

**City of Leawood
Planning Commission Minutes**

**April 14, 2009
Meeting - 6:00 p.m.
Dinner Session – No Discussion of Items – 5:30 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: Pateidl, Roberson, Jackson, Neff-Brain, Rohlf, Munson, Williams, Elkins, and Heiman.

APPROVAL OF THE AGENDA:

Chair Rohlf: We have had one change under Old Business: Case 06-09 – MADDEN MCFARLAND INTERIORS has been continued until our April 28, 2009 meeting. Other than that, I believe the agenda remains the same.

A motion to approve the agenda as amended was made by Munson; seconded by Roberson. Motion approved unanimously with a vote of 8-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

APPROVAL OF MINUTES: Approval of the October 14, 2008 meeting minutes, October 28, 2008 meeting minutes, November 11, 2008 meeting minutes and November 25, 2008 meeting minutes.

A motion to approve the October 14, 2008 Planning Commission meeting minutes was made by Roberson, seconded by Jackson. Motion approved unanimously with a vote of 8-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

A motion to approve the October 28, 2008 Planning Commission meeting minutes was made by Roberson; seconded by Williams. Motion approved unanimously with a vote of 8-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

A motion to approve the November 11, 2008 Planning Commission meeting minutes was made by Roberson; seconded by Jackson. Motion approved unanimously with a vote of 8-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

A motion to approve the November 25, 2008 Planning Commission meeting minutes was made by Roberson; seconded by Jackson. Motion approved unanimously with a vote of 8-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

CONTINUED TO APRIL 28, 2009 MEETING:

CASE 06-09 - MADDEN MCFARLAND INTERIORS – Request for approval of revised final site plan located at the southwest corner of State Line Road and 135th Street.

NEW BUSINESS:

CASE 14-09 – PARK PLACE BUILDNG G AND PARKING GARAGE B – Request for approval of a revised preliminary site plan located north of 117th Street and east of Nall Avenue. **PUBLIC HEARING**

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Planning Commission, this is Case 14-09 for Building G and Parking Garage B at Park Place. It's a revised preliminary site plan, which is required because this new plan proposes Building G to be taller and larger in floor area than what was previously approved. The increased floor area is taken from Building M, which is an eight-story office and retail building in the northwest corner of the site. Building G is a three-story building with ground-floor retail and upper-level office uses. Parking Garage B is a five-level garage with 472 parking spaces. The development of these two structures is proposed to be immediately east of the current location of California Pizza Kitchen, north of 117th St. and south of 116th Pl. Currently, there is a surface parking lot where this development would be located. Retail store fronts are to occupy the north, east and west sides of Building G and also a portion of the south side. The portion of the south side that does not contain retail storefront will face the north side of the parking garage. The garage will have direct access from 117th St. This access goes through the garage and exits at the northeast corner, continuing on to 116th St. The east/west alley between the parking garage and Building G is proposed to be two-way to the point of the western entrance into the garage off the alley, at which point it will become a one-way street. Staff does have concerns with that and has recommended a stipulation to keep it one-way eastbound the entire length of the alley. The Leawood Development Ordinance also requires in cases in which a parking garage fronts a major street that at least 70% of that ground-floor frontage be retail and commercial uses. That is not currently in the Applicant's plan, so Staff has added that as a stipulation. A pedestrian crossing plan for the east side of the intersection of 117th St. at the access point of the garage will provide an additional connection across 117th St. to Town Center Plaza. Staff is supportive of that and has asked that it be a striped crosswalk to see how it works for safety purposes and pedestrian convenience. The stipulation relating to this would require that the crosswalk be constructed of permanent construction materials, similar to the crosswalk further west on 117th St. with pavers and such. The stipulation requires that to be completed at the time of final occupancy for Buildings J and K, which are future buildings immediately to the east of the buildings proposed tonight. We also have some concerns regarding the internal pedestrian network in Stipulations 10-12. The elevations are reviewed and approved at time of final site plan; however, Staff has raised some concerns as stated in Stipulations 14a-d. All of the other elements such as signage, landscaping and lighting are final site plan review and approval. Finally, you have received a memo this evening regarding Stipulation 29, pertaining to performance bonds for storm water. Staff has provided revised wording for that stipulation in that memo. Staff would also like to add a stipulation regarding traffic study, asking for a revised traffic study to be submitted by April 22nd to allow time for Staff review prior to City Council consideration of this request. With that, Staff does

recommend approval of Case 14-09, subject to the stipulations in the Staff Report and memo provided to you this evening. I'd be happy to answer any questions.

Chair Rohlf: Thank you. Questions for Staff?

Comm. Williams: I would just like one clarification. You expressed concern about the pedestrian circulation. Could you elaborate a little more about what your concern is and where the problem seems to be on the plan?

Mr. Rexwinkle: Most of the concern has to do with the area between Building G and the parking garage along the alley. The current plan shows a sidewalk along the north side of the parking garage and another sidewalk on the side of Building G, both about 5' wide. We're concerned that having the sidewalk on the north side of the garage would encourage people to walk along there, and there could be a potential pedestrian/vehicle conflict at both entrances to the garage. We would like to see that sidewalk area reduced, making it not a sidewalk anymore and add the width to the sidewalk on the side of Building G to encourage people to walk there, where there is more visibility. There are also some ADA ramp issues; we'd like to see the ramps aligned straighter across the drive aisles.

Comm. Williams: So you think it would be better for people to move on one side of the drive instead of being able to do both sides.

Mr. Rexwinkle: Yes.

Comm. Williams: I guess in that regard, if these are going to be the backsides of the buildings, is that going to conflict with deliveries and other activities in the rear of the buildings, though they might be infrequent? Would it be better to put them on the garage side? I agree that having them on one side and wider makes more sense.

Mr. Klein: Staff actually believes that it would be better on the other side. Staff has some concerns about this alley by Building G. It's not exactly like the service alley that's located between Parking Garage A and Building A in the fact that you do have some parking along California Pizza Kitchen. We did take the additional width of the sidewalk into consideration, but we think we're going to get some pedestrian traffic moving along that sidewalk, especially to the buildings as they get constructed a little farther to the east. Part of the reason for not wanting it on the north side of Parking Garage B is that there are a number of site issues with cars. For example, cars coming out of the garage onto 117th St. going through the pass-through might not have a good line of site to see pedestrian traffic on that corner. That could also occur a little farther to the west.

Comm. Williams: To get to the backside of Building G, there are two stair towers on the garage plan that I see. Presumably they're coming from the upper levels. They would then cross the streets roughly where the stair towers are located. The one that's on the west side would appear to have a direct connection to a crosswalk.

Mr. Klein: Correct.

Comm. Williams: There appear to be some curb cuts on the Building G side. I don't see any crosswalks.

Mr. Rexwinkle: One of the stipulations is to add a tabletop crosswalk to the plan across that area.

Comm. Williams: Would you see that ending on the west side of that drive? They'll have to cross the drive entrance or exit – whatever this is – and then get to that crosswalk and cross over.

Mr. Rexwinkle: Right, you're asking if there's going to be one from the southeast corner of Building G where that ramp is directly south of the parking garage?

Comm. Williams: Yes.

Mr. Rexwinkle: Yes, that's one of them that we're asking for, as well as one that goes directly east from that southeast corner.

Comm. Williams: Thank you.

Comm. Roberson: Just a quick clarification – do I understand you want them to eliminate the sidewalk that is closest to Town Center on that side of the garage?

Mr. Rexwinkle: No, it's the sidewalk on the north side of the garage.

Comm. Roberson: In the alley.

Mr. Rexwinkle: Correct.

Comm. Pateidl: With respect to the elimination of that sidewalk, is that in conflict at all with your requirement of 70% of commercial space in the parking garage facility on that first level?

Mr. Rexwinkle: No, because that requirement for retail or commercial use is on the street side of the parking garage. The sidewalk we're talking about now is on the north side of the garage.

Comm. Roberson: The parking garage that's in existence, there is no retail in that garage that I'm aware of.

Mr. Klein: There is no retail in that garage. This case was originally approved in 2003 with preliminary and came back with final for the first phase in 2005. The parking garage was shown on the Nall side. The atmosphere between Nall and 117th St. is completely different. Storefronts are aligned along Nall Ave., which is a major arterial carrying a lot of traffic. Really nothing is on the other side, outside of that empty field that's part of the Sprint property. In this case, we have 117th St., which is more pedestrian-friendly. There's already a crosswalk that's been constructed a little farther to the west, and there may also be potential for a future development within the Town Center Plaza with possible pedestrian connections that could tie the two together. If Town Center decides at some point in the future to add some development, it would add a possibility for some synergy between those two. We're already seeing a little bit of that between the two developments just because we have the AMC on the corner. A lot of people, I imagine, are going to park at Park Place, have dinner and walk to the movie and possibly vice versa.

Comm. Roberson: Thank you.

Comm. Munson: On this retail that faces the south side of the parking lot on 117th St., I'm trying to visualize how that retail would work. Are we talking about shops that run all the way from 117th St. back to the alley, or are we talking about shops that just run halfway back in the structure? How do they work?

Mr. Klein: Actually, we think they'd be facing out on 117th St. The requirement is that it's 70% of that surface, so it wouldn't have to be that entire garage facing 117th St. You'd have to have the ramping a little different than the way it's shown here, starting maybe at the northeast corner of the garage and ramping up immediately as you head west. By the time you hit the west end of it, it would ramp up a little bit more headed south and then ramp up a little bit more back east. Probably a lot of the storefronts would be along there. There was some concern about some of the storefronts not being used right away because of the market; possibly they could be used temporarily as storage space within the parking garage. Staff is concerned if the requirement isn't held and those aren't provided, then basically the opportunity is lost for good. They aren't going to be able to go back in and change it after construction.

Comm. Munson: Did the previously approved plan show commercial here?

Mr. Klein: It didn't show commercial. In 2003 at the time of preliminary plan, they did an overall development. At that point, we weren't focusing so much on the elevations of the buildings; we were looking at layout and square footage. The history is that this development exceeds the F.A.R. of .25 by quite a bit - it's actually .84. The Leawood Development Ordinance in effect now was adopted in December of 2002, and the MXD portion of the development was created with this development in mind. A lot of thought that went into the Leawood Development Ordinance considered this development coming in. At the time it came back in 2005 with the final, we started looking at more of the elevations; however, Parking Garage B, which is the one we're discussing tonight, really wasn't part of that first phase. We were focusing more on Parking Garage A, which was over toward Nall. It didn't seem to make much sense to have shops lined out on Nall with less pedestrian traffic. This one has California Pizza Kitchen, which already has a door oriented to the southwest and somewhat toward 117th St. There is a plaza area located on the south side, so it seems like that would provide more of a walkway going along the north side of 117th St. and hopefully future connections with Town Center Plaza to the south. Then as you develop more retail to the east, those would come into play. You also have the residential component currently shown to be farther to the east as well. Staff was thinking to create more life along 117th St.

Comm. Munson: How many spaces are in the garage structure as proposed?

Mr. Rexwinkle: There are 472.

Chair Rohlf: Does anyone else have questions for Staff? Then we will hear from the Applicant.

Applicant Presentation

Jeff Alpert, with Park Place Village, LLC appeared before the Planning Commission with a PowerPoint presentation and made the following comments.

Mr. Alpert: With me this evening is my partner, Melanie Mann. We also have our architect of record, BDY, represented by Pat Lenahan and Jeff Burgess. Our civil engineering firm, PEI is represented by Judd Claussen. First of all, this is an exciting opportunity with us – the fact that we’re coming to you with the beginning of our second phase at Park Place. It’s been a long road getting here, and we are obviously in some difficult economic times. We’re very excited that we actually have a couple of significant tenants, one of whom is a major national insurance company who has just executed a lease for 25,000 feet. They would be the principle occupant of Building G, the subject building for this evening. We also have one retailer in particular with whom we’re in the middle of negotiations. We’re not presenting that building tonight, but you’ll see it on one of our plans. We hope to be back to you very shortly on that.

Generally speaking, Park Place has been going very well. We are approximately 78% leased in our existing Phase One office space. Our latest tenant just opened last Wednesday. IBM moved their main Kansas City office from Crown Center to Park Place in Leawood. We are working on some additional retail openings, which we should have very soon. Then Leawood’s first hotel, The Aloft, is in the final stages of construction and is scheduled to open the first week of June, along with the first restaurant in that building, Raw Sushi. We have great activity. We came off a great winter. Maybe you had a chance to walk by or ice skate on our ice rink. We had close to 16,000 people ice skate over the course of the four-month period we were open this year. It was extremely well accepted. We have grass back on Barkley Square now and are getting ready for a variety of programs, including an outdoor movie that we’re doing in conjunction with the city.

As far as our request for this evening, Phase Two is really not a significant departure, in our opinion, from what was on the original plan. There are probably two main changes. One would be the addition of some second and third-level office space on the west end of Building G, and then the extension of the parking garage over the entrance to the east commercial entrance into Park Place off 117th St. (*Refers to overhead*) This is the original master plan approved in June of 2003. One of the things that I want to point out in particular is the fact that this design is primarily internally focused, meaning our interior streets are the focus of our buildings, the entrance of shops and the residential. When we originally designed Park Place with our master planner, Street Works of White Plains, New York, they examined everything around us and really used that as the basis for the design. They oriented retail-to-retail, office-to-office, residential-to-residential, as you can see as you go around the perimeter of the site. One of the issues we will be discussing this evening is that of retail in the parking garage. Just to give you a little history, when we first did the design for Park Place, we approached the owners of Town Center with the idea of creating retail along both sides of 117th St. to create more of a connection between Town Center and Park Place. Unfortunately, for whatever reason – maybe economic or lack of attention - Town Center refused our request to consider that concept. We felt we had no choice but to focus our project inward. That’s the basis of the master plan that you see here (*refers to master plan slide*).

Chair Rohlf: Mr. Alpert, while we’re on that particular slide, could you tell me how we stand on the phasing as far as the buildings are concerned? We have some new members who may not have seen the original with the phasing.

Mr. Alpert: I'm going to get there for you. This slide is the development plan as it exists today with the changes on the southwest corner where we added the Aloft Hotel and reconfigured the retail in that corner. Really, the balance of the site is pretty much as it originally was. We've added a little square footage to some of the retail on the east end of what is 116th Pl. that we'll be addressing in the near future. Then we extended the parking garage. Going to the phasing plan, which you see here (*refers to overhead Master Development Plan*), Phase One: under construction or currently in operation – what we call the Aubrey Building and the Becker building, along with Parking Garage A that runs along Nall and then Barkley Square. If you can follow the arrow, Building F is what I'm pointing to right there and then the Aloft Hotel on the southwest corner. Phase Two A, which is designated on this slide, has Building G and the Parking Garage on it. Building G is one level of retail with two levels of office above with a little over 71,000 sq. ft. of total building area. Then we have Parking Garage B to the south of it, which has about 472 spaces on five levels. You see everything else designated as future phases. We have already come in to the Planning Commission, as those of you who were on it may recall, and got approval for our first residential building. Again, if you follow the area, I'm pointing to it right there. That's the Axis Lofts. It's a four-story building with 26 units, which we have put on hold pending the improvement of the residential housing market. We had sincerely hoped we would have that well underway by now, but circumstances beyond our control have made it the prudent choice to keep that one on the boards until the market improves. The plans are done, and we're actually ready to pull a permit. As soon as we see signs of light, we're ready to go.

(*Refers to overhead Original Site Plan*) This is a blow-up of Building G and the parking structure. The rectangular building to the west of the parking structure has been somewhat reconfigured, but that's where California Pizza Kitchen is located. We wanted to give you this slide for reference, showing you the original plan relative to the plan we're in tonight, which is this one right here (*places Revised and Proposed Site Plan on the overhead*). Because this is the ground level, it doesn't show the fact that the parking garage bridges the road to the east end of it. Above the second level, there actually will be a double-height opening going through that road, and then the 3rd, 4th and 5th levels will bridge over to the other side of the street. (*Places Original Site Plan on the overhead*) Let me go back and refer to this. As you can see on the original plan, there were sidewalks depicted everywhere where we expected storefronts to be oriented. As you can see, there was nothing but landscaping along the south side of the parking garage. Again, it was always our intent to have that be purely parking. (*Places diagram on the overhead*) This is an architectural study for what will be the north elevation of Building G from 116th Pl. This is still being tweaked, but you can see the character is similar to the architectural styles of the Aubrey and Becker buildings. We're hoping to be back to you very quickly with final development plan approval request, when we'll get into more detail on building elevations and associated items. This is an early concept design of the parking garage. This would be the south elevation of the parking garage and what you would see from 117th St. When this was done, we were actually only going to do a one-story drive-thru. Toward the right end of the picture, you can see we have expanded that so it will be a two-story drive-thru. It creates a more welcoming and more open feel and allows us to accommodate emergency vehicles that otherwise couldn't get through that space.

(*Places Landscape Plan on the overhead*) This is the Landscape Plan that is in your packet. Possibly the most important features here are to point out that our landscaping

is a continuation of the same styles that we installed in our first phase in terms of hardscape, paver patterns, planters and things like that. The tree patterns and shrubbery are all a continuation to give a cohesive feel between the first and second phase. The pedestrian circulation concept that is really one of the key elements of the Park Place Commercial is the “via” and the way the vertical circulation works in the parking garage. You can see the break in the building, which is an open-air break that’s bridged on the 2nd and 3rd floors by the office space and the vertical circulation just below it in the parking garage with elevator and open stair exactly like it is in Parking Garage A. The pedestrian connection is across the service drive, into the “via” and then onto the retail street. This is something that we feel is a very key component of the feel of the development.

If you look at the east end of this slide, this is basically a modified version of the surface parking that is currently in this location. We would alter it to make it usable in the event that we don’t have buildings on that site prior to the completion of Phase Two A

Comm. Neff-Brain: That’s going to be surface parking until you build a building.

Mr. Alpert: Correct.

Comm. Neff-Brain: Why would you need more surface parking?

Mr. Alpert: It already exists. We’re just leaving it until we have a building to replace it. Our parking requirement for all of Phase Two is satisfied by the parking structure, so it’s not necessary. That really completes the broad presentation. I do want to get into some of these stipulations for further discussion, but maybe this would be a good time if you had any questions generally speaking.

Chair Rohlf: I think that’s a good idea. Does anyone have questions for Mr. Alpert?

Comm. Elkins: Mr. Alpert, congratulations on the success you’ve had with Park Place. Focusing just for a couple minutes on the parking structure itself, I have kind of a historical question. The existing parking garage is referred to as Building A, correct?

Mr. Alpert: Parking Garage A.

Comm. Elkins: I’m looking at the west and north elevations of this parking structure. The elevations we were shown at the time we approved the final plan for Parking Garage A basically showed the floors - or what I would call the windows - in your structure as straight across. Then as constructed, we’ve got this kind of up and down sort of thing. I was curious if you could tell us how that happened in the construction process with the result of that change in appearance. Also, I know that we don’t approve elevations until final plan, but as long as you’re here tonight, what do you think the relative odds are that the elevations structurally will look like what we’re seeing tonight?

Mr. Alpert: I think generally speaking, you’ll find they look very similar to what you’re seeing. Just to give you a little history, and being totally candid with you (which I presume you would want) there was really a disconnect in Phase One between the original design done by Street Works and the design done by the architect of record at the time, who was Gould Evans. They made a determination that because of the way the vertical circulation works, we have to put the ramping side to the outside. When

Street Works did the original curtain wall design, they didn't really take into consideration the structure of the parking garage as much as just that façade in design. When Gould Evans came in, they overlaid that curtain wall design to the interior structure and saw that there were sloping ramps that were visible behind the structure the way it was. They made the recommendation that we follow those ramps with curtain wall in such a way that the ramps would be hidden from view. That is how we got to where we are. Now, I really don't want to get too deep into this because this is something we can debate when we come back for final development plan approval, but likely our philosophy will switch back to creating a curtain wall that has a certain style. You may see sloping ramps behind that wall that may be visible, but we were not as happy with the first one as we thought we would be. I think you're probably going to see us go back to a design that respects the horizontal lines of the curtain wall. Then you will see ramps beyond it, but hopefully you'll see that it's all done in a highly considered way, and we feel confident that it will be very attractive.

Comm. Elkins: The bottom line was using the curtain wall to obscure the vertical ramps is what really caused that dislocation of the horizontal lines.

Mr. Alpert: Exactly.

Comm. Elkins: Thank you.

Chair Rohlf: Any other questions at this point? All right, then I think it would be helpful if you would discuss the particular stipulations regarding the preliminary plan.

Mr. Alpert: Really of all the stipulations, we only want to address three: No. 7, No. 8 and No. 14. I'll start with No. 7, which is the issue of retail on the ground level of Parking Garage B. Retail on the south side of the parking garage was not part of the originally approved plan. It was very clear on that plan where sidewalks were, where landscaping was and where the focus of our retail storefronts would be. Going back to my narrative regarding our discussions with Town Center, once we determined there was no opportunity to make that connection with them on the south side of 117th St., we went back to our internally focused concept and pursued that. That is the plan that this Commission approved back in 2003. (*Places original plan on the overhead*) Again, this is that plan, and it is very clear that there was no intent to try to put any retail along 117th St. I heard California Pizza Kitchen mentioned. We built their prototype building, but they actually wanted to put some outdoor dining on 117th St. and were not successful in getting that approved, eliminating the one shot that might have led to some activity on 117th St. side. If you look at the sidewalks around California Pizza Kitchen, they're much more highly finished on Ash St., which is the internal street, than they are on 117th St. (*Places landscape plan on the overhead*) Again, this is showing the south side of the parking lot was always intended to be landscaped.

We believe that, given these circumstances, retail on 117th St. is a poor planning concept because there is no corresponding retail on the other side of the street. We tried to come up with an example of a condition where there was retail under a parking garage. There aren't very many, but where we did find it, we found that it was important that there be parking in front of the retail as well, whether it's parallel parking like we have at Park Place or diagonal parking. It's very important that they have a parking component. Even though it's not a very significant one, it's still a parking component that lets people drive up, make pick-ups or whatever the case may be. (*Places*

photograph on the overhead) This is the Country Club Plaza, and I just took this photo a couple days ago. This is 47th St. looking east, and you can see on the right side of the photo a relatively new parking structure, actually the newest one built on the plaza. They actually did put first-floor retail in that building. I think they kind of stretched in doing it because if you go into that retail, the ceiling heights are extremely low. The sidewalks are probably only about 8 feet wide, where our sidewalks are 20 feet wide. If you look on the corresponding north side of the street, you'll see there is no parallel parking. I believe some of the shops are suffering because of it. At the very left edge of that side of the street is what used to be Z Gallery, which is now at One Nineteen. That store was closed, and my guess is that it was because it just wasn't getting the traffic it needed to define it as a successful store. This is a condition where we think it would make sense to put retail on a first floor of a parking structure; we don't think we have that condition. This is what we've got (*Places photograph on the overhead*). This is looking south from the parking lot east of California Pizza Kitchen. You can see how far it is to the buildings. There's no real connection other than our pedestrian connection farther west across from Park Place to the AMC Theater. There's nothing to walk to until you get all the way to the far east end where Hereford House comes up to the end of the street. Along the portion of 117th St. where Parking Garage B would be located, this is really all you have.

The next point that I want to make is regarding the ramping. In order for there to be retail on that side of the parking structure, the parking levels above the retail would have to be flat. That would require us to put the ramping on the north side of the parking structure. If you look at the parking structure here (*refers to Parking Garage Plan*), again, our vertical circulation is on the north side right here. In order to ramp that side of the parking structure here, it would make it unfeasible to put the vertical circulation in that location. Again, it starts to undermine the underlying concept of what we're trying to do.

The final point we want to make in this regard is that we just don't think the space is marketable under any economic conditions, but particularly these. The thought of creating a significant amount of retail space, as defined as 70%, would be probably somewhere in the neighborhood of 15,000–20,000 square feet. We just don't see anybody leasing it. It's a real disappointment to us that we were not able to make a deal with Town Center and try to get something like that going, but to put space in with the idea that maybe someday Town Center might come in and reconfigure that side of their center and put retail on 117th is a chance we cannot afford to take. With that, we would respectfully request that Stipulation No. 7 be removed. Would you like to discuss that further before I go to the next one?

Chair Rohlf: Why don't you finish your stipulations.

Mr. Alpert: I'd be happy to. (*Places site plan on the overhead*) The next one is Stipulation No. 8, and this was the request that the alley between the parking garage and Building G be one-way. It might be easier in this case to go to the board (*goes to the presentation board*). As you know right now, this street exists as parking. There is movement going both ways on this section of street that's already in existence north of California Pizza Kitchen. Our intent was to have service vehicles enter from the west, travel east and exit out this way or loop around and come out this way. Our intent was also that customer and office tenant vehicles could enter here and turn in to the parking garage here and circulate up as need be. They would exit here, and we would direct

them to make a left turn only out and go back out this way, keeping the continuation just for service vehicles. One of the main reasons we wanted to do that was to reduce the amount of traffic that would conflict with our pedestrian crossing here from the vertical circulation in the garage, through the "via" and out onto the retail street. That was really the design concept. We wanted two-way traffic from this point west over to Ash St. We think we can control it with signage by putting "Do Not Enter" signs on this end and creating a diversion to the left here to make it very clear cars are not to exit and turn right. It would only be the volume of traffic coming out of the parking garage that would go back to Ash. They would have a second means of egress from the parking garage at this point where they could turn right and come back to enter 117th St. right here, so there would be two ways in and out of the parking garage. Any questions on that?

Comm. Munson: Demonstrate the ingress into the parking structure.

Mr. Alpert: From 117th St., you could enter in this way and turn left, or you could enter in off Ash, turn right and then turn right again.

Comm. Williams: Clarify the northeast garage opening. That's not to be used by individuals to exit out? Isn't there an opening out of the garage right there above where your pen is?

Mr. Alpert: Actually the vertical circulation occurs on this side of the street right here.

Comm. Williams: Right, but when cars go out, can they not go out that entrance?

Mr. Alpert: Absolutely, you could turn left or right.

Comm. Williams: There are three ways out of the garage. Thank you.

Comm. Jackson: You're assuming if you just have a one-way in front of most of the garage, that keeps the traffic down and you can have a pedestrian walkway on the north side of the curb.

Mr. Alpert: (*Referring to diagram*) Yes, again, you'll see this when we come back with final development plans, but we would expect a higher level of finish along this section of Building G to the "via". We would expect most pedestrians to be using the vertical circulation here, crossing the crosswalk, going through the "via" and going this way. There is the opportunity for them to go back and forth here. From this point, there really is the opportunity to go back and forth here as well. One of the stipulations discussed was to eliminate this sidewalk here and throw that space into a wider sidewalk which would be the north side of the alley and the south side of Building G. We had no problem with that.

Comm. Jackson: If you end up with a building on that far-east side, you wouldn't have to go out and walk along that north sidewalk to get there because you'd have a vertical way straight down into that building.

Mr. Alpert: Correct.

Comm. Pateidl: If I understand the recommendation of Staff, it's in the interest of public safety and the traffic that they recommend that be a one-way street from one end of the

building to the other. What I understood you to say about deliveries and the balance of it, you anticipate most of the traffic to come in from the west side and go east through to Service Building G, correct?

Mr. Alpert: Correct.

Comm. Pateidl: What commercial interest is there for this to be a two-way street that overrides the public safety interest that Staff has exhibited?

Mr. Alpert: If this were a one-way going east, everybody who exited the garage here would have to turn right, and it would be throwing additional traffic across the crosswalk, which is our main pedestrian connection over to the "via" and to the retail street. We believe the public safety issue is better addressed by diverting this traffic back to the west than to allow them to cross this crosswalk.

Comm. Pateidl: So in essence, we're talking about a difference of opinion here?

Mr. Alpert: I think so.

Comm. Pateidl: Then might I suggest that we defer that to a traffic expert to make the final determination whether it be one-way or two-way?

Mr. Alpert: I think we're fine with that. What I would request is that we could get approval and maybe make that a stipulation that we engage a traffic engineer and then all agree to abide by their recommendation so we don't hold up this process.

Comm. Pateidl: That's what we're talking about as a content of a stipulation. Mark, is that a problem as far as Staff is concerned?

Mr. Klein: No, if that's what the Planning Commission wants.

Chair Rohlf: Mr. Ley, do you have a comment on this?

Mr. Ley: We are still working with their traffic engineer, so we could have them look at that issue also and then have our traffic engineer review their recommendations to bring back on final.

Chair Rohlf: Is that all on No. 8?

Mr. Alpert: That completes my discussion on No. 8. The last one we wanted to discuss was No. 14, which addresses some issues that we believe are, to some extent, very likely in conflict with elevations that we'll be bringing in for final development plan approval. We believe that it's really unfair to impose these stipulations in the preliminary development plan approval when they clearly are more relevant to final plan approval. We'll have an opportunity to debate all these things when we come in with our final elevations. We would just request this be pulled from the preliminary. We believe that we can offer some compelling reasons for doing what we'll be proposing, but we're not prepared to debate it tonight. To put it into a stipulation just didn't make sense to us.

Chair Rohlf: So if I understand correctly, Mr. Alpert, the elevations that were included in our packet could or will change.

Mr. Alpert: They won't change significantly, but they could change. There will be some alterations from what you've seen.

Chair Rohlf: I would ask before we move away from that particular discussion if there is anything, although it's preliminary, that my fellow commissioners might have to say – if there's a particular point that Staff has brought up if it's truly significant, just to give you a heads-up of what we might be facing at final. I would just ask if there are any comments. Mr. Williams, do you have any?

Comm. Williams: I would just address the first stipulation, which really is requiring more masonry and less stucco. We don't appear to have that requirement on the development as a whole based on much of the individual buildings that you see over there today. Coming back and arbitrarily saying that this building needs to have 75% masonry or something of that equivalent is a little unreasonable. I would professionally like to see a design and hear the reasons for the design and all that goes with it. Then we can discuss it and see what they have and tweak it at that point. I think they've done a fairly good job with the buildings they have over there right now. I'd like to see a little more detail to them, but that's a discussion to have at final.

Mr. Alpert: We think that's very fair.

Mr. Klein: Madame Chair, if I may just give you one of the reasons we put the stipulation in there. Initially this application was supposed to be preliminary and final together, and Staff just didn't feel prepared to take such a huge chunk at one time because there's so much to consider for both preliminary and final. As an effort to try to give the developer some guidance and point out some of Staff's concerns with the elevations we did see, we put the stipulations in. We were trying to get direction from the Planning Commission instead of the developer coming forward at the time of final with a set of designs and Staff hitting you at that point with our concerns and then possibly the case being continued to address some of those. Regarding the 25% stucco, one of the concerns Staff has had is the amount of stucco that's on the buildings. As you recall, when this development went forward, it was approved with deviations to the F.A.R. from .25 to .84. In order to earn the bonus, they had a number of different categories. One was superior building materials, so that was the reason for Staff's concern. The Applicant is absolutely right that this is a final issue. Really, the intent of the whole thing is to try to bring out from the Planning Commission the level of agreement with the concerns to give the Applicant time to modify their final design.

Comm. Williams: I would concur with Mark that bringing it up is a good idea at this point in time. I guess I disagree with putting it in as a stipulation. I think they're aware of your concerns and what ours will be for the rest of the development. I'd say to not put it in a firm stipulation requirement. Let them design it, bring it to us, present their reasons and we can pass judgment at that point.

Comm. Pateidl: Under Stipulation No. 14, there are some specifics that are perhaps better served at final, but Paragraph D states that, "All four sides of the building, including the parking garage, shall be constructed to the same standard of design and maintain consistency in architecture and equally valued materials. Colors shall wrap exposed elevations of the building as a solid mass per the Leawood Development Ordinance." The rendering of the parking garage that I saw on the screen earlier was a

bit Spartan as it relates to wrapping or architectural enclosure. Are you saying that you have an objection to meeting that aspect of the Leawood Development Ordinance?

Mr. Alpert: I think the key phrase is, "equally valued", which is a matter of debate. I like to think everything we do will be of good or better quality. In Park Place, we have a hierarchy of design where we allocate our dollars. We don't put as much money on the street side of a building as we do on the alley side of a building because it is a service drive. When a parking garage backs up to an alley, we don't put as high a level of design on that side as we do on the sides that are more visible to the public. That's the way Park Place was originally conceived. That's one of the underlying design philosophies of our master planner, Street Works. That's not to say that we put junk anywhere because we don't think we do. By the same token, we clearly create a hierarchy, not just in the building facades, but in the pavement and in every other aspect of the development. I don't want to debate semantics. What I would personally prefer is that we present you with the elevations and you respond to the elevations as you see them, as opposed to putting some stipulations in when we're not referencing a specific design that we're presenting to you.

Comm. Pateidl: I think to be more specific to my question, then, are you opposed to the enclosure of the parking garage versus what I saw as open and exposed ramps in that rendering that was projected, or am I misinterpreting the rendering?

Mr. Alpert: I think that's going to be a debate on design philosophy when we get it all worked out.

Comm. Pateidl: We also see reference to this in Stipulation No. 7 as it relates to the ground floor architectural appointments, if you will, which wasn't discussed in your objections. What I'm trying to do is anticipate what we're going to see when it gets to the final, and if we see a bunch of ramps going like this, at least I know one Commissioner who's not going to be in favor of that.

Mr. Alpert: I appreciate the input.

Comm. Roberson: Will the parking garage tower over Building G since it's five stories and the building is only three stories? Will it be exposed?

Mr. Alpert: I don't think so. If you look at Parking Garage A, which is already up, that's a six-level deck next to the same three-level building. That's a good frame of reference for what you'll see. You don't see any of it from our retail street.

Comm. Roberson: On Building G facing the parking garage, are there going to be windows on that side of Building G?

Mr. Alpert: There will be on the office levels, yes.

Comm. Roberson: So the office workers will be looking at the side of that portion of the garage.

Mr. Alpert: We haven't got that totally laid out yet, but in the Aubrey building that's already up, the windows that you have on the back are really almost totally corridor windows and not windows within office spaces.

Chair Rohlf: Mr. Alpert, I agree with No. 14 not being in as a stipulation; but in reading Staff comments in the earlier part of the report, as well as the summary stipulation, these are some of the issues that we typically see at final. You may or may not decide to make any changes based on them, but don't be too surprised if you see these again in the Staff Report if you come back with virtually the same type of elevations. What might be helpful when you come back is to give a comparison to some of the other buildings you've completed. It's very hard for us to recall the various percentages of building materials, but if there's a point of reference that would help put this in perspective, that would be great. That will help some of our Commissioners who weren't involved.

Mr. Alpert: I'd be happy to do that.

Chair Rohlf: Mark, was there anything in the original preliminary or final plan or design guidelines about the percentage of residential build-out versus commercial retail? Did we not permanently phase it?

Mr. Klein: The MXD District has a requirement of minimum 20% residential for the floor area. I believe they had more than that with their original plan. The residential market has been fairly slow, and as a result of that, the Applicant put that portion on hold. That's one thing Staff wants to take a look at as they build out the commercial portion of this project to make sure that residential component is still there as required.

Chair Rohlf: But not necessarily being constructed.

Mr. Klein: Originally, a part of the initial approval was that they would construct a certain percentage of the residential in the first phase, which is actually satisfied by the 5-8-story condominiums along 117th St. adjacent to the office building to the north. That was supposed to be constructed in the first phase, and Staff reviewed building plans; however, it's my understanding due to the market and design issues, they're rethinking that and have stopped. The Applicant may be able to enlighten you a little more regarding that.

Chair Rohlf: I understand the residential dilemma he might be in. I couldn't recall if we tied a certain percentage of residential being constructed before we moved into this commercial.

Mr. Klein: We had that original stipulation in the first phase of residential being constructed, and that has not happened.

Comm. Neff-Brain: So can we go forward with the second phase without that happening?

Mr. Klein: This is revised preliminary for the overall development. There is a stipulation that states, "All the stipulations of the previous preliminary plan are incorporated into this one except as modified herein." It would be up to the Planning Commission as to whether they wanted that part of the stipulation to go forward.

Comm. Williams: Is that something we have to address tonight?

Mr. Klein: It is part of the preliminary. It has to do more with use, as opposed to elevations, which is more of a final issue.

Comm. Neff-Brain: To me, that's a pretty critical element.

Chair Rohlf: I think I remember that. Looking at the plan in our packet this evening, I see how much of this development is dedicated to some type of residential building. I just thought I remembered something in there trying to keep a balance under construction. Mr. Coleman, do you have any thoughts on that particular issue?

Mr. Coleman: I think it's something that should be addressed at this time, and it's up to the Planning Commission.

Comm. Neff-Brain: Can we have the exact wording of that stipulation?

Chair Rohlf: I think it was a stipulation or part of a discussion we had.

Mr. Klein: As I recall, it was actually a stipulation. It's been a number of years.

Comm. Jackson: I think you insisted it be a stipulation, if I remember.

Chair Rohlf: Probably, because this development is so unique.

Comm. Neff-Brain: If it's part of a stipulation, we can't incorporate it and go forward.

Chair Rohlf: I think the Applicant's option would be to ask for some type of extension at the City Council level.

Mr. Klein: It was part of the original preliminary plan. "Of the total floor area of the first phase, at least 20% of the area will be residential and at least 30% will be commercial. Changes to phasing of these portions may be approved by the Governing Body at the time of final plan approval." That's off the Staff Report. We're printing the actual resolution right now just to confirm that.

Comm. Jackson: So it would be up to the Governing Body.

Mr. Klein: The Governing Body would have the ability to waive that. Actually, as part of that first phase that they're proposing, they had Parking Garage A, Building A and Building B. I think they've actually gone outside that first phase because they have California Pizza Kitchen, and they also have the Aloft Hotel in that first phase.

Chair Rohlf: It seems to me when we were discussing phasing quite a while back that part of the residential that would be constructed first would be the high-rise condominiums. Then they came back with the lofts.

Mr. Klein: Right, they were going to do the one that was 5-8 stories in height in their first phase. Again, I think they were intending to do that until the market changed.

Chair Rohlf: I think it's something the City Council would need to address at the time you come in for final. This preliminary plan would go ahead and move on to the City Council as well.

Mr. Klein: Correct.

Chair Rohlf: I think we need to get that addressed and at least get the documents compatible.

Mr. Alpert: I think we'll look to your direction on that.

Chair Rohlf: Right, and we all know what the market is, but you might have some inside information that would help with an extension. It's not something we should just leave out there.

Comm. Neff-Brain: Mark, I know what the Staff Report said, but what is your thought on that south side parking garage commercial development, knowing that when the plan was first submitted it didn't indicate there would be commercial or retail development along there?

Mr. Klein: At that point, I don't think Staff was looking at the elevations, but rather the layout of the plan regarding F.A.R. This was such a different project that the city had never seen before. We'd never seen a mixed use before outside of the little bit with Mission Farms. We also had seen nowhere near the type of F.A.R. or height we were dealing with on some of these buildings. During that first preliminary, we were looking more at location of the parking garages and the overall development concept. They had Street Works come in and explain that the commercial portion would be developed around the L-shaped streets of Ash and 117th and how they had this residential component that would fit in there. They explained that everything would work together with a synergy between the residential and retail. Really, I don't think Staff was thinking at the time that no parking garage would have any component like that. We look at that more at the time of final site plan. I think we looked at it more with Parking Garage A, but decided that really it made absolutely no sense to have that. I know we were aware of that issue within the Leawood Development Ordinance at the time. The LDO was actually written with this project as the impetus. We discussed parking garages a lot because Sprint had gone up. Many felt Sprint had turned its back on the community by lining the streets with all the parking garages and putting the campuses and nice green spaces interior. I think now that we're reaching the second phase and actually reaching the parking garage that might have some potential to have that store frontage located on 117th St., Staff feels more strongly with this one that it makes sense to include that retail.

Comm. Neff-Brain: Do you anticipate people parking in the parking garage and then walking all the way around to get to the retail frontage?

Mr. Klein: I think to an extent, we would expect that to happen some. What I think is going to happen is both parking garages will be utilized. Parking Garage C will be located farther down and probably won't affect this as much. When you go there, you might park in the parking garage or in the parallel spaces along the street. You visit some of the shops along there, and you also go into a restaurant. It's supposed to be more of a pedestrian feel. You're going to have the same kind of dilemma with California Pizza Kitchen. You park in that parking garage and come down, and basically the entrance to that store is in the southwest corner of the building. You'll have to walk around the building at that point anyway. I understand the developer's concern as far as tying into Town Center Plaza, and maybe the opportunity isn't there now. I printed an

aerial, so maybe that will easier to visualize (*places aerial photograph on the overhead*). The Park Place Development is located here. This is where Parking Garage B is supposed to go. As you can see right now, you have the parking lot located here. You also have parking that doesn't have an end cap. You basically have two rows of parking. Staff thinks that at the very minimum, it may be possible in the future when Town Center comes in with an improvement that we may be able to replace one row of parking and have this wide pedestrian connection from the storefronts here, across 117th St. and over to this Phase Three of Town Center Plaza. We never know what's going to happen, and it's possible that Town Center may want to take advantage of some structured parking or more storefronts along 117th St as well. Part of Staff's concern is once that opportunity to have storefronts located along here is gone, it's gone. You'll have the entrance to California Pizza Kitchen here and some future retail at this end. You're also going to have the residential here. It seemed like as this residential develops at the corner, people from these residences could walk along the sidewalks and storefronts and use this as a residential community with a possible connection with Town Center Plaza over here. We're already seeing instances where AMC has that synergy.

Comm. Neff-Brain: Thank you.

Chair Rohlf: Does anyone else have any questions for Mr. Alpert? This case does require a public hearing. Is there anyone in the audience who wishes to speak about this case?

PUBLIC HEARING

Don Smith, VP of Edgewood, appeared before the Planning Commission and made the following comments:

Mr. Smith: As far as the commercial part that they're proposing, we're for it. We pray that you and they will give some consideration in the future to the fact that I don't think anyone in our community likes the eight-story buildings immediately across the street. As far as this development is concerned, we think it's good and think they've done a good job so far. We'd like to support it.

Chair Rohlf: Thank you. Is there anyone else in the audience who would like to speak?

As no one else was present to speak, a motion to close the Public Hearing was made by Williams; seconded by Elkins. Motion approved unanimously with a vote of 8-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

Chair Rohlf: That takes us up to final discussion. I think that we would need some revisions of the stipulations. We need to add revised Stipulation No. 29. I think we're all in agreement that Stipulation No. 14 could be deleted with a motion, as it is also in Staff comments. No. 8, we have deferred until we see this plan at final to give both sides an opportunity to look at it from a traffic safety standpoint. I think the only outstanding stipulation we need to make a decision on is No. 7, or if there are any other stipulations that are a concern.

Comm. Jackson: Mr. Alpert, having heard Mark's explanation to hope that the residential down in that southeast corner, future Building K with some retail in it and the parking garage might all connect up and assuming Town Center never did bring anything along their side of the street, would that be enough to make a connection so you could get some retail into that parking garage?

Mr. Alpert: I think it'd be a disaster. The whole concept of Street Works' design was creating what they called an outdoor room. They didn't just pull it out of a hat; they went to Worth Avenue in Palm Beach, Rodeo Drive in Beverly Hills and the Champs d'Elyse. They examined great streets and tried to figure out what made them great. Their conclusion was that it was all about what they called an outdoor room. It was scaled; it was distance between and height of the buildings. The way that you feel when you are in this outdoor space is that it's a protected and defined space. That's the underlying concept of Park Place and the commercial portion of Park Place and what they're trying to create. They want to have both sides of the street active, to have it comfortable, to have parallel parking to act as a protection from traffic for people on the sidewalk if they're walking or dining outdoors. That's the whole theme of what we're trying to do. There is no way in my mind that we can create that on 117th St. It's too bad. It would have been wonderful if Town Center had said, "We'd love to figure out a way to cooperate with you. We'll build this side, and you build that side." Other than the connection that we've made at the AMC, there is no comfortable place to go once you get across the street. There are no sidewalks; you're going to be walking down aisles between cars in parking lots to get to the façade of Town Center. Even if Town Center were to build retail to match the retail that conceivably would be on the ground floor of the garage, then their back would be to all their other retail. It really doesn't make sense for them unless they were to create not only retail on 117th St., but also lines of retail along some kind of a street similar to what we have that would carry people back to the main core of Town Center. I would love to think something like that is an opportunity, and if my pockets were unlimited, I could go out and build my side of it in the hopes that they would build their side someday. We just don't have the wherewithal to do that. It's a wonderful idea, but the practical realities of it are such that it's just not feasible in the context of what we're doing.

Chair Rohlf: Does anyone have anything else for Mr. Alpert?

Comm. Munson: I tend to agree with the Applicant with the commercial along 117th St. I think that the fact that there's no development on the other side means there would be very little relationship between that commercial and the rest of the center. I feel that when all is said and done, the parking structure is more important to this development than chancy commercial along 117th St. I would suggest that No. 7 be deleted.

Chair Rohlf: I would have to agree with that. I think in some ways, we would be dictating a particular type of building structure that may not be marketable. Just from a common sense standpoint, I don't think there's a demand for retail on that side. I think you would have to change that end of the project, and I don't think we're in a position to do that. I think this would be great if it would work, but I agree with Mr. Munson that it's a stipulation we don't need to have in there.

Comm. Jackson: I'm becoming convinced of that, too. I would like to see, when they come back, very well defined landscaping around that parking garage and much better

façade so that we're not looking at Sprint's parking garage. We're looking at something pleasing, and not closing ourselves off to the community.

Comm. Williams: I think the project would benefit more from that approach than a bunch of empty storefronts.

Chair Rohlf: I do, too. That might be the trade-off.

Comm. Neff-Brain: I agree with that. I don't like seeing the ramps.

A motion to recommend approval of Case 14-09 – PARK PLACE BUILDING G AND PARKING GARAGE B – Request for approval for a revised preliminary site plan, located north of 117th St. and east of Nall Ave. with Staff stipulations modified herein: delete Nos. 7 and 14, modify No. 8 to engage a traffic engineer to provide recommendations to be entertained at final, add No. 29 as the stipulation noted in the memo brought tonight, add No. 31, making reference to Applicant/Owner shall work with the City's traffic consultants – was made by Williams; seconded by Elkins.

Chair Rohlf: Any further discussion before we vote?

Comm. Pateidl: On Stipulation No. 29, just to be clear and further adding to that stipulation that the surety will be a corporate surety licensed in the state of Kansas with an AM Best rating of "A" or better.

Comm. Williams: Addition accepted.

Comm. Neff-Brain: Isn't "A" kind of high?

Comm. Pateidl: No, not for that obligation.

Chair Rohlf: Are you comfortable with that, Mr. Coleman? I know this is out of our purview.

Mr. Coleman: That's acceptable.

Comm. Neff-Brain: Does that incorporate the stipulations that Mark talked about from the prior?

Mr. Klein: There is a stipulation in there that states all the previous stipulations are accepted.

Comm. Williams: That also takes into consideration that the stipulation of residential is taken at the Council.

Comm. Elkins: I'm reluctantly in agreement with my colleagues who have addressed the issue of former proposed Stipulation No. 7. I'd be remiss if I didn't comment that we, as a city, have missed a real opportunity there. I wish that I had the creativity to find a way to do it. Essentially what we've done – and by "we" I don't mean necessarily Mr. Alpert or the Planning Commission, but as a community – is effectively established two very discreet economic units there and basically made 117th St. into a thoroughfare

effectively, rather than part of a connected community. The way that piece of property is laid out, but for the Town Center parking lot, seems like a community retail and commercial area. I don't see any alternatives here, but I do think that as a community we've missed a great opportunity here to create a whole unit, rather than the two medium-sized units. Having said all that, after thinking about this over the weekend, I was hoping my planning and architectural friends could have some sort of brainstorm that I couldn't come up with. Obviously, we're all stymied. Unfortunately, I, too, will vote in favor of approval without Stipulation No. 7. I think it's very unfortunate we find ourselves in the position to do this.

Chair Rohlf: Does anyone else have comments they'd like to make?

Motion approved unanimously with a vote of 8-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Munson, Williams, Elkins and Heiman.

MEETING ADJOURNED.