

**City of Leawood  
Planning Commission Minutes  
July 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, Neff-Brain, Williams, Elkins and Strauss. Absent: Roberson, Rohlfs and Ramsey

**APPROVAL OF THE AGENDA:**

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

**APPROVAL OF MINUTES:**

Approval of the minutes from the June 28, 2011 and July 12, 2011 Planning Commission meetings.

**A motion to approve the minutes of the June 23, 2011 Planning Commission meeting was made by Jackson; seconded by Pateidl. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Neff-Brain, Elkins and Strauss.**

**A motion to approve the minutes of the July 12, 2011 Planning Commission meeting was made by Elkins; seconded by Pateidl. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Neff-Brain, Elkins and Strauss.**

**CONTINUED TO AUGUST 23, 2011 MEETING:**

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 60-11 – AT&T MOBILITY – WIRELESS ANTENNAE – Request for approval of a Special Use Permit for a wireless antennae and associated equipment, located south of I-435 and east of Mission Road. **PUBLIC HEARING**

**CONSENT AGENDA:**

CASE 73-11 – PARKWAY PLAZA– ADDIE ROSE – Request for approval of a Final Sign Plan, located at 4870 W. 135<sup>th</sup> Street.

CASE 74-11 – PARK PLACE – HEMLINE – Request for approval of a Final Plan for a Tenant Finish, located at the northeast corner of 117<sup>th</sup> Street and Nall Ave.

CASE 76-11 – MARKET SQUARE – PRIDE CLEANERS – Request for approval of a Final Sign Plan, located at 3626 W. 125<sup>th</sup> Street.

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

**NEW BUSINESS:**

CASE 79-11 – IRONHORSE CENTRE REVISED SIGN CRITERIA – Request for approval of a Final Sign Plan, located at the southeast corner of 151<sup>st</sup> Street and Nall Ave.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Mr. Chairman and members of the Planning Commission, this is Case 79-11 – Ironhorse Centre – Revised Sign Criteria. The applicant is requesting approval of a Final Sign Plan to modify the sign criteria for the Ironhorse Centre development. This is related to an application you heard on July 12<sup>th</sup> with regard to the Paddy O’Quigley sign, which had an average letter height of 18 inches and a “P” at 21 inches. The proposal tonight is to change the sign criteria to allow an anchor or marquee tenant, with the approval of the developer and the City of Leawood, to have a letter height of up to 24 inches, provided that the average letter height of the overall sign is a maximum of 18 inches in height. No other changes are proposed. Staff is recommending approval, and I would be happy to answer any questions. The applicant is not here.

Chairman Williams: Does anyone have questions or comments?

**A motion to recommend approval of CASE 79-11 – IRONHORSE CENTRE – REVISED SIGN CRITERIA – Request for approval of a Final Sign Plan with the two staff recommendations – was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Neff-Brain, Elkins and Strauss.**

CASE 53-11 – PADDY O’QUIGLEY – Request for approval of a Final Sign Plan, located at 3317 West 151<sup>st</sup> Street.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Mr. Chairman and members of the Planning Commission, this is Case 53-11 – Ironhorse Centre – Paddy O’Quigley. The applicant is requesting approval of a Final Sign Plan for one wall sign located over the main entrance. This applicant is proposing a single sign on the portico over the main entrance of the tenant space. The sign will read “Paddy” on the first line and “O’Quigley” on the second line. It meets all the sign criteria for the LDO and for the development with the approval of the previous case. Staff is recommending approval of this application with the stipulation stated in the staff report.

**Applicant Presentation:**

Patrick Murray, KC Sign Express, 5033 Mackey, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Murray: The only letter in question was the “P” in the first line. As you can see, most of the letters are within the 18-inch requirement. Because they have a registered trademark that appears in all locations, they are asking to stay with the same framework for this sign.

Chairman Williams: Are there questions of the applicant? Thank you. Now this case going forward is contingent upon Governing Body approving the changes to the design criteria.

Mr. Klein: Correct.

**A motion to recommend approval of CASE 53-11 – PADDY O’QUIGLEY – Request for approval of a Final Sign Plan, located at 3317 West 151<sup>st</sup> Street, including six staff stipulations and subject to Governing Body’s approval of modification to the development’s sign criteria – was made by Elkins; seconded by Neff-Brain. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Neff-Brain, Elkins and Strauss.**

CASE 61-11 – AT&T WIRELESS ANTENNA – Request for approval of a Special Use Permit for wireless communications antennas and associated equipment on an existing tower located north of 135<sup>th</sup> Street and west of Briar.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Mr. Chairman and members of the Planning Commission, this is Case 61-11 – AT&T Mobility Wireless Antenna. The applicant is requesting approval of a Special Use Permit to allow a new slim-line mounted wireless communications antenna and associated equipment for AT&T Mobility to be placed on an existing monopole located north of 135<sup>th</sup> Street and west of Briar. The proposed antennas are being placed to provide 4G service for AT&T Mobility, which currently does not have the service at this location. This particular tower is in the Parkway Plaza development. It is 170 feet high. Since the 1996 approval, the City of Leawood has changed its ordinances with regard to cell towers and has a maximum height of 150 feet. This tower is a legal, non-conforming tower with a Special Use Permit issued that will expire on March 13, 2012. With this application, one of the stipulations is the SUP for these antennas will also end at the same time. The applicant is aware of the stipulation. These three antennas will be located at a height of 138 feet and will be flush-mounted to the tower, which is in conformance with the LDO. Staff is recommending approval of this application, and I’ll be happy to answer any questions.

Comm. Elkins: Has staff examined the site? I know there is a lot of construction. Is the applicant in compliance with any provisions of other SUPs concerning landscaping and screening of the facility?

Mr. Klein: We looked at it, and you can see from the photos in your packet that there are areas that are not in the best condition. Usually, the tower owner is responsible for those and the enclosure. The other consideration was that this application will end in 2012, and there is a chance that the tower may be removed completely. If this were the tower owner, we would be asking for additional landscaping, particularly if it were going to be extended. That application will occur next year; however, we will still need to have discussion about whether or not that will be allowed to remain.

Comm. Elkins: The tower owner has a Special Use Permit for the placement of the tower. The application in front of us tonight is by another party who wants to co-locate their antenna on the tower, and the ownership is distinct and different.

Mr. Klein: Correct.

Comm. Neff-Brain: Will the applicant be paying the owner for use of the space?

Mr. Klein: I would assume they would.

Comm. Neff-Brain: So it would probably be in the owner’s best interests to clean it up.

Mr. Klein: Yes.

Comm. Strauss: Are there any other non-conforming towers in the city, and if so, have the SUPs expired?

Mr. Klein: I don't believe there are any others. The only cellular antennas in the city are at 9617, which is the old police station. Those would be on a platform as opposed to a tower. One is located at Saddle and Sirloin on the City Park property, and it is at 130 feet. One antenna is on a platform is not in conformance, but it did get approved through Planning Commission and City Council. We also have this one at Nall and 135<sup>th</sup>, and we have the two monopines approved in the Leawood South Country Club. Those are all within the height restrictions.

Chairman Williams: Are there any other questions?

**Applicant Presentation:**

Curtis Holland, Polsinelli Shughart Law Firm, 6201 College Blvd., Ste. 500, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Holland: This particular application, as mentioned by staff, is for AT&T Mobility, which is Cingular Wireless doing business at AT&T Mobility. They hope to add additional antennas to this particular tower site as part of their upgrade to 4G service. It essentially means very high-speed internet connectivity and provision of those kinds of data services. You had a number of applications a few years back from a company called Clearwire, which was deploying WiMax. It is a similar service of high-speed connectivity. You may have read about the different carriers building 4G services. This particular tower is located at 135<sup>th</sup> and Nall. It serves literally every carrier in the city. For the most part, they have standard wireless antennas providing voice and data services of 2G or 3G. Except for Clearwire, no other carrier is providing 4G antennas to the pole yet. It is the only facility in this part of the city that is utilized by wireless carriers to provide their services in the area. It is an extremely important infrastructure in the provision of wireless services. There are some non-conformities about this site. It was built in 1997, and since that time, new regulations have been adopted, including the height and the requirement to flush-mount the antennas to the communication tower structure. Presently, most of the antennas are attached to a standard platform. There is also a setback requirement from residential properties of 500 feet, and the tower does not meet that rule, either. There are issues to address in the future with this particular facility because the current ordinance requires that SUPs need to be brought into compliance at the time of renewal. All of the SUPs on this particular tower are timed to expire on March 13, 2012. Something will be done at that time. As staff indicated, this SUP would expire at the same time as the other SUPs. My client understands that. We have read through the staff report and agree with the stipulations. We are aware of the maintenance issues and have notified the tower owner of them. For the most part, the landscaping is good on a couple sides. The one side that is hard is the east side. It is where the development of Parkway Place has occurred, and it's really asphalt all the way up to the edge of that compound. That really needs to be dealt with because you can't plant trees there. There are other issues, and the tower owner is going to take steps to clean up the landscaping and other issues. As staff indicated, we cannot control that. I expect there will be monies paid, so the tower owner would have some resources. Regardless of that, they have an obligation to do these kinds of things. Again, our application is to attach these antennas to the pole and provide 4G service in the area.

Comm. Neff-Brain: I'm looking at pictures of the east elevation, and it looks terrible. Is there any way that the payments made could be put into some kind of an escrow account to be used for maintenance?

Mr. Holland: There is no way for us to do that here in the context of an SUP approval.

Comm. Neff-Brain: It bothers me to allow them to get more revenue when they're not maintaining the space.

Mr. Holland: To be fair, I believe they had the landscaping at one point in time, and then the development occurred and took most of that away. What seems to be missing is some coordination with the parties as to the landscaping and to the replacement of the landscaping from when the parking area was put in. The paving needs to be cut back from the wall to allow for planting and materials to be placed on the front side.

Comm. Neff-Brain: This looks like weeds and untrimmed trees. It is shoddy.

Mr. Holland: I was there the other day and took probably 100 photos that I sent to them.

Comm. Neff-Brain: The south elevation looks terrible, too?

Mr. Holland: Yes, the west and north elevations had trees and shrubs planted, but it appears to have overgrowth, weeds and underbrush. It looks bad. From the west elevation, there is an adjoining apartment complex. From their view, the good news is that it does a good job of screening that wall. It is not the neat, manicured look you would expect to see, and neither is the north side or south side. On the east elevation, someone put a parking lot in and took out landscaping. The permit expires next March, and there will be a lot of discussion between now and then about this facility because it is the only facility in this area of Leawood and Overland Park adjoining areas that provides coverage for all the carriers. There is really no alternative to build other communication towers to fit all the antennas and provide all the services we all want. There is a Leawood Police Department antenna there as well. These are tough issues, separate from the maintenance issue.

Comm. Neff-Brain: I suspect if they don't get it cleaned up, they will have a hard time getting a renewal.

Mr. Holland: I can tell you, I am having discussions with them on that very point. It does not help our case. I know the city well enough to know that it is not appropriate.

Comm. Neff-Brain: How long has it been in this condition?

Mr. Klein: I don't know. I know a few antennas have gone on that site in the last four years.

Mr. Holland: When Clearwire came through, it was not like that. I think part of it relates to the development that has occurred around it.

Mr. Coleman: I can help out. One, the tower ownership has changed over the time period, and we are noticing the property owner on the maintenance issues. That is a separate issue from the antenna.

Mr. Holland: I knew it would be mentioned tonight, and that helps me when I go back and have a discussion with them. Thank you.

Comm. Elkins: As you know, the tower permit expires soon. Are you aware of conversations between the carriers and advancements in technology and whether your sense is that we're going to be hearing requests to grant a new SUP for a 170-foot tower or if technology has improved to a place where they may be able to operate on a shorter tower?

Mr. Holland: The technology is changing, but not in the way that you might think in terms of allowing for shorter towers. Antennas, oddly enough, are not getting smaller. New technologies, such as this 4G, are evolving. I think, in the somewhat near future, we're going to be heavily dependent upon exclusive wireless service. The technology that I am aware of it not there today that would indicate there would not be a need for communication tower structures. There may be opportunities, in some particular places, for the structure to be shorter. It really will depend on a particular need for an individual carrier where, if they're looking for

coverage for their own service and there is no facility there, they might propose a tower structure. Since it's only serving them, it may not need to be as tall. It seems to be the case in most of the jurisdictions that there is more support for fewer taller towers that allow for co-location. It means those few taller towers are more visible. Cities will have to look at policies as they move forward. As I mentioned, this particular site holds about 50 antennas, all providing different services for six different carriers. It is rumored that the tower at 96<sup>th</sup> and Lee may not be there forever. If that pole goes away, there will be no service in the central part of the city for those two carriers. If this pole goes away, there will be no service for all the people who live in and travel through those areas. I think you're going to likely hear an application to keep that tower as is. We are in discussions about what to do and expect to present something to the city with regards to allowing the facility to stay. It is an important issue for the carriers and for the city. It is important for the carriers to have service in the area, and there are no alternatives to build new towers.

Comm. Elkins: I would like to note that, as the expiration date comes closer, it may be worthwhile for the Planning Commission to look at a work session in advance of the presentation, perhaps even with the carriers. You still have to deal with the curvature of the earth and hills, but at least one carrier had suggested looking at technology with numerous antennas that would be attached to streetlights. I recognize that it may not be feasible for us, but I urge a work session about the topic.

Chairman Williams: I imagine that will come shortly. Any other questions? Thank you.

### **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Elkins; seconded by Jackson. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Neff-Brain, Elkins and Strauss.**

Chairman Williams: Any further discussion?

Comm. Elkins: I would like to emphasize that it behooves us all to get the carriers, the owner of the tower, the commission and city staff to look at it sooner than later because there are some significant issues here. If we have to deal with it the night before, it will not promote as good a planning exercise as possible. What bothers me about the landscaping is a situation in which the tower owner only comes to us once every five years for review and the carriers come at different times. It doesn't give us as good an opportunity to police that process. Mr. Coleman makes a good point that we can do it through codes enforcement, and maybe that is the answer. The key thing is to get the planning done proactively instead of just responding when the carriers get their act together and come to us.

Mr. Coleman: We've been talking with the applicant over the past year and have asked them to start studying the issue.

Chairman Williams: Any other comments?

**A motion to recommend approval of CASE 61-11 – AT&T MOBILITY WIRELESS ANTENNA – Request for approval of a Special Use Permit for wireless communication antennas on an existing tower, located north of 135<sup>th</sup> Street and west of Briar, with all staff stipulations – was made by Elkins; seconded by Neff-Brain. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Neff-Brain, Elkins and Strauss.**

CASE 75-11 – CORNERSTONE – TALK OF THE TOWN GRILL & BAR – Request for approval of a Final Plan for a Tenant Finish, located at 5201 W. 135<sup>th</sup> Street.

**Staff Presentation:**

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Mr. Chairman and members of the Planning Commission, this is Case 75-11 – Request for approval of a Final Plan for a Tenant Finish for Talk of the Town Grill and Bar, located at 5201 W. 135<sup>th</sup> Street in the Cornerstone development. The proposed tenant will occupy the former Ted's Montana Grill building. The applicant is requesting Final Plan approval to allow the construction of an outdoor dining area on the east side of the existing building and to add a new building entrance from the existing outdoor dining area on the west side of the building, as well as to allow minor changes to the building façade. The new outdoor dining area will be partially covered with a pre-finished metal canopy and will seat persons at tables, chairs and lounge furniture. The area will be paved with stamped concrete and surrounded by a decorative fence with stone columns to match the stone used in the building. The fireplace is proposed for the south side of the patio, and it will be constructed with the same stone veneer to match the building. The outdoor dining area will also include three televisions and will be surrounded by a landscape bed on the north, east and south sides with a mixture of grasses and shrubs. The existing outdoor dining area on the west side of the building was used by the previous tenant, and the proposed tenant will continue to use it. Nothing will change about the area with the exception of the new entrance door, which will match the main building entrance in terms of materials and colors. The plans also propose repainting a stucco band on the east side of the building to match the remainder of the existing stucco and to paint the wood trim on the storefront a dark brown color. New building-mounted decorative light fixtures are also proposed. Before you this evening, you have copies of the cut sheets for the proposed lighting and a pictorial inventory of the building materials and colors. This plan proposes a sign on the west and north elevations. Both measure 50 square feet each, or 2.8% of the north elevation and 2.4% of the west elevation. These comply with the requirements of the ordinance and sign criteria for Cornerstone. Staff is recommending approval of this plan, subject to the stipulations in the report, and I would be happy to answer any questions.

Chairman Williams: Any questions for staff?

**Applicant Presentation:**

Henry Clover, Clover Architects, 10955 Lowell, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Clover: I also have two of the owners with me tonight. The staff, as usual, did a wonderful job of describing this. We have brought you a picture to review as well, and I would stand for questions. We take no exceptions to the comments.

Chairman Williams.: Any questions?

Comm. Elkins: Where, on this property, are the electrical cabinets that cause me so much angst?

Mr. Clover: The transformers exist, and there is much landscaping around it. All the wires are underground from the original operation.

Comm. Elkins: It is well landscaped in your view?

Mr. Clover: Yes, it is pretty well maintained and seems to be holding up well.

Chairman Williams: There will be televisions and a sound system, I assume. We have a sound ordinance of ratings at the property line, which puts this pretty much right at the streets. Will this be an issue here?

Mr. Klein: They would be required to meet the sound ordinance of 60db at the property line.

Mr. Clover: Which is probably more than that from the street.

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

**A motion to recommend approval of Case 75-11 – CORNERSTONE – TALK OF THE TOWN GRILL & BAR – Request for approval of a Final Plan for a Tenant Finish, located at 5201 W. 135<sup>th</sup> Street – with all five stipulations – was made by Jackson; seconded by Elkins.**

Comm. Elkins: I would like to express my pleasure that an empty building is about to be filled by a business. This is great news.

**Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Neff-Brain, Elkins and Strauss.**

Comm. Elkins: With respect to Case 61-11, my motion was deficient in that I failed to mention staff stipulations. Should we revote on it?

Mr. Klein: I think if you had eliminated or modified any, it would have needed to be mentioned.

Chairman Williams: It looks like we're good.

CASE 77-11 – FO THAI RESTAURANT – Request for approval of a Revised Final Site Plan for a Tenant Finish, located at the southeast corner of 119<sup>th</sup> Street and Roe Avenue.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Mr. Chairman and members of the Planning Commission, this is Case 77-11 – Fo Thai Restaurant. The applicant is requesting approval of a Revised Final Site Plan for a Tenant Finish within the One Nineteen development. You have seen this application two times prior to this. It was originally approved on October 18, 2010. They came back with modifications to the building on May 16, 2011, at which time we discussed elevation changes and the patio, which is not a subject of this application, as they are proposing no changes to what was currently approved. I included the previous approvals, and I will show pictures as well (*shows pictures on the overhead*). With this application, the applicant is proposing to cover a majority of the façade in a copper panel with a dark brown finish. It extends to the brick column on the west side, which is part of the actual structure of the main tenant building in the One Nineteen development. They also included recessed entry with a red brick and a menu off to the right. Additionally, the elevation changes proposed at that time included a rough wooden door with iron fixtures extending to the top of the tenant space. Raw copper is currently installed, as opposed to brown patina. They also extended the copper façade all the way over to cover the brick on the west side. This is part of tonight's request. The dimensions of the area of the menu have become a wider, shorter rectangle. Additionally, they changed the type of overhead doors that were approved previously from two columns to four columns of windows. In addition to the recessed entry, rather than the door extending to the top, they are proposing to have a transom constructed of 3-inch split-faced log. Staff is supportive of some of the changes. The two changes we are not supportive of are the extension of the copper to cover the brick column and the transom above the main entrance because we don't feel it fits with the character of the development. Staff is recommending approval of this application with the stipulations in the Staff Report.

Chairman Williams: You are good with the change in the overhead door?

Mr. Klein: Yes.

Comm. Neff-Brain: What is the originally approved elevation we have a picture of?

Mr. Klein: That was back in October of 2010, and they changed materials at that time. They have, more or less, a tile where the entrance was located. They still had copper extending across the building; it just did not cover that west column. Here is a sample of the copper patina that would be applied in the field to the installed copper (*shows sample*).

Mr. Coleman: I just wanted to note that in the One Nineteen design handbook, it states that the façade should not attach to the neutral pier.

Comm. Elkins: Has the developer expressed an opinion about the pier?

Mr. Coleman: Not to my knowledge, but they have been pretty generous in allowing changes.

Comm.. Elkins: Is the menu board a sign, and does it comply with our sign standards?

Mr. Klein: We haven't really considered the menu to be a sign, as long as it advertised the menu only.

Comm. Elkins: If it were a sign, would it be in compliance?

Mr. Klein: No, it would not.

Comm. Elkins: With the patina, I take it that there is an application that applies it over the raw copper that is there now and that the copper will not develop a natural patina you would see normally?

Mr. Klein: That is my understanding, but the applicant would be able to further clarify that.

Chairman Williams: Any other questions of staff?

**Applicant Presentation:**

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

Mr. Sullivan: Thank you for hearing us today. On the issues that staff disagrees with, you could see in the photo that the neutral pier that is not built at this time would be a stronger and simpler concept if it is covered in the copper. The finish on the copper will be a field finish of an acid of some sort that gives it an aged look and then sealed to stop the natural aging process. As far as the split log on the top of the door, I believe it is more the Thai vernacular they are trying to incorporate to give the customer an idea of what the restaurant is going to be like when they go through the doors.

Chairman Williams: There is no brick pier at that corner?

Mr. Sullivan: No, there never was.

Chairman Williams: I assume it was originally shown on the development drawings that we saw some time ago.

Mr. Klein: That was my understanding, and I actually had a discussion with the contractor for the development. At that point, they were proposing a different patina, and I thought they indicated they were wrapping an existing pier.

Chairman Williams: Mr. Sullivan, your approved drawings showed the brick pier. Why did it not go without some previous review or approval from the staff or the city?

Mr. Sullivan: That is a good question.

Chairman Williams: It is not typical to have this level of design changes at the whim of the contractor, owner or architect.

Mr. Sullivan: Absolutely; I think it was, perhaps, the zealotness of some of the parties involved to get it built. I'm not really sure what they were thinking. Obviously, they wanted to exercise the option of building it and seeing if it would be approved.

Chairman Williams: That's not a good way to do it around here. I don't remember what this side elevation from the sidewalk originally looked like with the brick pier that was previously approved. Was it a brick wall, or did the copper fill in between the brick pier and the wall on the right side?

Mr. Sullivan: The brick actually didn't extend all the way to the inside corner. I can't remember exactly how far it went across. The contract drawings originally had the brick turning the corner and extending for a number of feet but returning back to copper before it hit the other tenant space. It appeared as a freestanding column.

Chairman Williams: Mark, could you clarify the center's design criteria for having a brick pier there?

Mr. Klein: I was under the impression that the brick pier was located on those elevations. We have seen individual tenants go in and fill the spaces between the brick piers with their own vernacular, but my understanding is that was one of the brick columns between each of the tenant spaces. We're trying to check on that right now.

Chairman Williams: Do you recall if there are similar wall conditions like this as the center progresses back to the west?

Mr. Klein: Not that I am aware of. Natural Body Spa has little tiles, but most are actually just along the north façade of the building.

Chairman Williams: I was just trying to get a sense if this is a one-of-a-kind application or whether there is an actual theme in the architecture of the center that repeats this shape several times over. I have to admit that I can see a reason for wrapping this and taking the copper around. I think it works and looks good. Putting a brick column in there breaks the continuity.

Mr. Coleman: If there is no brick pier there, I don't think we would have an objection. The design guidelines for the center restrict them from placing their façade on those piers.

Chairman Williams: If the brick pier is not actually there, you have no problem.

Mr. Coleman: Correct; it would not be in conflict with any design guidelines.

Mr. Klein: Joe is looking at plans for the overall center right now.

Comm. Neff-Brain: I would like to state that I have a real problem with developers and/or tenants coming in after an approved elevation and saying, "We ignored the approved elevation and want to make changes." What is the point of planning if that is going to happen?

Chairman Williams: I totally agree, and I think we all feel the same. I'll go out on a limb and speak for my colleagues, but we go through a lot of effort to review and to approve these, as does Governing Body. As a result, we expect facilities to get built per what is presented to us. To have it not be what was expected to be constructed is disconcerting.

Mr. Sullivan: I understand.

Comm. Jackson: While we are waiting, can you show more specifically what has been approved as far as the entryway and what you want changed?

Mr. Sullivan: There are actually a few more detail-oriented things. Starting on the left hand side of the elevation, Mark talked about the configuration of the overhead door. The approved elevation has eight panels. In the constructed elevation, you can see that this door has twenty panels. Also, the top of the door has been brought down to nine feet from eleven feet. In that two-foot strip, there are two long horizontal transom windows. There are two windows above the garage door.

Comm. Jackson: Those are a new plan?

Mr. Sullivan: Yes, that is part of our proposal tonight.

Chairman Williams: This new door opening is a dramatic shift, both in terms of the number of lights on the doors and also the framing and mullion sizes since it's a completely different design. How did that happen from the approved design, which is much cleaner and, I think, nicer?

Mr. Sullivan: That, I think, was a combination of owner and contractor change on the job.

Chairman Williams: It is unfortunate because I think it looked better the other way.

Comm. Neff-Brain: It is probably more cost-effective as a standard size of nine feet.

Mr. Sullivan: I am sure that had something to do with it. Moving to the right, Mark noted that the approved door extends the full height up to the 11-foot soffit. As you can see, what is built right now is an 8-foot door with a wooden head lentil over the top of it. Above that is an infill panel with logs split in half and brought up.

Comm. Jackson: Are those curved?

Mr. Sullivan: Yes, they are half rounds.

Mr. Coleman: If you are okay with the copper wrapping the corner versus the brick, you can approve that and we can clarify it before Council.

Chairman Williams: I think that would be a good way to do it.

Comm. Pateidl: May I remind the Commission that when we revisited the entryway, as well as the patio, the Commission actually took a stance against recommendations of the Planning Department, and we tried hard to assist the tenant in meeting an ethnic appearance and changing the entrance from tile to brick and the

door from aluminum to wood and the height of the door. We went to great length to accommodate the tenant at that time. The fact that you're standing here tonight asking for forgiveness rather than permission is not well received, as has been adequately indicated. I believe the Planning Department has been extremely accommodating with the as-built as varied as it is from what had been understood and approved with the permit. If Mr. Coleman is of the opinion that the copper wrapping is not in violation of the actual development, I would be satisfied with that and your professional opinion of it. All remaining conditions of staff, I think, are very accommodating to you. It could be a lot worse.

Chairman Williams: Mr. Sullivan, what are the split logs mounted over at this point?

Mr. Sullivan: It is probably a sheathing panel.

Chairman Williams: So they may have stopped the brick at roughly what would have been the door width?

Mr. Sullivan: That is correct. I believe the opening is six feet, and it extends to the underside of the soffit. There is a floor line that intersects the lenth at that height. That was one of the reasons they wanted to stop the door at that height.

Chairman Williams: I can understand the desire to give a tease to the patron of what to expect on the inside. I would have thought that might have been achieved with the alcove as a whole. I would have to say that this split log really seems to be an add-on; I don't see how it relates. Maybe you need to tell us a bit more about what is going on inside. Unless someone else is interested in that, I will pass on it. Does anyone else want to hear it? Very good.

Comm. Elkins: Mr. Sullivan, I know we're trying to figure out this business about the brick pier. What did the copper cover if there was no pier there?

Mr. Sullivan: Actually, there was a temporary wall there that has been there since the center was built.

Comm. Elkins: There is no prior tenant?

Mr. Sullivan: No, we are the first tenant.

Chairman Williams: Though there was a wall around this, is there a structural column of some sort, holding up the structure at that corner?

Mr. Sullivan: There is a steel column at that corner.

Chairman Williams: Any other questions? Do we have any clarification from staff at this point?

Mr. Klein: It is difficult to tell from looking at the elevations, but staff is supportive of approving this as it is, as long as it is not a neutral pier. Therefore, we would like a stipulation with regard to that.

Chairman Williams: That would be an adjustment to No. 2.

Mr. Klein: Yes.

Comm. Elkins: What is staff's position with respect to the overhead door?

Mr. Klein: Staff is recommending approval of that particular change.

Comm. Jackson: How should the stipulation be changed for the motion?

Mr. Klein: It would suffice if it stated, "Brick neutral piers of the main building shall not be covered," or something to that effect. We are fine as long as it is not one of the neutral piers of the main center. If a stipulation stated that the copper could not cover a neutral pier, it would suffice.

**A motion to recommend approval of CASE 77-11 – ONE NINETEEN – FO THAI RESTAURANT – Request for approval of a Revised Final Site Plan for a Tenant Finish, located at the southeast corner of 119<sup>th</sup> Street and Roe Avenue, changing No. 2 to read, "Brick neutral piers of the main building shall not be covered by copper," and leaving all remaining stipulations – was made by Jackson; seconded by Strauss.**

Comm. Elkins: I thought I heard the architect say that there was a technical and practical problem with building the entrance doors to the original size. My sense was that the change was due to a structural conflict.

Mr. Sullivan: There is a floor line.

Chairman Williams: It goes across the top of the current door as it is built?

Mr. Sullivan: Yes, now there is a possibility that if the door extended up, it would be a non-operable part of the door. That could remain as though it looked like the door extended up.

Chairman Williams: It would be a transom panel. I think that would be fine.

Comm. Elkins: That would be in place of the logs that are there now.

Chairman Williams: Do we then need to change the wording in No. 3? If the door goes the full height, it would be satisfactory.

Mr. Klein: That was the intent. If you wanted to specify, you could change it to read, "The split-log infill transom shall be removed and replaced with a transom that resembles the doors."

Chairman Williams: I think that would be good so that if somebody outside this body looks at the stipulation, it would be clear. I would ask Ms. Jackson if she is good with that.

Comm. Jackson: I am fine with that modification.

Comm. Neff-Brain: I won't be supporting the motion for my previous reasons that are on the record.

**A friendly amendment to change No. 3 to read, "The split-log infill transom shall be removed and replaced with a transom that resembles the doors" was accepted by Jackson.**

Comm. Elkins: I am still troubled by this overhead door because it looks like a garage door when you put that many panels on it. We approved the plan because there were fewer glass panels there and it looked less like a garage door. Not being a design professional or a contractor, I don't know, but it would appear that you could put an overhead door in with fewer panels and it would be no more technically difficult. I am struggling. I agree with my colleagues about them coming in for forgiveness. It sounds like this was a conscious decision and doesn't sound like contractor error or oversight by the construction manager. That is not acceptable. On the other hand, I hate to tank the whole thing on the basis of the garage door.

Chairman Williams: If there is no further discussion, I will call for a vote.

**Motion approved with a vote of 3-2. For: Pateidl, Jackson, Strauss. Opposed: Neff-Brain and Elkins.**

*MEETING ADJOURNED.*