

City of Leawood  
Planning Commission Agenda

May 25, 2010

Meeting - 6:00 p.m.

Dinner Session – No Discussion of Items – 5:30 p.m.

Leawood City Hall Council Chambers

4800 Town Center Drive

Leawood, KS 66211

913.339.6700 x 160

**CALL TO ORDER/ROLL CALL:** Pateidl, Roberson, Jackson, Rohlf, Williams, Elkins, and Heiman. Absent: Neff-Brain and Rezac.

**APPROVAL OF THE AGENDA:**

A motion to approve the agenda as amended was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 6-0. For: Pateidl, Roberson, Jackson, Williams, Elkins and Heiman.

**EXECUTIVE SESSION:**

A motion to recess for Executive Session was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 6-0. For: Pateidl, Roberson, Jackson, Williams, Elkins and Heiman.

*Commissioner Rezac joined the meeting.*

**APPROVAL OF MINUTES:**

Approval of the minutes from the April 27, 2010 Planning Commission meeting.

A motion to approve minutes from the April 27, 2010 Planning Commission meeting was made by Elkins; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.

**CONTINUED TO JUNE 22, 2010 MEETING:**

CASE 54-06 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-10 – ARCHITECTURAL STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 20-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-1 ACCESSORY USES (GENERATORS) – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 72-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-5.3 – R-1 DISTRICT FRONT ENTRIES – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 73-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-5.3 – RP-1 DISTRICT FRONT ENTRIES – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 40-10 – THE ESTATES OF OLD LEAWOOD – SALES TRAILER OFFICE – Request for approval of a Special Use Permit for a temporary sales trailer, located at 10342 Mohawk Road. **PUBLIC HEARING**

CASE 46-10 – MISSION FARMS – FIRST REPLAT – Request for approval of a Final Plat, Preliminary Site Plan and Final Site Plan for Lot 20 of Mission Farms, located at 10342 Mohawk Road. **PUBLIC HEARING**

**CONSENT AGENDA:**

CASE 44-10 – MARKET SQUARE – CHINA KING – Request for approval of a Final Sign Plan, located at 3634 West 135<sup>th</sup> Street.

CASE 48-10 – CAMELOT COURT – WILD BIRDS UNLIMITED – Request for approval of a Final Sign Plan, located at 11711 Roe Avenue

**A motion to approve the Consent Agenda was made by Williams; seconded by Elkins. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.**

**NEW BUSINESS:**

CASE 86-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-6 – SIGNS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 86-09 – Leawood Development Ordinance Amendment. This is to Section 16-4-6 - Signs and then also Article IX - Definitions. I want to draw your attention to a paper on the dais with the definition of temporary signs for your reference. This application has gone through many revisions by the legal staff and City Council. It addresses temporary signs only and not the permanent signs you see on most of the cases that come through here. The LDO included a table which summarized the regulations on temporary signs. Many of those regulations dealt with types of signs. This would treat all temporary signs the same and would change the definition of a temporary sign. As long as the temporary signs are maintained, are in good repair, are no larger than 16 sq. ft. for any individual sign and are no more than 48 sq. ft. total for a lot, then the temporary signs are allowed. They may be in the right-of-way with permission of the property owner; however, they can be no closer than 5' back of curb. Staff is recommending approval of this amendment and will be happy to answer any questions.

Chair Rohlf: Questions for staff?

Comm. Rezac: Under the applicability paragraph, a sentence reads, "Signs are permitted only as provided in tables," and then it lists the tables. One of those is one that is being deleted.

Ms. Shearer: That is absolutely correct; it is a missed cross-reference, and we'll take that out. Thank you.

Chair Rohlf: Are there any current signs that this will affect?

Mr. Klein: We have a number of temporary signs issued upon the façade of a building advertising an event or building construction signs. It will affect signs currently out there.

Comm. Williams: So the real estate signs you see on rental properties pretty much stay in place with materials similar to what they are today?

Mr. Klein: Yes, and basically as long as they fit within the regulations of this current ordinance, they would be allowed to remain.

Comm. Williams: Do you know of any, at this point, that are not in compliance with this new regulation?

Mr. Klein: There are signs that will not be in compliance with regard to size, especially banners. This allows a maximum of 16 sq. ft. It does allow a total of 48 sq. ft. on individual property, so several 16' signs would be allowed.

Comm. Williams: If there is a temporary sign that is not up-to-date, such as commercial rental signs, will it be forced to change once the new ordinance goes into effect?

Mr. Klein: There is a section in here for legal, non-conforming signs. If they currently meet the ordinance as it exists today but do not meet the specifications listed in this ordinance, they would be viewed as legal, non-conforming signs and be allowed to remain as long as no more than 50% is changed. Most of those signs now have been permitted with a time limit. For instance, the banner permit is 15 days. Construction builder signs can be issued in increments of three months up to a year.

Comm. Williams: To have those signs in the future will require a permit, then?

Mr. Klein: Actually, I believe the temporary signs will no longer have a permit issued for them.

Comm. Jackson: A business can have, as a permanent sign, no more than 48 sq. ft. So now, in terms of temporary signs, they'll be able to go over that?

Mr. Klein: They'll be able to go up to 48 sq. ft. now.

Comm. Jackson: Even if it's over 5% of the frontage, as is the limit on permanent signs?

Mr. Klein: Yes, I believe 5% of the façade is the limit for the permanent signs. That will still be in effect.

Comm. Jackson: The temporary sign, though, is fine to be greater than that?

Mr. Coleman: The temporary sign could not be greater than 48 sq. ft.

Comm. Jackson: But it could be larger than the 5%.

Mr. Coleman: It could be, but that would be probably a rare occasion because it would be at 960 sq. ft.

Ms. Shearer: As a point of clarification, no one temporary sign can be larger than 16 sq. ft. When Mark is talking about 48 sq. ft., it is under the assumption that a business or homeowner would have three 16 sq. ft. signs for a total of 48 sq. ft. I want everybody to be clear that we're not advocating for a 48 sq. ft. sign.

Comm. Williams: Under 16-4-6.12 – Unlawful Signs, Paragraph C, it appears that you've taken out the time frame for enforcement, which, if I'm reading this correctly, was 48 hours to a time up to the discretion of the city.

Ms. Shearer: Now the ordinance is matching the enforcement provisions for everything for the LDO. Now we just cross-reference the General Enforcement section of the LDO.

Comm. Williams: In that same regard, who is going to do the enforcement?

Mr. Coleman: The enforcement would be done by our code enforcement officers, re: the Director of Community Development or his designee.

Comm. Williams: So this is already covered elsewhere.

Ms. Shearer: Yes, the cross-reference given 16-6-1 is actually consistent with the enforcement provision for every other violation of the LDO.

## **PUBLIC HEARING**

**As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.**

Mr. Coleman: I'd like to remind you that on June 8<sup>th</sup>, we'll have a work session on the height and mass for residential.

**A motion to recommend approval of Case 86-09 – LEAWOOD DEVELOPMENT ORDINANCE – SECTION 16-4-6 – SIGNS – Request for approval of an amendment to the Leawood Development Ordinance – was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Williams, Elkins, Heiman and Rezac.**

*MEETING ADJOURNED.*