

**City of Leawood
Planning Commission Minutes
September 22, 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, Williams, Elkins, Heiman, and Rezac. Absent: Rohlf

APPROVAL OF THE AGENDA:

A motion to approve the agenda for the September 22 Planning Commission Meeting was made by Elkins; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac.

APPROVAL OF MINUTES:

Approval of the minutes from the August 25, 2009 meeting.

A motion to approve the minutes from the August 25, 2009 meeting was made by Roberson; seconded by Heiman. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac.

CONTINUED TO OCTOBER 27, 2009 MEETING:

CASE 54-06 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-10 – ARCHITECTURAL STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 45-09 – MOLLE OFF SITE PARKING – Request for approval of a Special Use Permit, Preliminary Site Plan and Final Site Plan, located at 104th Street and State Line Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 52-09 – LEAWOOD EXECUTIVE CENTRE – Request for approval of a Sign Plan, located at the southeast corner of College Boulevard and Roe Avenue.

A motion to approve the Consent Agenda was made by Roberson; seconded by Neff-Brain. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac.

NEW BUSINESS:

CASE 49-09 – ONE NINETEEN – REPUBLIC OF COUTURE – Request for approval of a Final Site Plan for a Tenant Finish, located at the southeast corner of 119th Street and Roe Avenue.

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chair and members of the Commission, this is Case 49-09. It's a request for Final Site Plan approval for a tenant finish for Republic of Couture at One Nineteen, which is located at the southeast corner of 119th Street and Roe. The tenant space is located in the center of the main building between Mochi-Yo and Mitzi London's. An existing brick pier will be relocated from the middle of the proposed storefront to the eastern edge to make room for this storefront. The center of the main building is divided into three spaces by four brick columns, one of which is the aforementioned column being removed. Each of the three spaces has an individual canopy above the space. The Republic of Couture store is proposed to occupy one and a half spaces. As a result, it actually has two individual canopies, each with varying width. Staff is concerned with the appearance of the two individual canopies above one storefront, particularly because they vary in width and because one of the signs proposed is located on the shorter of the two canopies. The applicant also proposes a blade sign. According to the approved sign criteria for One Nineteen, the maximum letter height for canopy signs is 24", and the proposed letter height is 28", exceeding the maximum. The canopy sign is a total of 57 square feet, while the maximum areas allowed by sign criteria are 15 square feet. The blade sign is proposed to be 5 square feet in area, which is slightly larger than the permitted 4 square feet. The approved criteria require that each letter on the signage be individually illuminated, and they're proposing to illuminate it with a light box that would illuminate all of the lights. Staff is concerned that the signs do not comply with the approved sign criteria; however, we are recommending approval, subject to the stipulations in the Staff Report. To address the concern regarding the appearance of the two individual canopies, we recommend that they be replaced with one canopy or modified to two canopies of the same width.

Chairman Williams: Any questions for staff?

Comm. Elkins: Can you tell us a little bit about how these sign deviations compare to other signs that are in the One Nineteen space?

Mr. Rexwinkle: I know the Mochi-Yo sign, for instance, that is right next to it is very small compared to the proposed sign for Republic of Couture. I'm not really sure on the other deviations requested, but in terms of the sign area, reducing it would comply with the other canopy signs in the development.

Comm. Elkins: Are the canopy signs for the other tenants in the space compliant?

Mr. Rexwinkle: Yes, in the center area, there are three spaces based upon the way the center was really designed. There are four piers, and they divide into three individual spaces. Each of those spaces has its own canopy, and they vary in the distance they project off the face of the building. This storefront is proposed to have half of one canopy that projects several feet off the building and then an entire canopy that's only a foot or two off the building.

Comm. Elkins: What about the issue with respect to the letter height? Is the letter height of the other signs for the other tenants compliant as they stand today?

Mr. Klein: I believe they are. We haven't seen many canopy signs. Mochi-Yo is one. West Elm originally came through proposing a canopy sign; but at the same time, they were proposing a wall sign. The Planning Commission made them choose one or the other, and they chose to remove the canopy sign.

Comm. Elkins: I just remember we've had a lot of discussion in the past about signs at One Nineteen, and I was trying to get my memory refreshed as to whether they were these issues or different issues. It seems like they were primarily different issues.

Mr. Klein: West Elm had to do with the number of signs. With Mochi-Yo, it was more of the design and logo. I would say that's correct.

Comm. Roberson: If I'm not mistaken, the size of the sign is dependent on the size of the store.

Mr. Klein: Some developments actually do that.

Mr. Rexwinkle: I think One Nineteen does, but this is far under the anchor tenant threshold, so it has to comply with the smaller requirements.

Chairman Williams: Regarding the column being removed on the facade, you're not actually talking about column structurally being removed, but rather just the appearance of the column?

Mr. Rexwinkle: Yes, just on the façade.

Chairman Williams: It will still be visible through the storefront window. It just won't be a brick column as the others on the outside.

Mr. Rexwinkle: Yes.

Comm. Pateidl: On the sign above the canopy, there is essentially some glass or what appears to be glass which would prohibit a wall sign from being placed there. You're relegated to a canopy sign. It's hard for me to believe that the applicant is asking for a sign that's 400% the size of what our regulations call for as a canopy sign. How does the applicant justify a request for that big of a deviation?

Chairman Williams: That might be a question for the applicant.

Mr. Rexwinkle: The applicant is not here this evening. I did speak with the architect this afternoon. He received our staff report, and he indicated on behalf of his client that they would be willing to change the plans per staff's recommendations. It could just be that they were not familiar with the requirements of the One Nineteen development.

Chairman Williams: So we have no one representing the applicant tonight?

Mr. Rexwinkle: I was informed that someone would be here, and clearly they're not here at this moment.

Comm. Rezac: I was curious about Stipulation No. 1C regarding the way the sign was to be illuminated. What is the reason the letters should be individually lighted versus the strip lighting they have?

Mr. Rexwinkle: In our opinion, there is no adverse impact. This is taken directly from the approved sign criteria for the development. I don't know if we've seen a sign that's proposed like this in Leawood to compare it to. That stipulation is based upon what the criteria require. These are developer-proposed criteria that were approved by the Planning Commission and City Council.

Comm. Pateidl: To address the issue of the canopies, I'm a little uncertain as to what the recommendations really are. You've got the two flanking canopies that are shorter in distance from the building, and you've got the center canopy. It appears to me that as they currently add to the symmetry of the building. What's your recommendation in order to maintain some symmetry to the appearance of the building, given the cumbersome way that they've leased the space?

Mr. Rexwinkle: I think it would be more aesthetically appropriate for them to have a shorter canopy, but our main concern is the inconsistency across the storefront. I don't know that we have a strong opinion about how wide the canopy is. Another issue we had is the sign is proposed to be on the center of the shorter canopy, so that makes it off-center on the storefront. We don't really have a specific recommendation on that. We were hoping the applicant would be able to describe what they would be able to do. The architect I spoke with today said that was a concern of theirs from the beginning and that they wanted to take care of that. Since they're not here, I don't know what their ideas are.

Chairman Williams: Following up on the comment about the symmetry on the façade, it looks like they've completely changed all the symmetry that they have here. In terms of where those columns fall, they correspond with the wire anchors for the larger canopy. All of that is now disrupted. You look at their elevations, and there is nothing to tie that together. It has a look of symmetry now, and if you take the large canopy and extend it off to the west side, it almost cries for another cable suspension to hold it.

Comm. Neff-Brain: I think we should either deny it or continue it because I don't think we can make a rational decision without seeing more and hearing from them.

Mr. Klein: Honestly, we were told that somebody would be here. I'd hate to deny something and find out they were detained for unforeseen reasons; but I agree that it would be good to continue it.

Comm. Elkins: A short-term alternative would be to table it and see if somebody shows up and move it to the heel of the docket. We could pick it up at that time.

Chairman Williams: Can we do that?

Mr. Coleman: Yes, you can do that.

A motion to table Case 49-09 – REPUBLIC OF COUTURE – Request for approval of a Final Site Plan for a tenant finish to the heel of the document was made by Elkins; seconded by Jackson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac.

CASE 53-09 – PARK PLACE – BELLA B'S BOUTIQUE – Request for approval of a Final Site Plan for a Tenant Finish located at 11555 Ash Street.

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chair and members of the Commission, this is Case 53-09. It's also a request for Final Site Plan approval for a Tenant Finish at Park Place for Bella B's Boutique. The tenant space is located in Building B north of Ingredient Restaurant, facing Ash Street. It is proposed to be constructed with pink painted hardy panel with storefront windows and a granite base. The doorway will be recessed from the storefront, and the recessed floor area will be constructed of black granite tile. The applicant is proposing a sign band above the storefront, window and doorway. Behind the sign band is proposed to be planter boxes for live landscaping material. The wall sign is proposed on this sign band, and a blade sign is also proposed on the south side of the storefront. Both of those signs do comply with the approved Park Place sign criteria. Subject to the stipulations in the Staff Report, staff recommends approval.

Chairman Williams: So staff's primary issue with this application is with the materials on the storefront?

Mr. Rexwinkle: You're referring to the staff comment?

Chairman Williams: Yes.

Mr. Rexwinkle: That is a comment just to remind the Commission of the original intent as understood by the City Council that the bottom-level tenant finish is to be constructed primarily of masonry materials.

Chairman Williams: So you don't necessarily have an issue with their façade; you're just reminding us of that particular condition.

Mr. Klein: Correct, we want to make sure that, since it is an issue for City Council and has been before with the Planning Commission, they still keep that in mind while reviewing each of these storefronts.

Comm. Pateidl: Relative to the staff comment on hierarchy of materials, was this a subject brought up during the course of the approval of the original Park Place plan, or was it a stipulation with respect to the materials for use on the facility?

Mr. Klein: It was represented at the time the Park Place development came through. It was not so much stipulated as portrayed as the project was discussed.

Comm. Pateidl: So there is no formal stipulation.

Mr. Klein: Correct, there is no formal stipulation; however, we have minutes that record it as being discussed in the meetings.

Chairman Williams: Any other questions?

Comm. Jackson: Mark, there are a lot of planters out there, and in spring and summer, they look gorgeous. I can't remember what they looked like last winter. Were they well cared for out there?

Mr. Klein: I don't recall. I know we had some issues with the California Pizza Kitchen planters, and those did not look good for a while. We recently had them replant those, and I think they look nice now.

Comm. Jackson: Any worries about that high-level planter being taken care of?

Mr. Rexwinkle: The applicant may be able to address that because staff had some of those questions as well.

Comm. Neff-Brain: Didn't we require evergreen trees and no flowers for California Pizza Kitchen?

Comm. Jackson: Right, and I can't remember how they looked.

Mr. Klein: California Pizza Kitchen and more of the Park Place development will change out in different seasons. The applicant may be able to shed light on that.

Chairman Williams: Going back to the materials, in terms of the minutes, was this in reference to each and every tenant that goes in or as an overall theme and goal to try to achieve?

Mr. Rexwinkle: From my recollection, it was referenced as the ground-level finish of the buildings. The discussion centered on materials for the entire building at all levels, and the discussion moved to requiring more masonry at the ground level.

Chairman Williams: If you're looking at this being the brick, granite, etc., where does glass and aluminum storefront fall into this?

Mr. Klein: We're really not looking so much at the other materials as we are at the primary materials of the façade, be it tile, brick or hardy board, as in this case. We're really looking for masonry as the primary façade material.

Chairman Williams: I ask it in that vein because in looking at so many of the storefronts that are out there, you have some that have a lot of the masonry of one variety or the other, and then you have others that are 90% aluminum and glass storefront that goes down to the sidewalk.

Mr. Klein: We are looking for the actual storefront to be more masonry. It's come up a number of times with Park Place. When they originally came through, they indicated the level of detail would be greater at the pedestrian level. It also became an issue later as some of the buildings came forward with more stucco. At that time, masonry was listed as a lower-level material. The reason we have continued down that same thread is a masonry component was supposed to be fairly significant, and it's a little bit hard to keep track of it as each of these storefronts comes in. That's the reason staff continues to remind the Planning Commission and City Council. Staff is recommending, in most cases, that masonry is used at the storefront.

Applicant Presentation:

David Anderson, Anderson McAdam Architects, 5800 Fox Ridge Drive, Mission, KS, 66202, appeared before the Planning Commission and made the following comments:

Mr. Anderson: I'd like to provide some clarification to some questions you asked of staff. The planter, first of all, is basically going to be pots inside essentially a metal bathtub to control the water. In the wintertime, it would be changed out to greenery and decorated. I think Park Place has done a good job of that in the past with greenery and ribbons and lights during the season when you can't have flowers. In addition to the comment about the masonry, that's something we are cognizant of as we design the storefronts. We have been fortunate enough to design a lot of the storefronts, and it is something that we keep in mind. However, with each storefront being unique, as is the concept of Park Place, while we are using masonry on a number of stores coming up, there is a mixture that is going on and has gone on since we began. We haven't done all the storefronts, but a lot of them have masonry components: some of them have metal and glass; some of them have wood, glass and stone. There is a combination, as opposed to trying to interject so much masonry that it begins to take on the effect of some of the strip centers where you see the storefronts built out before the tenant goes in with a certain amount of glass and width with a masonry band at the bottom. It's been a unique experience in which we do have almost a Plaza-like situation in which each tenant has the opportunity to capture its own identity.

Chairman Williams: Do you want to describe the storefront for us?

Mr. Anderson: (*Refers to display board*) This is not a good color rendition. I'm not sure if we have the material board to show the material. The planter here is where the pots will be sitting. The storefront is pink. Bella B's exists right now on 135th and Metcalf in that large strip center there. Her theme is mostly pink, so she wanted a pink storefront. Initially we looked at a number of different colors and arrived at a compromise with her of something that is a little less than bubble-gum pink. We have a dark black sign with her logo routed in to the material with pink plexiglass and light behind it. Bella Bambino is a new concept for her; it's a children's clothing store. It will be a turquoise storefront with the pot racks in front, bringing the consistency of the two storefronts together. This is mostly shown as green, but it will be more of a true turquoise. The upper portion is a bluish-black color, and that brings in some of the treatment from above, as well as some of the column treatments already existing. The majority of the storefront is the hardy board

that Joe was talking about. We do have a black granite base at the storefront, so the man-made material does not go all the way to the ground.

Chairman Williams: On your upper windows above your signage to achieve your flower planting, is that window set back?

Mr. Anderson: It is set back approximately 2'.

Chairman Williams: Are the windows on the upper level real windows?

Mr. Anderson: All of the glass is clear.

Chairman Williams: Thank you. In addition to the hardy board, it's wood trim?

Mr. Anderson: Yes, and it's all painted.

Comm. Neff-Brain: Could you explain hardy board to me? I think the colors in that rendition are a lot better than the colors we just saw pass us by.

Mr. Anderson: They are darker, but I think color is one of those things about which everyone has an opinion. I think the pink on there is less intense and would be softer on the storefront. It's going to be different. Hardy board is a man-made material. The best way to describe it is a cementuous type of material with a smooth face. It basically replaces plywood, which is put together with different plies. This is a single man-made product of different materials bonded together to form a board. It has a flat smooth face that is generally painted. It's an external material, and it lasts a lot longer than wood. The product is actually better than wood from that standpoint. Obviously if you want to go up and touch it and see grain in the wood, that's not the product to use. For a painted product, this is excellent.

Chairman Williams: You can get it with grain.

Comm. Roberson: It's also used for house siding.

Comm. Rezac: I appreciate and understand the use of the different material because of the branding of these particular stores, so I don't necessarily have a problem with hardy panel. The only concern I would have is the joints of those panels. I was curious if the joints only occur as shown here.

Mr. Anderson: We don't have anything over 4' that would require a running joint to be exposed.

Comm. Rezac: So essentially, wherever there is a joint shown in the elevation, that's the only place it would occur.

Mr. Anderson: Yes, we try to avoid those.

Comm. Elkins: With respect to the planters, is the responsibility of the maintenance of those with Park Place or with the tenant?

Mr. Anderson: It will probably fall with the tenant, but Park Place will monitor and require the upkeep and maintenance of those materials. The tenant is aware of that and has admitted she will probably hire Rose Hill for the maintenance of those.

Comm. Elkins: With respect to the hardy board, could you address its density? In other words, if it gets banged into by the boy that's walking down with his baseball bat, is it going to scar?

Mr. Anderson: That's a legitimate question. It's a dense product. It's probably right on the order of stucco. I'm not sure if you would dent the hardy board, but you'd leave a scuff mark.

Comm. Elkins: It's not going to crack or fracture.

Mr. Anderson: No, and you're not going to punch a hole in it. It's a durable product.

Chairman Williams: Any other questions? Thank you. Any comments for discussion?

Comm. Pateidl: I'd like to make a comment regarding the materials and deviation from the masonry and tile that had been envisioned by this Planning Commission at the initial stages of approval of this development. I've now been on this Commission for approximately eight months, and this is probably the sixth or seventh application that's come associated with Park Place. Without exception, there has been discussion about materials and problems, as far as this Commission is concerned, about the materials not meeting the original criteria that had been envisioned by this Planning Commission. I guess one thing I would say is if we had masonry materials in the storefront of this building, we wouldn't have a bubble-gum pink material board floating around, which I think is a very unfortunate thing. I shudder to think what that's going to look like on the storefront of this building. I definitely feel that whatever this Commission decides with respect to this application, if we decide in favor of this, it becomes a clear message to the developer that this does not establish a precedent in terms of materials to be used for storefronts and that we anticipate that we're going to revert to what has been agreed to as part of consideration for density and a number of other accommodations given to the developer when this project was originally proposed. I'm personally very disappointed that this is before this Commission.

Chairman Williams: Thank you. Any other comments?

Comm. Roberson: Hardy board is a concrete material, is it not? Is concrete not considered masonry? So this, indeed, fits the definition if I'm not mistaken. Thank you.

Comm. Neff-Brain: I think the storefront and the one that's coming are really charming and very welcoming. I don't like the pink, but I think the looks of the facades are charming.

Chairman Williams: Any other comments? I'd like to say one thing. Being on this panel when Park Place came into being, we also talked about a variety in design of the storefronts to create an eclectic mix or something very different than what you have had at Town Center or even at One Nineteen where you've got a lot of aluminum storefronts and pretty much the same look with minor variations. I think Park Place is doing a fairly good job of trying to bring that eclectic mix in. It goes with the eclectic mix of the buildings these actually relate to if you look at the second and third floors of some of these buildings. As Ms. Neff-Brain said, it's a charming look. I agree with you that maybe the pink is a bit of an issue, but it's still a charming look and appropriate for the type of business this would appear to be. I do find it compatible with the building that it's going to be in. When it comes down to the issue of wood on something like this, I don't think there's any question. Probably one of the reasons we looked to have more masonry and stone products is typically they don't require as much maintenance as a painted surface might require over time. That gets to be a maintenance issue, and they just have to take care of it over time or they'll pay fines for not maintaining the property. Any other comments?

A motion to recommend approval of Case 53-09 – PARK PLACE – BELLA B'S BOUTIQUE – Request for approval of a Final Site Plan for a Tenant Finish located at 11555 Ash Street with all staff

stipulations – was made by Jackson; seconded by Roberson. Motion approved with a vote of 6-1. For: Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac. Opposed: Pateidl.

CASE 58-09 – PARK PLACE – BELLA BAMBINO BOUTIQUE – Request for approval of a Final Site Plan for a Tenant Finish located at 11553 Ash Street.

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chair and members of the Commission, this is Case 58-09. It's a Final Site Plan request for a tenant finish at Park Place. This one is for Bella Bambino, which you can still see on the board up there immediately adjacent to Bella B's. The tenant space fronts Ash Street, but it does have some storefront along the Via and Building B. It's proposed to be constructed of materials that are compatible with Bella B's hardy panel, painted green with a granite base. The doorway for Bella Bambino is not proposed to be recessed. Staff does not have a problem with that. The wall sign is proposed above the storefront, windows and doors facing Ash Street. The blade sign is also proposed. Both of those comply with the sign criteria. Subject to stipulations in the Staff Report, we recommend approval of this case.

Chairman Williams: Any questions for staff?

Comm. Elkins: Mr. Pateidl's comments about materials have resonated with me a little bit. I guess I'd like a little more explanation from staff. In your comments about the hierarchy of materials that was proposed with the highest quality materials, what does that mean? Did the original Park Place plan have a collection of materials that were approved by the Commission, by Governing Body and then, pursuant to guidelines of the development, are required to be used by tenants in the development? Or was this an understanding that wasn't cemented into the plan as a stipulation or in some other fashion?

Mr. Klein: This has been an issue primarily because this is the first time the City has actually been in this situation. Originally when this came forward, previously all of the shopping centers we had seen before had the standard storefront with wainscot and the materials of the storefronts. Everything was pretty well detailed at the time of Final Plan. When Park Place came through, it was the first mixed-use zoning district that the City had seen. One of the things that was different was that all these buildings looked like they were on stilts. It showed the columns coming down to the ground, and we saw the second and third floors with the detail out of the material on the second or third floors; but there really was no detail whatsoever of any of the storefronts. Originally, staff commented to the developer about the bottom layer. They indicated they wanted to allow each storefront to have a unique look. A lot was discussed about materials. Another way this development varied from any other development coming through is that all the other developments had a .25 F.A.R.; this one has a .84. In order to get the bonus for the F.A.R., they were to provide enhanced landscaping, more open space, enhanced materials and superior design. That's what part of the struggle is with this. Staff just wants to make sure that Park Place maintains the character that was set out at the very beginning and that it doesn't incrementally go away from the original plan. That's the reason we've pushed so hard before for the masonry; because the materials at the pedestrian level would be high quality.

Comm. Elkins: So if I were to look at the Park Place plan, would I actually see a list of approved materials? "High quality" is a subjective concept. I'm curious if we have an objective standard against which to measure this?

Mr. Klein: We have material boards that are all located in the storage facility at the Centennial Park development that have all these materials, along with elevation drawings indicating where they are for everything except for the storefronts. Really, the storefronts were not what was defined. Staff originally

started becoming concerned and wanted to draw attention to this when some of the other buildings were coming in with the second and third stories with a significant amount of stucco on them. We wanted to know where the masonry would occur, and we were told it would occur at the pedestrian level, which is the storefront. That's why we are looking at each storefront.

Comm. Elkins: With respect to the storefronts, there really is not a materials board that constitutes the "approved" collection of materials for the storefront. Is that right?

Mr. Klein: Correct, the developer was portraying these, and they're striving for a unique character for these storefronts. Right now we're just struggling with the amount of masonry and high-quality materials at the pedestrian level.

Comm. Elkins: Is staff's perception that the hardy board is not a quality masonry material that would fall in that category?

Mr. Klein: We have not been classifying hardy board as a masonry material even though it is cementuous siding. I'm not saying it's not a good material, but it's not brick, stone or some of the other things that were originally presented at the time Park Place was coming through. In this case, staff isn't recommending denial of them; we recognize unique character and design. Again, we want to make sure we don't lose sight of the issue as you look on more of these storefronts and that masonry really is to be occurring at this level. You'll see a couple other storefronts tonight, and quite a few of them have more of the masonry and brick. That's part of the reason staff didn't oppose these, as it was being provided on some other ones.

Comm. Elkins: Thank you.

Comm. Rezac: I've heard the hardy panel referred to as having grain in a residential siding. When the applicant spoke, he referred to it as being smooth. I know you can get it both ways. Is this the smooth panel?

Inaudible comment

Chairman Williams: Hearing none, we'll hear from the applicant.

Applicant Presentation:

Jeffery Alpert, Park Place Village, LLC, 11551 Ash St., Leawood, KS, appeared before the Commission and made the following comments:

Mr. Alpert: My original intent was to have Mr. Anderson make the presentations tonight, but I felt compelled to weigh in on the discussion. I feel there has been a misunderstanding about some discussion that may have gone into the minutes when we got this project approved initially in what was said and the context of what was said. Mr. Klein was correct in a lot of respects with his comments right now. When we brought the original project in, we showed buildings that have had virtually nothing on the ground level. The only finishes for which we were seeking approval were the second and/or third stories with, in some cases, some extending columns going down to ground level. When we brought these buildings before the Planning Commission and City Council, we tried to be very clear as to what our design philosophy was. That was that the highest quality finishes would occur in the bottom 20', meaning that first retail level. Somehow, that got interpreted over time that "highest quality materials" meant brick, granite, terra cotta and tile. The intent was not to restrict ourselves to any specific material. When those materials were mentioned in the course of discussion as to what our philosophy was, they were examples of the materials that would be used. The most important concept, I think, to be gleaned from what we were trying to impart was that each storefront would be designed with the brand in mind and that they would all be different. That could mean brick,

granite, tile, wood, stucco, glass or metal. It could mean all kinds of different things. I keep hearing this debate over and over again about the fact that we're supposed to have masonry materials on these storefronts, and that wasn't the intent. The intent was to do high-quality work, to have a lot of detail and to make the storefronts distinctive. The storefront on the board is virtually wood and glass with a little granite at the bottom so the moisture from the ground wouldn't rot the wood. It's designed to be an old-world, village-style look that you might see in any small town on any town square in any city in this country. That's one example. There are lots of different ways to do this. It was never intended that these materials all would be masonry. If you live in New England, chances are you'd be living in a New England salt box, which is all wood siding. That's a distinctive style that expresses a certain character, and it's made out of certain materials. I would expect that these people would be proud of their homes and expect you to understand they could be very high quality. I think that's what we're trying to do. We're trying to express unique character and create a lot of variety with detail, which is what is on that storefront. We have a brick storefront farther down the road that is much less expensive to build than this storefront right here. This is probably as expensive a storefront as we'll have on the project, but it happens to be wood because wood is the character that expresses the style we're trying to create. I'd be happy to answer any questions or continue discussion with this, but I really think that is the essence of what we're trying to accomplish at Park Place, doing it in a manner that has character and is of a quality that is consistent with what we're trying to do. Hopefully that gives you an appropriate perspective.

Chairman Williams: Thank you. Any questions for the applicant?

Comm. Pateidl: Going back to one of the comments Mark made, if I understood it correctly, you were looking at the proposals for the building, and there wasn't as much masonry in the second and third stories as had been originally proposed with the drawings and materials. You asked where the masonry would be, and they replied it would be on the ground level. Is this correct?

Mr. Klein: Yes, that became an issue at a City Council meeting brought up by the Mayor. It was explained that yes, you would be seeing the masonry more at the ground level because that's where the detail and texture would be most apparent. That was our understanding at that time. What the developer is saying is absolutely right in the fact that he's trying to create unique storefronts that reflect their character. That's part of the reason staff is not recommending denial of these applications. We understand the need for variety and character. However, we still are looking to make sure some of the masonry does occur. That's where we were expecting it. The developer is coming in with masonry, and you'll see a number of different ways they're doing that on other applications. We have that comment because we expect the majority of the storefronts to have masonry. We understand the need to vary in order to achieve the design goals.

Comm. Pateidl: As we go forward, I can appreciate Mr. Alpert's comments regarding the storefronts and what you're trying to accomplish. Frankly, I compliment you on the appearance of what's been done. However, if you fail to meet expectations and say, "We'll meet them here because we didn't meet them there," and now you're saying to us, "If we do that, we really aren't going to make our concept," it's kind of like having your cake and eating it, too. As we go forward into some new buildings and new proposals, I guess the reminder here is that is a commitment that was made to the City, and that's a commitment that is very important to this community.

Mr. Anderson: I would like to point out that the majority of the storefronts that are in place right now do have some sort of hard surface: tile, stone and brick. There is tile in a number of different materials that are more masonry-like and are what I would say you're looking for in terms of that hard material. Think about a pedestrian walking next to a brick wall or a wood-detailed wall and the difference in experience. Running your hand over brick? I don't think so. Touching a wood storefront and feeling the curvature of the design and detail on that wood is a totally different experience. Looking at a tile storefront like Envy that has glass tile intermixed with the beige patterned tile, it's very interesting and detailed. You'll see that we interjected a

pattern in the brick because when we first did the brick, it was too plain. The storefronts are so small that you can't get a lot of the brick detailing that you would normally do at that level to really get the character. The storefronts just aren't big enough to do that with the masonry. I just wanted to point out that there is a lot of hard surface and masonry product on the existing storefronts right now. As we move forward and as this first phase gets filled up, there will be a lot of masonry, as well as glass and aluminum.

Chairman Williams: Thank you. Any other questions of the applicant? Mr. Alpert, thank you very much. Any comments for discussion?

Comm. Elkins: I think Mr. Alpert made a very persuasive case. It seems to me that the concept of Park Place at the storefront level is to have a series of unique storefronts. It also seems, from what Mr. Klein told us, that the commitment by Mr. Alpert and his company was to use high-quality materials. Given that, I'm not sure that the model we should use here in evaluating each of these storefronts is if they are using materials that were either implied or expressly identified as the appropriate materials for the storefront. It seems we have a difference in recollection as to what that commitment and its nature were. We can't take that too far; we have to consider the whole. If we have a storefront and think the storefront is appropriate with quality materials used, regardless of what they are, I would submit that we ought to consider it for approval. This is not like our other developments in which the same material carries throughout the whole development. My suggestion is to look at each storefront individually and not be as concerned about the percentage of masonry. I think this is just as charming as the previous case. This hardy board sounds like a quality material, so I'm going to be supporting this application and taking that approach on future Park Place applications. Thank you.

Comm. Jackson: I'd just like to say I think the storefronts along Ash Street have met the purpose that I understood to be intended when this was originally proposed to make an eclectic storefront unique to the area that has more of a Main Street feel. I think they've done a good job in doing that. I think this little boutique adds to that. For Mr. Pateidl's benefit, I think, when appropriate, we have held Park Place's feet to the fire when they've brought in new buildings that we haven't felt were up to the standard.

Chairman Williams: Thank you. Any other comments?

A motion to recommend approval of Case 58-09 – PARK PLACE – BELLA BAMBINO BOUTIQUE – Request for approval of a Final Site Plan for a Tenant Finish at 11553 Ash Street with Staff Stipulations – was made by Neff-Brain; Seconded by Elkins. Motion approved with a vote of 6-1. For: Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac. Opposed: Pateidl.

CASE 56-09 – PARK PLACE – HATHAWAY SHOE – Request for approval of a Final Site Plan for a Tenant Finish located at 11531 Ash Street.

Staff Presentation:

City Planner Melissa DeBoer made the following presentation:

Mrs. DeBoer: Mr. Chairman and members of the Planning Commission, this is Case 56-09 – Park Place – Hathaway Shoe. The applicant is Jeff Alpert with Park Place Village, LLC and is requesting approval for a Final Site Plan for a Tenant Finish within the Park Place development. This tenant space is located in Building B toward the north end. The façade will be wood with a metal roof over the bay window, insulated glass and a wood window system, smooth hardy panel and a projected rod iron balcony element. They are also proposing a wall sign and a blade sign, both of which meet the design criteria for Park Place. Staff recommends approval of this application with the stipulations in the Staff Report and would be happy to answer any questions.

Chairman Williams: Thank you. Any questions?

Comm. Neff-Brain: From the picture, it almost looks like that's a shingled effect.

Mrs. DeBoer: *(Picture is placed on the overhead)* It is smooth-faced cedar ship-lapped siding. We have the material board.

Comm. Neff-Brain: Did you mention hardy board?

Mrs. DeBoer: They have the hardy panel under the windows.

Chairman Williams: On the shutters on either side of the door, it appears they go to the sidewalk.

Mrs. DeBoer: That's correct.

Chairman Williams: Is the metal on top of the bay window painted?

Mrs. DeBoer: It's patina green.

Chairman Williams: Are the windows a Marvin brand window versus a storefront or wood window?

Mrs. DeBoer: Yes, that's correct.

Chairman Williams: With that in mind, do we know at this point if they are operable windows? They do not appear to be.

Mrs. DeBoer: Can we let the applicant clarify this?

Chairman Williams: Thank you. Any questions of staff?

Comm. Rezac: I don't want to belabor the previous discussion we had about the general theme of this. I'm curious if there is any kind of quantity of colors per storefront that is part of that theme, only because I noticed we have three or four distinct colors in this storefront.

Mrs. DeBoer: We don't have anything that details that.

Applicant Presentation:

Dave Anderson, Anderson McAdam Architects, 5800 Fox Ridge Drive, Mission, KS, appeared before the Planning Commission and made the following comments:

Mr. Anderson: I'll start with the color. Hathaway Shoes is coming from the Waldo area. When we first had discussions with her, she liked New Orleans-style architecture, so we tried to give her a flavor of a New Orleans boutique. New Orleans is not afraid to use color. That's why we ended up with the contrast in color we have. The patina green is a pre-finished metal that is intended to look like copper in its patina state as opposed to going to the dark or bright copper finish. The black granite base goes along the storefront.

Starting at the top, we have a rod-iron railing that will extend approximately 2' from the storefront, providing an overhang above the windows you see at the top, which will be a pre-made wood window stopped into a wood jamb with the shutters. The siding is a ship-lap siding, which is a cedar product with a smooth face, and it will be painted. The signage you can see above the door will be sitting on a wood detail crown mould that will surround the door. The box window projects approximately 2'. That will be a window display for her

as well as projecting the storefront, creating movement with the building façade and contributing to the uniqueness of Park Place. I'm ready for questions at this point.

Chairman Williams: Are the upper windows below the rod iron open?

Mr. Anderson: They are clear and fixed.

Chairman Williams: They let light in to the inside?

Mr. Anderson: Yes.

Chairman Williams: The windows are all painted wood windows with insulated glass?

Mr. Anderson: Yes.

Chairman Williams: I'm curious on the rod iron. Typically, a rod iron railing like this is usually associated with a door or something above; this is not. Why the rod iron in this case?

Mr. Anderson: Again, just to bring some of that New Orleans flavor to the storefront. Potted plants and greenery will probably be put up there as well. I don't know if it's very obvious, but in the overall storefront proposal that shows all of the storefronts in Park Place, there is a unique feature above here that almost looks like the rod iron would fit with that particular projection and window. There is sort of an arched detail in there, so it looks appropriate with the detailing on the remainder of the building as it goes up.

Chairman Williams: What is the height of the rod iron?

Mr. Anderson: The rod iron is approximately 30" tall. It will have a black finish.

Chairman Williams: Are there questions from the panel?

Comm. Elkins: This is a naïve one, but in the elevation right above the oval with "Hathaway Shoe" on it, is that a shadow?

Mr. Anderson: It's a shadow of the blade sign. The blade sign is actually in the center of this storefront. It will be suspended from the canopy.

Comm. Elkins: Thank you.

Chairman Williams: Any other questions? Thank you very much. I'll open it up for comments.

Comm. Neff-Brain: Is there a reason you didn't use copper that would naturally patina in lieu of this green metal that could ultimately rust? I know I just had a couple of little copper roofs put on, and the cost was a small difference between that and the painted roof.

Mr. Anderson: Mainly we wanted to avoid the patina process and what happens during that process in terms of water run-off and staining of materials below unless you have a gutter or something like that to help you contain that run-off. We don't have a gutter for that small roof, so we wanted to look for something that would give us the appearance of that patina but not go from the bright copper to the dark color to the really deep dark green. As that material weathers, it's almost like a stain.

Chairman Williams: It doesn't stop. I've got one 25 years old, and every rain, it stains the stone sill on the bay window. Any other questions?

A motion to recommend approval of Case 56-09 – PARK PLACE – HATHAWAY SHOE – Request for approval of a Final Site Plan for a Tenant Finish located at 11531 Ash Street with the three staff recommendations was made by Jackson; seconded by Neff-Brain. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac.

CASE 54-09 – PARK PLACE – DANIEL COUTURE – Request for approval of a Final Site Plan for a Tenant Finish located at 11527 Ash Street.

Staff Presentation:

City Planner Melissa DeBoer made the following presentation:

Mrs. DeBoer: Mr. Chairman and members of the Planning Commission, this is Case 54-09 – Park Place – Daniel Couture. The applicant is Jeff Alpert with Park Place Village, LLC and is requesting approval for a Final Site Plan for a Tenant Finish within the Park Place development. The tenant space is located in Building B toward the north end of the building. The façade will be composed of a white glazed brick and an aluminum storefront system with clear insulated glazing. The window system is proposed to have a black granite base. Also, a black fabric awning is proposed over the door, as well as a black metal canopy over the window. Three black light fixtures are proposed on the façade. A wall sign and a blade sign, both of which meet the approved sign criteria for the development, are also being proposed. Staff recommends approval of this application with the stipulations stated in the Staff Report and would be happy to answer any questions.

Chairman Williams: Thank you. Any questions for staff?

Applicant Presentation:

David Anderson, Anderson McAdam Architects, 5800 Fox Ridge Drive, Mission, KS, appeared before the Planning Commission and made the following comments:

Mr. Anderson: With the exception of the glass you see, this is an all-masonry storefront. (*Places elevation on the overhead*) It is a glazed white brick, and the theme has been black and white. The aluminum storefront material surrounding the glass will be black. The door will also be a black anodized aluminum finish. The lights on the storefront are round and have a black cover, but they will emit light around the surface of what you see in terms of that circle. The canopy is black canvas. The signage that you see is black. The blade sign is a combination of black and white as well. The glass is clear, and the masonry goes all the way to the sidewalk. In this particular case, we don't have the black granite base. I think that's about it.

Chairman Williams: Thank you. Any questions?

Comm. Roberson: What is the purpose of three black light fixtures? They are black in color and not true black lights?

Mr. Anderson: That is correct.

Chairman Williams: Any other questions? Thank you, Mr. Anderson. Any comments or discussion?

A motion to recommend approval of Case 54-09 – PARK PLACE – DANIEL COUTURE – Request for approval of a Final Site Plan for a Tenant Finish located at 11527 Ash Street with staff

recommendations – was made by Roberson; seconded by Rezac. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac.

CASE 57-09 – PARK PLACE – CUPCAKE A LA MODE – Request for approval of a Final Site Plan for a Tenant Finish located at 11500 Ash Street.

Staff Presentation:

City Planner Melissa DeBoer made the following presentation:

Mrs. DeBoer: Mr. Chairman and members of the Planning Commission, this is Case 57-09 – Park Place – Cupcake A La Mode. The applicant is Jeff Alpert with Park Place Village, LLC and is requesting approval of a Final Site Plan for a Tenant Finish within the Park Place development. This tenant space is located in Building B also toward the north end of the building. The façade is a brick and aluminum storefront system with clear insulated glazing. Two colors of brick are proposed in horizontal bands. A canopy is proposed over the entrance to the tenant space, which is also the black Sunbrella fabric with a white accent strip. A wall sign and blade sign, which both meet the sign criteria, are also being proposed. Staff recommends approval of this application with stipulations in the Staff Report and would be happy to answer any questions.

Chairman Williams: Any questions for staff?

Applicant Presentation:

David Anderson, Anderson McAdam Architects, 5800 Fox Ridge Drive, Mission, KS, appeared before the Planning Commission and made the following comments:

Mr. Anderson: *(Places picture on the overhead)* This is an all-masonry storefront with the exception of the glazing, aluminum framing and the canopy. I think you have the bricks in front of you. The color rendition becomes a little pinker than the brick actually will be. It's more of a cream color and a light tan color to create the striping effect of the storefront. The glass is clear, and we have a brick rolox sill below the aluminum storefront framing that will be black. The signage is essentially their logo in red and black. That will be a reverse channel backlight on the individual letters. The canopy is black with a white scallop on the bottom.

Chairman Williams: Any questions for the applicant? Thank you very much. Any comments?

A motion to recommend approval of Case 57-09 – PARK PLACE – CUPCAKE A LA MODE – Request for approval of Final Site Plan for a Tenant Finish with the three staff recommendations – was made by Rezac; seconded by Heiman. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac.

CASE 55-09 – PARK PLACE – CARMEN'S CAFE – Request for approval of a Final Site Plan for a Tenant Finish located at 11526 Ash Street.

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: *(Places picture on the overhead)* Mr. Chairman and members of the Commission, this is Case 55-09 – Request for Final Site Plan approval for a Tenant Finish for Carmen's Café at Park Place. This tenant space is located on the west side of Ash Street in Building A between Go Bug and the recently approved Michael Shea salon tenant. It's proposed to be constructed primarily of brick and glass. The applicant proposes two colors of brick to create a pattern across the storefront. These colors and patterns

are shown on the color elevations in the Staff Report. A black steel canopy is proposed above the storefront windows and the doorway, and a wall sign is proposed above the doorway. The sign will read "Carmen's Café" with a large yellow "C" and smaller blue text for the remainder. A yellow metal disk is proposed with this as well. The sign will be lit, but the plans do not indicate that the metal disk will be lit. A blade sign is also proposed at the north end of the storefront, and both signs comply with the approved sign criteria for Park Place. The plans do not propose any outdoor dining at this time, which is not common for restaurants. They would be allowed to propose that at a later time, but this current plan is not intended to permit that use. Subject to the stipulations in the Staff Report, we do recommend approval of this application and would be happy to answer questions.

Chairman Williams: The 2'10" height for the "C" is in compliance with the signage guidelines for the development?

Mr. Rexwinkle: Yes.

Chairman Williams: Any other questions for Staff?

Applicant Presentation:

Jeffery Alpert, Park Place Village, LLC, 11551 Ash St., Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Alpert: I wanted to discuss the stipulations, particularly the dining stipulation; but I thought maybe I'd have Mr. Anderson explain the architecture of the storefront first.

David Anderson, Anderson McAdam Architects, 5800 Fox Ridge Drive, Mission, KS, appeared before the Planning Commission and made the following comments:

Mr. Anderson: *(Places picture on the overhead)* The storefront is mostly masonry, as you can see. Light and dark brown indicated different colors of brick, forming a pattern. The columns are actually more detailed than what is before you on the board. The pilasters do cant out from the building. They go approximately ¼" each masonry course and will be approximately 4-6" away from the face of the building to give a little movement in those pilasters. The storefront is an aluminum system with clear insulated glazing. The canopies will be a steel canopy connected to the lentil above, which is an exposed steel lentil that will be grey. At this point in time, the disk is part of the logo; but it will not be lit. This is Carmen's in Brookside now, coming into Park Place.

Chairman Williams: Thank you. Any comments from the panel?

Mr. Alpert: I just wanted to address the stipulation regarding outdoor dining. I was not under the impression that we had to have a specific plan for that because we have outdoor dining as a standard feature in all of our restaurants. It doesn't require any alteration of any of our landscaping or sidewalk; it just fits right in, in front of the restaurant. I was hoping that could be approved with this application tonight because it's really a standard part of every restaurant.

Chairman Williams: I pose that question first to staff.

Mr. Klein: This is a requirement we've had on all the rest of the developments within Leawood. As you may recall, the Mission Farms restaurant Zest got initial approval for an abbreviated patio and then came back with more detail. Park Place has done an excellent job in allowing for outdoor dining with the width of sidewalk. However, staff still likes to review not only the placement of the furniture to make sure the pedestrian ways are maintained, but also the furniture itself. If they serve alcohol, ABC requires some sort

of barrier around to separate the restaurant's traffic from the rest of pedestrian traffic. It's something we require to be equal with other developments coming through.

Chairman Williams: And previous cases of Park Place have come through with those outdoor dining plans, either at the time of Final Plan or later?

Mr. Klein: I wasn't the one that worked on a lot of those applications as they came through. I would have to go back and check. When Morton's came through, I thought there was some discussion as far as the outdoor patio.

Mr. Alpert: What I'd like to do is avoid the time it takes to go through the process and also the \$400 fee just to get the outdoor dining approved. Is it possible to get it approved administratively since it's exactly what our standard outdoor dining program is for every other restaurant on Ash?

Chairman Williams: I'd have to defer to staff. I understand Mark's concerns. In terms of the alcohol sales, that's an issue beyond the Planning Commission.

Mr. Alpert: We don't have any barriers on any restaurant in Park Place for alcohol.

Chairman Williams: I put it to staff and Legal if we can administratively allow for outdoor dining without drawings to support what they're doing.

Mr. Alpert: I've got a drawing.

Chairman Williams: I'm not sure that works.

Ms. Shearer: It is my belief that you, as the Planning Commission, could provide an allowance for outdoor dining and put some parameters or description in that allocated how that was going to be carried out.

Mr. Coleman: You could stipulate the number of tables and that it meet the ABC requirements. Mr. Alpert has a drawing, and you could take that into consideration and that it is required to be provided to City Council.

Comm. Neff-Brain: How do we know the number of tables?

Mr. Coleman: You could stipulate the maximum.

Chairman Williams: He's got a drawing.

Mr. Coleman: Here's the plan (*places plan on the overhead*). It wasn't submitted to us, but you could review it and require it to be included when it goes to City Council. You could stipulate it is required to follow all laws regarding service of alcohol and so on.

Comm. Jackson: Could you explain that drawing?

Mr. Alpert: This is the Aubrey Building here. This is the north end right here, and 808 is the space. The outdoor dining is the dark grey area you see right here. There is a tree here and here, and there are low shrubs around here. The area between the trees becomes the outdoor dining spot. Again, it is exactly the way we've done it at Trezo Vino an across the street at Ingredient. It's also the way it's done for Paciugo's Gelato shop around the corner.

Chairman Williams: With this plan, how many tables would you anticipate?

Mr. Alpert: It would be four or five.

Comm. Neff-Brain: So if we stipulated a maximum of five, you'd be comfortable with that?

Mr. Alpert: I think we'd be fine with that.

Ms. Shearer: Jeff, do you have any notions of what the seating will be as far as material?

Mr. Alpert: We don't know because the tenant makes that decision further down the line. They own the tables and chairs. We have a variety of tables and chairs in the restaurants that already do have outdoor dining. I'm sure it would be something similar to those, but have its own design.

Comm. Neff-Brain: Has staff seen the other tables and chairs before they were put into place?

Mr. Klein: The Zest restaurant detailed out everything, including the tables, chairs and umbrellas. I don't think staff has a problem if there is a stipulation that the applicant provide some detail prior to Governing Body approval. That way, the Governing Body gets to see it. I understand some of the detail isn't worked out, and so maybe the developer knows the types of lease materials instead of narrowing it down.

Mr. Alpert: It's a little problematic because they're really enveloped with the design of the restaurant right now, and that would be something that would come much further down the line. I guess we could get them to try to give an idea, but it's hard because it also depends on availability and other issues.

Comm. Neff-Brain: Did you look at Ingredients or Trezo Vino or Paciugo's?

Mr. Klein: I didn't work on those cases specifically, so I'd have to go back and look. I know we've done it with other patios. We're supportive of the patios; we just want to make sure they meet all the requirements. I don't think staff would have a problem if it was something they provided at the time of Governing Body approval. Maybe if they don't have types of material, it would be up to Governing Body. Some of the concerns with regard to patio furniture are durability, color and ABC standards.

Comm. Elkins: Couldn't that same thing be accomplished administratively by the Planning staff? Would that be an inappropriate delegation of our authority to have those sorts of things subject to staff approval?

Ms. Shearer: The LDO outlines four instances in which we can administratively approve something. My suggestion in this case in order to move this along would be, as a Planning Commission with the help of staff, we give three or four examples of materials that would be suitable in this setting. I don't know how Mark and Richard feel about that, but it would be an option. Perhaps if the applicant could narrow it down by the time it goes to Governing Body, it would help.

Mr. Alpert: We'll try.

Chairman Williams: In the plan you showed us a moment ago in the area you defined for the dining area, are the components for shrubs and so forth existing, or will those be added?

Mr. Alpert: It's all there today.

Chairman Williams: So really the only thing that would need to be done to make this dining is to add tables and chairs.

Mr. Alpert: Very good.

Chairman Williams: Then I would suggest we modify Stipulation No. 3 to allow the dining if that is the desire of this panel. Are there any other questions of the applicant? Thank you, Mr. Alpert. I've done a rough draft here, so let me pass this by my colleagues and get input. No. 3 would potentially read something like this: "Outdoor dining to be within the area defined in the drawing presented by the applicant with a maximum of five tables of various sizes to be defined and that the dining area meet all applicable ordinances and legal requirements." Does that cover staff's concerns? Any comments from my colleagues?

Comm. Neff-Brain: I don't know that there are any ordinances that address the materials of the table.

Chairman Williams: I'm sorry; I did miss a point. "The furniture would be suitable for outdoor use."

Comm. Neff-Brain: I think, in an area like this, they wouldn't purchase furniture that's not going to be substantial and in keeping with the overall design of the complex.

Chairman Williams: When I was addressing ordinances and legal requirements, I was trying to get to the liquor laws and other issues discussed by staff in this vein.

A motion to recommend approval of Case 55-09 – PARK PLACE – CARMEN'S CAFÉ – Request for approval of a Final Site Plan for a Tenant Finish located at 11526 Ash Street with the language for Stipulation No. 3 to read as follows: "Outdoor dining to be within the area defined in the drawing presented by the applicant with a maximum of five tables of various sizes to be defined and that the dining area meet all applicable ordinances and legal requirements and that the furniture would be suitable for outdoor use" and Stipulations 1, 2 and 4 as currently written - was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac.

Comm. Elkins: Mr. Chairman, we tabled Case 49-09 to the heel of the docket. Were there any representations made to the applicant about proceeding? I understand you expected somebody to be here. I also understand there was a telephone conversation from somebody representing the applicant who said they were willing to accept the staff stipulations. Was there any representation made to them about Commission consideration and/or approval in their absence?

Mr. Rexwinkle: No, I contacted the architect today. I spoke with him a couple weeks ago to see if he was planning on attending the meeting. His firm is based in Florida, so he indicated that he'd prefer the developer attend. I contacted the developer, and the contact person informed me that one of two people would attend.

Comm. Elkins: Just as a general matter, I'm reluctant to approve an application, other than in a Consent Agenda context in which the applicant, for whatever reason, chose not to be here. I think it's particularly the case in this instance when we've got the issues about the canopies. I'm not inclined to reject the application. The only option, it seems to me, is to continue it to a date when we would be graced with the presence of the applicant.

Chairman Williams: I think with the design concerns that were expressed by staff and this panel, it would be appropriate to give them an opportunity to address those concerns. Hopefully at that point, someone does. If they don't, then we can take action.

A motion to continue CASE 49-09 – ONE NINETEEN – REPUBLIC OF COUTURE – Request for approval of Final Site Plan for a Tenant Finish to the October 27, 2009 Planning Commission meeting was made by Elkins; seconded by Neff-Brain. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Elkins, Heiman and Rezac.

MEETING ADJOURNED.