

# City of Leawood Planning Commission Minutes

July 23, 2002  
Meeting - 6:00 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive

**CALL TO ORDER/ROLL CALL:** Henderson, Rohlf, Carper (tardy), Conrad, Duffendack, Brain (absent), Breneman (absent), Munson (absent), Pilcher

**APPROVAL OF THE AGENDA:** Case 63-02 will be continued to the August 27, 2002 meeting by request of the applicant. A motion to approve the agenda was made by Henderson and seconded by Conrad. Motion approved unanimously.

A motion to approve the consent agenda was made by Pilcher and seconded by Conrad. Motion approved unanimously.

**APPROVAL OF THE MINUTES:** A motion to approve the June 25, 2002 minutes was made by Henderson and seconded by Conrad. Motion approved unanimously.

## **CONTINUED TO THE AUGUST 27, 2002 MEETING:**

**CASE 71-01 CORNERSTONE VILLAGE** Request for approval of rezoning from AG to SD (OH) and SD (CR), preliminary plat and preliminary plan. Located at the southeast corner of 135<sup>th</sup> Street and Nall Avenue. **Public Hearing**

**CASE 34-02 LDO AMENDMENT – SECTION 3-15, FLOOD OVERLAY DISTRICT** Revision to the Leawood Development Ordinance. Section 3-15, flood overlay district. **Public Hearing**

**CASE 62-02 BLOCK & COMPANY RETAIL BUILDING** Request for approval of a final site plan. Located at 85<sup>th</sup> Street and State Line Road.

**CASE 64-02 COVENANT CHAPEL – OFF-SITE SIGN** Request for approval of a special use permit for an off-site sign. Located at 135<sup>th</sup> Street and Kenneth Road. **Public Hearing**

**CASE 66-02 COMPASS BUILDING** Request for approval of a preliminary and final site plan. Located at 135<sup>th</sup> Street and Roe Avenue. **Public Hearing**

## **CONSENT AGENDA:**

**CASE 58-02 VILLAGE OF CAMDEN WOODS – 35<sup>TH</sup> PLAT** Request for approval of a final plat. Located south of 143<sup>rd</sup> Street and west of Kenneth Road.

**CASE 59-02 VILLAGE OF CAMDEN WOODS – 36<sup>TH</sup> PLAT** Request for approval of a final plat. Located south of 143<sup>rd</sup> Street and west of Kenneth Road.

## **OLD BUSINESS:**

**CASE 70-01 CHRIST COMMUNITY CHURCH** Request for approval of a preliminary site plan, preliminary plat and special use permit. Located approximately north of 143<sup>rd</sup> Street and west of Kenneth Road.

**Staff Presentation:** Presentation by Jeff Joseph. The applicant is Robert Whitman with Gould Evans Goodman and Associates. The applicant is requesting approval of a preliminary site plan, preliminary plat and special use permit to allow construction of a 160,695 sq. ft. building addition. This project was continued from the November, 2001 Planning Commission meeting to a work session in April, then to a regular meeting in May. At that time, the Planning Commission made several recommendations for changes to the plan. The applicant has provided additional information, which includes detailed elevation drawings and parking for phase 2. Staff is recommending approval of this case with the stipulations stated in the Staff Report.

Conrad asked who would be responsible for the suggested road improvements. Binckley responded it is the applicant's responsibility to provide the road improvements, but Staff would look at those improvements at each stage.

Rohlf asked the number of parking spaces in phase 2. Joseph responded the total is 335.

Henderson asked if Kenneth Road would be re-stripped to allow a right-in, right-out. Binckley stated there is enough space to allow restriping for an actual turn lane, which would be only a left-in. Henderson was concerned the passing lane would be too narrow. Binckley stated it would have to meet Public Works' standards.

Conrad asked if a storm water study has been completed. Joseph responded the study was given to Public Works and they are satisfied with the report.

Duffendack stated that if the Commission were to approve this case, they would be allowing the height of the use to be in excess of what is allowed. Joseph stated it is in the stipulations that the applicant would need to go to the Board of Zoning Appeals for final approval.

Rohlf asked if the wording would need to be changed in the stipulations to reflect the height variance. Binckley stated the steeple is not included in the building height requirement.

**Applicant Presentation:** Presentation by Dennis Strait of Gould Evans Goodman and Associates. Also present were Jonathan Rich, the Executive Pastor for the church, Mark Stubbolo, the facilities manager for the church, Robert Whitman, landscape architect, and Mike McKenna, who completed the traffic report. Mike Shillito, from SK Design, was present to answer any questions about the storm water drainage study. Strait stated the best direction was to proceed with the design for phase 2 of the development, in order to give the Commission more clarity as to the applicant's intentions. The applicant has also been able to apply that to phase 3. Strait described the plans. Subsequent submittals showed the parking further to the south, and then expanding the existing parking where the modular buildings are located. They also showed how the building might phase out within the future. The 4<sup>th</sup> phase would be the largest phase, by that point the applicant would have already built out the parking. Strait showed the elevations. The strategy was to expand the first building to the south in such a way that phase 2 and phase 3 would become the backdrop for the focus of the building, which would be the sanctuary of the building to be built in the forth phase. The applicant is looking for ways to transition away from the gabled roof forms that are implied by the existing building into a more sculptural set of additions that would be a more appropriate setting. Strait showed an illustration for the phase 2 building. The applicant is looking at a way to expand the existing building in a manner that would allow them to create their ultimate sanctuary. They are creating a new façade to help diminish the strength of the gabled roof. The applicant is also looking for way to create an element that would help unify that building with the new addition, which evolved into a new idea of an entrance canopy. The canopy provides a visual way of tying the two buildings together as well as creating a gracious transition from the parking area into the main lobby of the existing church. There is an interest to increase the amount of circulation that will be from the upper main to the new addition. There was a bottleneck in an existing stair tower. The plans are now to remove that stair tower and replace it with a new, grander stair that occurs between the two buildings. That juncture becomes an opportunity to depart formally away from the old building to the new. The same masonry that was predominantly used for the base of the phase 1 building has become the combination of landscape walls and part of the exterior skin of the phase 2 addition. The applicant is considering using the light tan color as the primary color for the addition, which will be either a combination of stucco or masonry, depending on what the budget will allow. The big move was to develop the phase 2 building with a sloped roof form that picks up on the forms and geometry of the original building, but does it in a different way. From the northern elevation, there will not be much of the phase 2 addition visible except for a small portion on the east side of the existing building. Phase 3 steps down another floor level, where there will be larger gathering areas with larger openings.

Henderson asked for an approximate percentage of each material. Strait stated he does not have any percentage estimates, but based on the drawings, it would be about 50/50. Strait also stated the buildings would be about 15-20% windows. Henderson asked the color of the masonry and stucco throughout the project. Strait responded the applicant is planning to pick up on the tan stucco color and use it on the masonry.

Conrad asked if the elevations shown tonight would be the same throughout the project. Strait responded, yes. Conrad asked if the sanctuary and steeple would be architecturally treated from a mass standpoint as is shown in the current elevations. Strait responded the amount of detail would be the same as what has gone into the rest of the expansion. Conrad asked if the sanctuary and steeple are at least 5 years away from being built. Strait responded, yes, at least.

Henderson asked how the water flow on top of the buildings would be diverted in order to keep them from leaking. Strait responded the phase 2 buildings have sloped roofs with internal roof directs. The applicant is not planning on having a standing seam roof because those roofs will not be seen.

Pilcher asked if there are any changes anticipated to the original building, to create some continuity with the metal sunshades on the newly proposed windows. Strait responded the canopy would be made of the same material in order to complement the new sunshades. The applicant is trying to move away from the types of windows that are on the existing building and create more of a transparent feeling in the new phases. Pilcher asked the color of the sunshades. Strait responded it would be a natural steel color.

Conrad asked what level of quality the parking spaces would be on phase 3. Binckley stated on the Church of the Resurrection, the City allowed an asphalt curb as opposed to the concrete standard. Conrad asked when the applicant is anticipating starting construction of phase 2. Strait responded, hopefully this year.

Henderson was concerned about the storm water drainage. Shillito stated the development would collect everything. The pipes would be on the very bottom so that they discharge at the flow of velocity. Henderson asked if there would be any control as it is going down the hill. Shillito stated the applicant would look at that and would take any measures deemed necessary. Henderson asked if the applicant would do that before or after the fact. Shillito stated the measures would be taken before. The soil is very rocky in the ditch, so it won't erode as soil will.

Carper asked if Staff has received a storm water report on this project. Ley responded, yes. Carper then asked if the report responds to Henderson's concerns. Ley stated that the concerns that Henderson stated would be taken care of during phase 4.

**Public Hearing: With no one present to speak at the public hearing, a motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.**

**A motion to approve was made by Conrad and seconded by Carper. Motion approved unanimously.**

#### **NEW BUSINESS:**

**CASE 52-02 LEAWOOD CORPORATE MANOR I** Request for approval of a final site plan. Located at 4701 College Blvd.

**Staff Presentation:** Presentation by Mark Klein. The applicant is requesting approval for a change in signage for a monument sign on the northeast corner of the site. The sign was changed to read "Columbian Bank" without a permit. The applicant is now requesting to change the name to "Columbian Center". This is a stone monument sign that has been located on the corner of the Leawood Corporate Manor office buildings for quite some time and has always read "Leawood Corporate Manor". When Staff saw the change made to the sign, we informed the developers of their need to go before the Planning Commission to seek approval of the change. Staff also had some concerns that the sign was advertising one business, instead of the entire complex. Since then, Staff has learned that Columbian Bank is currently occupying a substantial amount of the building. The applicant is now requesting the sign to read "Columbian Center". Staff does have concerns with the type of letters on the sign. As it is right now, the word "Columbian" has the first letter in upper case, then the rest of the word in lower case. The word "center" is written in all upper case. Staff is supportive of this application with the stipulations stated in the staff report.

Henderson asked who the other occupants are in the center. Klein stated he would like the applicant to answer that question.

**Applicant Presentation:** Presentation by Shawn Michael with the managing agents for Columbian Center, McAffree Financial. There are a variety of offices; professional groups, psychologists, attorneys, financial planners, as well as various affiliates with the bank.

Henderson asked how many different occupants there are in the center. Michael responded, about 15. Henderson then asked if the development is designed and intended to be a "center". Michael responded the applicant would like to call the development "Columbian Center". Henderson was concerned the name would change again. Michael stated the owners are planning on continuing to keep the development as a "center".

Carper asked if the applicant was lacking knowledge of the process of changing the monument sign, or if they voluntarily acted against City policy. Michael responded he did not understand the procedure. Carper stated if the applicant were to change the sign again before getting approval, the sign could be removed.

Rohlf asked if the applicant is in agreement to change the lettering. Michael stated the applicant is planning on changing the letters in "center" to match "columbian".

Conrad asked if it is appropriate to double the fee. Binckley responded, yes, it is required when an applicant makes a change before seeking approval.

**A motion was made by Carper, with an amendment to stipulation #2 to state "the style of all lettering on the sign shall match and be approved by Staff", seconded by Conrad. Motion approved unanimously.**

**CASE 54-02 IRONHORSE CENTRE** Request for approval of a preliminary plat and site plan. Located at 151<sup>st</sup> Street and Nall Avenue.

Commissioner Duffendack recused himself from this case.

**Staff Presentation:** Presentation by Mark Klein. The Planning Commission has seen this case during a previous work session. This project was originally approved with the preliminary plan in May of 2000. Since then, the applicant has requested some changes. They have decided to decrease the square footage of the building from 118,250 sq. ft. to 108,851 sq. ft., which is a decrease of 9,399 sq. ft. The number of buildings has increased from 9 to 10. The original two-story office building with parking underneath located on the extreme east side of the development has now been changed to two buildings grouped around the plaza area. With that change, there was no need for the underground parking, so it was eliminated. The applicant has also provided one additional driveway off of 151<sup>st</sup> Street. Originally, there were two driveways, one full access and one right-in, right-out. The main driveway into the center has been shifted more towards the center, and an additional driveway has been put to the east. Staff would like to add two additional stipulations. The first is a sunset clause; the second is in response to the Fire Marshal's concerns. The applicant has agreed to construct all three driveways off of 151<sup>st</sup> Street and as they connect to that center area. The reason for this is so that the fire lines can be constructed at the same time. The applicant would like to reduce the 8 ft. path by the golf course to 6 ft. Staff is supportive of this because the City would like to see the fewest amount of trees removed. There is a 15 ft. parking setback that is shown on the west property line. There is no parking lot and the setback will be removed from the plans. The applicant has agreed to that. There are a couple of deviations requested in this application. One is a 35 ft. building setback from the west property line. Another is the parking setback on the north, the applicant would like a 19 ft. setback. The minimum required parking setback is 25 ft. However, on the south side they are providing a 30 ft. setback, which allows the buildings and the parking to be pulled back and away from the golf course. Staff is supportive of these deviations.

Henderson asked if this should be a new application, since this case has been seen before. Klein responded it is considered a new application. Henderson asked if "Ironhorse" was one word or two words. Klein responded Staff had changed it to two words, based on the most recent submission. Henderson asked if the City has any say in the matter. Binckley responded, no, the names are the decision of the applicant. Brick Owens responded the applicant is planning on using "Ironhorse" as one word.

**Applicant Presentation:** Presentation by Brick Owens of HNTB. HNTB has been commissioned by LMV Associates, the owners of the project. Present is Kevin Berman, the project architect with Hoefler Wysocki and Mark Charleton, also of Hoefler Wysocki. Chet Belcher and Wendel Uben of Phelps Engineers are also present. Owens stated they would like to keep "Ironhorse" as one word. The applicant has met with the golf course committee three times and has agreed to look at the silting and to deal with some creek issues that will ultimately be used as part of Ironhorse Centre's storm drainage system.

Conrad asked if there will be a development group that will own the streets or maintain them, or will it be platted where the responsibility for that half of the street is for that particular property owner? Berman stated it is typical for the individual property owners to pay for half of the road as it abuts their property and be responsible for maintaining the road. The developer has planned to share the cost of all of the common areas among the different property owners. Berman did not know who would be maintaining the roads. Conrad asked how these are typically platted and maintained. Binckley responded there is an overall association that the property owners are all a part of, and they maintain the common drives. Conrad asked if there would be an association like that in Ironhorse Centre. Owens responded, yes, the developer would be the "head" until the time when the association is formed. Conrad then asked if the developer would be building the roads and the landscaping along the roads in the first phase. Owens suggested not putting in the landscaping yet because they will have to build the parking lots adjacent to those driveways. They would not want to put something in now, then damage or destroy it in a few years when the parking lots are built.

Presentation by Kevin Berman. There will be a prairie style character with deep roof overhangs, stone columnar expressions, individually vertically oriented residential style windows, a complex pallet of EIFS, brick and stone and some art deco-like joining patterns within the EIFS. The applicant is trying for a rich residential character to complement the Ironhorse residential development around the golf course. The scale of the buildings has been reduced so they would be more in character with the area. There is one two-story building, but it has been reduced in length to create more views. The applicant increased the distance between the buildings, and enhanced the length between the buildings for better pedestrian access. The applicant is proposing a concrete style shingle for the roof with a variety of colors to help bring the pallet together.

Carper asked the size of the property on the northwest side of this project. Klein responded, maybe 10 acres. It's vacant right now, but owned by the Reece Nichols Corporation. It has an approved plan that is zoned Planned Neighborhood Commercial. Carper asked what the elevation drop would be from the Villas of Whitehorse to the middle of this project. Owens responded about a 20 ft. fall from the front to the back of the property. Henderson stated he believed it was a 27 ft. fall. Carper then asked how much of a drop it would be from the front of the Villas of Whitehorse to the front of this project. Owens responded the Ironhorse Centre buildings have about a 4 ft. drop from 151<sup>st</sup> Street. Carper then asked where the drainage from 151<sup>st</sup> Street would go. Ley responded on the west side of the main entrance, the water drains through the storm sewer system along the south side of 151<sup>st</sup> Street. On the east side of the main entrance, the water drains through an open channel to the creek on the east side of the property. Carper asked if there will be any impact on the golf course and Ironhorse Centre once the property to the north of 151<sup>st</sup> Street is developed. Ley responded there would not be an impact as far as storm water drainage.

Henderson asked if Staff and the developer have talked about the amount of EIFS being used. Klein responded Staff normally pushes for more stucco than EIFS, but it would just be used for accent. The total amount of each material would be decided at final application.

Conrad asked if there would be design guidelines written. Berman stated it would be included in final application submittal. Henderson asked if the submission would include the signage. Berman responded, yes.

Pilcher raised the concern of the rugged terrain. Owens responded they looked at it from a 5% ADA point of view; there would be nothing steeper than 5% on the sidewalks. The applicant has taken care to consolidate the pavement in order to maximize the amount of green space. Owens requested approval for a 6 ft. sidewalk. The trash enclosures will be built of the same materials as the buildings, but the applicant would like the flexibility to place them in the best place to create the plazas and pedestrian areas. The applicant does not want them near the smaller buildings, but this will be proposed at the final application. Conrad stated it is currently a stipulation that they be attached, but it can be addressed at the final application.

**Public Hearing: With no one present to speak at the public hearing, a motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.**

Conrad asked if there would need to be more clarification about the 6 ft. sidewalk. Klein responded as long as it is written in the stipulations given to Council, it is enough. Pilcher stated he was in agreement with the 6 ft. sidewalk. Conrad stated the Commission is in approval of the 6 ft. sidewalk.

Conrad asked about the trash enclosures. Klein stated the trash enclosures are included in the 135<sup>th</sup> Street design guidelines. Attaching the trash enclosures has worked well. Pilcher suggested sharing some of the trash enclosures, but they would still need to be attached. Conrad recommended keeping the stipulation for the preliminary application, then addressing the trash enclosures for each building at final application.

Henderson reiterated his concern about EIFS being used on the exterior of the buildings. Klein responded Staff would be recommending more concrete or stucco. Carper stated it is covered under stipulation number 19.

Conrad recommended adding a stipulation that states as a requirement at final application that there be a presentation on how the streets and trees will be maintained.

**A motion to approve was made by Carper, adding a stipulation for 6 ft. on the width of the sidewalk, and another stipulation stating that at final application a presentation be shown on how the streets and trees will be maintained. Motion seconded by Henderson. Motion approved unanimously.**

**CASE 60-02 ON THE BORDER** Request for a final site plan. Located at 5200 W. 119<sup>th</sup> Street.

**Staff Presentation:** Presentation by Jeff Joseph. The applicant is Andrea Baxter. The applicant is requesting approval of a final site plan to allow them to change the building color, signage, and add additional features to the façade. There are several changes proposed. On the north elevation, the existing signage would be removed. On the south elevation, the existing signage would be removed and an additional sign would be added. The existing awnings would be removed and new awnings would be installed. The new awnings would be blue in color. The color of the roof and walls on the southeast corner would be changed from red to purple. The applicant is proposing a new sign on the east façade, which shows an arrow pointing to the door, and says, "to go". On the west side, the existing awnings would be removed and new awnings installed which will be blue in color. Staff is not supportive of this project due to the fact that the changes are not architecturally compatible with this building or the surrounding buildings within this development. Staff is not supportive of the internally illuminated lighting proposed for the monument sign. The existing signage on this building blends in very well with the existing colors of the building, but the proposed colors are not compatible with this building. Staff is not supportive of the new sign that is proposed on the east elevation, which reads, "to go". Staff is recommending denial of this case, but if the Planning Commission were to approve this case, Staff is recommending the stipulations stated in the staff report.

Conrad asked where the "to go" parking would be located. Binckley responded they would be using the existing parking on the east side of the building. Conrad asked if the applicant would be anticipating adding more "to go parking only" signs. Binckley responded there are already a couple of signs at the location; those would be moved.

Carper asked Staff to remind the Commission of some other cases similar to this. Binckley responded there have been some other changes to this project and Staff has tried to keep it compatible with the area. Staff required TGIFridays to change the awnings to maroon and off-white in order to blend in better with the area. They also requested blue neon and Staff denied the request and allowed them to keep the existing neon. Henderson brought up Longhorn Steakhouse, who wanted awnings and the Commission disapproved.

**Applicant Presentation:** Presentation by Andrea Baxter, with Brinker International. The general manager for this location is also present for specific location questions. On the Border is undertaking a massive renovation, freshening up of the entire concept. Freshening up includes the replacement of the décor inside, new paint, inside and out and the addition of new logo signage. The brown heavily Mexican atmosphere is going away from all 150 stores. So far, 14 stores have been renovated, mostly in the Dallas/Fort Worth area. The response from the public has been very good, so this year the On the Border management desires to renovate another 72 stores. The plan is to renovate this region this quarter. One of the bigger changes is the relocation of the "to go" function from the bar area to its own area. The plan is to have a separate entrance on the east side of the store with parking immediately adjacent to the door. The goal is to try to best match the center. The original proposal included extra neon and some other things. The request has been toned back to have an awning similar to American Eagle Outfitters. The new signage better matches that of the center. The letters are white, which will match Fatigues, Jacobson's and a number of other tenants. The painting will better match the center. The visual drive-up appeal would match what people will see in the media. Baxter would like to come to some mutually agreeable decision. The applicant does not have a problem with changing the monument sign to halo lit, and will also change the size of the "to go" sign as recommended by Staff.

Conrad asked the applicant if they would be willing to remove the monument sign. Baxter responded it could be looked at if the original proposed colors are allowed. Conrad stated he would like to see a site plan. Baxter showed a plan showing the current monument sign and the proposed monument sign.

Rohlf asked where the "to go" parking is currently located. Don Hodus, general manager, responded there are two "to go" parking spaces across from the front door and handicapped spaces. It is currently not customer-friendly for the "to go" customers. Duffendack asked for an estimated average number for "to go" orders at a peak time. Hodus responded during the peak hours no more than two or three at a time, in and out. With the new "to go" door, it should speed up the process considerably.

Rohlf asked if there is an existing door on the east side. Hodus responded, yes, there is an emergency exit.

Binckley showed a site plan of the restaurant and showed where the "to go" door would be placed. Henderson asked if it would be walk up or drive through. Baxter responded it would be a walk up door.

Conrad asked if having "to go" only parking is in violation of any development ordinances. Binckley responded, no, they currently have two "to go" signs. Pilcher asked if there are any regulations within Town Center Plaza. Binckley responded Town Center Plaza

does not own this property, it is owned by Brincker International. Baxter responded the development has seen the proposal and is supportive of the changes.

Henderson stated he does not believe there needs to be a "to go" sign, he thinks that the people who patronize this location should know there is a "to go" option. Hodus responded it is needed from a marketing standpoint. Since the marketing of the "to go" function, sales have gone from 2½% of total sales to 6% in the Leawood store alone. Baxter stated the "to go" sign could be modified to be much simpler. The applicant is willing to work with Staff to find something that is better suited, if that is the Commission's desire.

Carper asked if Town Center Plaza has approved these changes. Baxter responded Center Structure Trust One has approved this application; it is her understanding that they are owners of the center.

Carper stated the "to go" sign is too large. He believes it is not necessary to have that kind of sign to allow people to know where the "to go" area is located. He was also concerned about the look of the proposed monument sign. With other monument signs, we have allowed the logo to stay somewhat similar, but made it match the materials of the building. If the applicant could work with Staff to create a monument sign and a "to go" sign that is a little more in line with what we expect in Leawood, he would be okay with it.

Pilcher does not see anything offensive with the building as proposed, but would like to get rid of the monument sign. Besides the "to go" sign and the monument sign, he is in approval of it.

Conrad suggested the applicant ask for a continuance. The monument sign is not in character with what the Commission has approved in the past. The Commission has tried to keep monument signs not for specific businesses. Conrad would like to remove the monument sign and redesign the "to go" sign. Conrad also wants to be able to look at the site signs for the "to go" parking.

Carper was in agreement with everything, except he would like to come to some agreement on the monument sign. The applicant has already been allowed to have it, it wouldn't be right to ask them to remove it, unless they can't come up with something agreeable with Staff.

Baxter requested a continuance in order to address the issues raised by the Commission.

Duffendack stated he liked the features proposed, but would not want to set a precedent of removing signs for an applicant that wants to update the look of their business. The Commission should not force the applicant to delete the monument sign in lieu of other marketing decisions on their part. Henderson agreed it was not proper to ask them to remove the monument sign.

Conrad stated it was not the intention of the Commission to force the applicant. If the applicant believes they need to have the monument sign, it would need to be in line with what is expected in Leawood.

**Pilcher moved to continue this case on the basis of the request by the applicant, Henderson seconded.**

Binckley stated it could be seen at the August 27<sup>th</sup> meeting. Binckley reiterated the concerns of the Commission.

1. The monument sign needs to be looked at in regard to the design.
2. The "to go" sign needs to be worked on in regard to the design. The Commission is not opposed to the door, but the size of the sign needs to be reduced.
3. The Commission approves of the color of the awnings.
4. The Commission approves of the colors of the buildings.
5. The Commission approves of the sign above the door, as long as it meets the City's standards.
6. The Commission would like clarification of the Town Center approval.

Henderson was not comfortable with the painting of the brick. Baxter responded only the stucco would be painted.

Pilcher stated he believes what the Commission is looking for in the monument sign is something that incorporates the materials of the building. Binckley responded Staff is looking at something like Longhorn or Zips has, with the halo lighting or back-lit, as opposed to internally lit.

**Motion to continue approved unanimously.**

**CASE 61-02 MARKET SQUARE CENTER** Request for approval of a final site plan. Located at 13351 Mission Road.

**Staff Presentation:** Presentation by Mark Klein. The applicant is requesting approval to allow the maximum height of the letters of the Price Chopper sign on the west side of the building to be 4 ft. in height rather than the 3 ft. currently allowed. The applicant is also requesting approval of a tenant sign for Bank of Blue Valley to be located on the west side of the building. On March 20<sup>th</sup>, 2000, the Governing Body approved a settlement agreement for the Market Square Center. There are some stipulations related to signage as part of that settlement agreement. The stipulations that are applicable to this case are: "Price Chopper main center entrance shall be individual white letters with internal illumination at a height of 3 ft." and "The shops are to be individual letters internally illuminated with a letter height with a maximum of 2 ft., same as Town Center, there will be one sign per tenant and signs will be white." There are 3 ft. letters on the west and south side. The applicant is requesting the change to only the west side. Staff is supportive of the application based on the mass of the building. It does appear that the 4 ft. would not be obtrusive. Staff is also supportive of the Bank of Blue Valley signage. The lettering proposed for that sign is less than the maximum allowed. Staff is recommending approval of this case with the attached stipulations. The Governing Body is the one who would actually approve the changes to the settlement of Market Square Center.

Henderson stated he is hesitant to re-open a settlement.

Duffendack stated it is his belief the Commission has been asked to give a recommendation to the Governing Body. Bennett responded it is up to Council to approve the amendment to the settlement agreement; the Commission would just be giving their opinion to the Council.

Carper asked if there has been any view given from Council. Binckley responded this case has not been seen before Council; therefore Staff has not been given any direction from Council. Carper stated he has no problems moving forward with this case.

**Applicant Presentation:** Presentation by Peter Bohling, representing the owners of the development, Super Market Developers, which is a subsidiary of Associated Wholesale Grocers. The Bank of Blue Valley sign would need to be on the front of the building, because they are going to be a sub-tenant inside the grocery store. This was not contemplated when the original signage criteria was proposed. The Price Chopper sign has been put up at 3 ft., but it looks undersized. After a lot of architectural details were put in to this project, it would be wrong to undersize the sign.

Henderson stated he doesn't believe anyone will mistake the building for anything other than a grocery store. Bohling responded the 3 ft. sign is visually unattractive.

Henderson asked if Staff is supportive of the newly requested size. Klein responded, yes, based on the mass of the building and the distance from Mission Road.

Pilcher asked if there are any homes near this project that might have some concerns. Binckley responded there are no homes within viewing distance to the east. The school would block any residential. There is commercial directly to the west. Henderson asked if there might be residents to the south if other proposals are obtained at a later date. Binckley stated there is potential, because the City has talked about mixed-use in that area.

Carper stated he believes the current sign is too small and is in agreement with the 4 ft. proposal.

**A motion to approve was made by Carper and seconded by Pilcher.**

Duffendack recommended caution that the Commission will be setting a precedent for the next client that is more than 10 ft. away from the road; they may ask for a sign that is larger than allowed by City ordinance.

**Motion approved unanimously.**

**CASE 63-02 STATE LINE IMAGING CENTER** Request for approval of a final site plan. Located at 8700 State Line Road.

**This case was continued by request of the applicant.**

**CASE 65-02 UPTOWN DINER & PYRAMID PIZZA** Request for approval of a final site plan. Located at 4800 W. 119<sup>th</sup> Street.

**Staff Presentation:** Presentation by Jeff Joseph. The applicant is John Collier with Design Innovations. The applicant is requesting approval to add signage to their existing building. This building is located on the south side of Town Center Plaza. The sign itself is 38 in. wide by 36 in. high. Staff is not supportive of this project because there is already a sign on this side of the façade; also the requested sign is not compatible with the existing building. Staff is recommending denial of this case, but if the Commission approves, Staff has recommended the stipulations listed in the staff report.

Henderson asked if this proposal would make this building the same type as the Kentucky Fried Chicken/Pizza Hut/Taco Bell in Rosana Square. Joseph responded, yes.

Duffendack asked if the sign proposed on the drawing is shown to scale. The applicant responded it is not to scale.

**Applicant Presentation:** Presentation by Ed Nelson, president of KC House, who manages this business. Mark McKee, the owner of Pyramid Pizza was also present. The diner concept is not a viable business on that corner. Uptown Diner has lost money over the past couple of years. One option to increase sales is to incorporate another very popular local brand and a pizza product that is a lower cost item. KC House has to come an agreement with Pyramid Pizza to bring their brand into the Uptown Diner. Nelson and McKee would be willing to change the sign to whatever the Commission likes in order to get it approved.

Conrad asked how the corner was selected for this sign. McKee stated they were looking for two different places. One was on the side. Binckley stated this would face towards 119<sup>th</sup> and Roe. Nelson stated any side other than the north side would be fine.

Conrad stated he would be supportive in looking for different locations for the sign, but the applicant would need to make sure the presentation is to scale.

Duffendack stated the Uptown Diner sign is more part of the building. He then asked if there will be two different food themes, or if it would be the same as it is now. Nelson responded it would remain as Uptown Diner with Pyramid Pizza being an additional menu item.

Binckley responded the original proposal showed the Pyramid Pizza sign as more of an addition to the Uptown Diner sign.

Conrad was concerned with the pizza just being a menu item. He was concerned that the applicant would be requesting a sign for each new menu item. Conrad also stated if the sign worked together and became part of the architecture, he would be more supportive.

McKee asked if he would need to bring back three or four different alternatives. Duffendack stated he would not want that. It may mean re-visiting the sign feature that is currently at the main entrance. Keeping in mind the applicant is trying to increase visibility and sales, the Commission is supportive of that. It is an issue of the applicant working it out with Staff on how that could be accomplished.

Carper stated he understands about the economic issue, but it is the Commission's job to look at it from a Planning standpoint. This might mean changing the original sign and increasing the cost.

McKee requested a continuance.

Henderson stated the applicant should understand that when they come before the Commission again, it doesn't necessarily mean the sign will get approved.

**A motion to continue was made by Henderson and seconded by Carper. Motion to continue approved unanimously.**

## ADJOURN

---

J. Paul Duffendack

Chairman