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 on or before Friday, October 23rd, 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:

APPROVAL OF MINUTES:
Approval of minutes from the October 13, 2020 Planning Commission meeting.
CONTINUED TO THE NOVEMBER 24, 2020 PLANNING COMMISSION MEETING:
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

CASE 69-20 – HILLS OF LEAWOOD VILLAS – Request for approval of a Final Plat and Final Plan, located north of 151st Street and east of Mission Road.

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

NEW BUSINESS:
CASE 87-20 – COCHERL ESTATES — Request For Approval Of A Rezoning From AG (Agricultural) To R-1 (Planned Single Family Low Density Residential (15,000 Sq. Ft. Per Dwelling)), Preliminary Plat, Preliminary Plan, Final Plat, And Final Plan – Located south of 141st Street and east of Canterbury Street. PUBLIC HEARING

CASE 90-20 - PARKWAY PLAZA - LOT 10 - UMSTATTD MEDICAL OFFICE, Request for approval of a Preliminary Plan and Final Plan, located north of 135th Street and east of Briar. PUBLIC HEARING

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

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.

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APPROVAL TO SUSPEND CERTAIN RULES OF PLANNING COMMISSION DUE TO PANDEMIC:
Chairman Elkins: Because two of our commissioners are participating via Zoom, the chair would entertain a motion to suspend certain rules of the Planning Commission to permit their participation.

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 vote of 6-0. For: McGurren, Coleman, Block, Hoyt, Stevens, and Peterson.

APPROVAL OF THE AGENDA
Chairman Elkins: Does staff have any revisions?

Mr. Sanchez: We do not.

A motion to approve the agenda was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Hoyt, Stevens, and Peterson.


Chairman Elkins: Are there any revisions or amendments? Is there a motion?

A motion to approve the minutes from the August 25, 2020 Planning Commission meeting was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Hoyt, Stevens, and Peterson.

Chairman Elkins: Are there revisions to the minutes from the September 22, 2020 Planning Commission meeting?

Comm. Block: On the first page, there should be a period after your last name and a capital J. On Page 34 at the top, it says that the motion did not carry; I think it should be that it did carry with a vote of 4-3.

A motion to approve the revised minutes from the September 22, 2020 Planning Commission meeting was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Hoyt, Stevens, and Peterson.

CONTINUED TO THE October 27, 2020 PLANNING COMMISSION MEETING:
CASE 01-20 – 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

Staff Presentation:
Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 74-20 – Leawood Development Ordinance (LDO) Amendment that would allow changes to the façade of tenant faces or storefronts to be approved administratively as opposed to being approved through Planning Commission for recommendation and City Council for approval. Staff recommends approval of this. We will talk about other Design Guidelines following this with Case 66-20 and 67-20. I’ll be happy to answer questions.

Comm. Coleman: Are we adding the entire 16-3-3 on the second page of the report?

Mr. Klein: Yes, I believe so.

Comm. Coleman: It is A, B, C, and D?

Mr. Klein: Correct.

Comm. Coleman: Why is D underlined and highlighted?

Mr. Klein: I don’t believe it should be. The underlining is the tracking but not the other.

Mr. Sanchez: I think I can clarify. Section 16-3-3 is already in the LDO, so A, B, C, and D are already administratively approved; E is the new one.

Comm. Coleman: What do the cities surrounding us do?

Mr. Klein: I believe a lot of the cities approve things administratively. It is probably a mix and probably depends on the size of buildings.

Comm. Coleman: Are we getting a lot of pushback from developers and tenants in the time frame it takes to approve such items currently?

Mr. Klein: I think the reason for it is to help speed the process up a bit. As long as there are good Design Guidelines and it meets the LDO, it is something that could be approved administratively.

Comm. Coleman: The reason I ask the question is we often get changes because of something that is impeding developers’ progress, or it is something that comes up. I wonder about the history and reason for doing it now.
Mr. Klein: I think we’re just trying to streamline the process. Currently, the process takes 60-90 days. This is intended to alleviate some of that.

Chairman Elkins: Other questions? I have a couple. Do I correctly understand the new Section E to provide as a prerequisite that the changes requested and that will be subject to administrative review are within the Design Guidelines that have been approved in connection with the development?

Mr. Klein: Yes.

Chairman Elkins: If the developer wishes to change the Design Guidelines, that request would still be required to come both to Planning Commission and City Council to make those changes.

Mr. Klein: Correct.

Chairman Elkins: Thank you. And as I understand it, if, for some reason, the tenant or developer takes issue with a negative determination by the approval process, the route of appeal is to the Planning Commission and City Council?

Mr. Klein: Correct.

Chairman Elkins: Where is that in the LDO?

Mr. Klein: I think it’s located in the section right below Section E.

Chairman Elkins: Thank you. Are there other questions? Because this is an amendment to the LDO, a Public Hearing is required.

Public Hearing

John Petersen, Polsinelli PC, 11817 Norwood Drive, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Petersen: I’m appearing this evening on behalf of Washington Prime Group, which is the owner of Leawood Town Plaza, Leawood Town Crossing. Tonight is really a bit of a night of your retail jewels in Leawood. Steve Harris, VP of Development, is online with us, along with Matthew Siegrist, who is the architect that has been working with Steve and us to bring forth several pieces of initiatives for you this evening. It was a great question to ask why we are speaking to this matter. The truth is that we asked for this administrative change. Maybe staff was contemplating it before, but to us, it is very important. I think it’s important to set the tone for what we’ll talk about within the context of this specific item but also in the context of some modifications to our Design Criteria and our Sign Criteria as we move through the evening. To answer why we are asking for it, I’ll start by saying why we did not ask for it. This change to the code is not seeking to do a complete change of the façade or architectural feel. Rather, it is meant to cover trade dress areas, which constitute branding, which is important to a shopping center. We went
through the process with Peloton, and it was approved unanimously by both the Planning Commission and Governing Body. The retailer required fast movement through the process. Timing kills deals, and that is the premise of what we’re talking about. We agree with the first paragraph of the amendment proposal. This would only be administratively approved when a center with Design Guidelines brings a proposal. This will make more sense when we get to the changes we are proposing to the Design Criteria soon. We have one change request. It goes to the appeal process if Richard and the applicant disagree. Staff says the process would back up and be extended in time. We suggest to change the wording from, “... resubmitted, pursuant to the development plan procedures established in this article” to “If the parties disagree and there is a denial or conditions imposed on administrative approval, the application shall be scheduled for the next available Planning Commission meeting” so there is no waiting period built in, no submittal that kicks off an elongated process. In this context, there are no notice requirements, no protest petition, no separations automatically built in to the development plan procedure. Our suggestion reduces the length of the process from four months to one month. I’d be happy to answer questions.

Chairman Elkins: Thank you. Any questions? Are there others who wish to be heard?

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

Chairman Elkins: That takes us to discussion of the amendment.

Comm. Block: I was going to ask Mr. Klein his opinion.

Mr. Klein: I certainly understand John’s point. I actually like the point where it clarifies the exact approval process it goes through. With regard to the timing, I understand what he’s saying, but there is a lot that goes on behind the scenes. When these reports are written, they have to be reviewed and go out to the Planning Commission. In order to go to the next City Council meeting, minutes have to be turned around quickly. Governing Body will want Planning Commission’s input. We don’t take cases forward to the Governing Body without the Planning Commission minutes so they can see what you discussed and what you are recommending. Additionally, cases like Cameron’s Court could take up the entire meeting, so it still may not get discussed. Those are my concerns.

Chairman Elkins: Mr. Petersen’s proposal was the next available Planning Commission meeting. To the extent that we would have a full calendar on the next Planning Commission meeting, wouldn’t that availability condition give staff the flexibility to move it to a meeting when the agenda permitted it?

Mr. Klein: I would be okay if it was understood that way. The next available one may be before Governing Body, and minutes may not be ready, so it would have to wait.
Chairman Elkins: When you’re talking about this additional work, substantively, wouldn’t staff have already done the work before making the decision on the administrative denial?

Mr. Klein: Typically, I imagine we would write up a Staff Report with exhibits and things to go to the Planning Commission. Again, it’s not just as simple as putting it on the agenda. There is some work that goes into it beforehand. I’ll let Richard weigh in. There would have to be an understanding that some things have to be done beforehand and that the next available meeting includes meeting those criteria.

Mr. Coleman: Maybe this particular addition isn’t necessary at all because in the original body, it says that if we can’t come to an agreement, it would come to the Planning Commission, and we would put it on the next available meeting once we have the report written. It’s faster with an administrative approval, but it’s not four months.

Chairman Elkins: Was there an inaccuracy in the four-month process?

Mr. Coleman: It showed an October 20th application date. If we got an application on September 1st, we would be responding to the applicant long before October. There’s a good chance that it would be referred to the October meeting and be heard a month sooner. We would hope it wouldn’t happen, but that’s how everything matches up. I think the reality is somewhere between there. I don’t know that it’s necessary to add it because it already says it will come to the Planning Commission.

Chairman Elkins: I guess it strikes me that, on the flip side, it may not hurt anything.

Mr. Coleman: I agree with some of the things that Mark said. It’s a little different because we can see fairly quickly if it matches up with Design Guidelines. If it does, we’re saying it meets the criteria, and it’s approved. Of course, if it doesn’t, there’s a lot more time involved.

Comm. Coleman: Mr. Klein, can you give us an example of exterior tenant finishes? Are we talking about something like Zoe’s signage?

Mr. Klein: Zoe’s would definitely be one. Not all of them are that controversial. Most of the ones you see can go on the Consent Agenda. If they are bigger, even if we don’t have objections, we’ll still run it before you so you can see the changes. By far and away, the majority go through smoothly.

Comm. Block: From staff’s perspective, what is the solution? If the spirit of what we’re trying to accomplish is to speed up the process, even in the case of a denial, what is the solution?

Mr. Klein: For me, it comes down to the understanding of the next available meeting, just as long as everybody realizes that certain things have to be done before it can go on. If it’s possible to get it on at the next meeting, it gets the developer on his way and gets
off staff’s plate, which works great, but there may be situations that can’t go in that meeting because of the schedule or minutes.

Comm. Block: That process would still be quicker than starting over at square one?

Mr. Klein: Right. It would probably be slower than automatically going to whatever the next meeting is, but it would be faster than the typical process.

Ms. Knight: I want to point out to the Planning Commission that the change that Mr. Petersen is suggesting is in the final paragraph that applies to all of the administrative approvals. Maybe staff can give more examples of where that might be an issue. The example I can think of is the architectural detail. Recently with Town Center Plaza, I believe Mr. Petersen had revisions to the amenity area, and he submitted it and said it could be administratively approved; staff disagreed. If it immediately gets set on an agenda, staff needs time to review it as a Revised Final Plan. In my opinion, I think we get there with the changes we have in that very last line that was not on Mr. Petersen’s slide where we deleted “development plan procedures” and just said, “procedures.” It depends on what it is. Not everything has to follow development plan procedures; some things can just get put on an agenda. We leave it up to staff to manage the agenda by not putting it at the next available meeting.

Chairman Elkins: Your reading is a fair point, but it does beg the question of talking about procedures, what would it mean in the event of a declination? Does it mean they would go back to square one?

Ms. Knight: It depends on what it is. Article III includes Preliminary, Final, and Landscaping. It just depends on where it is in the process. By removing “development plan,” it wouldn’t have to necessarily go back because some things don’t require Preliminary Plan.

Chairman Elkins: I’m still left with a question on the situation of a denial of, let’s say, a Tenant Finish. Where does Article III tell Mr. Petersen his next step?

Mr. Knight: Maybe Mr. Klein can speak to that. He and I talked about this specifically with where it comes in the process. In this case, an application would have already been filed for the administrative review, so they would not have to reapply. If the next step is a Staff Report and a meeting, that’s where it would go.

Mr. Klein: We have a lot of instance with, for example, landscaping changes. We do a landscape inspection that is a change from the currently approved plan. Some of them could be approved administratively if they provide more landscaping within certain parameters. If there is a disagreement about it, it would be placed on the agenda for the Planning Commission.

Chairman Elkins: There would be no prior process required to get to this body.
Mr. Klein: Correct.

Chairman Elkins: Additional questions or comments?

Comm. Hoyt: It seems like if we have language that can accommodate the flexibility of both the ones that require a lengthier process and the ones that don’t, it would be the way to go. I agree that it’s a matter of clarifying the process. If Richard Coleman said that we don’t even need that sentence, then that might be the way to go.

Chairman Elkins: I think Mr. Coleman’s comment was that there wasn’t a need for the provision on the next available Planning Commission meeting. If we take the sentence out completely, we’ve taken away the process for an appeal of the aggrieved party.

Comm. Hoyt: Richard, can you clarify?

Mr. Coleman: Not actually because in the administrative language, it says, “… may administratively approve these changes if the proposed change is consistent…” and goes on to say, “Director may deny change, impose conditions necessary to satisfy applicant requirements and defer the request to the Planning Commission.” If, for some reason, we couldn’t come to an agreement, it would just go on to the next Planning Commission meeting as part of the process. They wouldn’t need to make a new application.

Chairman Elkins: Where does it say that?

Mr. Coleman: At the very end right below E.

Chairman Elkins: It say that you may approve or deny, but by taking out that last sentence, where does it say that it goes to the next Planning Commission agenda?

Mr. Coleman: The request will be referred to the Planning Commission.

Chairman Elkins: What if you choose not to refer it?

Mr. Coleman: I have to do one of these things.

Chairman Elkins: You can deny or impose conditions. If you give a denial, that’s the end of the ballgame. It is completely within your administrative discretion to not refer it to us. I’m concerned about a provision in the LDO that creates that opportunity.

Mr. Coleman: You could just say, “If denied, place on the next Planning Commission.”

Comm. McGurren: Wouldn’t it say, “the next available Planning Commission,” which goes back to the flexibility people indicated we would need?
Chairman Elkins: The suggestion would be to specifically reference, if it were denied, it would subsequently go to the Planning Commission, I was suggesting that we add the statement, “the next available Planning Commission,” based on the current scheduling.

Comm. Block: I think in what we have on the dais, the last sentence would stay. I think the comment about not including the sentence was the one that Mr. Petersen was going to add to the sentence.

Chairman Elkins: That’s not what I understood him to say. I understood that he suggested we strike the entire last sentence.

Mr. Coleman: That’s right. I get your point that it doesn’t get more specific, so I’m not opposed to making it more specific by adding that it shall be scheduled in the next available Planning Commission within the scheduling time frame. We’ll have to set up new scheduling for applications for the administrative approvals based on our current schedule so that the applications don’t conflict with our current schedule.

Comm. Hoyt: Since really, the last sentence, as it’s currently written, is simply a restatement of everything that occurs in the previous sentence but it really clarifies that, if the party is aggrieved, then what happens. Why don’t we just say, “The change shall be referred to the Planning Commission”? 

Chairman Elkins: You would leave, “If a party is aggrieved by denial or conditions imposed on administrative approval, the change shall be referred to the Planning Commission”?

Comm. Hoyt: Right.

Mr. Coleman: That would be fine

Comm. Hoyt: It’s really the language of the previous sentence; it just seems to want to clarify the requirement. It’s a good thing to require that the city can’t just deny something. If the applicant is aggrieved, it is automatic that it gets passed on to the Planning Commission. We don’t have to worry about next available because we all know it’s going to be the most practically expedient way that it can be done. It’s probably in the applicant’s favor that it’s not in the next meeting because, as we’ve seen from some of the more recent meetings, we go until 10:00 and still don’t get through the whole agenda. The applicant legitimately wants a realistic assessment of the next available meeting is.

Chairman Elkins: Could you give me the language one more time?

Comm. Hoyt: The last sentence would read, “If a party is aggrieved by denial or conditions imposed on administrative approval, the change shall be referred to the Planning Commission.” I think that the reasonable understanding would be that it will automatically move right along and not that there’s going to be a lot of new stuff that happens unless, legitimately, there has to be some more fact-finding.
Chairman Elkins: Ms. Knight, would that address your concerns about the other subsections of 16-3-3? Do you see the referral language creating a concern for you?

Ms. Knight: No, I like that. I would suggest to say, “matter” or “case” instead of “change.” While we’re looking at wording, when we come to a motion, if someone would add the word “and” right before the (3).

A motion to recommend approval of 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 – with the following wording changes: in the rule itself, as set out in (5), add the word “and” between the second and third points and change the final sentence to read, “If a party is aggrieved by denial or conditions imposed on administrative approval, the case shall be referred to the Planning Commission.” was made by Hoyt; seconded by McGurren.

Comm. Coleman: I’m a little concerned. The current process appears to be working well. I am concerned about some of the things we have had brought up, including Zoe’s Kitchen, which I voted against. We are putting all of our trust in the Director of Planning, whether it be Mr. Coleman or his successor. Those are my concerns. I just hope it doesn’t come back to bite us.

Comm. Peterson: With respect to Mr. Coleman’s comments, should staff administratively deny a request, this does speed up the whole process. The net result is, because of the suggestions in the motion, it is referred back to the Planning Commission. It appears to me that it would speed up the time. The Planning Commission is basically meeting twice a month. I would think this should speed up the timetable. This would probably end up between 4 and 16 weeks. I would support the motion.

Chairman Elkins: Other comments? We’ll move to a vote.

Motion passed with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hoyt, and Peterson.

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.

Staff Presentation:
Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 66-20 – Town Center Crossing – Revised Design Guidelines for Town Center Crossing. This is one of the cases that we just approved with Case 74-20. Now, staff will take the Design Guidelines that have been approved for each of these developments, and as tenant finishes or changes to the façade come to the Planning
Department, we will review this document along with the LDO. Staff is recommending denial of this application. I’ll go through some of the reasons. Currently, we take Planning Commission and City Council through this process so you know what gets approved and if there are concerns. I understand the reason we did the last amendment to speed the process a bit better. It makes these Design Guidelines much more critical for staff because this is what we’re reviewing those proposals against. One of our concerns with this and the next case is that the way they’re currently written, they don’t indicate that the city has much involvement. In the first paragraph, it states that the City of Leawood will review plans and materials to ensure they are in general conformance with the Final Site Plan resolution for the center, which would be the Design Guidelines. If so, the City of Leawood would process submitted plans for building permit. It’s pretty clear-cut that we’ll confirm their approval for the center and then then move it to a building permit. That works fine as long as we have something we can compare against. The Design Guidelines leave a lot up to the landlord. That is what Mr. Petersen will argue for because it’s the way the developer wants to do it, but it puts staff in a situation in which we’re almost a rubber stamp. As far as the discussion we just had on the last case, it is very clear that we have the appeal process that will go through Planning Commission and City Council if there is a disagreement. Again, tenant trade dress is defined as landlord-supported colors, materials, and finishes. These Design Guidelines don’t really nail down details. There is a section for storefront finish treatments, but it is also up for interpretation. There is a section for unacceptable finishes, but it is fairly short. There isn’t anything talking about tinted glass, which could lead to a dark tinted glass that would then be allowed. Landlords will have the sole right to ensure that finishes are appropriate. We’re looking for some indication that the city will be involved in the process. It would be nice if they included language about a disagreement between the city and the applicant leading to an appeal process. The reason it is good to get that in the Design Guidelines is that tenants know the process. There is a section with modifications to the building outside of the tenant trade dress being subject to planning and zoning approval by the city. I’d also like to talk about the trade dress areas. Some are limited and are down by the storefront. The one on the left has awnings. Then, toward Zoe’s, it covers the whole façade. Some are limited; others include the entire façade of that section. That means that entire surface could change. We have no means to have a discussion about those potential situations. They divided the center into six parts and outlined where the trade dress would be in each piece, which is great. I’m not sure about the logic that some parts include everything and other parts don’t. When it gets to the outparcels, some areas include the whole building within the trade dress zone and could therefore be changed. The area doesn’t allow touching the natural pier or bulkhead. Regarding windows, minimum 80% of the storefront width is recommended to be used for display windows, which does give some direction. This calls out clear glass. There are finishes that are not allowed; however, it would be good to include a reference to the LDO so it is current even if amendments go through. Then, there are more criteria for minimum 60% masonry or stone veneer, maximum 40% stucco. There are things that speak to materials and design. Currently there are site improvements. I know they’re primarily concerned with regard to the Tenant Finishes. If those replace this, suddenly, this part goes away. We have a lot of materials they’re allowed to use in the plaza, including grates, benches, and lighting, that go away as well. It gets into more materials...
that we can compare against. Those are some of the reasons we have concerns and are recommending denial. There aren’t a lot of specifics for us to judge against. A lot of the specifics that are in there could be varied. This eliminates the site building Design Guidelines. Also, entire facades of some of the outparcels seems like a major change. I’ll be happy to answer any questions.

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

Comm. Block: So, there’s a scenario where, as written, these changes could have materials that aren’t approved by the City of Leawood, but the city would have to approve them because the developer already did?

Mr. Klein: No, in that situation, we would have a stance with the LDO. I think John would agree with that. It would be nice if it were addressed and if the appeal process were addressed. It would be nice if some of the criteria were included as far as the amount of masonry, stucco, window glazing. Other Design Guidelines for Town Center Crossing and Parkway Plaza get into a certain style of architecture. The ones being proposed here are left up to whatever the developer feels is appropriate.

Chairman Elkins: What I thought I heard were two big areas of concern: lack of specifics against which staff could consider during an administrative review and the developer’s sole discretion in some instances. Is that accurate?

Mr. Klein: Those are two of the major ones, yes.

Chairman Elkins: With respect to the vagueness issue, the whole purpose, as I understood it, around the recent modification to the LDO was to increase the speed with which these decisions can be made. Isn’t it likely, then, that the vagueness actually works to your favor because it gives you greater discretion about what to approve and what not to approve? If you don’t approve it, then the tenant and developer are forced into the review process?

Mr. Klein: Like I indicated before, the vast majority of the changes in facades in these spaces go through pretty easily. A lot of times, you’ll see them on the Consent Agenda. I don’t think it would slow them down if they came through administratively because we’re reviewing them against the criteria in the Design Guidelines. Part of it is also the fact that specific Design Guidelines will give parameters to the center. In a lot of cases, developers feel a lot of pressure because they want to sign the tenant, and they want to be able to get these things through. Right now, we have a check on that. It would still be that way if we had a huge concern, but when there are criteria and parameters, they kind of ensure that things aren’t going to get too crazy.

Chairman Elkins: But doesn’t the vagueness give you more discretion than specificity?

Mr. Klein: It comes down to we either like it or we don’t. I guess sometimes it feels arbitrary. It’s easy to bring something to the Planning Commission if it doesn’t meet
something, and the developer likes it when it doesn’t meet criteria. We could then have something when it comes before Planning Commission and City Council besides just not liking it.

Chairman Elkins: Thank you. Other questions?

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

Mr. Petersen: Personally and on behalf of my client, Washington Prime Group, I want to sincerely thank you for your time. You have been working. I’ve been at most of the sessions you’ve had in the past several months. We do not take it lightly.

Steven Harris, VP of Development for Washington Prime is here electronically, and Matthew Siegrist, Architect, is also available for input. I’m going to talk about stipulations and then have Steve walk you through the concept that the ownership wants to accomplish here. The purpose is to streamline tenant approval, maintain the architectural integrity of the center, project the brand within the trade dress zone, all while being in conformance with the LDO with general applicability. I listened to Mark’s comments, and I understand many of them. I’ll go to the stipulations.

Nos 1, 3, and 4, clarify what area in the Design Guidelines would require the approval of the landlord and the city. The list of prohibited materials under the LDO will be incorporated into the Design Guidelines, and then an appeal process for recommendation that, if we can’t reach administrative approval, this will be reviewed by the Planning Commission. We accept No. 3. We will modify our proposed and submitted Design Guidelines to meet that as well as Nos 1 and 4. Where we want to drill down is on No. 2. Generally, we understand the feeling, but keeping in the context of the trade dress zone, I heard Mark say a couple things that absolutely address the issue. We have a stipulation that says, “Prior to Governing Body consideration, the applicant needs to work with city staff to develop specifics regarding allowed materials, colors, and design elements permitted by these Design Guidelines. This is starting to move to exacerbating the whole process and eliminating the flexibility of the ability to address the trade zones with branding, within the rails of the LDO. We will state what materials area allowed by the landlord, what is prohibited by the landlord, and also what is prohibited by the LDO. I wouldn’t be surprised if the list for the landlord is longer than the list for the LDO. We get into a practical problem with colors. Am I going to list every color under the sun? It’s impossible, as it is with design elements. Richard talked about percentages of materials. How are we going to put those in there? When Apple showed up, it was bonded aluminum. We didn’t have anything in there about that. All the materials are allowed. What it comes down to is it’s in the right area on the building that we’re allowing the flexibility to see and the company to deal with the tenant. We’re not going to allow some crazy material that has maintenance problems and other concerns. Could we have guessed Zoe’s, Peloton, Apple? We could not have. It will come down to educated planners on the city staff, educated planners on the developer’s part to talk about the combination. It will come down to a subjective determination as to whether it fits or not. We’re giving flexibility to say that, and if we have a disagreement over professional
designers at that point, we’ll bring it to the Planning Commission, and ultimately, those elected to govern the city as part of City Council to determine that. We had a recommendation of denial from staff on both Peloton and Zoe’s, but they were approved. That’s where we have the rub. We can’t go down a path to give Steve the flexibility he needs but then take it away by layering on more rails. We can’t predict the needs of the next tenant in that defined area. With that, I’ll turn it over to Steven Harris.

Steven Harris, VP of Development, Washington Prime, Columbus, OH, appeared via Zoom and made the following comments:

Mr. Harris: We greatly appreciate your time. For those who don’t know, Washington Prime owns Plaza and Crossing here in Leawood but also over 100 centers across the US, representing 53 million square feet of gross tenant space. I travel nationally. I have projects in New York, Hawaii, and everywhere between. Where does Leawood stand with all this? I would say, respectfully, these two centers are ranked in our top five centers in our entire portfolio. They are some of our most important assets. We’re very excited about all the changes that are happening. We feel these centers share an important interconnectivity with the city’s residents and the city itself. We feel that we’re partners in many respects, so we welcome this opportunity to speak with you tonight about helping us improve matters. The Design Criteria before you tonight are meant to preserve and enhance the center by supporting our prospective tenants. We’ve spoken about speeding up our process tonight. The Design Criteria and Sign Criteria are meant to do that. Respectfully, we are probably the most caring people about the center. This represents tens of millions of dollars of investment value to our stockholders. We have an investor who is a 50% holder in this and who is very keen on the operation. We really care about what comes before you. It goes through a very extensive process before you see it. We also need a level of flexibility to help us when we deal with tenants, who would want certain things. This is a vital concept of national importance to retail companies as well as developers across the US. We’d like to embed this concept into our criteria.

I’d like to get into trade dress and what we’re doing all this for. Trade dress is really what branded tenants are attempting to communicate to customers, both visually and with signs. Many brands are well known: Williams Sonoma, McDonald’s. They’re known by branding, signage, color, finishes. These tenants would prefer to show that to a customer walking by, who could then actually tell that the tenant space is theirs. We also respect the fact that we are not suggesting to change the center to whatever somebody thinks it should be. There’s another element, which we define as a building. It goes through extensive design review before this body as well as City Council. It is not to be modified by tenants unless it is submitted by us on their behalf; otherwise, we’re submitting changes within a specific zone. On the elevations you saw earlier, we are identifying the only areas that will allow our tenants to manipulate and convey their branding. The rest is left out. These were very carefully selected. I spent at least six months working closely with our architect to develop this. We not only respect our building, but also this body and the LDO in the process, especially with what Leawood is attempting to do as a city in conveying its quality of life. We are all in. There is a process we want to employ, which we already do. Washington Prime Group goes through a very
extensive review of each tenant. They submit proposed changes to our center. No matter where the center is across the US, it goes through an identical process. We have design and construction professionals and a review committee that goes through Design Criteria and evaluates each tenant’s proposal from a conformance perspective as well as the anchor requirements of the development. We look at the conformance within the center and its architectural viability. Once we are satisfied with that, we release it to a city body. When we release it to the City of Leawood, we run into barriers to entry, which means that we get pushback on a relatively straightforward project like Peloton, in which we were seeking trade dress. The tenant was seeking to have their colors applied to the building in such a way that people could glance over and know the brand. We spent months going through this process. We felt there could be a way to create a program that would allow us to tie something to a tenant’s brand that we’ve reviewed and held to our high standards and to allow tenants to convey their brand in an elegant way. We do care. We want to submit a program that is elegant and appropriate. Because we’ve limited where these things can go in the Design Criteria, the result will be the architecture of the building will remain. These tenants, though, will be given the flexibility to do something special. We will make sure it’s done in an elegant way. Once it goes to staff, we’re looking for support for flexibility. Is it quality? Is it within guidelines? Are we doing things that are not allowed? If they are not allowed, they should not be done that way. If staff sees something we missed, you have every right to ask us to fix it. Ultimately, if we submit something like Peloton, it is, in general, what we’re talking about here. We’re hoping an appeal would be a rare thing and that people would see it for what it is: a proposal to do something nice, elegant, and that conveys brand integrity without destroying the architectural vocabulary of the overall center. With that, I’ll turn it back over to John.

Mr. Petersen: I would just reiterate that we accept Stipulation Nos. 1, 3, and 4, which means we will bolster our Design Guidelines before they go to City Council. In regard to No. 2, we are really saying that we are going to update materials, and we’d like to leave design and colors as a subjective context. We’ll take it to Planning Commission and City Council if the professionals cannot find common ground. If we try to say that we can only have a certain percentage of an allowed material, we’re going to walk ourselves back into that elongated process to get to a decision which, in most cases, ultimately comes to a subjective set of criteria. We’re okay with subjective review by the city. We would ask that No. 2 be deleted and we rely on the Design Guidelines as proposed. We accept Nos. 1, 3, and 4, and we’d be happy to answer questions.

Chairman Elkins: Thank you. Questions for Mr. Harris or Mr. Petersen? I’m a little bit confused. I thought I heard you say that you were okay with the idea of defining the materials that could be used on the property, but your real challenges were to the limitations on color and design. Given that, I’m curious about why completely delete No. 2 rather than just delete the reference to color and design?

Mr. Petersen: It’s covered in No. 3B. Remember that if you approve, they want No. 2 there to say that we’re going to bolster further beyond materials to ratchet down specificity on color and design elements. Our point is that we are going to bolster the
material list. We don’t know where to go to bolster colors. Remember, that’s what the guidelines are for – so we can all work within the same context. We can eliminate it, and we don’t lose our commitment to the materials.

**Chairman Elkins:** Thank you. Other questions?

**Comm. Hoyt:** I really had the exact same question that you just posed. Is there a difference between using the term “allowed materials” versus “prohibited materials”? No. 3B talks about a list of prohibited materials. I’m just wondering if the prohibited materials within the LDO are somehow more wide-open than if you were to come up with a list of allowed materials.

**Mr. Petersen:** The way we look at it is that you’ve got three levels of criteria. The broadest is what’s allowed by the LDO. That automatically establishes what is not allowed. We understand that bedrock. The guidelines do not suggest that, if a material is prohibited in the City of Leawood, we could use it. We may be more restrictive as a shopping center. We may have specifically allowed materials for them to utilize to come up with distinctive designs that they want to use in their trade dress area and then a combination of colors that they use in that design.

**Comm. Hoyt:** If, as you just said, you think it’s likely that the applicant will actually have a bigger list of prohibited materials, wouldn’t this be the place to put that in writing?

**Mr. Petersen:** What we have in our guidelines is a list of accepted materials and unacceptable. These are landlord rules of engagement. Stucco is an allowed material in Leawood. In addition to this, as suggested by staff, we’ll list the prohibited materials, pursuant to the LDO. Once they go on the prohibited list, it could change over time. If the list grows as a prohibited material in Leawood, by inserting it into our Design Guidelines, it automatically becomes another prohibited material that is also unacceptable.

**Comm. Coleman:** I’d like to get Mr. Klein’s comments on the applicant’s presentation.

**Mr. Klein:** As far as No. 2, staff would like more specificity. I know John made his case as well. Really, that was a lot of it when we were going through Design Guidelines. We have them go through Planning Commission and City Council, which adds a safeguard. Now that staff is going to be reviewing and approving those, No. 2 was getting at the heart of giving us something to review against.

**Chairman Elkins:** Thank you. Other questions? Thank you for your comments. We’ll move on to a discussion of the proposed case.

**Comm. McGurren:** This is probably an oversimplification, but with the formal approval of the previous case, have we set in motion a process through which what is referenced in No. 2 as far as colors and design elements would begin with a discussion between the applicant and staff? They would either resolve their issue or come through the process. The point Mark made was they might not have much for comparison. Aren’t there
enough safeguards in that conversation that everybody gets a turn, and it leaves open in a broader way than had been anticipated colors and design elements. At the same time, the people who need to make those approvals are still embedded in that entire process. Is that a fair assessment?

Chairman Elkins: That’s certainly the way I heard it, but I’d be interested to hear what other commissioners think.

Comm. Hoyt: I agree with that overall assessment. The other piece that it seemed that staff was concerned about was that, for example, in proposed amendment to Page 3.1, Design Criteria, the final sentence is one of the general statements that says they’ll follow the Design Guidelines except when the landlord decides they won’t. It says, “Design or materials utilized that do not strictly conform with the Design Criteria may be used by the tenant if approved by the landlord after determination that the spirit and intent of the Design Criteria is met.” Maybe I’m putting ideas into staff’s head, but wasn’t that one of the concerns? There seems to be a general acceptance that it could be modified quite easily if the landlord decided that.

Mr. Klein: I think that what staff is struggling with is, without the specificity and without knowing what to judge something against, we really feel like we’re in a “thumbs up, thumbs down,” and I know John said he was okay with that. I think we’re looking for guidelines that give us something to hang our hat when we’re evaluating and to ensure that the center will develop a certain way. It keeps a parameter on the development itself.

Mr. Petersen: In response to Commissioner Hoyt’s question, that is in the existing guidelines that we are proposing to remove. In response to Mark’s comments, I don’t want to keep going back and forth and saying the same thing, but I just would like to point out that the day of the monochromatic shopping center is gone. We’re going to get to what I think everyone ultimately got to with Peloton and Zoe’s. It’s not what I would have anticipated, but it’s okay. Honestly, with professionals on both sides and good stewards of this asset and for the city, we feel it will work. If it doesn’t, you have the ability to come back and take away the discretion. This very significant corporate presence wants to try this to keep up with the market.

Chairman Elkins: Did I understand that the proposal was to delete that sentence that says, “Design materials may be used by tenant if approved by landlord after determination?”

Mr. Petersen: Correct.

Mr. Coleman: The entire Design Guidelines that the original developer created for the center are being renewed. Another issue is in some of this, the entire buildings of the outparcels are able to be approved administratively. Restoration Hardware, for example, would be completely at my discretion to approve or deny. I’d feel a lot more comfortable if it was just the window and bulkhead areas. Peloton and Apple are more of the exception. Those types of façade changes probably should go to Planning Commission
and City Council. I could see where, from the bulkhead to the floor and from the
demising walls on the window fronts being administratively approved pretty easily. It’s
when you get outside of that, that I think there are more issues involved. Also, when you
lose those criteria for the design, Planning Commission and City Council lose control
over whatever is designed in the city. It can be denied, but if you don’t have the criteria,
you’ll lose if there’s a lawsuit.

Mr. Petersen: I’d like to respond to that.

Chairman Elkins: Let me ask a question and you can respond to both. I’m concerned as
well that a lack of standards in these Design Guidelines, given what we’ve just done with
the administrative review, creates a huge potential for a defect or challenge in an
administrative decision or even an administrative decision followed by the Planning
Commission and City Council in terms of a lack of standard and a suggestion that any
decision we might make may be arbitrary and void because of that. Please respond to
both topics.

Mr. Petersen: First of all, the example of Restoration Hardware is a newly constructed
building, as is First Ascent that will be coming through. I think the city and also Kansas
have broad discretion in terms of the land use approval process. Nobody is trying to set
anybody up here in terms of the ability to ultimately make a decision. We’re trying to not
box ourselves in on day one with a set of specific Design Criteria that make a wonderful
project not able to be approved. There has to be an unshackling on both sides when it gets
to a decision. Based on my experience in Kansas, the Planning Commission
recommendation and ultimately what is the point of decision at City Council level have
broad discretion to speak to land uses and also aesthetics.

Chairman Elkins: That would be the case even without an effective set of standards
against which to consider the decision?

Mr. Petersen: I think particularly because it incorporates a process that the matter can get
to City Council for a decision.

Chairman Elkins: To follow up on Mr. Coleman’s question, back to the Restoration
Hardware example, I thought I heard Mr. Harris say in some instances, the buildings
themselves would constitute trade dress. Is that part of this proposal, that outbuildings
themselves in their entirety would be subject to the trade dress designation?

Mr. Harris: Thanks for the question. In the world of restaurants and sometimes brand-
new buildings, they are four-sided brands as well. The building is to brand as the brand is
to building. The purpose of the criteria of identifying four sides of a single-tenant
building is to allow for the flexibility of the tenant to express the brand. If we limit to
only windows, you can imagine a building such as Chili’s with very iconic architecture
would not be able to achieve that iconic architectural styling. It needs to be the entire
façade. That was the purpose of the rationale.
Chairman Elkins: And this proposal includes that as part of the trade dress?

Mr. Harris: Yes, it does.

Mr. Petersen: Remember, the Design Criteria take each building. It’s not like it could be moved around. An area is the trade dress area, and it is specifically identified.

Chairman Elkins: Other comments?

Comm. Block: I struggled with the sheet Mr. Klein showed first with the trade dress zones. I’m concerned about the ambiguity with all the generalizations. I understand the developer wants flexibility, but I’m concerned that it’s too general, which is the point Mark was making, I believe.

Comm. McGurren: For me, it boils down to what I referenced before. If we’re taking approval or denial away from staff, Planning Commission, or Governing Body in such a way that we’ve lost our ability to do what we’re here to do, I would obviously vote against this. On the other hand, if we’ve established a process through which all the appropriate people are involved and have a chance to weigh in and it is not perceived as arbitrary because there was a decision made that, for example, colors would not be excluded as prohibited or not listed as acceptable but that a decision would be made each time, then I would vote the other way.

Chairman Elkins: It seems that we’ve aired out both sides of the question. There’s certainly a case to be made that, just as this approach gives flexibility to the developer, it gives additional flexibility or discretion to the staff. If anything, we’re giving staff more leeway. I have some concerns along the lines of what Commissioner Block said that, in legal language, it creates the possibility of a decision to deny administratively by staff and upheld by this commission and ultimately Governing Body as arbitrary. All things considered, I guess I like the flexibility it gives for staff, this commission, and Governing Body to exercise judgment and discretion. That would be my view. I’m inclined to support the idea. I understand the burden on staff, but we have a very well-trained, well-educated staff. More to the point, our staff has an understanding of what we want to achieve as a city with respect to the attributes of commercial activity. It’s a tough call, but that’s where I come out. Other comments?

Comm. Stevens: I support what you described here. Even with the administrative approval we approved in the previous case, if the staff cannot come to an approval, it comes through the normal process. In this application, there is only one trade zone at Crate & Barrel as a four-sided building. Mr. Coleman said he didn’t feel comfortable making that approval for a building. It seems like the process in place makes this work, and the accepted stipulations are agreeable with that. Only No. 2 had concern on the language. I’d be in favor.

Comm. Hoyt: I have a comment and question to get others’ takes. I’m looking at Page 2 of the Storefront Design Criteria Proposal. Under Tenant Exterior Finishes, the middle of
the paragraph says, “All colors, materials, finishes used to convey tenant trade dress suggested 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 and conducive to all other tenants.” Does using that language, “sole right” to require modifications, in any way, limit the city input as it gets into the approval process?

Chairman Elkins: I think that’s a very fair question. Mr. Petersen, would you care to comment?

Mr. Petersen: In that verbiage, the discretion is directed to the authority of the landlord over the tenant. By adding the language, I would also note that this review is subject to the review and LDO requirements. I would be happy to make sure the “sole” is interpreted appropriately. We can work with staff on that. Remember, this is the document the landlord negotiates with the tenant and controls the tenant. We’re not trying to take away acknowledgements that we pick up in No. 3, which we’re accepting.

Comm. Hoyt: That’s how I hoped it would be interpreted, but I wonder if the word “sole” is potentially a problem.

Chairman Elkins: Is there any other place in these guidelines where there is a similar grant of a sole right to the landlord?

Mr. Petersen: We would welcome a recommendation for approval that would direct us to sit down with staff and insert certain language that would address No. 3, A-C. We’ll work with them to make sure there are no inconsistencies based on your vote before going to Governing Body.

Chairman Elkins: Thank you. Additional comments or discussion? Are we ready for a motion? To outline the options, we have a staff recommendation for denial. We could have a motion to deny. Staff has indicated that, in the event that we don’t take the recommendation and move for approval, there are four stipulations they would like us to add. We can recommend approval with the stipulations. We’ve also heard the applicant suggest to us that No. 2 should be removed with a recommendation for approval.

A motion to recommend approval of 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 – with staff recommendations 1, 3, and 4 with the addition of one additional stipulation that requires a complete review between the applicant and city staff to ensure that there is no language that has the sole responsibility designation that could exclude the city’s rights inherent in the review process – was made by McGurren; seconded by Stevens. Motion carried with a unanimous roll-call vote of For: McGurren, Coleman, Block, Stevens, Hoyt, and Peterson.
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.

Staff Presentation:
Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 67-20 – Town Center Plaza – Revised Design Guidelines. The issues here are pretty much the same as they were in Town Center Crossing. There is an additional issue with this case. In Town Center Crossing, all the buildings are owned by the one developer; this has different ownership interest. The intent of Design Guidelines is to create a path for the development to grow together in a certain theme or coherent manner. In these Design Guidelines, they are proposing that the Design Guidelines apply to everything Town Center owns but not the pad sites that they don’t. The area map on the first page shows this. We talked about Restoration Hardware. This also has a lot more of those large pad sites that are shown as trade zones with all four sides of the outparcels. Those are the two differences. I’d be happy to answer questions.

Chairman Elkins: Thank you. Would staff stipulate that the discussion we had with respect to Case 66-20 be incorporated as part of the record of our consideration of Case 67-20?

Mr. Klein: Yes.

Chairman Elkins: Questions?

Comm. Block: Were those pad sites that are not owned by Washington Prime addressed in the old version that this is replacing?

Mr. Klein: This center has been in existence since about 1995. At those times, the Design Guidelines weren’t nearly as robust as they are now, but they do address the entire center, as do the Sign Criteria.

Comm. Block: By changing the overall Design Guidelines, would we lose some ability to make decisions on those parcels?

Mr. Klein: (Shares screen) The current guidelines cover basic issues, such as parking, circulation, site lighting, architectural treatments, exterior materials, and construction to create a structure with attractive, high-quality elevations on all sides. It references allowable building materials of brick and synthetic stucco, which is not allowed in Leawood currently.

Comm. McGurren: Is it fair to say that our consideration of Case 67-20 would have no negative impact on the current guidelines that exist today on the Town Center properties that are not referenced in Case 67-20?
Mr. Klein: The only thing that would change would be the materials, including an increase in allowable materials, as was discussed in the last application.

Comm. McGurren: Did I misunderstand, or did I hear you say that for the case under consideration tonight, it does not include any of the large pad sites that are not pink on the first page?

Mr. Klein: That is correct. The Design Guidelines that they provided say that they are optional for those sites. Macy’s is being included only for reference because it is not owned by Washington Prime, as well as others shown in pink.

Comm. McGurren: Is it fair to say that Case 67-20 only specifically references the items in pink that are owned by the applicant, and the non-owned buildings in the grey color would continue, regardless of us approving or denying this case, to have appropriate guidelines that we would not negatively impact by our decision on Case 67-20?

Mr. Klein: They are not included in these Design Guidelines. Staff feels that the Design Guidelines should encompass the overall center.

Comm. Hoyt: What guidelines will these outliers be subject to?

Mr. Klein: They would be left with the current Design Guidelines. We’ve been talking to Town Center Plaza for years, even prior to Washington Prime’s ownership, to try to get updated Design Guidelines and Sign Criteria. It was always the intent that it would cover the entire development.

Chairman Elkins: Other questions? If not, Mr. Petersen, before you begin your presentation, will you and your client stipulate that the discussion on Case 66-20 be incorporated by reference into our record into Case 67-20?

Mr. Petersen: We would, Mr. Chairman.

Chairman Elkins: By way of advanced request, if you could address the regulations that will apply to the outparcels not owned by your client.

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

Mr. Petersen: I’m here on behalf of Washington Prime with the same individuals who were here on the prior application. I can cut to the chase with a very good idea of incorporating the record from the prior application. We have Stipulation Nos. 1, 3, 4, and 5. We accept Nos. 1 and 3. No. 2 would be the same position we took in the previous application. Regarding No. 4, I would agree with the assessment of what controls the outparcels that we do not own. I would submit that No. 4 is a stipulation that would require us to do something we have no legal authority to do. We can’t create guidelines
over buildings we don’t own and control. By bringing up the original Design Guidelines, Mark makes a point. That was all owned together back in the day. We’re going to control what we own, operate, and manage. Shake Shack had to come to the city on their own and create their own Design Guidelines. All factors were considered. Clearly, the original Design Guidelines called for brick to match the main center. I don’t see much brick on Shake Shack, so there is plenty of authority for the city to review those outparcels as they come in. I’m not criticizing Shake Shack; I’m just saying there is an underlying set of criteria that the city can use to evaluate those pads as they come and go. What we can do is control ours within the guidelines of the newly constituted Design Guidelines, subject to the conditions we talked about before and would be implemented through Stipulation Nos. 1, 3, and 5. With that, we would ask for your approval on that basis. I’m happy to answer any questions. If Steve has comments, I’ll let him weigh in.

Mr. Harris: I would just reiterate what John said. I agree with Mark that there has been a request to put a Comprehensive Plan together. I’ve made some attempts. It is just not possible. We can’t get anyone’s attention, and if we get their attention, a financial challenge is presented to us. We feel this is the best way to do it. Part of the presentation is our evaluation of whether or not the guidelines we put together would demonstrate any kind of inconsistency with the existing buildings. We determined that was not the case, not only in this particular case, but in other applications that come before the body. We feel comfortable that what we’re putting forward will allow the center to appear, in every respect, to be a cohesive development, even with different criteria.

Chairman Elkins: Thank you. Would you accept a stipulation relating to the “sole right” language, similar to what we used in Case 66-20?

Mr. Petersen: We would, Mr. Chairman.

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

Comm. McGurren: For clarification, I am curious if there is anything about this case that is materially different than the most recent case that we discussed?

Chairman Elkins: Other than the question about regulation of the outparcels?


Mr. Petersen: In terms of application of the new guidelines and the process, I do not see any difference.

Chairman Elkins: Mr. Klein, given Mr. Petersen’s comment about Stipulation No. 4, can you give me a little more comment on staff’s view that it is appropriate to impose guidelines on owners who are not even before us?

Mr. Klein: We’ve had this with other developments with multiple ownerships, and basically, the development association that represents the overall development is the one
that makes the application for the changes to the Design Guidelines. In those situations, it
didn’t seem like it was an issue. It still applied to the overall development, even though
some of the pad sites had been sold off. I know from talking with the applicant and his
predecessors that they were trying to reach out to the different owners. That is different
than what we’ve had. It is not uncommon for pad sites to get sold off. In this situation,
we’re being told there is not the ability to come to a common ground.

Chairman Elkins: We do not have the development association format here as we do in
those other situations, correct?

Mr. Klein: We’ve always talked with Town Center Development when there were
changes, and it always seemed that they were answering questions for everybody. At
least, that’s what our impression was. It sounds like they’re really just representing the
ones owned by Washington Prime.

Chairman Elkins: The owners of those other pad sites are not before us tonight, are they?

Mr. Klein: They are not.

Mr. Harris: There is one thing that crossed my mind a while ago. There would be an
opportunity for the city that, as these applicants on these other pads come before you, you
could stipulate that they agree to become a signatory to the same criteria. Eventually,
over time, we could all be in the same program. Without them having applications ready
to go for even us to suggest that, this is the way I would approach it. I’ll give another
example. Before Shake Shack came in, we were asked for our permission. We had
certain, very limited rights over design review and approval over these outparcels,
including Shake Shack. I encouraged them to work with us because we were developing
this program. As a great example, they said, “Thanks but not thanks,” and they’ve already
gotten through your approval process. I can’t force it, so that’s the best offer I could
suggest.

Chairman Elkins: Thank you for that suggestion. Other questions or comments?

Comm. Hoyt: I don’t know that this would be a good idea, but I wonder if another way
of including the consideration of the pad sites, for lack of a better term, would be to
reference them some way within the tenant exterior finishes or the approval process that
one of the things the landlord would consider would be consistency with the total
development, including the outlying buildings. Those buildings have made their own
choices, so I don’t know that it’s really fair to include it, but it does seem that it’s a bit of
an omission not to put some reference to a relationship between these guidelines and
what’s going on in the rest of the shopping center because those other sites are so highly
visible.

Chairman Elkins: I think that’s a fair point. I have concerns about taking any action that
impacts the rights of those owners when they haven’t had an opportunity to be heard in
connection with this case. Others may have a different view, and I would certainly
respect that. Other comments? It strikes me that we have much the same set of options available to us with respect to this case as we had with Case 66-20. Staff has recommended denial, and we could recommend denial. Staff has offered stipulations in the event that we recommend approval including all five. We could also recommend approval, striking Nos. 2 and 4, and adding a stipulation relating to the “sole discretion” language as we did in Case 66-20. Is there a motion to be had?

A motion to recommend approval of 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 – with Stipulation Nos. 1, 3, and 5, with the addition of one additional stipulation that requires a complete review between the applicant and city staff to ensure that there is no language that has the sole responsibility designation that could exclude the city’s rights inherent in the review process – was made by Stevens; seconded by McGurren. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Block, Hoyt, Stevens, and Peterson.

Chairman Elkins: I note the time. We have two more cases, both of which involve the same folks and same properties. Staff recommends approval of those. Is it the commission’s desire to proceed, or would you like a short break? Seeing no one asking for a break, we will continue.

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.

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

Mr. Lang: This is Case 82-20 – Town Center Plaza – Revised Sign Guidelines. The applicant is requesting approval of a Revised Final Plan for the revision to the Town Center Plaza Sign Guidelines. The LDO states that the signage in a planned district are allowed deviation in size, color, location, number, and illumination. Primary changes would increase the number of allowed signs with the addition of awning and transom signs. Size of the signage will increase from 30 inches from the previously approved 24 inches for spaces below 6,000 square feet. The application does meet all requirements per the LDO, and staff recommends approval of Case 82-20 with the stipulations listed in the report. I’ll answer any questions.

Chairman Elkins: Questions for Mr. Lang? I’ll ask this of Mr. Petersen when his time comes. Why expand the size of the signs?

Mr. Lang: I believe it would be to increase visibility. Right now, they are small, and that is common in Leawood.
Chairman Elkins: I understand the benefit to the tenants. What is the benefit to Leawood?

Mr. Lang: I believe the benefit would be so the shopping could increase and we would have viable shopping district. Currently, they are limited to one wall sign. This would allow them to increase to a transom sign and awning sign at the same time. Right now, it is either/or.

Chairman Elkins: Can you give me an estimate of how much more sign space would be in place if we went with these Sign Guidelines?

Mr. Lang: The LDO currently allows for signage not to increase to more than 5% of the overall total façade. There will not be an increase in that. There are other districts within Leawood that go up to 36 inches, so increasing it to 24 inches is not as much as it is in other areas in the city.

Chairman Elkins: The total percentage of the face of the buildings would not change in terms of what the limits are.

Mr. Lang: Correct; they would still be limited to 5%.

Chairman Elkins: You mentioned that there’s the potential to add a blade sign?

Mr. Lang: Yes, within Town Center Plaza, it is currently required to have a blade sign.

Chairman Elkins: This would give an option to have or not have one?

Mr. Lang: As part of our stipulations, we are saying that they can either have a transom or blade sign, and the same would be the situation for the wall sign and canopy: they could have one or the other, cutting down on visual clutter.

Chairman Elkins: How does that work with the calculation of the 5% of the total space if signs are not actually on the wall? Do they count toward the 5% limitation?

Mr. Lang: Yes, all the signage would count toward that.

Chairman Elkins: Additional questions?

Applicant Presentation:
John Petersen, Polsinelli PC, appeared via Zoom and made the following comments:

Mr. Petersen: Thank you. It is my pleasure to make my appearance on behalf of Washington Prime. We’re going through the same concept here, one of which already has more discretion built into it with administrative approval because that is the way Sign Criteria work currently. We have Design Guidelines for modification to the center, and we take what is already a more fluid opportunity for us to work with staff on signs,
having a legitimate part of the city’s review process being part of it but not having to go through all the procedural steps necessary. We’re trying to refine those guidelines that have been utilized. We have a couple suggestions on stipulations to do so. In this case, with Town Center Plaza, I would draw your attention to Stipulation No. 2. It really is a companion stipulation to the case we just talked about and addressing how we can’t control properties we don’t own. This stipulation suggests, “Prior to Governing Body consideration, all properties within Town Center, including those not owned by Town Center Plaza, shall be subject to these Sign Criteria.” I make the same case I made before: we can’t be before you, subjecting properties we do not own to these criteria. What we can do is create a good set of criteria that meets the requirements, desires, and goals of the city while giving us flexibility in terms of size. We’d like to make this a viable center. I can’t remember how many of the current commissioners were on when we went through a rather elongated process with regard to Park Place and how important signage was to try to maintain an atmosphere of viability for those tenants. We finally got them all in, and they didn’t meet code when we brought them in. We asked for changes and deviations like we are tonight. I think the case was made and accepted. Even though it seems like a lot of signs, it depends on the perspective: pedestrian or vehicular, and it depends on distance. Signs are critically important. I know Steve will be prepared to speak to that in depth as we move on. We will ask for No. 2 to be deleted for the very same reason: we can’t control properties we don’t own. I’ll go to Stipulation No. 5, which is broken into three parts and speaks to three different types of buildings or surfaces that we have at Town Center Plaza. No. 5A refers to the main center, which obviously presents opportunities and restrictions just by how the buildings interface with each other. No. 5B is for buildings with tower elements, such as First Ascent. No. 5C addresses our outparcels that we own. (attempts to share screen)

Chairman Elkins: While the technical difficulties are being worked out, as you said, we had a great amount of discussion over Park Place. At the end of the day, what is the empirical evidence about the impact of the signs on the tenants in Park Place. It seems like there are a lot of empty spaces still.

Mr. Petersen: It’s an interesting question. This is anecdotal. It has sold, as you probably know. This is not the best time for a barometer for whether the signs did empirically better than before COVID. I don’t think there is any sign in the world big enough or bright enough to solve the challenges of COVID-19. Having said that, they were very well received by the tenants, and there was a feeling that they had positive impact. I can’t tell you that sales went up a certain amount. If you drive through Park Place, you’ll see that the wayfinding signs make it easier to get around. If nothing else, there is a distinction, which will be relevant to some of our tower signage. If you’re passing by and want to be oriented, you know where Park Place is now. That’s part of what signs do.

Chairman Elkins: Thank you. Why don’t you try to put up your signs again?

Mr. Petersen: (Refers to photos) We’ll use these to help streamline and to have consistency. We asked for what is in the pictures, but this is not allowed under the current LDO without a deviation because it is two signs: one on the building and one on a
canopy. We would like that deviation to be incorporated into our Sign Guidelines to that it could be implemented as requested by tenants and approved by the landlord. Really, we’re trying to codify in the Sign Guidelines that the clearly acceptable deviation that has been granted previously would be incorporated. We also have a restriction that we can only have two signs total for a building. In buildings that we have in the center where we have three active facades, we would like the ability to have building signage on each façade. That addresses No. 5A. Going to No. 5B, we have two signs on a façade, and right now, we are limited to one per façade. This would be a different situation with a vehicular-level entrance that is the identification marker and a tower element. We would ask for a deviation for those buildings to be allowed a maximum of two signs on each of three facades. Moving on to No. 5C, this refers to outparcels. The LDO permits a maximum of two wall signs on a building, including one wall sign and a monument sign. We’re asking for three in buildings that have three points of orientation to public ways. We’re talking about the same deviation that has been granted in Town Center for Pottery Barn. We’d love to have the opportunity to work within our guidelines and come to the city for a permit, knowing that if it’s appropriate, we could replicate the previous deviation that was approved for Pottery Barn. That takes us to No. 6, and I’ll let Steve speak to this one. He is so experienced in the world of retail, including all the things that keep a center viable and don’t result in the Park Place situation with great retailers and windows that are empty. That’s all part of keeping a center viable, and these temporary sites are important.

**Mr. Harris:** I think overall, before we get into temporary signs, in our world, signs serve different purposes. A lot of times, they are just for communication. We have a unique situation here at Town Center Plaza with these covered walkways, which are wonderful; however, you really don’t know necessarily who you’re walking next to. The signs are on exterior walls. I’ve actually personally witnessed customers walking to the driveway, looking up to see where they were. It’s an awkward situation. The Sign Criteria is meant to address signs at various levels of requirement: for people who are driving, walking, walking underneath the covered walkways, and other unique situations. If they are very tall signs or placed in a position where people cannot see them except at a distance, a second sign is needed. All the science that supports the criteria that doesn’t jump out at you is part of our recommendations. This is not us saying that more signs are better. These are very thoroughly, well through. Matthew Siegrist is an expert in these graphics. We spent literally months on this to figure this out, to make sure we’re asking for not only what we need but what works, hopefully in line with the LDO and with minor deviations, but we would accomplish our mission to make the center as viable as possible and as inviting to tenants as possible. I encourage support of the changes, which I don’t think are significant, to help with those efforts.

Speaking to the temporary sign situation, again, this is another internal process we go through as a retail company. What is a temp tenant? It varies. Sometimes, a temp tenant is an incubation period, which a promising tenant is given the opportunity to grow. I’m not sure if anyone on this call knows the story of Build-A-Bear. It’s a well-known national concept that started off as a temp tenant in a kiosk in the center of a walkway. We noticed there were about 30 people in line every day, and we gave them a temp space, which is what we’re talking about here, in which a tenant moved out of a space,
and they moved in with temporary fixtures and a temporary sign. The rest is history. It’s now a multimillion-dollar concept spread throughout the United States. That is what we do as an industry. At this mall, with a temp tag, we might bring in somebody small like a mom-and-pop store, someone who is just getting started. They do not want to make a 20-year commitment to us. They’ll make a 1-2-year commitment. We look for reasonableness from the City of Leawood to help these tenants not spend $20,000-$30,000 on a brand-new sign, to allow these tenants who will be there for a short period of time to have some breathing room. There is also what we call a pop-up tenant, which might be from a national perspective and is testing the market. They’ll show up overnight and be ready in about ten days. They’ll run for 1-2 months and see how the market does. If it does well, they might sign a permanent lease or move into another space. It’s another reason for a temporary sign. Right now, the criteria attempt to restrict temp signs by tying them together in the aggregate. The more temp signs there are, the smaller it gets. It’s basically punitive. As I tell you the story about how good these tenants are, the signs are punitive against this type of concept. I don’t believe this was understood when the concept was drawn up. We have requested to change, to separate this criterion from this type of tenants. The city has control now. These tenants are time oriented. We’re simply looking for temp signs to be treated more in line with the permanent signs. I’m hopeful you would agree that this is reasonable and functionally based.

Chairman Elkins: Just to clarify, is the proposal to strike No. 6 in its entirety?

Mr. Petersen: We were planning on revising that to address it by size but not have a limitation on the number because they come and go and also to add no restrictions on the lighting, as proposed by staff. Staff proposed the total square footage of temporary signs on any lot in the district should not exceed 48 feet. We’re asking for 100 feet in size. We’d like have the ability of no limitation. These are temporary. They’ll come and go, and it’s difficult to put an exact number on it. The Staff Report says that no signs shall be illuminated or painted with light or reflective paint. We would like these to be illuminated because they need to be seen at night as well.

Chairman Elkins: You would leave the individual sign limitation at 16 square feet?

Mr. Petersen: No, 100 square feet.

Chairman Elkins: The current stipulation calls for the aggregate not to exceed 48 square feet with no individual signs to exceed 16 square feet.

Mr. Coleman: I’ll defer to the architect, Matthew, to clarify that point.

Matthew Siegrist, JPRA Architects, Detroit, MI, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Siegrist: We are asking for 100 square feet in the aggregate per tenant.
Chairman Elkins: With respect to the individual sign limitation, are you in agreement with that, or are you asking for a waiver of that as well?

Mr. Siegrist: I am in agreement with that.

Chairman Elkins: So, 16 square feet would still be the limit on any individual sign?

Mr. Siegrist: No, we’re asking for 100 square feet.

Chairman Elkins: I’ll try again. Stipulation No. 6A as it stands now calls for temporary signs in the aggregate not to exceed 48 square feet with no individual sign exceeding 16 square feet. I understand very clearly that you’re asking for a deviation on the aggregate from 48 to 100. What I haven’t gotten an answer to is the limitation on individual signs.

Mr. Siegrist: I guess the individual signs would have to be per sign, up to 100 square feet per tenant.

Chairman Elkins: What limit would you accept on an individual sign?

Mr. Siegrist: I guess it would fall back on not to exceed 5% of the tenant façade.

Chairman Elkins: It’s a little bit like comparing apples and oranges. John, can you help with this?

Mr. Petersen: I want to make sure what I said is accurate. Staff has proposed that any sign has a maximum square footage of 16 square feet. On a 3,000 sq. ft. building, a 16 sq. ft. sign would be appropriate. We gauge appropriateness historically by the percentage of the overall façade. A 16’ sign on a building the size of Macy’s wouldn’t look right and wouldn’t serve the purpose. Instead of saying 16 feet per sign, we’re asking that it be gauged to the same percentage of overall façade as we do in our permanent signs. Then, if we start adding them up, if we have three pop-up locations, we want to avoid exceeding an aggregate number that doesn’t tie itself to any objective criteria.

Chairman Elkins: Thank you, John. We have a point of procedure.

A motion to extend the meeting for a period of 30 minutes was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hoyt, and Peterson.

Chairman Elkins: Thank you. I’m sorry, Mr. Petersen. Please proceed.

Mr. Petersen: I think I made my point, but if there are any questions, feel free to ask.

Chairman Elkins: Do you have issues with Stipulation No. 7?

Mr. Petersen: No.
Chairman Elkins: To summarize, the issues are with Stipulation Nos. 2, 5, and 6. Is that correct?

Mr. Petersen: Yes, it is. We have a summary of our request on our screen. I’m not sure if it’s coming to your monitors.

Chairman Elkins: It is; thank you. Anything additional from Mr. Petersen, Mr. Harris, or Mr. Siegrist?

Mr. Siegrist: Not at this time.

Mr. Petersen: Hearing nothing from my side, we rest

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

Comm. Block: I’d like to get Mr. Lang’s or Mr. Klein’s input on our ability to allow the façade signs. I thought I heard Mr. Petersen say the LDO doesn’t allow for that many. I guess it really has to do with the number of signs and then the temporary signs. I don’t know that I read in the LDO that there is a limit on time for temporary signs; I may not remember that correctly.

Mr. Klein: I’d like to clarify that as well. They have temporary signs and are talking about 100 square feet. Really, with temporary signage with the 16 square feet and 48 feet aggregate, a lot of temporary signs are small promotional signs. The section of the LDO that talks about these talks about temporary/promotional signage. Temporary signage doesn’t have a limit; it just has to be kept in good condition. Also, I don’t know that deviations are really supposed to be for temporary signs. The part of the LDO that speaks to deviations references the Permanent Sign Table, and temporary signs are located in a different section of the ordinance. I don’t think it was the intent to allow deviations to temporary signage. My concern is, without having time limitations, if everyone came in and got deviations to temporary signs and they suddenly become 100 square feet as opposed to 16 square feet, they could proliferate and make a big impact.

Chairman Elkins: Can you refer us to the right section of the LDO on signs?

Mr. Klein: It’s Section 16-4-6 (shares screen to show the ordinance). Section 16-4-6.3 talks about Office, Commercial, and Industrial Signage with deviations listed. I wanted to talk about the stipulation that includes all the properties. I understand what the applicant is saying. I just want to make sure that everyone is aware, with regard to signage, there is a section that says that, “For the purposes of these regulations, the terms ‘shopping center, business park, office park, industrial park, or other groups of buildings’ shall remain the project of one or more buildings with two or more tenants that has been planned as an integrated development or cluster on property under unified control or ownership at the time of zoning.” It seemed like, at that point, they understood that these might be sold off later, so they’re trying to set a point in time when the development was
established. Also, with regard to the deviations, we’re in Section 16-4-6.3D. This goes through the deviations that are allowed: size, color, location, number of signs, illumination. Then, it refers to Section 16-4-6.3, which talks about permanent sign regulations. That is my concern.

**Chairman Elkins:** Where is the regulation on temporary signs?

**Mr. Klein:** It is in Section 16-4-6.15. I remember when the legal department was changing this section of the ordinance with regard to temporary signage. They put quite a bit of work into it, and it took while to research everything.

**Chairman Elkins:** Mr. Petersen, what is my authority to grant you a variance on the temporary signs, given Section 16-4-6.15B?

**Mr. Petersen:** There was an earlier question about things not being allowed by the LDO, and I want to make sure that it’s only with regard to this temporary signage. The signs I showed you that we would like to have part of our guidelines that are at the center now are allowed under the LDO with deviations. We want to build deviations into the guidelines. With regard to temporary signs, I don’t have that section in front of me, but I will tell you that this is a bit frustrating. We’ve had this submission in front of staff. They told us to go to the variation process. That’s the way we submitted it. If you read the Staff Report, Mark’s comments that he just made are nowhere to be found. You caught us cold on this one. I’m not going to make a legal statement to you that I don’t feel I have a full grasp of the code provisions to make. When I do, I’m happy to make it. I would suggest, given the circumstances, is that we move this application along with the deviations that are clearly available to us, and in terms of temporary signs, if what we are talking about is acceptable in terms of size for the reasons they’re being used, you make part of that recommendation that you can’t specifically recommend a deviation, but we will work with staff on the implementation process between now and Governing Body.

**Chairman Elkins:** Thank you. Additional questions?

**Comm. Block:** I don’t know that Mr. Klein answered by question, though. I understand what Mr. Petersen just said about the deviations with going from two sides to three on the facades. Is that within our ability to recommend?

**Mr. Klein:** The permanent signage allows the deviation, so yes. It wasn’t my intention to blindside anybody; that’s why we had the stipulation in there.

**Comm. Block:** I don’t know if I understand what you’re saying. You’re recommending two, but the applicant is requesting three in most of these cases.

**Mr. Klein:** Staff is recommending two in order to reduce visual clutter. The applicant has the right to ask for the deviation.
Comm. McGurren: Regarding Staff Recommendation No. 2 and the reference that is made to the time of zoning reference, would you assume that we should have a discussion about whether or not No. 2 should be removed like it had been removed in the previous two cases?

Mr. Klein: I know we’ve talked with the applicant and the representation about this and other projects with regard to this section of the ordinance. It’s been the city’s position that the Sign Criteria is in place at the time of zoning. It seemed that it took that into account. It didn’t have the same kind of language as far as the Design Guidelines, but this language has been discussed before with regard to signage.

Comm. McGurren: And there was no language in there that referenced updated Sign Criteria at some later point?

Mr. Klein: No, it just indicates a date when the zoning changed, which more or less determines what the development is. The intent at this point is that’s when the Sign Criteria went into place; therefore, it is for the development.

Comm. McGurren: Are you okay with striking No. 2, based on the fact that they don’t own those properties?

Mr. Klein: We put in the stipulation because we would like to see it in there. I understand. They have said a number of times that they don’t have the ability to do that. I’m just bringing a point of what the ordinance says and what staff has been going with.

Chairman Elkins: Other questions or comments? Mark, I understand the deviation process on permanent signs. Can you enlighten us on staff’s thoughts about baking the deviations into the Sign Guidelines for the development as opposed to doing it on a case-by-case basis?

Mr. Klein: Staff has always been comfortable with that. We would prefer it to be done comprehensively as opposed to on a case-by-case basis. That’s what they’re doing with these guidelines. They’re asking for the deviations. Park Place did the same thing. It actually works out better that way because you have the ability to consider it as an aggregate.

Chairman Elkins: That would address the issues around Stipulation No. 5A and the first part of No. 1. That takes us to the question about two versus three facades. The applicant
brings up the question about three approachable facades and why they should be limited to signs on only two of the facades.

Mr. Klein: Staff thought it would cover a corner tenant. They have the ability to ask for a deviation for the three signs. We’re just trying to keep down the number of signs. Part of the issue with Town Center Plaza in the past is that there is a wall sign, awning sign, transom sign, and blade sign all on one façade. That multiplies with the number of facades in the center. The LDO is a base that allows two signs with a deviation allowed.

Chairman Elkins: You see a distinction between baking in the façade and awning sign versus the issue of more than two facades?

Mr. Klein: Both are the same issue as far as the number of signs and amount of visual clutter. It becomes a repetition of signs on one façade that is then replicated on another façades. Staff’s intent was to limit it to a primary sign and a secondary sign. A lot of the other developments, such as Camelot, for example, have a wall sign and a blade sign. Some have a blade sign and transom sign together. They serve different purposes. The primary signage is typically to be viewed from the public right-of-way or parking lot. The secondary signage is typically for pedestrians walking along the storefronts.

Chairman Elkins: Thank you. Other questions?

Mr. Petersen: I harken back to this being a specific set of Sign Guidelines for a specific shopping center. The specificity of this shopping center is it is approaching 1 million square feet, and it is bounded on three sides by thoroughfares. It has four front doors: 119th Street side, the north side, the Nall side, the Roe side. This is much different than what was done at Camelot, which has one front door. We’re not asking to clutter anyone’s field of vision. We’re asking nothing different on a single façade than what has been approved and is represented by the pictures we showed you. If we happen to have three public access facades, we want to have our Sign Guidelines account for that. When we get to Town Center Crossing, there are variations. Crate & Barrel has a sign on all four sides. We’re not asking for that. We’re asking for the flexibility to bring it in, in the right architectural circumstance, with three active facades to give them the ability to sign it as depicted in the pictures.

Chairman Elkins: Thank you. Comments?

A motion to recommend approval of 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 – with Staff Stipulations as written – was made by McGurren; seconded by Coleman.

Chairman Elkins: Additional discussion? The only comment I would make for the record is, as I’ve said before, with respect to Stipulation No. 2, I’m concerned about impacting the rights of parties that are not before us to defend their positions. I absolutely will defer to the wisdom of the commission on that.
Comm. McGurren: I understand that perspective, but at the same time, they’re under a Sign Guideline today in their totality.

Chairman Elkins: But we’re changing the Sign Guidelines without them being here.


Comm. Block: I’m less concerned about No. 5. Going to No. 6, with this new information that deviations can’t be granted on temporary signs is unclear to me.

Chairman Elkins: This effectively enforces that.

Comm. Block: So, it’s not changing it?

Chairman Elkins: Those restrictions in No. 6 track exactly what’s in the LDO. Any other discussion on the pending motion?

Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hoyt, Peterson.

Chairman Elkins: It’s a little early, but for the sake of not interrupting the continuity, is there a motion to extend the meeting?

A motion to extend the meeting for another 30 minutes was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hoyt, Peterson.

Chairman Elkins: Thank you. This is the maximum amount of time we can extend the meeting.

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.

Staff Presentation: City Planner Katherine Geist made the following presentation:

Ms. Geist: This is 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. Per LDO Section 16-4-6.3, Office, Commercial, and Industrial Signage, Planned Districts, the applicant is requesting approval of Sign Criteria to replace the current Sign Criteria for Town Center Crossing. This section of the LDO allows deviations in size, color, location, number of signs, and illumination. The primary requested changes include changes in letter height based on tenant size, type of sign, size of each one, number of signs, and adjustments in outparcel monument signage size,
number of monument signs along each street frontage, as well as illumination regulations for outparcel monument signage. As I’m sure you saw in the Staff Report, there is some change in the currently approved and proposed signage size based on the square footage of each tenant. It varies between small shop tenants, sub-major, in-line restaurants, and outparcel tenants. Most of them change by approximately 4 square inches. With that, staff recommends that the Planning Commission approve Case 82-20. I’d be happy to answer questions.

Chairman Elkins: As a preliminary matter, to the extent there are issues in common with Case 82-20, would staff stipulate for the record that we created with respect to Case 82-20 be incorporated into Case 83-20?

Ms. Geist: Yes.

Chairman Elkins: Questions for staff? Seeing none, we would hear from the applicant. As a preliminary matter, would the applicant stipulate that the record created in Case 82-20 be incorporated into Case 83-20?

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

Mr. Petersen: We would with just a quick emphasis of exactly what our reasoning is here because I know City Council values the commentary of the Planning Commission. All we are basically asking for with both of these applications is we’ve gone through the deviation process, and they’ve been allowed from an awning sign plus a façade sign. We’re just asking to work that into a deviation process that is more workable, more streamlined, and is a greater tool in the toolbox for the city and for the applicant. As you can see, we’ve gone through the deviation process at Town Center Crossing, and Crate & Barrel has four sides. We’re only asking for three there. For all the reasons and rationale behind the differential that we set forth in the prior application, we will submit that and agree that it is part of the record. We would ask for your approval based on our modified stipulations.

Chairman Elkins: Thank you. One more question before I turn it over to the rest of the commission. I note that the issue with respect to pad sites not owned by your client, it is not incorporated here. Is that because there are no pad sites not owned by your client?

Mr. Petersen: We do, in fact, own them. One comment about this issue that you just passed is that it’s really Sign Criteria that we cannot legally abide by. To keep the consistency, when Shake Shack came in with its sign, did you require them to come to Stave Harris? By making that last vote and putting in that stipulation, you’ve required us to do the opposite, which we can’t legally do. With that, we so much appreciate your time. I stand on the record for this application. We’ll continue to work with staff, with
Planning Commission, and with City Council to find the process that works the best for the City of Leawood.

Chairman Elkins: Thank you. Mr. Harris, anything to add?

Mr. Harris: No, I have nothing to add at this point.

Chairman Elkins: Questions for either staff or the applicant?

Comm. Block: Mr. Petersen, I think you reference modified stipulations on this case, but I didn’t see any. You show the four facades. Are you asking to make a change?

Mr. Petersen: Thank you to help complete the record. Stipulation No. 4 would be the one we would want modified in similar fashion in order to allow the ability to have two signs on one façade if one is an awning and up to, depending on the architecture of the building, three on any one building. Town Center Crossing is different. We really have very few buildings where that would be possible, but that would be our request so we have the flexibility to work with staff for sign approval.

Comm. Block: So, all of the stipulations are okay with the applicant other than changing from 2-3 in Stipulation No. 4?

Mr. Petersen: Also, Stipulation No. 6 would be a discussion on temporary signs.

Chairman Elkins: Questions for the applicant? If none, does anyone care to make a motion?

A motion to recommend approval of 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 – with Staff Stipulations as written – was made by McGurren; seconded by Stevens. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hoyt, and Peterson.

Chairman Elkins: Thank you to Mr. Harris, Mr. Petersen, and Mr. Siegrist. Mr. Harris, we very much appreciate your company’s commitment to Leawood. You’re a very significant part of our community, and we’re grateful for your participation.

Mr. Harris: We feel the same way about Leawood. It’s good to be a part of the community. Thank you for making a special meeting almost entirely for us. We appreciate it.

Chairman Elkins: Thank you. Is there any more business to be brought before the commission this evening? If not, we will stand adjourned.

MEETING ADJOURNED
COCHERL ESTATES – REPLAT OF LOTS 2 & 3 CHARLEMAGNE MANOR; LOT 3, OSAGE DOWNS ALONG WITH UNPLATTED PROPERTY – REQUEST FOR APPROVAL OF A REZONING, PRELIMINARY PLAN, PRELIMINARY PLAN, FINAL PLAT, AND FINAL PLAN – Located south of 141st Street and east of Canterbury Street – Case 87-20 **PUBLIC HEARING**

STAFF RECOMMENDATION:
Staff recommends the Planning Commission approve Case 87-20, Cochrel Estates – Replat of Lots 2 & 3 Charlemagne Manor; Lot 3, Osage downs along with unplatted property – Request for approval of a Rezoning, Preliminary Plat, Preliminary Plan, Final Plat, and Final Plan, subject to the stipulations in the staff report.

APPLICANT:
- The applicant is Amy Grant with Polsinelli PC.
- The engineer / surveyor is Michael Lay with George Butler Associates, Inc.
- The properties are owned by Patrick J. Cochrel.

REQUEST:
- The applicant is requesting approval of a Rezoning, Preliminary Plat, Preliminary Plan, Final Plat, and Final Plan, to rezone two lots, plat two unplatted AG lots, and combine three lots into one lot within Charlemagne Manor and Osage Downs subdivisions.

ZONING:
- Lots 1 & 2 of Charlemagne Manor, as well as Lot 3 of Osage Downs, are currently zoned R-1 (Planned Single Family Low Density Residential).
- The two unplatted lots to the north of Lot 3 of Osage Downs are currently zoned AG (Agricultural).
COMPREHENSIVE PLAN:
- The Comprehensive Plan designates these properties as Low Density Residential.

SURROUNDING ZONING:
- North To the north is Welcreek Estates, a single family residential subdivision zoned R-1 (Planned Single Family Low Density Residential District) and Highlands Ranch, a single family residential subdivision zoned RP-1 (Planned Single Family Residential District).
- South To the south are Charlemagne Manor and Osage Downs, two single family residential subdivisions zoned R-1 (Planned Single Family Low Density Residential District).
- East Directly to the east is Highlands Ranch, a single family residential subdivision zoned RP-1 (Planned Single Family Residential District).
- West To the west is a continuation of Charlemagne Manor, a single family residential subdivision zoned R-1 (Planned Single Family Low Density Residential District).

LOCATION:

SITE PLAN COMMENTS:
- Cochelr Estates is located east of Canterbury Street and south of 141st Street.
- There are three separate entries into the properties; two are located off of Canterbury St and one is located off of W. 142nd St, through a cul-de-sac.
- Currently, there is one single-family home located at 14101 Canterbury St. (currently Lot 3, Block 3 of Charlemagne Manor), one single-family home located at 14105 Canterbury St. (currently Lot 2, Block 3 of Charlemagne Manor), and one single-family home located at 3100 W. 142nd St. (Lot 3 of Osage Downs) and part of the unplatted portion to the north.
- There are two accessory structures on the property, a planting shed near the center of Lot 3 of Osage Downs, and a gazebo in the southeast corner of Lot 3 of Osage Downs.
- Currently there are five (5) lots present in this rezoning that are within both the Charlemagne Manor and Osage Downs subdivisions. Should this application pass, there will be three (3) lots, all within a new subdivision formally platted as “Cochelr Estates”.

2
• Part of the existing driveway present on the proposed Lot 2 will be located on Lot 1 due to the shifting of lot lines. This will be corrected by the creation of a driveway access easement. This is shown on the Final Plat drawings.

• The formal shifting of property lines is occurring between the northernmost unplatted parcel and Lot 3 of Charlemagne Manor (at the corner of 141st St. and Canterbury St.). This line will be shifting approximately 35'9" to the west. In addition, the property line between Lot 2 and Lot 3 of Charlemagne Subdivision will be shifting approximately 27' to the north, increasing the size of Lot 2 and decreasing the size of Lot 3. This will make Lot 1 of Cochelr Estates larger, and Lot 2 of Cochelr Estates a bit smaller.

• Lot lines to be shifted.

BULK REGULATIONS:
• The following tables outline the required and provided regulations for the project:

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<tr>
<th>Lot 1 - Cochelr Estates</th>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
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<td>Complies</td>
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<td>Rear Setback</td>
<td>180.5’</td>
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<td>35’</td>
<td></td>
<td>Complies</td>
</tr>
<tr>
<td>Side Setback</td>
<td>15’</td>
<td>15’</td>
<td></td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>155.22’</td>
<td>163.83’</td>
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<td>Complies</td>
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<td>Corner Lot Setback</td>
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Lot 3 - Cocherl Estates

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<td>Complies</td>
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PRELIMINARY PLAT/FINAL PLAT:

- The Final Plat for Lots 1, 2, & 3 contain the following:

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<tr>
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<th>Acres</th>
<th>Sq.ft.</th>
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<tr>
<td>Lot 1</td>
<td>2.00</td>
<td>86,915.40</td>
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<tr>
<td>Lot 2</td>
<td>1.39</td>
<td>60,533.39</td>
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<tr>
<td>Lot 3</td>
<td>13.31</td>
<td>579,854.95</td>
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<tr>
<td>Total Acreage</td>
<td>16.70</td>
<td>727,303.74</td>
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Easements

- 15’ Utility Easement: Runs through center of Lot 3, as well as the rear yard of Lot 1 and the rear yard of Lot 3
- Sanitary Sewer Easement: Runs and branches out through Lot 3, extends up into unplatted AG lot
- Access and Utility Easement: Perimeter of all lots, also between Lot 3 and unplatted AG lot
- Access Easement - Driveway: Northwest corner of Lot 1
- KCP&L Easement: Western side of Lot 3
- Site Triangle Easement: Northwestern corner of Lot 2
- 15’ Drainage Easement: Rear yards of Lot 1 and Lot 2

- Lots and their corresponding subdivisions.
• Lots and unplatted land as currently existing.

• Lots after proposed replat.

INTERACT MEETING:
• An Interact meeting was held on Tuesday, October 13th, 2020, at 14200 Overbrook St., Leawood, KS. 14 people were in attendance. A meeting summary and sign-in sheet are attached.
**GOLDEN CRITERIA:**

**The character of the neighborhood:**
Single-family homes currently exist on three (3) of the five lots within the proposed application. The surrounding area is characterized as a single-family residential neighborhood, including both the Osage Downs and Charlemagne Manor subdivisions. To the north are Welcreek Estates and Highlands Ranch, both single-family residential developments. To the south are continuations of the subdivisions of Charlemagne Manor and Osage Downs, and to the east and west are continuations of Highlands Ranch and Charlemagne Manor, respectively, and are both single-family residential subdivisions.

Charlemagne Manor was originally platted in 1975 as a single-family residential subdivision, and Osage Downs was platted in 1985 as a single-family residential subdivision, as well. The two lots to the north of Lot 3 (Osage Downs) have remained unplatted to this day, and the owner of the properties would like to consolidate the land that he owns and make sure that all of it is platted for ease of future use.

**The zoning and uses of properties nearby:**
- **North**
  To the north is Welcreek Estates, a single family residential subdivision zoned R-1 (Planned Single Family Low Density Residential District) and Highlands Ranch, a single family residential subdivision zoned RP-1 (Planned Single Family Residential District).
- **South**
  To the south are Charlemagne Manor and Osage Downs, two single family residential subdivisions zoned R-1 (Planned Single Family Low Density Residential District).
- **East**
  Directly to the east is Highlands Ranch, a single family residential subdivision zoned RP-1 (Planned Single Family Residential District).
- **West**
  To the west is a continuation of Charlemagne Manor, a single family residential subdivision zoned R-1 (Planned Single Family Low Density Residential District).

**The Suitability of the subject property for uses to which it has been restricted:**
This property is suitable for the uses to which it has been restricted as it provides for low density residential on this site. Lots 2 & 3 of Charlemagne Manor, as well as Lot 3 of Osage Downs, each have one single-family home on the property. The lots that currently have single-family homes on them were platted in 1975 (Charlemagne Manor) and 1985 (Osage Downs).

**The time for which the property has been vacant:**
The only completely vacant property in this project is the northernmost unplatted lot to the north of Lot 3, Osage Downs. Part of the single-family home on Lot 3 of Osage Downs falls within the bounds of the unplatted lot directly to the north. The unplatted vacant lot has been vacant continually.

**The extent to which removal of the restrictions will detrimentally affect nearby property:**
Although this site is suitable for low density residential development, stipulations are necessary to ensure a high quality project that fits with the surrounding uses.

**The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:**
Denial of the application will not result in a relative gain to the public health, safety, or welfare. The use proposed is appropriate for this site; therefore, denial of the application may place a hardship on the property owner.
The recommendation of the permanent staff:
City Staff recommends approval with the recommended stipulations.

Conformance of the requested change to the adopted master plan of the City of Leawood:
The Comprehensive Plan designates this site as Low Density Residential, which matches the proposed zoning and use of the property.

SIGNAGE:
- No signage is proposed with this application.

LANDSCAPING:
- No landscaping is proposed with this application.

LIGHTING:
- No lighting is proposed with this application.

IMPACT FEES:
- SOUTH LEAWOOD TRANSPORTATION IMPACT FEE: The applicant shall be responsible for a South Leawood Transportation Impact Fee ($625 x Gross area of Site x Number of miles north-south from 135th St) estimated to be ($625 x 3.24 x 0.7 = $1,417.50). This amount is subject to change by Ordinance.
- PARK IMPACT FEE: The applicant shall be responsible for a park impact fee in the amount of $400.00 per newly created lot prior to the recording of the final plat, estimated at current date to be ($400.00 x 1 lot = $400.00). This amount is subject to change by Ordinance.

STAFF RECOMMENDATION:
Staff recommends the Planning Commission approve Case 87-20, Cocherl Estates – Replat of Lots 2 & 3 Charlemagne Manor; Lot 3, Osage Downs along with unplatted property – Request for approval of a Rezoning, Preliminary Plat, Preliminary Plan, Final Plat, and Final Plan, with the following stipulations:

1. This approval is limited to the rezoning and replatting of Lots 2 & 3, Block 3 Charlemagne Manor; Lot 3, Osage Downs, along with the platting of currently unplatted property.
2. The applicant shall obtain all approvals and permits from the Public Works Department, per the Public Works memo (Exhibit A) on file with the City of Leawood Planning and Development Department, prior to recording the plat.
3. Prior to recording of the Final Plat, the driveway on Lot 2 that is partially located on Lot 1 must either be removed, the property line moved to reflect the corresponding driveway being fully on Lot 2, or an access easement must be created to allow for access to the primary structure.
4. The applicant shall be responsible for:
   a. A South Leawood Transportation Impact Fee in the amount of: ($625 x Gross area of Site x Number of miles north-south from 135th St; $625 x 3.24 x 0.7 = $1,417.50). This amount is subject to change by Ordinance.
   b. The applicant shall be responsible for a park impact fee in the amount of $400.00 per newly created lot prior to the recording of the final plat, estimated at current date to be ($400.00 x 1 lot = $400.00). This amount is subject to change by Ordinance.
5. Per the Leawood Development Ordinance, all above ground facilities shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical or appropriate, as determined by the City Engineer, then such facilities shall be at least 25’ behind the right-of-way.

6. All new utility boxes with a height of less than 55 inches, a footprint of equal to or less than 15 square feet in area, or a pad footprint of equal to or less than 15 square feet, may be installed only with the prior approval of the Director of Community Development as being in compliance with this Ordinance. However, all new electric vehicle charging stations shall only be permitted within the interior of a garage.

7. All new utility boxes with a height of 55 inches or greater, a footprint greater than 15 square feet in area, or a pad footprint greater than 15 square feet in area, shall be authorized only by approval of a special use permit prior to construction.

8. The Build Lines / Setbacks shall meet all R-1 requirements.

9. Development rights under this approval shall vest in accordance with K.S.A. 12-764.

10. In addition to the stipulations listed in the 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 acknowledgement in writing that they agree to stipulations one through ten.
MEMO

DATE: October 21, 2020

TO: Richard Coleman, Director of Community Development

FROM: Brian Scovill, P.E., City Engineer
Department of Public Works

SUBJECT: Cocherl Estates Prelim/Final Re-Plat
Case Number: 87-20

The Department of Public Works has reviewed the aforementioned project and would like to make the following stipulations as part of the Planning Commission Approval:

1) The surveyor is responsible to provide all existing easements on the plat or provide documentation that the utility company no longer needs the easement.

2) A stream corridor buffer shall be shown on the plat. The buffer width shall be in accordance with KC APWA Standards and Specifications, Section 5605 but shall be modified to avoid existing buildings, if any.

3) The plat will not be released for recording until the above stipulations are provided on the plat.

If you have any questions, please call me at (913) 663-9134.

Copy: Project File
TO: Katherine Geist
FROM: Justin Ducey
DATE: October 19, 2020
SUBJECT: NC 87-20 Cocherl Estates

The Leawood Fire Department does not have any comments or objections at this time regarding the rezoning and/or combination of the lots in case NC 87-20.

Any future development of the property may require these views to be re-evaluated.

Justin Ducey
Fire Marshal
Leawood Fire Department
Cocherl Estates
October 13, 2020 Interact Meeting

Attendance:
Michael Lay, GBA
Bob Adams, Polsinelli PC
Jenn Sears, Polsinelli PC
Pat Cocherl, Owner

The meeting was held at the Jefferson Building, 14200 Overbrook Road, Overland Park, Kansas. Approximately 14 people were in attendance. A sign in sheet is attached as Exhibit A.

The meeting began at 6:00 p.m. Bob Adams explained the purpose of rezoning and platting the property is to realign the lot lines and to define Lot 1, Lot 2 and Lot 3 of the proposed Cocherl Estates subdivision properties. Bob Adams stated that there will be no new development on the property and that the rezoning and platting is being done at the suggestion of the City as a portion of the property had never been platted and that portion of the land, currently zoned agricultural, needed to be rezoned to R-1 to be consistent with surrounding property.

Mr. Cocherl states the platting of the property and the rezoning is with the intent to sell Lot 2 of Cocherl Estates. Mr. Cocherl confirms he does not intend to develop Lot 3. Mr. Cocherl says rumors that he is developing Lot 3 with a new multifamily development are untrue and that he purchased the property in order to prevent development of Lot 3.

Bob Adams explains the City development process in the event a developer purchases Lot 3.

The following is a summary of the question and answer portion of the meeting.

1. Will there be roads constructed to allow access to future homes?
   Response: Mr. Cocherl reaffirms he does not intend to develop lot 3. Mr. Cocherl states that if the property eventually sold to a developer, road construction will be addressed in the development applications submitted by the developer.

2. Will the new owner of Lot 2 live in the property, or will this be a rental property?
   Response: Mr. Cocherl and Bob Adams confirm that the new owner will live in the property.

The neighbors express consent of the rezoning and platting of the properties as long there is no new development or construction.

Bob Adams concluded the meeting at 6:25 p.m.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Zip No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ron Adams</td>
<td>2300 W 126th</td>
<td>913-469-5762</td>
</tr>
<tr>
<td>David &amp; Nancy Hagen</td>
<td>2205 E 10th</td>
<td>913-382-6688</td>
</tr>
<tr>
<td>Larry &amp; June Hamm</td>
<td>2907 W 140th</td>
<td>816-589-7898</td>
</tr>
<tr>
<td>Jan &amp; Lynn Harmon</td>
<td>1410 W Belvedere</td>
<td>913-462-5626</td>
</tr>
<tr>
<td>Bryan Coker</td>
<td>3100 W 42nd St</td>
<td>913-526-5962</td>
</tr>
<tr>
<td>Marie Coker</td>
<td>1410 S 40th St</td>
<td>913-709-7722</td>
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<tr>
<td>John Harwell</td>
<td>2700 W 114th St</td>
<td>913-402-8889</td>
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<tr>
<td>Franklin Sarnen</td>
<td>1410 S 140th</td>
<td>913-875-0076</td>
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<tr>
<td>Ed. Hill</td>
<td>1404 S 62nd Ave</td>
<td>913-877-8244</td>
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<tr>
<td>Robert Aschendorf</td>
<td>14044 Aberdeen</td>
<td>816-456-2468</td>
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<tr>
<td>Tom Cordon</td>
<td>3732 W H 1st St</td>
<td>913-841-9329</td>
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<tr>
<td>Ken Tek</td>
<td>14108 Belvedere St</td>
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City of Leawood Planning Commission Staff Report

MEETING DATE: October 27, 2020
REPORT WRITTEN: October 16, 2020

PARKWAY PLAZA – UMSTATTD MEDICAL OFFICE - REQUEST FOR APPROVAL OF A PRELIMINARY PLAN AND FINAL PLAN – LOCATED NORTH OF 135th STREET AND EAST OF BRIAR STREET – CASE 90-20 **PUBLIC HEARING**

STAFF RECOMMENDATION:
Staff recommends approval of Case 90-20, Parkway Plaza – Umstattd Medical Office - request for approval of a Preliminary Plan, with the stipulations stated in the staff report.

APPLICANT:
• The applicant and engineer is Martin T. Arling, P.E. with Kaw Valley Engineering, Inc.
• The developer and owner is Kevin Umstattd with Umstattd Property Management, LP
• The architect is Ryan Hamrick with Hufft
• The landscape architect is Vance Rzepka with VSR Design

REQUEST:
• The applicant is requesting approval of a Preliminary Plan and Final Plan for 5,886 sq.ft. office building for Umstattd Medical Office. The F.A.R. for the lot shall be 0.15.
• The overall Parkway Plaza development, at final build out, will be made up of 314,535 sq.ft. retail/office use and 308,646 sq.ft residential use on 601 acres, for an F.A.R. of 0.21, with a discount of 25% of residential space per the Leawood Development Ordinance.

ZONING:
• The property is currently zoned MXD (Mixed Use District).

COMPREHENSIVE PLAN:
• The Comprehensive Plan designates this property as Mixed Use.

SURROUNDING ZONING:
• North To the north, beyond Parkway Plaza, is the single family residential subdivision of Bridgewood, zoned RP-1 (Planned Single Family Residential District) and single family residential in Overland Park, KS.
• South South of the subject property is 135th Street. Beyond 135th Street is the Plaza Pointe development, zoned SD-CR (Planned General Retail) and SD-O (Planned Office).
• East Directly to the east is Roe Avenue. Across Roe Avenue is unplatted and undeveloped property zoned SD-O (Planned Office) and SD-CR (Planned General Retail).
• West To the west is a continuation of Parkway Plaza, zoned MXD (Mixed Use). Beyond Parkway Plaza is a multifamily residential development in Overland Park, KS.

1 F.A.R is calculated on the original 60.79 acres for the site, which includes approximately 10.77 acres of land dedicated to the City of Leawood for the right-of-way (dedicated on February 8, 2006), as allowed by Section 16-2-6.4(F) of the Leawood Development Ordinance, which states “The floor area ratio for this district shall be calculated using the full square footage amount of commercial space (office and retail) and a 25% discount of the square footage of residential space, divided by the square footage of the entire site (including any dedicated right of way)”.  

1
LOCATION:

SITE PLAN COMMENTS:

- The subject site is located on Lot 10 of the Parkway Plaza development, which is located along the north side of 135th Street and east of Briar Street.
- The recently approved Weber Carpet building is adjacent to the east, and Country Club Bank is adjacent to the northeast.
- An existing parking lot, partially located on Lot 10 is directly north of the proposed building site.
- The applicant is proposing a 5,886 sq.ft. single story office building along 135th Street. The main entrance facing to the west, with a tower element facing north (interior of the development), with the back of the building facing 135th Street.
- Per the design guidelines of the Parkway Plaza development a front porch colonnade extends across the north/front and along the west side entry.
- In conformance with the Leawood Development Ordinance the sidewalk at the store front is 14’ in width.
- In conformance with the Leawood Development Ordinance a direct sidewalk connection to 135th street is provided. A 5’ internal to the development east/west sidewalk connection is also proposed south of the building.
- A 5’ sidewalk is proposed along the south side of the existing parking lot to the north of the pad site. This sidewalk is proposed to connect with the existing/approved sidewalks to the east.
- A 7.6’ landscaped area is shown between the porch sidewalk and the 5’ sidewalk along the south side of the existing parking lot.
- Sidewalks to the east of the building were approved with the overall Parkway Plaza development to extend between the buildings along 135th Street, forming circular sidewalk element.
- Per the Leawood Development Ordinance, a sidewalk connection to the perimeter sidewalk of 135th Street is proposed.
- A retaining wall is proposed south of the building that is a maximum of 2.5’ in height.
- A combination trash, utility, and generator enclosure will be attached to the southeast corner of the building. The generator will be placed below grade, allowing the generator to be fully screened.
BULK REGULATIONS:

- The following table outlines the required and provided regulations for overall Parkway Plaza:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exterior Structure Setback</td>
<td>40'</td>
<td>40'</td>
<td>Complies</td>
</tr>
<tr>
<td>Interior Structure Setback</td>
<td>10'</td>
<td>0'</td>
<td>Deviation Granted²</td>
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<tr>
<td>Residential Structure Setback</td>
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</tr>
<tr>
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<tr>
<td>Minimum Open Space %</td>
<td>30%</td>
<td>50%</td>
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<tr>
<td>Minimum Acres</td>
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</tr>
<tr>
<td>Maximum Floor Area Ratio (F.A.R.)</td>
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<td>0.21**</td>
<td>Complies</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>15 DU / Acre</td>
<td>1.95 DU / Acre</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Required Use Ratio</td>
<td>Residential – 20%</td>
<td>Residential – 49.53%</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>Office – 20%</td>
<td>Office – 29.38%</td>
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</tr>
<tr>
<td></td>
<td>Retail – 10%</td>
<td>Retail – 21.09%</td>
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<tr>
<td>Height Limit</td>
<td>90'</td>
<td>56'</td>
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- The following table outlines the required and provided regulations for Umstattd Medical Office:

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<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
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<td>Complies</td>
</tr>
<tr>
<td>Interior Structure Setback</td>
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<td>Complies</td>
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<td>Exterior Parking Setback</td>
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<td>31’-2’</td>
<td>Complies</td>
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</table>

INTERACT:

- The interact meeting was held October 07, 2020. A summary of the meeting is attached. There were no attendees.

PARKING:

- The parking provided for Parkway Plaza is 978 parking spaces, a parking ratio of 3.05 per 1,000 sq.ft.
- Lot 10 has a total of eight (8) parking spaces within the lot. Two of the spaces are parallel parking spaces located directly in front of the proposed building.
- The project will remove two (2) existing parallel parking spaces, allowing for the constructions of three (3) head-in parking spaces, increasing the number of parking spaces will provide 978 for Parkway Plaza, a parking ratio of 3.05 per 1,000 sq.ft.
- Stop signs will be added at the exit of the bank drive-thru, southbound at the corner of the County Club Bank, and west bound at the corner of an existing parking isle.
- Parkway Plaza has recorded with Johnson County a cross parking access agreement granting perpetual, non-exclusive rights and easements to use parking and access drives for the purpose of parking and pedestrian access.

² Deviations for the Parkway Plaza development were granted when the Preliminary Plan was approved on July 21, 2003 (Case 16-03, Ordinance 2008).
²² FAR calculated using a base 25% discount for residential uses
ELEVATIONS:
- The applicant is proposing a single story (31'-2"), 5,886 sq.ft. office building with the front facing to the west, with the entry tower element to facing north (interior of the development).
- The building will be constructed primarily of natural stone and stucco facades.
- The tower and front porch element are located at the northwest corner of the building, allowing for the main entry and gathering space along the west side of the building.
- The roof of the building is sloped and will be covered in tan (Cheyenne) concrete tile. The pitched roof of the tower element over the entrance will be covered in the same material as the rest of the roof.
- The north elevation proposes seven (7) equally sized windows, with the entry tower element. The north elevation includes a 6’ overhang/front porch element from the roof.
- The east elevation proposes one (1) window, with two (2) exit doors with side lite on the each side of the window. The east elevation also contain the Trash/Utility/Generator 6’ screening wall.
- The south elevation proposes seven (5) equally sized and spaced windows.
- The west elevation proposes one (1) large centrally window, with the additional window to the right and the main to the left. The north elevation includes an internal courtyard including an external fireplace/screening wall and gathering space within the tower/front porch element.

SIGNAGE:
- Signage is not reviewed or approved with this application. The Parkway Plaza development has approved sign criteria on file with the City, and signage shall be administratively approved by the Department of Community Development.

LANDSCAPING:
- The landscape plan shows ornamental trees adjacent to the north and south sides of the building, with shrubs planted along the west.
- Multiple plantings of shrubs and ornamental and shade trees are planted to the south next to the sidewalk and retaining wall.
- The courtyard on the west side of the building is planted with ornamental trees.
- Per the Leawood Development Ordinance, street trees are shown at 40’ on center along 135th Street.
- Two trees are existing/proposed within each of the parking lot islands.

LIGHTING:
- Lighting will utilize existing fixtures currently in place (northwest corner and center parking isle) at the Parkway Plaza development.
- An additional parking lot light fixture is proposed directly north of the building within a landscaped area. This fixture will match the existing Parkway Plaza parking lot light fixtures in material, construction, and dimensions.
- Twenty-Two (22) accent lights will be installed throughout the soffit overhand surrounding the building.
- Six (6) uplights will be installed within the courtyard on the west side of the building.
- Four (4) recessed downlights will be installed on the property, two (2) within the tower element at the northwest corner, and two (2) on the east side of the building near the utility/trash enclosure.

REQUESTED DEVIATIONS:
- All deviations for the Parkway Plaza development were approved at the time the Preliminary Plan was approved (Case 16-03, Ordinance No. 2008).
- No additional deviations are requested at this time.
IMPACT FEES:

- **PARK IMPACT FEE**: The applicant/owner shall be responsible for a Park Impact Fee in the amount of $0.15 / sq.ft. of finished floor area prior to issuance of a Building Permit. Currently estimated to be $882.90 ($0.15 X 5,886 sq.ft.). This amount is subject to change by ordinance.

- **PUBLIC ART IMPACT FEE**: 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 and be approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $0.15 / sq.ft. of finished floor area prior to issuance of a Building Permit. Currently estimated to be $882.90 ($0.15 X 5,886 sq.ft.). This amount is subject to change by Ordinance.

- **135th STREET CORRIDOR IMPACT FEE**: The applicant/owner shall be responsible for a 135th Street Corridor Impact Fee in the amount of $0.58 / sq.ft. of building area for office prior to issuance of a Building Permit. Currently estimated to be $3,413.88 ($0.58 X 5,886 sq.ft.). This amount is subject to change by Ordinance.

GOLDEN CRITERIA:

The character of the neighborhood:
The character of the neighborhood is that of a partially developed mixed use development with retail, office and residential condominiums to the north, and retail to the east, west and south of 135th Street within the Plaza Pointe development. The character of the neighborhood is commercial mixed with residential.

The zoning and uses of properties nearby:

- **North**: To the north, beyond Parkway Plaza, is the single family residential subdivision of Bridgewood, zoned RP-1 (Planned Single Family Residential District) and single family residential within the City of Overland Park.

- **South**: South of the subject property is 135th Street. Beyond 135th Street is the Plaza Pointe development, zoned SD-CR (Planned General Retail) and SD-O (Planned Office).

- **East**: Directly to the east is Roe Avenue. Across Roe Avenue is unplatted and undeveloped property zoned SD-O (Planned Office) and SD-CR (Planned General Retail).

- **West**: To the west is a continuation of Parkway Plaza, zoned MXD (Mixed Use). Beyond Parkway Plaza is a multifamily residential development in Overland Park, KS.

The Suitability of the subject property for uses to which it has been restricted:
The subject property has been identified for mixed uses, including retail and office uses, since Parkway Plaza was originally approved. The proposed use is a medical office building. The subject property is suitable for the proposed uses.

The time for which the property has been vacant:
The property has never been developed.

The extent to which removal of the restrictions will detrimentally affect nearby property:
Although the site is suitable for an office within a Mixed-Use Development, stipulations are necessary to ensure a high quality project that meets the requirements of the Leawood Development Ordinance and fits with the surrounding uses.
The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:

There will be no relative gain to the public health, safety or welfare in denying this application. The application consists of uses which are consistent with those that have been proposed for the subject property since Parkway Plaza was originally approved. Denial of the application may cause hardship on the applicant since the proposed use for this development has been contemplated to be a mix of retail, office and residential uses.

The recommendation of the permanent staff:

City Staff recommends approval with the attached stipulations.

Conformance of the requested change to the adopted master plan of the City of Leawood:

The Comprehensive Plan designates this site as Mixed Use. Per Section 16-2-6.4(B) of the Leawood Development Ordinance, permitted uses in a Mixed Use District may include those uses as Permitted, Planned, or by Special Use in any of the RP-2, RP-3, RP-4, SD-O, SD-NCR, and SD-CR zoning districts. Office is a planned use within a SD-CR zoning district, and therefore is allowed within the Mixed Use district.

STAFF COMMENTS:

- Per Section 16-4-7.3(D)(2) of the Leawood Development Ordinance, buffering adjacent to buildings is required to be a minimum of 10’ deep. Currently the plans show the buffer on the north side of the building as 7.6’. Prior to Governing Body consideration, the applicant shall provide revised plans showing a minimum of 10’ between the building and the sidewalk to the north. (Stipulation 3)

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve Case 90-20, Parkway Plaza – Umstattd Medical Office - request for approval of a Preliminary Plan and Final Plan, with the following stipulations:

1. The Preliminary Plan is limited to a maximum of 5,886 sq.ft. of floor area on Lot 10 for an F.A.R. of 0.15 and the Parkway Plaza development shall be limited to 623,181 sq.ft. for an F.A.R. of 0.21 with a residential discount of 25% as provided by the Leawood Development Ordinance in the MXD District.
2. The applicant shall be responsible for:
   a. A Park Impact Fee in the amount of $0.15 / sq.ft. of finished floor area prior to issuance of a Building Permit. Currently estimated to be $882.90 ($0.15 X 5,886 sq.ft.). This amount is subject to change by Ordinance.
   b. 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 and be approved by the Governing Body at a later date. In lieu of that, the applicant may pay a Public Art Impact Fee in the amount of $0.15 / sq.ft. of finished floor area prior to issuance of a Building Permit. Currently estimated to be $882.90 ($0.15 X 5,886 sq.ft.). This amount is subject to change by Ordinance.
   c. A 135th Street Corridor Impact Fee in the amount of $0.58 / sq.ft. of building area prior to issuance of a Building Permit. Currently estimated to be $3,413.88 ($0.58 X 5,886 sq.ft.). This amount is subject to change by Ordinance.
3. Prior to consideration by the Governing Body, the applicant shall provide revised plans showing a minimum of 10’ between the sidewalk on the south side of the existing parking lot and the north side of the building.
4. The generator shall be completely screened from view. No portion of the proposed generator shall extend above the wall screening the generator.
5. Prior to Governing Body consideration the applicant shall provide a sample of the window glass that is proposed with the project. It shall have a maximum reflectivity ratio of 50%. In addition, the elevation
drawings shall be updated to clearly label the glass proposed, and the material schedule shall list the specifications of the glass including color and reflectivity.

6. Prior to Governing Body consideration the applicant shall provide documentation from the Parkway Plaza development, allowing additional stop signs at locations; westbound at the exit of the bank drive-thru, southbound at the corner of the County Club Bank, and westbound at the corner of an existing parking isle. Additionally, stop signs shall be installed prior to issuance of a Certificate of Occupancy.

7. 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.

8. All utility boxes, not otherwise approved with the final development plan, with a height of less than 56 inches, a footprint of 15 sq.ft. in area or less, or a pad footprint of 15 sq.ft. in area or less, shall be installed only with the prior approval of the Director of Community Development as being in compliance with the Leawood Development Ordinance.

9. All utility boxes, not otherwise approved with the final development plan, with a height of 56 inches or greater, a footprint greater than 15 sq.ft. in area, or a pad footprint greater than 15 sq.ft. in area, shall be installed only with the prior recommendation of the Planning Commission as being in compliance with the Leawood Development Ordinance based on review of a site plan containing such final development plan information as may be required by the City, and approved by the Governing Body. The City may impose conditions on approval, including but not limited to duration or renewal requirements, where the circumstances are sufficiently unusual to warrant the conditions.

10. The project shall include a deviation for a 0’ interior parking setback as approved with the overall Parkway Plaza development.

11. The project and proposed generator shall comply with LDO 16-2-9.1, in no case shall the noise level exceed 60dB at repeated intervals or for a sustained length of time, measured at any point along the property line.

12. Roofing material shall comply with the Parkway Plaza design guidelines relating to approved materials.

13. In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot 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.

14. All downspouts shall be enclosed.

15. 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.

16. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. The height of the screen shall be at least as tall as the utility being screened.

17. Per the Leawood Development Ordinance, the source of illumination of all proposed light fixtures shall not be visible.

18. Per the Leawood Development Ordinance, all landscaped areas shall be irrigated.

19. Per the Leawood Development Ordinance, all medium and large deciduous trees (including street trees), shall be 2 ½” caliper as measured 6” above the ground, all small deciduous and ornamental trees shall be a minimum of 1 ½” caliper as measured 6” above the ground, conifers and evergreen trees shall be a minimum of 6’ in height, and shrubs shall be a 24” in height at the time of planting.

20. Per the Leawood Development Ordinance, at the time of planting, plant material screening the ground mounted utilities shall be a minimum of 6’ taller than the utility it is to screen, with lower shrubs in the foreground to eliminate any gaps in screening.

21. The approved final landscape plan shall contain the following statements:

   a. All trees shall be callipered and undersized trees shall be rejected.
b. All parking lot islands shall be bermed to discourage foot traffic.
c. All hedges shall be trimmed to maintain a solid hedge appearance.
d. All plant identification tags shall remain until issuance of a Final Certificate of Occupancy.
e. Any deviation to the approved final landscape plan shall require the written approval of the
landscape architect and the City of Leawood, prior to installation.
f. All landscaped open space shall consist of a minimum of 60% living materials.

22. 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.

23. The applicant must 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 (Exhibit A), prior
to Building Permit.

24. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire
Marshal’s memo (Exhibit B), on file with the City of Leawood Planning and Development Department,
prior to issuance of a building permit.

25. All sidewalks shall be installed as per street construction standards.

26. A cross access/parking easement for the entire development, which has already been recorded with
the Johnson County Registrar of Deeds, shall be maintained for the Development.

27. 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.

28. No construction shall be allowed between the hours of 9:00 p.m. to 7:00 a.m. and not on Sundays.

29. A sign permit from the Planning Department shall be obtained prior to installation of any signs.

30. Development rights under this approval shall vest in accordance with K.S.A. 12-764.

31. The conditions and stipulations of the preliminary plan for the Parkway Plaza development approval
remain in full force and effect except to the extent expressly modified herein.

32. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all
ordinances of the City of Leawood Development Ordinance, unless a deviation has been granted,
and to execute a statement acknowledging in writing that they agree to stipulations one through thirty-
two.
The Department of Public Works has reviewed the aforementioned project. The recommended stipulations are listed below.

1) Traffic Impact Analysis: a traffic memo from the Developer's licensed engineer indicates the trip generation for this use is comparable to the traffic anticipated for the previously approved use.

2) Storm Water Study:
   a) The proposed stormwater plan is consistent with the stormwater plan that was approved with the larger development and no additional detention is required.
   b) This site requires BMPs based on the MARC/KC APWA BMP Manual. Use the "Undeveloped Site" worksheet and make sure the treatment area for Worksheet 1 matches the treatment area for Worksheet 2.
   c) At the building permit stage, the developer shall add a BMP plan sheet to the civil plans.

3) The parking lot pavement shall be constructed in accordance to the Leawood Development Ordinance.

4) Permanent structures, including monument signs, shall not be placed within the Right-of-Way and Public Easements.

5) All public improvements shall be designed and constructed in accordance with the City of Leawood Public Improvement Construction Standards as developed by the Department of Public Works (latest revision).

6) The developer shall obtain and submit to the Department of Public Works and the Building Official a copy of the NPDES Land Disturbance Permit issued by the Kansas Department of Health and Environment prior to any grading work at the site.

Sister City to I-Lan, Taiwan, R.O.C. • Sister City to Regional Council Gezer, Israel
7) Construction vehicles, including vehicles of construction personnel, shall not be parked within the Right-of-Way. All staging and storage of equipment and/or materials for private improvements shall be contained on the proposed development unless an Access Easement has been granted by the adjacent property owner.

8) The Developer shall repair and restore all damaged areas between the back of curb and the Right-of-Way abutting this lot including any existing damage. This shall include but is not limited to street lighting equipment, traffic signal equipment, sidewalk, storm sewers, grass, etc.

If you have any questions, please call me at (913) 663-9134.

Copy: Project File

Sister City to I-Lan, Taiwan, R.O.C. • Sister City to Regional Council Gezer, Israel
TO: Grant Lang  
FROM: Justin Ducey  
DATE: October 21, 2020  
SUBJECT: NC 90-20 Parkway Plaza – Umstattd Building  

The Leawood Fire Department does not have any comments or objections at this time regarding the final development plan for a proposed one-story office building.

Justin Ducey  
Fire Marshal  
Leawood Fire Department
PROJECT SCHEDULE

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<tr>
<th>Work (Area)</th>
<th>10/19/2020</th>
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<td>17,000 sq. ft</td>
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<tr>
<td>Total Building Area</td>
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<tr>
<td>Open Space</td>
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*Additional notes:* This drawing may be part of an integrated set of documents. The information, ideas and elements, and drawings or documents not signed and sealed by the architect constitute the original, confidential, and unpublished work and property of the architect. Receipt and use of the information, ideas and elements, and drawings or documents not signed and sealed by the architect constitutes reproduction, distribution or dissemination of the architect's work and may be an infringement of copyright and an offense under the criminal law. The information, ideas and elements, and drawings or documents not signed and sealed by the architect constitute the original, confidential, and unpublished work and property of the architect. Receipt and use of the information, ideas and elements, and drawings or documents not signed and sealed by the architect constitutes reproduction, distribution or dissemination of the architect's work and may be an infringement of copyright and an offense under the criminal law.
DOCUMENTS ARE COMPLEMENTARY: WHAT IS REQUIRED BY ONE IN PART OR POSSESSION OF THIS DRAWING CONFER NO RIGHT IN, OR ELEMENTS - CONSTITUTES THE ORIGINAL, CONFIDENTIAL, AND STRUCTURAL ENGINEER:

**PROJECT SCHEDULE**

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<td>Existing Space</td>
<td>239,133 ft²</td>
</tr>
<tr>
<td>Required Parking</td>
<td>224 cars</td>
</tr>
<tr>
<td>Accessible Parking</td>
<td>0 cars</td>
</tr>
<tr>
<td>Office/Retail</td>
<td></td>
</tr>
<tr>
<td>Land Area (Acres)</td>
<td>20.14</td>
</tr>
<tr>
<td>Office Building Area (sf)</td>
<td>21,100</td>
</tr>
<tr>
<td>Office/Daycare Area (sf)</td>
<td>15,950</td>
</tr>
<tr>
<td>Retail Area (sf)</td>
<td>97,125</td>
</tr>
<tr>
<td>Total Building Area (sf)</td>
<td>166,980</td>
</tr>
<tr>
<td>F.A.R</td>
<td>0.19</td>
</tr>
</tbody>
</table>

**Parking Required**

| Office Parking (spaces) | 63.9 |
| Office Retail Parking (spaces) | 97.8 |
| Office Daycare Parking (spaces) | 39 |
| Retail Parking (spaces) | 201.4 |
| Total Required Parking (spaces) | 403 |

**Parking Provided**

| Office Parking (spaces) | 68 |
| Office Retail Parking (spaces) | 93 |
| Office Daycare Parking (spaces) | 42 |
| Retail Parking (spaces) | 415 |
| Total Required Parking (spaces) | 618 |

**Accessible Parking Provided (Int, In Total): 16 spaces**

**Total East Site**

| Land Area | 31.52 Acres |
| Floor Area (sq ft) | 1,173,011.2 |
| Percentage of Proposed Use: Residential | 64.9% |
| Office | 4.5% |
| Office/Daycare | 0.9% |
| Retail | 20.4% |
| Office/Daycare | 3.4% |
| Number of Dwelling Units | 117 units |
| F.A.R | 0.195 |
Kansas City, MO 64111

Lot 10 - Parkway Plaza Phase 2

Final Development Plans

Drawn By: JAD

PKMR ENGINEERS
Leawood KS 66224
P: 816-678-7932

SHEET LEGEND

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Date: 09/03/2020
MECHANICAL EQUIPMENT CONCEALED IN ROOFTOP MECHANICAL PIT
PIT DEPTH = 10' - 0"

GENERATOR, TRANSFORMER, AND DUMPSTER CONCEALED BEHIND CMU WALLS W/ ST 2 FINISH
WALL HEIGHT = 6' - 0"

RE: A011 AND ELEVATIONS

THIS DRAWING WAS PREPARED under the Architect's supervision, and is an "Instrument of Service" intended solely for use by our Client on this project. The Architect disclaims responsibility for the existing building structure, existing site conditions, existing construction elements, and drawings or documents not signed and sealed by the Architect. The information, ideas and designs indicated - including the overall form, arrangement and composition of spaces or building elements - constitutes the original, confidential, and unpublished Work and property of the Architect. Receipt or possession of this Drawing confers no right in, or license to disclose to others the subject matter contained herein for any but authorized purposes. Unauthorized reproduction, distribution or dissemination – in whole or in part – is strictly prohibited. All rights reserved © 2020 by Hufft Projects LLC.

THIS DRAWING MAY BE PART of an integrated set of Construction Documents, including the Contract, the Conditions and the Specifications. The Contract Documents are complementary: what is required by one is as binding as if required by all. Application of a material or equipment item to Work installed by others constitutes acceptance of that Work. Calculate and measure dimensions – DO NOT SCALE DRAWINGS unless directed by the Architect to do so. Dimensions indicated are to the face of a material, unless noted otherwise.
October 8, 2020

City of Leawood
Mr. Grant Lang
4800 Town Center Drive
Leawood, KS 66211

Re: Interact Meeting
Umstattd Office Building – Lot 10, Parkway Plaza, Second Plat

Dear Mr. Lang,

This letter is to inform you that the interact meeting for the above referenced project was held on October 7, 2020 at 6:00 p.m. via zoom meeting. In attendance were the owners, Dr. Laura Umstattd and Mr. Corbin Umstattd and the architects, Mr. Jeff Kloch and Mr. Ryan Hamrick from Hufft. No neighboring property owners accessed the meeting. The meeting ended at 6:22 p.m.

If you have any questions please don’t hesitate to contact me at (816) 468-5858.

Sincerely,
Kaw Valley Engineering, Inc.

Martin T. Arling, P.E.
Project Manager
September 1, 2020

Corbin Umstattd
P.O. Box 478
Butler, MO 64730

Richard Coleman
Director-Planning Services
City of Leawood, KS 66211

Re: 4950 W. 135th Street, Leawood, KS

Gentlemen:

The Board of Directors of Parkway Plaza Retail/Office Owners Association, Inc. (the “Association”) is in support of the Umstattd entity installing up to six, head in parking spaces, as illustrated on the attached site plan which is an exhibit to this letter. The Association has the stipulation that the drive-lanes are not reduced and any extra land needed for the new parking configuration is taken from the southern side of the parking so as not to extend parking stalls into the existing drive lane.

Please contact us with any questions.

Very Truly Yours,

Parkway Plaza Retail/Office Owners Association, Inc.

By
Michael A. Nigro
President
September 14, 2020

Corbin Umstattd
P.O. Box 478
Butler, MO 64730

Richard Coleman
Director-Planning Services
City of Leawood, KS 66211

Re: 4950 W. 135th Street, Leawood, KS

Gentlemen:

Country Club Bank is in support of Umstattd Property Management installing up to six head-in parking spaces as illustrated on the attached site plan, which is an exhibit to this letter.

We understand the drive-through exit lane will remain unobstructed, and any extra land, if needed, for the new parking configuration would be taken from the southern side of the property so as not to extend parking stalls into the existing drive lane.

We are enthused to welcome our new neighbors and defer to whatever the city allows as far as the parking request shown. Please contact us should you have any questions.

Sincerely,

Mary T. O’Connor
EVP, Logistics/Creative Brand Management

CC: Tim Thompson, General Counsel