

**City of Leawood  
Planning Commission Minutes**

**August 12, 2008  
Meeting – 6:00 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive**

**CALL TO ORDER/ROLL CALL:** Roberson, Neff-Brain, Rohlf, Munson, Williams, Elkins, Heiman. Absent: Shaw, Jackson.

**APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:** Approval of the minutes of June 24, 2008.

A motion to approve the minutes from the June 24, 2008, Planning Commission meeting was made by Roberson and seconded by Heiman. The motion was approved following a unanimous vote.

Approval of the minutes of July 8, 2008.

A motion to approve the minutes from the July 8, 2008 Planning Commission meeting was made by Williams and seconded by Munson. The motion was approved following a unanimous vote.

**CONTINUED TO AUGUST 26, 2008 MEETING:**

CASE 122-07 – PARK PLACE – THE ELEMENT HOTEL Request for approval of a final site plan; located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue.

CASE 127-07 – PARK PLACE TOWNHOMES – Request for approval of a preliminary site plan and final site plan; located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue. **PUBLIC HEARING.**

CASE 39-08 - TOWN CENTER BUSINESS PARK – WALGREENS - Request for approval of a rezoning, special use permit and preliminary site plan; located at the northeast corner of 117<sup>th</sup> Street and Roe Ave. **PUBLIC HEARING.**

CASE 44-08 – TOWN CENTER BUSINESS PARK – DISCOVER O – Request for approval of a preliminary site plan, located north of 117<sup>th</sup> Street and east of Roe Ave. **PUBLIC HEARING.**

**CONTINUED TO SEPTEMBER 23, 2008 MEETING:**

42-08 PARK PLACE –INGREDIENT SIGN PLAN – Request for approval of a final site plan; located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue.

**NEW BUSINESS**

CASE 56-08 Parkway Plaza Tide Dry Cleaners (Former Green Earth Cleaners). Request for approval of a sign plan. Located at the northwest corner of 135<sup>th</sup> Street and Roe.

**Staff Presentation:**

Senior Planner, Jeff Joseph provided the following presentation

Mr. Joseph: Madam Chairman and members of the Planning Commission, this is case No. 56-08. Parkway Plaza Tide Dry Cleaners for signage. The Applicant is Jeff Hortstmeier with Bell/Knott and Associates. The Applicant is requesting approval of signage for Tide Dry Cleaners within the Parkway Plaza development. This building is located at the northwest corner of Roe Avenue and 135<sup>th</sup> Street. The applicant is proposing the following signage: One wall sign on the west façade with one logo and window graphics along the west façade. One “Drive Thru Exit” sign on the west façade, one wall sign on the east façade with one logo and the drive thru entrance sign on the east façade. One drive thru directional sign with the wording “drive thru dry cleaners” and a circular logo within the directional sign and menu boards within the drive thru bay.

Sign guidelines have been approved for this development. This application does not meet those guidelines and staff is recommending denial of this application.

If you have any questions I would be happy to answer them.

Comm. Rohlf: I know this is a case that we continued from our last meeting for lack of Planning Commissioners in attendance that evening. I notice that in the staff reports you set out the various reasons that you are recommending denial as well as setting out some things that the applicant could do to get this plan approved or at least supported. Have you had any discussions with the applicant about this specifically.

Mr. Joseph: Not after the last meeting.

Comm. Rohlf: Is there a reason why?

Mr. Joseph: They never contacted me regarding the changes. They still wanted them to remain the same and keep the same signage request.

Comm. Rohlf: You have apprised them of the changes that could be made.

Mr. Joseph: Yes. They have this report.

Comm. Munson: They have had this report for how long?

Mr. Joseph: Since the last meeting.

Comm. Rohlf: Any other questions for staff at this time?

Comm. Williams: On the interior hanging signs - are these hanging right up against the glass or are they inside the store some distance and are you aware if there is a particular reason they have for this particular signage.

Mr. Joseph: The applicant could better answer that question about the particular signage. I believe the interior hanging signs are along the windows.

Comm. Williams: In that same regard you say that signage is not in keeping with the sign guidelines for the development. Does that mean that there are no other retail outlets or businesses in this development that have any kind of window signs?

Mr. Joseph: To my recollection there are no window signs on this development.

Comm. Williams: I drove down 135<sup>th</sup> Street and saw three retail stores with similar but not the same design, substantial size pictures and what not that are in the various windows.

Mr. Joseph: Again, they are allowed 5% of the window which is permissible by the ordinance.

Comm. Williams: The signs I saw were covering the entire windows particularly along the 135<sup>th</sup> Street side which would be the more public side of the development and as you are driving along at 40 miles an hour they were quite visible and I was quite surprised given this type of thing is not supposed to be allowed out there.

Comm. Rohlf: Mr. Williams do they appear to be permanent types of signs or advertising a temporary sale?

Comm. Williams: In one store they did not appear to be advertising. Again, the entire 135<sup>th</sup> Street side of this shop the windows were completely covered. They were more picture images of people. I couldn't tell you if there was any verbiage. It certainly didn't seem to be a sales promotion. They were images.

Mr. Joseph: If you will recall we had a similar application in Park Place and the Planning Commission recommended denial of that case. It's a similar type of request.

Comm. Williams: But again, it's a question of what is in our sign ordinances and what we are consistent with in Leewood. What is allowed or not allowed within Park Place in terms of their design guidelines.

Comm. Munson: I think you are talking about an enforcement issue as opposed to the Planning Commission sign guidelines issue.

Comm. Williams: I think it's a little bit of both. We had this discussion with West Elm and how even Crate and Barrel they had all the signs in the buildings. They had window signs. You go to Town Center and virtually everybody has window signs. Some more than others. We tell West Elm sorry you can't do that and they are probably the first ones we told they couldn't do it and then on this one if the same type of thing is happening in the development which probably was not presented to us for approval but it's going on out there it's happening. Again, is there a reason for it and that is why it would be important for the applicant to describe why they are putting this up. Just looking at their image in this, it's not simply a Tide logo on these windows. So, maybe there's a reason for covering the windows. One other thing, on the drive thru directional sign - one of your issues is the fact that they have a Tide logo. I guess there are two drive thru's out there now. We've got the bank and you've got Starbucks. Do either one of those have logos.

Mr. Joseph: I believe the bank has a logo, but I don't think it was approved and Starbucks asked for the logo but we did not approve it.

Comm. Williams: That's all my questions for now. Thank you.

Comm. Rohlf: Does any one have any other questions for staff? If not, we will go ahead and hear from the applicant. Would you would please state your name and address.

Mr. Eisel: Chairman Rohlf and members of the Committee, my name is Aaron Eisel and I am here representing the Proctor Gamble Company and the Tide brand. It is a great distinction to be here tonight for the first time actually talking to you as we are pretty excited about our opportunity to have the first ever Tide Dry Cleaning store here in Leawood. As you think about what is important to Leawood and how important distinctive businesses are to the city, this is truly distinctive. It's the first of its kind. In 65 years of the Tide brand we've never taken it out of the box. This would be the first time that we've ever offer a service to the consumer. So we are excited to partner with Leawood. As we think about the objectives and what we are trying to do, it's right in line with the City of Leawood and what it's trying to do. I looked on your website and your Mayor said you wanted to grow with distinction and you want to be second to none. That is exactly our vision for Tide Dry Cleaners too. So the fit between Leawood and Tide Dry Cleaners is absolutely perfect.

I want to address two things tonight and the first of them being the window screens. Our window screens. Our window screens first of all will be temporary. They can be removed. They will not be branded. The objective was to create exactly what you said Commissioner Williams; just shots of people enjoying with one word on them such as lively-scent-vivid. It is not inconsistent with what we saw at the jewelry store or other places. We did get the letter from Leawood Planning Commission. We are o.k. with some of the things they had said that we don't want to do.

For example; we are o.k. with not having a logo on our monument sign. We're o.k. with the signs in the drive thru bay being smaller and you cannot see them from the outside.

The issue I really want to talk about tonight is the second logo on the Roe side of the building. In the letter dated July 7, 2008 it was clearly accepted and we appreciate the need for a second sign on that side of the building which is the Roe side, given the fact that many of the people driving by will see our location from the street side. What we are asking for tonight is a second logo on that side of the building. (Mr. Eisel shows the Tide logo on a projector screen). This is Tide logo. In 65 years the logo has never been separated. The word Tide has never been separated from the bull's eye. We can not from a trade mark standpoint and from a consumer standpoint separate the Tide name from the logo. I think in the letter it said we could put the Tide letters on the back side of the building without the logo. What we are really asking for tonight is to get the second logo on the back side of the building so when consumers come up to the plaza they can see the logo and on the back side consumers are clearly aware from the Roe side that this is the Tide name and the Tide business. As I thought about tonight when I was ready to come speak, you asked for my address. I'm from Cincinnati. As I thought about tonight the role that you play and the role I play are very similar. We are both protecting the integrity of a brand. You protect the integrity every week and every month of Leawood. I'm here representing the Tide brand and the Tide equity and our equity is our logo. So as I think about us creating our flagship, first ever Tide Dry Cleaning business, having our logo on both the front and the backside of our building is critically important to us. As we thought through it and we developed it. (The picture had been provided to Commissioners previously). I brought a picture of the building.

Here is what we are recommending for the back side of the building. As you see when we developed this, it was developed with the city of Leawood in mind. Mr. Eisel puts second picture on overhead of the east façade - view from Roe Ave of the building). The logo is not tacky, it's not gaudy and it is well within the standards of the city. I think the standards say it can have no more than 5% of the back side of the building, we're 2%. We've worked this heavily with Mr. Sailors, the developer of the Parkway Plaza. He is in full support of this. I've got a letter here stating his support and so again what I am really asking here tonight is that we can get approval to the windows which we have talked about as well as get approval for a second 4 color logo on the back side of the building. As we think about the integrity of the brand, protecting what is important to us and really creating a business that is distinctive and will be a flagship. This will be the first of its kind for Tide. We appreciate your consideration in allowing us the back side logo for the building. If you have any questions I'd be happy to answer them at this time.

Comm. Rohlf: Can you tell me how we've moved from the Green Earth Signage to the Tide signage. Previously we heard how great that particular brand name would be and I'm just curious as to as to how we moved from the Green Earth Signage.

Mr. Eisel: I can talk from a Proctor & Gamble standpoint. This has always been a Tide store. We are partnering with Green Earth on the building.

Green Earth owns the building. Green Earth is bringing the cleaning solutions to us but the branding on the store is Tide.

Mr. Berry: Chairman Green Earth Cleaning – Lifelong resident of Leawood 3840 West 139<sup>th</sup> Terrace. Green Earth originally brought all the planning as far as buying the property, the building, etc. Originally we were under a confidentiality agreement in our consulting work with Proctor & Gamble. Because of that, we did not disclose the Tide brand, but it was always intended to be that from the beginning. Hopefully that answers those questions.

Comm. Rohlf: Before I turn it over to other commissioners for questions. Let me just go through the recommendations that staff has made and made sure that we are only in disagreement at this time with the east façade with no logo that is your key request this evening. Is that correct?

Mr. Eisel: We appreciate that they have granted us the logo on the west side which is the plaza side. We are asking for the second logo on the east side, given that the Roe Street is so critical.

Comm. Rohlf: Then you are in agreement with the drive thru entrance sign being limited.

Mr. Eisel: We'd love it to be 12" but the city staff asked for 6". We asked for 12" just so people can see from a directional and safety standpoint but if 6" is what the city would like us to have we are o.k. with that.

Comm. Rohlf: You would like to maintain the window graphics?

Mr. Eisel: Yes.

Comm. Rohlf: Are you in agreement about the plastic signs not being allowed. I believe you had proposed plastic. Is that correct Jeff?

Mr. Joseph: That is correct.

Mr. Eisel: We're o.k. with that.

Comm. Rohlf: I think we have a drive thru directional sign just the word "drive thru".

Mr. Eisel: We would take our logo off if that makes the committee feel better. We would love to have our logo. Others do in the Plaza but we are happy to take it off.

Comm. Rohlf: It appears we are down to two key issues: Window graphics and the additional logo on the east façade.

Mr. Eisel: Yes.

Comm. Rohlf: With that I will ask if there are other questions for the applicant.

Comm. Neff-Brain: As to your number one stipulation on the west side as shown with one logo can you give me some other examples in the city where a commercial logo like this is allowed.

Mr. Joseph: I can show you the picture of the Country Club Bank. They were allowed one logo with the signage and that is the reason staff is recommending just one logo.

Comm. Neff-Brain: Are they the only one in the city?

Mr. Joseph: No, not the only one but within the development of Parkway Plaza that was the only one that was allowed.

Comm. Neff-Brain: I have not paid that much attention. Is it that common in the city to have the corporate logo?

Mr. Joseph: Starbuck doesn't have one. In some cases they were allowed to have one logo with the signage.

Comm. Neff-Brain: What makes your decision whether you recommend allowing it or not?

Mr. Joseph: It depends on the size. If they have a small logo that ties in with the lettering then staff is o.k. with that, but if it is huge and stands out then it looks bad.

Comm. Rohlf: Capital Federal was an issue and the logo they wanted. The size of their logo depends on the guidelines in place.

Mr. Joseph: Yes, that was an issue also.

Comm. Neff-Brain: So this has come up from time to time with various developments but it somewhat depends on the design guidelines that are in place also. I think that's what is controlling here? Is that correct, Jeff?

Mr. Joseph: Yes, that is correct. The Country Club Bank was allowed one logo and that is the reason why staff is o.k. with this logo.

Mr. Lambers: We have logos approved for the Kaw Valley Shops at 151<sup>st</sup> and Nall. What has happened over the past 24 months is that because of the restrictive sign requirements, both the developers agree to and the city imposes that each of the retailers are trying to get a little niche just to draw attention to them to separate them out from all the other signs. So we felt that one logo with appropriate colors and size wouldn't really detract from our sign ordinance. In fact, Apple has is a logo doesn't have a sign. So it has been morphing in the direction where we give people choices as to where they want

the logo. Capital Federal was a real exception because they were claiming it was part of the architecture and we debated that issue. But generally when we look at a logo we say you can have one and you decide where it is most effective for you to place it. That has been our standard realm.

Comm. Munson: Where is this building located? Is it facing 135<sup>th</sup>?

Mr. Joseph: Actually, it faces Roe Avenue.

Comm. Munson: So there would be a sign on Roe Avenue and one on the west side of the building. Is that correct?

Mr. Joseph: That is correct. It would be west and the east facade.

Comm. Munson: The east façade and the west. The one on the west façade is so that the people inside the shopping center can see that they are a cleaner.

Mr. Joseph: Correct.

Comm. Munson: The logo on the west side to me would not make it look real busy, to have a logo on the west side and logo on the east side. It would certainly serve the potential market that is within the shopping center itself. How big would the logo be?

Mr. Joseph: They are proposing 32” and usually 24” is the maximum allowed for signage.

Comm. Munson: So they are over size all ready. Thank you.

Comm. Rohlf: We didn’t talk about the size. It is not in the staff recommendation.

Mr. Joseph: That is No. 7 they have to meet the same criteria.

Comm. Rohlf: Are you o.k. with that?

Mr. Eisel: We are asking the total size of the sign – the letters would be 32” because our logo the bull’s eye goes outside the total size of the sign and the diameter would be 42”. Again it is only 2% of our back side which is well within the 5% guidelines.

Comm. Roberson: The logo is restricted to what size?

Mr. Joseph: 24”

Comm. Roberson: So your logo can only be 24”, including the bull’s eye.

Mr. Eisel: I understand that sir. I think the concern we have on that is that the 24” logo on the back side is going to be tough to see from the road. That is a part of it from a visibility standpoint.

Mr. Berry: I think another thing important to point out here is that the sign criteria relates very much to a lot of the in line shops that only have maybe a 25' or 30' frontage. This is a free standing building, a 4,500 square foot building that stands by itself. That is part of the reason for the request.

Mr. Joseph: That's not correct. Actually we have a separate guideline for free standing buildings and this is from that criteria.

Comm. Elkins: I have a question along this line Jeff, with a free standing building with 4 sides and do the guidelines stipulate one?

Mr. Joseph: Two signs per building total.

Mr. Elkins: It says in the stipulations per the staff comments that they are trying to put in 6 wall signs and 2 logos.

Comm. Williams: Clarify something for me. On the east side signage is the logo the circle in the Tide. If I understand you correctly is that 42". The diameter is 42".

Mr. Joseph: The west facade 18" and the circle is 34".

Comm. Williams: So it matches our guidelines.

Mr. Joseph: Yes.

Comm. Neff-Brain: I don't know about my fellow commissioners but would you rather have a down vote.

Mr. Eisel: I'm not sure of the ramifications of what you are asking.

Comm. Roberson: I think she is saying if you are not willing to go along with staff that she is going to vote no.

Mr. Eisel: I think we'd rather have the approval of the staff recommendations at this time so we can get our store up and running.

Comm. Neff Brain: Thank you.

Comm. Roberson: From my standpoint I'm a little concerned that this has gone from Green Earth to what looks like a laundry mat. A gratuitous comment from our standpoint here it just reminds me of a laundry mat.

Mr. Berry: Green Earth Cleaners is a process a patented dry cleaning process. We did the application on the front end from the consultant standpoint to get the application process going. It is merely the fact that Proctor and Gamble is using their most important

brand as a flagship using the Green Earth environmentally friendly process. It was never intended to have Green Earth on the building.

Com Rohlf: Have you started these in other parts of the country yet. How are you going to make the jump from Tide being associated with a detergent to this new concept?

Mr. Berry: That is why the visibility is so important. This is telling the consumer that this is a whole different means of dry cleaning.

Mr. Eisel: As a marketer of the project this is our biggest challenge today. I've talked to over 100 consumers in Leawood and that is the biggest question they ask, can I get it at Wal Mart. The way we will communicate it is actually by showcasing our building. When you see our advertising come out and national media and all the public relations, we will get behind the opening of this store. It will communicate that this is a building in Leawood, it's a dry cleaners - come to it - it's a dry cleaners not a laundry mat. That is why our logos are so important to us.

Comm. Rohlf: I understand staff's concerns and I think we've been through a number of these signage issues, but in just looking at what you are trying to accomplish here dry cleaners without your name is not going to do you a bit of good on that east side. You could say you want the dry cleaners sign and you are entitled to have it but without the logo it means nothing. If you say you can't put the word there without the logo we have a dilemma. We're keeping you from advertising what you are entitled to advertise on your buildings two wall signs. If you are willing to compromise on your height or the lettering and it sounds like you are; and on the east side I can understand it can be a proportional issue we've had that to deal with and we've gone back and changed it because it was too small, etc. I think it is unfortunate that your logo is such a brand and such an obvious brand everything about it, it stands out. It is difficult to approve this when it stares at you in the face. Yet, I'm not sure how we can be fair to you as an applicant either. Without the Tide logo on the east side no one will have a clue as to your operation.

Mr. Eisel: This is our test. If this store goes well this will be the test whether we expand this nationally and grow. This is really a make or brake for us and the long term future which is why it is so important and why we are personally here to talk to you tonight.

Comm.Neff-Brain: Other folks have to meet the guidelines of the ordinance.

Comm. Rohlf: I understand that but I think this is such a unique logo. Most of the time the logos are not so inner-related to the product, usually it's an add-on. We just did one for a bank, they are consolidating and the logo was a green leaf. I think of the two signs the façade on the Roe side is probably more important to you, but it is also the most visible. I don't know if you would be willing to trade, if we would have any; it would be easier for us to accommodate on just the east side. Maybe Jeff we could give them a directional sign with the logo on there on the front side. Somehow I think these plans are just so inundated with Tide and it's hard to separate but I'm having difficulty just saying I

deny this because you are not in compliance. I think we have somewhat a unique issue here in that your logo is also your name, very emphatically. So, I don't know if you are willing to consider anything else. I don't know if the commissioners have a thought on what we might be able to do.

Comm. Munson: I have a concern that if this request is granted what its effect will be on the existing businesses that are there now. Will they be coming in asking for relief for additional signs, etc? Does this start a snowball effect if we go away from what we've done in the past what happens? It is the unintended consequences of this. This is what kind of concerns me. We are asking these other businesses that have gone in there to do this, and I understand their concerns also but I think at this point in time I feel they need to get in line with what the staff is recommending. If for no other reason than to protect the city from being inundated by additional signage requests. We would be getting away from sign regulations that we have initially established.

Mr. Lambers: We do try to work with applicants when certain circumstances exist but in this case the color of this sign is what is driving the staff's position. That's all there is to it, they have to have the color, then as far as I'm concerned they get the one on the west side and that just needs to be the way things are. You glanced over No. 7 of the staff comments. Those menu boards are also of the same colors and they don't show up here but they also have all of those colors on each and every one of those boards which is why the staff is concerned that you would have the same effect if they were visible beyond the entrance into the drive thru. They have agreed that they will not be visible until you pull into the drive thru and that is fine. Again, those boards are of that same color and so if they can't do the Tide without the logo quite frankly that is their decision.

I think we just need to abide by our guidelines. I share Commissioner Munson's concern that we would get a proliferation of dual requests for logos at the shopping center.

Comm. Rohlf: Are you talking about the boards or are you talking about the window graphics?

Mr. Lambert: As you go through the drive thru up top they are going to have three different menu boards outlining products and services and those are of the same colors of the Tide signs. If they are not visible we said o.k. that's fine because people would have to drive in order to see them.

Comm. Rohlf: I guess we have not talked about the window graphics either.

Mr. Lambers: We have talked about them being temporary. We just need to have a time frame as to what defines temporary?

Comm. Rohlf: Anyone have any other questions or comments?

Mr. Preston: Chairman Rohlf before we move on from the logo issue may I ask a question? I'm David Preston, 2400 Pershing Road, Kansas City, Missouri and am one of

the developers of The Mission Farms Development at Mission Road and 107<sup>th</sup> and I have a question. When Proctor & Gamble contacted me and we talked about this issue and what would the city permit and we got the city's letter, I do know that the city has decided to give the developers a say in what the signage in their developments are going to be because the developers will develop pretty detailed sign criteria and then the city planning staff passes on that and then you work from that. Whether there are two logos or one logo or no logos permitted in the city of Leawood, I don't think anyone can figure it out. I go back to Mr. Lambers comment about the Apple logo and the question came up where do logos come from. Why is this an issue now and he said that in the past we just routinely denied them and then the developers and retailers convinced us that in order to identify their stores we needed to allow them in some instances, and I think he said that its when the LDO and reality met and you have a conflict. He then said it has to be decided on a case by case basis and that appears to be what has happened.

I know at Mission Farms Solutions Bank has two logos, one facing I-435 and one facing Mission Road. The in-line people like Blue Coy have a pretty colorful logo but then its logo is in colors on the I-435 side. Country Club Bank has two logos, Sullivan's Steak House at 119th has two hanging boards on either side because frankly you can't see either one of them if you are on the other side. When they contacted me I said I think your proposal makes sense. To quote Mr. Lambers on a case by case basis if you talk to the commission they will understand that you have a Plaza side, the west façade and a Roe side that you are not going to be able to see at the same time but they are both critical to identifying this really cool sustainable service.

Tide is going out on a limb to promote and take nationwide and I feel good about the fact that they are starting it here in Leawood. So that is kind of how we came to this We are willing to give up all of the other items that the staff has identified but we need to have our logo which is our name on the east façade as well as the west façade and I think in this situation, on a case by case basis the two logos make sense. Other times it doesn't, where the logo isn't as important as you said Chairman Rohlf or if it's an in-line store where the back side doesn't matter, so what is the standard? Is it the Solutions Bank Standard, is it the Country Club Bank standard, or is it the Apple standard?

Mr. Lambers: There is no standard. We have limitations that are decided on a case by case basis and that's what you are asking for and again the staff has made its recommendation that one logo is appropriate here and the second one we believe to be inappropriate and it really is the color. If you would ask for the Tide word to be above dry cleaners I don't think we would have a problem with that. That would be something that we would concede as not unreasonable, but the color has no relationship whatsoever to anything in that shopping center at all. It is contrary to everything that we have in terms of the intent of our sign ordinance of trying to have some relationship to everything and again because we've allowed one logo and we were better off saying none and we wouldn't be having this discussion. The idea is to recognize your desire as others to indicate their individuality and their target market. Whatever the case may be and I think the one logo achieves that, it just doesn't achieve it as much as the two logos you request. Again, the standard is one logo is allowed and on a case by case basis two can

be requested and two can be requested and considered. In this case the staff is recommending no.

Mr. Preston: The standard that you site is where in the LDO.

Mr. Lambert: It is not in the LDO. It is basically been a practice of the city for the past 2 years to allow logos to go in. Right now it's not stated one way or the other.

Mr. Preston: That is the problem I have with trying to counsel them on specifics and that's why I thought that the city would understand branding because the Leawood brand is so important, it stands for so much. Just like the Tide brand. I think Aaron has made a persuasive point that it's going to be a good look, a good store and not inconsistent with whatever the regulations are.

Comm.: Rohlf: As there are no other other questions for the applicant are we are ready for final vote.

Comm. Williams : I want to back up just a second in terms of just the lettering side of this recommendation - are we good on letter sizes, is there some problem with lettering being too large.

Mr. Joseph: The lettering is 18" and they are within the guidelines.

Comm.: Williams: So, it's just the size of the logo, but you are also adding to that the color of the logo as well.

Mr. Joseph: Yes.

Comm. Rohlf: I guess you know the position the commission is planning to go. If there is an approval of your plan this evening it is going to be with the one sign and one logo, with the two signs but the west side with the logo. That's probably what the vote would be. Is it something you want us to move forward with or do you want to go back and consider one more continuance?

Mr. Eisel: If that's the way the commission goes, assuming the approval of the staff recommendations, then we can move forward without a continuance.

Comm. Rohlf: Based on that, is there further discussion we would like to have on this? I think the record is pretty clear.

Comm. Elkins: I do think it might be beneficial to have a little bit of additional discussion amongst the commission before we go to a motion. My personal view in my position with respect to this application is that I would be supportive of the applicant. I'm concerned and I share Commissioner Munson's concern that this may open the flood gates and encourage others to seek a variance to the regulations. I'm also very mindful of the staff's position because typically I tend to listen to the professional opinion of the staff. But at the end of the day I come back to the statement of intent in our sign

regulations and the LDO. The statement of intent says that the purpose of our sign regulation is to avoid visual clutter and so it comes down to an issue as to whether the two signs as they are arranged on the building that are proposed by the applicant, whether they create visual clutter and as was pointed out by the attorney that represents the applicants here, it seems unlikely that from any position what you might see in your automobile relative to that building and seeing both sides.

I am hard pressed to conclude that permitting them a variance that has two signs, especially given the importance of their trademark to this particular business that this would constitute visual clutter. I do have some concern about the colors that Mr. Lambers has raised but again based on what we have in front of us and I know that you can not always rely upon the pictures that the great artists from the architects give us to tell us exactly what it's going to look like. Given the size and the amount of space that the relatively vivid color takes, I can't come to the conclusion that this sign application constitutes visual clutter. My vote would be to support the applicant with the two signs.

Comm. Rohlf: Thank you Mr. Elkins.

Comm. Neff-Brain: My position is that of Mr. Munson. I feel once you start creeping away from the position that we've held in the past and there are examples all over this greater Kansas City area of what happens.

I think the color is a problem and I think the reason Leawood has been as successful as it has been, is that we have taken a calm and quiet direction with our city and our signage and I'd like to keep it that way. My vote would be in opposition to anything but the staff stipulations.

Comm. Roberson: I would agree with that.

Comm. Williams: I guess to start I go with Mr. Elkins. In terms of continuity the signage around here is a mixed bag. We went through this before with the West Elm. We have Crate and Barrel with 5 or 6 signs plus the glass signs. That was all fine and good and we didn't jump all over them. We allowed that to happen. At Town Center again you have signage all over the place, window signs, stuff hanging in the windows and that seems to be fine but when somebody else comes in now to do that, we're saying no you can't do that. I think Mr. Elkins makes a very good point here and that is the intent of the ordinance and reduced clutter. You don't have clutter on this. To have a sign on the east side which fits into the architecture of the building, it represents what the applicants say is 2% or less of the façade of the building, it's not obtrusive of the building. Color aside for just a moment because we probably all have opinions on the color, just like the vote on this is going to reflect various different opinions. I also raise the question about the logos. Where do you draw the line of what constitutes a business logo which is a form of identification and their signage. You look at signage that gets produced, the type of lettering, the way it's done, the way it's mounted, etc. That all becomes a part of the company's recognition and logo unless you tell everybody in a certain development that your letter size must be is all the same size and all the same style. There are some retail centers that do that. We don't seem to be doing that in Leawood at the moment, so when

you have an Apple that comes in and their recognition is the Apple logo is that really any different than you go to West Elm and their recognition is West Elm. It's just the way they do the lettering. It's the name, the lettering style and again Sullivan's was mentioned as we allowed the two blade signs. That whole thing is their logo in addition to being their signage. Again, where do you draw the line. I think that the applicant has done a nice job with the overall placement where the signs are supposed to be going and that is something we always look for and is encouraged and I'm supporting the two signs and the two logos.

I understand the applicant's concern about needing the larger sign on the east side. I think I would be more supportive of the logo being smaller. If the lettering for the dry cleaners is the same size as the lettering on the west side then I think to have the logo being the same size and same proportion as the signage would be appropriate. It may be a little hard to see from the street but the fact is you have a very distinctive logo and very distinctive color. Somebody isn't looking to read the sign at that point but you have made your point if someone is trying to find the building.

We haven't talked about the graphics in the windows. Actually the applicant didn't address the question that I had raised. Is there a purpose for the graphics in the windows and if we could have him answer that question?

Mr. Eisel: There are two things we want to do. I think the first one is we want to create a look and feel of our dry cleaner. A lot of people today when they go to a dry cleaner, it's not a great place to go. It's hot and dingy. Ours is bright, light hearted and very different. This is a great place for people to work. We have an air conditioned environment and people want to come. So we want to showcase that with a look and feel that is light hearted, fresh, and a fun kind of atmosphere. That's what we are using in our window screens for in this store. Secondly, it's just a block behind it and we've got a conference room back there and some other things. That's what they are in there. They are temporary and we can pull them out if we need to.

Mr. Lambers: Define temporary please.

Mr. Eisel: They can be removed.

Mr. Lambers: Typically when someone asks for a temporary, they identify a time frame, 60 days 90 days or 120 days for temporary installation.

Comm. Williams: So maybe the more appropriate term rather than temporary is they are easily demountable or not fixed.

Mr. Eisel: We would ask to leave them permanently, as it goes to the look and feel of our store. We've got a big hurdle to overcome today in the dry cleaning industry and we need to show this is different and that's part of the way we are doing it when people pull up to the store they are seeing this is fresh and new. Since we can't place Tide logos in

the windows we want to do something to communicate this is very different to the consumer.

Comm. Rohlf: You are saying you would want them considered permanent.

Mr. Eisel: Yes.

Comm. Rohlf: Would you object if we did. It's all or nothing because it's more than a short time frame, temporary.

Mr. Eisel: We want to work with you. At the end of the day, this is a really tough situation for us to be in obviously as this is our very first store. To your point trying to communicate that we are a new business and bringing something that people know what it is outside of their laundry room. So we are trying to work with you as best we can. We are trying to make a successful business of this too. If it's not we will have to end our testimony.

Comm. Williams: Are the graphics in the drive thru? It's not on the street façade or courtyard?

Mr. Eisel: It is on the plaza side.

Comm. Williams: When you say plaza side are you saying the west side. So it has a strong public visibility.

Mr. Eisel: That is correct.

Comm. Williams: Is it in every window along that wall?

Mr. Eisel: It is not on the door. I would say it's in the majority of the bays.

Comm. Williams: I'm looking at the drawing of page 6 of your signage submission. There appear to be 6 bays and it appears to be a door in one of them. So would you have a graphic in the bay with the door?

Mr. Eisel: No. If you look on page 5 of the submission. I think there's a better picture of what we are trying to do.

Comm. Williams: Again it doesn't answer the question. How many bays are you going to fill with panels. I can clearly see a partial one and two full panels.

Mr. Eisel: I would of the three sets parallel sections within each window I would say 4 or 5 of those full sections we would like to put a window screen.

Comm. Rohlf: So if you look on page 3 it shows the west side in its entirety.

Mr. Eisel: Four of them.

Comm. Rohlf: Four of them starting closest to the door.

Mr. Eisel: Those are not branded.

Comm. Williams: I don't have a problem with the type of images that they are showing in their application. I would say as long as they are not actually applied to the glass which would be consistent with other retail stores within the community who put up various large display signage, advertising sales or particular promotions. The fact that it's not advertising in terms of big Tide logos and Tide sales, etc. I think it is having a little color which appears to be more art work than sales promotion and it's a nice touch. That's my opinion.

Comm. Roberson: I respectfully disagree.

Comm. Heiman: I side with Commissioners Elkins and Williams on this as well and with the applicant on most of this. I think that the signs that they have developed are clean, they look nice on the building. It is a free standing building and I think the idea of having a logo on each side is o.k. with me. As a business owner and someone who just went through developing a logo and a new brand, it is an opportunity for recognition by consumers. I think from that standpoint it is fine with me. I would like to see that they are equal size proportion on each side. I think that would be ideal and I, like Commissioner Williams think the window screens are o.k. I think it is a nice clean look and I would tend to side with the applicant with those changes.

Comm. Rohlf: I would need to vote on this to break a tie. As I said earlier this evening I would have difficulty not granting both signs. I think one without the other does not make any sense to me given what the brand is. The size does need to be proportionate. I don't think we need to go overboard especially on that east side. I think frankly it needs to be large enough to read but not any larger than the other side. I think I'm fine with the graphics in the windows but I think it would be a good idea to put some language on the stipulations that indicate a possible time frame and that they do need to be removable. I think with that I would ask for a motion.

I think we can use the staff suggestions as a starting point:

Motion by Comm. Williams to recommend approval of case 56-08 Parkway Plaza. Tide Dry Cleaners. Request for approval of sign plan with staff supportive comments seconded by Comm. Elkins to read as follows:

1. The wall sign on the west façade as shown with one logo.
2. The wall sign on the east façade with one logo being no larger than 24" in diameter to match the logo on the west side.
3. "Drive Thru Entrance" sign limited to 6" letters.
4. All window graphics to be removable and that they not contain advertising but limited to visual graphics as presented in the applicant's presentation.

5. Plastic signs shall not be allowed
6. Drive Thru directional sign with just the wording “drive thru”. The size of the directional sign shall be limited to 6 sq ft.
7. All signs shall meet the sign criteria outlined in the design guidelines including material type, color and style.

Comm. Munson: Commission Williams are you including No. 7 as part of this approval. If you read that, it says that all signs shall be the criteria outlined in the sign guidelines including material type, color and style.

Mr. Lambers: Actually I think you should say with the exception of the Tide logo because those colors are not part of the design guidelines. Basically you could interpret that he has just negated it.

Comm. Elkins: Let me suggest, the beginning of that stipulation should be that in all other respects the sign shall meet the sign criteria outlined.

Comm. Rohlf: Thank you Mr. Elkins.

Comm. Elkins: I would phrase No. 7 as saying in all other respects all signs shall meet the sign criteria outlined in the design guidelines including material type, color and style.

The motion carried following a vote of 4-3. For: Heiman, Elkins, Williams and Rohlf. Against: Roberson, Neff-Brain and Munson.

Comm. Rohlf: Case No. 57-08 Villaggio East Drainage Facility  
Mr. Munson will be abstaining on this case

**Staff Presentation:**

Mark Klein, Assistant to the Planning Director provided the following presentation:

Mr. Klein: This is case 57-08 Villaggio East Drainage Facility. The applicant is requesting approval of a preliminary and final site plan for a temporary open detention facility located at the southeast corner of 135<sup>th</sup> Street and Fontana. The detention facility will also drain water from the northwest corner of 135<sup>th</sup> Street and Fontana via pipe under Fontana. The northwest corner of 135<sup>th</sup> Street and Fontana is part of the Villaggio West development that is zoned SD-CR (Planned General Retail) and SD-O (Planned Office). M&I Bank a 5,862 square foot bank with a drive thru was approved a this corner. Drainage from the M&I Bank site was shown to drain into temporary detention basin at the proposed location as a part of that approval. The preliminary site plan for Villaggio East that contained the detention base expired on November 21, 2007.

The staff is recommending approval with the stipulation stated in this staff report and is recommending that in addition to the landscaping that is already there that additional shrubs be planted around the south side of it to again screen it more as you are headed north on Fontana.

The staff is recommending approval with the stipulations stated. I will be happy to answer any questions.

Comm. Rohlf: Can you clarify for me about the property owner with the easement and explain all of these attachments that were in our packet what that means.

Mr. Klein: Currently Mr. Sharp is the owner of the property on which the temporary detention facility is proposed to be located. The applicant has obtained easement from Mr. Sharp, the property owner for a temporary detention structure. Basically the way the agreement is worded they will have a temporary detention easement until such time as Mr. Sharp constructs a permanent drainage structure at that location. Again, this is a situation where on the east side eventually that property will develop and eventually they will need a permanent drainage facility that will also contain drainage from the eastern portion of the property. However, it is envisioned that the permanent detention basin will also serve the M&I Bank which is over on the west side via the pipe that goes underneath Fontana. The temporary will be in existence until a permanent one is constructed. At the time the permanent is constructed and easement is provided for the applicant to use the temporary one will be good..

Comm. Rohlf: Do you know any time frame whatsoever or do we put one on this type of situation. I'm not sure we have ever had this type of presentation before.

Mr. Klein: No.

Mr. Lambers: You can't put a time frame on it because of the fact they need to drain the water. It's really tied to unknown development that occurs on the east side.

Comm. Rohlf: But anything could come in and it could facilitate another piece of this detention..

Mr. Lambers: Right, anything that develops on the Sharp side that requires storm drainage they would have to put in the permanent facility. Again, Mr. Sharp understands that he has 90% of this facility that is being installed and M&I is a very small portion of it. It is a reasonable accommodation to allow this which came first in terms of the bank going forward.

Comm. Rohlf: So actually anything outside of the bank they will have to come back in and go forth with the original plan. I didn't realize how much it covered.

Mr. Lambers: I would say not south of 137<sup>th</sup>, that property all drains to the another direction.

Comm. Williams: Is this a dry retention or wet retention.

Mr. Klein: It's a dry.

Comm. Rohlf: If there are no other questions, we will hear from the applicant.

Mr. Taylor: Thank you madam chair, my name is James. E. Taylor. I am the representative for Villaggio or Pawnee Development and I am here to answer any questions. I might add as Mr. Lambers has already indicated the overall 80 acres was planned including storm drainage. We are just developing the first segment it and this is the only segment of our property that would be flowing into that detention. It also drains the public streets and 135<sup>th</sup> Street.

Comm. Rohlf: You are in agreement with the additional landscaping.

Mr. Taylor: We are in agreement with the additional landscaping.

Comm. Rohlf: Are there questions for the applicant. As there are no questions, this case does require a public hearing. Is there anyone in the audience that wishes to speak about this case?

As there were no individuals present to speak, a motion to close the Public Hearing was made by Mr. Robinson: seconded by Mr. Williams. The motion passed unanimously.

Comm. Rohlf: Any final comment on this plan. If there are none I would ask for a motion please.

A motion to recommend approval of case No. 57-08 Villaggio East. Drainage Facility located southeast corner of 135<sup>th</sup> Street and Fontana be approved was made by Roberson; seconded by Williams.

The motion carried following a vote of 6-0. Comm. Munson abstaining.

Comm. Rohlf: Our final case this evening. Case No. 45-08 City of Leawood Comprehensive Plan.

Consultant Presentation:

Diane Binckley, Ochsner Hare & Hare. Thank you for having me back. Tonight I'd like to go through the map and the adjustments that have been made since the last time we met. I will follow up with some comments related to population since I sent out the documents to you. I have talked with staff and we might want to look closer at the overall population number. I would like to go through some of those details with you. I would like to talk about a few items brought up by Mr. Munson who sent me several e-mail comments related to the document.

(A copy of the current comprehensive plan map was displayed and on the left the proposed land use plan). I will outline the changes what it was previously and what it is today. Starting with the north end which is the Old Leawood Country Club. When that property was rezoned and when the comprehensive plan done at that time it was changed

to medium density because of the style lots that were done. Since then and it has been reevaluated and it appears that based on all the green space and size of lots it can actually be shown as low density. Heading south on 103rd the same thing with Chartwell West a gated community it shows that same transition and it can actually be shown as low density. Coming further south the area directly across the street to the east at 117<sup>th</sup> and Roe Avenue. The property to the south of the drainage area that goes through and the trail that will ultimately cut through as well. That area is being shown as public now and was previously shown as retail. Further to the east on 117<sup>th</sup> Street to the south and just west of Tomahawk Creek Parkway that area as well has been obtained by the city and that area is being shown as public. A little bit further south along 119<sup>th</sup> and Roe and to the southeast that property was originally shown as retail and zoned as retail but during the 2000 comprehensive plan it was adjusted to office and residential combination. Obviously, that has changed as you have a retail development with Crate and Barrel so that is being changed back to the retail.

Coming further south along the 135<sup>th</sup> Street corridor, we would look potential use center, it has always been shown as retail and office all along that corridor with Leawoods vision being that would be the big retail area for the community. Initially in the 135<sup>th</sup> street corridor plan it showed that the east end and the west end would be the higher density, with the central part being a little bit lower density residential. The recommendation requested by staff is for mixed use with the idea being flexibility for long term. Here at State Line where it turns into Kenneth Road this area was shown as retail. It's not really a good place for retail as it slopes and its relationship to Target and the apartments to the south. We have adjusted that to medium density residential. A little further south Kenneth Road at 143rd at the northwest corner a portion of it owned by the church shown as public. The property to the south was previously shown as retail and it has just been amended to mixed use. The area which is 151st and Mission Road the northeast corner where the big power lines cut through that property once owned by the Art Institute, platted in the 1970's, homes sit right along the street there and the back has been left undeveloped it backs to Ironwood. Looking at where the power lines cut through the property and I separated out the property. It's all currently zoned RI but based on the amount of traffic on Mission Road and 151<sup>st</sup> street and with the retail potential on the south side it seemed appropriate for medium density leaving the rest to lower density residential.

The last piece is on Nall between 143<sup>rd</sup> and 151st the entrance into Highlands Creek on the north side where the water district obtained that property from Highlands Creek and we show it as public for the water district.

Mr. Lambers: The water district condemned that property without getting any prior planning approval from the City. They approached me three years ago saying that their intention was to put in a reservoir as it would be a green space and would not be noticed at all. They asked me to look at their underground facility at 133<sup>rd</sup> and Quivera. I did and frankly it has sharp cliffs that extend up 15 to 20 feet and it is anything but an open green space. They have indicated they did not need to go through the city's planning process

and we have disagreed with them. They need to adhere to our zoning procedures which means a special use permit which is clearly stated in our LDL.

Mrs. Binckley: One of the other key pieces I want to talk about and I'd like to go through are some adjustments in the population for the city. (A handout was given Commissioners). When this was submitted it was based on population of 33,875. I based that number on the 2000 the census of 27, 656. In 2003 we estimate 31,522. With that I based the 2007 number off that 2003 year and used the number of households that received a certificates of occupancy. When looking at population the key pieces to look at are: What the census identified, number of households, vacancy rate and the number of persons per household. I used two well known national companies that specialize in this type of demographics and I evaluated back to the 2007. This reporting suggests a lower population number. The 2003 is higher than the 2007 which would appear to be a concern. Although population may appear to have dropped Leawood continues to grow and it's impossible to go backwards from 2003 to 2007 population. I then took a look at households and as you can see from the information provided the census shows 10,000 and Leawood showed 11,500 in 2003. The actual median for 2004 to 2007 is 768 units that have been approved and received certificates of occupancy. National trends will show that vacancy rates are a little higher right now. We a are showing about 3.8 . Then we went on to persons per household which is another factor but then again national trends show the number of households dropping as the trend to way we live has changed, more single parent households, etc. If we use the national estimates 30,977 and you add in that 1,186 a new total population is 32,163. That is a pretty conservative review of our population. I feel comfortable with the 32,163 estimate even though it is higher than some of the other numbers we are showing. Obviously that adjusts all the numbers throughout the document and adjusts them at the same percentage rate across the board. That is all the information I have and we can go through the document page by page if you like and if you have any questions I will be glad to answer them.

Comm. Neff-Brain: On page 5 - Introduction the first sentence I think that first sentence is not a factual statement. I would delete the first sentence and use the second sentence as the first sentence starting with "From its incorporation in 1948 Leawood has sought to develop..." That's my feeling.

On page 15 first paragraph the last line, I don't think you should have the etc. there where you have public safety and welfare, it should be public safety and welfare without the etc.

Comm. Williams: I believe there should be three dots to show that we are taking this out of the statute. I believe somebody needs to go back and look at this to see if it is an extraction or if it ends up being the whole sentence.

Mrs. Binckley: I will check.

Comm. Neff- Brain: On page 56 when you are listing the churches. I think it would be appropriate to say St. Michael the Arch Angel that is the appropriate name of the church.

Then on page 64 and 65 under Camden Woods Center it says Cornerstone Village and also under Iron Horse Center it says Cornerstone Village. At the very end are all of those are exclusions and where you have all the deletions is Camelot Court deleted because it's no longer future construction?

Mrs. Binckley: Right

Comm. Williams. Then you are going to have to do the same with Church of the Resurrection which is United Methodist. You're going to run out of room.

Comm. Neff-Brain: and then on page 64 and 65 under Camden woods Center it says "Corner Stone Village also under Iron Horse Center it says Corner Stone Village.

Comm. Rohlf: Are the goals and policies pretty consistent or have you changed any of that?

Mrs. Binckley: I did not change any of that. In talking with Scott Lambers we discussed this, but this is just a general update at this point and the city in the future will go back out to do a full assessment.

Mr. Lambers: Once the 2010 census is completed then we would have total in depth data. In 2012 that full assessment would be done.

Comm. Rohlf: Have we been consistent with what we have been approving?

Comm. Rohlf: There is some language in the document with the redevelopment of neighborhoods, talking about north Leawood. The language objective is that the in-field development should be compatible with the character of the surrounding neighborhood, including scale, style of homes, and height of homes?.

Mr. Lambers: That's where we are headed. There was an article in the Kansas City Star I thought was pretty telling about a family that tore out a single story home in between two single story homes where the rules say you should have only a story and a half. That is what we have proposed as our regulation. I think clearly this is a good picture to show that yes that does appear to be out of character in that particular instance when you look at the pitch of the roofs of the two single story homes verses the two story and the pitch of that roof. We are heading in that direction, but again by going with a story and a half you are certainly moving away from the single story homes being the predominant homes. I think that would be a major impact of that becoming a policy of the city. You will see the one story ranches ultimately disappearing.

Comm. Rohlf: Is there anything in the language in this section that is cross-wise with what we are doing?

Mr. Lambers: It tends to be pretty broad so as to protect people's rights to be able to go in and do what they should be entitled to as an individual property owner. I can tell you the Mayor had a meeting with a woman today who was extremely upset over someone who took out a tree to put in an addition.

Comm. Rohlf: This is going to go on until we get something in writing. I just wanted to make sure we were not compromising our position by the language we have in there.

Comm. Munson: I have one question about 190,000 mixed use development. Is that the Crate and Barrel. It should probably be taken out.

Comm. Rohlf: Anyone have any other comments or questions for Mrs. Binckley?

Mr. Munson: This is just talking in general terms, how specific do you get in the comprehensive plan. For example, throughout here is verbiage and I start thinking it would be nice to have an example of what that means. How far do you go with this comprehensive plan or do you wait – do you put it out as a general statement of what you are trying to do, and then fill in as you go with other documents.

Mrs. Binckley: Typically a comprehensive plan is left pretty vague. This allows the city some maneuverability. So you would leave a lot of that to your ordinances to be more specific.

Mr. Lambert: When I was in Overland Park we had a comprehensive plan each year and an area for current planning which would encompass probably a square mile wherein the planners would go in and see what they thought would be appropriate in anticipation of staying ahead of the development. This is where cities take this and you go to the next step. We obviously don't have much of those opportunities except on 135<sup>th</sup> Street.

Mr. Munson: We have some of those opportunities but they are limited right. I'm thinking about the land down there were she was talking about the power lines. Places like that lend themselves to some interesting treatment over time.

Mr. Lambers: That is going to be difficult because of the power lines. I guess our concern would be what would go in there as a result of the power lines decreasing the value of the property and also having a chilling effect on persons living there because of them.

Mr. Munson: The McCann development has a power line going through it also.

Mr. Lambers: Commercial verses residential is different. You certainly have Leebrook which has the power lines going through that. There are certain cells in certain areas .

Comm. Munson: How is the presence of the train effecting activity?

Mr. Lambert: I can say that the quiet zone has been implemented and to a very large extent it's been good. Occasionally I get a complaint, the fire department is also tracking it and I can tell you there are times when I believe that at the Martin City crossing where there is not a quiet zone it is being mistaken for our crossing but it is certainly considerably less.

Comm. Munson: Have there been any traffic problems or accidents since they put the quiet zones in? Has it worked out so far?

Mr. Lambers: No problems so far. Yes, it's working out.

Comm. Rohlf: Are there other comments.

Comm. Munson: I have a lot of comments but I will forward them to Mrs. Binckley in e-mail form.

Mrs. Binckley: Mr. Munson just had some general comments and I think that they will be extremely appropriate as you move forward when you do the full comprehensive plan.

Comm. Rohlf: This case does require a public hearing. Is there anyone in the audience who wishes to speak on this case?

As there were no individuals present to speak, a motion to close the public hearing was made by Mr. Robinson; seconded by Mr. Munson, The motion passed unanimously.

A motion on No. 45-08 Request for approval of an annual review of the City of Leawood Comprehensive Plan was made by Mr. Munson and seconded by Mr. Roberson.

The motion carried following a unanimous vote.

Comm. Williams: We are changing 135<sup>th</sup> Street to be mixed use development and we've got multiple parcels of land, some of which has been developed and some still in the process and who knows what is going to happen with them. In terms of looking at this mixed use when we think or the thought here of mixed use is it that each parcel whether it be 10 acres or 80 acres be mixed use verses with the idea of creating larger components. For example, we talk about creating Town Centers and public places to make those really viable and exciting but sometimes those need to be large. So if you didn't have a tract of land that makes that possible and the neighboring property could potentially be looked at as providing some of that additional mix, would that work within our definition of mixed use development?

Mr. Lambert: Actually, you are stating the strategy of the staff which is to have the mixed use out there. If someone comes in with a small parcel and says it doesn't work and we have the basis of the comprehensive plan it would allow us to deny the plan and it would force them to look at joint ventures with other property owners to achieve exactly what you are saying. Also to probably consider higher densities than what we

have normally considered as well along the lines of Park Place. This gives you the position to deny things for that very reason.

Comm. Williams When you look across the country, most of what appear to be mixed use development is where they bring in the people for people activity. It is more dense and there is also the scale. They are bigger. Park Place is a block and a half and had it been designed as a more integral part of Town Center in tying that all together, it would really start to connect and flow and give the pedestrian the ability to have more things to do and spend time.

Mr. Lambert: An indicator would be a mass transit system. If you look at larger cities, when they get these mixed use components there is usually a rail line, bus line or commuter line of some sort as a major point of getting people on and off. Obviously, this is so linear I don't know if we could achieve that or not. What you are saying is what people are looking at to achieve. We would have to be firm and basically turn down some nice projects to try and achieve that goal. That's what this document is trying to say.

Comm. Williams: I know we struggle with surrounding neighborhoods not wanting the development and not wanting the connections which have been things this staff and this body has been trying to encourage. It's like everybody out there is dangerous and anybody driving to a commercial center has got to be terrible people. We are still left with this what we have been approving. We have a commercial strip and a residential strip and there is no connection. They could be in two different cities.

Mr. Lambers: Another area I've have talked to the Mayor about is Leawood's extreme success in attracting unique restaurants and we continue to do so. We have clusters of restaurants and we have not begun to tap on the potential on 135<sup>th</sup> Street. We need to take a real good hard look at trying to target another surge of restaurants maybe 5 or 10 years down the road when that corridor starts to take off. Our sales tax revenues are up unlike a lot of places and I firmly believe it's the because that's what's drawing people to Leawood and I firmly believe it's the cluster of restaurants and while people are here they are spending money here. That gets back into the mixed use and we will have to look at some of our standards to accommodate those restaurants because every time a restaurant comes in they want more parking and we will have to look at that.

Comm. Williams: They are definitely catering to the driving market which is a large part of the population. It's not the neighborhood surrounding it and it's probably true across the country.

Mr. Lambers: We do have one last item dealing with the Sienna Project.

Comm. Rohlf: Will we be rehearing Sienna again.

Mr. Lambers: You will be hearing the staff rezoning of the property. That is what is coming back before you. The rezoning will be the same. It is just a reconfiguration of the plan reducing the number of units.

The city's ability to rezone the property as been challenged in court and they want to get an injunction against us. There was a hearing before the judge yesterday but the judge had a personal matter so he was not able to hear the case. He had another sitting in for him who was not real enthused about taking the case and he advised both parties they could wait until the judge could reschedule. They did not object to it being continued but they wanted to enjoin us from taking any action until a judge had an opportunity to hear the case. This means that a week from tonight I need 5 people to come here to convene a meeting at 6:00 p.m. and continue the item until the September 9<sup>th</sup> . On September 9, we will continue the item to a date certain wherein you can hear the case.

There will be an agenda and we will notify the public and the applicant.

MEETING ADJOURNED