

Minutes

DVD No. 401

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, October 16, 2017. Mayor Peggy Dunn presided.

Councilmembers Present: Jim Rawlings, Chuck Sipple, Debra Filla, Julie Cain, James Azeltine and Andrew Osman (arrived 7:55 P.M.)

Councilmembers Absent: Lisa Harrison

Staff Present: Patty Bennett, City Attorney	Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director	Ross Kurz, Info. Services Director
Mark Tepesch, Info. Services Specialist III	Mark Klein, Planning Official
Richard Coleman, Community Dev. Director	Dawn Long, Finance Director
Nic Sanders, Human Resources Director	Chief Dave Williams, Fire Department
David Ley, Interim Public Works Director and City Engineer	Debra Harper, City Clerk Cindy Jacobus, Assistant City Clerk

Others Present: Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the agenda had been amended to include a brief Staff Report by Fire Chief Dave Williams under Agenda Item 11. and an addendum had been provided by Ms. Harper for Agenda Item 15. New Business.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 5-0.

3. CITIZEN COMMENTS – None

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.

4. PROCLAMATIONS – None

5. **PRESENTATIONS/RECOGNITIONS** – None

6. **SPECIAL BUSINESS** – None

7. **CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2017-39 and 2017-40
- B. Accept minutes of the October 2, 2017 Governing Body meeting
- C. Accept minutes of the September 12, 2017 Parks and Recreation Advisory Board meeting
- D. Approve Massage Establishment License to Radiant Skin & Beauty Med Spa, located at 4835 W. 135th Street, in accordance with Code § 5-510
- E. Approve Change Order No. 5 in the amount of \$29,021.00 to Excel Constructors, pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]
- F. Approve Change Order No. 2 in the amount of \$212,000.00 to O'Donnell & Sons, to replace a portion of concrete pavement on 95th Street between Lee Boulevard and State Line Road, pertaining to the 2017 USAB/Thin Asphalt Overlay Program [Project # 70022]
- G. Approve purchase in the amount of \$20,756.20 from Conrad Fire Equipment, for the purchase of rescue boat for Fire Department
- H. Approve purchase in the amount of \$6,200.00 from US Boatworks, for the purchase of a rescue boat motor for Fire Department
- I. Approve purchase in the amount of \$27,148.35 from Deere & Company, for the purchase of a John Deere ProGator 2020A Turf Utility Vehicle, for the Parks & Recreation Department
- J. Approve purchase in the amount of \$63,942.70 from Professional Turf Products, L.P., for the purchase of a Groundmaster 4000-D mower and Toro Grandstand 48" rotary mower
- K. **Resolution No. 4844**, approving and authorizing the Mayor to execute a Fourth Amendment to that certain Lease Agreement dated November 4, 2002, between the City of Leawood, and T-Mobile Central, LLC, ["T-Mobile"], to lease certain city property for the continued use of a wireless communication antennae on an existing city-owned cellular tower, located at 9617 Lee Boulevard
- L. Police Department Monthly Report
- M. Fire Department Monthly Report
- N. Municipal Court Monthly Report
- O. Declaration of Surplus Property: 2009 Chevy Tahoe, last 4 VIN/0320

Councilmember Sipple requested Consent Agenda Items 7.G and 7.H. be pulled.

Councilmember Rawlings requested Consent Agenda Item 7.K. be pulled.

Mayor Dunn requested Consent Agenda Item 7.L. be pulled for a brief comment.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion as approved with a unanimous vote of 5-0.

- G. Approve purchase in the amount of \$20,756.20 from Conrad Fire Equipment, for the purchase of rescue boat for Fire Department

Councilmember Sipple stated he did not challenge, but requested the rationale for the purchase. The Staff Memo states the boat is used occasionally during high water events, for rescue and training. Chief Williams stated the Zodiac air pontoon boat was being replaced on a 10-year schedule. Although the current boat is not leaking air, with age the pontoons might crack if they encounter an obstacle. It is planned the current boat would be kept as a reserve for some time, as it can be deflated and easily stored.

A motion to approve Consent Agenda Item 7.G. was made by Councilmember Sipple; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 5-0.

- H. Approve purchase in the amount of \$6,200.00 from US Boatworks, for the purchase of a rescue boat motor for Fire Department

Councilmember Sipple stated his questions in regard to this item had been answered in discussion of Consent Agenda Item 7.G.

A motion to approve Consent Agenda Item 7.H. was made by Councilmember Sipple; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 5-0.

- K. **Resolution No. 4844**, approving and authorizing the Mayor to execute a Fourth Amendment to that certain Lease Agreement dated November 4, 2002, between the City of Leawood, and T-Mobile Central, LLC, [“T-Mobile”], to lease certain city property for the continued use of a wireless communication antennae on an existing city-owned cellular tower, located at 9617 Lee Boulevard

Councilmember Rawlings requested an update, stating the City wants to remove the towers located on the site as soon as possible to move forward with fire station construction. Ms. Bennett stated Verizon’s lease expires July 31, 2019 and T-Mobile’s lease expires October 31, 2017. The proposed amendment would extend T-Mobile’s lease for six months and thereafter the lease would automatically extend on a month-to-month basis unless terminated, but not beyond July 31, 2019. T-Mobile is looking for another site, as this site does provide service for a large number of customers.

Mayor Dunn expressed concern that the providers would approach the City only days prior to July 31, 2019, asking for an extension. Mr. Lambers stated Verizon had been on notice in writing since 2015 providing four years to plan and advising there would be no extension of the lease. He stated the Governing Body would not see this topic again. Ms. Bennett noted the City had contacted T-Mobile to inquire if they could get a tower to work with the new fire station, and T-Mobile stated they had contacted Verizon if they could partner with Verizon on build of a new tower; Verizon was not interested in a partnership.

Councilmember Filla inquired if there was an opportunity to utilize a monopine tower at this site, similar to Leawood South. Mr. Lambers stated his position that the space would not work for a monopine and there would be an opportunity cost for something else to be located there.

A motion to approve Consent Agenda Item 7.K. was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 5-0.

L. Police Department Monthly Report

Mayor Dunn offered congratulations to Police Officer Tony Woollen who retired September 18, 2017, after more than 25 years of service. During his tenure, he had served as a Patrol Officer, D.A.R.E. Officer, and the department's first School Resource Officer and first Juvenile Detective. He was also a CPR Instructor and once successfully saved a person in cardiac arrest. She stated he had a wonderful career with the City and was of a young age that would allow him to go on to do other things.

Councilmember Rawlings asked for the basis of the nickname "Turtle." Tony had been a Jackson County Park Ranger, where his mentor had given him the nickname.

Councilmember Filla stated she had wished to pull Consent Agenda Item 7.L. as well. She noted approximately two-thirds of the 9-1-1 calls received were from a wireless source. She asked if geographical data is available to the Police for wireless calls, as it is for landline calls. Chief Rettig stated geographical data is available for wireless calls, but location may not be as precise.

A motion to approve Consent Agenda Item 7.L. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 5-0.

8. MAYOR'S REPORT

- A. Attended the Johnson & Wyandotte Counties Council of Mayors hosted by Bonner Springs Mayor Jeff Harrington. Johnson County Commission Chair Ed Eilert shared with the group that Standard & Poor's has downgraded their bond rating on Public Building Commission debt from AAA to AA+ due to the tax lid passed by the 2017 Kansas legislators. He also announced that after 2018, Stormwater Management Advisory Council [SMAC] funding will focus on watersheds rather than individual projects. Projects in the 2018 SMAC pipeline are probably secure.
- B. Attended the 25th Annual Shawnee Mission Education Foundation Fall Breakfast where Dr. Kenny Southwick, Interim Superintendent, shared great news of the district's numerous accomplishments.
- C. Participated in the Republic of China on Taiwan's 106th National Day Celebration hosted by the Greater Kansas City Committee at the Double Tree Hotel in Overland Park. Director General Jerry Chang from the Taipei Economic and Cultural Office [TECO] in Denver was also in town to welcome the attendees. This was the first Double Ten special event in our region since TECO relocated from Kansas City to Denver. The planners hope it will become an annual celebration.

9. COUNCILMEMBERS' REPORT – None

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT

Fire Chief Dave Williams – New aerial fire truck

Chief Williams stated the new ladder fire truck was on display outside City Hall. He thanked the Governing Body for approving the purchase, which replaced the 2002 100 ft. ladder truck. A committee comprised of various department staff had been formed to review options before a purchase recommendation was made. Equipment and tools were measured to ensure they would fit within the truck compartments. As a result, the new truck holds equipment for the Rescue Truck which was sold a few months ago. The City now runs one truck rather than two trucks. The committee did an excellent job and many compliments on the truck have been received.

Mayor Dunn thanked Chief Williams for bringing the truck to the parking lot, noting the new truck had also been on display at the Open House held at the Justice Center.

Councilmember Sipple inquired about the reach of the fully extended ladder and water stream. Chief Williams stated the length would be dependent on hose nozzle, but estimated a couple of hundred feet. The truck can pump 1,500 gallons of water per minute and with a straight-tip nozzle, the stream would cut a path if aimed at the ground. The truck could reach the top of Park Place buildings. City hydrants typically have a good water supply.

Councilmember Azeltine inquired if the truck could reach the top of the American Academy building. Chief Williams was not aware of the height of that building, but the 102 ft. ladder is the longest that can be purchased and still negotiate within an urban setting; windows could be broken as needed.

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[from the September 26, 2017 Planning Commission meeting]

- A. **Ordinance No. 4740**, approving a Zoning to R-1 (Planned Single Family Low Density Residential), Preliminary Plan, Preliminary Plat, Final Plan, and Final Plat, for 8931 Sagamore - Single Family Residential Lot, located south of Sagamore and east of Lee Boulevard. (Case 88-17) [ROLL CALL VOTE]

No Applicant was present. Mr. Coleman stated the lot had a leftover sliver that was purchased along with some land near the creek, a couple of which will be tracts not incorporated into the lot. A new house is planned to be built that needed the extra land for set-backs and lot clean-up.

Councilmember Filla stated the home on the property was an original stone-quarried house. The Leawood Home Owners Association [HOA] is working with City Staff to modify HOA guidelines on rebuilding and remodeling, in response to increasing neighborhood concerns about typically larger size rebuilds, the loss of Old Leawood area character and stone-quarried Kroh Brothers houses, drainage run-off and flooding.

Mayor Dunn stated Mr. Lance Larson of the Larson Building Company had attended the Planning Commission Meeting, where one citizen voiced concerns. The Planning Commission had approved unanimously.

A motion to pass Agenda Item 12.A. was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with a roll call vote of 5-1 with Mayor Dunn voting and Nay vote from Councilmember Filla because of the loss of stone-quarried Kroh Brothers house.

Councilmember Osman arrived.

- B. **Resolution 4845**, approving a Final Plan for Cornerstone Development – Element Hotel, located south of 135th Street and east of Nall Avenue. (Case 93-17)

Mr. Kevin Berman, Hoefer Wysocki Architecture, 11460 Tomahawk Creek Parkway, stated the owner and engineering group were also present. The Element Hotel is part of the Marriott brand. The proposed Final Plan has been recommended for approval by City Staff and the Planning Commission. There have been no changes to the building approved in the Preliminary Plan. All stipulations are agreeable.

Mayor Dunn pointed out the plan elevations state Westin rather than Marriott. Mr. Berman confirmed Westin is not current and is inaccurate.

Councilmember Cain requested an estimate for start of construction and overall timeline. Mr. Berman stated finalization of construction documents would take a few months. Construction was anticipated to take 15 months, and dependent on ground-breaking date and weather, the project's timeline might be able to be advanced over the winter months.

Councilmember Rawlings asked for the definition of “extended stay hotel,” details of marketing research that support the hotel may work in the proposed location, and the anticipated clientele. Mr. Berman stated ideally guests would stay three days and could extend to several weeks. Guests would be in the area to visit hospitals and churches, and include business travelers and families with children. All rooms include kitchenettes.

Councilmember Sipple asked if the hotel and Church of the Resurrection would share parking on Sundays and for the brightness level and hours of use for the exterior façade lighting strips. He asked if the four-story height of the hotel located north of the Church at 135th Street and Nall would block view of the Church's stained glass window, which is a major attraction in the City for people of all denominations worldwide, and if trees at 20-year maturity would reach the top of the four-story hotel.

Mr. Berman stated the development was planned for shared cross-access parking without restrictions and the exterior lighting around façade was a low-level, shrouded light strip. He was not aware of the foot-candles rating for the lighting. The lights would be used during hours allowed by City Ordinance. Mr. Berman stated that per request, a view from 135th Street looking towards the hotel and Church was included in the documentation packet. Mayor Dunn noted the hotel would somewhat block the view of the Church. She shared that Rev. Adam Hamilton had expressed more concern about the height of the garage at Prairie Fire in Overland Park, which is much taller. Mr. Berman said once 135th Street is fully developed, the hotel would not seem to soar above the line-of-sight of buildings in the foreground. He stated the trees would be ornamental accent-variety rather than full canopy trees, as there is only 130 ft. of room for canopy spread.

Mr. Klein confirmed to Councilmember Filla that this was the first Cornerstone application to include revised landscaping sizing for calipered trees and gallon shrubs. He stated others applicants have been notified of the revision, as directed by the Council.

Councilmember Azeltine stated agreement with comment of Commission Pateidl in the Planning Commission Meeting minutes that the unbroken appearance of the hotel architecture resembles a dormitory. Mr. Coleman confirmed to Councilmember Azeltine the Final Plan complies with the Preliminary Plan. Mayor Dunn pointed out the design is the prototype used for Element hotels and landscaping would improve the hotel's appearance. Mr. Berman stated deviations to improve the prototype design had been made for the Leawood hotel to include cut limestone around the base and staircase towers on either side, which compliments the Church across the street.

A motion to approve Agenda Item 12.B. was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 6-0.

Mayor Dunn stated the City looked forward to having the hotel and wished the project much success.

- C. **Resolution No. 4846**, approving the Planning Commission's recommendation to deny a request for a Revised Final Sign Plan for Park Place – Revised Signage, located north of 117th Street and east of Nall Avenue. (Case 82-17)

Mayor Dunn asked Mr. Klein to make introductory comments before hearing from the Applicant, which had been helpful when provided to the Planning Commission. Mr. Coleman distributed a color chart titled "Park Place Major Sign Types" created by the Planning Department. Mr. Klein stated the sign types presented in the chart with a light blue-shaded background have been previously approved or have no issues determined by Staff. The sign types presented with a light red-shaded background have issues. He stated his comments would focus on the signs in question, the Parking Garage Development Identification Wall Signs and the Garage Multi-tenant Wall Signs.

Leawood Development Ordinance [LDO] Name: Development Monument Signs

Applicant Name: Village Monument

Sign Package Page 9

One of the two monument signs on Nall has been removed because there was not enough distance separating the two monuments per the LDO. Two monument signs are proposed on 117th Street and two along Town Center Drive. These signs are each 10 ft. in length and 5 ft. in height, 50 sq. feet. Two of the five monument signs have been installed and are LDO-compliant.

LDO Name: Pedestrian Directory Signs

Applicant Name: Village/Building Directory

Sign Package Page 42

These are pedestrian-scale, 15 sq. ft. signs within the development. LDO maximum is 18 sq. ft. These internally-illuminated cabinet signs with light-up lettering have been constructed and each has a map of Park Place on one side and a business directory on the other side. Staff has no issues with these signs.

LDO Name: Vehicular Directory/Multi-tenant Monument Signs

Applicant Name: Vehicular Directory/Multi-tenant Monument Signs

Sign Package Page 12

Previously, these “business directory” signs had been proposed to all six be located within the traffic circle at 116th and Ash Streets. Traffic sight triangle safety concerns were raised by both the Planning Commission and the Governing Body, and suggestion made that these signs should be placed outside of the traffic sight triangle. The application now proposes signs of the same size, 7 ft. high and 4 ft. wide, and placed at five intersections. Three signs would be placed at 116th and Ash Streets, two placed at 115th and Ash Streets, and one placed at the terminus of 115th Street. Staff supports these LDO-compliant signs.

LDO Name: Parking Garage Entry Wall Signs

Applicant Name: Garage Identity Signs

Sign Package Page 30

These proposed signs would be located directly above main garage entrances from the public right-of-way. These three signs would consist of a “Park Place”, a medallion logo and the name of the street associated with entrance. The LDO limits these signs to 120 sq. ft. in size. In the original applicant submission, these signs were in range of 140 sq. ft. in size. After meeting documentation was distributed, the Applicant reduced the sign size to 122 sq. ft., which is slightly larger than allowed by the LDO. Applicant has indicated they are willing to further reduce sign size to comply with the 120 sq. ft. maximum. Staff would not have issue with the signs if size is reduced to comply with the LDO maximum. A caveat would be that the square footage size of these signs, plus the square footage of the Parking Garage Development Identification Wall Signs located along the top of garage and Garage Multi-Tenant Wall Signs cannot be more than 5% of garage façade, per the LDO.

LDO Name: Parking Garage Development Identification Wall Signs

Applicant Name: Garage Skyline Signs

Sign Package Page 18

Located at the top of parking garages, the application proposes one located on Nall and one located on 117th Street. These would be centered on decorative elements above the top deck of the parking garage. Lettering “Park Place” would be attached to horizontal mounting brackets. Internal illumination is proposed; the LDO prohibits and Applicant is requesting a deviation for lighting. Staff is concerned about the type of sign and are of the opinion this does not constitute a wall sign, and therefore, would not be allowed by the LDO. The proposed signs can be seen through without a wall behind, can be viewed from the back, and is located on the top deck that provides weather protection and acts as a roof for the floors below.

LDO Name: Garage Multi-tenant Wall Signs

Applicant Name: Garage Tenant Signs

Sign Package Page 24

These proposed signs would be located above the Parking Garage Entry Wall Signs/Garage Identity Signs. They would consist of four columns, each with three rows of tenant names/logos. Proposed size is 10 ft. in height and 30 ft. in length, which is LDO-maximum of 300 sq. ft. The signs have an opaque dark background with extruded push-through acrylic lettering. The Planning Commission and Staff have safety concerns about the design, mainly due to their location. There could be possible conflict between pedestrian and vehicle traffic, and vehicles entering/existing the garage, as people may be looking upward to view the sign. The Planning Commission also expressed concern about the aesthetics, stating the signs did not fit with the building, and questioned the effectiveness of the sign size because vehicles travel at the 45 miles per hour speed limit on Nall.

Councilmember Osman questioned why the signage package had not been segmented. Mr. Klein stated the Planning Commission had discussed whether to separate as a majority of the Commissioners were not supportive of the Garage Multi-tenant Wall Signs due to safety concerns and some Commissioners supported the Parking Garage Development Identification Wall Sign on Nall, but not on 117th Street. The Applicant had asked to go forward, with recommendation for approval or denial, of the entire signage package.

Councilmember Osman questioned if the individual tenant names on the Garage Multi-tenant Wall Signs would all be uniform one color or would tenants have the flexibility to choose their own color for name, logo or a combination of name/logo. Mr. Klein thought the intent was to allow flexibility and individuality in color and content, but the Applicant could confirm. He confirmed to Councilmember Sipple that all three garages would have these signs. Councilmember Sipple noted if there were more than twelve tenants vying for name/logo space, a selection would need to be made. Also, there could be the potential for some merchants having more than one name/logo space.

Mayor Dunn and Mr. Klein confirmed to Councilmember Cain that the Governing Body would be able to consider each sign type individually, and approval(s) would require a super-majority of six affirmative votes of the Governing Body to override Planning Commission denial recommendation.

Mr. Klein confirmed to Councilmember Filla that the Applicant could revise the size of the Parking Garage Signs [Sign Package Page 30] to comply with the 120 sq. ft. maximum and/or to comply with the 5% maximum of façade for all signs, as required by the LDO. Mr. Klein stated that Parking Garage B is smaller than Parking Garages A and C, which impacts signage size, and the Applicant has indicated the entry sign would be removed from the application.

Councilmember Filla inquired if a graphic depicting all the signage being proposed as they would appear on the buildings was available. Mr. Klein stated he did not have available tonight, but such a graphic was part of a previous documentation packet.

Councilmember Cain summarized in conjunction with Mr. Klein that there were no issues with the Development Monument Signs, Pedestrian Directory Signs and Vehicular Directory/Multi-tenant Monument Signs. Issues are with the size Parking Garage Entry Wall Signs in excess of 120 sq. ft. maximum, Parking Garage Development Identification Wall Signs along garage top that Staff feels are prohibited and if allowed would require deviation for internal illumination, the 300 sq. ft. Garage Multi-tenant Wall Signs that could be a vehicle and pedestrian safety issue, and the potential, based on final sizing and placement, that all signage could exceed the 5% square footage of façade maximum allowed by the LDO. She stated appreciation for Mr. Klein's chart that clarified terminology, and for the time and due diligence of the Planning Commission. She stated she had read every word of the Planning Commission meeting minutes.

Councilmember Osman inquired if the Parking Garage Development Identification Wall Signs/Garage Skyline Signs would be allowed if the Park Place lettering was affixed one-story lower on the building rather than on the metal piece. He stated lettering could be affixed to a set of electrical raceway bars rather than individual channel letters that puncture the building. He asked if the signs could be internally illuminated if they were affixed to the building. Mr. Klein confirmed if the signs were placed on the buildings, they would be considered a wall sign and could be approved. Staff has several concerns with the proposed signs because they are not affixed directly to a wall with a solid backing. Wall signs have only one-face exposed. The back of the proposed mounted signs would be visible and are on the top deck. The City generally does not allow raceways, having only one or two instances when building construction would not permit installation of lettering without using a raceways. The raceways were mounted up against a solid wall. He stated a deviation for internal illumination would be required, noting halo-illumination requires a wall for reflection.

Councilmember Filla inquired if the proposed Parking Garage Development Identification Wall Signs would be vulnerable to high winds. Mr. Klein stated in the Applicant's first submission the signs had an EIFS [Exterior Insulation Finishing System] backdrop and the second submission had porous fabric behind the letters to allow wind loads.

Mayor Dunn thanked Mr. Klein for his presentation and the helpful chart.

Applicant Mr. John Petersen, Polsinelli PC, 6201 College Boulevard, Overland Park, representing the property owner of KBSIII Park Place Village LLC; Mr. Brett Merz, Senior Vice President, KBSIII; Mr. Chris Molinsky, architect, Vertical Design; and Mr. Mike Klamm, CBRE, were in attendance. He stated the record is very clear as to where we started, what has been done and where we are tonight. In the process, this has become mangled once again. He stated he would present a contextual description of where we started and what has been done, which has been a good news modicum for shopping center, worked on more than one year, and what needs to be looked at by the Governing Body in light of revised LDO.

Mr. Petersen stated on September 19, 2016 Governing Body meeting, he and several Park Place tenants had spoken about affairs at Park Place in regard to successful business. CBRE had conducted scientific surveys that revealed the need for signage, which was all in the context of the original submission. The Governing Body gave thorough and due consideration of the submission, approving a significant portion of the sign package based on the LDO at the time. Ground-based monument signs, totem signs within the center and way-finding signs were approved and are being built. Tenant signs in the roundabout area were removed from the sign package, replaced by smaller intersection signs by the Applicant, as a result of the Governing Body meeting. Deviations for the types of signs here tonight not allowed by the LDO could not be requested. In terms of the three signs, those at top of garage, multi-tenant and garage entry, we left the meeting hopeful for LDO amendments that would alleviate the blockade and allow the City to be in a position to approve these three signs. Nine months later in June 2017, LDO amendments came forth, clearly providing for multi-tenant and garage entry signage, and square footage maximum calculations for individual signs and 5% maximum of façade calculation for overall signage. At the June 2017 meeting, wall and parapet signs were discussed, including what is and what is not a parapet. Staff did not support parapet signs, stating Parking Garage Development Identification Wall Signs were roof signs, although a clear case as was made by the Applicant that these were parapets and signs would be placed on the parapet. The Governing Body discussion concluded these were parapets. The Planning Commission only discussed parapets in general, not in regard to Park Place.

Mr. Petersen displayed a graphic depicting parking garage signage of Garage Development Identification Wall Sign proposed for Garages A and B, Garage Multi-tenant Wall Sign and Garage Entry Wall sign, as well as Garage Entry Wall Sign. He stated individual Garage Entry Wall signs would be designed to be 120 sq. ft. maximum. Per advise to Staff prior to tonight's meeting, the Garage Entry Wall Sign on Garage B on 117th Street [Page 30 of signage package] would be removed from the plan because the combination of other proposed signage for this smaller garage would exceed the 5% façade overall maximum. He displayed a graphic of the six smaller Vehicle Directory/Multi-tenant Monument Signs that were removed from the traffic roundabout, and dispersed through the center.

He stated every one of the signs proposed tonight comply with the LDO. The Garage Multi-tenant Wall Signs comply with the current LDO. The Garage Wall Entry Signs for Garages A and C comply the current LDO. The Applicant's position is the Park Place Parking Garage Development Identification Signs are located on parapets and comply with the current LDO. There is nothing in the LDO that says these are not walls. Every Planning Commissioner stated these are parapets. He respectively requested that Park Place be allowed to move forward with branding.

Mr. Petersen stated this has been before the Planning Commission for a long time and the safety issue of motorists confused by the Garage Multi-tenant Wall Signs had never been raised until the Planning Commission's last discussion, and only by a few Commissioners, not a majority. He asked for trust in the character of the design team to do what is in accordance with standards used throughout the industry, having expertise in the science and design of distances, sizes and speeds at which signs can be viewed. Traffic traveling south on Nall Avenue have no left turns into the garages. Traffic traveling north on Nall have very lengthy dedicated turn lanes to decelerate and enter the garages. This is no difference than travelling on Roe Boulevard at 40 miles per hour and seeing Camelot Court. It is always legitimate to consider safety, but this should not serve as a basis for denial.

He stated he would not drill down further on points unless there was interest, but offered the parapet has the same iconic features of a wall and is an extension of a wall. He displayed excerpts from City Code for Parapet (16-9-1999) and Roof Sign (16-9-257). He stated the proposed Park Place Garage Skyline Signs are tasteful and safe without wind load to put in the proposed locations.

Mr. Peterson requested support to find the Park Place Parking Garage Development Identification Wall Signs for Garages A and B are wall signs being constructed on the façade/ parapet of the garages, grant a deviation allowing these Parking Garage Development Identification Wall Signs to be internally illuminated and have the Applicant remove the Garage Entry Wall Sign from Garage B for compliance with the overall sizing for the garage.

Mayor Dunn stated the LDO amendments were done in June 2017, but the Governing Body wanted the Planning Commission to have an opportunity to discuss, deliberate and provide their opinion, as signs are a major portion of their role. All but one of the Commissioners took issue with the Garage Multi-Tenant Wall Signs. It may have been best if the signs were reviewed individually at the Planning Commission meeting on September 26, 2017. This offer, the first of many, was made by Chairman Elkins, but was declined by Ms. Amy Grant who attended that evening. The position of a Commissioner with 25 years of transportation consulting experience needed to be considered once the safety issue was raised. The Planning Commission did not have issue with the Park Place Parking Garage Development Identification Wall Signs or their proposed illumination, which would require a deviation.

Mr. Petersen suggested what transpired was a nuance in light of the goal to modify the LDO at the Planning Commission Work Session, where Park Place was not discussed at all, only facades generically. We left here to get the LDO modified to allow the signs. He stated the signs before the Governing Body tonight are allowable, and wholeheartedly disagreed with the safety issue in regard to Garage Multi-tenant Wall Signs. Mayor Dunn pointed out the Planning Commission also had concern about the appearance of the multi-tenant signs in regard to tenant changes. Mr. Petersen stated the multi-tenant signs would not be an opportunity for a variety of color palettes; all signs would have white acrylic protrusion lettering and be done tastefully. There will be instances when tenants would change out and if there are not enough tenants, all openings may not be filled, but hopefully there would be a demand for use.

Councilmember Filla inquired if the issues on the Park Place Parking Garage Development Identification Wall Signs are lighting and whether it is considered a wall. Mr. Petersen stated he does not question if this is a wall and would need a deviation for lighting.

Councilmember Filla stated support for approval the entire package. She was comfortable with traffic engineering and dedicated turn lanes in regard to Garage Multi-tenant Wall Signs. She expressed concern that lowering the Parking Garage Development Identification Wall Signs may place the signs in the mature tree line and the signs would become less effective. Mr. Klein confirmed to Councilmember Filla that a deviation for internal illumination of the Parking Garage Development Identification Wall Signs can be requested, and Staff's concern with the Parking Garage Development Identification Wall Signs was whether these signs were on a wall and allowed at all.

Councilmember Sipple questioned how the public would know where to enter Garage B if the Parking Garage Entry Wall Sign was removed from the proposed signage and not installed, and if discussion with Staff had taken place on the potential to lower the Park Place Parking Garage Identification Wall Signs about 3 ft. as suggested by Councilmember Osman. Mr. Petersen stated traffic volumes on 117th Street were less and it is obvious the building is a parking garage. Removal is acceptable as having a Garage Multi-tenant Wall Sign on Garage B at an appropriate size, is preferred, in keeping with the overall signage maximum. He stated there are open areas on the garage and glass on other sides the buildings that would be encountered if the Parking Garage Development Identification Wall Signs were lowered. The parapet is part of the wall, and this would be majestic and where those signs should be located. Councilmember Sipple said he liked the signs.

Councilmember Osman stated branding for a signature location is being created, and it must be done in the proper way and where it has the most impact. He stated he had spoken with Park Place retailers over the past week, and they report some progress with installation of the monument signs, but improvement will take time. Irrespective of whether the Park Place Parking Garage Development Identification Wall Signs are a parapet, wall or roof, he favors the proposed location. Illumination can be done tastefully and hopefully would have an impact. If the Garage Multi-tenant Wall Signs and Parking Garage Entry Wall Signs comply with the LDO, he has no issues with the signs. He shared a work experience that occurred in economic downturn in 2008 in another city, where a deviation was obtained for similar tenant identification signage that helped businesses. He noted the names of tenants of Rosanna Square at 119th Street and Metcalf in Overland Park rotate quarterly on their tenant sign, as there are not enough tenant identification spaces available.

Councilmember Rawlings stated the City wants Park Place to be successful, working with the previous developer and architects to have a visually attractive place from all sides, beginning in 2008 or 2009. Branding is very important and Park Place has limited branding. The Park Place Garage Development Identification Wall Signs are quite large and a big visual. He did not support the multi-tenant signs, but would find them acceptable since they are low-key and do not flash. People drive as they do, regardless of safety, whether traveling by Park Place or Camelot Court. He stated support of the application.

Councilmember Cain stated Park Place is a gem and offered full support of the signage package.

Councilmember Azeltine stated he supported the package. He questioned Mr. Petersen's statement that the Planning Commission did not reference Park Place in the Work Session minutes. Mr. Petersen clarified that the Governing Body had asked Planning Commission for definition of parapets and roof signs to be studied and that he had not been allowed to speak. Councilmember Azeltine recalled the Governing Body had discussed for lengthy amount of time. Mr. Coleman stated the Planning Commission's focus was parapet walls and their definition, and specific signage was not discussed, only generic as this would be applied to other developments. Councilmember Cain pointed out there are several references to Park Place in the Planning Commission meeting minutes. Mr. Petersen stated he had not attended because he would not be allowed to speak and Ms. Grant's role was to monitor the meeting. Mr. Coleman stated a request to speak at the Planning Commission Work Session had not been made, as has been done and granted in the past.

Mayor Dunn stated the Planning Commission had expressed concern about variation in appearance of the tenants in the multi-tenant signs age or tenants change, and she inquired how a uniform appearance would be maintained. Mr. Molinsky stated the system is panelized and an automotive paint is used, which does not oxide as badly as other types of paint. The push-through white acrylic lettering does not yellow and has a 10-year life span. Mr. Molinsky confirmed to Mayor Dunn there would be uniformity.

Mr. Coleman confirmed to Councilmember Sipple that existing A-Loft and 801 Chophouse signage would not be impacted, since these are located on a separate building.

A motion was made to override the Planning Commission denial with removal of Garage B Parking Garage Entry Wall Sign, modification to comply with 120 sq. ft. maximum for Parking Garage Entry Signs on Garage A and C, deviation for internal illumination of Parking Garage Development Wall Identification Signs for Garages A and C, and compliance with Leewood Development Ordinance signage maximum of 5% of garage facades was made by Councilmember Filla; seconded by Councilmember Azeltine.

Councilmember Rawlings stated his support of the signage was on the basis for this development only because of unique parking structures along the outside of the development and the particular set of circumstances.

Mr. Lambers urged caution, stating with an amended LDO, other applicants could make the same arguments. An argument could be made that just because a use is in the LDO, it does not have to be approved, but the impression would be there. In regard to 135th Street development, Applicants will use tonight as a citation. Mayor Dunn stated 135th Street is master planned for mixed-use development and there could be some signage requests as the area develops, and each case would be evaluated case-by-case on merit. The Governing Body may or may not approve some requests. She reminded an override would require six affirmative votes.

The motion was approved with a unanimous vote of 6-0.

Mr. Petersen thanked the Governing Body. Councilmember Filla thanked Staff again for guiding the Governing Body through the discussion.

13. OLD BUSINESS – None

14. OTHER BUSINESS – None

15. NEW BUSINESS

Discussion regarding amending § 1-208 of the Code of the City of Leawood, Kansas, 2000, entitled ‘Compensation’ and repealing existing section 1-208 and other sections in conflict herewith [ROLL CALL VOTE]

Mr. Lambers stated several years ago the Governing Body had directed him to place money in the City’s budget for possible compensation increases for the City Council and that money has carried forward through the years. Item has been brought forward for discussion and consideration. If the 3% increase was approved, it would be appropriate to have an effective date of January 1, 2018.

Councilmember Azeltine requested historic details. Mr. Lambers stated a directive to place money in the budget subject to Council appropriation was received after 2006, championed by former Councilmember Lou Rasmussen.

Councilmember Azeltine stated his belief that he had previously requested to receive a comparison of pay for all First Class Johnson County cities. Mr. Lambers did not recall this request, but would obtain and provide. He stated most cities provide reasonable compensation, except Prairie Village that pays \$1.00.

Councilmember Azeltine asked how the amount of the proposed increase was determined. Mr. Lambers stated the amount was a nominal increase of a few percentage points; no other criteria were used. Councilmember Azeltine requested that data be obtained and the subject be revisited.

Councilmember Filla recalled the history of the prior ordinance and delayed effective date. At that time, the City’s compensation was less than other area cities except Prairie Village. She stated support of the modest 3% increase, as it has been quite some time and incremental increases to keep comparable to other cities had been intended.

Ms. Harper recalled a survey had been conducted several years ago and that Prairie Village paid \$1.00. Mr. Lambers requested that a survey be conducted to include Shawnee, Olathe, Overland Park and Lenexa and information would be distributed electronically.

Councilmember Sipple stated the Consumer Price Index [CPI] had increased 48% since 1999. The proposed 3% annual raise is for 17 years since salary last increase in 1999. He favored further discussion and comparison of data from other First Class cities.

Councilmember Osman stated agreement, in honor of former Councilmember Rasmussen.

Mr. Lambers stated information would be distributed tomorrow and the topic scheduled for discussion at the next Governing Body meeting on November 6, 2017.

A motion to obtain and distribute data as described, and continue the topic to the November 6, 2017 meeting was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 6-0.

Mayor Dunn wished everyone a Happy Halloween and reminded there would be a Governing Body Work Session to discuss both the 2018 Fee Schedule and Economic Development, as well as a Council meeting, on November 6, 2017.

ADJOURN

There being no further business, the meeting was adjourned at 9:26 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk