

City of Leawood Planning Commission Minutes

October 12, 2004
Meeting – 6:00 p.m.
Leawood City Hall
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Henderson, Perkins, Rohlf, Conrad, Duffendack, Munson (absent), Williams, Azeltine, Pilcher

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

APPROVAL OF THE MINUTES: Approval of the minutes from the September 14, 2004 meeting. Henderson recommended a few editorial comments. A motion to approve the minutes from the September 14, 2004 meeting was made by Henderson and seconded by Perkins. Motion approved unanimously.

CONSENT AGENDA:

CASE 74-04 LEAWOOD - LOTS 687 AND 687A Request for approval of a final plat. Located at 2802 W. 93rd Street.

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

NEW BUSINESS:

CASE 64-04 VALLEY VIEW BANK - SIGNAGE Request for approval of a final site plan. Located at 11813 Roe Avenue.

Staff presentation: Presentation by Jeff Joseph. The applicant is requesting approval of a final site plan to replace their existing wall sign and to add a logo. The applicant is Ross Jensen with ACME Sign. This project is located at 11813 Roe Avenue within the Camelot Court development. The applicant is proposing a sign and logo that reads, "Valley View Bank". The height of the text part of the sign is 20 inches. The height of the logo is 40 inches. Per the Camelot Court design guidelines, the maximum allowed height for signage is 24 inches. The Planning Commission approved the logo for Discover Vision Centers, within the Camelot Court development, as 27 inches. Staff is recommending the same height for this logo. Staff is recommending approval of this case with the stipulations stated in the staff report.

Conrad asked if the height is the single criteria used on logos. Joseph stated the Commission could only regulate the size of the logo, and not the content.

Rohlf asked if this is a new logo. Joseph stated, yes, they are adding a logo. Rohlf then asked if the lettering is basically the same. Joseph stated they are changing the sign, but the letters are still the same size. Henderson asked if this means that Valley View Bank will be adding this logo at all of its sites. Joseph stated the applicant would be better able to answer that question.

Azeltine asked the size of the logo shown on the submittal. Joseph stated it is shown as 40 inches. Azeltine asked if there are regulations for the size. Joseph stated staff is basing their recommendation on what is currently in the development.

Duffendack asked to see a photo of the logo the applicant is proposing.

Henderson asked the size of the letters of the sign. Duffendack stated they are shown as 20 inches. Henderson stated he would like to see an example of the 27-inch logo next to the 20-inch letters. Duffendack agreed.

Applicant presentation: Presentation by Ross Jensen of ACME Sign, representing Valley View Bank. The reason for the logo size is because it is in scale with everything they have done. Valley View Bank has changed their entire logo, signage, journalism and print. Everything is done in this scale and they would like to keep their sign at that same scale. Logos are typically larger than the size of the letters. This is not a large logo in scale to their letters. They are removing the existing letters and logo. Their existing logo is 36 inches tall. Jensen showed a picture of what is currently there in addition to a picture of the McDonald's sign and logos.

Henderson asked if all of the Valley View banks would be changing their signage. Jensen stated, yes, his company has been contracted for all of their area banks and the others have already been installed. There are three in Kansas City, Missouri, two in Overland Park, and one in Leawood. There was some discussion with staff about the size of logos in Camelot Court and some of the surrounding areas. He showed photos of some of the logos on the surrounding buildings. Joseph stated the design guidelines are different for the pad sites than for the main center, therefore, the main center has higher lettering than the pad sites. Duffendack asked what the design guidelines say about the height. Joseph stated the design guidelines allow this site to go up to 20 inches for the lettering. Duffendack asked if the design guidelines make reference to logos. Joseph stated the design guidelines do not say anything about logos.

Conrad stated the Commission has always tried to look at signs and how they look on the entire façade. He supports staff for raising the issue of the logo height because there needs to be a starting point. In looking at the example of where it is only 27 inches high, it appears to become a green dot. He would be open to discussion to allow the 40-inch height of the logo for this sign on this façade because it is simple.

Azelline stated he agrees with Conrad. He would be in favor of granting an exception for the 40-inch sign. Duffendack stated that the height of the letters are within the design guidelines, therefore would not be an exception, and the Commission may allow what they feel is appropriate for the size of the logo.

Pilcher stated he thinks the logo is proportionate. It comes down to aesthetics and he is not sure anyone on this board is opposed to the aesthetics and if there is no other reason to deny it then he feels it should be approved.

Henderson stated there should be a more concrete reason than just, "we like it", if the Commission is going to make a decision on the logo. Commissioner Conrad's comments were relative to the size of the letters and how it is tame and not loud.

Williams stated he is comparing the logo that they are proposing to what is currently there and the current logo is much stronger than what they are proposing. He is looking at the size proportion relative to the lettering. Rohlf agreed and said she likes it.

Perkins asked if this could be a problem in the future with other pad sites in the center wanting larger logos. Duffendack stated he could not remember if Discover Vision wanted a larger logo. Klein stated when Discover Vision Center came through they proposed what is on the building. Generally, if an applicant wants a logo larger than the sign, staff requires them to go before the Commission with a final site plan in order to look at the logo and see how it looks in comparison to the sign.

Henderson asked if the Commission can stipulate, "no logos shall exceed any letter in the sign" or maybe put a ratio of letter height to logo height. There should be some guideline that it should not exceed a specific ratio. Perkins asked if that could be handled at this meeting. Duffendack stated that issue could be discussed at a work session. In reality, every element of the building, including logos and signs, are something that should be looked at on their own merit rather than try to set up too strict of a guideline. He asked staff to make a note to discuss that at the next work session.

A motion to approve was made by Williams with stipulation number one modified to read, "The height of the logo shall be a maximum of 40 inches in height." Motion seconded by Azeltine.

Henderson asked if there was going to be a limit on the width of the logo. Williams stated the width has not been discussed. He is recommending approval of the width as presented. Conrad stated he would like to reiterate that he feels staff was appropriate in bringing this issue to the Commission in order to keep with the consistency and to look at the logo.

Motion approved 6-1(Henderson opposed).

CASE 68-04 MISSION FARMS - TEMPORARY SALES TRAILER Request for approval of a special use permit to allow a temporary sales trailer. Located at 105th Street and Mission Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting a special use permit to allow the installation of a temporary sales trailer for information regarding the Mission Farms development at 105th Street and Mission Road. The sales trailer will be accessed off of Mission Road at an existing curb cut. The narrower side of the trailer will face Mission Road and the broader side will face 105th Street. The purpose of the trailer is to conduct business as far as promoting the sale of the condominium units that will be above the retail. Staff is recommending approval of this case with the stipulations stated in the staff report.

Azeltine asked how long the trailer would be there. Klein stated the special use permit would allow it for one year from the date of City Council's approval. The applicant has indicated they do not think it would be longer than a year.

Henderson stated there is a letter included in the packet from Mr. Johnson who says it could take longer than a year. He then asked where the trailer would be located. Klein stated it is located on the northeast corner of 105th Street and Mission Road.

Rohlf asked if the stipulations included in this report are standard for sales trailers. Klein stated they are standard. Rohlf asked if the lettering on the sign is consistent. Klein stated he believes staff is supportive of the lettering on the sign because it is fairly small, it is adjacent to the building, and it is non-illuminated. Rohlf asked if it is attached. Klein stated the smaller sign with the hours would be attached to the sales trailer. The other sign they are showing is advertising the development. Each development is allowed one 16-sq. ft. sign to advertise the development.

Conrad asked if staff's comment on the landscaping has been taken care of with the plan that has been submitted. Klein stated staff is in approval of the proposed landscape plan.

Azeltine suggested to the applicant that the year limit should be taken seriously and that he would be reluctant to renew it. He thinks sales trailers are eyesores.

Applicant presentation: Presentation by Doug Weltner, owner of the property. Their intent is for the trailer to be temporary. He is a little nervous about the date. He then asked if the Governing Body is actually City Council, or the Planning Commission. He is not sure from which meeting date the one-year period would start. They are 90 days away from installation of the trailer. They have just finished construction documents on the first phase.

Duffendack stated the one-year period would start from the date of City Council approval, but the Commission has the ability to change the start date of the special use permit. He then asked if their intent is to move the function of the sales trailer to a shell space. Weltner stated, yes, they are going to have shell space both in retail and residential. They plan on utilizing one of the retail spaces as a show space for the entire project. They would also have model units within the condominiums themselves. Duffendack asked if they would remove the trailer at that time. Weltner stated, yes, that is the intent.

Henderson asked if the asphalt pavement from Mission Road to the trailer would become a permanent road. Weltner stated it would be temporary. There is a left-hand turn a little bit further south of this curb cut. When they do the improvements to Mission Road during the first four months of construction, that left-hand turn will be removed. They

will need to have some kind of access for left-hand turns to come into the site from the south and they will plan on doing that as asphalt also.

Henderson asked how far away the trailer would be from the pond. Weltner stated over 1,000 ft.

Perkins asked the color of the trailer. Weltner stated he believes it will be Colonial White. Perkins asked if it could be a different color to make it blend in, so that it doesn't look like a construction trailer. Weltner stated it is a rented trailer and the owners of the trailers may not allow them to be painted. If they can order it in a different color, and the Commission makes it a stipulation, then he could look into it. Perkins stated he would like to add that as a stipulation.

Conrad asked if there would be a restroom in the trailer. Klein stated, he is not sure, that would be something for the building department to answer. Henderson stated he believes the code only speaks to safety and security as far as egresses.

Pilcher asked for clarification on the curb-cut issue. Klein stated the curb cut is currently used for construction traffic. It is temporary. It is too close to 105th Street for it to be permanent. Pilcher asked if the applicant had received approval for the island to be taken out for southbound traffic to turn left. Klein stated the Commission is looking at what would be approved. Tonight is the first time he has heard of that suggestion. If the applicant were requesting a modification to the island, he would not feel comfortable recommending approval of it without Public Works looking at it first. Pilcher stated there is another curb cut to the south and then asked if that private drive would have access across the median to Mission Road. Klein stated he believes that is a right-in, right-out at that point. Pilcher stated he feels the traffic issues are too significant and he does not feel comfortable approving this tonight. Weltner stated immediately south of the existing curb cut will be a future curb cut that will come out of the parking lot of the first phase development. There is an additional main entrance curb cut south of that. That is the curb cut that will have left-hand turn traffic after all of the Mission Road improvements are complete. That will be the only left-hand turn movement that will happen south of 105th Street. They would plan on getting some type of temporary road to the asphalt, just for the left-hand turn movements in and out of the site. Duffendack suggested it might be easier to come in from 105th Street. Weltner stated there is already a berm there that would not allow that. Conrad asked if the applicant is saying that they would add a road parallel to Mission Road from the parking lot in front of the trailer, going south. Weltner stated if the parking lot were paved, that would be how they would get access to it. Then the customers could park in the new parking lot. He is anticipating that it could be a little awkward for about 30 or 60 days. Williams asked if the island on Mission Road is already there. Weltner stated, no, it is part of the first phase construction.

Henderson stated one of the first renditions to the Commission was a calming circle, which the Commission liked, but the Fire Marshal did not like.

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.

Conrad asked if the stipulation regarding the time limit could be changed to read, "one-year from the issuance of building permit for the trailer, not to exceed 60 days after Governing Body approval". Klein stated in the past, the City has had the special use permit tied to the building permit: one year from the time of building permit. We have not gone beyond one year. Pilcher stated he believes Conrad is asking if there should be a perimeter set on when the building permit needs to be issued. Klein stated the Commission has the ability to do that. Conrad suggesting putting the starting the one-year period from the issuance of the building permit, not to exceed a set amount of time from Governing Body's approval. Duffendack stated he understands what Conrad is suggesting but they need to be careful when wording the motion because they cannot legislate the building department's process. Pilcher suggested stipulating one year commencing with the issuance of the building permit, but not exceeding a certain amount of days from today. Klein stated it would not circumvent the building department's process because they do not become involved until the applicant makes the application for building permit. Duffendack asked when the applicant is intending to apply for the building permit. Weltner stated they would make application for the sales trailer immediately after approval from City Council. Conrad stated he does not want to give a year's approval for

something that could start a year from now. Klein stated, in speaking with legal counsel, staff is recommending that it be allowed for a year from the building permit issuance. Azeltine agreed with staff's recommendation.

Henderson asked if home sales are slower in the winter months than in the spring. Klein stated he would assume they are stronger towards the spring and summer, but he would have to research that. Henderson stated he is trying to understand why the applicant is not in a hurry to get the trailer installed because it will be February soon. Klein stated that question might be better left to the applicant.

Conrad stated he would be prepared to make a motion for approval based on the applicant's presentation on their intent to proceed to the Governing Body and their intent to apply for building permit immediately.

A motion to approve was made by Conrad with a revision to stipulation number one to read, "The permit is limited to one year, starting from the date of issuance on the building permit." Motion seconded by Azeltine. Motion approved unanimously.

CASE 75-04 MISSION FARMS Request for approval of a final site plan. Located at 105th Street and Mission Road.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a revised final site plan to recognize the portion of the lots that back up to Mission Road. This will allow the individual lots that back up to Mission Road to erect fences up to and along their common property line with Mission Road. Currently, section 16-4-9.3 of the Leawood Development Ordinance states that cases of through lots, which are lots that have a street frontage on two sides that are parallel, shall not extend beyond the applicable zoning district's setback for street frontage. These lots are all adjacent to Mission Road with Howe Lane to the east and Mission Road to the west. The spirit of the ordinance is meant for a situation where there are through lots where some of them are facing one of the streets to the east and the others are facing the street to the west. This ordinance would prevent a house facing east extending their backyard fence beyond the front of the house facing west, so there would not be a situation where the fence would cut off the views. Staff is recommending approval of this case, however, staff would like to recommend some changes to the stipulations. In speaking with the developer, he has indicated there is an existing black, PVC-coated fence that is up along the split rail fencing that is along the perimeter of the property on the east by Leawood Estates. Staff has viewed the fence and it is staff's opinion that it does blend in. The reason staff was concerned about the split rail fence is because nothing could be contained within it. A dog or child could easily breach that fence. Staff was concerned that the residents would live on those lots would double-fence. Part of the problem with that is there is generally a space between the two fences that is often very difficult to maintain or tends to not be maintained. Staff has spoken with the applicant and instead of the recommendation in the stipulations of having a wrought iron fence replace that split-rail fence, staff is now recommending the split rail fence be retained and that this black-coated chain link be attached on the inside and not be able to extend any higher than the split rail fence. Staff is recommending stipulations three and four be removed and an additional stipulation be added to read, "A black PVC-coated chain link fence may be attached on the interior side of the split-rail fence along Mission Road. This fence may not exceed the height of the split-rail fence." The applicant has indicated that as part of the covenants and restrictions of the development, only wrought iron and split rail is allowed. With that, staff is supportive of this change.

Williams asked if this fence would only run along Mission Road. Klein stated there is an existing split-rail fence along Mission Road. Williams asked if the fencing that may occur between the homes would be split-rail or wrought iron. Klein stated the sub-division only allows split-rail or wrought iron fencing.

Conrad stated he is having a hard time visualizing where this fence would be located. Klein stated the fence sits a little bit back from the retaining wall.

Azeltine asked if there is another place in Leawood where there is PVC coated chain-link fence attached to another fence. Klein stated not that he is aware of. Azeltine stated he would not feel comfortable approving this case without seeing an example of what they are proposing. Klein stated there is currently a section of the connected fence inside the development.

Henderson asked what type of fence is along the road that goes to Leawood Estates. Klein stated it is split-rail and there is split-rail fencing throughout the development. Henderson stated he believes that something is not compatible between the different fencing and styles of the architecture of the housing. The Commission struggled with two or three different renditions of the retail and townhomes and he is not sure how this will fit that. Duffendack stated that is an ancillary fact that does not speak to what is being requested. It is an existing condition that may or may not be the right one, but the Commission needs to focus on what is being asked. The applicant is asking for another type of fence to be added, rather than replacing the split-rail fence. That is a good point that could be addressed when the next phase is presented.

Rohlf asked how it would be attached to the existing fence. Klein stated that might be better answered by the applicant.

Applicant presentation: Presentation by Doug Weltner, owner and developer of Mission Farms. He has discovered that the back yards are treated like front yards and they did not know there is an ordinance to prevent that. They also discourage fencing and only allowing fencing for those homes with children, for their safety, or those with a swimming pool. They are trying to keep it as minimalistic as possible. They had a situation where a resident was going to create a double-fence and the homes association would not support it. He believes the split-rail fence is a great looking fence as one drives down Mission Road. They tore down an 8-ft. chain link fence all the way around the development and replaced it with a split-rail fence. Some of the residents need to have an enclosure and this has been his solution. It has been very effective and very attractive. They only allow wrought iron or split-rail fencing. This would not distract from the beauty of what the split-rail fence represents. He does not believe every home will be doing this.

Rohlf asked if there are allowing this only on an as-needed basis. Weltner stated, yes, the property owner would need to go to the homes association and explain why they need the additional fence. Rohlf asked how many homes have the fence installed along the Leawood Estates side. Weltner stated the entire area next to Leawood Estates is split-rail fence with the chain link attached. Rohlf asked if it was recently installed. Weltner stated it was installed in 1998. It is stapled to the posts.

Pilcher asked if the residents would need to connect a wrought iron or split-rail fence going from their rear property line to their home. Weltner stated, yes. The homes association is requiring that the first 30 ft. be split-rail fence. They do not want the attachment of wrought iron against the split rail along Mission Road. Pilcher stated he would need to see what this looks like before he votes for approval. Weltner stated it is on Howe Lane. Pilcher stated he is curious to see what it looks like from the backside. Weltner stated there is some located on the Mission Farms space. They could see what it looks like from Howe Lane to the south and they could see it from the other angle by driving into the cul-de-sacs that come in from 103rd Street.

Duffendack asked if the chain link fence would have posts or a top rail. Weltner stated it would not have either. Duffendack asked how it is finished at the top. Weltner stated it does not extend much past the top rail of the split rail. It is stapled at each post. Williams asked how far apart the posts are located. Weltner stated he is not sure. Klein stated it looked like maybe 12 ft. Williams stated most chain link fences need to be supported across the top so that they will not be floppy. Weltner stated he believes they could be stapled to the top rail. This is not a sturdy fence like a chain link pole fence.

Conrad asked if the chain link would be installed on lots one through five. Weltner stated, no, only at the locations wanting an enclosure. Conrad stated he is not sure if he would want to see it on some lots and not others. Weltner suggested putting up the chain link at a location the Commission could see it and bring the case back at a later meeting.

Williams agreed with the applicant's suggestion of actually seeing what it looks like. His experience with this type of fence is that it will mostly be the split rail fence that will be seen as one drives down Mission Road. If it is not readily visible, then he is okay with having it only installed for those people who want it. Pilcher asked if that could be a stop on the bus tour the Commission is taking on the 23rd. Duffendack stated that would be fine, if that were what the Commission wants. Azeltine stated either that, or a photograph. Duffendack stated he predicts they will not be able

to see it very easily. His problem with it is that there is a "chicken coop" type approach to the fencing. It doesn't seem to be the right solution in the long-term.

Rohlf asked if staff had to look for it when they went to view the fence. Klein stated they knew where to look for it and they originally had a hard time finding it. It was not very obvious. Rohlf asked if they inspected the fence. Klein stated, no, they did not get out and inspect the fence.

Weltner stated they have a pretty high level of maintenance and have way to enforce that.

Henderson asked if they have patterned the use of the split rail fencing as used in Kentucky and Illinois. Weltner stated he believes that is what they are trying to pattern.

A motion to continue this case to the October 26th meeting was made by Pilcher, in order to give the Commission a chance to review the aesthetics and the functionality of this type of use. Motion seconded by Azeltine.

Conrad suggested the submission for the next meeting should include some drawings and documentation. Pilcher stated he would agree and that there should be some documentation on file as far as what they would be approving. It is also important that the pictures show both views.

Motion to continue approved unanimously.

Meeting adjourned.

J. Paul Duffendack, Chairman