

Mission Woods Board of Zoning Appeals
September 1, 2015 at 4:00 p.m. Westwood City Hall

Members present: Ryan Bowden, David Immenschuh, Darrell Franklin, Richard Ahsmuhs,
Jay Sadie

Others present: Heather S. Esau Zerger, City Attorney;
Steve Karbank and Jennifer Catano; Peter Baird, Lon Lane and Michael
Moise (Inspired Occasions) all with Applicant
Spencer Thomson
Prairie Village Post representative
Mimi Ahsmuhs
Tenants of 1900 SMP

Chairman Bowden called the meeting to order at 4:00 p.m. A quorum was present to do business. Chairman Bowden introduced himself and the other members.

The only item on the agenda is the application for a special use permit for 1900 SMP, which is currently zoned as Planned Office District. The proposed use by Mr. Karbank includes a third-floor private restaurant, and catering and event space on the first floor.

Mr. Karbank introduced his group and reported they are making good progress on construction. They should obtain a temporary occupancy permit by tomorrow. Wells Fargo will be moving in on September 18. (Mr. Sadie joined the meeting). Wells Fargo is moving from the Lockton Building on the Plaza. Its employees like being able to take clients to restaurants on Plaza. Wells Fargo and other tenants would appreciate food service in the building. The current zoning would allow for food service for tenants but Wells would like something a bit more, as would Karbank. Wells has clients who come in for presentations and would like space for larger-scale presentations, which fits in well with what the Karbank group is thinking about in terms of what 1900 could and should be. Now, Wells rents conference rooms in hotels, which is inconvenient. In thinking about food service, Karbank has been in conversation with Lon Lane of Inspired Occasions. Inspired Occasions is widely and universally regarded as the best caterer in town.

They propose a high-end restaurant/club on the 3rd floor with an outdoor terrace; on 2nd floor a more informal café for tenants and perhaps those from outside; and on the 1st floor a catering facility and conference and performance space that connects to an outdoor patio. The Karbank group has spent considerable time working with the Inspired Occasions group and with renown commercial kitchen designer.

Since being in Mission Woods close to 3 years now, the Karbank group has hosted many informal events, which have included music and food. The idea of a performance space grew organically in response to feedback from the community, tenants and musicians. The 1900 building is well-suited for it. The Karbank group has received numerous requests from civic organizations for use of performance space. The infrastructure is well-suited to the proposed uses, as ample parking exists and the building and sites are secure. Further, the Karbank group is working with the City on public infrastructure possibilities and will continue that discussion (with improvements to intersections at 51st) and proposed sidewalks for neighborhood.

Mr. Karbank opened the floor to questions from the Board. Ms. Zerger then reminded the committee of the standard applicable to the requested Special Use permit. Mr. Immenschuh asked about whether any members of the City Council were aware of the SUP application and what their feedback had been. Mr. Karbank reported that the Mayor is aware, as are some Council members who have been informed informally, as they have been invited to events at 2000 SMP. They are supportive. Since holding informal events at 2000 SMP, the City has received no complaints about noise, traffic, safety, construction or negative appearance of anything being done. The feedback has been very positive.

Chairman Bowden acknowledged that the BZA received a letter from Mr. Thomson, attorney for Grandview II, LLC, which owns property at 1968 SMP. Mr. Thomson indicated he had not been engaged to look into this until yesterday, so he had little time to research and address his client's concerns. He also acknowledged it is not the first time he has appeared in front of this body. He noted that his client's concern is around traffic density, congestion, and whether this is an appropriate use for the property. He stated it is possible that, with more time, there may be a different view taken by his client. He also stated that he and his client are more than happy to sit down with staff and consultants and talk through any issues (though his clients were not present at the meeting to hear the presentation by the applicant). He indicated that there does not appear to be a traffic study done. He also stated that the plans look like they could accommodate many people, which might cause congestion. He noted that the hours of operation allowed in a Planned Office District do not include evening and weekend hours. Thus, if tenants are not there working late and the performance space is used primarily in the evenings, there may not be a congestion issue. However, he stated there are no objective studies that reflect that such issues of concern are not real. He stated that without more information or knowing the impact on public safety, his client cannot yet embrace the plans. Mr. Thomson conceded that quality development is in the interest of all, but he views this SUP as a major change to use in very

limited space. He also queried whether the owners of 1968 would be treated similarly if they came before the Board to seek a similar SUP if this one is granted.

Mr. Franklin asked about the amount of parking between 1900 and 2000 SMP and whether the garages together support the maximum capacity of events that might be held within the space. Mr. Karbank responded that they do. Parking will be entirely self-contained between the two properties and there will be no over-flow to the street. There are 350 spaces between 1900 and 2000 SMP. Mr. Franklin also asked whether all necessary notices were made. Ms. Zerger, City Attorney, confirmed that all the publication requirements were met and that the owners of 1968 SMP were given notice not only by publication the requisite 21 days in advance, but also direct notice to their counsel one week in advance of the meeting.

Mr. Karbank noted the history of the buildings and leases. Tenants are very supportive of what is being done and much of what is being proposed is a result of discussion with them about what they'd like to see in the community. Mr. Immenschuh asked about the food operations and how they function from an occupant point of view. The 2nd floor might be accessed from outside. Everything else accessed from inside. The use of spaces for special functions will be controlled by Karbank. The applications are made in the name of Karbank and Karbank will be responsible and will maintain control of quality. Inspired Occasions will be taking care of food product rather than equipment and furnishings. Mr. Lane confirmed his company will focus on the food, ambiance, and quality of events. He noted that the property is such a great value to the community; he does not want it turned into a wedding-mill. It will be a high-quality, community and culturally-oriented facility. It be higher-end event space. The third floor is not a restaurant open to general public. Instead, it will be a controlled-membership establishment, open from 11 to 2:00 p.m. for business lunches. It will not open to general public for dinner. A question was posed about liquor licenses. Each space may require separate liquor licenses and the applicant is in the process of obtaining the necessary licenses and permits. Mr. Baird noted the adjacency of Pembroke across the street and that their investigation revealed there is no KS regulation about serving alcohol within proximity of the school.

A question was raised about the time limit, if any, for the requested SUP. Ms. Zerger referenced the options under the applicable ordinance.

Mr. Karbank reviewed the proposed use for the first floor space, a performance space and catering kitchen, which will be run by his group. The 2nd floor will be include a café most likely serving breakfast and lunch primarily to tenants in buildings and their clients, as well as community people, if they are interested. This use is in compliance with the existing zoning regulations. Mr. Karbank referenced plans for grab-and-go option or a dine-in option. They have not yet determined whether there will be a counter at which to order or if it will have a wait staff, or a combination of both. Mr. Karbank stressed that this will not be a chain-type restaurant. They plan to start simply and slowly and get it operational. The intent and the

character of the buildings call for this to be done on an intimate, personal scale. They are not building Bartle Hall or 300-seat restaurant.

Mr. Immenschuh inquired about the timeline if approval is granted. Mr. Karbank reported they are in pretty good shape on kitchen designs. The performance space is relatively simple and they are working with acoustician to get first floor space right. The concept has been submitted but not working drawings for the 2nd and 3rd floors. If approvals and permits are granted, events may be held even before the first quarter of 2016. There are many requests coming from arts organizations.

Mr. Immenschuh also asked about traffic and parking. Mr. Karbank reported that this had been discussed with the City police department. Moreover, he and his group have met with John Sullivan (of the public works department), Chief O'Halloren and the Mayor to discuss plans to modify the intersection at 51st and State Line across from Pembroke Hill to make it safer and easier to navigate. Mr. Karbank also reported that his group has engaged off-duty police officers during some of their events and would continue to do so. They have also implemented security measures suggested by Police Chief O'Halloren and that they are well-covered in terms of parking. They have designed the venues for a size that they can accommodate in terms of traffic and parking—it is the reason the venues are the size they are. They are purposefully small, well-defined and limited in size for events with a limited number of people, with all on-site parking. Everything will be self-contained. Mr. Karbank further noted they have guaranteed parking space in their leases with tenants and those leases are sacrosanct – they will not endeavor to park more than they can accommodate.

Mimi Ahsmuhs noted that as resident, she'd be thrilled to eat in a Lon Lane café or enjoy take-out food. She is supportive of the plans. She is a long-term resident of Mission Woods. She also spent 50 years in the commercial real estate business and noted that if she owned the building that was concerned (1968 SMP), she believes the proposed plans would be a huge asset to leasing the 1968 building. Mr. Thomson reiterated that his client is not per se opposed if understands fully the impact to the neighborhood. He reiterated that the proposal is not a detriment as long as the proposed uses are not taxing infrastructure and creating safety and other concerns. He suggested that, given the discussions about improvements to streets, such improvements could be a condition of granting the Special Use permits. Traffic is his client's primary concern. He also questioned what would happen if one of Mr. Karbank's two buildings were sold and there was suddenly insufficient parking.

An architect working for Mr. Karbank for many years spoke in support of the proposal. He stated that his mantra is to leave it better than when you started and do it right and that Mr. Karbank adheres to this principal in his work. The architect supportive of the proposal stated he has signed a lease to move into the building and his two concerns are lack of food service and the condition of the building next door (1968 SMP).

Mimi Ahsmuhs noted that a restaurant used to exist at 1900 SMP--the Green Parrot.

Mr. Sadie asked how large the largest events might be. Mr. Karbank noted that at round tables, around 225 could be seated. In row configurations, 275 could be seated. In the smaller space, there will be room for around 125 or so. Mr. Paxton, architect for the project, noted that the space allows for higher occupancy than what they would normally include at the events Mr. Karbank contemplates.

There were no other questions from the Board members.

Mr. Bowden moved approval of the requested special use permits allowing for the café space, the 3rd floor club and the event space as requested by the applicant and proposed that the permit be unrestricted in time but specific to the proposed uses. Mr. Franklin seconded the motion. Chairman Bowden called for any additional comments or questions. Mr. Immenschuh noted Mr. Thomson's suggestion that the roadway improvements be made part of the SUP but indicated he did not believe such a condition was necessary given the progress being made between Mr. Karbank's group and the City on the project. All voted in favor. Meeting adjourned at 5:00 p.m.