

# City of Leawood Planning Commission Minutes

August 27, 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, Breneman(absent), Munson, Pilcher (tardy)

**APPROVAL OF THE AGENDA:** A motion to approve the agenda was made by Henderson and seconded by Brain. Motion approved unanimously.

**APPROVAL OF THE MINUTES:** A motion to approve the minutes from the July 23, 2002 meeting was made by Henderson and seconded by Brain. Motion approved unanimously.

**CONSENT AGENDA:**

**CASE 69-02 THE PHOENIX MONTESSORI SCHOOL – FENCE** Request for approval of a final site plan. Located at 2013 W. 104<sup>th</sup> Street.

Henderson reminded the Commission when such applications are made, Staff should remember the discussions held early on about fences and openness in Leawood.

**CASE 73-02 CHRIST COMMUNITY CHURCH – SIGN** Request for approval of a final site plan. Located at 143<sup>rd</sup> Street and Kenneth Road.

**OLD BUSINESS:**

**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 of Brinker International. This case was seen during the July Planning Commission meeting. The Commission brought up three issues during that meeting. The first issue was the design of the monument sign. The applicant has changed the design and has provided revised plans. The applicant is willing to modify the sign by adding a masonry base to the sign if the Planning Commission is not in approval of the sign as now proposed. The second issue was the size of the "to go" sign on the east façade. The applicant has reduced the size of the sign. The third issue was to provide written approval from Town Center Plaza. The applicant has provided that. If the Planning Commission is not in support of the parking signs as presented, the applicant is willing to remove the additional language that is found below the parking signs. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Duffendack asked what Staff's preferences are in regard to the changes. Joseph responded the monument sign would be halo lit. Duffendack asked if Staff has any problems with the base or the text of the monument sign. Joseph responded Staff has no issues with what has been proposed.

Conrad stated the monument sign should come into compliance with the ordinance. He was concerned about the quality and look and wanted the sign to include a masonry base and the additional text to be taken off. He also stated all of Staff's comments should be used as stipulations.

**Applicant presentation:** Don Hodus, general manager of On the Border. Hodus stated the applicant is willing to do anything to get this case passed.

Brain stated he does not want to have a logo on the "to go" parking sign. Suggested it should say something like "10 minute parking only" or "to go".

Henderson stated he does not want the logo/name on the "to go" signs and would oppose the additional verbiage on the signs.

Duffendack stated the applicant has agreed to make the changes suggested by Staff. Hodus agreed to change the 10-minute parking signs to what would be acceptable to the Commission.

Duffendack stated two additional stipulations should be added.

5) add a masonry base

6) text only on the parking signs to say, "10 minute to go parking"

Rolf asked if the logo on the door is appropriate. Brain stated it is allowable.

**A motion to approve, with the addition of proposed stipulations, was made by Brain and seconded by Henderson. Motion approved unanimously.**

Carper arrived.

**NEW BUSINESS:**

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

**Staff presentation:** Presentation by Mark Klein. The applicant is requesting approval of a final site plan to allow a canopy and a monument sign to advertise and identify the business. This case came before the Commission during the April 23<sup>rd</sup> meeting, and the Commission approved an exterior entrance on the north side for this business. At that time, no signage was approved. Staff is not supportive of this application. Staff believes a sign on the door would be more appropriate. The applicant is requesting a blue awning that extends from the north entrance. Staff feels this does not match the rest of the center. The applicant is also proposing that an existing retaining wall have another sign on it with "State Line Imaging" in light blue letters. If the Planning Commission wished to approve this case, Staff has provided some stipulations in the Staff report.

Duffendack asked if Staff has had discussions with the applicant in regard to the window sign. Klein stated the applicant is aware of Staff's recommendations, Staff has not heard if they are willing to change it.

**Applicant presentation:** Presentation by Chase Simmons of Polsinelli Shalton and Welte on behalf of State Line Imaging. Gary Northcraft and Gary Miller of the managing company are present. Simmons stated the applicant talked about signage and the feeling from the Commission was that they would not look favorably on any new signage. The blue canopy is mainly to protect from the weather and to signify that there is a door there. The applicant had originally proposed a larger canopy with a sign on it, but because of suggestions from Staff, has changed it.

The CP-2 ordinance allows three signs for office buildings such as this. The owners of the building have not decided to put up any other signs. The directional sign is about the same style as the one on City Hall. If it were not approved, the applicant would go towards the stenciling on the door.

Henderson asked how many other tenants are in the building. Simmons responded, more than three. Henderson then asked how the tenants decide who gets to put up signs. Simmons stated he assumes it would be up to the owner of the building. Henderson would not be in favor of a monument sign for a specific business, it should advertise for the entire center, not just one tenant. Simmons stated the ordinance allows for one monument sign, if one of the wall signs is removed, and there is a different procedure for a monument sign advertising the entire center. There is already a small monument sign in the front of the center. After reading the codes, Simmons believes the two are not mutually exclusive.

Brain asked if the building has agreed to waive its rights to have any other signs. Simmons stated he has not spoken with the building owner. Brain stated he doesn't believe the application should be considered until the owner of the building makes the application. Simmons stated the applicant does have the authority to make this application. If the Commission believes things should be processed differently, the applicant could have the building owner make the application, but the merit is just the same. Simmons then stated he would like to know if the Commission would consider approving this if the building owner were to make the application.

Conrad agreed the building owner should make the application in order to stay within the guidelines of the ordinance. Brain suggested the building owner make a new application and meet with Staff. If the building owner wants to proceed after discussions with Staff, it is up to them.

Simmons asked the Commission to suggest some stipulations stating what the property owner would be giving up and trading. Duffendack recommended giving the applicant some suggestions as to what the Commission thinks about the proposal. Brain stated he does not believe there is a need for the signage, and awnings do not fit with the architecture of the building. Some type of window sign would be appropriate. Brain was not in approval.

Conrad stated the awning is a significant change and is not architecturally compatible. The signage would be appropriate. If the building owner applied for the retaining wall sign, he would not be opposed to that.

**A motion to deny was made by Brain and seconded by Henderson.**

Pilcher asked if Staff has approved other applications from tenants, rather than the building owner. Klein stated the property owner has signed the application, but Staff is not sure if the property owner understood the fact that they would not be able to add any other signs. Klein also stated this building is in a planned district, and even though the ordinance states they are allowed a certain number of signs, it is up to the Planning Commission to decide how many to allow.

**Motion to deny approved unanimously.**

Pilcher arrived.

**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.

**Staff Presentation:** Presentation by Jeff Joseph. The applicant is Thomas Ryan with Covenant Chapel. The applicant is requesting a two-year extension for their Special Use Permit to allow an off-site sign. The existing sign is double-sided and is 16 sq. ft. in size. The sign is located on the old airport property and can be seen from 135<sup>th</sup> Street. Staff is supportive of this case with the stipulations stated in the Staff report.

Brain asked if Staff is anticipating this to be just two years. Joseph responded, yes, for two more years. Munson asked if this is the first extension. Joseph responded, yes.

Henderson asked if the sign would be flood-lit. Joseph responded, yes, it is the same sign that is currently there.

**Applicant Presentation:** Presentation by Thomas Ryan, pastor of Covenant Chapel. The church would like to have the off-site sign for two more years. The sign is necessary because the building is very hard to see, especially when the foliage is in place. It is important for visitors and for emergency vehicles. Also, there is no 133<sup>rd</sup> and Kenneth Road, because Kenneth Road is not complete.

Munson asked if the applicant owns the land that the sign is on. Ryan responded, no. Munson suggested the sign be redesigned. Ryan stated he would be in favor of changing the sign.

Henderson asked if the church anticipates changing the address at any time. Binckley stated Kenneth Road would be built and therefore the address will not change. Henderson stated he would not want the Commission to request a change to the sign to make it look more like a monument sign, because then it might eventually be turned into one. Ryan suggested coming back before the Commission with something nicer than what is currently there, but not a permanent sign.

Brain asked if there is a date on the CIP as to when Kenneth Road would be developed. Binckley stated it is not up to the City; it will be based on the development to the east. The City would require the street to be put in as part of the first phase of the new development.

Carper asked if the sign would be removed once the land it is on is developed. Ryan responded, yes.

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

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

**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.

**Staff Presentation:** Presentation by Jeff Joseph. The applicant is Kevin Downey. The applicant is requesting approval of a preliminary and final site plan for a 15,268 sq. ft. office building. This property is located at the southwest corner of 135<sup>th</sup> Street and Roe Avenue. This building is in the same location as approved in the overall plan for the Plaza Pointe development. The overall square footage for the development is the same; however, the size of the building changed from 9,625 sq. ft. to 15,268 sq. ft. Staff would like to remove stipulation #9, due to the fact that the applicant has agreed to change the color of the trellises to match the existing buildings. Staff is recommending approval of this case with the stipulations recommended in the Staff report.

**Applicant Presentation:** In attendance were: David Kaster and Roger Kaster, of Kaster Architects, Kevin Downey, the building owner, Dan Foster, the landscape architect, Richard Sailors, Plaza Pointe master developer, and David Suttle, the developer's architect. David Kaster stated there are some issues regarding the master development plan and asked Foster and Suttle to address the master plan.

Foster described the site plan. The developers have made changes as they have acquired different tenants. The changes have been in the circulation patterns and aesthetics. Foster described the changes that have been made and approved with the master plan for Plaza Pointe.

David Kaster described the Compass Building. The developer has moved the main entrance to the south so it will be close to the public street. There are benches and bushes on the front to tie in with the 135<sup>th</sup> Street ordinances. There is accent brick around the windows. The developer has changed the materials to bring the scale and mass of the building down to become more pedestrian friendly. The roofing cap is a theme throughout the development. The tile is composite slate-like tile, at Staff's recommendation. The lighting has been done to tie in with all of the other Plaza Pointe lighting. The landscaping exceeds City's standards.

The owner agrees to all of Staff's stipulations, except for two. The owner is not in agreement with stipulation number 9, which requires the trellises to be painted. Most of the other buildings have an aluminum trellis, which eliminates re-painting in the future. The second stipulation with which the owner does not agree is number 12, which talks about a three-foot berm to screen the parking. The applicant would like to create the berm of landscaping the same as the entire development to create uniformity with the other buildings.

Henderson asked how the landscaping would fit together. This would bring up the question of where the berms would be placed. Foster responded the plantings would be identical through out the development. There is an approved landscape plan, which they will be following. In the interior, the intention was to create a hedge effect along any area where parking was adjacent to the street. Some of it's installed, some of it isn't. There was a decision to not have berms along the perimeter, primarily because the topography along the street edge varies too much. In lieu of the berm, each of the tenants has committed to utilizing the hedgerow screen along the parking lot.

Henderson asked if the pedestrian friendliness, safety, and lighting are working so far. Foster responded he believes the pedestrian friendly environment is working well. Henderson asked who would be in charge of the upkeep of the landscaping. Foster responded it would be a business association.

Brain asked if this building will be sold to the tenant, or owned by the developer. Kaster responded the developer would be selling to a private tenant. Brain stated he would like to see more green space, and believes there are too many parking spaces being requested. Foster responded it is shared parking throughout the development. Some of this parking will be shared by the building to the southeast. The parking is balanced within the quadrant, however, there are a few spaces to the south that could potentially be land banked.

Henderson asked what material constitutes the 35% on the side of the building that is not listed in the Staff report. Kaster responded the roofing constitutes the rest of the material. Henderson asked if the pergolas would all be the same throughout the development. Kaster stated there are two pergolas in the parking area. The Compass Building has the roof accented on the corner to bring the scale down. Henderson asked if the interior center would have a roof. Kaster responded it is open. Henderson asked where the water would drain. Kaster responded the center would have an internal drain that would go to a catch basin in the corner of the site.

Duffendack stated the patches of white material on the building distract from the simplicity of the building. He then asked the reason for incorporating it into the façade. Kaster stated some of the other buildings have used the same type of reverse brick pattern. This was a way to bring the scale of the building down. Binckley stated the design is the same as the Financial Advisory building. It looks different on the site than on the rendering.

Pilcher agrees with Duffendack that the white looks odd, but it might not look as odd when compared to the other buildings in the development.

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

Henderson agreed with Pilcher, the design might not look as odd if seen in conjunction with the rest of the development. Duffendack asked for the master plan developer to speak regarding his view of this feature. Suttle stated the roof is offset at the same places where the white is placed. It is not shown as well on the elevations. Suttle believes the design is worth keeping, it makes more sense than just keeping the normal façade at those points.

Carper made a motion to approve. Brain asked Carper to consider in his motion to address the applicant's requests to change the material of the trellises to aluminum, landscaping instead of a berm, and also to restrict the parking spaces to no more than 77 spaces. Carper stated he did not see a need to reduce the amount of parking spaces. Binckley stated the final developer might be providing a smaller building in that quadrant, and suggested waiting until that building is built. Brain asked if the developer would agree to the understanding that there is no need right now for the extra 20 spaces.

**A motion to approve, with the applicant's request to change the trellis to aluminum, and landscaping instead of berms, was made by Carper and seconded by Brain. Motion approved unanimously.**

**CASE 70-02 PLAZA POINTE, LOT 13** Request for a preliminary site plan. Located at the southwest corner of 135<sup>th</sup> Street and Roe Avenue within the Plaza Pointe development.

**Staff Presentation:** Presentation by Jeff Joseph. The applicant is Richard Sailors. The applicant is requesting approval of a preliminary site plan for an 11,395 sq. ft. retail building. This property is located at the southwest corner of 135<sup>th</sup> Street and Roe Avenue. The detention pond in the plans is not required per the Public Works Department. This issue will be dealt with at final plan application. Staff is recommending approval of this case with the stipulations stated in the Staff report.

Henderson asked if the landscaping would be submitted later. Joseph responded the landscaping would be seen at final plan application.

Conrad asked if the retention area was in the original site plan. Ley responded the pond on the north side of the drive serves as an emergency spillway. The applicant will be removing that pond and modifying the main detention pond on the south side to serve as an emergency spillway. Conrad asked if the area north of the road would be a temporary detention basin. Ley responded it would spill out into those banks and flow to the west.

Henderson asked what a Knox box is. Binckley responded it is a box that holds a key to a lock; the fire department has the master key to all of the City's Knox boxes.

Duffendack asked what the reason is for the five-year lapse that is referenced in stipulation #14. Joseph responded it is per the City's ordinance. Binckley stated all preliminary plans have this stipulation to ensure the City doesn't have plans sitting for long periods of time and not being developed.

Henderson asked Ley if he believes the developer would reconstruct the overflow weir on the detention pond south of the private drive. Ley responded it is up to the developer. Henderson asked if this an option for the developer, or if this is a suggestion from Staff. Binckley responded it was thought to be necessary upon preliminary review; Staff is now stating it is not necessary, and therefore not a requirement. It is up to the property owner. If they would like to remove it they would need to provide additional seeding or landscaping with that property. Henderson asked if the developer has a different way of controlling the water flow.

Ley responded the north side would move to the south, flow to the west and eventually hit Briar. Henderson asked if Ley would prefer one or two. Ley responded it didn't matter with this case.

**Applicant Presentation:** Suttle stated the proposed plan meets all of the requirements; the owner is endorsing all of the recommendations of Staff. The objective is to maintain the architectural character of the retail building, but by doing it in different ways. The developer felt the same materials and features should be continued for a sense of balance and place. The developer is avoiding the quieter walls by making them more decorative in the retail use. The service concept with the brick walls and the trellises are some other important features. Suttle described the elevations.

Brain asked if the turn-in to 135<sup>th</sup> Street is a right turn-in only. Suttle responded, yes. Brain was concerned about traffic flow and cars getting in and out of the retail and the gas station. Suttle stated he has not heard of a better suggestion. This has been the plan since the beginning. Binckley stated there would be a full intersection to exit to the south, and there is a lighted intersection to the west.

Duffendack stated there is a potential hazard of people coming in, and then stopping to figure out where to go, causing people to stop behind them.

Pilcher stated the drive is already finished, except the curb to the west.

Munson suggested taking the island divider up, so the traffic would have to drive down further before turning right to go into the development. Suttle stated the entrance could be made in more of a diagonal instead of a 90-degree turn. Brain suggested having the applicant and Staff work on the entrance.

Henderson asked if the island would completely screen cars' headlights. Suttle responded it is heavily landscaped. Henderson asked if it is raised. Suttle responded, no, it is at street level with a natural crown. Henderson asked if the purpose of the island is to prevent bicyclists and pedestrians from cutting across the island. Suttle responded there are designated walking areas, however, the islands are not meant to prevent people from cutting across.

Pilcher asked if the developer is expecting this building to be a restaurant. Suttle responded there is no commitment at this point. Pilcher was concerned the applicant might be asking for more trash enclosures. Binckley stated one building that could be used as a restaurant is to the east of the Zipz! building.

Duffendack stated he likes the architecture of this building more than the Compass building. He suggested changing the Compass building to bring it up to the level of the Lot 13 building.

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

Brain agreed with Duffendack's comments in regard to the architecture. He also asked that Staff and the applicant work to solve the issues of the entrance drive.

**A motion to approve was made by Brain and seconded by Munson. Motion approved unanimously.**

**CASE 71-02 CHURCH OF THE RESURRECTION** Request for approval of a final site plan and final plat. Located at the southwest corner of 137<sup>th</sup> Street and Roe Avenue.

*Commissioners Conrad and Rohlf recused themselves from this case.*

**Staff Presentation:** Presentation by Mark Klein. The applicant is requesting approval of a final plat and final site plan to allow construction of the first phase of an 860,805 sq. ft. addition to the existing church, which is 114,195 sq. ft. The first phase is proposed to contain 174,090 sq. ft. of building space on 74.54 acres. An addendum was placed on the dais that lists proposed modifications to the stipulations. Most are just to clarify what each stipulation means and to eliminate any redundancy. The interact meeting notes, as written by the applicant, and as written by some of the residents, were provided in the Staff report. The building sits towards the north property line, to the west of the existing facility. The church is proposing to construct three parking lots located to the south of these buildings. The Staff report also included some proposed alternatives. The applicant is

not sure they want to include these alternatives. It is important for the Planning Commission to state whether or not they are in support of these alternatives.

One alternative is the construction of a fourth parking lot that will be to the north of the drive that comes in off Nall Avenue. The applicant is proposing to re-surface this road. Another alternative proposed is for the area west of where the future sanctuary would be, to grade that area out and place a stone marker to create a gathering place and signify where the future sanctuary would be located. Another alternative would be to construct a service tunnel to connect the existing building with the new building. Another alternative would be to use cast stone. The cast stone is offered as a replacement for the split-face concrete block. Staff has stated concern with the split-face concrete, and the applicant has indicated they are willing to change that material. A final proposed alternative would be to add a reflecting pool on the southern entrance to the building. It would be 4 inches deep, with re-circulating water.

Duffendack clarified the Commission would be recommending whether or not to include the alternatives in the approval process. Brain stated he would be in approval of the materials as proposed. Henderson stated the Staff should be commended on the amount of material proposed.

**Applicant Presentation:** Presentation by Adam Hamilton, Senior Pastor for the United Methodist Church of the Resurrection. The church's hope is to design a building that will be architecturally significant and would define what a cathedral would look like for the 23<sup>rd</sup> century. The new sanctuary will not be completed for 6-7 more years. The first phase to be built will be the interim sanctuary. The proposed building will be the gymnasium of the future. The design for the sanctuary is a combination of the original octagonal-shaped churches and the shape of an oil lamp that was designed before the time of Christ. The reason behind the proposed alternatives is that the church does not have the funds at this time to create all of the features, but would like to do the upgrades if funds allow.

John Knight, of HOK, gave an overview of the expansion. The glass on all the narthex elements would be blue glass and all of the other glass would be clear. All of the building entrances will have canopies with a warm color that works well with all of the other building materials. The walls would be a colored concrete that is sand blasted to a suede-like texture.

Scott Bingham described the site plan. The plan is to widen the approach off of 137<sup>th</sup> Street and use the other existing approaches off of Roe Avenue and Nall Avenue. One of the parking lots will be demolished where one of the proposed buildings would be. There will be sidewalks extending from all of the entrances, mainly to the south, and they will reach both of the proposed parking lots. There will also be sidewalks extending to the east and the west to connect to the existing building. The church will be utilizing the existing detention areas, as well as two proposed detention areas. The goal is to use as much surface drainage as possible in order to allow the pollutants to be absorbed by the soil and the plant material before it reaches the City's storm water system. The church will be using a lot of the existing lighting from where the demolished parking will be to light the temporary lot. The church will re-set a few of the lights just north of Quail Crest. The proposed parking lights all through that area are at the same height as the existing ones. The church has ensured zero foot-candles on any of the lights that would affect the neighboring homes. The church is proposing to use native trees and shrubs inspired from the flint hills of Kansas. There is a 70 ft. buffer along that property line. From the parking lot side, the plans meet or exceed the City standards of 3 ft. or more. The properties that have been designated as being most impacted by the development will have stone retaining walls installed in order to get a taller berm.

Dick Cooper stated the church has had numerous interact meetings with the neighbors. During the August 7<sup>th</sup> meeting it was brought to the church's attention that there are a number of gaps in the existing line of trees on the south side of the property. The church has agreed to add an additional 29 trees. It would benefit the homeowners as well as the church to fill in those trees. The City has requested the church add an additional 9-12 trees. The church will work with Staff to cover any additional spaces that need them. The church will also be adding some trees on the Leawood Meadows side of the development.

Henderson asked what would be the density of the trees along Quail Crest. Bingham responded they are proposing 10-12 ft. white pines, to compliment what is already there. Henderson asked if a tree dies, who would replace it. Bingham responded it is part of the stipulations that the church would replace the trees.

Brain supports the use of the native Kansas grasses in this case, but was concerned about setting a precedence of allowing non-sprinkled areas. Brain believes there should be some watering in the area, given the size of the area. Bingham responded the church is proposing a quick coupler hose throughout the site. There would be a water source that could potentially be turned into a sprinkler system, if the need arises.

**Public Hearing:** Ted Carlton, 13078 Granada Drive, was encouraged by the landscaping proposed. Carlton lives on lot 76. He and the three other neighbors on lots 75, 77 & 78 are concerned with the penetration of headlights, because their back yards are on the east side of the church's property. He would like to explore the possibility of having the church relocate that exit further to the north, closer to 137<sup>th</sup> Street if possible.

Randy Becker, 4800 W. 138<sup>th</sup> Street, lives on lot 4 of Quail Crest. Becker requested a modification on the landscaping plan, specifically for lot 4. This will be an immense project; therefore the landscaping should match that. The plan calls for 3,400 parking spaces. Assuming there would be three persons coming in with 3,400 cars that would be over 10,000 people that could congregate onto that land at any one time. That would equal 1/3 of the entire population of Leawood that would be next to his back yard. Becker showed a drawing of lot 4 and the existing trees. He believes the purpose of the berm should be to block the view of the parking lot. His interpretation is that the berm should block the view of the vehicles in the parking lot as well. The berm currently is 8 ft. higher than his back yard elevation, but it is only 4 ft. higher than the church parking lot on the other side of the berm. The parking lot later rises to the same elevation of the berm, and the headlights from those parking spaces would be seen across the berm. He is concerned the elevation is insufficient. He is also concerned about the landscaping that has been put around the berm. The church has proposed to add four trees, which is not the entire solution. A single row does not block out the parking lot. He has tried to work with the church to figure out a way to use their proposed landscaping and add to that in order to have a workable plan. The plan at the interact session was to fill in the gap and have a second row of trees. The church has agreed to the fill in, but not the extra row of trees. He has proposed to pay for the fill-in trees, if the church would build a second row of evergreen trees at their expense. The church is saying they can't build the berm any taller because there is not enough space due to the retention pond, so this is as much as they can build without cutting out some of their parking. Becker is requesting this change to be made part of the specifications.

Steve Agar, 12512 Sherwood, asked for a show of hands of the people who are present in support of the project.

Lowell Thuma, a member of the church. Thurma stated the church stands to offer something that nothing else can offer, sewing up the tear in the fabric of society.

**A motion to close the public hearing was made by Henderson and seconded by Pilcher. Motion to close approved.**

Munson recommended changing the wording in stipulation number 5 to read "all formal landscaped areas". Klein stated that is included in Staff's memo to clarify the stipulations. Brain stated he did not understand the water situation, but now that he does, is in support of Staff's recommendations.

Brain stated he understands the comments of the homeowners around the area. He does not support the contention that the 135<sup>th</sup> Street guidelines are meant to completely screen the parking lots.

**A motion to approve, with the amended stipulations as stated in Staff's memo, was made by Brain and seconded by Henderson.**

Carper asked for a response from the applicant in regard to the residents' concerns. Bingham stated the church has offered to demolish all of the parking stalls that face south in order to give the church more room and to help with the headlights shining into the homes. Bingham stated the explanation given by Mr. Becker in regard to the size of the berm is not completely accurate. The applicant has performed a study looking from the finished floor elevations of the homes. A person would need to be projected up, looking over the berms in order to see the headlights. Another thing to consider is that the church is proposing these stalls to be oriented 90 degrees from what they currently are. The difference between the pavement elevation and the height of the berm is higher than 3 ft. near the detention area. If the expected height of these grasses is 2-3 ft., there is a contingency factor. Carper asked if a resident would see the lights from up above, along the horizon, if they were on the patio of one of the lots. Bingham responded they would not directly see the headlights. The church cannot account for every type of vehicle, but feel they have addressed this concern. Carper stated he would like the church to fix the problem, if one is still present after the landscaping is in place.

Brain stated he does not believe the Commission should state that every view of the parking lot should be completely shielded. He was concerned it would be setting a precedence that would be hard to retain on every commercial development. Carper stated he wants to make sure any lighting issues would be addressed.

Pilcher asked if there would be any opportunities to move the exits out to Roe Avenue. Gary Graham responded they would need to look at the traffic flow on-site. The church might be able to make the change, but they would need to look at internal circulation. There are two entrance-only and one entrance and exit to the south.

Duffendack asked if Brain intentionally did not bring up any of the proposed alternatives. Brain stated he assumed the applicant was replacing the split-faced concrete block with the material that was proposed tonight. He is satisfied with the possible alternatives, including the materials.

Pilcher asked if Brain was suggesting any changes to stipulation #5. Brain stated he is in agreement with Staff's stipulations, but would like to highly recommend the applicant work with the neighbors to screen the headlights as much as possible.

**Motion approved unanimously.**

**CASE 74-02 FRITZ'S SMOKED MEATS – SIGN** Request for approval of a final site plan. Located at 103<sup>rd</sup> Terrace and State Line Road.

**Staff Presentation:** Presentation from Jeff Joseph. The applicant is James Betallia. The applicant is requesting a final site plan to replace an existing sign. The proposed sign is a 12 ft. by 4 ft. sign, located on the east façade. The square footage of the proposed sign is 48 sq. ft. The existing sign is approximately 63 sq. ft. Staff is recommending approval of this case with the stipulations stated in the Staff report.

**Applicant Presentation:** James Betallia, with Signtronics, representing Fritz's Smoke Meats. There are currently wood letters on the front of the building. The wooden letters are starting to deteriorate. Fritz's business is struggling, and they are hoping a new sign would bring in business. The sign cabinet is made of a heavy duty aluminum excursion, the panels are vacuum formed, there are three dimensional sand blasted panels, which are unbreakable, the paint used is a special type of application that has a life of about 10 years. The letters are vacuum formed, raised letters. There is an anodized finish on the outside with fluorescent tubes on the inside. Signtronics has been manufacturing this type of sign for 34 years. It will look nice on the business and is a very powerful sign in attracting business. There has been a documented report from a SBA study that states a national average increase in sales of 48% from new walk-in customers with this type of sign.

Henderson questioned the need for pictures of meat on the sign. He also questioned the differentiation between Smoke Meats and the Superior Sausage Co. Betallia stated the owner wants to keep the name Smoked Meats because most people recognize the name. The picture of meat is needed because people are driving by at 45 miles per hour and it is more quickly recognized.

Carper stated it is not a decision of economics on the Commission's behalf. He also stated this case is a dilemma where the Commission needs to decide what type of sign will be used in Leawood. Brain agreed the Commission should try to get this area upgraded as much as possible, and approving this sign would not do that. The Fritz's building has come a long way from 5 or 6 years ago. This type of sign is not conducive to the rest of the development that the City is trying to improve. Carper asked what Staff had considered when recommending approval of this sign. Joseph responded it was based on the O'Reilly sign. Carper did not believe the proposed sign compares to O'Reilly.

Duffendack stated it would be fruitless to try to apply the same standards to this area that is applied to the rest of Leawood.

Conrad asked what part of the sign does not conform to the City ordinances. Binckley responded the percentage; because the area is zoned PI, which is Planned Industrial, the City only allows 2%. Staff considered O'Reilly as retail, therefore Staff looked at this as a retail use, even though it is zoned PI. The sign does not meet the PI zoning standards. Conrad asked if it would be in conformance with retail zoning standards. Binckley stated, yes.

Binckley stated the applicant had originally proposed a much larger sign with changeable lettering. Staff did work with the applicant to change the sign to bring it into conformance more than what they originally proposed. Conrad asked if it exceeds the percentage of the façade allowed. Binckley responded it conforms to the retail business zoning standards.

Brain stated he is not in favor of the box style sign, and then asked if the proposed sign would be placed in the same location as the current sign. Betallia responded it would be in the same place as the current sign.

Pilcher stated it is a question of aesthetics. Brain believes the City would be going in the wrong direction by approving this sign. He then asked Staff to look at the O'Reilly sign and try to design something that is more attractive, and to also remove the pictures of meat. Munson stated it has too much on it; the sign needs to be more subdued.

Binckley asked for clarification on what the Commission would like. Brain stated that at least the O'Reilly sign doesn't look like a box sign, even though it is. Duffendack recommended the applicant ask for a continuance.

Betallia stated his company only creates this type of backlit box sign. The type of sign that O'Reilly has would be very expensive, and the owner of Fritz's cannot afford a more expensive sign. Duffendack stated the box sign might be allowed, if changed. It needs to be more simplistic, with no pictures of meat. John Scott, also with the sign company, stated the Hereford House has a graphic of a cow. The pictures of meat would end up being the applicant's logo. Betallia stated the design for the meat is a copyrighted graphic by the sign company.

Betallia requested a continuance.

**A motion to accept the request for a continuance was made by Brain and seconded by Carper. Motion approved unanimously.**

### **ADJOURN**

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J. Paul Duffendack      Chairman