

City of Leawood
Planning Commission Minutes
April 26, 2011
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, Jackson, Rohlf, Williams, Elkins, Heiman and Ramsey. Absent: Roberson and Neff-Brain.

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Williams; seconded by Elkins. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Elkins and Ramsey.

APPROVAL OF MINUTES:

Approval of the minutes from the March 22, 2011 Planning Commission meeting.

A motion to approve the minutes of the March 22, 2011 Planning Commission meeting was made by Jackson; seconded by Williams. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Elkins and Ramsey.

CONTINUED TO MAY 24, 2011 MEETING:

CASE 73-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-1.3 RECYCLE BINS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 114-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-6 – PERMANENT SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 119-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-7 (Table of Uses) – KENNELS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 32-11 – PARKWAY PLAZA – RUNWAYS – Request for approval of a Final Sign Plan, located at 4800 W. 135th Street

CASE 34-11 – TOWN CENTER PLAZA – EXPRESS – Request for approval of a Final Sign Plan, located at 5016 W. 119th Street.

CASE 36-11 – MISSION FARMS – BOUTIQUE CHIC – Request for approval of a Final Sign Plan, located at 10683 Mission Road.

CASE 38-11 – PARK PLACE – BUILDING G – THE BAR METHOD – Request for approval of a Final Plan for a tenant finish, located at 5215 W. 116th Place.

CASE 39-11 – NALL VALLEY SHOPS – BANANA ISLAND FROZEN YOGURT – Request for approval of a Final Sign Plan for a tenant finish, located at the northeast corner of 151st Street and Nall Avenue.

CASE 40-11 – TOWN CENTER PLAZA – MARK’S RUG GALLERY – Request for approval of a Final Sign Plan, located at 11832 Roe Blvd.

CASE 41-11 – TOMAHAWK CREEK OFFICE PARK – DUPONT SIGN – Request for approval of a Final Sign Plan, located at 11350 Tomahawk Creek Parkway.

A motion to recommend approval of the Consent Agenda was made by Williams; seconded by Elkins. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Elkins and Ramsey.

NEW BUSINESS:

CASE 42-11 – ONE NINETEEN – TRADER JOE’S – Request for approval of a Revised Final Site Plan, located at the southwest corner of 119ths Street and Tomahawk Creek Parkway.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 42-11 - One Nineteen - Trader Joes – request for approval of a Final Site Plan. The applicant is requesting approval for several modifications to the existing Trader Joe’s site located at the east end of the One Nineteen development. They propose to modify the retaining wall at the southeast corner of the building to provide additional room for the placement of an electrical transformer. They would like to add landscaping and to construct a cover over the service area at the southeast corner of the building. Currently, a versa-lock masonry retaining wall is approved on the southeast side of the building but is not being constructed. The original approval called for the wall to follow the back of curb and then bump out 7-10 feet to allow some additional landscaping at the time, which would screen headlights. (*Shows current plan.*) Now, they would like to bump the wall out earlier in order to provide room for an electrical transformer and landscaping to screen that transformer. The west side will be screened by grasses, which will allow KCP&L access to the transformer doors. Additionally, the applicant is requesting to provide a cover in the northern nine feet to provide some weather protection for the workers. The ceiling will be 14 feet high, and the current screening wall will cover it. Stipulation No. 1 asks to take the landscaping that is approved on the eastern side of the building and wrap it around the full length of the retaining wall in order to soften the look of the wall. Staff is recommending approval of this application and would be happy to answer any questions.

Chair Rohlf: Is the transformer for that building?

Mr. Klein: I believe it is.

Applicant Presentation:

Kevin Campbell, Soup Studios, 6320 Brookside Plaza, Suite 511, Kansas City MO, appeared before the Planning Commission and made the following comments:

Mr. Campbell: We are addressing some operational issues with Trader Joe’s. We didn’t really have enough room, so we’re looking to relocate the electrical transformer outside the service, area and provide the proper screening while providing weather protection for the workers as they’re unloading.

Chair Rohlf: Trader Joe’s is not taking all of this building, correct?

Mr. Campbell: They are not. Approximately 4,200 square feet are left on the south end.

Comm. Pateidl: Could I ask your position on the stipulations, particularly with respect to the landscaping on the additional portion of the retaining wall?

Mr. Campbell: I have spoken with the owner, and we agree to the stipulations.

Comm. Heiman joined the meeting.

Chair Rohlf: When is Trader Joe's opening?

Mr. Campbell: I believe they're shooting for July. Right now, they're getting ready to set rooftop equipment. Landlord's work inside is almost done. The tenant contractor is also well underway.

Chair Rohlf: If there is no further discussion, I would ask for a motion.

A motion to recommend approval of CASE 42-11 – ONE NINETEEN – TRADER JOE'S – Request for approval of a Revised Final Site Plan, located at the southwest corner of 119th Street and Tomahawk Creek Parkway with four staff recommendations – was made by Jackson; seconded by Williams. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Elkins and Ramsey.

CASE 05-11 – COMPLETE STREETS – Request for approval of a resolution to the City of Leawood Governing Body regarding a complete streets policy.

Staff Presentation

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 05-11 – Complete Streets – Request for approval of a resolution to City Council with regard to a complete streets policy. We talked about this in a work session. Brian Anderson with the Parks Department will answer any questions you may have.

Brian Anderson, Parks and Recreation Department, appeared before the Planning Commission and made the following comments:

Mr. Anderson: I am also the staff liaison to the Bicycle Friendly Committee. At this time, I would be happy to answer any questions you may have.

Chair Rohlf: I believe a few comments from the work session needed to be included in the resolution. For those of you who attended the work session, were those incorporated? Good.

Comm. Pateidl: I have an observation on the contents of the resolution, specifically on the final page, where it states, "All sources of transportation funding, public and private, should be drawn upon to implement complete streets within the City of Leawood. Governing Body of the City of Leawood believes that the maximum financial flexibility is important to implement the complete street principles." Referencing all sources of transportation funding implies to me that the funding will come from the transportation budget. With the concept of complete streets with walking trails and other related items, I would also understand Parks and Recreation to be deeply involved. If we are seeking all sources of revenue, why are we not looking outside the transportation budget?

Mr. Klein: That is to allow flexibility. I understand from Public Works that other funding mechanisms exist, including CARS and the city budget. This policy will involve many different departments. Development applications will come before the Planning Commission for bike racks and connections to pedestrian trails. It will be a multi-faceted approach, but we wanted to see if sources other than the city budget would be available.

Comm. Pateidl: Are we expressing that intent in this recommended resolution?

Mr. Klein: The intent is to keep it open to use funds from other sources. This is general in order to get the City Council's stamp of approval. If they approve it, we will write a plan that will get more into the specifics.

Comm. Pateidl: I understand the interpretation of this to be that it is limited to the transportation budget in a literal sense. Is that accurate?

Mr. Klein: It was not the intent that this would come strictly out of the transportation budget. A portion of it will with regard to the Public Works and CIP when they construct the hike/bike trails.

Comm. Pateidl: You're saying we should have more pockets to pull from, and I agree.

Ms. Shearer: That is why we did not use the words, "Public Works budget." "Transportation funding" would include the trails funds and other programs.

Mr. Anderson: That is correct. Trail funding is considered transportation funding. It is broad enough for us to seek all applicable funding for complete street items.

Comm. Pateidl: I just want to avoid backing ourselves into a literal corner.

Comm. Jackson: I'm not sure the Planning Commission will be able to see or make recommendations on the actual complete street document. We need to rely on that when we come up with a Comprehensive Plan and look over the CIP projects. Is there a way it could come through us?

Mr. Coleman: It would be incorporated into the Comprehensive Plan. Provisions of it would be incorporated into the LDO and the CIP. All of those would come before you for approval, allowing you to see virtually everything.

Comm. Jackson: What step is first? Do they start with incremental LDO changes, or do they come up with a master plan and move on from there?

Mr. Coleman: The idea is to get a policy statement in place and then start working on the specifics with regard to the LDO and the other city ordinances, including the CIP.

Comm. Pateidl: I'll note that I am particularly sensitive to literal interpretation of contents of the document and if we are really saying what we intend to say. The opening comments of this document define a complete street as "one that is designated, designed and operated to safely accommodate all users, including, but not limited to, motorists, pedestrians, bicyclists, transit riders and people of all ages and abilities." If I take a literal interpretation of that, we are going everywhere from motor homes to wheelchairs with go karts and skateboards in-between. We are defining a complete street to accommodate all users. I don't see how that can be done from a literal sense. Verbiage that a complete street recognizes multiple modes of transportation that could be considered and brought into the complete street concept is something I could accept. When we're saying we will accommodate all users, I believe we are being too broad.

Mr. Anderson: There are different levels of a complete street in a given circumstance. In areas of heavy traffic, what is needed will be completely different than what will be needed in a low-traffic residential area.

Comm. Pateidl: You are saying that we consider a complete street to accommodate all users, period. I understand you don't do that in heavy traffic because it's not common sense, but by the same token, I believe the verbiage we are using to define complete streets in this document lacks common sense as well.

Ms. Shearer: Which users are of concern here?

Comm. Pateidl: We are defining the term "complete streets" as something to accommodate all users with no qualifications. That means you need to accommodate all users, from the motor home to the go kart to the skateboard. They are all modes of transportation.

Ms. Shearer: They would have to be legal users. We don't allow go karts on city streets.

Comm. Pateidl: It doesn't say that.

Comm. Ramsey: You're addressing common sense. It's got to be within the legal ramifications. Furthermore, this is an outline. I think we're going to see the policy by way of the LDO and some more specifics come back to us, specifically outlining more directly what you're speaking to. I don't know that it's fair that we are hanging our enforcement hat on this general statement.

Comm. Pateidl: I would agree, with the exception that we are making this generalized statement as a definition. I caution a literal interpretation that seems to be totally impractical. I completely agree and am in favor of complete streets; I am just concerned the message on the record would be unclear.

Mr. Klein: The definition is a standardized definition from the National Complete Streets Coalition, and it is widely used with a number of municipalities.

Comm. Pateidl: I guess I disagree with them as well.

Comm. Elkins: Commissioner Pateidl, do you have a suggestion for an alternative?

Comm. Pateidl: I would replace "to safely accommodate all users" with "to safely accommodate multiple modes of personal transportation," which gives you the flexibility of then restricting or identifying what's appropriate in your policies.

Chair Rohlf: Is it possible to adapt our own language?

Ms. Shearer: I would say it is up to the Commission, as long as it does not completely alter the intent or meaning.

Mr. Anderson: You were talking about motor homes. Our streets now accommodate those, as well as cars, trucks and the vast majority of those modes of transportation. Where they are lacking is in connectivity with bicycling and pedestrian traffic. To address your concern, is it with larger vehicles?

Comm. Pateidl: No, it's the blend of the various modes of transportation and citizens you have out there. Take Tomahawk Creek Boulevard: you can accommodate bicyclists and motor vehicles. While there are walking trails, there are also areas with no walking trails. By this definition, all users need to be contemplated in a complete street. This implies that you would have to accommodate pedestrians inside

the same concept of where the bicycles and the cars are. That is not a practical or safe application for complete streets in that particular area, yet, by our definition, we have to accommodate it.

Mr. Anderson: I understand; it is more about wording it precisely and getting it correct.

Comm. Pateidl: Give flexibility to allow for common sense in the application of where we are. It makes sense to have bicycle lanes on Tomahawk Creek Boulevard; it does not make sense to have a lane for wheelchairs.

Mr. Anderson: The staff and other committees have felt that is implied in that manner: every street does not have to have every facility that will accommodate every possible situation.

Comm. Pateidl: In my opening comments, I mentioned that I am particularly sensitive to literal interpretation to comments in a document.

Ms. Shearer: We used the words, "including, but not limited to." What if we used, "may include" so the entire list is not required? This can include all the items, including items we have not listed that may come up later, but does not have to include all of the items.

Comm. Pateidl: All right.

Comm. Elkins: I think I'm fine with that language, but what I was sensing as troubling to Commissioner Pateidl was the use of the term "all." Perhaps we could exchange "multiple" for "all" and then add counsel's language. I don't want to speak for Commissioner Pateidl, though.

Comm. Pateidl: "All" is the word I feel is inappropriate.

Comm. Elkins: I would support those two changes to the wording.

Comm. Williams: What would the final wording be?

Ms. Shearer: What I have is, "Whereas, a complete street, as the term is used herein, is one that is designated, designed and operated to safely accommodate multiple users, which may include, but is not limited to, motorists, pedestrians, bicyclists, transit riders, and people of all ages and abilities."

Comm. Elkins: I certainly can support that.

Comm. Williams: I'm good with that as well.

Comm. Jackson: I think as we go forward, what will constrict us is the financing. More often than not, people and users are going to be dropped off these streets. I like the broader definition because it forces people to look at it. When you get into Section 1, Complete Street Policy, the first paragraph says, ". . . will consider all users." It certainly doesn't mandate that we include them in every design. The next section allows us to identify constraints and opportunities to develop a network of streets. There is nothing forcing anyone to make a bike, handicap or walking trail. I like the broad definition because it says we are trying to incorporate all these wherever possible, and I think that is important for the continued health and economic viability of the community. I do think the language does not curtail that, and I would support the change in language.

Chair Rohlf: Any other comments? I think with those changes, we are ready for a motion.

A motion to recommend approval of CASE 05-11 – COMPLETE STREETS – Request for approval of a resolution to the City of Leawood Governing Body regarding a complete streets policy with the changes in wording as discussed and noted herein: “Whereas, a complete street, as the term is used herein, is one that is designated, designed and operated to safely accommodate multiple users, which may include, but is not limited to, motorists, pedestrians, bicyclists, transit riders, and people of all ages and abilities.” – was made by Williams; seconded by Elkins. Motion passed with a unanimous vote of 6-0. For: Pateidl, Jackson, Williams, Elkins, Heiman and Ramsey.

CASE 22-11 – LULULEMON ATHLETICA – Request for approval of a Final 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: Madame Chair and members of the Planning Commission, this is Case 22-11 – Lululemon Athletica. It is a request for approval of a Final Plan for a Tenant Finish. The space is located in the main center of the One Nineteen development. The storefront will be composed of a tile wall with graduated blue horizontal bands located to the right of the windows and will be under a brick canopy supported by two brick piers. The plans propose a decorative trellis in a dark walnut finish attached to the underside of the canopy above the sidewalk, extending outward from the front of the canopy. The plans also propose a canopy sign mounted to the front of the trellis and a blade sign mounted to the underside of the trellis above the sidewalk. Each sign is identical and includes the store's logo with no additional graphics or text. Each sign measure four square feet with an internally illuminated logo. The proposed storefront materials and signage comply with the signage criteria for One Nineteen and with the requirements of the Leawood Development Ordinance. Staff is recommending approval, subject to the stipulations in the report, and would be happy to answer any questions.

Chair Rohlf: We haven't seen a trellis at this development yet, have we?

Mr. Rexwinkle: No.

Chair Rohlf: Is that in the guidelines for One Nineteen?

Mr. Rexwinkle: It is not specifically called for; nor is it prohibited.

Comm. Pateidl: Staff Recommendation No. 2 says, “This approval shall be limited to the new storefront, one blade sign and one canopy sign.” Which one is considered the blade sign, and which is considered the canopy sign?

Mr. Rexwinkle: The blade sign is the one that is over the sidewalk, hanging from the trellis. The canopy sign is on the front of the trellis.

Applicant Presentation;

Melani Dannenberg with Menemsha, 4950 West 145th Street, Hawthorne, CA, appeared before the Planning Commission and made the following comments:

Ms. Dannenberg: As previously stated, we would like to add storefront glazing with black mullions adjacent to mosaic tile and then a wood canopy under the existing brick soffit with blue glass that matches the mosaic tile, as well as the signage that will be attached to this trellis.

Chair Rohlf: Do you have multiple locations?

Ms. Dannenberg: Yes.

Chair Rohlf: Do they look similar?

Ms. Dannenberg: Every location is specific to the community, taking into account what works best in the area.

Chair Rohlf: But the logo must be very specific in your business.

Ms. Dannenberg: Yes, the signage and the logo remain constant.

Chair Rohlf: What type of business is this?

Ms. Dannenberg: It is athletic wear specific to yoga.

Chair Rohlf: Perhaps the sign means something?

Ms. Dannenberg: They call it their "yogo."

Chair Rohlf: Questions for the applicant? Thank you. Does anyone have comments, or are we ready for a motion?

A motion to recommend approval of CASE 22-11 – ONE NINETEEN – LULULEMON ATHLETICA – Request for approval of a Final Plan for a Tenant Finish – located at the southeast corner of 119th Street and Roe Avenue with all five staff stipulations – was made by Williams; seconded by Heiman. Motion passed with a unanimous vote of 6-0. For: Pateidl, Jackson, Williams, Elkins, Heiman and Ramsey.

CASE 28-11 – ROMANELLI OPTIX – Request for approval of a Final Site Plan – located at 4750 W. 135th Street.

Chair Rohlf: I believe we have a memo about this case. Mark, could you go over that?

Mr. Klein: The memo states that the applicant is not requesting signage in this application. Each tenant in this particular building will be required to come before the Planning Commission and City Council for approval of a Sign Plan. We would like to change Stipulation No. 22 to state that the applicant would have to come back through Planning Commission and City Council and would also remove signage from the applications on the elevations prior to Governing Body approval. This will eliminate confusion as to what is approved with this application.

Chair Rohlf: I believe we would have to change the first line in Staff Recommendations, which currently refers to Case 79-04 – Country Club Bank.

Mr. Klein: Yes, that is correct.

Chair Rohlf: Do we want to re-title this building?

Mr. Klein: This building would still be Romanelli Optix.

Staff Presentation

Assistant Director Mark Klein made the following comments:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 28-11 – ROMANELLI OPTIX – Request for approval of a Final Site Plan – located at 4750 W. 135th Street within the Parkway Plaza development. It will be adjacent to the easternmost drive into the development. The property adjacent to the east is currently undeveloped. To the west is the eastern access drive into the development. On the west side of that is the retail multi-tenant building with Mazzaresse and the current location of Romanelli Optix until it moves to the new site. This building is 5,100 square feet and has an existing parking lot with two parallel parking spaces located directly in front of the proposed building. It has a colonnade that goes along the north side and a tower element centrally located on the building. Sidewalks on all four sides connect to the perimeter sidewalk of 135th Street, per the LDO. A small rectangular plaza area is located at the northeast corner. The building is primarily composed of stucco, natural stone, cast stone and glass. The tower element will be covered primarily in natural stone. The building also has projected bays located on the south, east and west elevations. These bays extend two feet from the building and will be covered in natural stone as well. The landscaping consists of shade trees and street trees along the perimeter, ornamental trees between the shade trees and the building and shrubs and grasses adjacent to the building. Staff is recommending approval of this application with the stipulations stated in the Staff Report, and I'll be happy to answer any questions.

Chair Rohlf: Does anyone have questions for staff? We also have a memo from Mr. Ley, so we'll take a moment to look at that. Is this an addition or a substitution?

Mr. Ley: My stipulations were inadvertently left out of the package, so this takes care of that.

Comm. Pateidl: The Staff Report indicates the maximum height of the pole for the parking lot lights will be 18 feet, and in the plans, the light pole is 19.5 feet. Which applies?

Mr. Klein: It is 18 feet. The original approval of the development had design guidelines that showed 19.5 feet. The detail you have is from those design guidelines. A stipulation was included in the overall approval for the Parkway Plaza development that limited the light fixtures to 18 feet, and we have carried that stipulation forward with all the projects in the development.

Comm. Pateidl: Has anyone looked at the light poles to make sure they are 18 feet?

Mr. Klein: We have gone out there. I have not measured, but they appear to be 18 feet.

Chair Rohlf: I've lost track of where we are with Parkway Plaza. Is this the last lot on this side of the development? It's exciting to see something new.

Mr. Klein: (*Refers to display boards*) We're talking about this lot here. You'll hear another application in this development later this evening.

Chair Rohlf: We still have other lots along there. Are they designated retail?

Mr. Klein: These are all designated retail. The application coming up will ask to change the designation to retail/office. Others in the development have that designation as well.

Applicant Presentation

Chuck Peters, Peters and Associates, 9990 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Peters: I'm here to present a 5,100 square foot building that Mark described very adequately. We have made it very consistent with the Preliminary Plan on this site. We did add a clock on the north face of the tower. I've been through the stipulations, and we agree with most of them. We would like to ask about the 18 feet because we are not replacing any parking lot lights. There is one missing because of an accident, and the owners are replacing it. I hope the current lights meet the requirement. I received David Ley's memo tonight. We will work with staff on this, but I would like clarification. It limits the B&P to less than one acre of an earth-disturbance permit. We are putting in the first bio-detention basin across the street on the Reece Nichols building, so we know what that's all about. On this particular site, the building is less than 25% of an acre that we are disturbing. When we request an earth-change permit, it is all we're doing because the parking lot and storm sewers are in. I understood previously that this project would be exempt, but the memo I just received negates that. I can bring your attention to the B&P Plan and ordinance that states clearly that it is the first exception.

Chair Rohlf: Is that No. 1 on your memo, David?

Mr. Ley: I don't have it in front of me, but if it is less than an acre and not part of the larger plan - which we consider this to be part of a larger plan - we consider this to be a requirement for B&P. The P&P are not necessary. He is right; it does state that land disturbances under an acre are exempt from the B&P as long as it is not part of a larger master plan. Several buildings still need to be constructed. Over a period of time, they will disturb over an acre.

Chair Rohlf: It is not just that particular building; it is how it plays into that entire scope.

Mr. Peters: I would like to clarify that. I am not a lawyer, but I deal with this quite a bit. David's comment is somewhat correct. It says, "The land disturbance of less than one acre that is not part of a common plan development that will cumulatively disturb more than one acre . . ." The whole intent is to clean our water off parking lots and roofs from pervious material. In this particular project, $\frac{3}{4}$ of it is already being contained and removed from the site, and we have no control over it; it is already in the existing storm sewer system. What we can control will be what is on the roof.

Comm. Ramsey: You can become part of the overall plan, though. You are not an island out there.

Mr. Peters: I accept that, but I'm looking at the spirit of what it is to do.

Comm. Ramsey: The spirit is for you to incorporate it into the overall plan so that you are not doing something that would be specifically different than what the rest of the plan is calling for. I don't think it's that big a deal, is it?

Mr. Ley: He's required to clean the water that comes off his site, not off the entire development.

Comm. Ramsey: Are you trying not to do that?

Mr. Peters: No, I'm just trying to get an understanding. We will continue to work with the city, but I wanted an interpretation. I've discussed this with a number of engineers, and we understood it to literally clean water off the roof. I wanted an interpretation, and I received it. We will continue to work with the city.

Chair Rohlf: I'm not sure where the concern is. Is there a problem with that paragraph?

Mr. Ley: Another way to get out of the B&Ps is doing fewer than 5,000 square feet of impervious. That includes sidewalks, so his building would have to be significantly smaller.

Chair Rohlf: This is a study he has to have done.

Mr. Ley: He has an engineer who has spoken to me already. We are looking at giving them credit because there is an extended wet basin to the north that this area drains into. Since that has been constructed, he can use that and get some credit for that on this site.

Mr. Peters: We will continually work with the city to develop what is required. If we get into the older parts of Leawood, they won't be able to deal with it; but we'll deal with that in the future. I appreciate the discussion.

Chair Rohlf: Were there other stipulations you wanted to discuss?

Mr. Peters: No, we have nothing else.

Chair Rohlf: Are you fine with the way we are handling the signage?

Mr. Peters: Yes, we addressed that with our first meeting.

Chair Rohlf: Are there questions for the applicant? Do we have additional comments? With removing the signage, I don't think there is anything outstanding that is not in compliance.

Comm. Williams: Stipulation No. 18 makes reference to the Public Works memo on file. Would that be the memo we just received?

Mr. Klein: Yes.

A motion to recommend approval of CASE 28-11 – PARKWAY PLAZA – ROMANELLI OPTIX – Request for approval of a Final Site Plan – located at 4750 W. 135th Street – with 25 staff stipulations, changing No. 22 to the recommendation in staff's April 26th memo – was made by Jackson; seconded by Ramsey. Motion passed with a unanimous vote of 6-0. For: Pateidl, Jackson, Williams, Elkins, Heiman and Ramsey.

CASE 33-11 – PARKWAY PLAZA – OFFICE/RETAIL BUILDING 14 – REECE & NICHOLS – Request for approval of a Revised Preliminary Site Plan and Final Site Plan – located at 5000 W. 135th Street.

Staff Presentation

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Commission, this is Case 33-11 – Request for approval of a Revised Preliminary Site Plan and Final Site Plan for Building 14 in Parkway Plaza, a mixed office and retail building, located in the development just south and west of the existing Starbucks. The applicant is requesting approval of construction of a 12,400 square foot, one-story retail and office building. A Revised Preliminary Site Plan is required because the approved Preliminary Site Plan designated the subject property for a 9,780 square foot retail building, and the applicant is proposing a larger building which will be a mixture of retail and office uses. The Site Plan shows the building along the north side of 135th Street oriented in the east/west direction with the main entrance facing north toward the interior of the development. The proposed office tenant is a Reece & Nichols office and will be located in the eastern portion of the building. There are two vacant retail tenant spaces on the western end of this building, and these spaces will require Sign Plan and/or Tenant Finish approval at a later date. Elevations show the building will be constructed with a cast-stone base, stucco and natural stone, and a storefront window system with a copper-colored standing seam metal roof. A tower element is proposed along the north side

of the building. A colonnade and sidewalk are proposed along the entire length of the north side of the building as well, and wall projections are proposed throughout all four sides of the buildings to provide variation to the depth of the façade. Parking for the building will be provided by the existing parking lot north of the building. A mixture of landscaping surrounds the building. The Landscaping Plan complies with the requirements of the ordinance with the exception of a piece of ground-mounted utility equipment located within a parking lot island at the southeast corner of the property. This equipment is unscreened, and the Landscape Plan does not propose screening in compliance with the ordinance at this time. Staff is recommending a stipulation to resolve this. No signage is proposed with this plan, despite the fact that the plans show signage for Reece & Nichols. The applicant has provided these details; however, since the Staff Report was written, the applicant has asked that the signage be withheld to come through at a later date. Staff has provided the Planning Commission with a memo outlining the necessary changes to stipulations as they pertain to the Sign Plan changes. The Staff Report inadvertently left out the Interact Meeting discussion, which was provided in your memo this evening. Staff is supportive of the Revised Preliminary Plan to re-designate the subject property for a mixture of retail and office uses, as long as the building is designed to accommodate future retail tenants. We would like the applicant to discuss that. Our plans reviewer has said it was possible. Staff recommends approval of Case 33-11, subject to the stipulations in the report and those modified in the memo before you this evening. We're happy to answer any questions.

Chair Rohlf: One of the comments has to do with the overall impact of this change in the development. I'm not sure all the commissioners were here when we started looking at the overall plan. Do you have that available so we can see where the buildings are?

Mr. Rexwinkle: *(Places Preliminary Plan on the overhead)* This plan shows exactly what the original Preliminary Plan was with the exception of the proposed building's original status as retail-only, as opposed to retail/office. Roe Avenue and 135th Street have eleven pad sites, and only four have been developed. One is Romanelli Optix, and then this building will be included if approved. All have developed as retail until this point. The original concept for Parkway Plaza was to line Roe Avenue and 135th with retail uses. It is important to keep in mind that this development is a mixed-use development that did consist of office and residential. This shifts office to a different area of the development. As other pad sites develop, we would probably be less supportive of converting more of the street frontage to office use.

Chair Rohlf: Is there just one pad site to the west as the corner feature?

Mr. Rexwinkle: That is undeveloped, and it is adjacent to the city limits boundary. It is not proposed to be developed at this time. A building up here is retail as well. There are a few retail buildings not along the street, but the original Preliminary Plan was approved for retail across the street frontage.

Chair Rohlf: About what percentage of this plan has been completed?

Mr. Rexwinkle: A fair guess would be 30-40%. It is mostly incomplete at this point.

Chair Rohlf: Mr. Coleman, this is not specific to this development, but rather to the mixed-use development as it is designated with the 20% of the developmental area for residential. Do we anticipate needing to take a look at that for our mixed-use districts?

Mr. Coleman: It's an ordinance requirement. It happens to be the circumstances of the economy currently. I don't anticipate changing the ordinance at this time.

Chair Rohlf: How many mixed-use districts do we have in Leawood?

Mr. Coleman: There are three.

Chair Rohlf: I was trying to think about the residential components of these mixed-use areas.

Mr. Coleman: Other areas in the Comprehensive Plan are designated as mixed-use.

Comm. Jackson: Assuming this gets built out, does the fact that this building is 25% larger than in the original proposal affect the sizes of some of the other buildings? Will anything have to be smaller?

Mr. Rexwinkle: Yes, essentially they are shifting floor area from one portion of the development to the other. Since it's not built out yet, it is not an issue. They far exceed the minimum floor area for any mixed-use development, which is 20% residential. We don't differentiate between retail and office when it comes to commercial floor area for the purposes of meeting the requirements of the mixed-use district. As long as they're not taking residential space and turning it into commercial space, they will not run into the problem.

Applicant Presentation

Chuck Peters, Peters and Associates, 9990 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Peters: (*Places plan on the overhead*) Tonight, we're here to present to you a 12,400 square foot building from the original Preliminary Plan. Joe has laid out the appearance of it, which we intend to tie closely to the Starbucks in order to maintain consistency. The positive element of this plan is that it is broken into retail and office; although, we have run the glazing completely around the building to make it look nicer from 135th Street. As you can see, the retail has been differentiated by the screening on the roof element as well as the element itself. Staff asked earlier whether this was designed with the intent of it every reverting back to retail. The bays have the same depth, so it could convert back to retail very easily if it needed to be. I won't discuss signage tonight, but I would like to state that, because Reece & Nichols is taking 10,000 square feet of this structure, they are allowed under the sign guidelines of Parkway Plaza to have signs on each one of those bays. We discussed the signage on the tower with the city. Because we are not providing additional signage on that north elevation, we asked for 18 inches. This will come up later with the signage application. Other than that, we have no other comments. We appreciate being here tonight. I want to thank the staff for working with me. If you have questions, I'd be happy to answer them.

Chair Rohlf: Questions for the applicant? Mr. Peters, I don't think we talked about any of the stipulations in particular. Are you in agreement with all of those except for the modifications to the signage one?

Mr. Peters: Yes, we are in full agreement. We will continue to work with staff on the B&P.

Chair Rohlf: If no one has questions, we will open the Public Hearing.

PUBLIC HEARING

As no one was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Williams. Motion passed with a unanimous vote of 6-0. For: Pateidl, Jackson, Williams, Elkins, Heiman and Ramsey.

Chair Rohlf: This takes us up to discussion and a motion, with a need to change Stipulation No. 8. I will note that in the memo Joe put on the dais this evening dated April 26th, there is a summary of the Interact Meeting that was held.

Mr. Rexwinkle: We did modify our online packet to include that information, so the publically available packet has the summary you have on the dais this evening.

A motion to recommend approval of CASE 33-11 – PARKWAY PLAZA – OFFICE/RETAIL BUILDING 14 – REECE & NICHOLS – Request for approval of a revised Preliminary Site Plan and Final Site Plan – located at 5000 W. 135th Street – including all 25 staff stipulations with modifications to Stipulation No. 8 to correspond with the memo provided – was made by Williams; seconded by Elkins. Motion passed with a unanimous vote of 6-0. For: Pateidl, Jackson, Williams, Elkins, Heiman and Ramsey.

CASE 35-11 – ONE NINETEEN – FO THAI RESTAURANT – Request for approval of a Revised Final Site Plan for a Tenant Finish – located at the southeast corner of 119th street and Roe Avenue.

Staff Presentation

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 35-11 – One Nineteen – fo Thai Restaurant, located at the east end of the One Nineteen development. An empty space will be between this space and La Bodega. When they previously came through for a Tenant Finish on the façade, they were contemplating an outdoor eating area. However, staff brought up the issue of blocking the sidewalk along that main promenade. The applicant decided to get the façade approved and come back later for the patio. Modifications in this application include providing an outdoor seating area in front of their tenant space. It would be enclosed by a 42-inch black steel fence, which is required by ABC (Alcoholic Beverage Control) for the state of Kansas. They would also like to modify the entry. (*Sends material board around*) The currently approved material is the travertine on that board. (*Places elevation on the overhead*) This is the currently approved elevation. The menu board was approved with the application, and it is in the same spot. They would like to change the travertine to antique brick, as shown on the material board. Staff is not supportive of this change because we don't feel it matches the rest of the center. Additionally, the currently approved metal on the building is the Dirty Penny you see on the material board. They would like to change that to the other sample being passed around. That goes along the majority of the façade. Staff is more supportive of this. The previous application included an outdoor seating area, so they had sliding doors to open the store. They would like to replace those with an overhead door.

Comm. Ramsey: Why are they making all these changes?

Mr. Klein: The applicant would be better able to answer that. As far as the architecture, we let them know throughout the process that we were not supportive of the brick. I think that's just what their client wanted. We are supportive of the application, just not of the antique brick and the proposed outdoor patio extending across the promenade. I highlighted where the fencing would go around the patio and other details (*Refers to plan*). If you're walking down the promenade, you would have to walk out into the common area, walk back around and then go until you hit the sidewalk at the entrance of La Bodega. Staff is not opposed to the outdoor patio, just to the obstruction of the promenade. The stipulation calls for a six-foot path to allow pedestrian traffic to continue along the promenade. There would not be many tables, and we understand that.

Comm. Ramsey: If they wanted to come out and create a second fence in the common area, they could, couldn't they?

Mr. Klein: Actually, ABC will not allow that. It has to be contiguous with the building itself.

Comm. Jackson: Do you have a view of the entire front of the shopping center?

Mr. Klein: I don't have anything too detailed.

Comm. Jackson: It does add energy to have that many tables out there. It's a nice feature to have. That shopping center doesn't have much energy, so it would be nice to do that. The way the parking sits, unfortunately, there are not many walkers through that area. It's easy to park in front of where you want to go.

Mr. Klein: La Bodega seems to be successful, so the parking lot is starting to get fairly full. We are thinking that part of it will be people shopping along the promenade and then walking down. In this case, they would have to make a 100-150-foot detour.

Comm. Jackson: It is that large an area?

Mr. Klein: Yes, they would have to go all the way over to where the sidewalk is.

Comm. Pateidl: You said if they could separate the two patio areas and leave that pathway in-between that staff would be in favor of it. I'm interpreting staff does not have any conflict with the tables out in what appears to be the common area by the fountain.

Mr. Klein: Yes, they have to have it contiguous for ABC, but if they wanted to have an area that did not serve alcohol, we would have no problem.

Comm. Pateidl: I reviewed the development ordinances, and I didn't find anything currently existing in the ordinances as it relates to outdoor seating, patios and that type of thing other than some of the fencing requirements. Do we have anything in our ordinances that we can specifically tie to outdoor seating at this time?

Mr. Klein: Every application for outdoor seating, even with existing tenant spaces, has to come back before Planning Commission and City Council as part of a Site Plan Review process. When those applications come through, we look to ensure ADA is met. We want to make sure it has clear pedestrian paths in addition to that. Then we also get into items such as furniture, spacing and other details. Currently, the LDO has nothing specific about outdoor patios.

Comm. Pateidl: We have pretty wide latitude of discretion as we review these.

Mr. Klein: Yes.

Applicant Presentation

Jim Sullivan, Sullivan Palmer Architects, 8849 Long Street, Lenexa, KS, appeared before the Planning Commission and made the following comments:

Mr. Sullivan: I'd like to talk about the two major issues discussed by staff, including the courtyard and material selections. I'd like to show a PowerPoint presentation to get your juices flowing. (*Runs a PowerPoint presentation*) I would like to remind you of some of the nice areas around the world, including the Spanish steps of Rome, which include a number of elements that all successful courtyards have. Plaza Mayor in Madrid has a nice ambiance with fountains, courtyards and nice elements. The third element required in these is people. In Plaza Mayor in the Middle of winter is a desolate place. It is very uninviting. Of course, when you have people in a space, it attracts more people. It is a self-fulfilling attribute that we want to promote in this One Nineteen facility. You can see that most all of the courtyards have outdoor dining. It is a catalyst to having people in our courtyard space. You can see One Nineteen with the overall picture. The promenade on the front side is over 850 feet long. It has a node for the courtyard in front of our space and one in the middle, which is a sub-node to the detailed courtyard we have. Obviously, we want to use that as much as possible. This is a very efficient shopping scheme. This 850-foot path is one

that will take you anywhere. It seems to me that it is like an interstate highway and perhaps an attribute we want at the center. Don't we want a place to sit down and get out of the way of things? Obviously, we feel like not only the promenade needs to work, but also the courtyard spaces. Right now, the courtyard space does not work. It has a farmer's market one day a week to try to populate the space, and I don't think it does a very good job. There are some basic factors that will never let it work without something like this. The fo Thai seating would help with this issue. It would only have 40 seats, but I feel those seats would be used on a pretty regular basis. It would allow people on the promenade to use the courtyard and enjoy the space. We're not trying to dominate the courtyard space, but we are trying to get our users and people close enough to the space that they can actually feel like they're a part of it. If we follow staff recommendations, people in our patio would be so far away from the planter and fountain that they would not feel a part of the space. I don't think these eight seats in our outdoor seating would promote anything in that space.

Lastly on the materials, the people at RED did an amazing job of defining a visual framework so many different types of tenants can do their thing within that framework. Obviously, we don't want 650 feet of antique brick below this framework all the way across the shopping center, but we're dealing with a wood door and some antique brick that amount that 149 square feet or less than 10% of the overall façade. Like the Plaza, Oak Park Mall and so many other spaces who set up that framework and then allow variation within it, I think the center can accommodate many different variations. I'm happy to answer questions.

Chair Rohlf: I was absent when this first came through. In looking at what has been approved and what you are currently proposing, I see a major shift. Was fo Thai the actual tenant in October?

Mr. Sullivan: Oh, yes.

Chair Rohlf: Is this restaurant located in other places as well?

Mr. Sullivan: This is one-of-a-kind. Some of the changes were due to the fact that the interior evolved following the previous application. The exterior treatment with the wood door and antique brick gives you a preamble to what will happen inside the space rather than something that is more compatible with other elements in the shopping center.

Chair Rohlf: Don't we usually get a letter from RED saying that they've looked at the plans?

Mr. Klein: RED did approve these, and we asked specifically about the patio as well. They indicated that as long as La Bodega was fine with it, they are fine as well. Staff's position is, as part of planning, you don't focus in on one individual tenant because they may go out of business, and the next tenant may not be fine with the customization. Additionally, there is another tenant space between fo Thai and La Bodega. If people are visiting that particular shop, they will have to backtrack and go all the way around. Staff is looking at this in the long-term sense for the overall development.

Chair Rohlf: I think we need to at One Nineteen because there has been movement there.

Mr. Sullivan: We recognize that, too. We are willing to have removable posts on the enclosure fence so we can take the patio out during months of bad weather and set it up once weather clears.

Comm. Jackson: Would you be willing to not serve liquor out there so you could have an open patio area?

Mr. Sullivan: I'm not willing to speak for my client, but I would assume that if we had all the choices we have in Johnson County and the restaurant next door to you serves liquor outside and you don't, you would be at a serious disadvantage.

Comm. Jackson: Can you explain more about the concept of this restaurant?

Mr. Sullivan: It's Asian cuisine with Asian elements inside. We have a number of water features inside. There is a central Buddha pond that is raised with a Buddha statue on it. Over to one side is what we call a Lake, which is a larger body of water with some individual kiosk booths on top of it. It has a Mezzanine and will be beautiful.

Comm. Jackson: It must be larger than I'm picturing. How big is it across the front?

Mr. Sullivan: It's about 50 feet.

Comm. Williams: Is the antique brick on the approved materials list for the shopping center?

Mr. Klein: No, for the shopping center, we have a list as far as the main center, but the individual tenants have been allowed to propose materials for their particular façade. West Elm had the faux wood flats. Apple has a metal that does blend. Natural Body Spa had different tile.

Comm. Williams: Regarding the outdoor dining space, although the pictures you showed were wonderful and are great places, what is missing is those places did not have to comply with a state liquor control law that requires that the dining areas be contained. There is not a fence in any of those pictures, and people can walk in any direction they want. Unfortunately, even with this restaurant, if we were to agree to your proposal, it still doesn't create that same kind of synergy. It may help grab a bit more attention to the courtyard. I agree that it's a nice space, and it is a loss to only use it once in a great while. We worked very hard as a commission to try to have pedestrian places, particularly in light of the fact that it's a long distance from one end to the other. It would be nice if this were grander, but I don't see that extending the dining area out there necessarily achieves that if it's going to end up blocking the circulation along that promenade, which is an important feature of the center. If you didn't sell alcohol, it could begin to look more like the space you're showing. It is maybe unfortunate that you're hemmed in at this particular location.

Mr. Sullivan: La Bodega is in agreement with our proposal, so they don't feel like they would be missing potential customers due to the fact that we are blocking their way. They know there is parking all around their restaurant, and a lot of the customers routinely go there and know where to park. They don't see it as a problem. Secondly, the 40 people we have dining out there may not populate the whole space, but it's a step in the right direction. It may prompt other people to come out and use the space.

Comm. Williams: I guess that would maybe depend on if the developer would put furniture out there for people to use, and that may be part of the problem.

Mr. Sullivan: Sure, and with this restaurant, there is more of an impetus. If we have no outdoor impact, it just doesn't work.

Comm. Williams: Staff was correct in pointing out that this isn't just an issue for La Bodega; we have a potential tenant that will go between you and La Bodega, and they will need to be taken into consideration.

Mr. Sullivan: Obviously RED is in agreement with our proposal as well.

Comm. Williams: In all candor, I don't think I've seen RED take exception to anything a tenant wanted to do, as long as it wasn't grotesque and totally detrimental to the center.

Mr. Coleman: I'd like to comment on the parking. Trader Joe's is scheduled to open later this year. Right now, the parking is at a premium. When they open, that area of the center will have a parking shortage.

RED has already been talking with the city about how to address that issue. People that come to the center to go to fo Thai or La Bodega or Trader Joe's may not be parking adjacent to those establishments; they may be parking farther away and have to walk. That's one of the reasons we don't think it would be a good precedent to fence off the promenade.

Mr. Sullivan: I don't think we're talking about not allowing people to walk from one side to the other. We're talking about people having to take those few extra steps to go into the courtyard to go around our patio. I don't think it will stop anybody from going to La Bodega or the vacant tenant.

Mr. Coleman: We're not opposed to having seating out there; we think that is great. Having the fence in the courtyard actually destroys the courtyard feel because now you've fenced off a part of that courtyard and segregated it. You're chopping it up into pieces. It's not a good plan.

Comm. Ramsey: Is the issue the lack of access on the promenade or the chopping up of the courtyard?

Mr. Coleman: I think it's both.

Comm. Ramsey: Did you discuss a seasonal element of allowing them to have the outdoor seating for five months of the year and then taking down the fence for the rest of the year?

Mr. Klein: The applicant mentioned the fact that they would like a removable fence that would be lifted in inclement weather. Most of the traffic is in the good season, though. La Bodega is doing great, and I hope they continue to do great. If it was JP Wine Bar down there and you had people shopping and decided to stop in for a drink, there is a possibility that if they hit a barrier like that, they might not explore alternative ways to see what was on the other side. Many people would stop at the fence and head back. We'd be supportive of this application completely if it were not for the blocking. We're in a quandary because of the ABC rules, and we're all trying to work with them as much as possible. We aren't willing to give up the pedestrian circulation.

Mr. Coleman: Please imagine this center with five or six fo Thais with the fence projecting out all along that façade. If you set this precedent, there will be no reason not to do that along the entire façade if a restaurant comes in and wants it.

Mr. Sullivan: That's an argument that will never happen. How can you say there will be five of these when there is only one courtyard? The rest is a fairly tight cross-section between parking and the building. We are taking advantage of a courtyard here in front of our space. It's the one opportunity that you have to do this and to lend some energy into this courtyard.

Comm. Pateidl: As we view how that development has filled out with the retail space in the center and the restaurant space at the two ends, I see fo Thai adding a lot of energy to the south end of that development, which needs some. The overall development, given North, La Bodega, Sullivan's and fo Thai, is becoming an overall restaurant-oriented area, which is good. Each of those other restaurants all has adequate outdoor dining. I think the energy of that entire area is good for the city of Leawood. The diversion of traffic, particularly if done on a seasonal basis, to the extent that is being suggested in this plan, is minimal and not obstructive for the American Disabilities Act. It's supported by La Bodega and RED because it's the kind of synergy and activity that promotes business in the area, which promotes tax dollars for Leawood. Earlier, I asked if this was an area of consideration in which we have a lot of discretion. I asked because if we find the better point for the city and that particular development, we need to look to economics as well as traffic patterns. To that end, I am very supportive of the outdoor dining, provided we have a seasonal understanding. On the materials selection, you might recall when the application for La Bodega came in that I was a bit concerned about the façade on that restaurant and its diversion from the materials or

appearance of the rest of the center. The issue with the applicant became one of being integral to the restaurant. The applicant made the comment that the wooden doors and antique brick are a preamble to the experience. I think we let the genie out of the bottle with La Bodega, and if this is part of a marketing position that is not extreme in terms of material usage, I am in favor of the materials change as well.

Comm. Williams: In terms of the amount of brick you're going to have here, how many square feet are we talking about?

Mr. Sullivan: I just scaled it off to be 79 square feet.

Comm. Williams: Does it sit back at the door level, or does it also come out on the tapered wall and the perpendicular wall?

Mr. Sullivan: All of it sits back from the metal panel frame that we have. It starts on the west side about six inches back and goes back at a 45-degree angle to three feet. Then it goes across at the plane of the door.

Comm. Williams: So it's on the 45-degree angle wall where the menu is?

Mr. Sullivan: Part of it is. It goes to the east on each side of the door.

Comm. Elkins: Mr. Sullivan, why the need to change to overhead doors from vertical doors? I think the aesthetic of the vertical doors is nicer.

Mr. Sullivan: We had an opportunity with the construction of the shell façade to take the garage door straight up and bring it into the void space. We saw that as a good way to easily accommodate diners. You can do it without moving chairs around. You can do it on a whim. You can drop it if the weather got bad.

Chair Rohlf: Are those doors going to be raised and open? Is that where your outdoor seating is?

Mr. Sullivan: Yes, we're opening up a 16 1/2-foot wide area about 11 feet tall in the façade.

Comm. Williams: Is using the overhead doors contingent on having the outside dining?

Mr. Sullivan: Good question; I'm not altogether sure.

Chair Rohlf: Anything else for the applicant? Thank you. That takes us up to discussion. I'm not sure if we should take these two issues together. I'm not sure of the sense of agreement of either one of these.

Comm. Heiman: I am in favor of staff on the patio situation; I don't like the idea of blocking pedestrian flow. In terms of the materials, I am fine with what the applicant is proposing. I think it's a nice change from what we see out there. La Bodega was a good one that mixed it up a little bit.

Comm. Jackson: I would be in favor of the outdoor dining. I truly dislike the fence, but I don't think you can get around it with Kansas law. I think it adds the energy out there, and you need something in that corner. Heaven help us, we can certainly walk a few extra feet. I think we all need it. Let's use the parking spaces out there. The plan works.

Comm. Ramsey: I am in the middle between my two commissioners. I am fine with the outdoor seating as long as it is seasonal and we remove it during the winter when people are trying to use the walkway for protection. On the materials, I understand where staff is coming from, but if that's what they want and if we've let La Bodega do it, the cat is out of the bag on that one.

Comm. Heiman: This may be a question for staff. Is it possible to open up and have a door to the fencing that would allow pedestrians to go through the fencing without having to go all the way around?

Mr. Klein: When I talked to ABC, I understood that was not an option because they don't want a mixture of people walking through. Perhaps the applicant could add to that.

Comm. Ramsey: How are you going to gain access? They can't fence off the whole thing and have no access points.

Mr. Klein: They have an egress gate on the north side. I think Commissioner Heiman is talking about a gate that would allow ingress and egress.

Comm. Heiman: I will go on the record as being for outdoor seating; I just don't like this idea.

Chair Rohlf: Anything else? From the comments, it appears that if there were a motion, staff recommendations would need to be changed. It sounds like those who have made comments would be in favor of the applicant's plan.

Comm. Williams: I like the previously approved exterior and materials. For the center, it was a nice blend. I don't have any problem with the change in metal material. La Bodega is a completely appropriate look for the center, but I agree that we have let the cat out of the bag and let the tenants do what they want to do within reason, so I would be good with the façade changes. As much as I would like to see life and activity in that courtyard, which was the goal of that area, I do have issue with the disruption of the circulation path. Unfortunately, the fencing will be up during the time when more of that pedestrian activity is likely to take place. Given the tenants currently there, how much pedestrian activity are we really interrupting with this? It won't hurt people to walk that additional distance, which appears to be about 100-120 feet. I could support the exterior changes. I'm still torn and mixed on the patio.

A motion to recommend approval of CASE 35-11 – ONE NINETEEN – FO THAI RESTAURANT – Request for approval of a Revised Final Site Plan for a Tenant Finish – located at the southeast corner of 119th Street and Roe Avenue – with the following changes to staff recommendations: No 1 to read, The outdoor patio shall be conditioned on seasonal use and be removable, the details to be worked out by city staff and the applicant prior to the Governing Body consideration. No 3 will be eliminated. All remaining stipulations remain as written to leave a total of four stipulations – was made by Jackson; seconded by Pateidl. Motion passed with a vote of 4-2. For: Pateidl, Jackson, Elkins, and Ramsey. Opposed: Williams and Heiman.

CASE 37-11 – PARK PLACE – ALOFT HOTEL – REVISED LANDSCAPE PLAN – Request for approval of a Revised Final Site Plan – located at the northeast corner of 117th Street and Nall Avenue.

Staff Presentation

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 37-11 – Park Place Aloft Hotel – Revised Landscape Plan. This is in regard to a Landscape Plan approved for Aloft within the Park Place development. Adjacent to the building on the south side were three trees still to be planted. Ra Sushi moved into the tenant space located there, and the northernmost tree was directly in front of their entrance. The applicant asked the developer to have the tree removed. Park Place complied with that, and the tree wasn't planted. When staff checked the Landscape Plan and noticed the tree wasn't there, we let the developer know. We tried to work out a location for the tree. The developer felt the landscaping in the area was sufficient and didn't feel the areas we talked about would fit with the development's landscape concept.

Staff is recommending that this tree be planted with a future project in another location where it can be agreed upon and where it will make sense. Staff is recommending approval of this application with that stipulation, and I'll be happy to answer any questions.

Comm. Williams: Are you saying the tree would be planted somewhere else in the development and not necessarily around Aloft?

Mr. Klein: It may not be directly around this space. Gordon Biersch and Ra Sushi are already located there. An application for another tenant in this development will come through soon, and it could be in that area; but we don't know the exact location yet.

Comm. Ramsey: There is no reasonable place to put it in this area?

Mr. Klein: We suggested a few places. (*Refers to plan*) There is a planting island here, and you can see some shrubs following the curb. There is no tree there. We tried several locations, but we couldn't come to an agreement. In lieu of that, we made a stipulation to place it with a future project.

Chair Rohlf: I think that sounds good. Anything else for staff?

Applicant Presentation

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

Mr. Alpert: I'm sorry we have to take your time for this. We've planted 362 trees on this site. It's about 35% developed so far. We'll probably be planting at least that many more before we're through. We considered staff's suggestions that we relocate this tree, but we did create an orderly Landscape Plan for the project, and to randomly put a Shademaster Honey Locust in a place where we don't have other Shademaster Honey Locusts just to relocate the tree didn't make sense to us. We felt it would not materially affect the quality of the project to have one less tree in a specific location. We had hoped that we could have resolved this without coming to the Planning Commission and paying a \$300 fee to stand up before you, but here I am. We are certainly in favor of staff's recommendation because, in essence, what they are suggesting is what we wanted to do, which was include this tree or maybe a different species of tree somewhere else within the project. I'm sure you understand we'll be doing that, regardless of this situation.

Chair Rohlf: Does anyone have a question for the applicant? Thank you, Mr. Alpert. I appreciate you coming this evening. If we have no additional comments, I would ask for a motion.

A motion to recommend approval of CASE 37-11 – PARK PLACE – ALOFT HOTEL – REVISED LANDSCAPE PLAN – Request for approval of a Revised Site Plan – located at the northeast corner of 117th Street and Nall Avenue – with two staff stipulations – was made by Williams; seconded by Elkins. Motion passed with a vote of 5-1. For: Jackson, Williams, Elkins, Heiman and Ramsey. Opposed: Pateidl.

MEETING ADJOURNED.