ability to have oversight over exterior changes to protect the aesthetic integrity of the development. **(Stipulation 2)**
- Prior to Governing Body consideration the design guidelines will be modified as follows.
  - Shall clarify that approval of exterior changes to tenant spaces, shall require approval of both the landlord and City of Leawood prior to building permit approval. **(Stipulation 3a)**
  - The list of materials prohibited by the Leawood Development Ordinance shall in included by reference. **(Stipulation 3b)**
  - Add an appeal process to the Planning Commission for recommendation and Governing Body for approval if a resolution between the applicant and the City of Leawood for administrative approval cannot be reached. **(Stipulation 3c)**
- Staff has included the currently approved design guidelines for Town Center Crossing as an example of currently approved design guidelines. **(Exhibit A)**

STAFF RECOMMENDATION:

Staff recommends denial of Case 67-20, Town Center Plaza – Revised Design Guidelines – request for modifications to Town Center Plaza's design guidelines for the reasons stated in this report. If the Planning Commission were to approve, staff offers the following stipulations:

1. The project is limited to design guideline changes for the Town Center Plaza development, zoned SD-CR.
2. Prior to Governing Body consideration, the applicant work with City staff to develop specifics regarding allowed materials, colors, and design elements permitted by these design guidelines.
3. Prior to Governing Body consideration the design guidelines shall be modified as follows.
   a. Shall clarify that approval of exterior changes to tenant spaces, including the awning section of the design guidelines, shall require approval of both the landlord and City of Leawood prior to building permit approval.
   b. The list of prohibited materials within the Leawood Development Ordinance shall be incorporated into the design guidelines by reference.
   c. An appeal process to the Planning Commission for recommendation and Governing Body for approval shall be added in cases where a resolution between the applicant and the City of Leawood for administrative approval cannot be reached.
4. Prior to Governing Body consideration, the applicant shall include the entire development, including outparcels and properties not owned by the applicant to also be part of the updated design guidelines.
5. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through five.

TOWN CENTER
PLAZA • CROSSING

TENANT STOREFRONT DESIGN CRITERIA - PLAZA

ORIGINAL SUBMISSION: JULY 21, 2020

REVISED SUBMISSION: AUGUST 07, 2020

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TOWN CENTER PLAZA

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ADJECENTLY OWNED TENANTS

MAJOR TENANT DESIGN EXHIBIT 16

TENANT TRADE DRESS ZONE

APPROVALS

The approval process consists of the Landlord receiving plans, elevations, and other requested materials that conform to Landlord's criteria requirements. Landlord must approve exterior tenant storefront and trade dress in writing prior to submission to the City of Leawood. All plans for these exterior improvements must conform to all building code requirements. City of Leawood will confirm Landlord approval review plans and materials to affirm the plans are also in general conformance with the Final Site Plan Resolution for the Center. If so, the City of Leawood will process the submitted plans for a building permit. The Tenant improvements for the interior are subject to building permit review only.

TENANT EXTERIOR FINISHES

Exterior finishes reflective of tenant's national branding are encouraged within the Tenant Trade Dress Zones. Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more other locations. All colors, materials, and finishes used to convey tenant trade dress selected by Tenant must suggest quality, craftsmanship, elegance, innovation, and creativity and Landlord shall have the sole right to require modifications to ensure these finishes are appropriate for the center overall and conducive to all other tenants. If Trade Dress is not applicable, Landlord shall have the sole right to require modifications to ensure these finishes are appropriate for the center overall, conducive to all other Tenants, or otherwise in conformance with this document.

GENERAL INFORMATION

A. Tenant's storefront shall be established six inches (6") back from the face of the neutral pier.

B. Landlord will require glass, display windows, or other translucent materials within Tenant's storefront.

C. Tenant shall not be permitted to install any opaque section of storefront over a length of six feet (6') unless specific approval is granted by the Landlord.

D. Should Tenant's storefront be located within a curved or radial lease line area, it must be kept four inches (4") back of Tenant's lease line.

E. Construction that flattens or otherwise alters Tenant's curved or radial lease line is not permitted.

F. Recessed out-swinging doors shall not extend past Tenant's lease line when fully open.

G. Doors may be fully glazed, solid or any combination thereof.

STOREFRONT FINISH TREATMENTS

A. As a guideline, acceptable treatments include:

1. Limestone, marble, granite and other natural stone products carefully articulated and detailed;
2. Lacquered surfaces in a minimum of four (4) coats;
3. Metals, excluding laminates; and
4. Stained or natural finished hardwoods.

B. The following are unacceptable finishes:

1. Painted drywall, wallcovering, undetailed brick, rough stucco, or anything Landlord would consider a non-durable material or lacking in visual quality.
2. ALL finishes that Landlord deems unacceptable for the center.

C. Glazing:

1. Simulated, applied or reproduced glass in acrylic or Plexiglas is not permitted.
2. Mirrored glass is not permitted
3. The use of attractive and high quality clips or brackets that complement the design of store is required.

D. Lighting:

1. Tenant shall not install pulsating or blinking, strobe, neon, or otherwise an animated illumination.

EXTERIOR AWNINGS

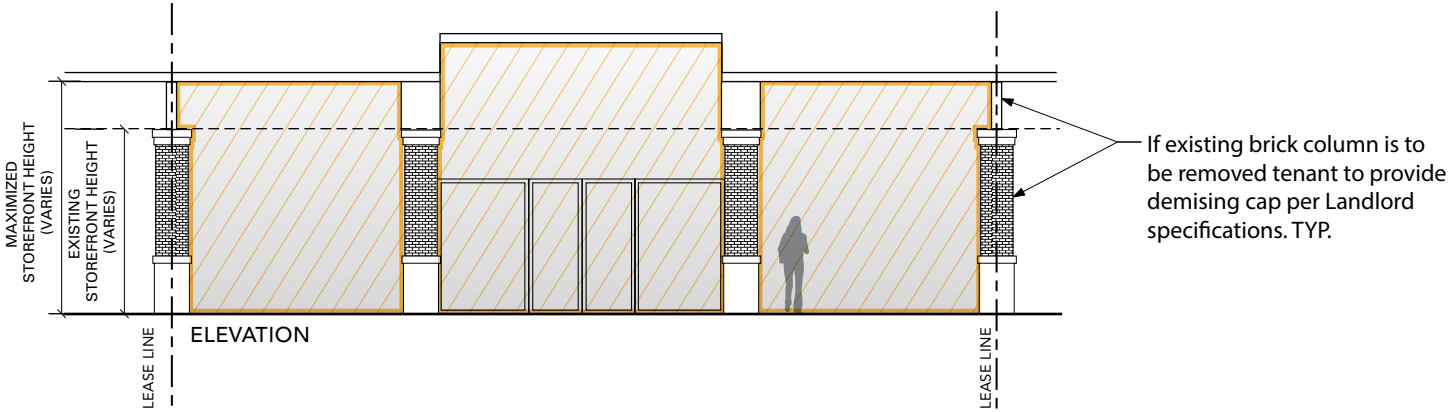
Overall, awnings are not required. However, creative awnings at tenant entrances are encouraged which can be fabric or other materials approved by the Landlord. Awnings are provided and installed by the Tenant as a part of the Tenant's improvement work. Awning design, colors, and finishes are subject to Landlord approval. Awnings may be required by Landlord to convey a consistent architectural vocabulary at entrances and storefronts.

LANDLORD EXTERIOR MATERIALS

Exterior finishes outside the Tenant Trade Dress Zones shall not be altered by Tenant without prior approval by Landlord. Modifications to the building

outside the Tenant Trade Dress Zones are subject to Planning and Zoning approval by the City of Leawood. Landlord will consider modifications to ensure tenant visibility, alignment with tenant trade dress needs, and quality of the modifications. Proposed modifications should not significantly modify the overall architectural vocabulary of the center, however changes will be encouraged and supported by Landlord if those modifications suggest quality, craftsmanship, elegance, innovation, creativity, and general compatibility with the center.

TOWN CENTER PLAZA

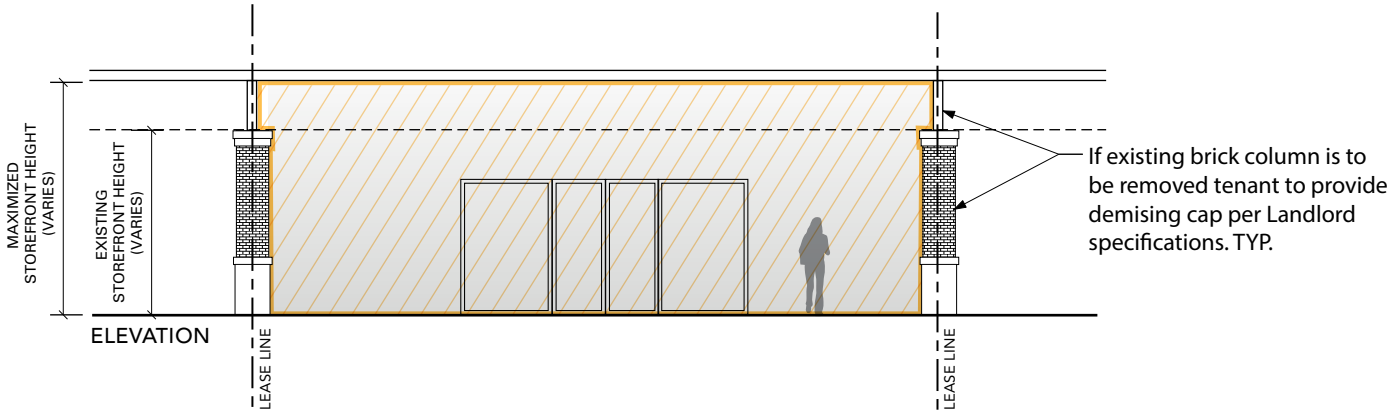


IN-LINE TENANT STOREFRONT DESIGN

TENANT TRADE DRESS ZONE

Tenant's are encouraged to maximize their storefront height to increase their presence. Tenant storefront design is to be reviewed and approved by Landlord per the Landlord's criteria requirements.

Refer to sheet 2 for more information



IN-LINE TENANT STOREFRONT DESIGN CONT.

TENANT TRADE DRESS ZONE

Tenant's are encouraged to maximize their storefront height to increase their presence. Tenant storefront design is to be reviewed and approved by Landlord per the Landlord's criteria requirements.

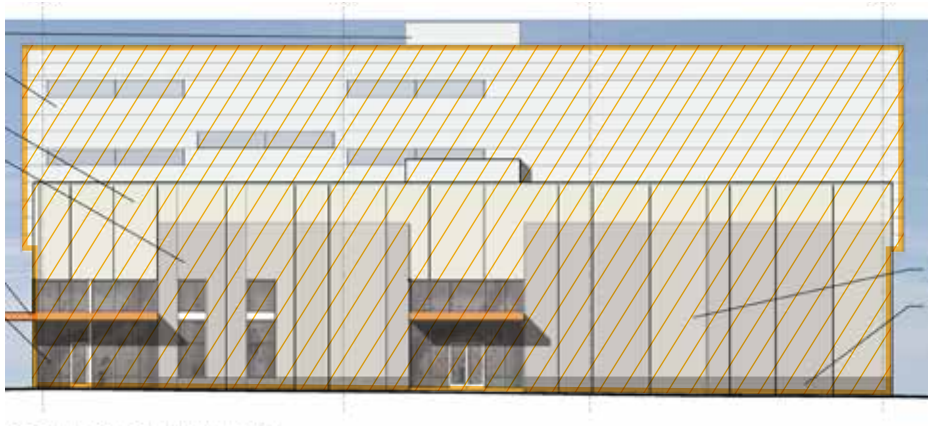
Refer to sheet 2 for more information

SPECIALTY IN-LINE TENANT STOREFRONT DESIGN

TENANT TRADE DRESS ZONE

Specialty In-Line Tenants, are allowed to express their Trade Dress on all exterior facing facades but must adhere to the Landlord's criteria requirements.

Refer to sheet 2 for more information

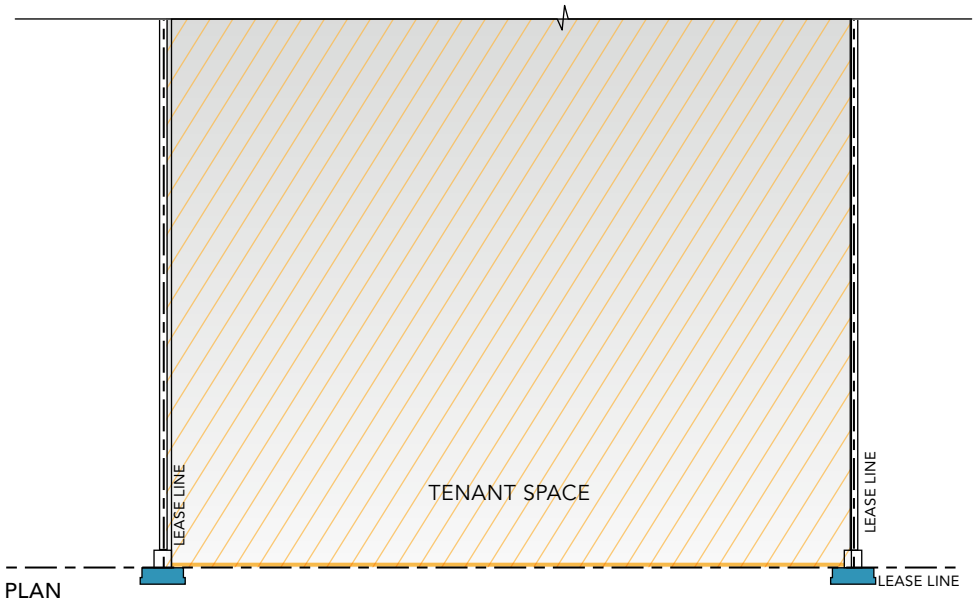


PLAZA STOREFRONT DESIGN REFERENCE

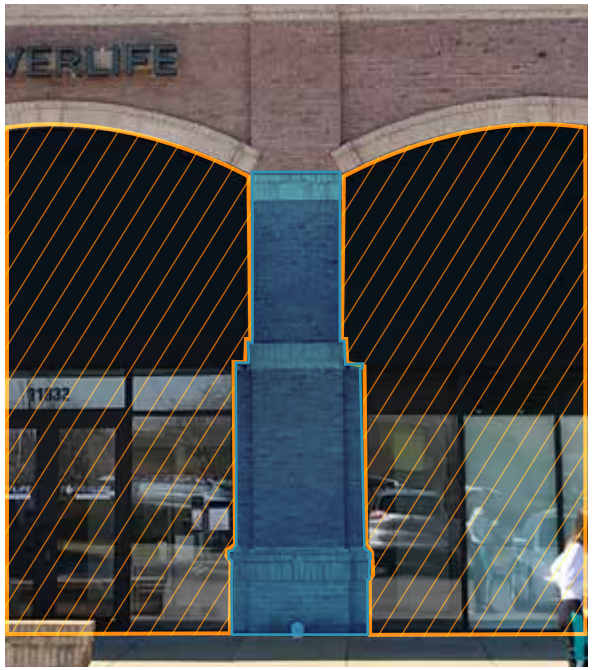
Exciting and unique storefronts, merchandising designs and signage create a shopping and entertaining environment that attracts customers. Tenants are encouraged to create innovative and dramatic storefronts, interiors and signage compatible with the overall design quality of Town Center Plaza/Crossing.

STOREFRONT PIERS

At the Tenant's storefront leaseline there are 4 conditions architectural piers that each Tenant must observe and abide by the guidelines stated in this criteria.



PLAN



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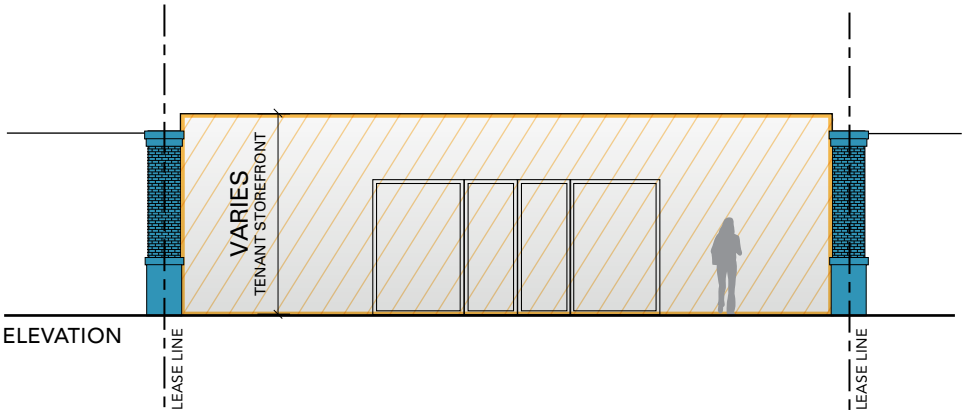
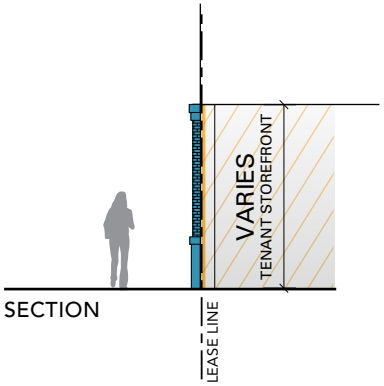


ELEVATION



SECTION

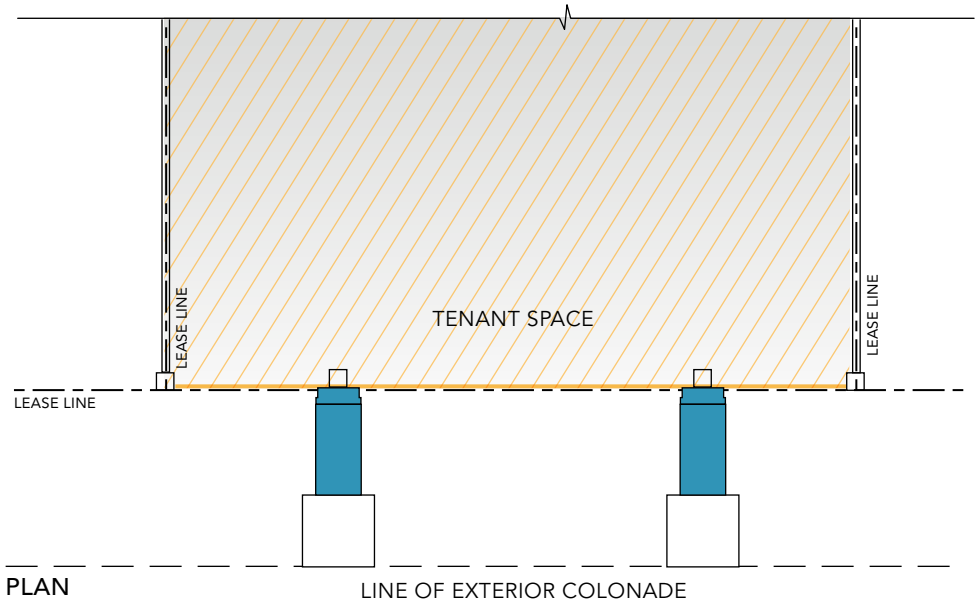
1 STOREFRONT PIER CONDITION 1

This condition encompasses all landlord controlled piers that occur in line with a Tenant demising wall and are considered part of the architecture of the building.

Condition 1 piers are NOT to be modified by tenants and must remain as is. Tenant storefront finishes are to terminate in a clean finished manner into Landlord piers.

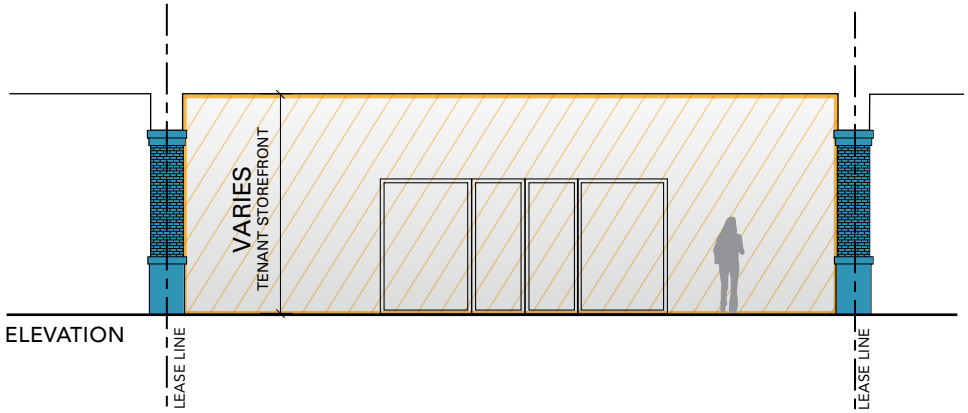
TENANT TRADE DRESS ZONE

LANDLORD CONTROLLED PIER

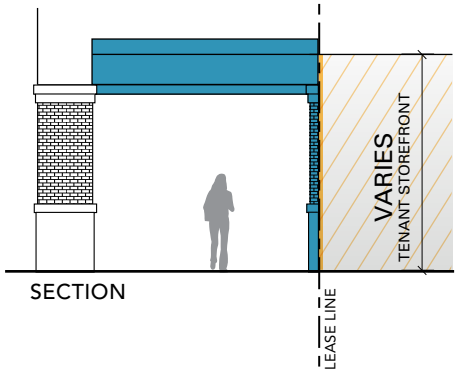


PLAN

REFERENCE IMAGE



ELEVATION



SECTION

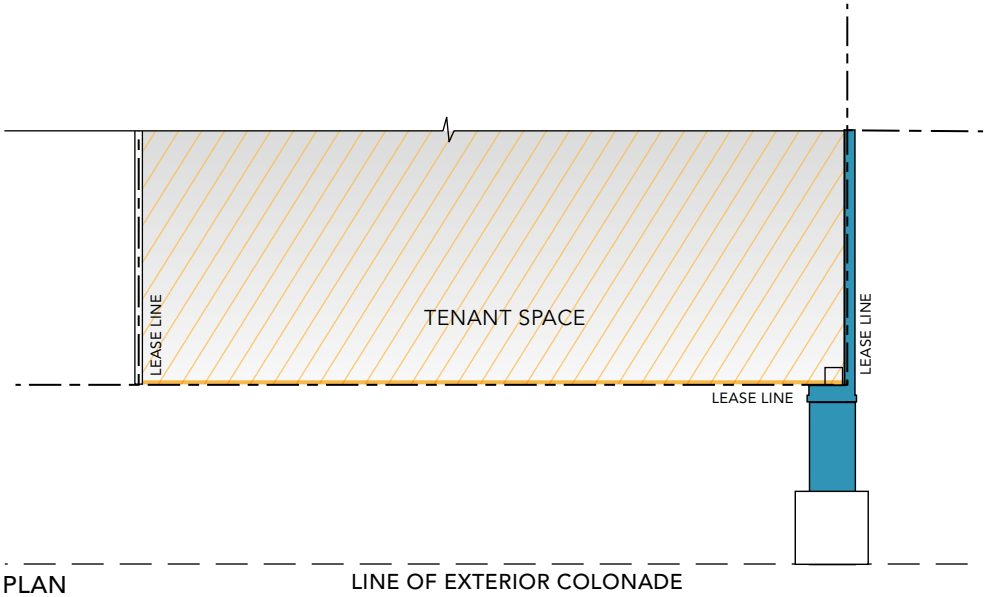
2 STOREFRONT PIER CONDITION 2

This condition encompasses all landlord controlled piers that are connected by an architectural header/bridge element to the exterior colonade columns.

Condition 2 piers are NOT to be modified by tenants and must remain as is. Tenant storefront finishes are to terminate in a clean finished manner into Landlord piers.

TENANT TRADE DRESS ZONE

LANDLORD CONTROLLED PIER



PLAN

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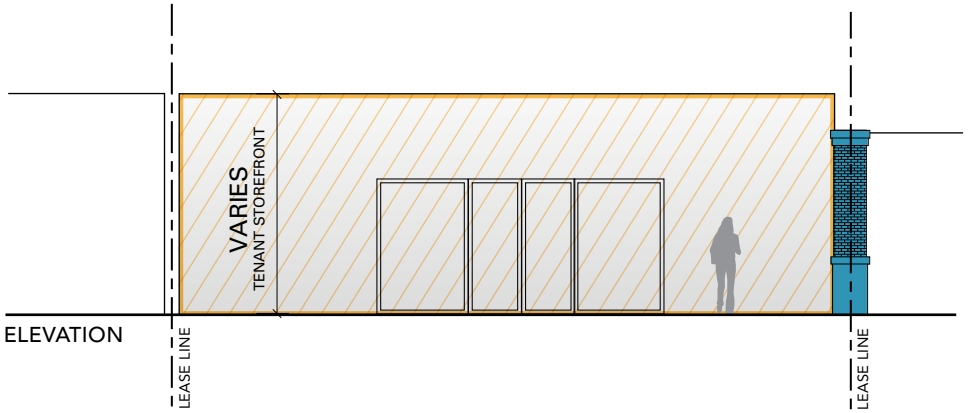

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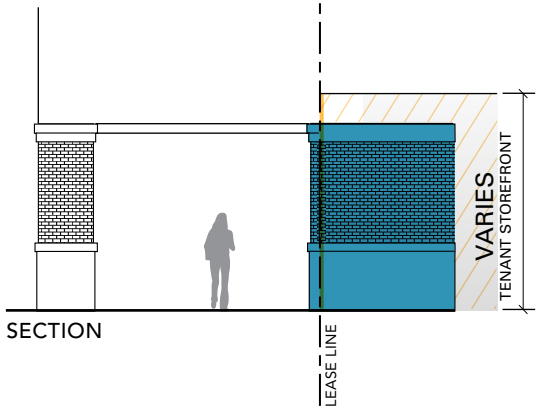


SECTION

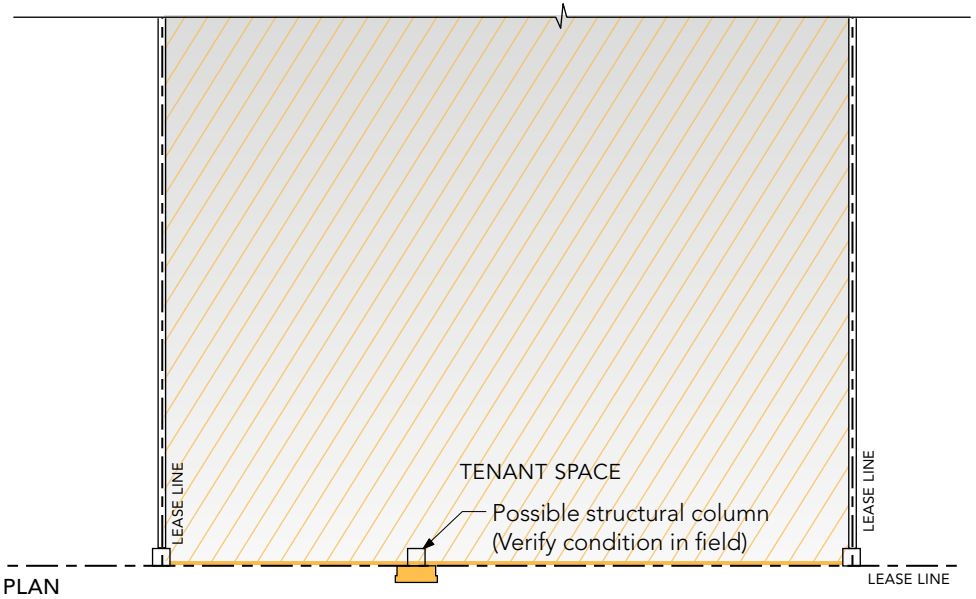
3 STOREFRONT PIER CONDITION 3

This condition encompasses all landlord controlled piers that are part of an architectural corner/sidewall.

Condition 3 piers can be modified by tenants. Tenants may incorporate finishes and signage per Landlord approval.

TENANT TRADE DRESS ZONE

LANDLORD CONTROLLED PIER



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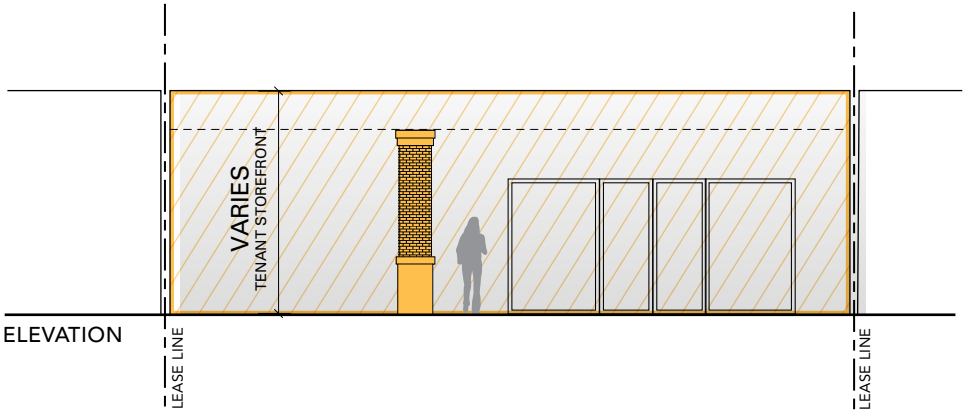
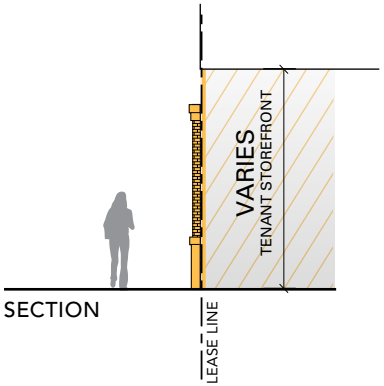




4

STOREFRONT PIER CONDITION 4

Pier of brick or EIFS construction that exists along the Tenant leaseline and is not connected architecturally to the exterior colonade. A majority of the time the pier is a cladding around a structural column but not in every instance. Tenant may modify the cladding but must leave structural column as is. All conditions to be verified in field.

Condition 4 piers can be removed / modified by Tenants to achieve a continuous storefont design. This condition is subject to Landlord approval.

TENANT TRADE DRESS ZONE

PIER MAY BE REMOVED/MODIFIED BY TENANT W/ LANDLORD APPROVAL

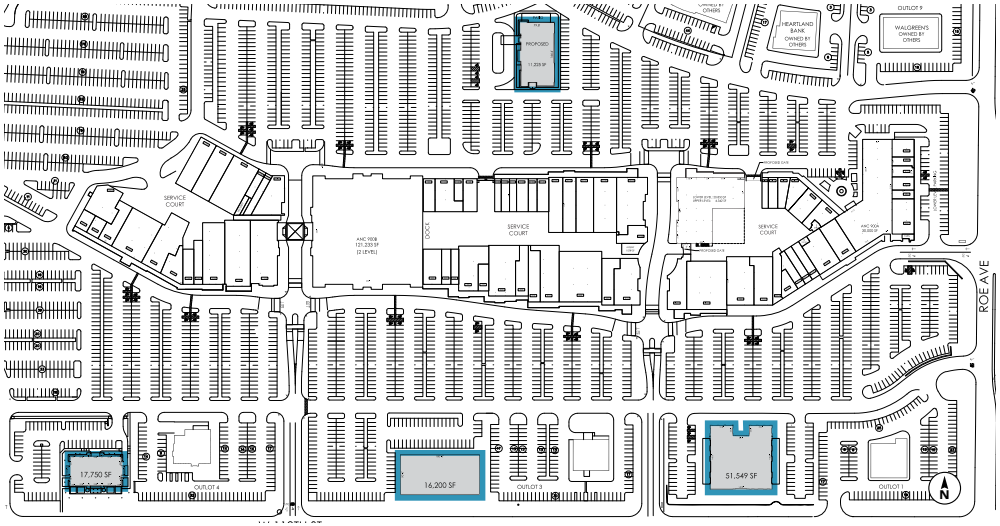
OUTPARCEL TENANT DESIGN

TENANT TRADE DRESS ZONE

Exterior finishes reflective of Tenant's national branding are encouraged within the Tenant Trade Dress Zone. Tenant 'Trade Dress' is defined as Landlord supported colors, materials, and finishes considered a tenant's branding at one or more locations.

Outparcel Tenants are allowed to express their Trade Dress on all exterior facing facades but must adhere to the Landlord's criteria requirements.

Refer to sheet 2 for more information



STOREFRONT DESIGN REFERENCE

The unique characteristics and quality Tenant mix of Town Center Crossing calls for bold, dynamic storefronts. Critical to the design integrity and success of the shopping center's image are the individual contributions of each Tenant's store.

MAJOR TENANT STOREFRONT DESIGN

Adjacent, Separately Owned, Not a Part of Storefront Design Criteria – Reference Only

TENANT TRADE DRESS ZONE

Major Tenants, 50,000 sf and above, are allowed to express their Trade Dress on all exterior facing facades but must adhere to the Landlord's criteria requirements.

Refer to sheet 2 for more information

EXHIBIT A

DESIGN GUIDELINE EXAMPLE

TOWN CENTER CROSSING TENANT HANDBOOK AMENDED AND RESTATED - MAY 2020

SECTIONS AMENDED HEREIN:

(a) **All Sections referring to the shopping center as One Nineteen will be amended to reflect the correct name as Town Center Crossing**

(b) **See Section Three, page 3.1 - Design Criteria**

(c) **See Section Three, page 3.2 - Neutral Pier**

(d) **See Section Three, page 3.3 - Storefront Bulkhead**

WASHINGTON PRIME GROUP

RESOLUTION NO. _____

A RESOLUTION APPROVING A FINAL SITE PLAN AND FINAL PLAT FOR SHOPS AT 119TH STREET, LOCATED AT THE SOUTHEAST CORNER OF 119TH STREET AND ROE AVENUE, LEAWOOD, JOHNSON COUNTY, KANSAS.

WHEREAS, Shops at 119th Street, submitted a request for a final site plan and final plat, for real property located on the southeast corner of 119th Street and Roe Avenue, and;

WHEREAS, such request for approval was presented to the Planning Commission on November 29, 2005; and

WHEREAS, the Zoning on the property is SD-CR, Planned General Retail, and;

WHEREAS, the comprehensive plan shows the property as Mixed Use and Retail, and;

WHEREAS, the project will be limited to 163,777 sq.ft. on 15.64 acres for an F.A.R. of 0.24, and;

WHEREAS, if the proposed landscaping does not adequately screen parking that is adjacent to the public right-of-way, as determined by City Staff, the applicant shall work with Staff to provide an adequate screen, and;

WHEREAS, additional pedestrian connections will be provided between the main entrances of buildings to perimeter sidewalks, and;

WHEREAS, the walls of the trash enclosure shall be constructed of cultured stone to match the building, and;

WHEREAS, not less than four, but a maximum of five signs shall be permitted on building "B" (Crate and Barrel), and;

WHEREAS, the Planning Commission reviewed the application and recommended the following stipulations of approval:

1. The project is limited to 163,777 sq.ft. of construction on 15.64 acres for and F.A.R. of 0.24.
2. The applicant/owner shall be responsible for a public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council and Planning Commission at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $.10/square foot of finished floor area prior to building permit, estimated at its current amount to be $16,377.77 ($.10 X 163,777 sq.ft. = $16,377.77) or $3,350.00 ($0.10 X 33,500 sq.ft.) for the 1st phase. This amount is subject to change by ordinance.
3. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed

underground. This must be done prior to final occupancy of any building within the project.

4. The project shall include the following deviations:
   1) A 0' internal parking setback.
   2) The development shall be permitted 64.6% parking areas along 119th Street, 62.3% paved areas along Roe Ave. and 95% paved areas along Tomahawk Creek Parkway.
   3) The corrugated metal manufactured by Barge that was presented at the Planning Commission meeting on September 27, 2005 or a corrugated metal of equal quality may be used on building "B" (Crate & Barrel).
   4) A maximum of 5, but not less than 4 signs shall be permitted on building "B" (Crate & Barrel).
   5) A 13.75 exterior parking setback to accommodate an acceleration lane off of 119th Street. The parking shall be setback a minimum of 25' from the back-of-curb from the acceleration lane.
   6) A random patterned, tumbled concrete masonry unit may be used on the retaining walls along Tomahawk Creek Parkway.
5. If the proposed landscaping does not adequately screen parking that is adjacent to the public right-of-way, as determined by City Staff, the applicant shall work with Staff to provide an adequate screen.
6. In accordance with the Leawood Development Ordinance, all trash enclosures must be screened from public view with a solid masonry structure to match the materials used in the buildings and shall be architecturally attached to the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.
7. All downspouts are to be enclosed.
8. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities, meter banks and air conditioning units, shall be painted to blend with the building and screened from public view with landscaping or with an architectural treatment compatible with the building structure.
9. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. For purposes of this subsection, the phrase screened from public view," means not visible at eye level from an adjoining property line or any street right-of-way.
10. All development monument signs shall be placed within a common area designated as a separate tract of land to be maintained by a development association.
11. Wall pack lighting that is visible from the exterior of the building shall be prohibited.
12. Ground mounted light fixtures including landscaping light fixtures shall be screened from view.
13. The site amenities used by building "B" (Crate and Barrel), including pedestrian light fixtures, trash receptacles planters, pavers etc. shall match the remainder of the overall development, but may be a different color with the approval of City Staff (white to match the white Crate and Barrel building).
14. A maximum of 0.5 footcandles shall be permitted at the property line.
15. Lighting of the signs facing adjacent residential development shall be turned off from 11:00 p.m. to 6:00 a.m.
16. Staff recommends the following modifications to the sign criteria of the development:

1) The maximum height of multi-line signs shall be 42" for sub-major tenants.
2) The maximum average character height of any signage on the rear façade of the main center shall be 12" and the maximum height of any multi-line sign on the rear façade of the main center shall be 24".
3) The maximum average character height for out parcels shall be 24" and the maximum height of multi-line signs for out parcels shall be 36".
4) Per the Leawood Development Ordinance, the maximum size of all permanent wall signage shall be 5% of the façade.
5) Per the Leawood Development Ordinance, construction/builder signs shall be limited 16 sq.ft.
6) The maximum width of all logos shall be twice the height of the maximum average character height.
7) The maximum height of all logos shall be 150% of the average character height permitted.
8) A statement shall be added that any changes to the specific sign criteria outlined in the sign criteria shall require the approval of the City of Leawood.
9) A statement shall be added that all signage shall require an approved sign permit from the City of Leawood prior to the erection of any sign.
10) Window signage shall be limited to a maximum of 5% of the window area.
11) No tag lines shall be permitted.
12) Permanent wall signs and tenant monument signs shall be limited to the legal name and logo of the business only.
13) A maximum of two walls signs shall be permitted on out parcels. However, a third sign shall be permitted provided it faces the interior of the development and cannot be seen from the public right-of-way.
14) A statement shall be added that any sign, notice or other graphic or video display, particularly self illuminated signs, located within the store and which is easily visible from the shopping center shall be prohibited.
15) The lettering of the individual tenant monument signs shall be a maximum of 14" in height.

17. A sign permit from the Planning Department must be obtained prior to erection of any signs.
18. Pedestrian crosswalks and plaza areas shall be demarcated with a minimum of 50% pavers.
19. The following direct sidewalk connections shall be added between the entrances of the buildings and the adjacent perimeter sidewalks:
    1) A sidewalk connection from the east entrance of building "B" north to 119th Street.
    2) A sidewalk connection from the entrance of building "C" north to 119th Street.
    3) Sidewalk connections from the entrances of building "D" north to 119th Street and east to Tomahawk Creek Parkway.
20. Sidewalks shall be constructed on both sides of the proposed driveway off of 119th Street.
21. All landscaped areas shall be irrigated.
22. A more detailed landscape plan that meets the requirements of the 135th Street Corridor Design Guidelines must be submitted with final documents for each phase of the development.

23. All shade trees must be at least 4 inch caliper and all evergreens shall be 7 feet tall when planted. In addition, all shrubs shall be at a minimum five-gallon with a minimum height of 36" at the time of planting.
24. A letter, signed and sealed by a Kansas registered Landscape Architect, shall be submitted prior to final occupancy that states that all landscaping has been installed per the approved landscape plan and all plant material used is to the highest standards of the nursery industry.
25. A cross access/parking easement for the entire development shall be recorded with the Johnson County Registrar of Deeds prior to issuance of a building permit.
26. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo on file with the City of Leawood Planning and Development Department, prior to recording the plat.
27. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal's memo on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.
28. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at the time of application for building permit.
29. A cross access/parking easement for the entire development shall be recorded with the Johnson County Registrar of Deeds prior to issuance of a building permit.
30. The Owner/Applicant must establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.
31. All sidewalks shall be installed as per street construction standards.
32. This final plan approval shall lapse in five years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the City Council to request an extension of this time period. The City Council may grant such an extension for a definite period of time for good cause shown by the developer.
33. No building permit for any construction on pad sites or out lots, with the exception of building "B" (Crate and Barrel building) shall be issued until the principal shopping center buildings has been approved and their construction started. All buildings on out parcels or pad sites other than building "B" (Crate and Barrel building) will conform to the architectural style of the principal center buildings as set forth by the developer and recommended by the Planning Commission and approved by the Governing Body.
34. No monument sign shall be permitted at the northwest corner of the development (at the intersection of 119th Street and Nall Ave.).
35. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through thirty-five.

WHEREAS, the Planning Commission's recommendation was presented to the Governing Body at its regularly scheduled meeting on Monday, December 5, 2005; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: The Governing Body hereby approves the applicant's request, and the Planning Commission's recommendation of approval for said final site plan and final plat and subject to the same stipulations.

Adopted by the Governing Body this 5th day of December, 2005.

Signed by the Mayor this 5th day of December, 2005.

_____
Peggy Dunn, Mayor

[SEAL]

ATTEST:

_____
Debra Harper, City Clerk

APPROVED AS TO FORM:

_____
Shannon M. Marcano, Assistant City Attorney

Current Design Guidelines for Town Center Crossing

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SECTION SIX
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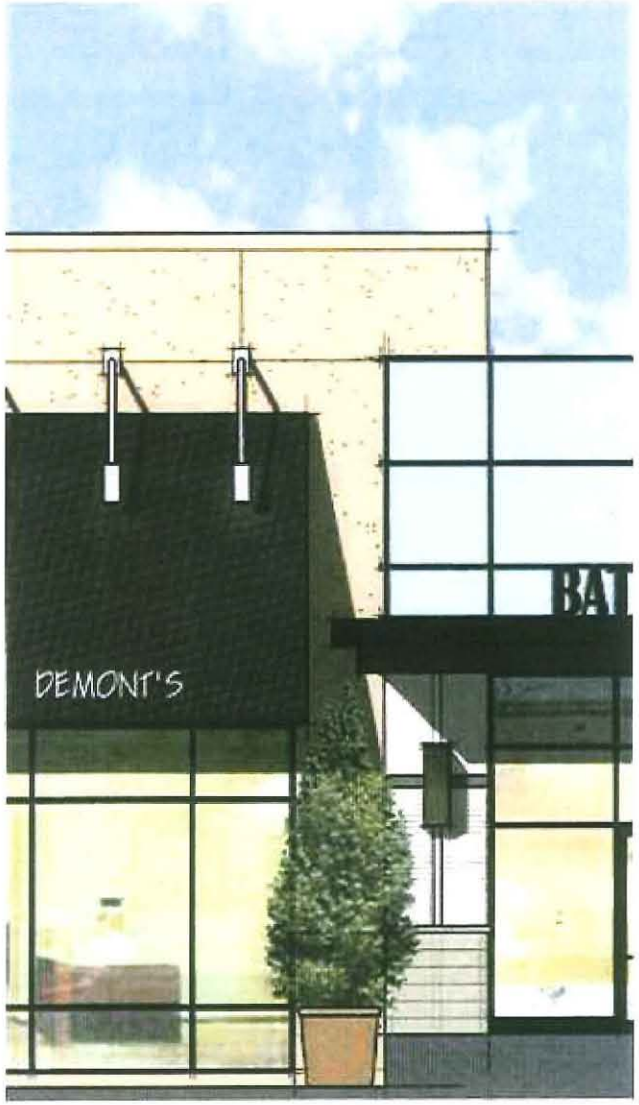
canberra



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INTRODUCTION

This Handbook identified as an Exhibit in your Lease has been prepared to guide you, as well as your architect, store designer, and contractor in expediting the construction of your building or lease premises. This information is a guideline for your architect, and describes the Landlord's obligations, the Tenant's design responsibilities, and your contractor's requirements.

Project Description

One Nineteen is a collection of high quality, pedestrian oriented shops offering an exciting mix of hard goods, soft goods, personal services and restaurants. Anchored by Crate and Barrel, the multi-building collection offers both in-line space as well as freestanding pad opportunities. The highest quality Landscape and site amenities will make this shopping experience a truly unique one for Leawood, Kansas.

One Nineteen is currently planned for approximately 168,000 square feet on 16 acres at the corner of 119th Street and Roe Avenue. Crate and Barrel will have a two story presence at the corner of 119th Street and Roe Avenue. The remaining retail space is distributed within three additional buildings, one with approximately 115,000 square feet and the other two as smaller pad buildings.

Landlord's Design Philosophy

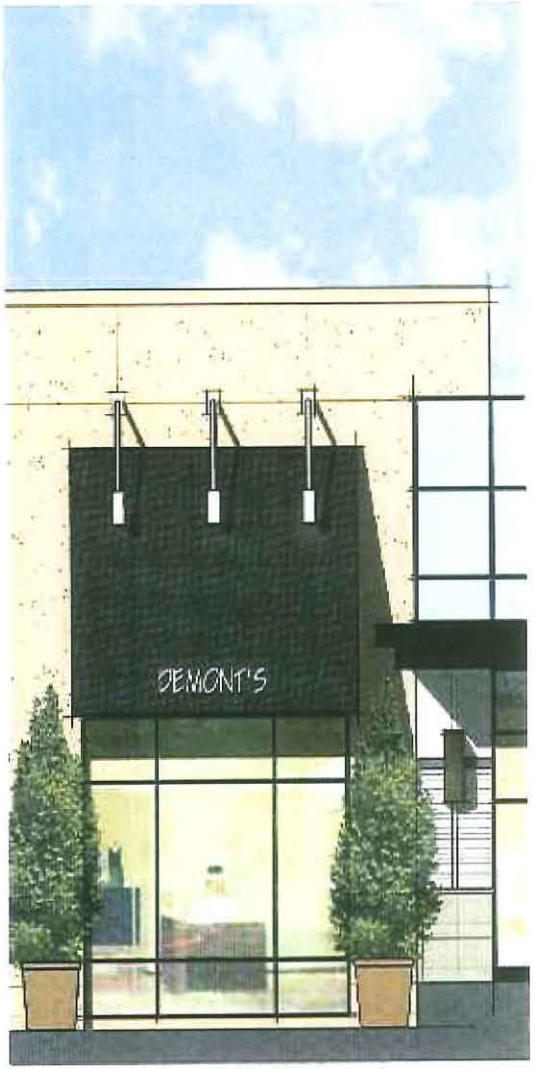
Exciting and unique storefronts and merchandising designs create a shopping and entertaining environment that attracts customers and results in increased sales. Tenants are encouraged to create innovative and dramatic storefronts (if not provided by the Landlord), shop interiors and graphics. Through the dramatic use of lighting and color, as well as careful attention to detailing, fixturing and graphics, each store can become an inviting and effective retail establishment, which will be compatible with the overall design quality of One Nineteen.

Through the criteria in this Handbook, the Landlord has set certain quality and design standards that will help Tenants create stores compatible with the overall design concept of One Nineteen.

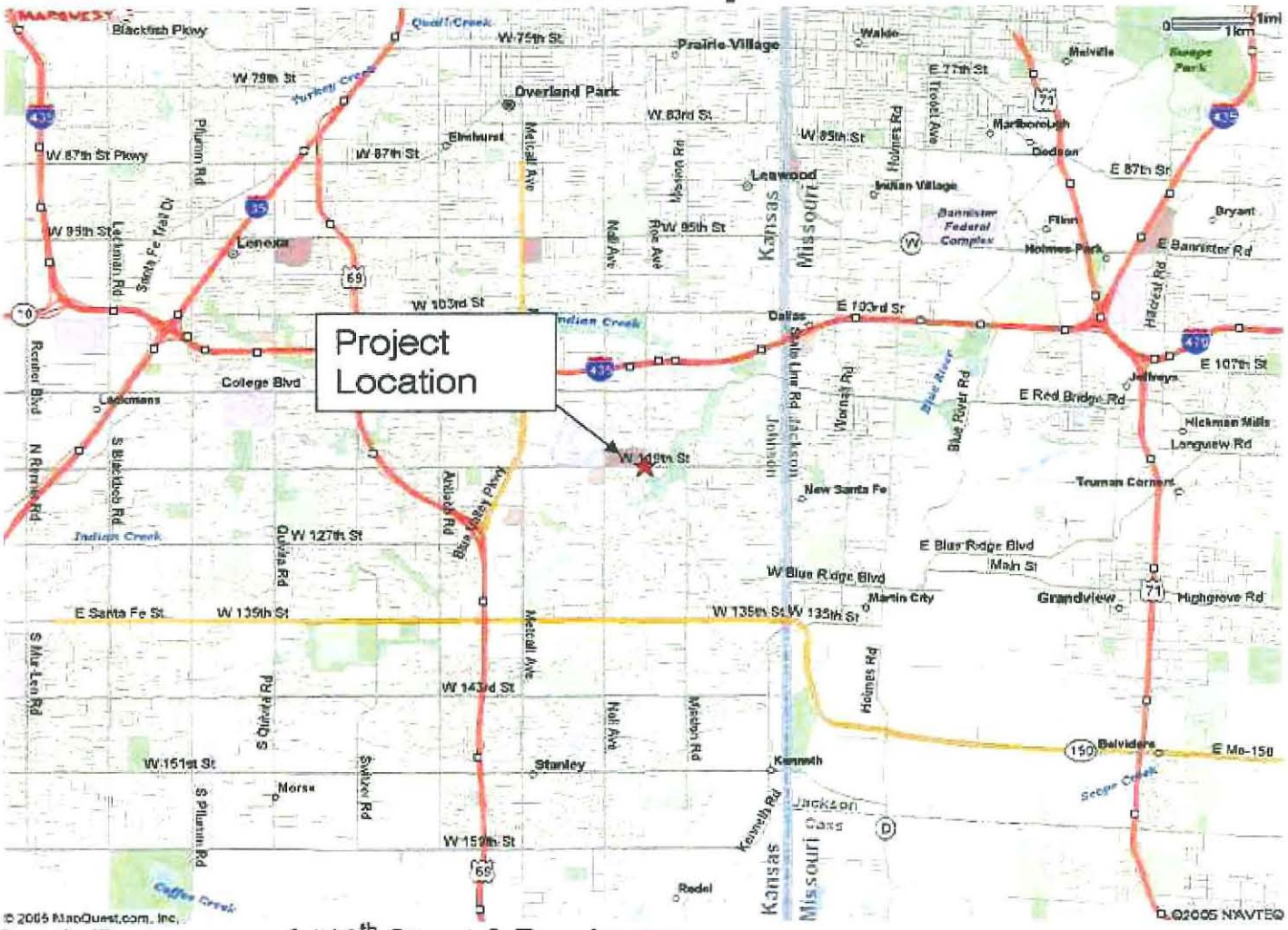
Project Narrative

One Nineteen is a collection of high quality buildings that capture the energy and excitement of today's pedestrian oriented retail. With a striking two story contemporary Crate and Barrel on the hard corner of the site, the overall architecture of One Nineteen is forward thinking, creating a "Warm Contemporary" architectural language. Simple classic modern forms crafted largely in quality masonry and detailed to ensure richness for the pedestrian typify the components that are the foundation for confident bold "frames" that will feature great retail Storefronts. The masonry palette that will have accent areas of both glass and stucco will be light in color, utilizing light earth tones that will compliment Crate and Barrel's "white" structure. The architecture vertical scale is purposely "tall" giving retailers not only a larger canvas for their unique storefronts but also a generous view both in and out from the north facing collection of shops.

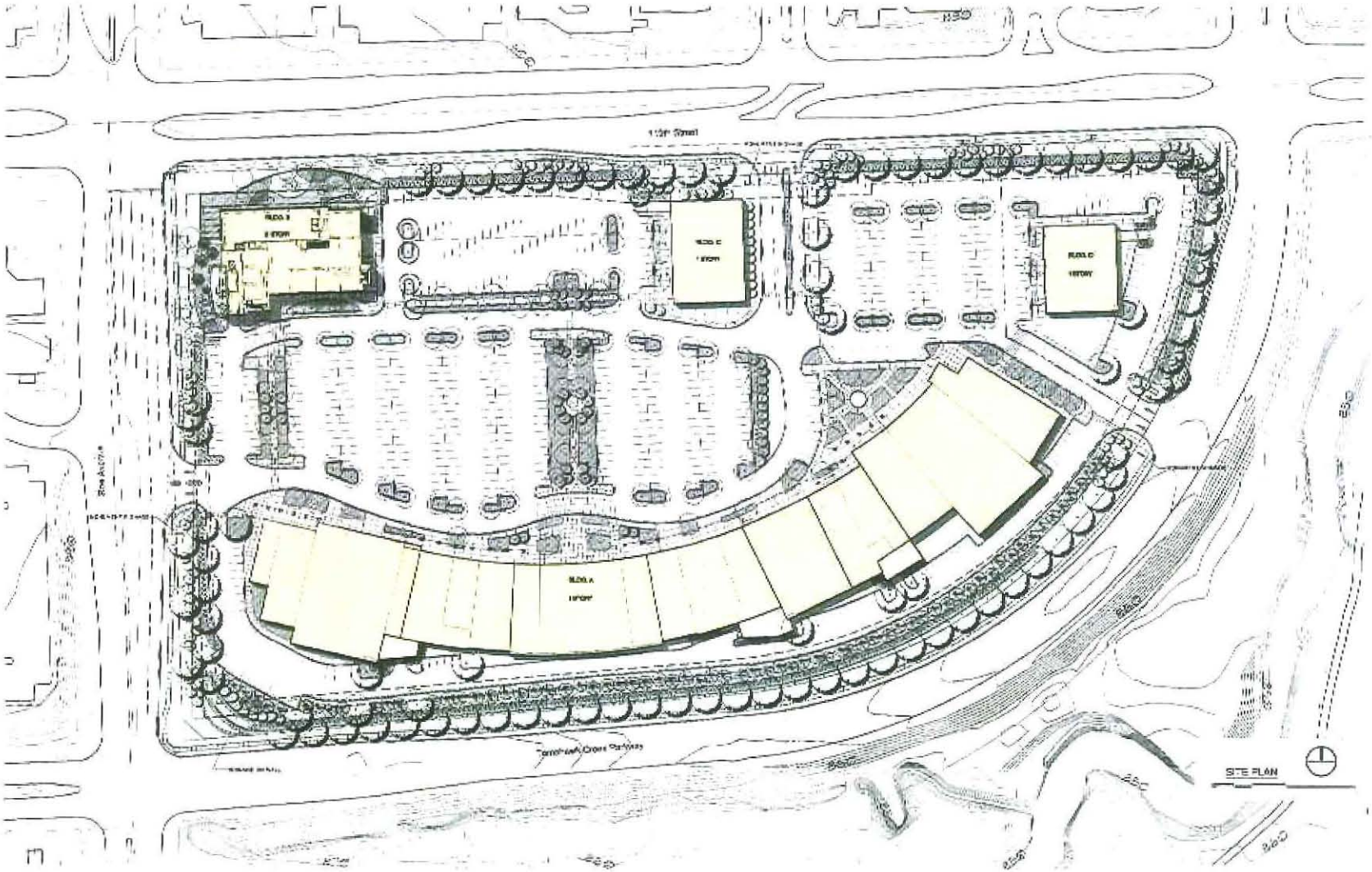
The landscape, hardscape and site amenities will significantly contribute the retail experience at One Nineteen. Wide covered walkways at the storefront will be embellished with broad landscaped areas providing plenty of room to pause and relax. Two pedestrian areas are extra spacious providing great opportunities for seasonal activities and gatherings.



Area Map



South-East corner of 119th Street & Roe Avenue
Leawood, Kansas



Overall Site / Lease Plan

(Site plan is provided for location and orientation and is subject to change. No representation is made herein.)

CODES:

Building: 2000 IBC (as amended)

Mechanical: 2000 IMC (as amended)

Plumbing: 2000 IPC (as amended)

Electrical: 1999 NEC (as amended)

GOVERNMENT AGENCIES LOCAL UTILITY COMPANIES:

Building Department (Building Permits)
City of Leawood
Planning and Development
4800 Town Center Drive
Leawood, KS 66211
Ph: 913.339.6700

Fire Department – Non Emergency
Leawood Fire Department
14801 Mission Road
Leawood, KS 66211
Ph: 913.339.6700

Johnson County Dept. of Health
11180 Thompson Ave.
Lenexa, KS 66219
Ph: 913.492-0402
Fx: 913.492.0142

Telephone
SBC
9444Nall Ave,
Overland Park, KS 66207
Ph: 913.383.4884

Gas
KCPL Gas Service
P.O. Box 418679
Kansas City, MO 64141-9679
800-794-4780

Cable Television
Time Warner Cable
6221 West 119th Street
Overland Park, KS
Ph: 913.451.6464

Sewer Utility
Johnson County Waste Water District
7311 W. 130th Street, Suite 100
Overland Park, KS 66213-2637
Ph: 913.681.3200

Electrical
Kansas City Power & Light
P.O. Box 418679
Kansas City, MO 64141-9679
Ph: 816.471.5275

Water
Waterone
10747 Renner Blvd.
Lenexa, KS 06219
Ph: 913.895.5727

Owner / Landlord:
119th Street Development, LLC.
4717 Central
Kansas City, MO 64112
Phone: 816-777-3500
Fax: 816-777-3501

Leasing:
R.E.D Development
6263 N. Scottsdale Road
Suite 222
Scottsdale, AZ 85250
Ph: (480) 947-7772
Fax: (480) 947-7997

Landlord Representative/ Tenant Coordinator:
Randy Frey
RED Development, LLC
4717 Central
Kansas City, MO 64112
Phone: (816) 777-3500
Fax: (816) 777-3501

Coordinating Architect:
Nelsen Architects, Inc.
905 Congress Avenue
Austin, TX 78701
Ph: 512.457.8400
Fax: 512.457.8770

Civil Engineer:
Brungardt Honomichl & Company P.A.
10895 Grandview
Suite 150
Overland Park, KS 66210
Ph: 913.663.1900
Fax: 913.662.1633

Structural Engineer
(To be determined)

Mechanical/Electrical Engineer
(To be determined)

Landscape Architect:
Ochsner Hare & Hare
2600 Grand, Mezzanine Suite
Kansas City. MO 64108
Ph: 816.842.8844
Fax: 816.842.9988

TENANT DESIGN HANDBOOK DEFINITIONS:

Blade Sign:
Supplemental signage installed perpendicular to the storefront for visibility to pedestrians. All signage is to be provided by Tenant and approved by Landlords Architect.

Mall or Landlord's Bulkhead:
Element above Tenant's storefront and below the Landlord's ceiling at small shop buildings. It defines the height of a Tenant's storefront. Tenants will not be permitted to use a storefront system that does not extend up to the Landlord's bulkhead. Tenants shall install all required vapor barrier and gyp. board sheathing at bulkhead.

Construction Coordinator:
Landlord field representative(s) responsible for oversight of all Tenant construction and compliance.

Curtain Wall:
A non-bearing exterior building wall, between piers or columns, which is not supported by the beams or girders of a skeleton frame.

Demising Partition:
A common, rated wall between two adjacent shops or between a shop and a common area. The centerline of the demising partition defines each Tenant lease premises. Demising walls shall be constructed of 3 5/8" metal studs only. Gyp. board sheathing and insulation shall be supplied and installed by the Tenant unless otherwise specified in the Lease Agreement.

Storefront Control Area:
The area below the bulkhead at the storefront and 4'-0" behind the lease line. The Landlord reserves the right to require above average materials in this area and to apply all tenant sign criteria guidelines, submittals and approvals within this area.

Facades:
The exterior face of the building which is the architectural front, sometimes distinguished from the other faces by elaboration of architectural or ornamental details.

Graphics:
Lettering, symbols and logos used for signage at the storefront and/or throughout the store interior.

Lease Line:
The line shown on the Tenant Lease Diagram (LOD), which defines the confines of the Tenant's demised premises.

Mall Common Area:
Shopping Center streetscape, sidewalks, parking lots, service halls, restrooms (if any), landscaping, children's play areas, etc. and all other areas of the Shopping Center not part of a defined lease premises.

Neutral Pier:
Architectural element separating two adjacent storefronts, or a storefront and a service corridor. Neutral piers are installed and maintained by the Landlord. The Tenant at its own expense shall repair any damage to the neutral piers by the Tenant. The Tenant shall provide flashing and/or caulking as approved by Landlord's Architect (or as directed by Landlord's Tenant Coordinator) when adjoining Tenant's storefront to a neutral pier.

Mechanical Zone:
A "mechanical zone" has been designed to accommodate roof top unit placement. The "mechanical zone" shall be located per the building shell construction documents. Roof top equipment shall not be placed outside of the "mechanical zone". In the event that a Tenant requires roof top equipment located outside the "mechanical zone", the Tenant is required to submit calculations prepared by a certified structural engineer for review by the building shell structural engineer. Additional engineering services and any additional reinforcing shall be at the Tenant's expense.

Parabolic:
A type of reflective lens, which provides a better control of light, reduces glare and maintains better light output.

Reveal:
Recessed separator strip between two different materials. Also used to separate Tenant's storefront from Landlord's neutral piers and bulkheads.

Show Window:
Transparent portion of storefront used for merchandise display; display window

Sign Block:
Rectangular areas on building elevations, which define the allowable sign areas. Sign areas shall be in conformance with local sign ordinances.
Simulated:
Artificially produced to look or seem like a natural building material.

Soffit:
The exposed undersurface of any overhead component of a building, such as an arch, balcony, beam, cornice, lintel or vault.

Storefront:
Front face or other exposed exterior building wall of the store.

Store Name:
Official name of the store as written in the lease documents

DRAWING SUBMISSION AND APPROVAL PROCEDURE

The Landlord has established the following procedures to expedite the required approvals of the Tenant's drawings for the lease premises. Deviations from these procedures could result in needless delay and redrafting of the Tenants Contract Documents.

All submittals shall be submitted to the Landlord's Representative (see Introduction).

Selection of Tenant's Architect

The Tenant, at its expense, must select a Kansas registered architect(s) and engineer(s) to prepare complete plans and specifications for the improvements to the premises including, but not limited to, applicable structural, plumbing, mechanical, and electrical. Tenants needing assistance in locating an experienced, locally licensed architect and engineer(s) should contact the Landlord's Representative. The Tenant must forward a copy of this Handbook along with a print of the Tenant Lease Diagram and associated details to their architect. It is the Tenant's architect's responsibility to obtain, review, and comply with all applicable codes. Tenant shall also notify the Landlord's Representative of the architect's name, address and telephone number. All drawings must be signed and sealed by an architect and engineer registered in the State of Kansas.

In case of any discrepancy between this booklet and the Tenants Lease Document, the Lease shall govern.

After receiving the Tenant Lease Outline Diagram, carefully review the design criteria and applicable codes. Prior to starting construction drawings, the Tenant's architect (in conjunction with the Tenant) shall proceed with the preliminary design of the Tenant's premises.

It is the responsibility of the Tenant and his architect to schedule adequate time for Landlord's preliminary review, Tenant's subsequent revisions if required, final construction drawings and Landlord's final review per the Lease Agreement.

It shall be the Tenant's responsibility to visit the site and verify all existing conditions prior to finalizing construction documents.

Small Retail Shops

Upon execution of the lease the Landlord will provide the following:

1. Lease Outline Diagram for the proposed Tenant.
2. Tenant Design Criteria Booklet.
3. Site/Leasing Plan
4. Construction Documents, if available.
5. Tenant Contractor Rules and Regulations

Upon receipt of this information the Tenant has 30 days in which to produce preliminary documents for Landlord's approval. The Landlord will review these documents within 2 weeks and return them to the Tenant marked as "Approved", "Approved as Noted" or "Returned for Corrections".

The Tenant will be required to submit final Construction Documents within 60 days of receipt of Landlord comments. Landlord shall again review the documents within 2 weeks and mark them as noted above. If final documents are marked "Return for Correction" Tenant shall address all items and resubmit for final approval within 10 working days.

Failure by the Tenant to comply or show due diligence to the above schedule shall be considered in nonconformance with lease requirements.

Out-Parcel Pads

Upon execution of the lease and/or sales contract the Landlord will provide the following:

1. Preliminary Site/Grading Plan.
2. Preliminary Site Utility Plan.
3. Tenant Design Criteria Booklet.

Upon receipt of the above information the Tenant has 30 days in which to produce preliminary documents for Landlord's approval. The Landlord will review these documents within 2 weeks and return them to the Tenant marked as "Approved", "Approved as Noted" or "Returned for Corrections".
The Tenant will be required to submit final Construction Documents within 90 days of receipt of Landlord comments. Landlord shall again review the documents within 2 weeks and mark them as noted above. If final documents are marked "Returned for Corrections" Tenant shall address all items and resubmit for final approval within 10 working days.

Preliminary Design Phase

The purpose of this phase is to acquaint the Landlord with the Tenant's intentions so that the Landlord may comment and/or advise Tenant of any changes necessary to meet the criteria before the working drawing phase.

Tenant's architect shall submit the preliminary design to the Landlord's Representative for preliminary review and approval. The preliminary design shall be submitted within thirty days of receipt of the Tenant Lease Outline Diagram.

Please submit three (3) scaled, half size sets of all drawings to the Landlord's Representative for review of Lease Agreement compliance. The drawings will then be forwarded to the Landlord's Architect for review of Design Criteria compliance. One (1) set containing review comments will be returned to the Tenant.

Drawings shall be clearly identified with the shopping center name, Tenant's store name, Tenant's space number and key plan, and must include the following information as a minimum (additional information is encouraged).

- Preliminary floor plans (scale ¼" = 1'-0") indicating interior design concept, approximate location of fixtures and equipment, interior partitions, toilet rooms, exits, seating, etc., identifying all materials and colors.
- Reflected ceiling plan indicating all soffits, ceiling heights, materials, lighting layouts, locations of HVAC diffusers, and approximate location of HVAC units within the predetermined "mechanical zone".
- Storefront elevation and section, including any graphics and signage. Indicate all materials and finishes (scale ¼" = 1'-0").
- Sketches, perspectives, sections or other details that will clarify the design of the storefront and the Design Control Area, or photographs of similar storefront, if related to Tenant's submission.
- Material finish and color sample board(s), properly mounted and labeled.

In addition to the above, one set of catalog cuts and/or photographs and/or samples showing the store fixtures specialty, lighting fixtures, and other special treatments used in the sales area must be submitted so that all aspects of the public areas of the store can be reviewed by the Landlord's Representative.

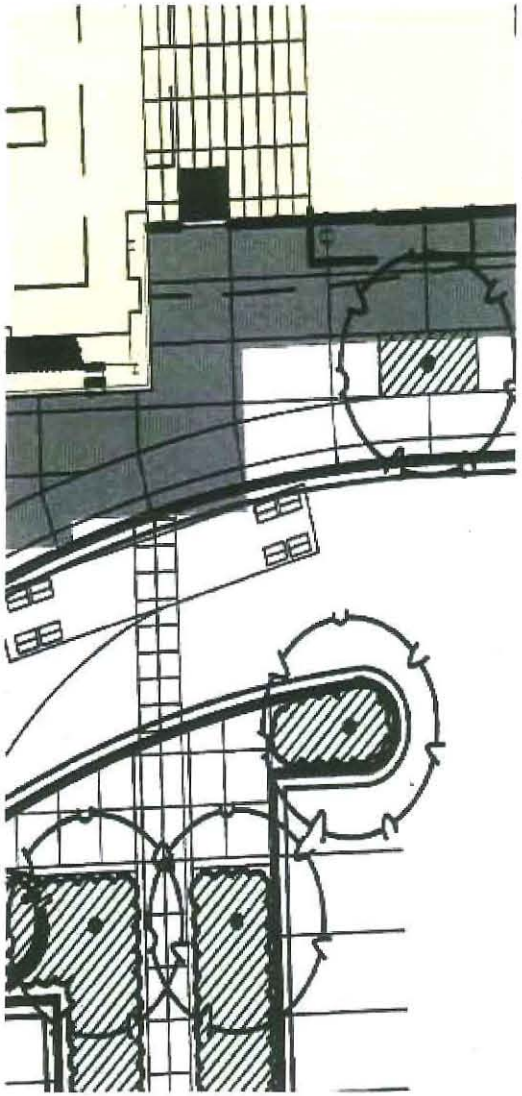
If Tenant's storefront design follows a specific prototype, photographs of comparable stores should be submitted to aid the Landlord's Representative in the review process.

The Landlord's Architect will review the preliminary design and make necessary corrections or suggestions and return, with his comments and/or approval or disapproval, one marked-up set of prints to the Tenant's architect.

Construction Document Phase

After the preliminary drawings have been approved in writing by the Landlord's Tenant Coordinator and Architect, the Tenant's architect shall proceed with the final construction documents and specifications incorporating design suggestions and comments of the Landlord's Representatives, in accordance with the criteria contained in this Handbook and the Tenant Lease Plan. Additional information may be required as deemed necessary by Landlord upon review of Tenant's drawings.

Final construction documents shall be submitted on or before the date required by the Lease. Final construction documents shall be submitted in three (3) scaled, half size sets of prints to the Landlord's Tenant Coordinator. All drawings and specifications must be clearly identified with the Project name, the Tenant's store name, a Key Plan with the Tenant space number, and the name and seal of the architect or engineer preparing these drawings indicating that he or she is registered in the State of Kansas. Final working drawings and specifications shall consist of a minimum of the following:



ARCHITECTURAL PLANS

- **Architectural Floor Plan (Scale:¼" = 1'-0")**

Demising wall locations and dimensions.
Dimensioned interior partitions.
Restroom facilities with all applicable accessibility requirements.
Location of fixtures and equipment.
Recessed service door (if applicable).

- **Reflected Ceiling Plan (Scale:¼" =1'-0")**

Ceiling heights including drops and curtain walls.
Types of ceiling construction.
Decor at ceiling.
Location of lighting fixtures, sprinkler heads, air diffusers, grilles, access panels and heat detectors (if applicable).

- **Storefront and Interior Elevations (Scale:¼" = 1'-0")**

Material samples, (if not submitted with preliminary design).
Color storefront elevation and/or submit photograph of similar stores as required.
Finishes and colors.
Signing.

- **Necessary Sections and Details**

Large scale section through storefront to roof 1" = 1'-0" showing relationship to interior ceiling.
Security grille detail, if applicable.
Details at neutral piers and Landlord's bulkhead at ceiling 1 ½" = 1'-0".
Storefront details and wall sections.

- **Schedules**

Door schedules/details.
Room finish schedule.

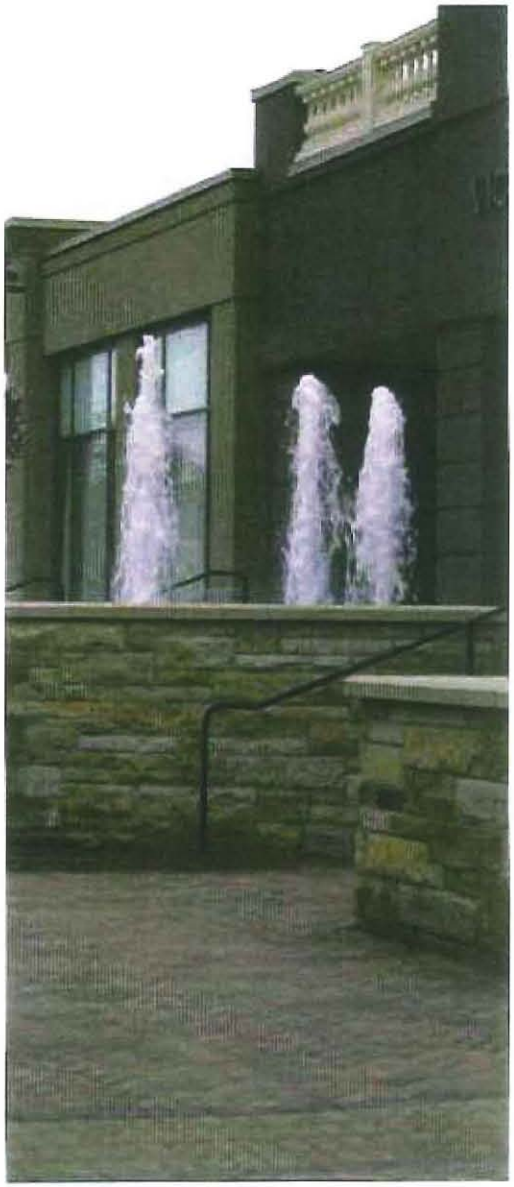
PLUMBING PLANS

These drawings shall incorporate all minimum design and construction requirements as stated herein. If the Tenant's particular occupancy requires that these standards be exceeded to meet code or the Tenant's requirements, the Tenant shall be responsible for making the adjustments.

- **Plumbing Plan (Scale: 1/4" = 1'-0")**

Toilet facilities.
Location of other plumbing fixtures.
Location of sewer connection.
Location of plumbing vent connection.
Clean-out and floor drain location.
Domestic water distribution.
Gas piping layout (restaurant tenants, if applicable).
Water meter.
Sanitary system isometric drawings including line sizes.
Domestic water isometric indicating pipe sizes.
Water heater detail with relief valve and piping to floor drain.
Detail of connection to Landlord's vent stack.

Note: Tenant's are required to use the Landlord's building shell roofing Contractor for any and all roof penetrations.



HEATING VENTILATING AND AIR CONDITIONING

The HVAC drawings shall incorporate all minimum design and construction requirements, including complete calculations, indicating heat gain to and heat loss from the space for all lights, occupancy, exterior exposure (if any) and other heat producing elements. All roof top equipment shall be located within the "mechanical zone".

- **Mechanical Plan (Scale: ¼" = 1'-0")**

Ductwork layout and sizes.
Heights above finished floor.
Damper locations.
Return air openings through demising walls.
Type of insulation.
Locate diffusers, grilles and registers.
Show thermostat location.
Return Air Systems:
    Direct.
    Indirect.

Note: Tenant's are required to use the Landlord's building shell roofing Contractor for any and all roof penetrations.

Photo representation only

- **Schedules and Details**

Diffuser and Grille Schedule indicating CFM capacities.
Equipment schedule.
Toilet exhaust duct connection detail.

- **Exhaust System**

Show windows (if required).
Cooking equipment (if applicable).
Specifications of exhaust equipment.
Location of equipment.
Methods of installation.
Ventilation requirements (by Tenant in the event of unusual or excessive requirements).
Fresh air intake.
Specify minimum CFM requirements.

ELECTRICAL

Electrical drawings and specifications shall show all circuits for store lighting (including emergency and night lighting), sign lighting, receptacles, toilet exhaust and other fans (if different or supplemental to Landlord's central system), and service to heating, ventilating, and air conditioning system.

Show single line power riser diagram indicating main disconnects, size of wire, conduit, panels, transformers, time clock, etc.

Show panel schedule and itemized load breakdown in connected kilowatts for the premises, including lighting, receptacles, sign lighting, water heating, special appliances, toilet exhaust fans (horsepower), make-up air fan (horsepower), miscellaneous space heating, sales door, operator motor (horsepower), fan coil unit (horsepower), return air fans (horsepower) and large motors (starter type).

These drawings shall incorporate all minimum design and construction requirements including complete calculations and show the total simultaneous load maintained at three hours or more for the store area and all other lighting, HVAC, and miscellaneous loads per square foot.

- **Electrical Floor Plan (Scale: ¼" -= 1'-0")**

Location of all floor and wall outlets.
Location of Landlord's service.
Location of all fans, motors and HVAC equipment.
All loads assigned to circuits - itemized load breakdown.
Itemized Load Schedule.

- **Electrical Ceiling Plan (Scale: ¼" = 1'-0")**

Lighting fixture layout including night lighting and sign lighting.
Toilet exhaust and other fans.
Emergency and exit light locations.
All lighting assigned to circuits.
Indicate sign and lights which are connected to time clock.

- **Schedules**

Lighting Fixture Schedule.
Electrical Panel Schedule.

- **Miscellaneous Details**

Electrical Distribution Riser Diagram.
Feed conduit and wire size.
Arrangement of panels, transformer, time clock, etc.
Indicate telephone conduit locations for connection to empty telephone conduit.
Conduit and wire size to Individual Units, HVAC equipment and panels as applicable.

- **Fire Protection Plans**

These plans must be prepared by a Landlord approved sprinkler contractor and submitted to Mall Operations Manager to verify compliance in accordance with the requirements of Landlord's insurance underwriters and must indicate the following:

- **Fire Marshall's Approval**

Location of existing sprinkler head grid with main and branch pipe sizes.
Location of branch piping.
Heights of ceilings and dropped soffits, etc.
Location of surface mounted or dropped lighting and decorative beams.
Location of curtain walls or lighting baffles.
Other construction which will affect sprinkler coverage.

- **Shop Drawings**

The Tenant shall submit to the Landlord's Architect for approval, three copies of the sign shop drawings.

Menu boards must be submitted to the Landlord's Architect for approval. Tenants are required to submit drawings or photographs that clearly indicate the size, colors and materials to be used. The Tenant must submit three sets of the sprinkler shop drawings approved by the Fire Marshall to Mall Operations Manager.

Landlord's Architect reserves the right to request additional detailed shop drawings for review after final working drawings have been approved.

- **Final Construction Drawing Approval**

Upon receipt of complete sets of drawings and specifications as outlined above, the Landlord's Consultants will review these drawings for compliance with the previously approved preliminary design and the other criteria of this Handbook, and return to the Tenant one set of prints marked with the approval stamp. The drawings will be marked "Approved", "Approved as Noted" or "Returned for Corrections". Drawings stamped "Returned for Corrections" or "Approved as Noted" requesting resubmittal of specific sheets shall be revised and resubmitted within ten (10) days of the receipt of the Drawings.

Simultaneously, the Landlord's Representative will forward one (1) set of stamped approved drawings to the Landlord's Project Manager for field verification during construction. It is the Tenant's responsibility to see that the approved set of drawings with comments, if any are distributed to his construction staff. Prior to the removal of the construction barricade, the Contractor shall request of the Project Manager and Construction Coordinator a review and Punch List of the lease space. All Punch List items shall be completed prior to the removal of the barricade.

No deviation from approved drawings will be permitted without prior written approval by Landlord. It must be understood that the Landlord's approval of the working drawings is for compliance with the criteria established in this Handbook only. By reviewing these drawings, the Landlord and its agent(s) assume no responsibility for code compliance, dimensional accuracy, engineering accuracy or completeness of these drawings for construction purposes. The Landlord reserves the right to review compliance based on the highest quality construction and craftsmanship.

CIVIL (OUTPARCEL BUILDINGS ONLY)

The following is a list of Civil Engineering drawings that must be submitted for review. All drawings must: be a minimum of 22" x 36", be to scale (min. of 1"=50'), have a north arrow, show basic site plan information, contain appropriate general notes, identify materials to be used in construction, and contain any other engineering data necessary for determination of site construction. Each plan is further required to show the following:

Dimensioned Site Plan

- Property lines, setback lines, buildings, signs, sidewalks, and curbs.
- Parking stalls, aisles, and driveways.
- Accessible Route and Exit paths

Grading Plan

- Finished surface contours
- Erosion control methods
- Drainage structures

Utility Plan

- Existing utilities (or those provided by the landlord)
- Proposed service connections for water, sewer, storm sewer, power, natural gas, telephone, cable TV or any other underground utility.
- Appropriate details for manholes, cleanouts, hydrants, etc.
- Landlord approved location for grease trap (if required)

Pavement Plan

- Sidewalk and curb locations
- Elevations of curbs, parking lots, and sidewalks
- Drainage paths

Site Lighting Plan

- Pole locations and fixture mounting heights and number of and orientation of all fixtures.
- Point by point footcandle (fc) plan of parking lot with points not exceeding 20' on center grid.
- Average, maximum, and minimum fc at ground surface.
- Uniformity ratio: average-to-minimum fc and maximum-to-minimum fc.
- Pole manufacturer and model number.
- Fixture manufacturer and model number.

Landscaping Plan

- Location and identification of all plant materials
- Botanical and common name
- Size of plant material at time of installation
- Plant installation detail
- Site furnishings details (site furnishings include benches, trash containers, ash trays, tables, etc.)
- Irrigation Plans

Important note: The plans must also show and define any structure or improvement that is to be constructed on the premises. Such items may include but are not limited to: retaining walls and traffic control signs. The Landlord reserves the right to include those items as part of the approval process.

SMALL RETAIL SHOPS AND INTERIOR DESIGN

Philosophy and Design Concept

One Nineteen will be a premier shopping center of Leawood, Kansas. The quality of today's retail environment demand distinctive and high quality storefronts and presentations to enhance the shopping environment.

Storefront Design

The unique characteristics and quality Tenant mix of One Nineteen calls for bold, dynamic storefronts. Critical to the design integrity and success of the shopping centers image are the individual contributions of each Tenant's store. It is essential that proper attention be paid to proportion, scale, color, and detailing so that the Tenants can enhance the image of the shopping center and themselves. Refer to page 3.13 and 3.14 for more detailed information on Storefront Design.

Storefront Entry Element

Storefronts should be designed to incorporate an entry feature at the entrance into each leased space.

For the intent of the criteria, the term "Entry" shall be described as a grand or imposing entrance and shall encompass the whole architectural composition surrounding and including the doorway. A single portal or a series of multiple portals may be featured in the storefront design.

Entry elements shall be attached to the storefront and provide a weatherproof barrier to the public way. Recessed storefront entry elements are permitted; tenant responsible for frost footings where required. Tenant responsible for any damage if footing is omitted. Tenants are required to provide innovative floor and ceiling finishes which are subject to approval by the Landlord's Architect.

Special lighting effects such as cove lights or uplights are subject to approval of the Landlord's Representative and will be reviewed on an individual basis.

Design Criteria

This criteria is a basic "set of tools" that the Tenant is required to work with and expand upon. Criteria are written to encourage freedom of individual expression and to provide a common point of departure for all Tenants.

Storefronts should emphasize a "sense of entry", and display of merchandise. National or regional Tenants who have a typical or recognizable storefront design are expected to review this design criteria of One Nineteen and adjust their design to ensure compatibility and compliance and work closely with the Landlord's Architect to achieve the same level of quality as One Nineteen.

Key Plan

Reference Section One of this Design Criteria for the general overall configuration of the property. Each Tenant should refer to his Tenant lease plan for specific information and details relative to its leased space.

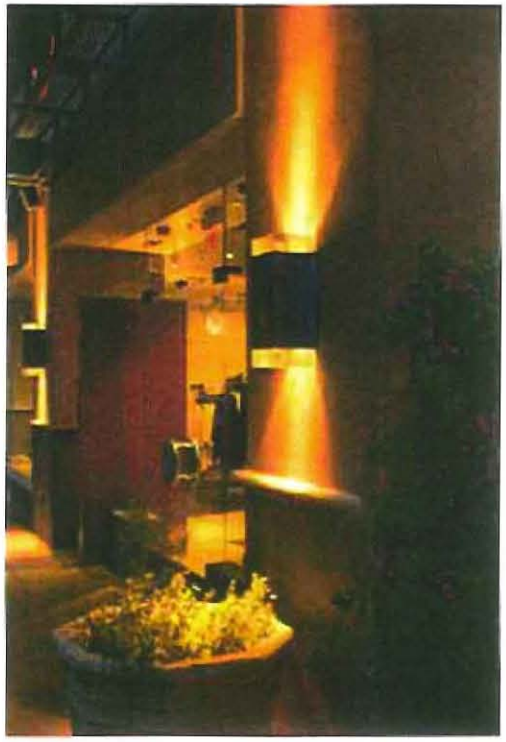


Photo representation only

PROPOSED AMENDMENT TO PAGE 3.1

Design Criteria

This criteria is a basic "set of tools" that the Tenant is required to work with and expand upon. Criteria are written to encourage freedom of individual expression and to provide a common point of departure for all Tenants.

Storefronts should emphasize a "sense of entry", and display of merchandise. National or regional Tenants who have a typical or recognizable storefront design are expected to review this design criteria of ~~One Nineteen~~ Town Center Crossing ~~and adjust their design~~ to ensure compatibility and compliance and work closely with the Landlord's Architect to achieve the same level of quality as ~~One Nineteen~~ Town Center Crossing.

Design or materials utilized that do not strictly comport with the Design Criteria may be used by tenant if approved by Landlord after determination that the spirit and intent of the Design Criteria is met.

Neutral Pier

The neutral piers where they occur between separate, adjacent lease spaces are provided and maintained by the Landlord. The Tenant is not responsible for the neutral piers and cannot modify them or hang their finishes from them in any way. Tenants should refer to the detail sheets, which are forwarded with the Shell Building Drawings for detailed information regarding the configuration and construction of the neutral piers. Tenants are also required to verify the location of any fire hydrant cabinets or roof drain down spouts in neutral piers and neutral piers at stairs. The neutral pier detail indicated on this sheet is conceptual. Refer to Construction Documents for details specific to each lease space. Tenants shall be required to provide break metal at locations other than structural piers.

PROPOSED AMENDMENT TO PAGE 3.2

Neutral Pier

The neutral piers where they occur between separate, adjacent lease spaces are provided and maintained by the Landlord. The Tenant is not responsible for the neutral piers ~~and cannot modify them or hang their finishes form them in any way~~ but may propose modifications to them, if approved by the Landlord under the Drawing Submission and Approval Procedure outlined in Section 2. Tenants should refer to the detail sheets, which are forwarded with the Shell Building Drawings for detailed information regarding the configuration and construction of the neutral piers. Tenants are also required to verify the location of any fire hydrant cabinets or roof drain down spouts in neutral piers and neutral piers at stairs. The neutral pier detail indicated on this sheet is conceptual. Refer to Construction Documents for details specific to each lease space. Tenant shall be required to provide break metal at locations other than structural piers.

Storefront Bulkhead

The bulkhead above the storefront is a standard Shell Building finish, provided and maintained by the Landlord on the outside of the lease premises. The Tenant cannot change or modify the bulkhead, nor is the Tenant responsible for its maintenance, except for patching and repairing the bulkhead to new condition of any damage caused by the Tenant during construction. Storefronts may attach to the bulkhead but may not be structurally dependent on such attachment. All storefronts shall be self-supporting and attached to the Landlord structure for lateral support only.

PROPOSED AMENDMENT TO PAGE 3.3

Storefront Bulkhead

The bulkhead above the storefront is a standard Shell Building finish, provided and maintained by the Landlord on the outside of the lease premises. The Tenant ~~cannot~~ may change or modify the bulkhead, if reviewed and approved by the Landlord in accordance with the Drawing Submission and Approval Procedures outlined in Section 2. ~~nor is t~~The Tenant is not responsible for its maintenance, except for patching and repairing the bulkhead to new condition of any damage caused by the Tenant during construction. Storefronts may attach to the bulkhead but may not be structurally dependent on such attachment. All storefronts shall be self-supporting and attached to the Landlord structure for lateral support only.

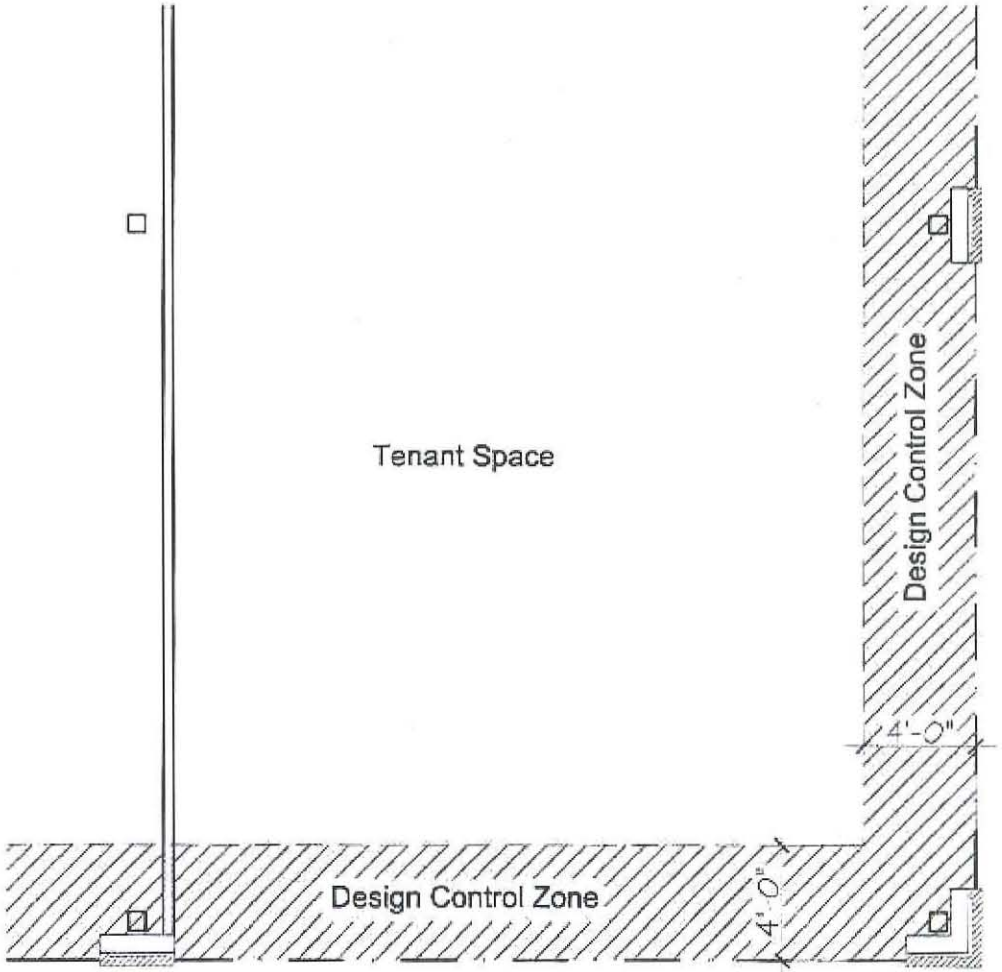
Design Control Zone

The Design Control Zone includes all display windows and retail graphics, display fixtures, signs, materials, finishes, colors, and lighting from the leaseline to 4' behind the lease line.

If a Tenant chooses to recess the store closure behind the designated Design Control Line, the Design Control Area will be enlarged accordingly.

The Landlord will closely control all elements in the Design Control Zone.

The soffit at the storefront entrances may be finished in the same material as the storefront. The soffit height shall be not less than 14'-0" above the Mall floor. Acoustical tile is not an acceptable ceiling for any part of the Design Control Zone.



Design Control Zone Plan
(See Shell Building Drawings for specific condition)

Display Windows

Display windows should be unique and individual. Window displays should thus be integrated into the architectural design and character of the entire storefront. A variety of textures in display and window treatment should be explored, as well as innovative lighting and window designs (see Signage Criteria). Display windows shall be transparent and open to the store. No back drops behind displays will be allowed.

A minimum of 80% of the storefront width is recommended to be used for display windows. The Landlord's Architect will evaluate exceptions on specific merchandising situations and requirements.

For greater transparency, a storefront glazing with a minimum use of mullions or frames is required.

Corner Tenants must install display windows and/or store openings on both elevations. Solid walls will not be permitted along the Lease Line without approval from the Landlord's Architect.
Should storefront glazing extend to the floor, a minimum 6" durable base or frame is required.

Store Closure

The level of the finished floor within the Tenant area must correspond within ½" of the level of the public walkway finished floor at the Lease Line and specifically detailed on the plans. Applicable threshold accessibility is the responsibility of the tenant.

The store closure may be any one of the following:

Pivoting glass doors.
Pivoting wood doors.
Electric Sliding doors.
Revolving doors.

Doors

Sliding doors shall be electric horizontal doors with integrally colored aluminum frames operated by a motion sensor. Doors shall be located so motion sensor will not activate continuous due to passers by. All door tracks are to be recessed and as much as practical hidden from view. No depressions are permitted in the floor slab for this or any other purpose. Pivoting doors may be frameless glass outswinging doors on pivots.

Outswinging doors are to be recessed a minimum of the width of the door, as the door swing may not extend beyond the Lease Line. All locking mechanisms shall comply with the ADA.

All door systems shall be weather tight as required for open-air Retail. If the use of an air lock or vestibule is preferred it shall be designed as part of the storefront design and shall be located within the lease premises.

Floor and Base

The interior floors and base should be covered with the highest quality materials, conforming to the basic quality criteria outlined later in this manual. Ease of movement, safety, and maintenance should be primary considerations in floor covering.

Tenant shall have a flush transition between the shopping center walkway surface and the Tenant's floor finish, feathering the floor as necessary. Tenant shall be required to finish any flooring in any exterior recessed storefront areas.

Tenant shall be responsible for the sealing and finishing of area within pocket of pivoting doors.

The storefront base may be stone, precast, masonry, metal or tile, and should complement the Tenant's storefront material. A base is not required where Tenant's stone storefront extends to the floors. The base must be of a durable material capable to withstand standard exterior cleaning and snow removal equipment.

Where storefront glazing continues to the finished floor, it must terminate in a minimum 6" high base compatible with the store design.

Any other durable base material, easy to maintain and that matches or is compatible with the Tenant's other storefront finishes may be used. Storefront base should reflect the dimensional quality of the storefront.

Lighting

Tenants are encouraged to use decorative lighting elements as an integral part of their storefront and interior store design. In recent years, a wealth of lighting fixtures and techniques has come on the market, and innovative lighting should be explored. Lighting can play an important role in attracting customers and enhancing merchandising strategies.

All storefront and general store lighting must be reviewed and approved by the Landlord's Architect, subject to the following basic guidelines:

- The Tenant shall provide a high quality of illumination above the display area and entrances.
- No storefront lighting shall be installed in the soffit area ceiling beyond the leaseline. Up lighting and halo lighting are encouraged.
- No strobe, spinner, or chase type lighting shall be used. No animated flashing or intermittent lights, black light, or strobe lights will be permitted.
- For illumination in the Design Control Area, Landlord Architect must approve decorative type lighting (i.e. luminous ceilings, chandeliers, pendant fixtures or wall units). Fluorescent light fixtures will not be permitted within the Design Control Area. All fluorescents outside of the Design Control Area must be deep cell parabolics.
- All signs, logos, and display windows shall be illuminated during the hours the center is open and controlled by a time clock, which will be connected to the Tenant's power supply.
- All showcase and display cases must be adequately lighted and ventilated. Direct visual exposure of incandescent bulbs and/or fluorescent tubes is prohibited. No lamp shall extend below the ceiling line or below the window head at show windows within the Design Control Area.
- No TV monitors will be permitted in the Design Control Area.
- Mixtures of lighting types are encouraged in the Sales Area.

Finishes

Materials for the storefront should suggest quality, craftsmanship, elegance and stability. Innovation and creativity are encouraged. With that in mind, the use of the following materials on the storefront is **strictly prohibited:**

- Imitation or simulated materials (including those available in plastic laminates); i.e., imitation brick, simulated wood, synthetic marble, etc.
- Slat wall.
- Pegboard in any form.
- Vinyl or suede wall covering or wallpaper.
- Chain link fencing or rough metal.
- ~~Softwood storefronts (i.e. rough sawn cedar). Avoid images that are strongly rustic or residential~~.
- Plywood paneling.
- Carpet or fabric (except in canvas awnings).
- Painted drywall, including Zolitone or Polymix type products.
- Metal or plastic laminates.

Signage

Signage shall be as outlined in Section Eight of this Design Criteria Booklet.

Awnings

Awnings shall be provided and installed by the Tenant as part of the Tenant's improvement work to the building shell. Several awning options have been designed by the Landlord's Architect and the Tenant should consult those drawings included as part of the Tenant Package. The tenant shall submit awning shop drawings for review and approval. Deviations from the standard awning design will be reviewed on and individual basis.

MERCHANDISING AND DISPLAY

Storefront Philosophy

One of the aspects of One Nineteen is the merchandising opportunity afforded the Tenants by the storefront design. The storefronts create an area visible from the shopping center that extends the store beyond the display window into the shopping center. Basically, the entire front portion of the store becomes part of the display design.

The opportunity to display merchandise to shoppers passing by opens a wealth of marketing strategies. It also affects the front layout of the store. Attractive fixtures and appropriate materials are just as crucial in the front part of the space as in the display window itself. Standard light levels should be maintained to adequately light merchandise. As the storefront exposes a portion of the store to view, all lighting and display fixtures should be of exceptional quality, and are subject to Landlord approval.

Merchandising Opportunity

Fixture layout and lighting can be used to highlight particular merchandise, to attract passing customers, and to enhance the image of the store. As one example, a bookstore, which normally displays best sellers and new releases in its display windows now, has the opportunity to also display its videotape library, gift books, or special interest or seasonal titles as well.

However, the wide visibility of the store interior also creates some restrictions. The same bookstore mentioned above would need to be careful not to place messy discount tables, magazine racks, or plainly stocked shelves in areas visible from the courtyard.

If creative inspiration is needed in developing strategies to take full advantage of this expended display area, please consult the graphic examples in this manual. With ingenuity, any challenge can be easily mastered, opening up exciting merchandising possibilities.

General Store Criteria

With recent trends in store design evolving to more open and transparent storefronts, it is often not possible to differentiate between the storefront and the store interior. The way the Tenant displays their merchandise, the fixturing layout, and the fixtures themselves combine with the storefront architecture to create an image to the public. The Landlord is therefore concerned that the store interior be designed with the same care and attention to detail as the storefront itself. Therefore, the following criteria for interior design have been created to guide the Tenant.

Layout, Fixturing, and Merchandising

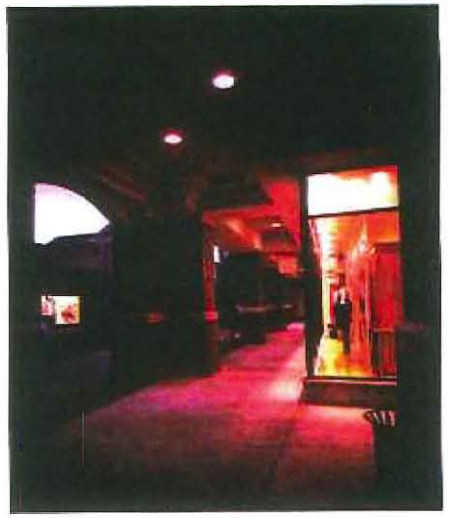
The Tenant is encouraged to use the services of a professional store planner, visual merchandiser, and/or fixturing specialist in the design and layout of his store.

A properly designed floor layout will always mean an increase in sales.

Display fixtures should complement the overall design of the store and present the merchandise in an appropriate manner. The Tenant is required to use only new, first quality fixturing throughout his store. Used or reconditioned display fixtures are not permitted; high quality bona fide antique furnishings may be used with prior approval.

The use of pegboard on display fixtures or as a wall finish is not permitted.

The use of standard continuous slat wall is also discouraged.



Floor Finishes

All areas of the Tenant's premises must have a finished floor.

The following are approved floor finishes.

- Quarry tile or ceramic tile.
- Stained or sealed concrete.
- Marbled or other natural stone terrazzo.
- Carpet (outside of design control area), which must be commercial grade and no less than 28 oz. Per square yard face weight.
- Vinyl composition tile and base is not permitted in the sales area or anywhere visible to the public. Vinyl composition tile may be used in stock rooms or restrooms.
- Bullnose tile or carpet reducer strips are not permitted.
- Wood flooring is acceptable however, a transition at the entry area of walk off mat or tile is suggested.

Ceilings

The ceiling is an integral part of the store design and as such requires appropriate emphasis. The ceiling helps define the character of the store and when properly designed will enhance a store's appearance. The Landlord discourages the use of a ceiling in one plane throughout the store.

Through the use of coffers, drywall soffits and bulkheads, an interesting ceiling design will result. A well-designed ceiling can also help to define different lighting values.

In general all areas of the Tenant's store must have a ceiling. Exposed structure (even in storage areas) will be allowed only on an individual basis and when part of a quality design. Ceilings above 12'-0" in height may encounter building obstruction (i.e. sprinkler, structure, etc.). Tenant shall field verify all existing conditions. Ceilings may not be attached to roof deck, sprinkler pipes, electrical conduits or ductwork.

All ceiling in the Design Control Area must be drywall or a continuation of the storefront material.

All ceiling in the remaining areas of the store must be drywall, metal linear or acoustical ceiling tiles, or any combination thereof. Additional materials may also be approved; however, samples and photographs will need to be submitted.

If acoustical ceiling tiles are used, the following types are acceptable:

2'x2' regular edge acoustical panels.

2'x4' acoustical panels scored to disguise the 2'x4' module (such as Armstrong Second Look).

2'x2' designer panels (such as Armstrong Syllables).

Concealed spline acoustical tiles.

The Tenant shall provide access to all ductwork, heaters piping, controls, or valves located within the premises by means of accessible ceiling tile or flush access panels.

Walls and Wall Finishes

All demising walls (walls between adjacent Tenants or between a Tenant and a common area) must be constructed with 5/8" fire rated drywall, fire taped from floor slab to the underside of deck above.

All demising walls must be finished to achieve a one-hour fire rating. Where a demising partition of the Tenant's premises is adjacent to a service corridor or other Landlord-related facility between adjacent Tenant spaces, and is not an exterior wall, the Landlord has provided a demising partition from floor slab to underside of structure above. This partition is of either 6" or 3 5/8", 25 gauge steel stud construction at 24" on center or greater.

Structural columns, which occur in a demising wall, must be covered with fire rated drywall as part of the demising wall.

Where Tenant elects to use any type of music system or sound generating device within the premises, perimeter wall construction must be such that it does not allow the transmission of sounds to adjacent spaces. Tenant must provide any necessary construction such as sound insulation blankets or sound deadening panels to assure adjacent Tenant of the quiet enjoyment of their space.

If the Tenant plans to use a demising wall for the support of shelf standards or heavy attachments, Tenant must reinforce the wall as needed, such as by providing additional steel studs, or providing independent supports for the shelf standards. However, the wall shall maintain a one-hour UL rating.
Tenant may not install any attachments, such as shelving equipment, etc., directly against department store or exterior masonry walls without providing a furring or stud separation (while maintaining any existing expansion joints). The furring or stud separation must be adequate to support the attached shelving equipment, etc. All interior partitions must be built with metal stud framing. Fire treated wood framing is permitted for incidental blocking only.

All interior wall surfaces in the sales area must be finished in an appropriate manner. Three coats of paint, wall covering, paneling, mirror, plastic laminates, finish masonry or metal are considered suitable finishes.

Exposed pegboard on walls or sales fixtures is not permitted in any area of the store visible to the public.

Non-Combustible Construction

All Tenant construction, including storefronts must be non-combustible and subject to the approval of the Building Department and the Fire Marshal. Treated fire-resistant materials will be permitted only where approved by jurisdictional authorities.

No Modification to Landlord's Structural Members or Building Systems

Under no circumstances shall Tenant's Contractor cut or modify Landlord's structural members, expansion joints, wind bracing, columns, beams, and bridging. Any structural framing or bracing required for Tenant's construction and to be attached to Landlord's structure must be designed by a Structural Engineer and approved by Landlord's Architect and Engineer.

Landlord reserves the right to refuse to permit the installation of any roof- or wall-mounted equipment which exceeds the capability of the structural system; or to require screening if the appearance of such equipment would be detrimental to the appearance of the center.

Tenant's Contractor shall not be permitted to modify, attach or hang from landlord's duct work, water lines, sprinkler lines, conduit or roof deck to accommodate Tenant's construction including, but not limited to, Tenant's ceiling grid, ductwork, pipes, conduit, etc.

Mezzanines

Tenant, upon obtaining prior written approval from the Tenant Coordinator, may construct a mezzanine or storage platform subject to the following:

The mezzanine framing must be completely independent of the basic building structural frame and demising partitions, and must be designed by a structural engineer licensed in the State of Kansas.

Roofing System

Access to the Mall roof is restricted to Landlord's personnel and Landlord's designated Contractors only. No Contractor or Subcontractor will be permitted on the roof unless written permission has been obtained from the Operation Managers. The installation of all flashing and curbing for Tenant related equipment must be by Landlord's roofing Contractor at Tenant's expense. The furnishing of the roof curb and the installation of equipment on the roof will be by the Tenant's Contractor.

Filters used in all kitchen exhaust systems shall be of non-combustible construction and comply with NFPA requirements. All systems shall be provided with access panes and a means of collecting grease drippings from the filters.

Roof-mounted kitchen hood exhaust fans shall be of the "mushroom" type and have grease pans adequate to protect the roof. These pans shall be installed, cleaned and maintained regularly by the Tenant. All roof mounted exhaust hoods, equipment, etc. must been located to be concealed from public view.

Tenant Security System

Electronic security systems and shoplifting detection services shall be designed to be concealed from public view. Freestanding posts, suspended rails, or walk through portals are discouraged. The Landlord prior to installation must approve installation of Tenant security systems.

Fire Protection Sprinkler System

The Landlord has provided a fire protection main within 5'-0" of the Tenant's Lease premises, unless otherwise provided for in the Lease Agreement. All sprinkler heads in the storefront design control area shall be fully recessed and semi-recessed in the sales area. Note: Tenant provides all cross-mains, branch lines, valves, annunciations and sprinkler heads.

Any revisions, extensions or relocations to the Landlord's portion of the sprinkler system shall be by the Tenant at the Tenant's expense. Work to be performed by Landlord approved Sprinkler Contractor at Tenant's expense. Connections to the Landlord's fire protection panel (if any) shall be at the Tenant's expense. If the Landlord is required by the local authority to install sprinkler systems within the Tenant lease premises prior to turnover, the Tenant shall reimburse the Landlord for their share of that work.

Fire Extinguisher

Tenant shall furnish and install fire extinguishers as required by the Fire Marshal.

Floor Slabs

Concrete floor slabs have a smooth troweled finish and are slab on grade. No depressions or recesses in slabs will be permitted without prior written approval.

Any rework, cutting for underground plumbing and patching of the existing floor slab shall be at the Tenant's expense and must be approved by the Landlord's Architect.

Grease Interceptors

If the Tenant's occupancy requires the use of a sanitary sewer grease interceptor it shall be provided and installed by the Tenant at it's own expense. The location of the interceptor is subject to approval of the Landlord or it's Architect.

Exterior Furniture

Tenants that have an approved exterior seating area shall supply exterior furniture per shopping center standards. See Section Ten for more information.

All Tenant exterior seating areas shall be per an established Lease Agreement and shall be in conformance with local codes and ordinances.

Storefront Design and Colors

The unique characteristics and quality Tenant mix of One Nineteen calls for bold, dynamic storefronts. Critical to the design integrity and success of the shopping centers image are the individual contributions of each Tenant's store. It is essential that proper attention be paid to proportion, scale, color, and detailing so that the Tenants can enhance the image of the shopping center and themselves.

All storefront designs shall be carefully reviewed and approved by the landlord. Please reference storefront examples one, two, three, and four; these designs are to establish a precedence for storefront design at the shopping center and tenants are encouraged to submit alternatives similar in concept.

Example #1

Example #3

Example #2

Example #4

SUB-MAJOR BUILDING DESIGN
(15,000 s.f. and above)

General Store Criteria

The Landlord has provided standard aluminum storefronts or storefronts as specified in the preliminary design approvals for each Tenant premises. Each Tenant is encouraged to design within the storefront provided.

Storefront Design

The use of imaginative forms, approved materials, approved color combinations, and graphics is encouraged. Only original and innovative modifications to standard storefront designs compatible with the overall design of the shopping center will be approved.

Show windows must have concealed lighting without pulsating, strobe, or otherwise animated illumination. All interior and exterior surfaces shall be a high quality finish materials. Show windows should minimize the use of back walls that tend to close off the store area visually from the public view.

Required Exterior Building Materials

All buildings shall meet the minimum requirements of the material standards noted below.

- Minimum 60% Masonry or Stone veneer system.
- Maximum 40% stucco systems
- Final Exterior Building Design shall be as designed by or subject to approval of the Landlord's Coordinating Architect.
- Exposed pitch roofs and shade devices –shall be a pre-finished metal system to match shopping center standards.

Note: All design modifications and materials shall be in strict accordance with the Design Criteria and previously stated and approved building facade materials. All variations are subject to Landlord approval. All building materials are subject to change in accordance with local design ordinances. Approval shall be obtained from the City by the Landlord's Architect.

Layout, Fixturing and Merchandising

The Tenant is encouraged to use the services of a professional store planner, visual merchandiser, and/or fixturing specialist in the design and layout of his store. A properly designed floor layout will always mean an increase in sales. A high standard of finish is expected.

Floor Finishes

All areas of the Tenant's premises must have an appropriately finished floor as approved by Landlord's Architect.

Ceilings

The ceiling is an integral part of any store design and as such requires appropriate emphasis. The ceiling helps define the character of the store and when properly designed will enhance a store's appearance. All ceilings shall conform to support requirements and may not be attached to roof deck, sprinkler pipes, electrical conduits or ductwork.

The tenant shall provide access to all ductwork, heaters, piping, controls, or valves located within the premises by means of accessible ceiling tile or flush access panels.

The tenant shall provide access to all ductwork, heaters, piping, controls, or valves locate within the premises by means of accessible ceiling tile or flush access panels.

Walls and Wall Finishes

All demising walls shall be as required by local governing authorities. All interior wall surfaces in the sales area must be finished in an appropriate manner (i.e. consistent with first class retail store).

No Modification to Landlord's Structural Members or Building Systems

Under no circumstances shall Tenant's Contractor cut or modify Landlord's structural members, expansion joints, wind bracing, columns, beams, and bridging. Any structural framing or bracing required for Tenant's Construction and to be attached to Landlord's structure must be designed by a Structural Engineer and approved by Landlord's Architect and Engineer.

Landlord reserves the right to refuse to permit the installation of any roof- or wall-mounted equipment which exceeds the capability of the structural system; or to require screening if the appearance of such equipment would be detrimental to the appearance of the center. Tenant's Contractor shall not be permitted to modify, attach or hang from Landlord's duct work, water lines, sprinkler lines, conduit or roof deck to accommodate Tenant's Construction including, but not limited to, Tenant's ceiling grid, ductwork, pipes, conduits, etc.

Storefront Signage

Signage shall be as indicated in Section Eight of the Design Criteria.

Floor Slabs

Concrete floor slabs have a smooth troweled finish and are designed as on grade. No depressions or recesses in slabs will be permitted without prior written approval. The Tenant's Contractor shall furnish and install that portion of the concrete slab in all areas where the slab has been blocked out in conformance with Landlord standards.

Exhaust System

Tenants who have special exhaust requirements as a result of odor; moisture or high heat-producing operations shall provide separate special exhaust and make-up air facilities, to be approved by the Coordinating Architect.

Any unacceptable odor, as determined by Landlord, shall be exhausted by means of centrifugal blowers located within the premises and ducted through the roof to the atmosphere.

No openings for fans, vents louvers, grilles or other devices will be installed in any demising partition, exterior wall, or roof without Landlord's written approval and Landlord supervision.

Fire Protection Sprinkler System

Any revisions, extensions or relocations to the Landlord's standard sprinkler system shall be by the Tenant at the Tenant's expense. Work to be performed by Sprinkler Contractor acceptable to Landlord.

Roofing Systems

Access to the Mall roof is restricted to Landlord's personnel and Landlord's designated Contractors only. The installation of all flashing and curbing for Tenant related equipment must be by Landlord's roofing Contractor at Tenant's expense.

Exterior Furniture

Tenants that have an exterior seating area shall supply exterior furniture per shopping center standards. See Section Ten for more information.

All Tenant exterior seating areas shall be per an established Lease Agreement and shall be in conformance with local codes and ordinances.

Site & Building Design Criteria

This section applies to all hardscaping/ landscaping materials and palette, site lighting (other than the parking areas), site amenities (benches and trash receptacles) and building materials, including the Crate & Barrel pad building.

(A) Hardscape/paving: The Center will utilize a mix of integrally-colored concrete, scored and/or stamped and a variety of concrete pavers.

Surface Finish

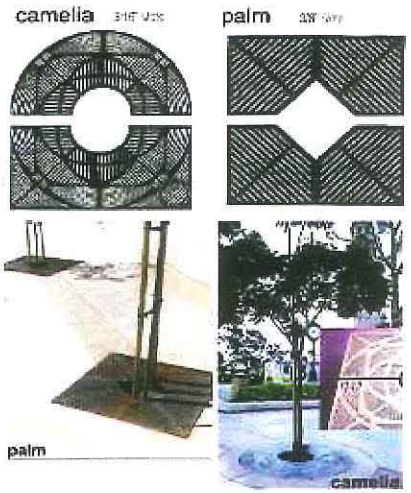
Surface Finish

Stamped Concrete

(B) Retaining Walls: Mosaic retaining wall "Versa-Lok"

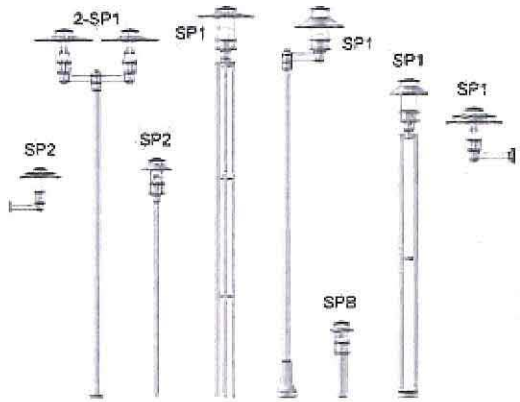
(C) Retaining Walls (at Crate & Barrel): Natural Stone, Dry-Stack

(D) Landscaping: Refer to the Landscape Plans of the entire site for information pertaining to the palette and materials proposed. Refer to the Landscape Plans of the Crate & Barrel store for information pertaining to the palette and materials proposed as well as hardscaping and site lighting.



(E) Proposed Site Lighting-For other than the parking areas:

- Architectural Area Lighting (AAL)- "Spectra Indirect"



(F) Site Amenities (benches and trash receptacles): Throughout the site, in select areas, there will be benches and trash receptacles. These will be the "Plainwell" bench by landscapeforms in black powder coat or aluminum. The coordinating trash receptacle will be specified. At Crate & Barrel, a "Sedona" collection planter in stainless steel by Heltzer Furniture will be used. Also, the "Plexus" trash receptacle by landscapeforms is proposed in white powder coat.

(G) Architectural Building Materials (Crate & Barrel)- The following materials are proposed for the exterior of building B:

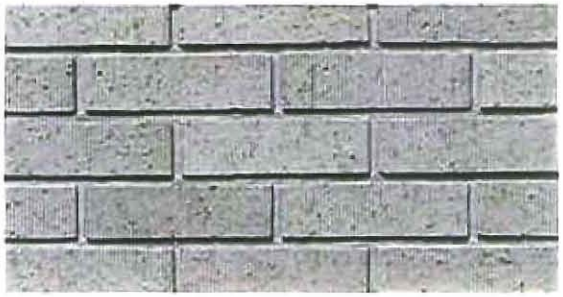
1. Exterior Insulation and Finish System (EIFS): *Dryvit Systems, Inc.; Finish: Omega Products, Sand finish, Color A104 or similar*
2. Mortar Adhered Manufactured Stone Veneer: *Cultured Stone; Pro-fit Ledgestone Southwest Blend or similar*
3. Corrugated Metal Wall Panel: *Berridge Mfg. B-6 Profile; Finish: Zinc Cote or similar*
4. Shiplap Stained Cedar Siding: *Grade A Western Red Cedar, WRCLA Finish:*
   a) Sherwin Williams Semi-Transparent Oil Stain A14T5 (full tint to specified color)
   b) Sherwin Williams SuperPaint Machine Finish Acrylic Semi-Transparent Stain A15T705 (50% reduced tint to specified color)
5. Preformed Metal Wall Panel: *Alcoa Cladding Systems, Reynobond; Finish: Bone White or similar*
6. Thin Brick: *Endicott Tile, Ltd., Color: Grey; Texture: Wirecut; Finish: Benjamin Moore, MoorGard Latex House Paint No. 103 or Sherwin Williams SuperPaint Exterior Latex Satin Wall Paint A89 Series or similar*

(H) Architectural Building Materials (other buildings)- The following materials are proposed for the exterior of buildings A & C:

1. Arriscraft Stone Base: Arriscraft International Renaissance Masonry Unit, 3-5/8"x11-5/8"x23-5/8", smooth, color: *Pecan.*

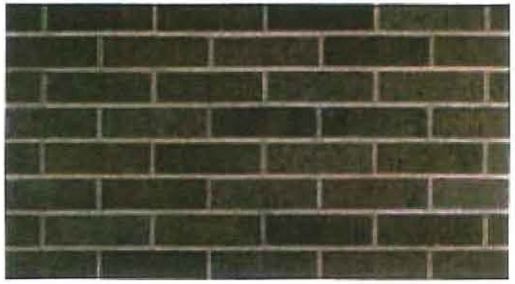
2. Brick Wall #1: Cloud Ceramics, "modular" size brick, color: *Coronado Grey.*

3. Brick Wall #2: Cloud Ceramics, "closure" size brick, color: *French Grey.*

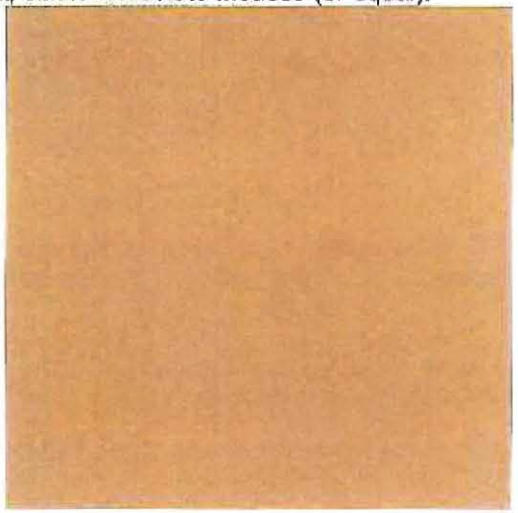


4. Arriscraft Stone Accent #1: Arriscraft International Renaissance Masonry Unit, 3-5/8"x7-5/8"x23-5/8", smooth, color: *Cream.*

5. Brick Accent #2: Kansas Brick & Tile, "standard" size brick, color: *500 Mit Gray.*



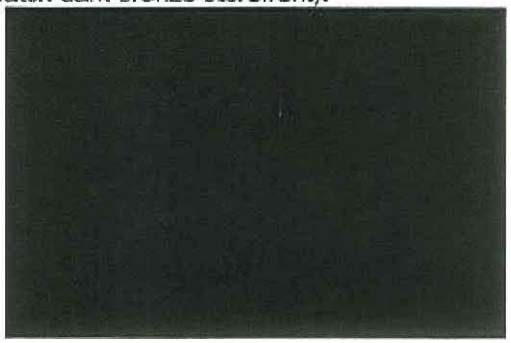
6. Stucco Wall: 2-coat synthetic stucco system (smooth sand finish) with elastomeric top coat, color: *Chocolate Mousse* (or equal).



7. Storefront (at grade): Aluminum-frame storefront glazing system, color: *Dark Bronze*, with 1" clear insulated glazing.

8. Storefront (elevated): Aluminum-frame storefront glazing system, color: *Clear Anodized*, with 1" green-tint, sand-blasted insulated glazing.

9. Prefinished Metal Canopy: High performance exterior metal paint, color: *Dark Bronze* (to match dark bronze storefront).



10. Wood Soffit: 5-1/2" tongue & groove, Western red cedar, smooth finish, color: *Olympic exterior, semi-transparent #726.*

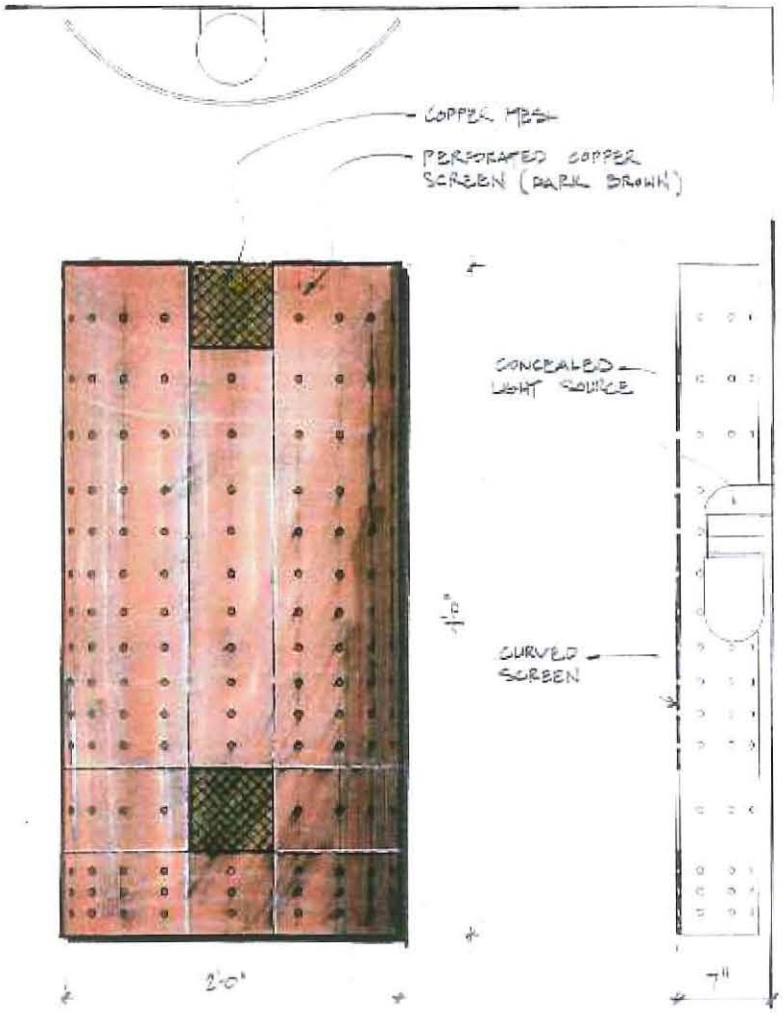
Storefront: Treated Cedar Plank (painted to Tenant's prototypical trade dress) is allowed.

11. Stucco Soffit: 2-coat synthetic stucco system (smooth sand finish) with elastomeric top coat, color: *Oyster Shell* (or equal).

12. Fabric Awning: Sunbrella canvas, color: *Black*.

Partial Elevation – Building A

North Elevation – Building A



Exterior Wall Sconce Study
Buildings A & C

IN-LINE RESTAURANT DESIGN

General Store Criteria

Since the Individual In-line Restaurant represents a major attraction to the shopping center, and is directly attached to shops within the center, their building design needs to reflect a dramatic and individual design image, while maintaining similar design elements of the shopping center. This criterion is intended to establish design standards to encourage the In-line Restaurant buildings to become a unique, yet consistent part of the overall shopping center.

These criteria are a basic "set of tools" that the Tenant is required to work with and expand upon. Criteria are written to encourage some freedom of individual expression and to provide a common point of departure for all Tenants while adhering to shopping center guidelines.

The building facades should be designed to give an innovative design concept. Tenants are encouraged to take full advantage architecturally of the shopping center design standards.

National or regional tenants who have a typical or recognizable building design are expected to review the design of One Nineteen and these criteria and adjust their design to ensure compatibility and compliance with these criteria.

- Main building facades – 60% minimum approved masonry materials. 40% scored stucco maximum.
- Building parapet cap element - prefinished metal. All facades of building.
- Entry Facade Element - maintain a minimum of 60% minimum approved masonry materials.

Other acceptable exterior material - subject to Landlord design review and approvals. See Section Five for more information.

Roofs

The roof materials and roofline compositions shall be consistent or compatible with the shopping center design and provide an integral part of the individual building design. The following are acceptable roof materials:

- Typical EPDM roof with exterior wall screening parapet.
- Exposed pitch roofs shall be Landlord approved simulated slate or concrete.

All roof slopes and configurations are subject to Landlord approval. No standing seam metal or asphalt shingles will be allowed.

Storefront Signage

Signage shall be as indicated in Section Eight of this criteria.

Trash Enclosures

All trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosures and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction and shall match shopping center standard. All trash enclosures shall meet the City codes and planning criteria and approvals.

Screening

The following items shall be either located out of direct public view or adequately screened by a screen wall utilizing the appropriately approved masonry materials:

- Gas meters and any associated piping.
- Electric meters and any associated conduits.
- Transformers.
- Trash compactors.
- Any ground installed equipment.
- Trash dumpsters, service areas and recycling bins and grease interceptors.

All roof-mounted equipment shall be adequately and completely screened from any property adjacent public right of ways and/or pedestrians views by means of exterior building walls or Landlord approved equipment screening. All rooftop screening shall be integrally designed into the building by use of roof parapets and walls. Painting of equipment is not allowed.

Store Closure

The level of the finished floor within the Tenant area must correspond within ½" of the level of the public walkway finished floor at the Lease Line and specifically detailed on the plans.

The store closure may be any one of the following:

Pivoting glass doors.
Pivoting wood doors.
Electric Sliding doors.
Revolving doors.

Doors

Sliding doors shall be electric horizontal doors with integrally colored aluminum frames operated by a motion sensor. Doors shall be located so motion sensor will not activate continuous due to passers by. All door tracks are to be recessed and as much as practical hidden from view. No depressions are permitted in the floor slab for this or any other purpose. Pivoting doors may be frameless glass out swinging doors.

Out swinging doors are to be recessed a minimum of the width of the door, as the door swing may not extend beyond the Lease Line. All locking mechanisms shall comply with the ADA, and local building codes.
All door systems shall be weather tight as required for an open-air mall. If the use of an air lock or vestibule is preferred it shall be designed as part of the storefront design and shall be located within the lease premises.

Floor and Base

The interior floors and base should be covered with the highest quality materials, conforming to the basic quality criteria outlined later in this manual. Ease of movement, safety, and maintenance should be primary considerations in floor covering.

Tenant shall have a flush transition between the shopping center walkway surface and the Tenant's floor finish, feathering the floor as necessary.

Tenant shall be responsible for the sealing and finishing of area within the pocket of pivoting doors if they are recessed

The storefront base may be stone, precast, brick masonry, metal or tile, and should complement the Tenant's storefront material. A base is not required where Tenant's stone storefront extends to the floors. The base must be of a durable material capable to withstand standard exterior cleaning and snow removal equipment. Base materials are subject to Landlord design review and approval.

Where storefront glazing continues to the finished floor, it must terminate in a 6" high base compatible with the store design.

Any other durable base material, easy to maintain and that matches or is compatible with the Tenant's other storefront finishes may be used. Storefront base should reflect the dimensional quality of the storefront.

Non-Combustible Construction

All Tenant construction, including storefronts must be non-combustible and subject to the approval of the Building Department and the Fire Marshal. Treated fire-resistant materials will be permitted only where approved by jurisdictional authorities.

Tenant Security System

Electronic security systems and shoplifting detection services shall be designed to be concealed from public view. Freestanding posts, suspended rails, or walk through portals are discouraged. The Landlord prior to installation must approve installation of Tenant security systems.

Tenant Paging System

The Tenant shall provide a seating available pager type notification System. System shall send an adequate signal strong enough to cover the entire Shopping Center. Tenant shall verify o\prior to installing system in order to obtain a frequency identity specific to Tenant's space.

Fire Protection Sprinkler System

The Landlord has provided a fire protection main within 5'-0" of the Tenant's Lease premises, unless otherwise provided for in the Lease Agreement. All sprinkler heads in the storefront design control area shall be fully recessed and semi-recessed in the sales area.

Note: Tenant provides all cross-mains, branch lines, valves, annunciators, and sprinkler heads.

Any revisions, extensions or relocations to the Landlord's portion of the sprinkler system shall be by the Tenant at the Tenant's expense. Work to be performed by Landlord approved Sprinkler Contractor at Tenant's expense.

Fire Extinguisher

Tenant shall furnish and install fire extinguishers as required by the Fire Marshal.

Floor Slabs

Concrete floor slabs have a smooth troweled finish and are slab on grade. No depressions or recesses in slabs will be permitted without prior written approval. No raised floors or raised slabs will be permitted without prior written approval.

Any rework, cutting for underground plumbing and patching of the existing floor slab shall be at the Tenant's expense and must be approved by the Landlord's Architect.

Grease Interceptors

If the Tenant's occupancy requires the use of a sanitary sewer grease interceptor it shall be provided and installed by the Tenant at it's own expense. The location of the interceptor is subject to approval of the Landlord or it's Architect and any local jurisdiction.

Johnson County Environmental Services
11180 Thompson Avenue
Lenexa, KS 66219
Phone: 913.492.0402
Fax: 913.492.0142

Exterior Furniture

Tenants that have an exterior seating area shall supply exterior furniture per shopping center standards. See Section Ten for more information. All Tenant exterior-seating areas shall be per an established Lease Agreement and shall be in conformance with local codes and ordinances.

OUT PARCEL BUILDING DESIGN

General Store Criteria

Since the Individual Outparcel Tenant represents a major attraction to the shopping center, their building design needs to reflect a dramatic and individual design image, while containing shop design elements of the center. This criteria is intended to establish design standards to encourage their out parcel buildings to become a unique, yet consistent part of the overall shopping center.

These criteria are a basic "set of tools" that the Tenant is required to work with and expand upon. Criteria are written to encourage some freedom of individual expression and to provide a common point of departure for all Tenants while adhering to shopping center guidelines.

The building facades should be designed to give an innovative design concept. Tenants are encouraged to take full advantage architecturally of the shopping center design standards.

National or regional tenants who have a typical or recognizable building design are expected to review the design of Village Pointe and this criteria and adjust their design to ensure compatibility and compliance with these criteria.

- Main building facades – 60% minimum approved masonry materials. scored stucco maximum 40%.
- Building parapet cap element - prefinished metal. All facades of building.
- Entry Facade Element - maintain a minimum of 60% minimum approved masonry materials.

Other acceptable exterior material - subject to Landlord design review and approvals. See Section Five for more information.

Roofs

The roof materials and roofline compositions shall be consistent or compatible with the shopping center design and provide an integral part of the individual building design. The following are acceptable roof materials:

- Typical EPDM roof with exterior wall screening parapet.
- Exposed pitch roofs shall be Landlord approved simulated slate or concrete.

All roof slopes and configurations are subject to Landlord approval. Absolutely no standing seam metal or asphalt shingles will be allowed.

Site Lighting

The Architect should make every effort to create an exciting and functional lighting program for the needs of the Tenant. Therefore, the Landlord has established the following requirements for Tenant lighting:

- Site lighting shall be as per the shopping center standards. Landlord will provide general specifications for tenant design.
- Tenant is responsible for all lighting within the entire out parcel premises.
- No lighting shall be installed outside the out parcel premises.
- Incandescent pendant units may be used for general exterior lighting only if Tenant has established an identity based on this theme or motif, and only at Landlord's discretion.

In general, all site lighting shall be as shopping center standards and be shielded to reflect downward or direct light away from residential areas, or any other areas deemed unacceptable by the Landlord or the City.

Trash Enclosures

All trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosures and service

areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosures shall meet the City codes and planning criteria and approvals.

Screening

The following items shall be either located out of direct public view or adequately screened by a screen wall utilizing the appropriately approved masonry materials:

- Gas meters and any associated piping.
- Electric meters and any associated conduits.
- Transformers.
- Trash compactors.
- Any ground installed equipment.
- Trash dumpsters, service areas and recycling bins and grease interceptors.

All roof mounted equipment shall be adequately and completely screened from any property adjacent public right of ways and/or pedestrians views by means of exterior building walls or Landlord approved equipment screening. All rooftop screening shall be integrally designed into the building by use of roof parapets and walls. Painting of equipment as a method of screening is not allowed.

Civil/Sitework

This section applies to tenants and/or purchasers of Outparcel pad sites for The Shops at 119th. Civil/Sitework plans for each Outparcel should be prepared and submitted to the Landlord's Engineer in the same manner outlined for the architectural review and approval process.

No construction may proceed on any Outparcel pad site prior to receiving notification from the Landlord's Engineer that the Civil/Sitework plans have been approved. Civil/Sitework plans must be submitted directly to the Landlord's Engineer,

Civil Engineer:
Brungardt Honomichl & Company P.A.
10895 Grandview
Suite 150
Overland Park, KS 66210
Ph: 913.663.1900
Fax: 913.662.1633

No construction may proceed on any Outparcel pad site prior to receiving notification from the Landlord's Engineer that the Civil/Sitework plans have been approved. Civil/Sitework plans must be submitted directly to the Landlord's Engineer,

The Landlord's engineer will review the plans and comments will be issued to the tenant stating either Approved, Approved as Noted, or Returned for Corrections.

Civil/Sitework plan submittals shall include, but not be limited to the following plan/profile sheets:

- Site Plan (Approved by Architect)
- Proposed Grading Plan
- Proposed Utility Plan
- Proposed Paving Plans
- Proposed Site Lighting Plan
- Proposed Landscaping Plan

The Landlord's engineer will review the plans and comments will be issued to the tenant stating either Approved, Approved as Noted, or Returned for Corrections.

Civil/Sitework plan submittals shall include, but not be limited to the following plan/profile sheets:

1. Site Plan (Approved by Architect)
2. Proposed Grading Plan
3. Proposed Utility Plan
4. Proposed Paving Plans
5. Proposed Site Lighting Plan
6. Proposed Landscaping Plan

Plan submittals shall also include all details of construction showing type, size, location and materials for any proposed: retaining walls, sidewalks, traffic control signs or any other structure that is to be located on the property.

The following are general guidelines for general site design and plan submission. Exceptions to these guidelines will be evaluated on an individual basis.

Grading Plan

- The first floor elevation shall be the elevation given to the tenant by the

Landlord. (Landlord shall provide first floor elevation prior to site design.) If the Tenant requires the finished floor to be anything other than the elevation given by the Landlord, the Tenant shall be responsible for contacting the Landlord's Engineer stating the reasons for the new finished floor elevation. The Landlord's Engineer shall then evaluate the basis for the change and respond to the Tenant's request.

- Parking lot grades shall not exceed 4%.
- Slopes in green areas shall not exceed 3:1 (horz:vert).
- Methods to control siltation and erosion of soil onto adjacent properties during construction must be incorporated into the tenant's design plans. It shall be the Tenant's responsibility to erect and maintain erosion control measures.

Utility Plan

- Connections for water service and sanitary service shall be shown and shall be designed to the City of Leawood standards and any other applicable local, state or federal standards.
- Underground storm water collection systems shall be utilized to collect storm water runoff for the 10-year storm. (Overland flow across lot/parcel lines is allowed only in areas where no receiving storm sewer is present.)
- Storm sewer curb and grate inlets shall be used to collect surface water. Inlets used shall match those used within the shopping center. Plans shall include construction details of inlets. (Contact Landlord's Engineer for appropriate inlet types.)
- Location of electrical transformer must be shown.
- Tenant is responsible for contacting local phone, cable, and natural gas providers to coordinate service locations. Schematic location of these services must be shown on plans.

Paving Plan

- Plans shall include typical stall dimensions, including location of handicap stalls.
- Plans shall include dimensions of all driveways, aisles, and islands.
- Plans shall include spot elevations sufficient to determine slope of all pavement sections.

Site Lighting Plan

- See Chapter Nine for site lighting requirements.

Landscape Plan

- See Chapter Ten for Landscaping requirements.

General Notes for Out parcel Tenants

1. Due to the changing nature of the project, the Landlord may have criteria not explicitly defined in this manual which may apply to all or portions of the project. As the project moves forward, additional criteria may be added and/or existing criteria modified or clarified which may affect the Tenant's design documents. Please contact the Landlord and its Engineer for supplemental criteria, which may be available. The Landlord also reserves the right to evaluate specific items not addressed by these criteria if those items affect the function or overall appearance of the project.

2. Substitutions and exceptions to these criteria may be granted in extreme cases.

3. Local Government rules and regulations shall govern if in conflict with these criteria.

4. Review of the plans by the Landlord's engineer is for checking conformance to the shopping center design criteria provided herein only. Review and approval of the Tenant's design plans is not meant to provide quality assurance/quality control measures or code compliance.

SIGN CRITERIA

Building Parameters:

Small Shop Tenant -
Leaseable area 0 - 14,999 s.f.

Sub-Major Tenant
Leaseable area 15,000 and above.

All signs shall meet requirements of The City of Leawood Development Ordinance.

Sign Submittal Requirements

All Signage is to be submitted as a complete package for review and approval. Incomplete submittals lacking blade sign shall not be approved.

- Façade sign or marquee sign:

Provide a storefront elevation of each sign proposed as well as detailed shop drawing elevation and section through sign indicating sign makeup, dimensions, materials and colors.

- Over-door transom sign:

Provide a storefront elevation of each sign proposed as well as detailed shop drawing elevation indicating sign dimensions, materials and colors.

- Storefront safety glazing decals:

Provide a storefront elevation of each sign proposed as well as detailed shop drawing elevation indicating dimensions, materials and colors.

- Blade signage: (REQUIRED)

Provide a storefront elevation and section of each proposed sign indicating mounting location and height. Provide a detailed shop drawing section and elevation indicating sign makeup, dimensions, materials and colors for sign and decorative bracket.

- Additional signage / graphics in design control zone:

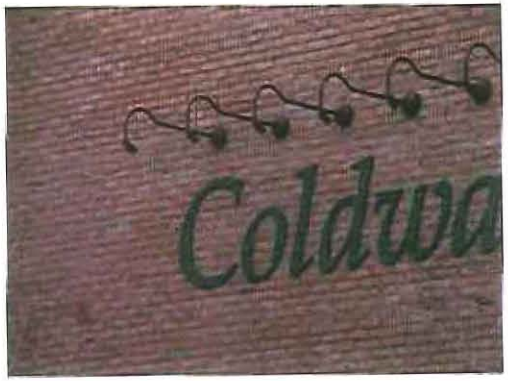
Provide a storefront elevation, plan , and or section indicating any additional proposed signage as well as detailed shop drawings indicating sign makeup, dimensions, materials and colors. All additional signage shall be reviewed on an individual basis.

Sign Types and Parameters

The following types and amounts of signs will be permitted:

1. Small Shop Tenant Sign Parameters

- The maximum height for letters within the sign band shall be 24"
- Maximum one façade / marquee sign per storefront with a maximum of (2) two façade / marquee signs at end-cap locations.
- Signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted.
- All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted.
- Signage shall be reverse channel, halo light illuminated individual letters mounted to the building face. A colored opaque face is required. One façade / marquee sign per façade with a maximum of two total are allowed. One additional 8" over door transom sign is allowed per storefront.
- Indirectly illuminated pin-mounted signs will be considered for approval, but will be reviewed on an individual basis.



- No logos will be allowed on Tenant storefronts without prior written approval.

- Double stacked lettering shall be allowed on an individual basis only and are subject to Landlord approval. Multi-line signs shall be 36" high total maximum and shall comfortably fit within the Landlord bulkhead as determined by the Landlord's Representative.

- Marquee/Canopy Signage shall be allowed on the vertical fascia of the canopy only: one (1) per storefront in lieu of Façade sign - 15sf. square feet maximum, letters shall be 16" maximum; maximum of two (2) total. Sign shall be individually illuminated letters, pin mounted to existing projected metal marquees. All exposed conduit shall be concealed from public view and painted to match marquee structure. Exposed raceways behind letters are not permitted.

- Blade Signs:
  Required one (1) per Storefront, four (4) square foot max. Letter height shall be six (6) inches max. Blade sign design shall be submitted with tenant package for review and approval. The blade sign shall be located on an elevation and clear height to bottom of sign shall be indicated. Decorative brackets and sign design, reference example 1, are to reflect the qualities of the tenant and the shopping center in its entirety. Blade signs are encouraged to have a three-dimensional quality and will be reviewed on an individual basis. Internally lit box sign type blade signs are prohibited.

2. Sub-Major Tenant Sign Parameters

- Tenant sign area shall be on the building faces above the entrances and as part of the building design.

- The maximum height for letters in the body of the sign shall not exceed 30" 36 in height.

- The sign areas shall not exceed ten percent (5%) of the tenant's facade.

- Maximum one sign per storefront with a maximum of (2) two.

- Signage shall be reversed halo lighting mounted to the face of the building. The use of a colored or frosted Plexiglas face is required.

- Indirect, illuminated, pin-mounted signs will be considered for approval, but shall be reviewed on an individual basis.

3. Not Used

4. In-Line Restaurants

- The maximum height for letters within the sign band shall be 24".

- Signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted.

- All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted.

- Signage shall be reverse channel, halo light illuminated individual letters mounted to the building face. A colored opaque face is required. One wall sign per façade with a maximum of two total are allowed. One additional 8" over door transom sign are allowed per storefront.

- Direct illuminated signs will be considered for approval, but will be reviewed on an individual basis.

- Double stacked lettering shall be allowed on an individual basis only and are subject to Landlord approval. Multi-line signs shall be 36" high total maximum and shall comfortably fit within the Landlord bulkhead as determined by the Landlord's Representative.

- Marquee/Canopy Signage shall be allowed on the vertical fascia of the canopy only: one (1) per storefront in lieu of Façade sign - 15sf. square feet maximum, letters shall be 16" maximum; maximum of two (2) total. Sign shall be individually illuminated letters, pin mounted to existing projected metal marquees. All exposed conduit shall be concealed from public view and painted to match marquee structure. Exposed raceways behind letters are not permitted.

- Blade Signs:
  Required one (1) per Storefront, four (4) square foot max. Letter height Shall be six (6) inches max. Blade sign design shall be submitted with tenant *(Blade sign Example 1)* package for review and approval. The blade sign shall be located on an elevation and clear height to bottom of sign shall be indicated. Decorative brackets and sign design, reference example 1, are to reflect the qualities of the tenant and the shopping center in its entirety.

5. Out Parcel Tenant

- The maximum height for letters in the body of the sign shall not exceed 30" in height or as allowed by Landlords Architect.
- The sign areas shall not exceed ten percent (10%) of the area of the storefront.

- A maximum of three (3) wall signs with one monument sign are allowed. Refer to "Monument Signage - Out Parcel" for monument sign information.

- Signage shall be illuminated individual letters mounted on the buildings opaque background or as approved by Landlord's Architect. The use of a colored or frosted Plexiglas face is required. Colored backer panels are not allowed.

General Sign Parameters

All signs must be made up of individual illuminated letters; conventional box signs will not be approved.

- Lettering on all store signs shall be limited to business or trade name of the premises as it appears on the lease. No sign manufacturer's name, union labels, or other lettering shall be visible. Logo signs will be reviewed on an individual basis, but in general logos will not be allowed.

- No exterior sign or sign panel will be permitted to extend above any roof or parapet line.

- Any sign, notice or other graphic or video display, particularly self-illuminated signs, located within the store and which is easily visible from the shopping center.

- Manufacturers' labels, underwriters' labels, clips, brackets, or any other form of extraneous advertising attachment or lighting devices shall be fully concealed from public view. Labels installed on sign returns are not permitted.

- No exposed lamps or tubing will be permitted.

- No exposed raceways, crossovers or conduits will be permitted.

- All signage returns shall either match face color of sign or blend with adjacent building color.

- All cabinets, conductors, transformers and other equipment shall be concealed from public areas, visible fasteners will not be permitted.
- All metal letters shall be fabricated using full-welded construction, with all welds ground smooth so as not to be visible.

City of Leawood Planning Commission Staff Report

MEETING DATE: **October 13, 2020**
REPORT WRITTEN: **September 17, 2020**

TOWN CENTER PLAZA – REVISED SIGN GUIDELINES – REQUEST FOR APPROVAL FOR A REVISED FINAL PLAN – LOCATED NORTH 119th STREET AND WEST OF ROE AVENUE – CASE 82-20

STAFF RECOMMENDATION:

Staff recommends approval of Case 82-20, Town Center Plaza – Revised Sign Guidelines – request for approval of a Revised Final Plan, with the stipulations outlined in the staff report.

APPLICANT:

- The applicant is John Petersen with Polsinelli.
- The property is owned by Leawood TCP, LLC.

REQUEST:

- The applicant is requesting approval of a Revised Final Plan to modify the existing sign criteria for the Town Center Plaza development, in the SD-CR (Planned General Retail) zoning district.
- Per Section 16-4-6.3, Office, Commercial and Industrial Signage in Planned Districts, the applicant is requesting approval of sign standards to replace the current sign criteria for Town Center Plaza. This section of the Leawood Development Ordinance allows deviations in size, colors, location, number of signs, and illumination.

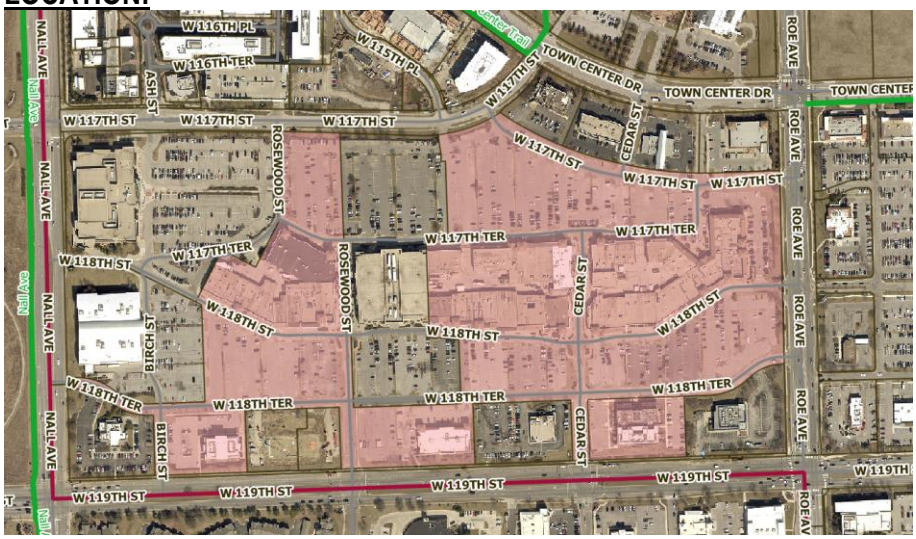
ZONING:

- The property is currently zoned SD-CR (Planned General Retail).

COMPREHENSIVE PLAN:

- The Comprehensive Plan designates this property as Retail.

LOCATION:



SURROUNDING ZONING:

- North — Directly north of 117th Street is Park Place, zoned MXD (Mixed Use District), directly north of Town Center Drive is the City of Leawood City Hall and the Johnson County Public Library, zoned RP-4 (Planned Cluster Residential, previous LDO)
- South — Directly south of 119th Street is Hawthorne Plaza (retail shopping center), an assisted living center, and a single-family neighborhood, zoned R-1 (Planned Single-Family Residential) all within the city of Overland Park.
- East — Directly east of Roe Avenue is Camelot Court, zoned SD-CR (Planned General Retail).
- West — Directly west is Nall Avenue. On the west side of Nall Avenue is the T-Mobile campus within the City of Overland Park, zoned CP-O (Commercial Office)

PROPOSED SIGN CRITERIA:

- This application is proposing to modify existing sign criteria for the Town Center Plaza development.
- Pad sites not owned by TCP LLC are not part of the sign development standards proposed with this application.
- The businesses not included with these sign criteria are: AMC, Dick's Sporting Goods, Hereford House, American Century, T-Mobile/Sprint, Central Bank, Walgreens, Chase Bank, Shake Shack, Verizon, Helzberg, Bristol and Houlihan's.
- The applicant has classified tenants within the main center into 13 Tenant Types, based on the type of façade that the tenant has to place signage on.
- Signage is limited to the name or trade name of the tenant.
- Façade signs are required to be internally face or halo illuminated, individual channel letters mounted to the building or an appropriate backer panel. However, indirectly illuminated pin mounted letters may be considered on an individual basis.
- Generally for tenants within the main center of Town Center Plaza the applicant is proposing that each tenant be allowed to have the following.
  - 1 Façade sign per exterior facing façade, with a maximum of 3 total.
  - 1 Awning sign per façade, but only for Tenant Types that are allowed to have awnings.
  - 1 Transom sign per exterior facing façade.
  - 1 Blade sign (mandatory)
- Tenant Type 12, is the subject of Case 64-20, Town Center Plaza – First Ascent, which was approved by the Planning Commission on September 22, 2020 and is scheduled to be heard by the Governing Body on October 19, 2020. This tenant Type is proposed to allow the following signs.
  - 1 Façade sign per exterior facing façade, with a maximum of 3. However the façade sign is to be mounted on a hard canopy.
  - 1 Tower sign per exterior facing façade, with a maximum of 3. The tower sign must be mounted at an elevation greater than 40' in height.
  - 1 Transom sign per exterior facing façade.
  - 1 Blade sign (mandatory)
- The size of allowable façade signage is based on the size of the tenant space. This is also how the current sign criteria for Town Center Plaza regulates the size of façade signs. The following table shows the size of façade signs currently allowed, along with what is proposed. The primary change was to allow small tenants to have letter heights up to 30" as opposed to 24".

Town Center Plaza-Currently Allowed	Town Center Plaza-Proposed
75,000 sq.ft. and up – 60””	75,000 sq.ft. and up – 60”
25,000 sq.ft. and up – 42”	25,000 sq.ft. –74,999 sq.ft. – 42”
6,000 sq.ft. and up – 30”	0 sq.ft. – 24,999 ft. – 30”
Below 6,000 sq.ft. – 24”	

- Façade signs must be centered in the sign area and cannot be more than 90% of the length and 85% of the sign area.
- Tower signs are allowed to be 150% of the size of the façade sign, with a maximum of 60”.
- Awning signs, where allowed, are to be white lettering on a black awning. However, the landlord may approve an alternate awning color at the tenant’s request. The lettering on the awning is restricted to 90% of the length and 85% of the height of the vertical fascia band. Transom signs will have a maximum of 8” letters.
- Blade signs are required to be a maximum of 4 sq.ft., which is the current limitation within Town Center Plaza.
- Tenant Type 10 is permitted to have a tenant logo on a portal header in lieu of a façade sign. Panera currently has a sign at this location, which is 36” in height. The sign criteria states that if a future tenant wishes to have this sign in lieu of a façade sign, they would have to match the size that Panera currently has.
- For out parcel tenants covered by the sign criteria, the applicant is proposing to be allowed the following.
  - 1 Façade sign, a maximum of 60”, per exterior facing façade, with a maximum of 4 signs.
  - 1 Awning sign per façade, not to exceed 90% of the length and 85% of the height of the vertical fascia band.
  - 1 Transom sign at their entry door that has lettering a maximum of 8”.
  - 1 Monument sign. Per the Leawood Development Ordinance, tenant monument signs shall be a maximum of 50 sq.ft. and 6’ in height, and 10’ in length.
- All sign types are to be a maximum of 5% of the façade.
- The sign criteria proposes landlord monument signs, per the Leawood Development Ordinance, shall be a maximum of 50 sq.ft. and 6’ in height, and 10’ in length.
- Monument signs are required to have illumination, and may be externally illuminated, internally halo illuminated, or push through acrylic letters.

STAFF COMMENTS:

- The Leawood Development Ordinance allows the following signage within the SD-CR district:

Signs Permitted in SD-CR, SD-NCR, Districts	
Wall Sign or Canopy Sign or Awning Sign (must be located below eave or parapet)	
Allowable Type	Signs identifying retail or services businesses
Maximum Number	2 (1 per tenant façade)
Maximum Area	Five percent (5%) of building façade (not to exceed 200 sq. ft. per sign)
Lighting	Non-illuminated, externally-illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated channel letters
Monument Sign (can be double faced)	
Allowable Type	Signs identifying a commercial development, or retail or service business
Maximum Number	None. In lieu of one wall or canopy sign, may be allowed by the Governing Body after recommendation by the Planning Commission
Maximum Area	50 sq. ft., including base

Lighting	Non-illuminated, externally-illuminated, halo-illuminated, or push-through acrylic letters
Directional Signs	
Maximum Number	2
Maximum Area	6 sq. ft.
Lighting	Non-illuminated
Directory Signs	
Minimum Number of Acres	Only permitted within developments with a minimum of 10 acres.
Maximum Number	The maximum number of directory signs within any single development shall be limited to one sign per 5 acres, but in no case shall exceed a total of 6 for the overall development.
Maximum Size	18 sq.ft. (Includes all components of the sign including supporting structures)
Maximum Height	6 ft. from grade. (Includes all supporting structures)
Sign Type	Wall, monument, or post and panel .
Lighting	Non-illuminated, externally illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated.
Location	Shall be located outside of all structure setbacks and sight triangles.
Drive-Thru Menu Boards (SD-CR Only)	
Structural Type	Monument
Maximum Number of Signs	1 per drive-thru lane, not to exceed 2 total (per establishment)
Maximum Area of Sign	52 sq. ft., including base for non-digital screens. 30 sq. ft., including base for digital screens
Maximum Height	7 ft.
Maximum Height of Lettering	6 in.
Lighting	Non-illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated. Electronic/digital displays shall meet the additional requirements listed in Section 16-4-6.10 (E)
Location	Shall be located adjacent to and oriented toward the drive-thru lane and shall be oriented away from adjacent areas that are used, zoned or master planned as residential.
Screening	The backs of menu boards shall be screened with either a masonry structure or evergreen landscaping of sufficient height to screen the back of the menu board.
Pre-Order Menu Boards (SD-CR Only)	
Structural Type	Monument
Maximum Number of Signs	1 per drive-thru lane, not to exceed 2 total (per establishment)
Maximum Area of Sign	15 sq. ft. including base for digital screens
Maximum Height	7 ft.
Maximum Height of Lettering	6 in.
Lighting	Non-illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated. Electronic/digital displays shall meet the additional requirements listed in Section 16-4-6.10 (E)
Location	Shall be located adjacent to and oriented toward the drive-thru lane and shall be

	oriented away from adjacent areas that are used, zoned or master planned as residential.
Screening	The backs of menu boards shall be screened with either a masonry structure or evergreen landscaping of sufficient height to screen the back of the board if it is visible from the right – of-way.
Stand Alone Drive-Thru Order Confirmation Display	
Maximum Number	One per drive-thru lane, not to exceed 2 total (per establishment)
Maximum Area of Display	3.5 sq.ft.
Maximum Size of Support Structure	8 sq.ft. and 5 ft. in height for structures whose sole purpose is to house the order confirmation display, or as approved by the Governing Body if the order confirmation display is incorporated into another structure approved as part of the development plan for the drive-thru.
Menu Display	
Structure Type	Shall be placed inside a display case that shall be integrated into the façade of the building.
Maximum Number	1 per tenant entrance, not to exceed 2 total (per tenant)
Maximum Area	2 sq.ft.
Lighting	Non-illuminated or indirectly-illuminated
Location	At entrance
Window Signs	
Maximum Area	Twenty percent (20%) of the contiguous window area on which signage is located.

- The proposed sign criteria allows multiple signs on a single façade. Tenants within the main center of Town Center Plaza would be allowed the following on a single facade: one façade sign, one awning sign (for certain Tenant Types), one transom sign, and one blade sign. Tenant Type 12, within the main center, would be allowed to have: one façade sign, one tower sign, one transom sign, and one blade sign. In addition, with the exception of transom signs, which would be allowed above each entrance, these signs would be allowed on a maximum of 3 facades.

  Out parcel tenants are allowed the following on a single façade: one façade sign, one awning sign, and one transom sign. With the exception of transom signs, which would be allowed above each entrance, these signs would be permitted on a maximum of 4 facades.

  In order to limit visual clutter, staff recommends that the sign criteria be limited to the following.
  - Each tenant within the main center (with the exception of Tenant Type 12) shall be limited to the following.
    - Either one façade sign, or one awning sign on a maximum of 2 facades, along with,
    - Either one transom sign, or one blade sign on a maximum of 2 facades.
  - For Tenant Type 12, staff recommends the following:
    - Either one façade sign, or one tower sign on a maximum of 2 facades, along with,
    - Either one transom sign, or one blade sign on a maximum of 2 facades.
  - Each out parcel shall be limited to the following:
    - Either one façade sign, or one awning sign on a maximum of 2 facades, however, a monument sign may be approved in lieu of a façade or awning sign, along with,
    - Either one transom sign, or one blade sign on a maximum of 2 facades.

  (Stipulation #5)

- The proposed sign criteria allows temporary (e.g. promotional, seasonal, special event signs) to be a maximum 100 sq.ft. and does not contain any limitations on the number allowed, and only needs to be approved by the landlord. Per the Leawood Development Ordinance, temporary signs are limited to a maximum size of 16 sq.ft. and a maximum of 48 sq.ft. in aggregate on any lot. It also limits temporary signs to be a maximum of 5' in height from the average grade at the base of the sign. Staff recommends that all temporary signs conform to Leawood Development Ordinance 16-4-6.15(B) regarding temporary signs. (**Stipulation #6)**
- The proposed sign criteria allow landlord monument signs that are to meet the requirements of the Leawood Development Ordinance for monument signs, but it does not provide a maximum number and does not specify can appear on the monument sign. Staff recommends that a maximum of developer monument sign be permitted per frontage, and that it be limited to the name of the overall development and shall not be used for the names of individual tenants. **(Stipulation #7)**

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve Case 82-20, Town Center Plaza – Sign Guidelines – request for revised sign criteria, with the following stipulations:

1. The project is limited to sign guideline changes for the Town Center Plaza development, zoned SD-CR.
2. Prior to Governing Body consideration, all properties within the Town Center Development, including those not owned by TCP LLC. shall include and subject to the proposed revised sign criteria approved with this application.
3. Per the Leawood Development Ordinance the maximum of all wall and canopy signs shall be 5% of the total area of the façade, 200 sq.ft., whichever is less or as permitted in Table 16-4-6.13 of the Leawood Development Ordinance.
4. Prohibited signs shall reference the prohibited sign section of the Leawood Development Ordinance.
5. The sign criteria shall be modified regarding the number of type of façade signs as follows.
   a) Each tenant within the main center (with the exception of Tenant Type 12) shall be limited to the following façade signs.
      1. Either one façade sign, or one awning sign on a maximum of 2 facades, along with,
      2. Either one transom sign, or one blade sign on a maximum of 2 facades.
   b) For Tenant Type 12, staff recommends the following:
      1. Either one façade sign, or one tower sign on a maximum of 2 facades, along with,
      2. Either one transom sign, or one blade sign on a maximum of 2 facades.
   c) Each out parcel shall be limited to the following:
      1. Either one façade sign, or one awning sign on a maximum of 2 facades, however, a monument sign may be approved in lieu of a façade or awning sign, along with,
      2. Either one transom sign, or one blade sign on a maximum of 2 facades.
6. Prior to Governing Body review, the applicant shall conform to Leawood Development Ordinance 16-4-6.15(B) regarding temporary signs, including the following.
   a) The total square footage for temporary signs on any lot in any district, in the aggregate, shall not exceed forty-eight sq.ft., with no individual sign exceeding sixteen sq.ft.
   b) Signs shall not exceed five ft. in height measured from the average grade at the base of the sign.
   c) No sign shall be illuminated or painted with light reflecting paint.
7. A maximum of one developer monument sign shall be permitted per frontage. Such sign shall meet all Leawood Development Ordinance requirements for monument signs, and shall be limited to the name of the overall development only.

8. All signage shall require a sign permit from the City of Leawood prior to installation of the sign.
9. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through nine.

TOWN CENTER
PLAZA • CROSSING

SIGN DEVELOPMENT STANDARDS - PLAZA

SUBMITTED: JULY 31, 2020

REVISED: SEPTEMBER 09, 2020

Revised: September 18, 2020

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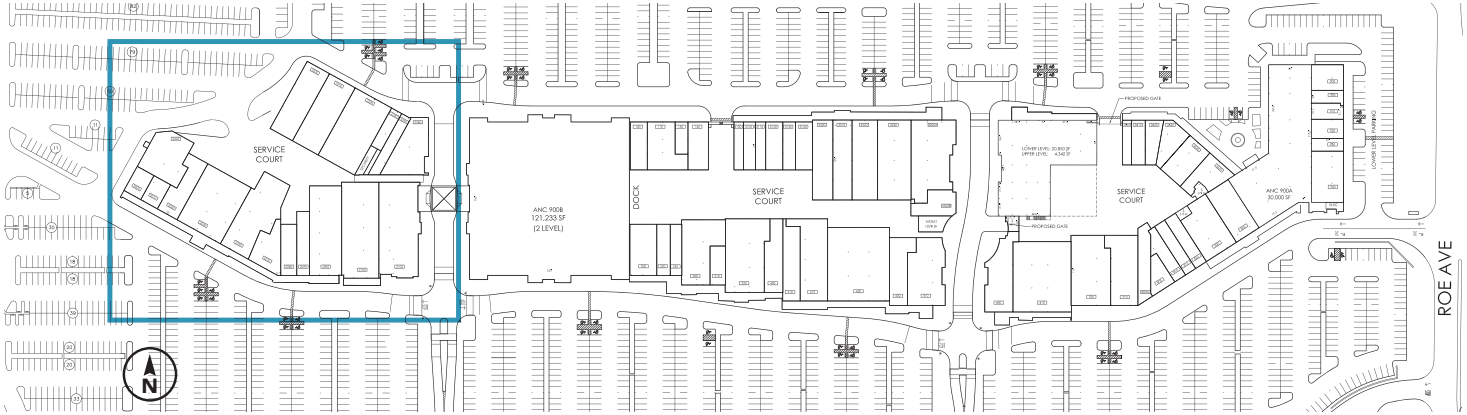
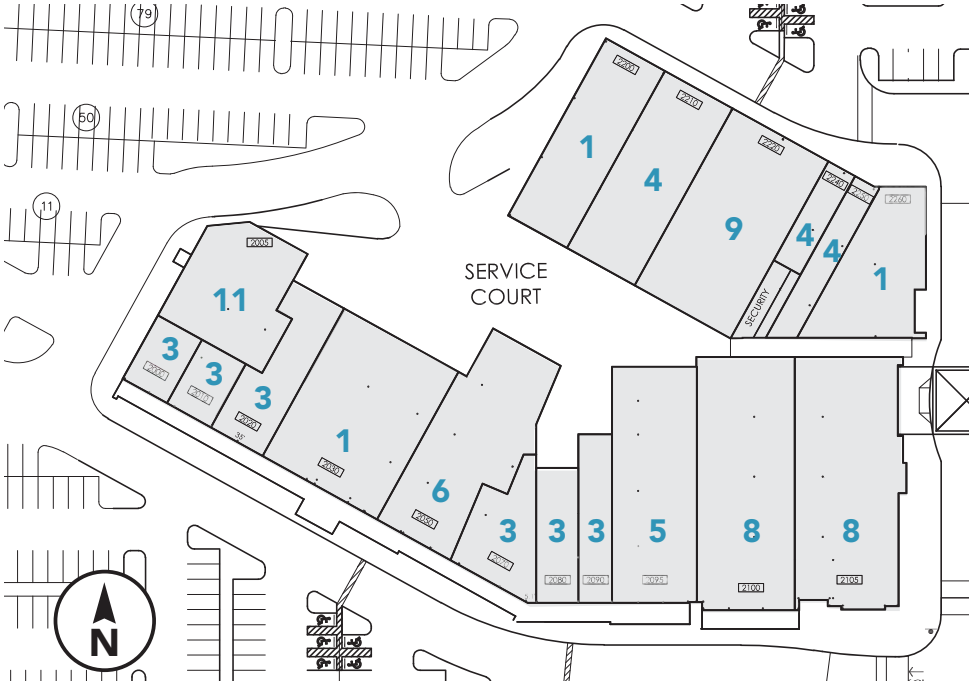
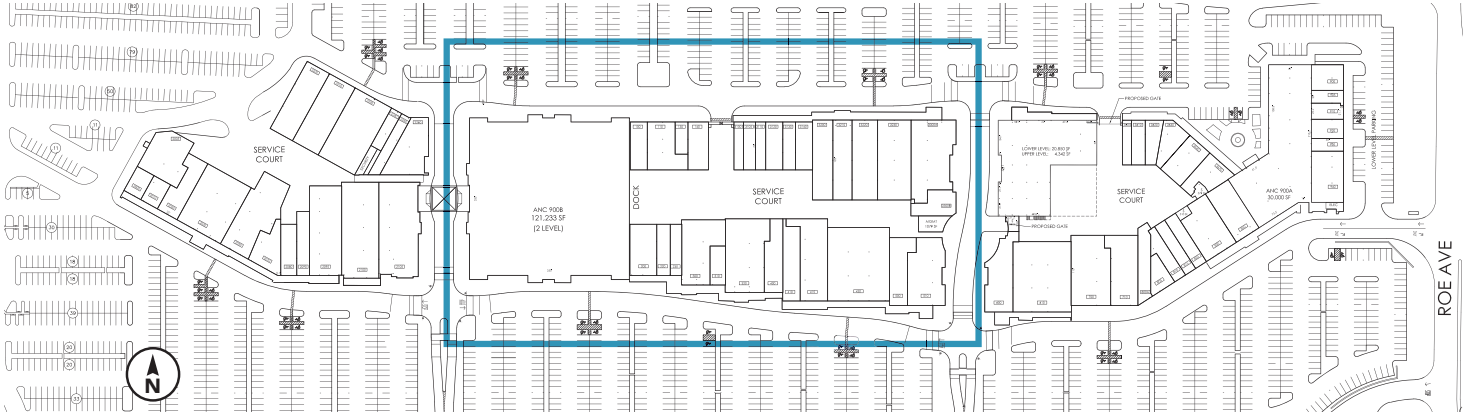
TOWN CENTER PLAZA

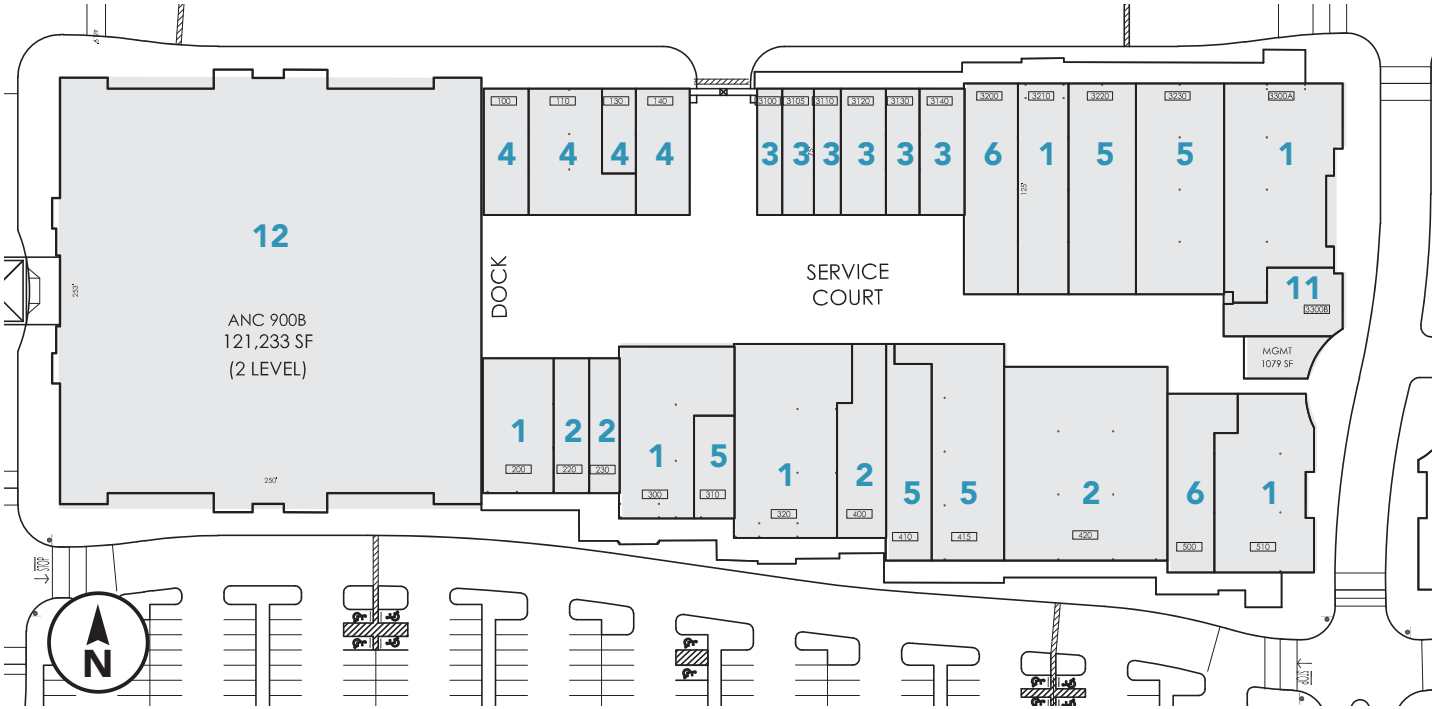




1 TENANT TYPE 1
2 TENANT TYPE 2
3 TENANT TYPE 3
4 TENANT TYPE 4
5 TENANT TYPE 5
6 TENANT TYPE 6
7 TENANT TYPE 7
8 TENANT TYPE 8
9 TENANT TYPE 9
10 TENANT TYPE 10
11 TENANT TYPE 11
12 TENANT TYPE 12
13 TENANT TYPE 13

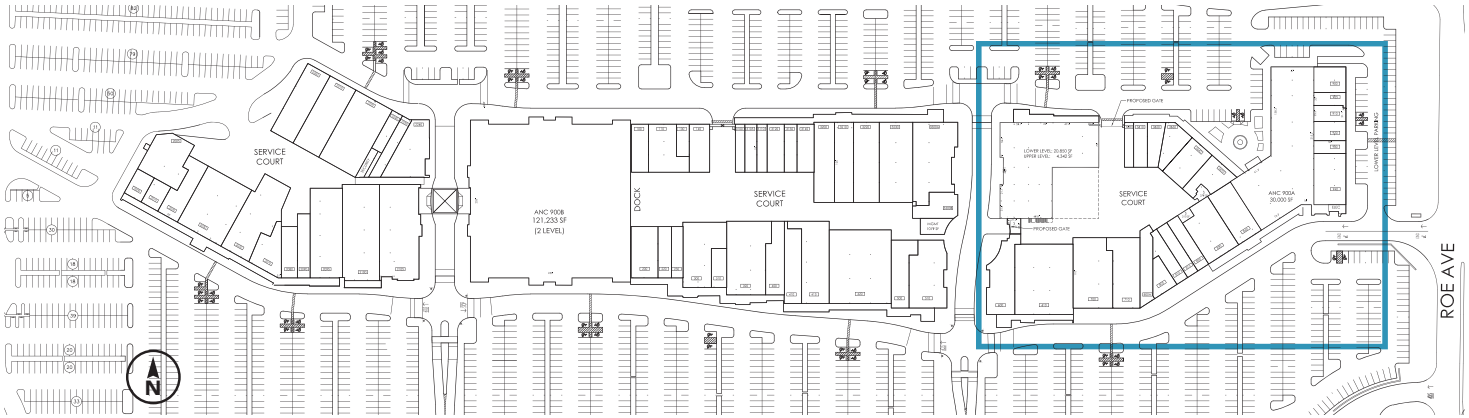
IN-LINE TENANT TYPE PLAN | West





1 TENANT TYPE 1
2 TENANT TYPE 2
3 TENANT TYPE 3
4 TENANT TYPE 4
5 TENANT TYPE 5
6 TENANT TYPE 6
7 TENANT TYPE 7
8 TENANT TYPE 8
9 TENANT TYPE 9
10 TENANT TYPE 10
11 TENANT TYPE 11
12 TENANT TYPE 12
13 TENANT TYPE 13

IN-LINE TENANT TYPE PLAN | Center



1 TENANT TYPE 1
2 TENANT TYPE 2
3 TENANT TYPE 3
4 TENANT TYPE 4
5 TENANT TYPE 5
6 TENANT TYPE 6
7 TENANT TYPE 7
8 TENANT TYPE 8
9 TENANT TYPE 9
10 TENANT TYPE 10
11 TENANT TYPE 11
12 TENANT TYPE 12
13 TENANT TYPE 13

IN-LINE TENANT TYPE PLAN | East

1 TENANT TYPE 1 - SIGN EXHIBIT

The Facade Sign Space occurs in the rectangular brick area within the pronounced entry portal as shown. All Type 1 Tenants with this facade style must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

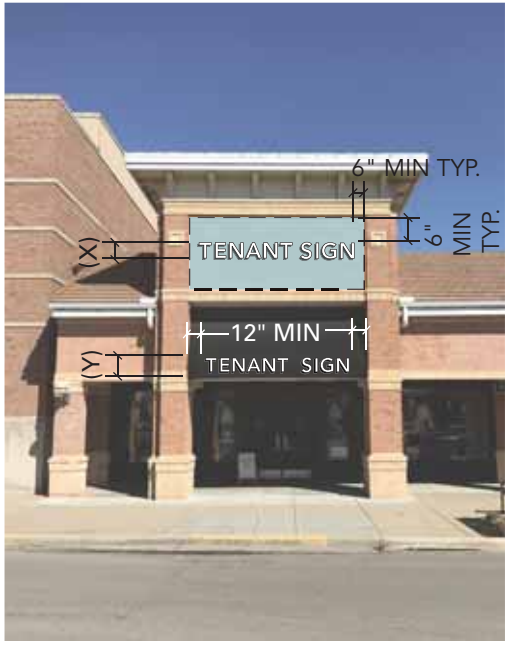
FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf- 42" (X)
0 - 24,999 sf - 30" (X)

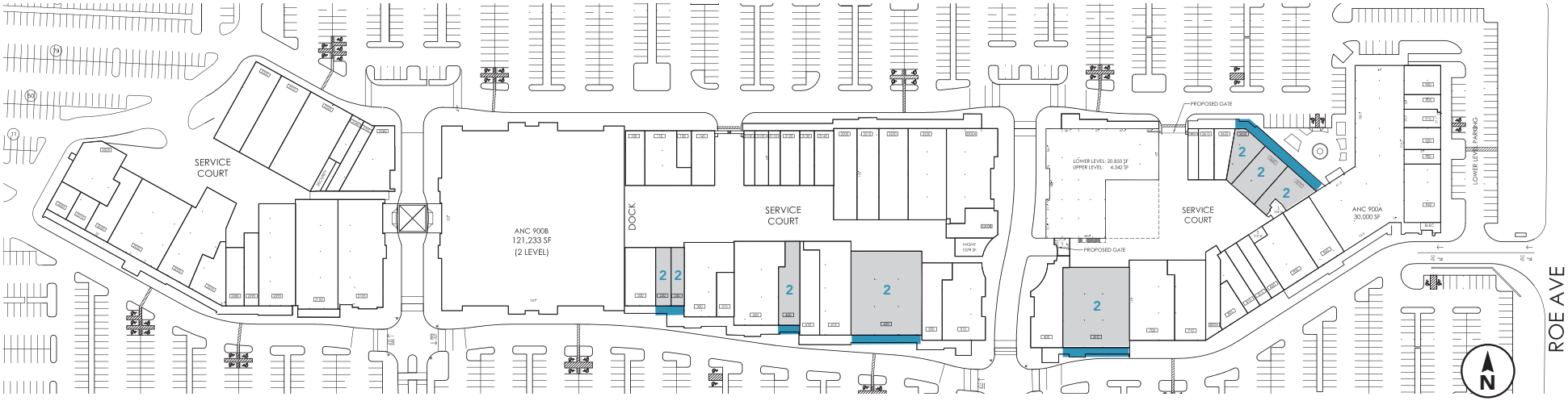
AWNING SIGN: (Y) = Sign height
One (1) per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 1 REFERENCE



1A



2 TENANT TYPE 2 - SIGN EXHIBIT

The Facade Sign Space occurs in the rectangular brick area above the colonnade as shown. All type 2 Tenants with this facade style must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

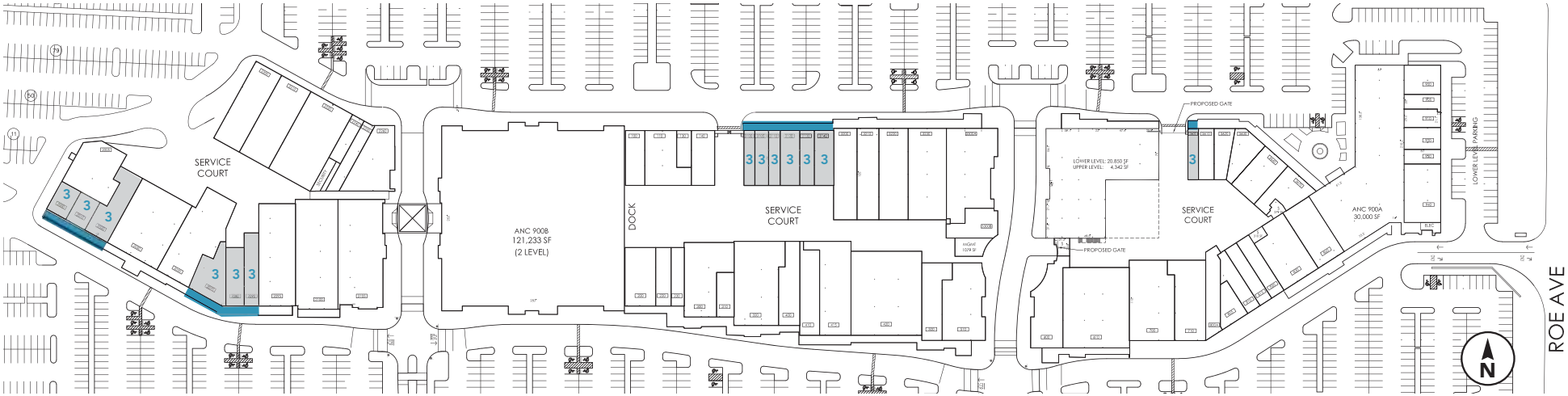
The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 2 REFERENCE



3 TENANT TYPE 3 - SIGN EXHIBIT

The Facade Sign Space occurs on the EIFS band above roofline as shown. All type 3 Tenants with this facade style must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 3 REFERENCE

4 TENANT TYPE 4 - SIGN EXHIBIT

The Facade Sign Space occurs on the EIFS band above the Tenant space as shown. All type 4 Tenants with this facade style must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

AWNING SIGN: (Y) = Sign height
One (1) per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 4 REFERENCE

5 TENANT TYPE 5 - SIGN EXHIBIT

The Facade Sign Space occurs on the brick area above the Tenant space as shown. All type 5 Tenants with this facade style must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 5 REFERENCE

6 TENANT TYPE 6 - SIGN EXHIBIT

The Facade Sign Space occurs in the rectangular brick area within the pronounced entry portal as shown. All type 6 Tenants with this facade style must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

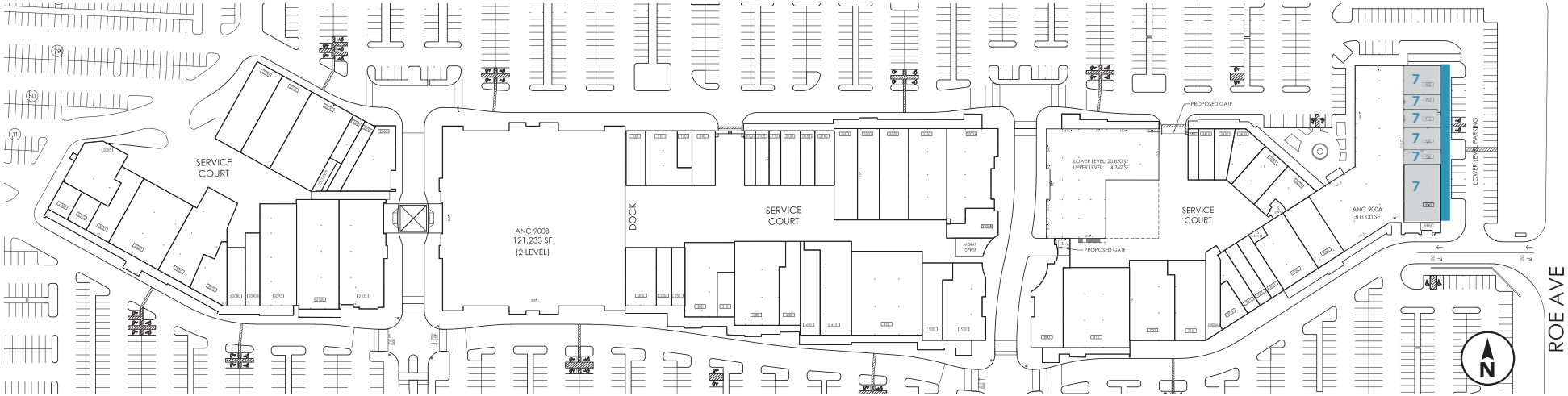
The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 6 REFERENCE



7 TENANT TYPE 7 - SIGN EXHIBIT

The Facade Sign Space occurs in the brick area above the Tenant storefront as shown. All type 7 Tenants with this facade style must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

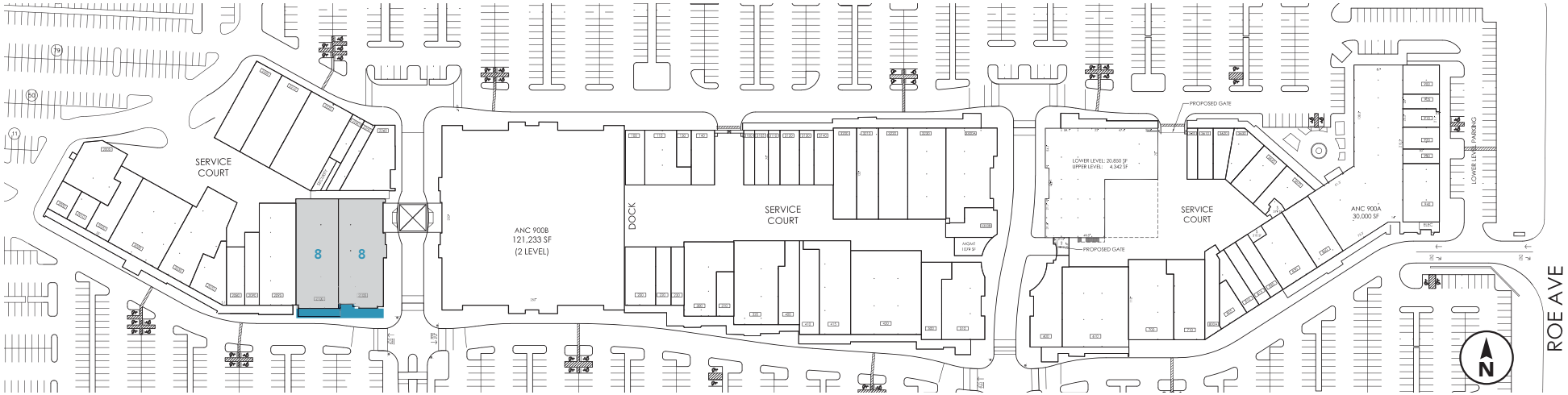
FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

AWNING SIGN: (Y) = Sign height
One (1) per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 7 REFERENCE



8 TENANT TYPE 8 - SIGN EXHIBIT

The Facade Sign Space occurs in the EIFS area above the tenant storefront as shown. All type 8 Tenants with this facade style must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

FACADE SIGN MAX HEIGHT: (X) = Sign height

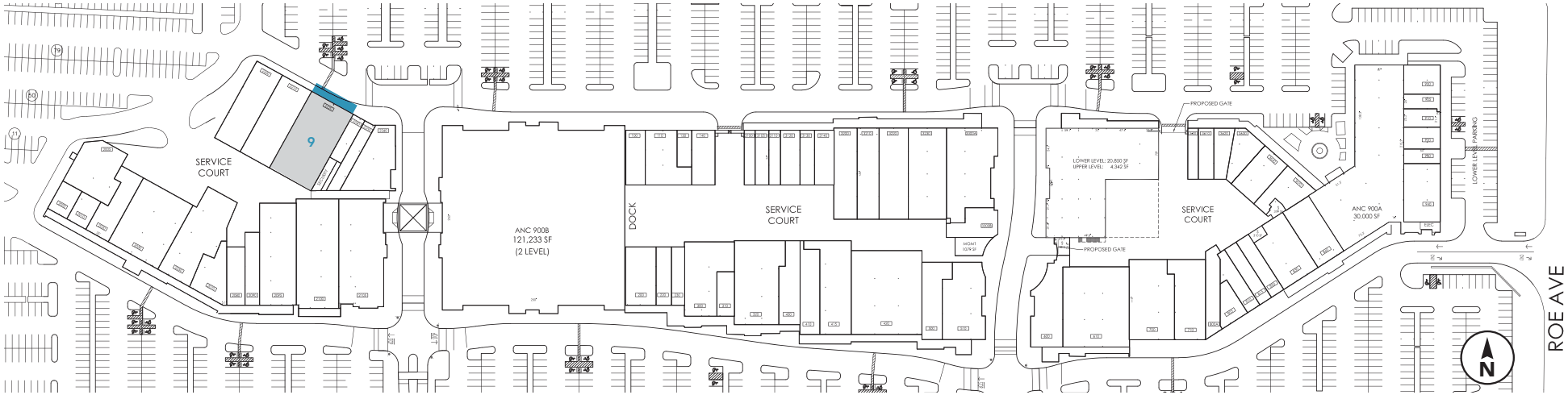
75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

AWNING SIGN: (Y) = Sign height
One (1) per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 8 REFERENCE

6" MIN setback from other architectural elements on all sides



9 TENANT TYPE 9 - SIGN EXHIBIT

The Facade Sign Space occurs in the rectangular brick area above the Tenant storefront as shown. All type 9 Tenants with this facade style must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

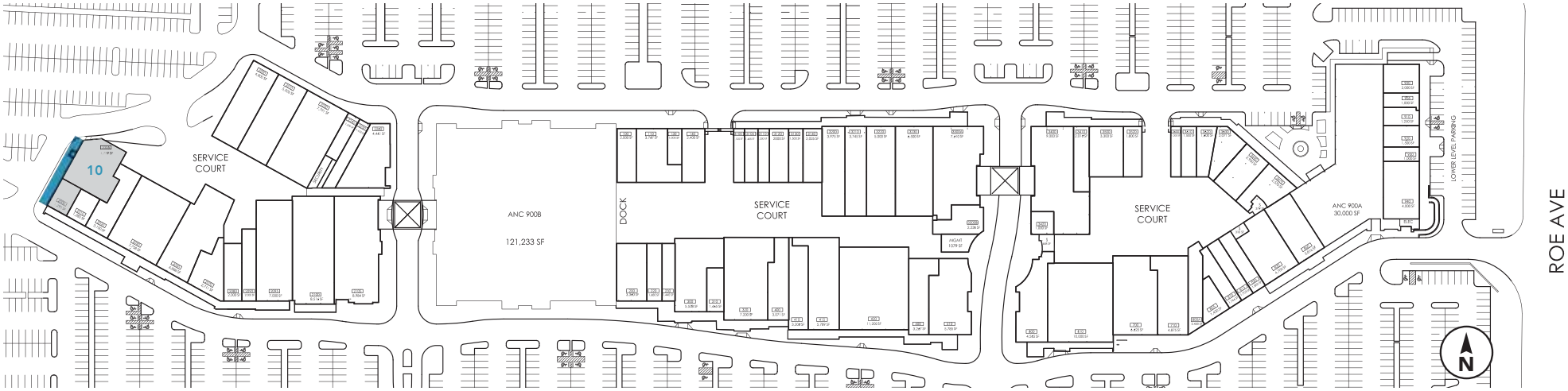
FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

AWNING SIGN: (Y) = Sign height
One (1) per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 9 REFERENCE



10 TENANT TYPE 10 - SIGN EXHIBIT

The Facade Sign Space occurs in the EIFS area above the tenant storefront as shown. All type 10 Tenants with this facade must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

FACADE SIGN MAX HEIGHT: (X) = Sign height

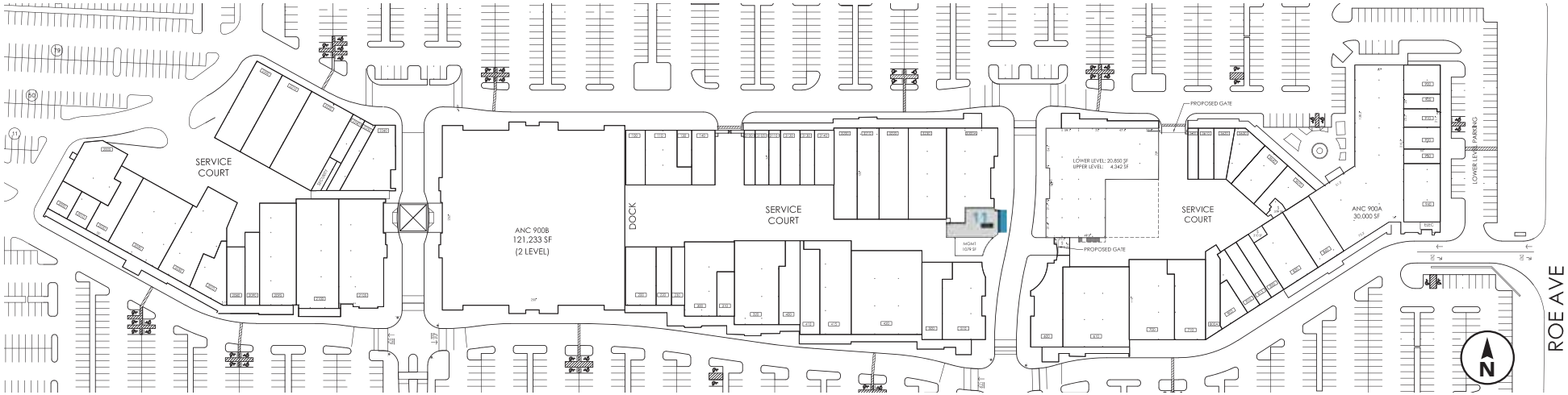
75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

AWNING SIGN: (Y) = Sign height
One (1) per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 10 REFERENCE

Tenant logo on portal header is allowed in Lieu of a facade sign, future Tenant is to match existing size. Future tenant may choose to remove portal. If an awning is incorporated into future Tenanr's design they shall follow the stated awning criteria.



11 TENANT TYPE 11 - SIGN EXHIBIT

The Facade Sign Space occurs in the brick area above the tenant storefront as shown. All type 11 Tenants with this facade must follow this exhibit as stated. Existing Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, three (3) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf**

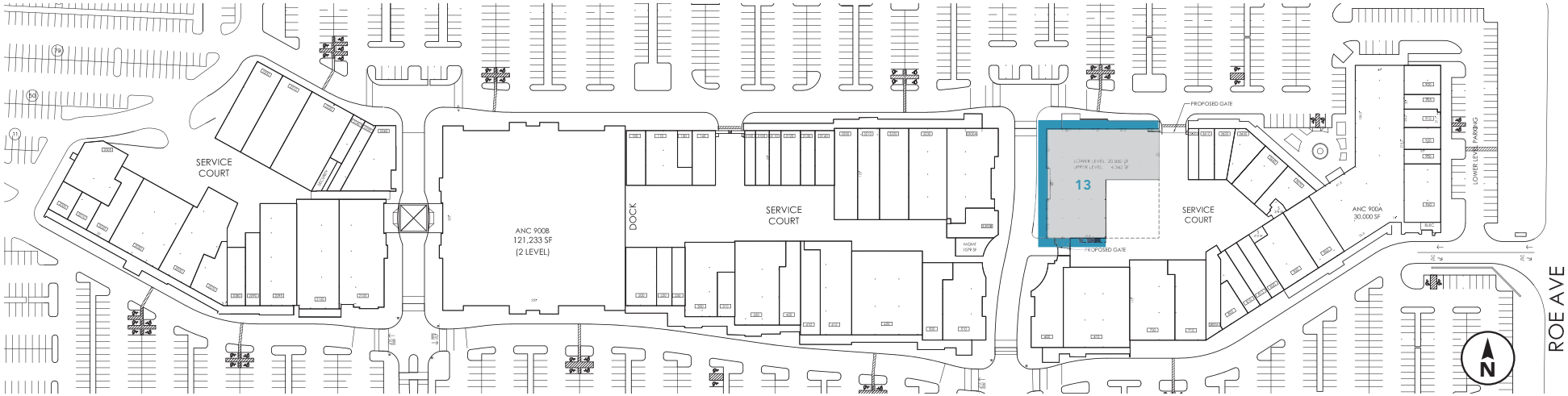
FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

AWNING SIGN: (Y) = Sign height
One (1) per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.

TYPICAL TYPE 11 EXHIBIT



12 TENANT TYPE 12 - SIGN EXHIBIT

The Facade Sign Space occurs on top of the canopy structure. Tower Signage Space occurs in the Tenant facade area greater than 40'-0" above grade. All type 13 Tenants with this facade must follow this exhibit as stated. Tenant signs not in compliance with this exhibit will be grandfathered in.

FACADE SIGNAGE SPACE

TOWER SIGNAGE SPACE

Facade and Tower signage are limited to the exterior facing facades. **One (1) Facade Sign allowed per exterior facing facade, three (3) max. One (1) Tower Sign per exterior facing facade, one (1) max. The sign unit must be centered within the designated Facade or Tower Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200 sf Max**

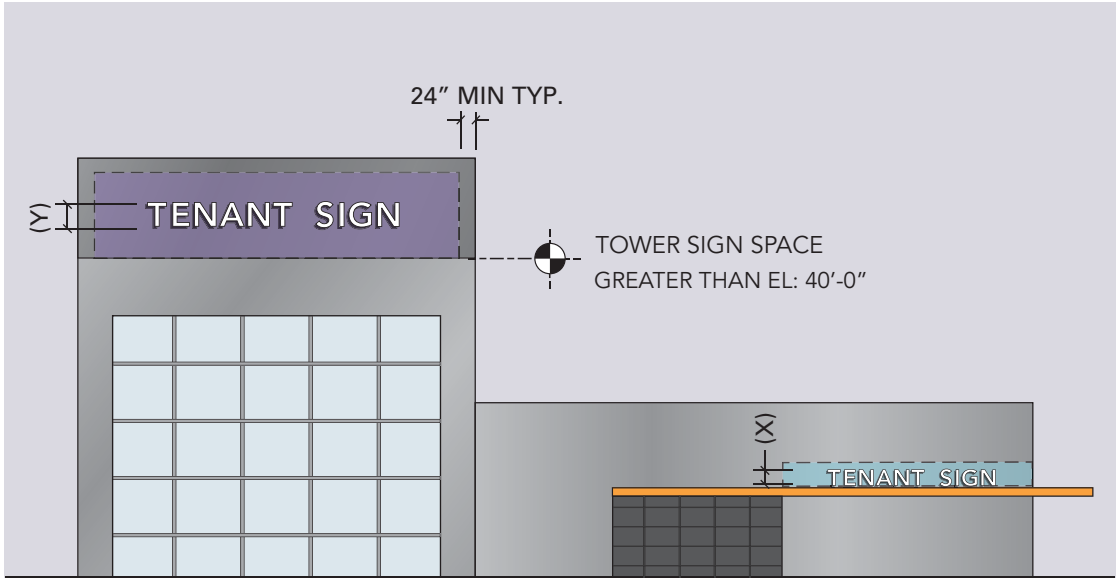
FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

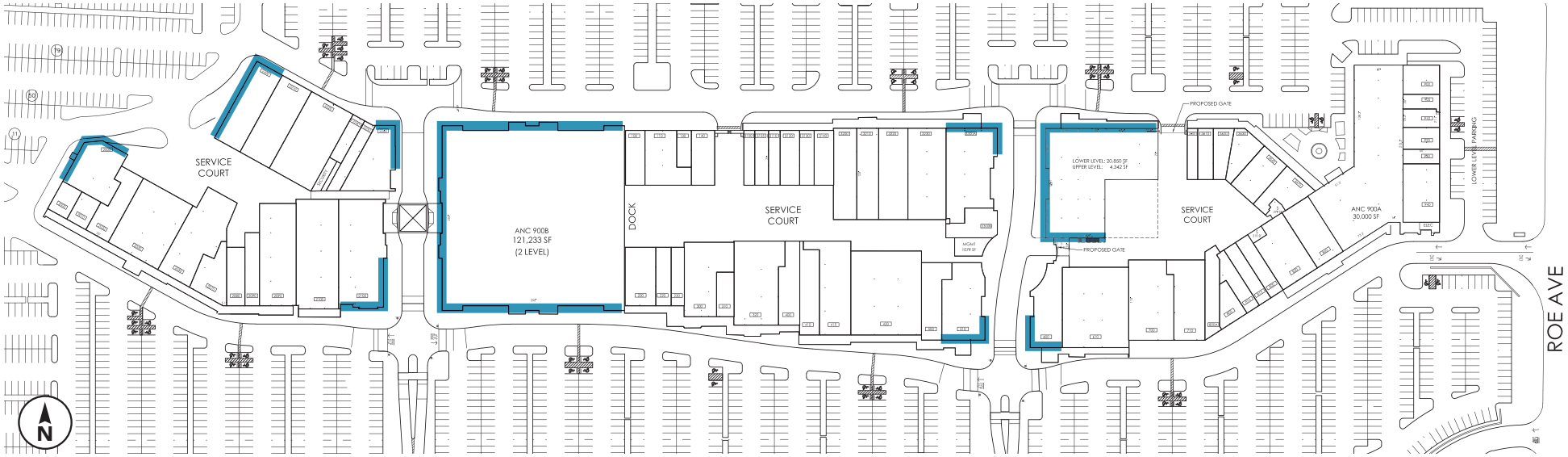
TOWER SIGN MAX HEIGHT: (Y) = Sign Height

150% of Facade Sign Height, 60" Max height

WINDOW SIGN: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.



TYPICAL TYPE 13 REFERENCE



MULTI-FACADE TENANT SIGNAGE

Tenants that have multiple exteror facing facades may choose to have **one (1) Facade Sign per exterior facing facade, three (3) max. They may also include one awning sign per facade per the guidelines below.**

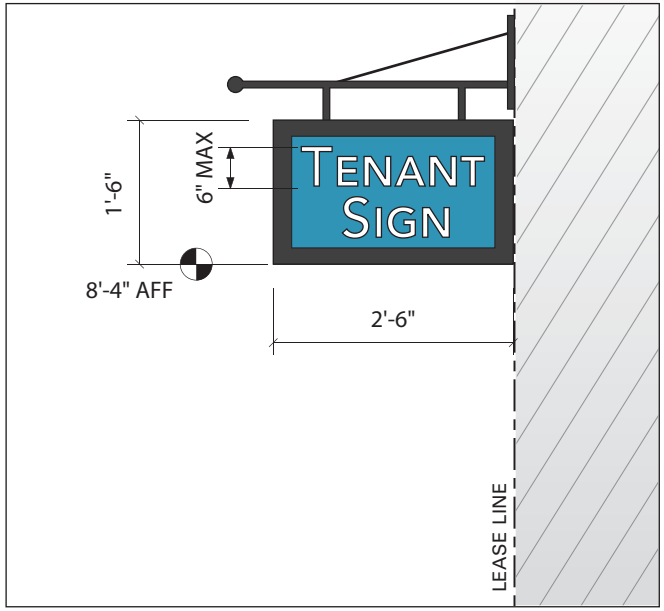
FACADE SIGN MAX HEIGHT: (X) = Sign height

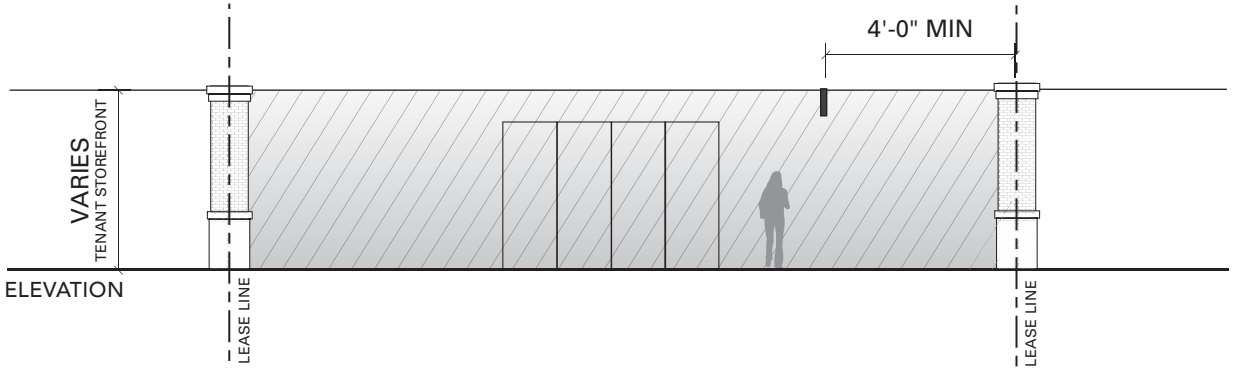
75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

AWNING SIGN: (Y) = Sign height
One (1) per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

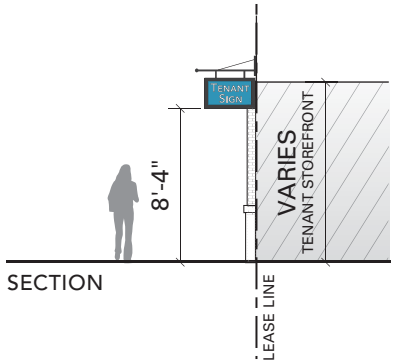
TYPICAL MULTI-FACADE TENANT SIGNAGE EXHIBIT

REFERENCE IMAGE





ELEVATION



SECTION

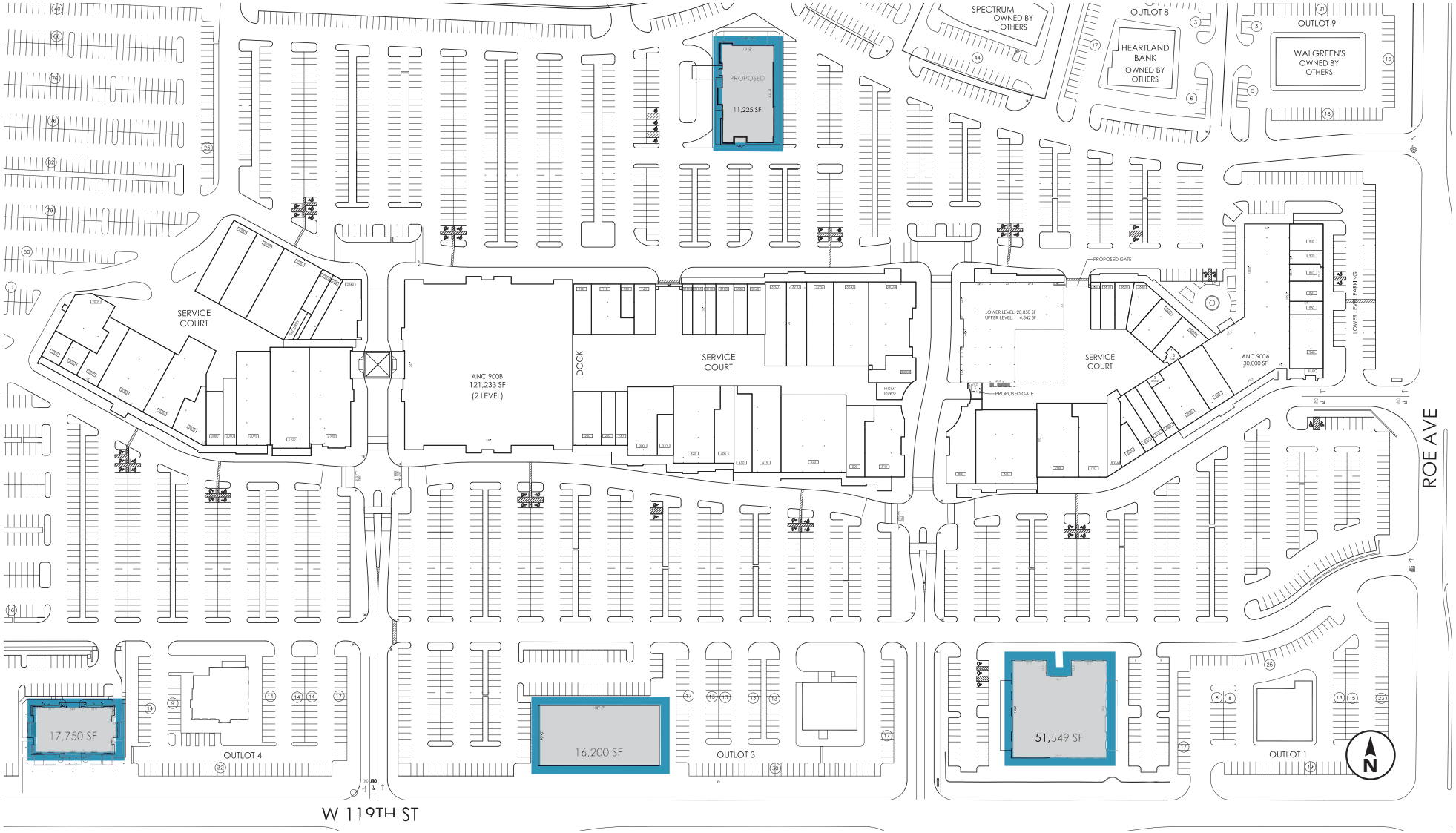
TENANT BLADE SIGN

TENANT SPACE

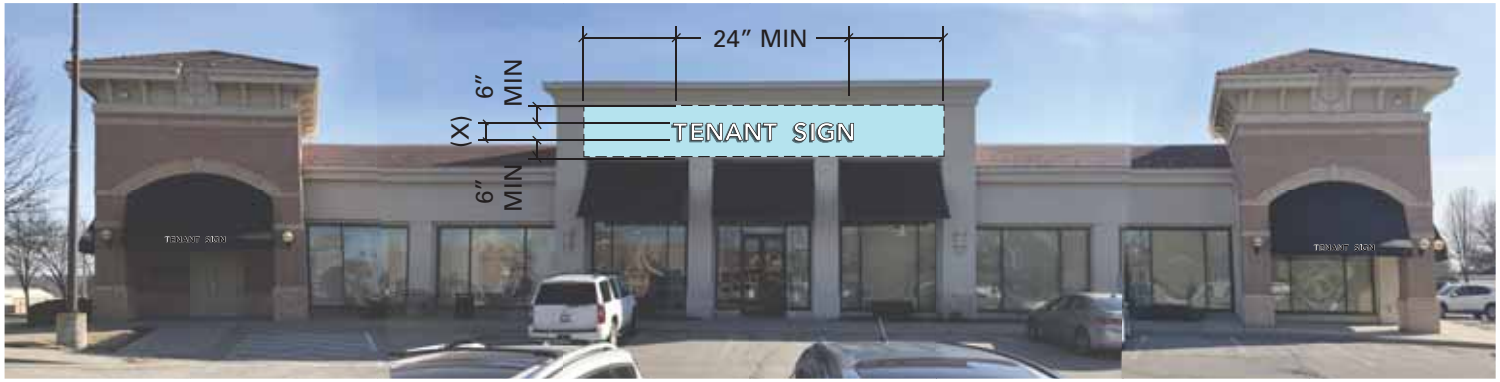
Required one (1) per Storefront, four (4) square foot max. Letter height shall be six (6) inches max. Blade sign design shall be submitted with tenant package for review and approval. The blade sign shall be located on an elevation and clear height to bottom of sign shall be indicated. Decorative brackets and sign design, reference example 1, are to reflect the qualities of the tenant and the shopping center in its entirety. Blade signs are encouraged to have a three- dimensional quality and will be reviewed on an individual basis. Internally lit box sign type blade signs are prohibited.

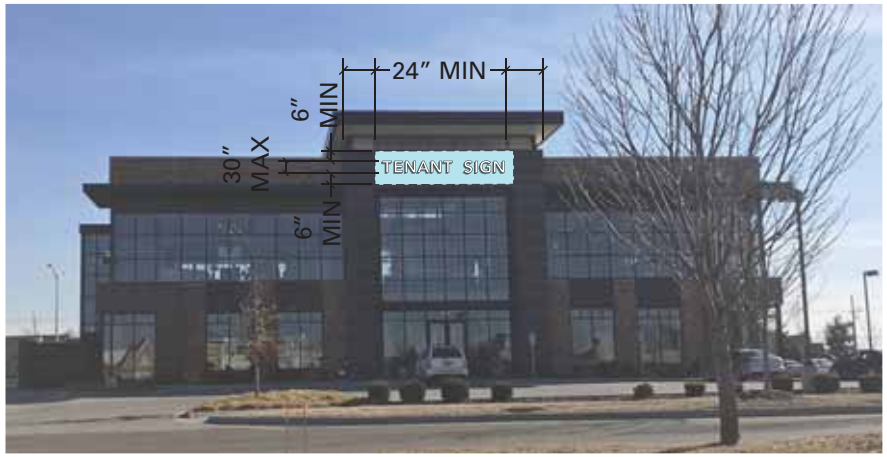
FACADE SIGNAGE REFERENCE

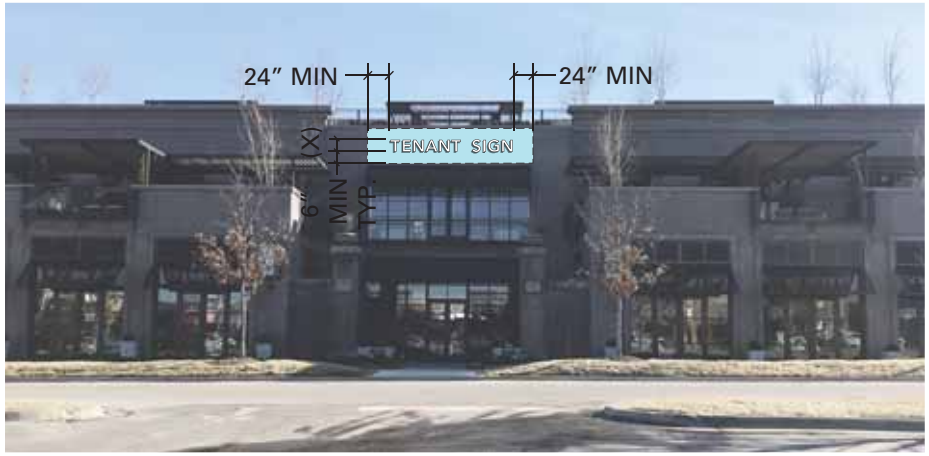
Tenant identity signage shall be constructed according to the specifications noted within the Criteria Manual. All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted. Please refer to Sign Development Standards for additional information.



OUTPARCEL TENANT PLAN







OUTPARCEL TENANT FACADE SIGNAGE

FACADE SIGN SPACE

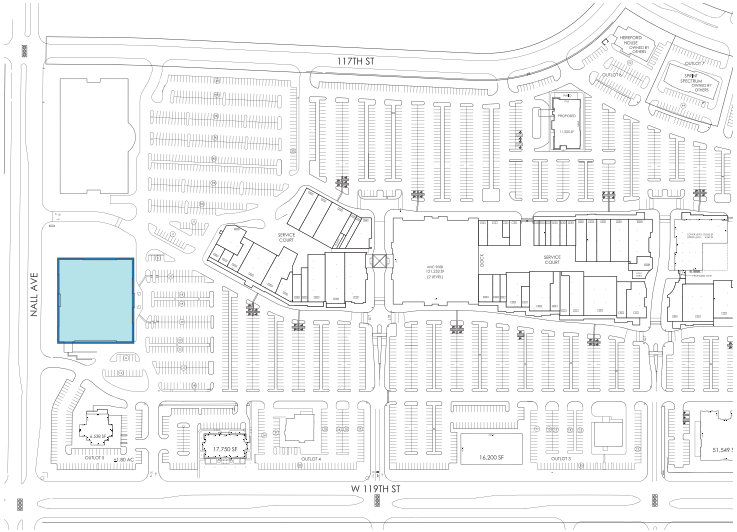
The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, four (4) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade.**

FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf - 42" (X)
0 - 24,999 sf - 30" (X)

AWNING SIGN: (Y) = Sign height
One (1) per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

OUTPARCEL TENANTS - ADJACENTLY OWNED



DICK'S SPORTING GOODS - SIGN EXHIBIT

Adjacent, Separately Owned, Not a Part of Sign Development Standards – Reference Only

FACADE SIGN SPACE

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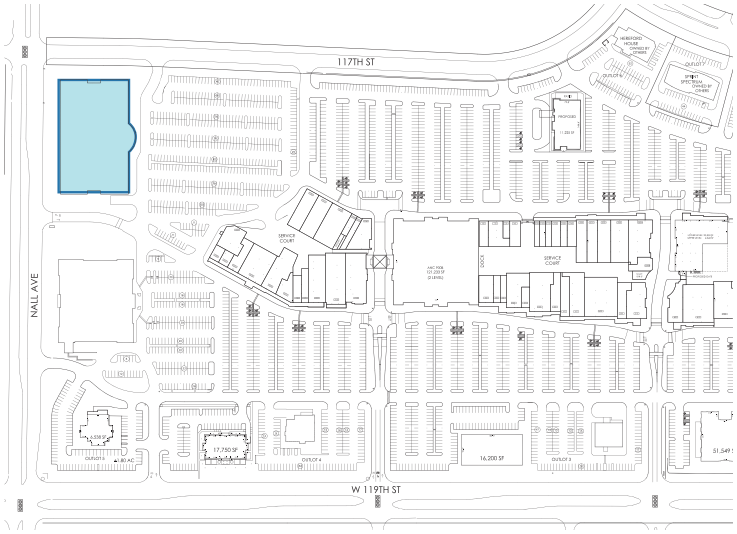
EXISTING CONDITIONS

QUANTITY: 2 EXISTING FACADE SIGNS (4 MAX)



AMC - SIGN EXHIBIT

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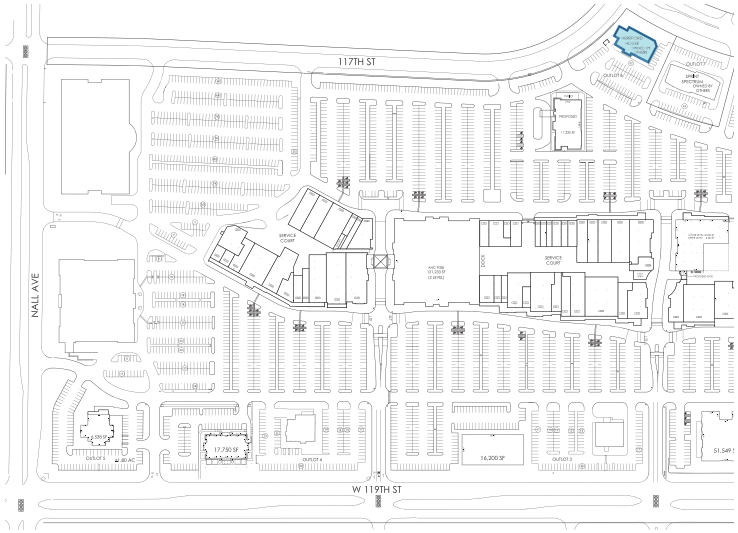

HEREFORD HOUSE - SIGN EXHIBIT

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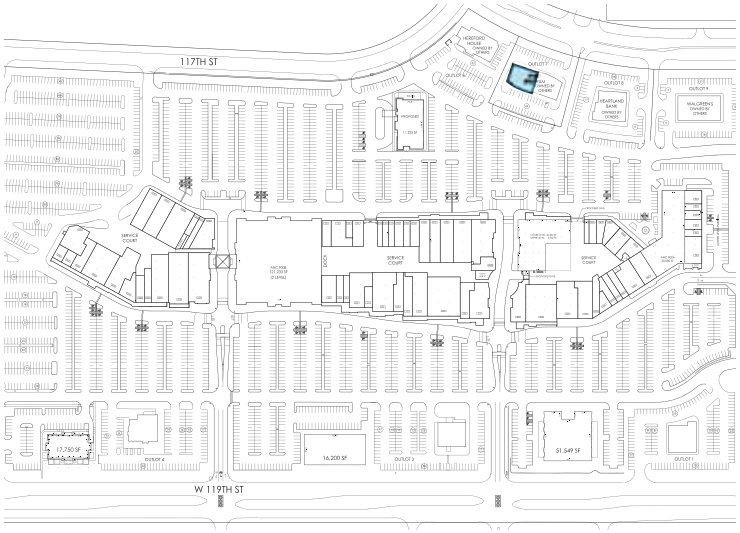

AMERICAN CENTURY - SIGN EXHIBIT

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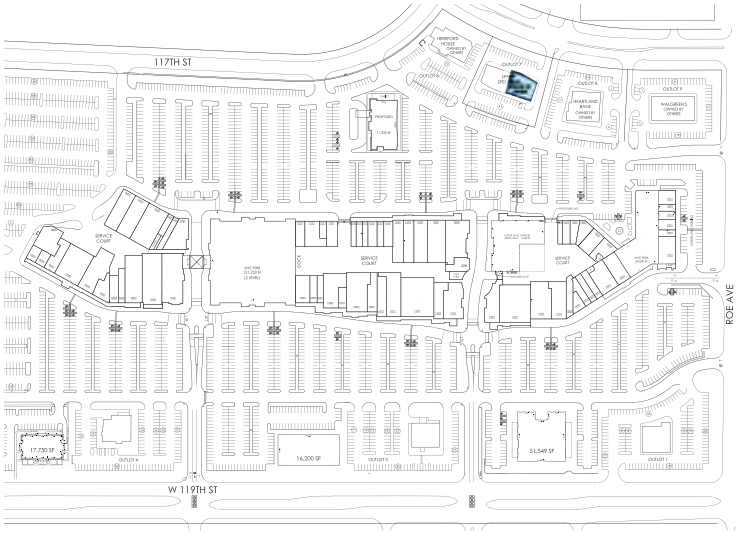

SPRINT STORE - SIGN EXHIBIT

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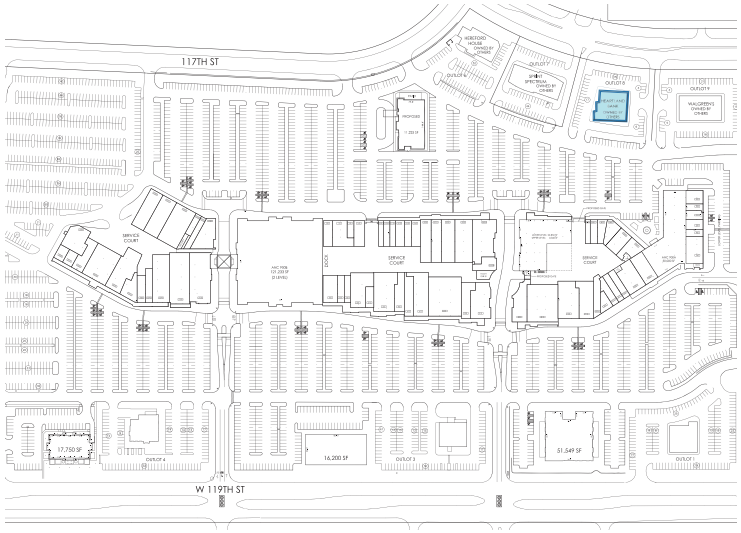

CENTRAL BANK - SIGN EXHIBIT

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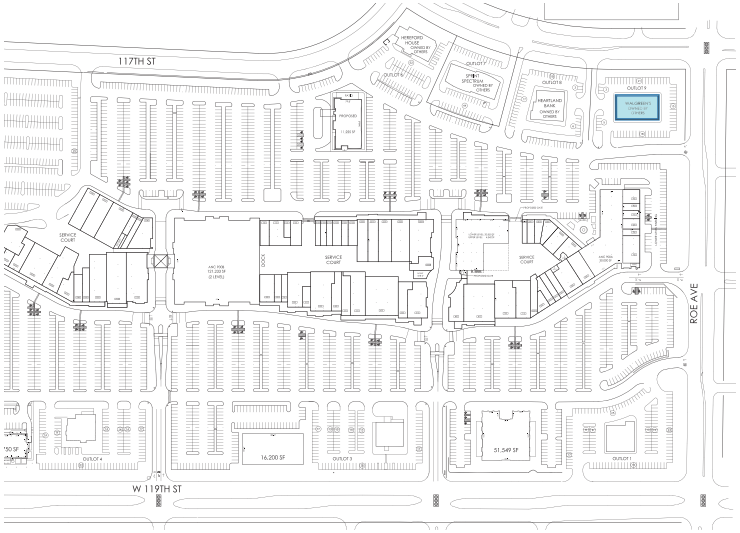

WALLGREENS - SIGN EXHIBIT

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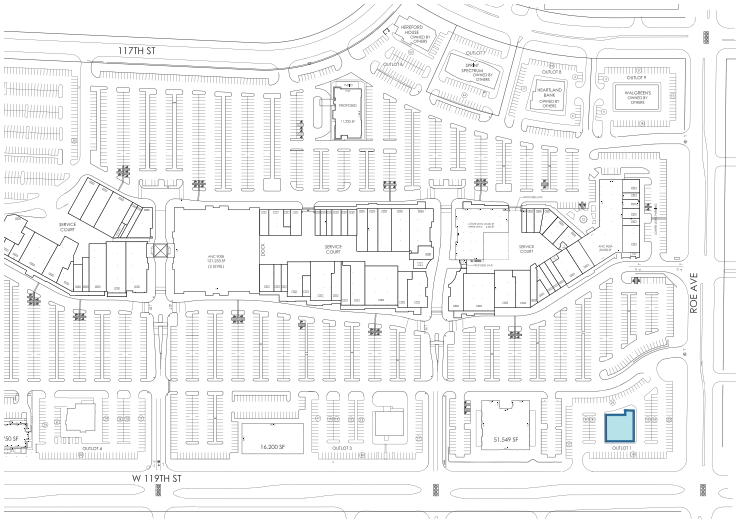

CHASE BANK - SIGN EXHIBIT

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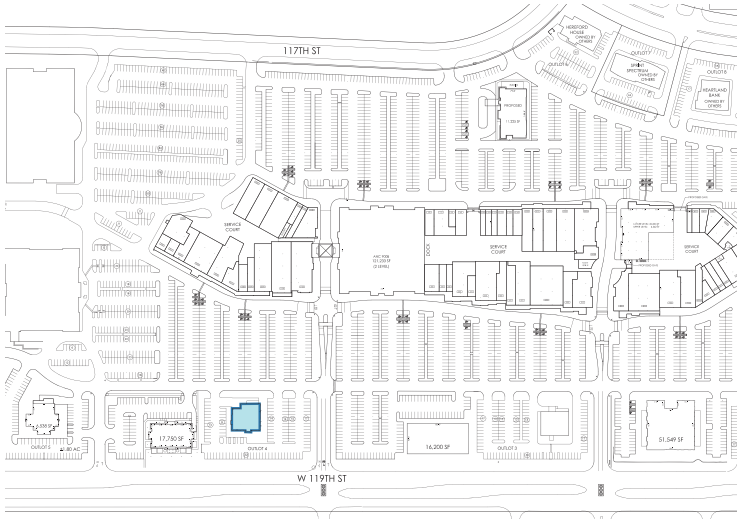

SHAKE SHACK - SIGN EXHIBIT

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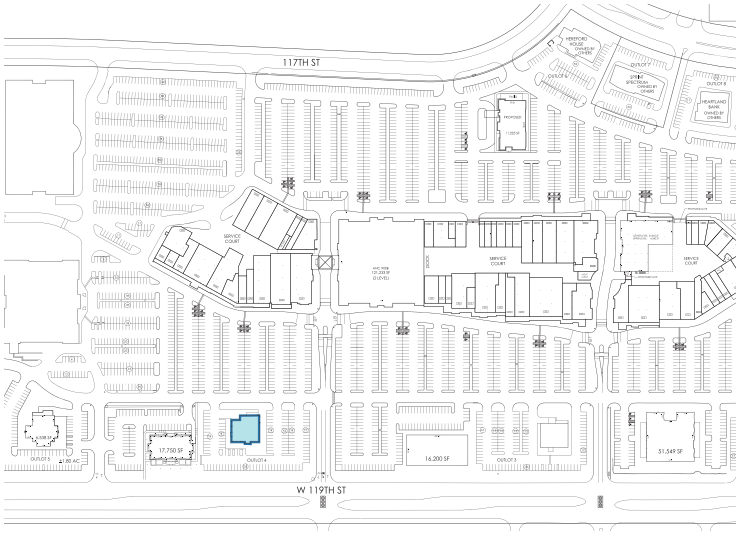

VERIZON - SIGN EXHIBIT

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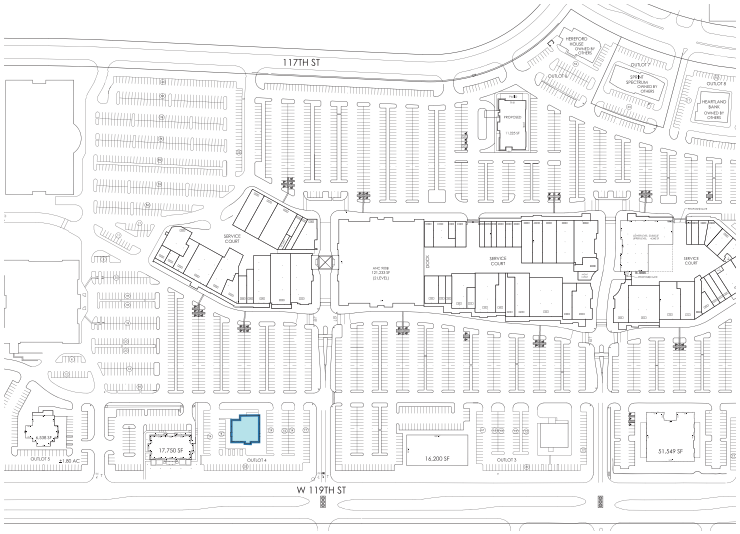

HELZBERG DIAMONDS - SIGN EXHIBIT

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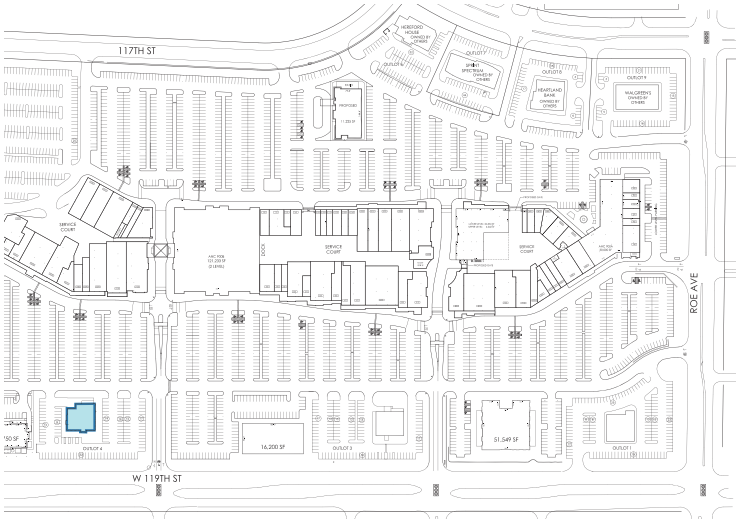

HOULIHAN'S - SIGN EXHIBIT

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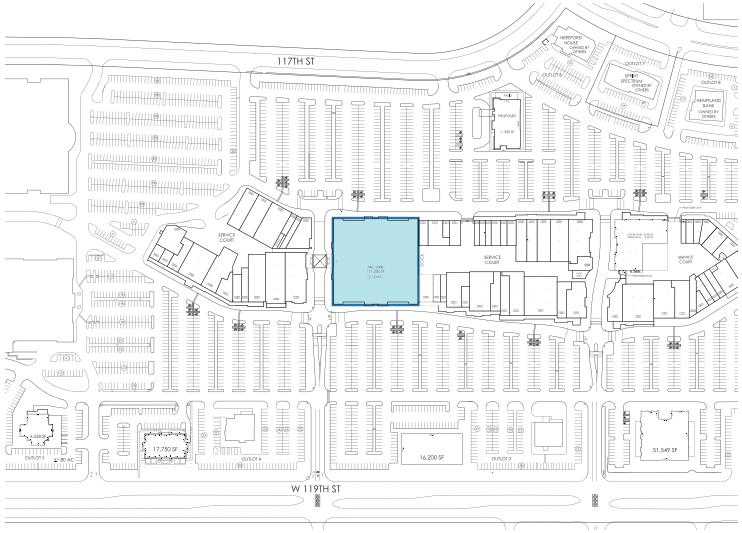

MACY'S - SIGN EXHIBIT

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EXISTING CONDITIONS

QUANTITY: 3 EXISTING FACADE SIGNS (4 MAX)

GENERAL SIGNAGE CRITERIA

Signs must meet these criteria, which has been approved by the City of Leawood. Tenant shall submit signs for permit to the City of Leawood. The submission package must conform to City requirements, conform to this criteria, and include an approval letter from Landlord. City of Leawood Staff will review for conformance with this Criteria, and if so, the sign may receive a building permit for installation. Any signs out of conformance with this Criteria shall either be modified to conform or Tenant, with prior Landlord approval, shall submit materials for a variance or other necessary approval as defined and required by the City of Leawood.

1. Tenant must identify its space by producing signage for its storefront which is appropriate, creative and complimentary to the architecture of its respective storefront. Tenant signs shall be limited to business or trade name of the premises as it appears on the lease.

2. Fabrication and installation of Tenant's signage is strictly Tenant's responsibility once approved by Landlord and the City

3. Shop drawings of Tenant's signage must be submitted to Landlord showing the sign as it would be seen on Tenant's storefront, the technical documentation of the sign in proper scale, a section of the sign showing all mechanicals and the specifications as well as color samples in the sign and field colors for Landlord approval.

4. Signage shall be affixed to the designated areas outlined in the Tenant Type Signage Exhibits only.

5. Double stacked Tenant names shall be allowed on an individual basis only and are subject to Landlord approval. Multi-line signs shall fit within the Landlord areas as determined by the Landlord's Representative or as shown on exhibits.

6. Signage Design Guidelines:
Signage shall be internally face or halo illuminated individual channel letters mounted to the building facade or appropriate sign backer, not including raceways. Face illuminated letters are to have a translucent lens to conceal internal light source. (No exposed light source). Indirectly illuminated pin-mounted letters will be considered for approval, but will be reviewed on an individual basis. Materials / finishes, e.g. paint, metal, acrylic, wood or stone are to be higher quality and appropriate for commercial use. Tenants may choose colors and fonts that align with their branding/trade dress but are subject to review and approval by Landlord.

8. Prohibited Signs
A. Signs which are attached to any tree, fence, branch, another sign, or utility pole when such sign is
located on public property, including right-of-way, provided, however, that this prohibition shall not apply to warning signs issued and properly posted by a utility company.
B. Signs other than those specifically allowed by this Ordinance that are capable of being carried, wheeled or moved from one location to another.
C. Attention-attracting devices not specifically allowed by this Ordinance.
D. Flashing or blinking signs.
E. Neon window signs.
F. Electronic display signs, with the exception of drive-thru menu boards, order confirmation displays, and pre-order menu boards.
G. Strings of light bulbs except when used for decorative purposes during a holiday season and not in excess of 7 1/2 watts. Said strings of bulbs may not traverse street rights-of-way.
H. Roof signs.
I. Rotating signs.
J. Animated signs.
K. Digital readout signs, with the exception of drive-thru menu boards, order confirmation displays, and pre-order menu boards.
L. Changeable copy signs, with the exception of drive-thru menu boards, drive-thru order confirmation displays, and pre-order menu boards.
M. Signs painted directly on exterior walls or surfaces.
N. Signs whose source of illumination is visible from off site.
O. Any sign within the public right-of-way, or on other public property, not authorized by the Governing Body.
P. Any sign which displays obscene matter.
Q. Pole signs.
R. Any sign that blocks the clear sight triangle of an intersection.
S. Real estate advertisements and signs not fairly and truthfully imparting to the public accurate information in regard to zoning classification and Comprehensive Plan information.
T. Signs displayed with twirlers, flags, balloons or other paraphernalia.
U. Illuminated signs with exposed incandescent bulbs or exposed incandescent fluorescent tubes.
V. Signage associated with a drive-thru other than as explicitly permitted within this ordinance.
W. Signs which have been allowed to fall into a state of disrepair, without a clean and neat appearance.
X. Signs which are applied or affixed to a sidewalk, crosswalk, curb, curbstone, lamppost, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police alarm system or upon any lighting system, public bridge, street sign or traffic sign.
Y. Signs placed at intersections of any street in such a manner as to obstruct free and clear vision; or any location where, by reason of the position, shape or color, the sign may interfere with, obstruct the view of, or be confused with

any authorized traffic sign, signal or device; or which makes use of the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such manner as to interfere with or mislead or confuse traffic.
Z. Signs placed in the sight triangle of any roadway corner. The sight triangle shall be defined as the Intersection Sight Distance that shall conform with A Policy on Geometric Design of Highways and Streets, Latest Edition, American Association of State Highway and Transportation Officials. .
AA. Box signs, "cut-sheet," or other sign types where the entire sign surface is illuminated, with the exception of drive-thru menu boards, order confirmation displays, and pre-order menu boards.
BB. Permanent signs which identify phone numbers, product, or any other specific information about the tenant beyond the name of the tenant.
CC. ALL signs Landlord deems inappropriate for the center

9. The advertising or informative content of all signs shall be limited to letters designating the store name or trade name.

10. Tenant is required to submit all signage as part of its design plans for Landlord's review and approval of the character, design, color and layout.

11. Should Tenant be in a corner location and have multiple exterior facades, Tenant may have one (1) additional Facade sign, one (1) Awning Sign and one (1) Window Sign on each exterior facade.

12. Signs shall not exceed a maximum brightness of 100 foot lamberts.

13. All signs shall be fabricated and installed in compliance with all applicable building and electrical codes and shall bear a UL label.

14. Safety First
A. A safety stripe is required on all butt glazing that dies into the floor.
B. The safety stripe may be placed thirty inches (30") above the finished floor and up to three feet (3'-0") high.
C. Logos, locations, tag lines and/or department descriptions may be used on the safety stripe if approved by Landlord.
D. Vinyl transfer letters, except white letters, are acceptable on the safety stripe.
E. Other decorative window graphics are encouraged when appropriate but must have special approval from Landlord.

15. Rear Door Signage
A. Tenant shall install one (1) identification sign on its rear service door which is three inches (") high and consists of Helvetica Medium type style, all capital letters indicating the store name as on Tenant's storefront sign band.
B. Other signage on the rear of Tenant's leased premises is not permitted.

16. Sign permits, if applicable, shall be obtained by Tenant and are required for all related work prior to commencing with field installation.

17. The sign company name or stamp cannot be visible to the customer.

18. Landlord's decisions regarding signage shall be final and conclusive.

19. Tenant's signs shall conform these criteria, and to all applicable governmental regulations, laws, zoning requirements and title restrictions.

20. Lighting of signs shall be at hours as required by Landlord. All illuminated signs must be turned on during the Center's normal operating hours. The use of time clocks for sign and show window lighting is required, and should be adjusted and coordinated with the shopping center.

21. Tenants are required to provide a concealed access panel from within the Tenant's leasable area, if applicable, to service and install exterior building signage.

22. No exterior sign or sign panel will be permitted to extend above any roof or parapet line.

23. Signage Quantities / Sizes:

IN-LINE TENANT

Facade Sign: One (1) per exterior facade, 3 Max.
75,000 sf and up - 60" Max height
25,000 - 74,999 sf - 42" Max height
0 - 24,999 sf - 30" Max height

Tower Sign (>40ft above grade): One per exterior facade, 3 Max.
150% of Facade Sign Height, 60" Max height.

Awning Sign: One (1) per facade, 3 Max.
Size not to exceed 90% length and 85% height of vertical fascia band height

Window Sign: One (1) per facade, directly over entry doors.
20% of contiguous are where sign is located or 8" Max height.

Blade Sign: Max quantity one (1) and must conform to Landlord's Uniform Design Requirements. Refer to blade sign exhibit for details.

MAJOR TENANT

Facade Sign: One (1) per facade, 3 Max.
75,000 sf and up - 60" Max height, not to exceed 5% of the facade.

Awning Sign: Quantities to be reviewed and approved by Landlord. Sign letter height must not exceed 75% of vertical fascia band.

Window Sign: One (1) per exterior facade, directly over entry doors. 20% of contiguous are where sign is located or 8" Max height.

OUTPARCEL TENANT

Facade Sign: One (1) per exterior facade, 4 Max.
75,000 sf and up - 60" Max height
25,000 - 74,999 sf - 42" Max height
0 - 24,999 sf - 30" Max height
Not to exceed 5% of the facade area

All Out Parcel, Major, and Sub- Major Tenants will be allowed one 4'x8' (32sf Max) temporary construction sign prior to opening of any shopping center tenants. A temporary sign must be constructed of durable materials and is limited to 90 days use, then must be replaced with permanent signage. Coordinate location with Landlord's representative, subject to City approval. Minimum height of all signage shall not be less than 80% of the maximum allowable letter height without prior written approval.

24. The graphic sign exhibits contained within this document will take precedence if any conflict exists.

25. Major Tenant Store Buildings

A. A Major Tenant is defined as any tenant with the following uses: Hotel, Apartments, Multi-Family, Retail, Restaurant, Commercial Office, Etc.
B. Major Tenant is required to install signs on the exterior of its building using the type of signs Tenant typically uses on its building constructed in malls containing at least one million square feet (1,000,000 SF) of gross floor area.
C. Major Tenants are allowed to have one (1) Facade sign per facade, three (3) Max.
D. Major Tenant's signage shall only identify it by its trade name or alternate trade name used by Tenant as permitted by Tenant's Lease Agreement.
E. No other names or trade names shall be affixed to the exterior of Major Tenant's building.

LANDLORD'S SIGNAGE

1. Exterior of Landlord's Buildings

A. Landlord shall be permitted to install signs on the exterior of Landlord's buildings, i.e. property identification signs, typically found in large scale shopping centers.
B. Landlord shall be permitted to install signs in the common area outside the enclosed mall, i.e. monument signs and directional signs, which are typically found in large scale shopping centers.
C. Landlord may install entry monument signage that conforms to Monument Sign criteria and also meets LDO and permitting requirements.

TEPORARY / PROMOTIONAL SIGNAGE

All temporary signage, e.g. promotional, seasonal, special event signs are allowed but are subject to landlord approval. All signs must be of high quality durable materials and finishes. Sign area to be a maximum of 100 sf.

WINDOW SIGN

Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window within a distance of 3 feet of the window, or upon the window panes or glass. Must not exceed 20% of the contiguous area where sign is located. Logos, locations, tag lines and/or department descriptions may be used on the safety stripe if approved by Landlord.

WINDOW GRAPHICS

Creative window graphics that promote the business brand / advertising are encouraged but will need to be reviewed by the Landlord and City of Leawood (Not to exceed 20% of window area)

MONUMENT SIGNAGE

A single out parcel monument sign is allowed for each Out-Parcel Tenant. Tenant's monument sign may align with Tenant's trade dress. All colors, materials, and finishes used to convey Tenant trade dress selected by Tenant must suggest quality, craftsmanship, elegance, innovation, and creativity. Landlord shall have the sole right to require modifications to ensure these finishes are appropriate for the center overall. The sign shall be constructed of permanent high quality materials and permanently attached to an embedded foundation in the ground. All monument signs shall have required landscaping at base, subject to Landlord approval and City of Leawood.

Landlord Monument Sign Requirements:
1. Dimensions: 6'-0" maximum height (inclusive of base)
2. 50 sq. ft. maximum, including base
3. Must have illumination - Externally-illuminated, internally halo-illuminated or push-through acrylic letters are acceptable.

Tenant Monument Sign Requirements:
1. Dimensions: 6'-0" maximum height (inclusive of base), 10' maximum width
2. 50 sq. ft. maximum, including base
3. Must have illumination - Externally-illuminated, internally halo-illuminated or push-through acrylic letters are acceptable.

All Landlord and Tenant monument signs must conform to the City of Leawood sign regulations.

City of Leawood Planning Commission Staff Report

MEETING DATE: **October 13, 2020**
REPORT WRITTEN: **September 17, 2020**

TOWN CENTER CROSSING – REVISED SIGN GUIDELINES – REQUEST FOR APPROVAL FOR A REVISED FINAL PLAN – LOCATED SOUTH OF 119th STREET AND EAST OF ROE AVENUE – CASE 83-20

STAFF RECOMMENDATION:

Staff recommends approval of Case 83-20, Town Center Crossing – Revised Sign Guidelines – request for approval of a Revised Final Plan, with the stipulations outlined in the staff report.

APPLICANT:

- The applicant is John Petersen with Polsinelli.
- The property is owned by 119 Leawood, LLC.

REQUEST:

- The applicant is requesting approval of a Revised Final Plan to modify the existing sign criteria for the Town Center Crossing development, in the SD-CR (Planned General Retail) zoning district.
- Per Section 16-4-6.3, Office, Commercial and Industrial Signage in Planned Districts, the applicant is requesting approval of sign standards to replace the current sign criteria for Town Center Crossing. This section of the Leawood Development Ordinance allows deviations in size, colors, location, number of signs, and illumination.

ZONING:

- The property is currently zoned SD-CR (Planned General Retail).

COMPREHENSIVE PLAN:

- The Comprehensive Plan designates this property as Retail.

LOCATION:

SURROUNDING ZONING:

- North — Directly north of 119th Street is Camelot Court Shopping Center, zoned SD-CR (Planned General Retail).
- South — Directly south of Tomahawk Creek Parkway is open space, zoned REC (Planned Recreation).
- East — Directly east of Tomahawk Creek Parkway is open space, zoned REC (Planned Recreation).
- West — Directly west of Roe Avenue is Hawthorne Plaza, a retail development within Overland Park, Kansas.

PROPOSED SIGN CRITERIA

- The application is proposing to modify the existing sign criteria for the Town Center Crossing development.
- The proposed sign criteria identify six elevations within the main center of Town Center Crossing, along with the pad sites within the development, and identifies the signage that each can have.
- The following table shows a general summary of the size of façade signage that is currently approved for Town Center Crossing and what is proposed.

Tenant Size	Currently Approved	Proposed
Small Shop Tenants (0 sq.ft. – 9,999 sq.ft.)	24” 25% of letters can be 46”	30” 25% of letters can be 46”
Sub Major Tenants (10,000 sq.ft. and above)	36”	40” 25% of letters can be 46”
In Line Restaurants	24”	30” 25% of letters can be 46”
Out Parcel Tenant	30”	Out Parcel Tenants – 75,000 sq.ft. and up – 60” 25,000 sq.ft. 74,999 sq.ft. – 42” 0 sq.ft. – 24,999 sq.ft. – 30”

- Within the main center the sign criteria generally allow the following.
  - One façade sign per exterior facing façade, with two maximum.
  - One marquee/canopy sign can be used in lieu of a façade sign on some elevations.
  - One transom sign per exterior facing façade is allowed.
  - One blade sign is required.
- The proposed sign criteria based the size of façade signage allowed by the size of the tenant. The criteria identify three categories within the main center as follows.
  - Small Shop Tenant – 0 sq.ft. – 9,999 sq.ft.
    - Maximum Letter Height: 30”, however, 25% of letters can be a maximum of 46”.
    - Maximum Multiline Sign – 36”
  - Sub Major Tenant - 10,000 sq.ft. and above
    - Maximum Letter Height: 40”, however 25% of letters can be a maximum of 46”
    - Maximum Multiline Sign – 36”, however 25% of letters can be a maximum of 46”
  - In-Line Restaurants
    - Maximum Letter Height: 30”, however 25% of letters to be a maximum of 46”
    - Maximum Multiline Sign – 36”
- Other signs that tenants within the main center can have are the following.

- Marquee/Canopy Sign - some tenants are allowed a marquee/canopy sign in lieu of a façade sign.
  - Maximum Letter Height: 24”
  - Maximum Size: 15 sq.ft.
- Transom Sign:
  - Maximum Letter Height: 8”
- Blade Sign (required):
  - Maximum Size: 4 sq.ft.
  - Maximum Letter Height: 6”

- Façade signage and marquee/canopy signs are required to be internally illuminated or halo illuminated individual channel letters.
- The proposed sign criteria proposes that out parcel tenants have the following.
  - One façade sign per exterior elevation with a maximum of four allowed.
    - The maximum letter height of the façade sign permitted varies with the size of the tenant as follows.
      - 75,000 sq.ft. and up – 60”
      - 25,000 sq.ft. - 74,999 sq.ft. – 42”
      - 0 sq.ft. – 24,999 sq.ft. – 30”
  - One monument sign per out parcel.
    - Maximum of 50 sq.ft., including base
    - Maximum of 6’ in height
    - Maximum width of 10’.
- The proposed sign criteria also allow for landlord monument signage.
  - Maximum of 50 sq.ft. inclusive of base
  - Maximum of 6’ in height
  - Maximum width of 10’.
- Monument signs are required to have illumination, which can be externally eliminated, internally halo illuminated, or pushed through acrylic letters.

STAFF COMMENTS:

- The Leawood Development Ordinance allows the following signage within the SD-CR district:

Signs Permitted in SD-CR, SD-NCR, Districts	
Wall Sign or Canopy Sign or Awning Sign (must be located below eave or parapet)	
Allowable Type	Signs identifying retail or services businesses
Maximum Number	2 (1 per tenant façade)
Maximum Area	Five percent (5%) of building façade (not to exceed 200 sq. ft. per sign)
Lighting	Non-illuminated, externally-illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated channel letters
Monument Sign (can be double faced)	
Allowable Type	Signs identifying a commercial development, or retail or service business
Maximum Number	None. In lieu of one wall or canopy sign, may be allowed by the Governing Body after recommendation by the Planning Commission
Maximum Area	50 sq. ft., including base
Lighting	Non-illuminated, externally-illuminated, halo-illuminated, or push-through acrylic letters
Directional Signs	
Maximum Number	2
Maximum Area	6 sq. ft.

Lighting	Non-illuminated
Directory Signs	
Minimum Number of Acres	Only permitted within developments with a minimum of 10 acres.
Maximum Number	The maximum number of directory signs within any single development shall be limited to one sign per 5 acres, but in no case shall exceed a total of 6 for the overall development.
Maximum Size	18 sq.ft. (Includes all components of the sign including supporting structures)
Maximum Height	6 ft. from grade. (Includes all supporting structures)
Sign Type	Wall, monument, or post and panel .
Lighting	Non-illuminated, externally illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated.
Location	Shall be located outside of all structure setbacks and sight triangles.
Drive-Thru Menu Boards (SD-CR Only)	
Structural Type	Monument
Maximum Number of Signs	1 per drive-thru lane, not to exceed 2 total (per establishment)
Maximum Area of Sign	52 sq. ft., including base for non-digital screens. 30 sq. ft., including base for digital screens
Maximum Height	7 ft.
Maximum Height of Lettering	6 in.
Lighting	Non-illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated. Electronic/digital displays shall meet the additional requirements listed in Section 16-4-6.10 (E)
Location	Shall be located adjacent to and oriented toward the drive-thru lane and shall be oriented away from adjacent areas that are used, zoned or master planned as residential.
Screening	The backs of menu boards shall be screened with either a masonry structure or evergreen landscaping of sufficient height to screen the back of the menu board.
Pre-Order Menu Boards (SD-CR Only)	
Structural Type	Monument
Maximum Number of Signs	1 per drive-thru lane, not to exceed 2 total (per establishment)
Maximum Area of Sign	15 sq. ft. including base for digital screens
Maximum Height	7 ft.
Maximum Height of Lettering	6 in.
Lighting	Non-illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated. Electronic/digital displays shall meet the additional requirements listed in Section 16-4-6.10 (E)
Location	Shall be located adjacent to and oriented toward the drive-thru lane and shall be oriented away from adjacent areas that are used, zoned or master planned as residential.
Screening	The backs of menu boards shall be screened with either a masonry structure or evergreen landscaping of sufficient height to screen the back of the board if it is visible from the right – of-way.

Stand Alone Drive-Thru Order Confirmation Display	
Maximum Number	One per drive-thru lane, not to exceed 2 total (per establishment)
Maximum Area of Display	3.5 sq.ft.
Maximum Size of Support Structure	8 sq.ft. and 5 ft. in height for structures whose sole purpose is to house the order confirmation display, or as approved by the Governing Body if the order confirmation display is incorporated into another structure approved as part of the development plan for the drive-thru.
Menu Display	
Structure Type	Shall be placed inside a display case that shall be integrated into the façade of the building.
Maximum Number	1 per tenant entrance, not to exceed 2 total (per tenant)
Maximum Area	2 sq.ft.
Lighting	Non-illuminated or indirectly-illuminated
Location	At entrance
Window Signs	
Maximum Area	Twenty percent (20%) of the contiguous window area on which signage is located.

- The proposed sign criteria within the main center generally allows the following.
  - One façade sign per exterior facing façade, with two maximum.
  - One marquee/canopy sign can be used in lieu of a façade sign on some elevations.
  - One transom sign per exterior facing façade is allowed.
  - One blade sign is required.

  The proposed sign criteria proposes that out parcel tenants have the following.
  - One façade sign per exterior elevation with a maximum of four allowed, along with
  - One awning sign per façade.
  - One monument sign per out parcel.

  In order to limit visual clutter, staff recommends that the sign criteria be limited to the following.
  - Each tenant within the main center shall be limited to the following.
    - Either one façade sign, or one canopy sign on a maximum of 2 facades, along with,
    - Either one transom sign, or one blade sign on a maximum of 2 facades.
  - Each out parcel shall be limited to the following:
    - Either one façade sign, or one awning sign on a maximum of 2 facades, however, a monument sign may be approved in lieu of a façade or awning sign, along with,
    - Either one transom sign, or one blade sign on a maximum of 2 facades.

  (Stipulation #5)
- The proposed sign criteria allow 25% of the letters of façade signs to be increased to 46" to accommodate a uniquely done letter or trademark logo. In staff's opinion this larger letter size will look out of scale for smaller tenants. Staff recommends that only tenants that are larger than 3,250 sq.ft. shall be permitted to have 25% of the letters of the façade sign to be increased to 46" to accommodate a uniquely done letter or trademark logo. **(Stipulation #6)**
- The proposed sign criteria allows temporary (e.g. promotional, seasonal, special event signs) to be a maximum 100 sq.ft. and does not contain any limitations on the number allowed, and only needs to be approved by the landlord. Per the Leawood Development Ordinance, temporary signs are limited to a maximum size of 16 sq.ft. and a maximum of 48 sq.ft. in aggregate on any lot. It also limits temporary signs to be a maximum of 5' in height from the

average grade at the base of the sign. Staff recommends that all temporary signs conform to Leawood Development Ordinance 16-4-6.15(B) regarding temporary signs. (**Stipulation #6)**

- The proposed sign criteria allow landlord monument signs that are to meet the requirements of the Leawood Development Ordinance for monument signs, but it does not provide a maximum number and does not specify can appear on the monument sign. Staff recommends that a maximum of developer monument sign be permitted per frontage, and that it be limited to the name of the overall development and shall not be used for the names of individual tenants. **(Stipulation #7)**

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve Case 83-20, Town Center Crossing – Sign Guidelines – request for center sign criteria modification, with the following stipulations:

1. The project is limited to design guideline changes for the Town Center Crossing development, zoned SD-CR.
2. Per the Leawood Development Ordinance the maximum of all wall canopy signs shall be 5% of the total area of the façade, 200 sq.ft., whichever is less, or as permitted in Table 16-4-6.13 of the Leawood Development Ordinance.
3. Prohibited signs of the proposed criteria shall reference the prohibited sign section of the Leawood Development Ordinance.
4. The sign criteria shall be modified regarding the number of type of façade signs as follows.
   a) Each tenant within the main center shall be limited to the following.
      1. Either one façade sign, or one canopy sign on a maximum of 2 facades, along with,
      2. Either one transom sign, or one blade sign on a maximum of 2 facades.
   b) Each out parcel shall be limited to the following:
      1) Either one façade sign, or one awning sign on a maximum of 2 facades, however, a monument sign may be approved in lieu of a façade or awning sign.
5. Only tenants that are larger than 3,250 sq.ft. shall be permitted to have 25% of the letters of the façade sign be up to a maximum of 46" to accommodate a uniquely done letter or trademark logo.
6. Prior to Governing Body review, the applicant shall conform to Leawood Development Ordinance 16-4-6.15(B) regarding temporary signs, including the following.
   a) The total square footage for temporary signs on any lot in any district, in the aggregate, shall not exceed forty-eight sq.ft., with no individual sign exceeding sixteen sq.ft.
   b) Signs shall not exceed five ft. in height measured from the average grade at the base of the sign.
   c) No sign shall be illuminated or painted with light reflecting paint.
7. A maximum of one developer monument sign shall be permitted per frontage. Such sign shall meet all Leawood Development Ordinance requirements for monument signs, and shall be limited to the name of the overall development only.
8. A sign permit from the City of Leawood is required prior to installation of any sign.
9. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through nine.

TOWN CENTER
PLAZA • CROSSING

SIGN DEVELOPMENT STANDARDS - CROSSING

SUBMITTED: JULY 31, 2020

REVISED: SEPTEMBER 09, 2020

Revised September 18, 2020

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TOWN CENTER
PLAZA • CROSSING

TOWN CENTER CROSSING

↕ FACADE SIGN: 18" MIN SETBACK FROM OTHER ARCHITECTURAL ELEMENTS / MATERIAL CHANGES

END-CAP LOCATION

1 ELEVATION 1 - SIGN EXHIBIT

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". Tenant allowed one (1) Facade Sign per exterior facing facade, two (2) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf

Small Shop Tenants -
Leaseable area 0 - 9,999 sf

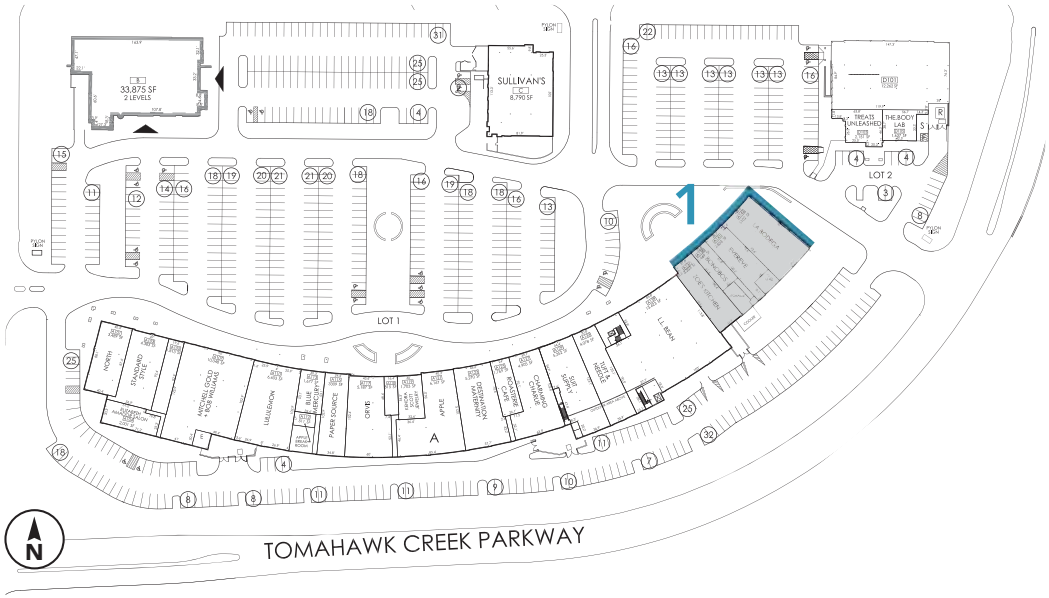
Max Sign Height: 30"

Sub-Major Tenant -
Leaseable area 10,000 sf and above

Max Sign Height: 40"

One Marquee / Canopy Sign is allowed per storefront in lieu of a Facade Sign - 24" Max Sign Height / Sign Area 15sf Max.

Window Sign: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.



2 ELEVATION 2 - SIGN EXHIBIT

FACADE SIGN SPACE

MARQUEE/CANOPY SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". Tenant allowed one (1) Facade Sign per exterior facing facade, two (2) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf

Small Shop Tenants -
Leaseable area 0 - 9,999 sf

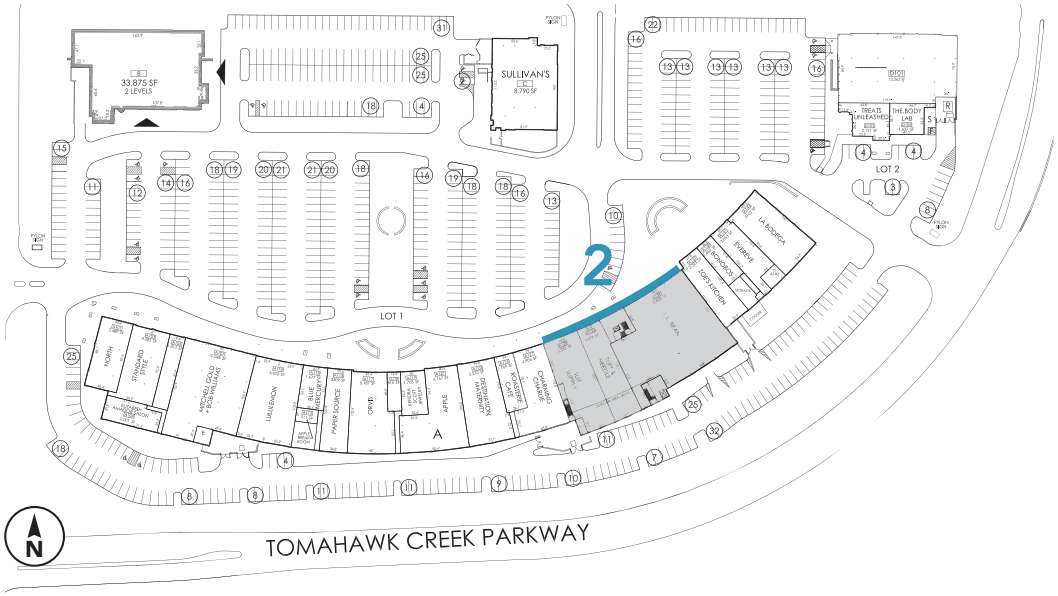
Max Sign Height: 30"

Sub-Major Tenant -
Leaseable area 10,000 sf and above

Max Sign Height: 40"

One Marquee / Canopy Sign is allowed per storefront in lieu of a Facade Sign - 24" Max Sign Height / Sign Area 15sf Max.

Window Sign: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.



3 ELEVATION 3 - SIGN EXHIBIT

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". Tenant allowed one (1) Facade Sign per exterior facing facade, two (2) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf

Small Shop Tenants -
Leaseable area 0 - 9,999 sf

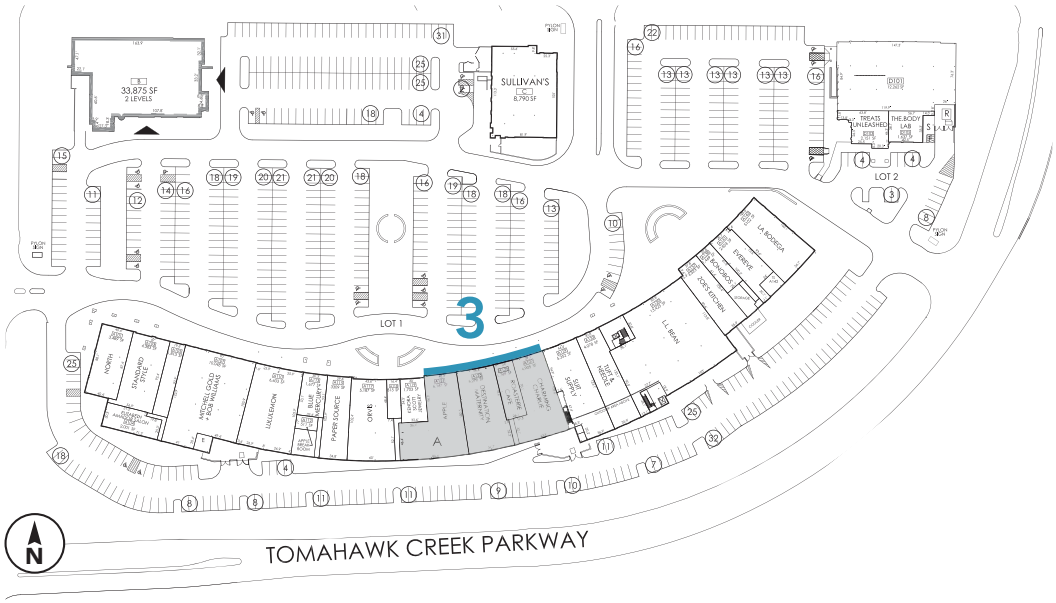
Max Sign Height: 30"

Sub-Major Tenant -
Leaseable area 10,000 sf and above

Max Sign Height: 40"

One Marquee / Canopy Sign is allowed per storefront in lieu of a Facade Sign - 24" Max Sign Height / Sign Area 15sf Max.

Window Sign: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.



↕ FACADE SIGN: 18" MIN SETBACK FROM OTHER ARCHITECTURAL ELEMENTS / MATERIAL CHANGES

4 ELEVATION 4 - SIGN EXHIBIT

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". Tenant allowed one (1) Facade Sign per exterior facing facade, two (2) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf

Small Shop Tenants -
Leaseable area 0 - 9,999 sf

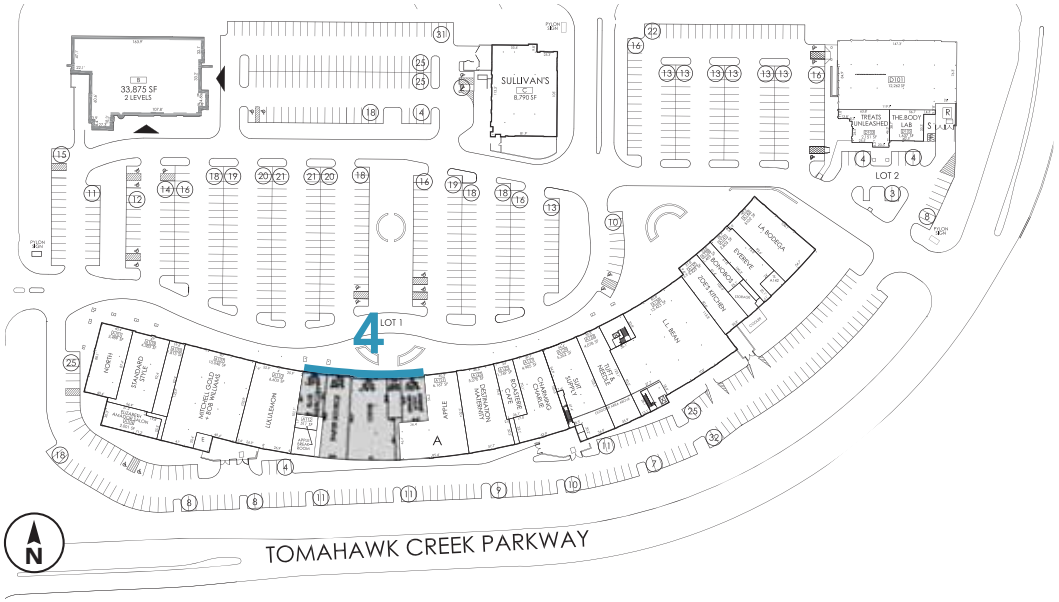
Max Sign Height: 30"

Sub-Major Tenant -
Leaseable area 10,000 sf and above

Max Sign Height: 40"

One Marquee / Canopy Sign is allowed per storefront in lieu of a Facade Sign - 24" Max Sign Height / Sign Area 15sf Max.

Window Sign: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.



5 ELEVATION 5 - SIGN EXHIBIT

FACADE SIGN SPACE

The Facade Sign is to be limited to the location contained in the "Sign Space". Tenant allowed one (1) Facade Sign per exterior facing facade, two (2) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf

Small Shop Tenants -
Leaseable area 0 - 9,999 sf

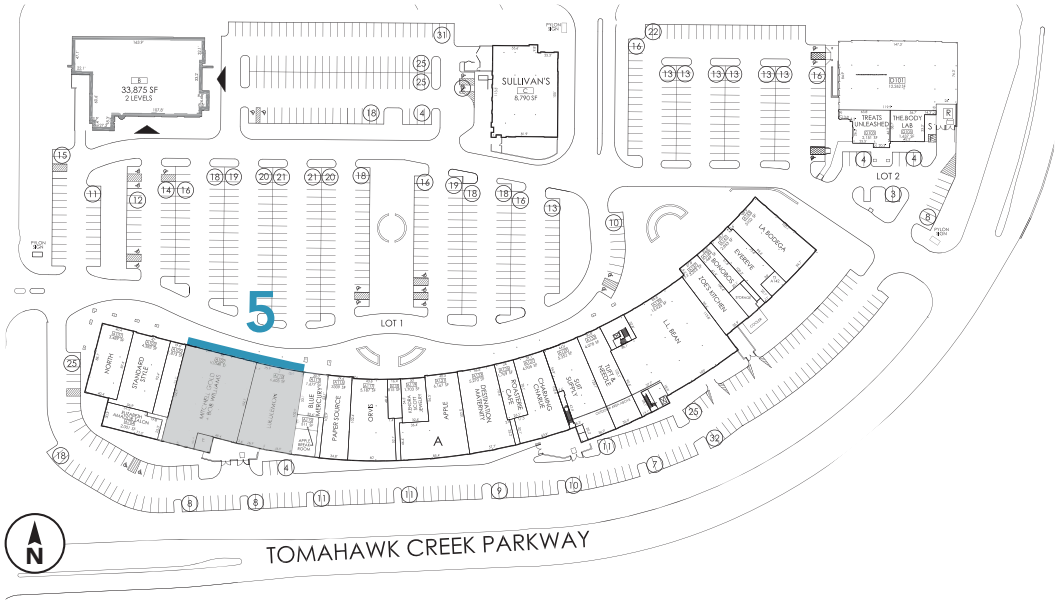
Max Sign Height: 30"

Sub-Major Tenant -
Leaseable area 10,000 sf and above

Max Sign Height: 40"

One Marquee / Canopy Sign is allowed per storefront in lieu of a Facade Sign - 24" Max Sign Height / Sign Area 15sf Max.

Window Sign: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.



END-CAP LOCATION

6 ELEVATION 6 - SIGNAGE EXHIBIT

FACADE SIGNAGE SPACE

FACADE SIGN: 18" MIN SETBACK FROM OTHER ARCHITECTURAL ELEMENTS / MATERIAL CHANGES

The Facade Sign is to be limited to the location contained in the "Sign Space". Tenant allowed one (1) Facade Sign per exterior facing facade, two (2) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade or 200sf

Small Shop Tenants -
Leaseable area 0 - 9,999 sf

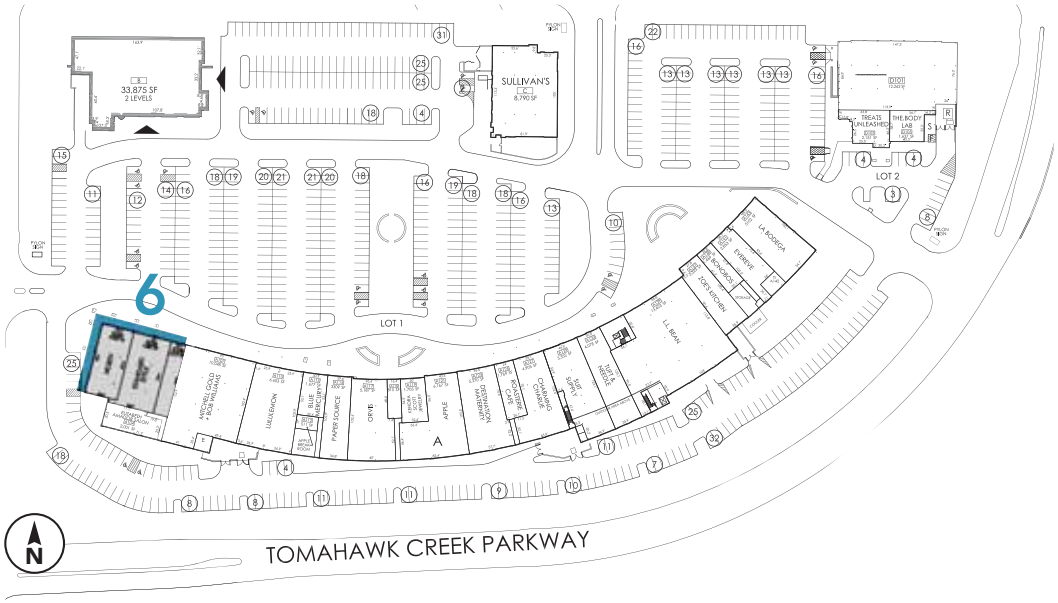
Max Sign Height: 30"

Sub-Major Tenant -
Leaseable area 10,000 sf and above

Max Sign Height: 40"

One Marquee / Canopy Sign is allowed per storefront in lieu of a Facade Sign - 24" Max Sign Height / Sign Area 15sf Max.

Window Sign: Tenants that have a covered walkway or canopy that exists over their entry doors may include a sign that identifies their business within their storefront window, in the transom area directly above their entry doors. One (1) per exterior facing facade, 8" maximum letter height.



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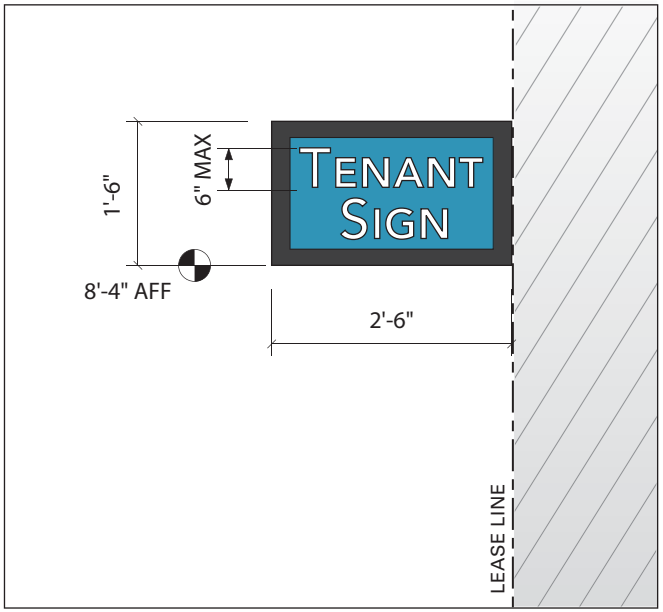
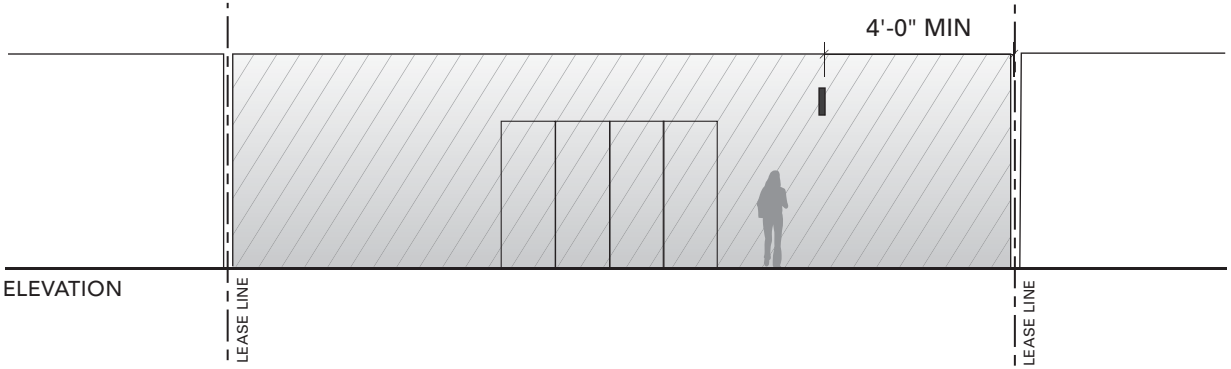
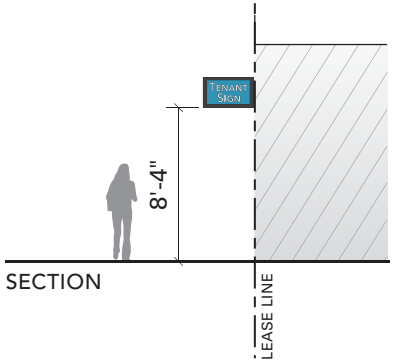






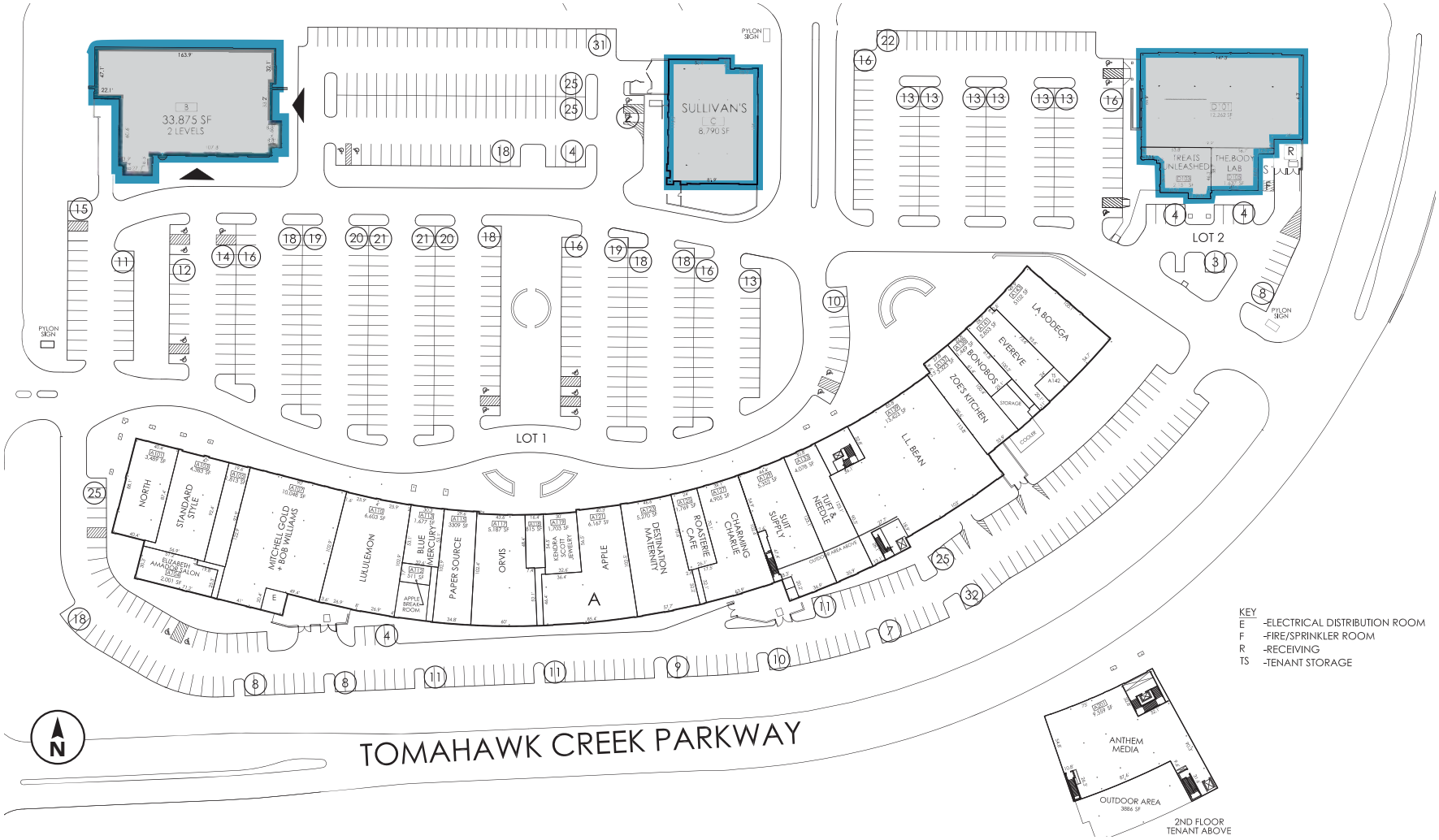
TENANT BLADE SIGN

TENANT SPACE

Required one (1) per Storefront, four (4) square foot max. Letter height shall be six (6) inches max. Blade sign design shall be submitted with tenant package for review and approval. The blade sign shall be located on an elevation and clear height to bottom of sign shall be indicated. Decorative brackets and sign design, reference example 1, are to reflect the qualities of the tenant and the shopping center in its entirety. Blade signs are encouraged to have a three- dimensional quality and will be reviewed on an individual basis. Internally lit box sign type blade signs are prohibited.

FACADE SIGNAGE REFERENCE

Tenant identity signage shall be constructed according to the specifications noted within the Criteria Manual. All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted. Please refer to Sign Development Standards for additional information.



OUTPARCEL TENANT PLAN

OUTPARCEL TENANT FACADE SIGNAGE

FACADE SIGN SPACE

FACADE SIGN: 18" MIN SETBACK FROM OTHER ARCHITECTURAL ELEMENTS / MATERIAL CHANGES

The Facade Sign is to be limited to the location contained in the "Sign Space". **Tenant allowed one (1) Facade Sign per exterior facing facade, four (4) max. The sign unit must be centered within the designated Facade Sign Space, must be a maximum 90% length and 85% height of the sign space, and is to not exceed 5% of facade.**

FACADE SIGN MAX HEIGHT: (X) = Sign height

75,000 sf and up - 60" (X)
25,000 - 74,999 sf- 42" (X)
0 - 24,999 sf - 30" (X)

AWNING SIGN: (Y) = Sign height
One per facade, size not to exceed 90% length and 85% height of vertical fascia band. Sign letters to be white on a black awning. Tenant may request an alternate awning color that coincides with their marketing. (To be approved by Landlord and City of Leawood)

GENERAL SIGNAGE CRITERIA

Signs must meet these criteria, which has been approved by the City of Leawood. Tenant shall submit signs for permit to the City of Leawood. The submission package must conform to City requirements, conform to this criteria, and include an approval letter from Landlord. City of Leawood Staff will review for conformance with this Criteria, and if so, the sign may receive a permit for installation. Any signs out of conformance with this Criteria shall either be modified to conform or Tenant, with prior Landlord approval, shall submit materials for a variance or other necessary approval as defined and required by the City of Leawood.

SIGN SUBMITTAL REQUIREMENTS

All Signage is to be submitted as a complete package for review and approval by Landlord. Incomplete submittals lacking blade sign shall not be approved.

Facade sign or marquee sign:
Provide a storefront elevation of each sign proposed as well as detailed shop drawing elevation and section through sign indicating sign makeup, dimensions, materials and colors.

Over-door transom sign:
Provide a storefront elevation of each sign proposed as well as detailed shop Drawing elevation indicating sign dimensions, materials and colors.

Storefront safety glazing decals:
Provide a storefront elevation of each sign proposed as well as detailed shop drawing elevation indicating dimensions, materials and colors.

Blade Signage: (REQUIRED)
Provide a storefront elevation and section of each proposed sign indicating mounting location and height. Provide a detailed shop drawing section and elevation indicating sign makeup, dimensions, materials and colors for sign and decorative bracket.

Additional signage / graphics in design control zone:
Provide a storefront elevation, plan, and or section indicating any additional proposed signage as well as detailed shop drawings indicating sign makeup, dimensions, materials and colors. All additional signage shall be reviewed on an individual basis by Landlord and City of Leawood.

SIGN TYPES AND PARAMETERS

The following types and amounts of signs will be permitted

1. Small Shop Tenant Sign Parameters
Leaseable area 0 - 9,999 sf.

Facade Sign:
One (1) per exterior facade, 2 Max. - 30" Max height
Sign area shall not exceed 5 percent (5%) of the Tenant's facade.

25% of the letters within the sign can be increased to a maximum of 46" to accommodate a uniquely done letter font or trademark logo.

All signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted.

All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted.

Signage shall be internally face or halo illuminated individual channel letters mounted to the building facade or appropriate sign backer. Face illuminated letters are to have a translucent lens to conceal internal light source (No exposed light source).

Indirectly, LED illuminated, pin-mounted signs will be considered for approval, but will be reviewed on an individual basis.

Tenant logos will be not allowed on storefronts without prior written approval and will be reviewed on an individual basis by Landlord.

Multi line Tenant sign will be allowed on an individual basis only and are subject to Landlord approval. Multi-line signs shall be 36" high total maximum and shall comfortably fit within the Landlord bulkhead as determined by the Landlord's Representative.

Marquee/Canopy Sign:
One (1) allowed in lieu of a Facade Sign
24" Max height, 15sf maximum.

Sign shall be individually illuminated letters. All exposed conduit shall be concealed from public view and painted to match marquee structure. Exposed raceways behind letters are not permitted.

Marquee/Canopy Signage shall be allowed on one of the following locations:

1) The vertical fascia of the canopy. Maximum letter size is 24". Signs in this

location must be pin mounted to existing projected metal marquees.
2) On top of the canopy/ marquee. Maximum letter size is 24". Signs in this location must be mounted toward the front of the canopy with no exposed mounting hardware. A maximum setback of 6" from the front face of the canopy is required.

Transom Sign / Window Sign:
One Sign is allowed within the horizontal area directly over the Tenant's entry door. One per exterior facade, 8" Max height.

Blade Signs:
Required one (1) per Storefront, four (4) square foot max. Letter height shall be six (6) inches max. Blade sign design shall be submitted with tenant package for review and approval. The blade sign shall be located on an elevation and clear height to bottom of sign shall be indicated. Decorative brackets and sign design, reference example 1, are to reflect the qualities of the tenant and the shopping center in its entirety. Blade signs are encouraged to have a three- dimensional quality and will be reviewed on an individual basis. Internally lit box sign type blade signs are prohibited.

2. Sub-Major Tenant Sign Parameters
Leaseable area 10,000 sf and above.

Facade Sign:
One (1) per exterior facade, 2 Max. - 40" Max height
Sign area shall not exceed 5 percent (5%) of the Tenant's facade.

25% of the letters within the sign can be increased to a maximum of 46" to accommodate a uniquely done letter font or trademark logo.

All signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted.

All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted.

Signage shall be internally face or halo illuminated individual channel letters mounted to the building facade or appropriate sign backer. Face illuminated letters are to have a translucent lens to conceal internal light source (No exposed light source).

Indirectly, LED illuminated, pin-mounted signs will be considered for approval, but will be reviewed on an individual basis.

Tenant logos will be not allowed on storefronts without prior written approval and will be reviewed on an individual basis by Landlord.

Multi line Tenant sign will be allowed on an individual basis only and are subject to Landlord approval. Multi-line signs shall be 36" high total maximum and shall comfortably fit within the Landlord bulkhead as determined by the Landlord's Representative.

Marquee/Canopy Sign:
One (1) allowed in lieu of a Facade Sign
24" Max height, 15sf maximum.

Sign shall be individually illuminated letters. All exposed conduit shall be concealed from public view and painted to match marquee structure. Exposed raceways behind letters are not permitted.

Marquee/Canopy Signage shall be allowed on one of the following locations:

1) The vertical fascia of the canopy. Maximum letter size is 24". Signs in this location must be pin mounted to existing projected metal marquees.

2) On top of the canopy/ marquee. Maximum letter size is 24". Signs in this location must be mounted toward the front of the canopy with no exposed mounting hardware. A maximum setback of 6" from the front face of the canopy is required.

Transom Sign / Window Sign:
One Sign is allowed within the horizontal area directly over the Tenant's entry door. One per exterior facade, 8" Max height.

3. In-Line Restaurants

Facade Sign:
One (1) per exterior facade, 2 Max. - 30" Max height
Sign area shall not exceed 5 percent (5%) of the Tenant's facade.

25% of the letters within the sign can be increased to a maximum of 46" to accommodate a uniquely done letter font or trademark logo.

All signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted.

All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted.

Signage shall be internally face or halo illuminated individual channel letters mounted to the building facade or appropriate sign backer. Face illuminated letters are to have a translucent lens to conceal internal light source (No exposed light source).

Indirectly, LED illuminated, pin-mounted signs will be considered for approval, but will be reviewed on an individual basis.

Tenant logos will be not allowed on storefronts without prior written approval and will be reviewed on an individual basis by Landlord.

Multi line Tenant sign will be allowed on an individual basis only and are subject to Landlord approval. Multi-line signs shall be 36" high total maximum and shall comfortably fit within the Sign Space as determined by the Landlord's Representative.

Marquee/Canopy Sign:
One (1) allowed in lieu of a Facade Sign
24" Max height, 15sf maximum.

Sign shall be individually illuminated letters. All exposed conduit shall be concealed from public view and painted to match marquee structure. Exposed raceways behind letters are not permitted.

Marquee/Canopy Signage shall be allowed on one of the following locations:

1) The vertical fascia of the canopy. Maximum letter size is 24". Signs in this location must be pin mounted to existing projected metal marquees.

2) On top of the canopy/ marquee. Maximum letter size is 24". Signs in this location must be mounted toward the front of the canopy with no exposed mounting hardware. A maximum setback of 6" from the front face of the canopy is required.

Transom Sign / Window Sign:
A Tenant that has a covered walkway or canopy over their entry doors may include a Transom Sign. It must be located on the exterior transom area directly over the entry doors that consists of glass or a opaque material. A Transom Sign is restricted to the store name or trade name and letter height must not exceed 8" maximum.

Blade Signs:
Required one (1) per Storefront, four (4) square foot max. Letter height shall be six (6) inches max. Blade sign design shall be submitted with tenant package for review and approval. The blade sign shall be located on an elevation and clear height to bottom of sign shall be indicated. Decorative brackets and sign design, reference example 1, are to reflect the qualities of the tenant and the shopping center in its entirety. Blade signs are encouraged to have a three- dimensional quality and will be reviewed on an individual basis. Internally lit box sign type blade signs are prohibited.

4. Outparcel Tenants

Facade Sign:
One (1) per exterior facade, 4 Max.
75,000 sf and up - 60" (X)
25,000 - 74,999 sf- 42" (X)
0 - 24,999 sf - 30" (X)
Not to exceed 5% of the facade area

All Out Parcel, Major, and Sub- Major Tenants will be allowed one 4'x8' (32sf max) temporary construction sign prior to opening of any shopping center tenants. A temporary sign must be constructed of durable materials and is limited to 90 days use, then must be replaced with permanent signage. Coordinate location with Landlord's representative, subject to City approval. Minimum height of all signage shall not be less than 80% of the maximum allowable letter height without prior written approval.

PROHIBITED SIGNS

A. Signs which are attached to any tree, fence, branch, another sign, or utility pole when such sign is located on public property, including right-of-way, provided, however, that this prohibition shall not apply to warning signs issued and properly posted by a utility company.
B. Signs other than those specifically allowed by this Ordinance that are capable of being carried, wheeled or moved from one location to another.
C. Attention-attracting devices not specifically allowed by this Ordinance.
D. Flashing or blinking signs.
E. Neon window signs.
F. Electronic display signs, with the exception of drive-thru menu boards, order confirmation displays, and pre-order menu boards.
G. Strings of light bulbs except when used for decorative purposes during a holiday season and not in excess of 7 1/2 watts. Said strings of bulbs may not traverse street rights-of-way.
H. Roof signs.
I. Rotating signs.
J. Animated signs.
K. Digital readout signs, with the exception of drive-thru menu boards, order confirmation displays, and pre-order menu boards.
L. Changeable copy signs, with the exception of drive-thru menu boards, drive-thru order confirmation displays, and pre-order menu boards.
M. Signs painted directly on exterior walls or surfaces.
N. Signs whose source of illumination is visible from off site.
O. Any sign within the public right-of-way, or on other public property, not authorized by the Governing Body.
P. Any sign which displays obscene matter.
Q. Pole signs.
R. Any sign that blocks the clear sight triangle of an intersection.
S. Real estate advertisements and signs not fairly and truthfully imparting

to the public accurate information in regard to zoning classification and Comprehensive Plan information.
T. Signs displayed with twirlers, flags, balloons or other paraphernalia.
U. Illuminated signs with exposed incandescent bulbs or exposed incandescent fluorescent tubes.
V. Signage associated with a drive-thru other than as explicitly permitted within this ordinance.
W. Signs which have been allowed to fall into a state of disrepair, without a clean and neat appearance.
X. Signs which are applied or affixed to a sidewalk, crosswalk, curb, curbstone, lamppost, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police alarm system or upon any lighting system, public bridge, street sign or traffic sign.
Y. Signs placed at intersections of any street in such a manner as to obstruct free and clear vision; or any location where, by reason of the position, shape or color, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such manner as to interfere with or mislead or confuse traffic.
Z. Signs placed in the sight triangle of any roadway corner. The sight triangle shall be defined as the Intersection Sight Distance that shall conform with A Policy on Geometric Design of Highways and Streets, Latest Edition, American Association of State Highway and Transportation Officials. .
AA. Box signs, "cut-sheet," or other sign types where the entire sign surface is illuminated, with the exception of drive-thru menu boards, order confirmation displays, and pre-order menu boards.
BB. Permanent signs which identify phone numbers, product, or any other specific information about the tenant beyond the name of the tenant.
CC. ALL signs Landlord deems inappropriate for the center

ADDITIONAL SIGNAGE
Signage for service doors to Tenant spaces throughout the project shall be standard 4" in height, identification only (name and address number or additional as required by local jurisdiction) and shall be installed by the Landlord. The Tenant shall not apply any signage or other wording to service doors.

LANDLORD'S SIGNAGE
1. Exterior of Landlord's Buildings
A. Landlord shall be permitted to install signs on the exterior of Landlord's buildings, i.e. property identification signs, typically found in large scale shopping centers.
B. Landlord shall be permitted to install signs in the common area outside the enclosed mall, i.e. monument signs and directional signs, which are typically found in large scale shopping centers.
C. Landlord may install entry monument signage that conforms to criteria outlined in the monument signage section.

TEMPORARY / PROMOTIONAL SIGNAGE
All temporary signage, e.g. promotional, seasonal, special event signs are allowed but are subject to landlord approval. All signs must be of high quality durable materials and finishes. Sign area to be a maximum of 100 sf.

WINDOW SIGN – Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window within a distance of 3 feet of the window, or upon the window panes or glass. Must not exceed 20% of the contiguous area where sign is located. Logos, locations, tag lines and/or department descriptions may be used on the safety stripe if approved by Landlord.

WINDOW GRAPHICS
Creative window graphics that promote the business brand / advertising are encouraged but will need to be reviewed by the Landlord and City of Leawood (Not to exceed 20% of window area)

MONUMENT SIGNAGE
A single out parcel monument sign is allowed for each Out-Parcel Tenant. Tenant's monument sign may align with Tenant's trade dress. All colors, materials, and finishes used to convey Tenant trade dress selected by Tenant must suggest quality, craftsmanship, elegance, innovation, and creativity. Landlord shall have the sole right to require modifications to ensure these finishes are appropriate for the center overall. The sign shall be constructed of permanent high quality materials and permanently attached to an embedded foundation in the ground. All monument signs shall have required landscaping at base, subject to Landlord approval.

Landlord Monument Sign Requirements:
1. Dimensions: 6'-0" maximum height (inclusive of base)
2. 50 sq. ft. maximum, including base
3. Must have illumination - Externally-illuminated, internally halo-illuminated or push-through acrylic letters are acceptable.

Tenant Monument Sign Requirements:
1. Dimensions: 6'-0" maximum height (inclusive of base), 10' maximum width
2. 50 sq. ft. maximum, including base
3. Must have illumination - Externally-illuminated, internally halo-illuminated or push-through acrylic letters are acceptable.

All Landlord and Tenant monument signs must conform to the City of Leawood sign regulations.