

City of Leawood
Planning Commission Minutes

December 14, 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, Neff-Brain, Rohlf, Williams, Elkins, Heiman and Ramsey.

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Heiman and Ramsey.

APPROVAL OF MINUTES:

Approval of the minutes from the November 23, 2010 Planning Commission meeting.

A motion to approve the minutes of the November 23, 2010 Planning Commission meeting was made by Elkins; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Pateidl, Roberson, Jackson, Neff-Brain, Williams, Heiman and Ramsey.

CONTINUED TO JANUARY 25, 2011 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 105-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2.7 (Table of Uses) – Kennels – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CASE 110-10 – CAMELOT COURT – CAMELOT COURT WINES & SPIRITS – Request for approval of a Special Use Permit and Final Sign Plan, located at 11841 Roe Avenue. **PUBLIC HEARING**

NEW BUSINESS:

CASE 104-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-6.13 (Permanent Sign Regulations – BP District) – 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 104-10 – Leawood Development Ordinance Amendment to Section 16-4-6.13 (Permanent Sign Regulations). Specifically, this is regarding the Planned Business Park District. Currently, the ordinance allows for a maximum of 2% of

the wall area for a sign. The primary reason for increasing the maximum to 3% is that we have typically seen single-tenant buildings in the Bi-State development, and for these destination buildings, 2% seemed large enough to simply identify and not advertise, as a retail building would. We have currently approved a multi-tenant building, located along 143rd Street and have discovered that the 2% is not enough to allow each business to have its own sign. Staff is recommending approval of this application and would be happy to answer any questions.

Chair Rohlf: Mark, were there design guidelines for the business park?

Mr. Klein: Yes, there were guidelines approved with the business park originally, and they have also modified their sign criteria recently; however, the LDO would maintain the 2% regardless of their guidelines. We're proposing this amendment, and the case following this is an amendment to their sign criteria to reflect this change. The final case is the actual sign.

Chair Rohlf: I thought that was the case. Does anyone have questions?

Comm. Pateidl: Mark, as I understand it, we're making these changes because of the multiple tenants in individual buildings. Under the chart we have for number of signs, etc. it appears to me that the limitations are per the façade of the building, not necessarily of the tenant. It states that the maximum number of signs for the building would be two. If I have three or four tenants in the building, does that mean the third and fourth tenants could not have a sign?

Mr. Klein: That raises a good point that should be corrected at this point.

Comm. Pateidl: In trying to reconcile this increase from 2% to 3% and what it means for the overall ordinance, under the maximum area for a sign at 2%, the maximum square feet for a sign was 200 square feet, but it did not increase with the 3% recommendation. Assuming we're going to have the 3% apply to the building and not necessarily to the tenant and if you are going to have more than two tenants, does it not make sense to increase beyond the 3%, recognizing the maximum size of the sign and letters?

Mr. Klein: Are you referring to increasing the 200 square feet?

Comm. Pateidl: No, I wouldn't increase that, quite frankly.

Mr. Klein: Staff is not interested in increasing that, either.

Comm. Pateidl: I agree with that. With multiple tenants potentially being greater than three, if you limit the sign size to two signs at 3%, I don't see that the changes are addressing the problem.

Mr. Klein: I don't believe the 200 square feet will become an issue with the multi-tenant buildings because most of the signs are much smaller than that. I do agree that the limitation of two signs per building needs to be addressed, clarifying it to say, "no more than two signs per tenant on multi-tenant building" or something in that regard. Typically, when a tenant comes in with a sign, we limit the sign to 2% of the façade. That way, if another tenant comes in and takes 2%, we ensure no more than 2% of the façade is being used. We never know how many times the building will be split, and we want to avoid a situation in which the first three tenants use up all the percentage. I do agree that the 3% is fine. I also think the 200 square feet is not going to present an issue. With regard to the number of signs, I agree that it should be modified.

Chair Rohlf: If no one else has any questions, this case does require a Public Hearing.

PUBLIC HEARING

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

Chair Rohlf: This takes us up to discussion and a motion.

Comm. Williams: This goes to what Mr. Pateidl is talking about in terms of number of signs. Is that something we want to address tonight or have staff come back to us at a later time?

Comm. Jackson: Does staff have a proposed wording change?

Mr. Klein: I would say, "A maximum of two signs per tenant finish on a multi-tenant building" would probably be most appropriate.

Chair Rohlf: Under the "Maximum Number" column on the table?

Mr. Klein: Yes.

A motion to recommend approval of Case 104-10 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-6.13 – Permanent Sign Regulations 9 (Planned Business Park Percentage of Wall Signs) – Request for approval of an amendment to the Leawood Development Ordinance with the change in number of signs allowed to read, "A maximum of two signs per tenant for multi-tenant building," was made by Williams; seconded by Elkins. Motion approved with a unanimous vote of 8-0. For: Elkins, Pateidl, Roberson, Jackson, Neff-Brain, Williams, Heiman and Ramsey.

CASE 117-10 – BI-STATE CENTENNIAL PARK – REVISED SIGN CRITERIA – Request for approval of a Revised Final Plan for Revised Sign Criteria, located south of 139th Terrace and east of Kenneth Road.

Staff Presentation

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 117-10 – Bi-State Centennial Park – Revised Sign Criteria. The applicant is proposing revised sign criteria to cover the entire Bi-State Centennial Park Development. This would limit the height of the letters and logos to 18 inches and a minimum of 8 inches. The maximum signage per façade would be 3%, which is what we just discussed. The width of any tenant sign will be 80%, in an effort to keep it from butting up to the limits of the tenant façade. Letter style is Times New Roman, and the sign will be constructed of individual black, lighted letters with a dark bronze face. Staff is recommending approval of this application and would be happy to answer any questions.

Comm. Roberson: With the change we just made, shouldn't the second bullet in your sign criteria read, "Each tenant will be allowed a maximum of two signs."

Mr. Klein: We can change it.

Comm. Williams: These are the criteria for the development that they choose and not what we just passed. If they want one sign versus two signs, they are allowed.

Comm. Pateidl: The developer can limit two signs.

Applicant Presentation

Ed Alexander, architect with Hollis and Miller, 8205 W. 108th Terrace, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Alexander: We have no problem with what you've talked about in terms of two signs. Corner tenants will have one sign, and those that are internal will have one sign. Everything else is fine the way it is written.

Chair Rohlf: It looks like corner tenants are covered under the first bullet point. Does anyone have questions for the applicant? Does anyone have further comments to make on this particular case? If not, I would ask for a motion.

A motion to recommend approval of CASE 117-10 – BI-STATE CENTENNIAL PARK – REVISED SIGN CRITERIA – Request for approval of a Revised Final Plan for Revised Sign Criteria, located south of 139th Terrace and east of Kenneth Road – was made by Jackson; seconded by Neff-Brain. Motion approved with a unanimous vote of 8-0. For: Elkins, Pateidl, Roberson, Jackson, Neff-Brain, Williams, Heiman and Ramsey.

CASE 99-10 – BI-STATE CENTENNIAL PARK – BUILDING 23 - Request for approval of a Final Sign Plan, located at 1920 W. 143rd St.

Staff Presentation

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 99-10 – Bi-State Centennial Park, Building 23. The applicant is requesting approval of a Final Plan for one wall sign for Sales Injector Dealer Services and to allow overhead doors on the north (back) side of the building to be replaced with storefront windows to match the existing windows on the building. The applicant does not intend to put in the windows immediately, but if the overhead doors were to go away, they would have to be replaced by the windows in order to match everything else. With regard to Sales Injector Services, I would like to direct your attention to a Revised Sign Plan on the dais, in which the applicant has removed the tagline, "Dealer Services." That falls in line with what staff was stipulating. Staff is supportive of that change and is recommending approval of the application with the stipulations as stated. We'll be happy to answer any questions.

Applicant Presentation

Ed Alexander, architect with Hollis and Miller, 8205 W. 108th Terrace, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Alexander: We have no problems and agree with the Staff Report.

Chair Rohlf: Does anyone have questions for the applicant? Thank you. Mark, with "Dealer Services" being removed, what percentage does that take it to?

Mr. Klein: It would be 2.6%.

Chair Rohlf: Does anyone have anything else? If not, I would ask for a motion.

A motion to recommend approval of CASE 99-10 – BI-STATE CENTENNIAL PARK – BUILDING 23 – Request for approval of a Revised Final Plan, located at 1920 W. 143rd Street with all seven staff

stipulations and the Revised Sign Plan dated November 10, 2010 as presented at the December 14 Planning Commission meeting – was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 8-0. For: Elkins, Pateidl, Roberson, Jackson, Neff-Brain, Williams, Heiman and Ramsey.

Approval of Mission Statement for the Planning Commission Staff Presentation

Director Richard Coleman made the following presentation:

Mr. Coleman: In a workshop, the Governing Body reviewed all the mission statements submitted to them. They determined they wanted to make a few grammatical changes and revisions.

Comm. Neff-Brain: Frankie, do you know how the statute with the responsibilities of the Planning Commission reads? Does it read that the Planning Commission is to recommend to the Governing Body how to ensure the orderly development?

Ms. Shearer: Off the top of my head, I don't think it enumerates things that are contained in our Mission Statement. I think the statute addresses, "Cities and counties may establish Planning Commissions to make advisory opinions to governing bodies or county commissions." These types of items, I don't think, are in the state statute.

Comm. Neff-Brain: So it would be something like, "Advising the Governing Body on the orderly development"? This seems so awkward: "To recommend to the Governing Body how to ensure . . ."

Ms. Shearer: If you're asking if this conflicts with state statute, I would say it does not. This has been before this group before.

Comm. Neff-Brain: Yes, and we approved it the way it read in the top statement.

Comm. Jackson: Could I suggest some grammatical changes? "The mission of the Leawood Planning Commission is to make recommendations to the Governing Body, which ensure . . ." and then leave the rest the same. Does that make more sense?

Chair Rohlf: This may be something that the Governing Body has drafted.

Ms. Shearer: I think these are the changes the Governing Body made to the Mission Statement that was submitted by the Planning Commission for their approval.

Chair Rohlf: So if we sign off on this tonight, is this how it will read, or will it go back to City Council for final approval?

Mr. Coleman: If you approve it tonight, it will be done.

Chair Rohlf: Do we need to formally approve it with a motion?

Mr. Coleman: Yes.

Comm. Jackson: It just makes no sense that we would make recommendations to them on how to conduct fair and balanced deliberations. It doesn't read appropriately.

Comm. Pateidl: I believe it captures the essence of what we do because we do not have the authority to make decision that would, in fact, ensure the orderly conduct of the development of the city, but we do make recommendations to the City Council on how we believe the community is best served. You may have problems with it grammatically, but structurally, I think it captures the essence of this commission.

Comm. Elkins: The only piece I would add is that the ordinance itself grants us the authority to make recommendations. To address my fellow commissioner's comment on the wording about making recommendations, it would track exactly with what the ordinance authorizes us to do. I agree with Mr. Pateidl that this captures the essence of what we're supposed to do. I would agree with a change; although, it risks the ire of the City Council, which does concern me.

Mr. Coleman: If you make changes, it will need to go back to Council.

Chair Rohlf: If a number of commissioners feel it is important, I feel it is worth revising and sending back.

Mr. Coleman: The only words inserted were, "to recommend."

Comm. Elkins: It is also, "how to ensure," which is troubling those of us.

Chair Rohlf: Ms. Jackson, what was your recommendation?

Comm. Jackson: "The mission of the Leawood Planning Commission is to make recommendations to the Governing Body which ensure the orderly development of the city."

Chair Rohlf: For those of you who struggle with the grammar, would that be more appropriate? I think, then, I'm willing to send this back to the Council. It is mostly a grammatical tweak; I don't know that it changes the intent. Mr. Elkins, what do you think?

Comm. Elkins: I don't think it changes the substance at all, and it raises the question of whether the grammar is worth sending it through the process one more time. That is a question for the sense of the commission as a whole.

Chair Rohlf: We can try for a motion with the modified language and see what happens.

Comm. Williams: If this ends up being a public statement representing the city, I think we should at least be grammatically correct.

Chair Rohlf: I agree.

A motion to change the language of the Planning Commission Mission Statement to read, "The mission of the Leawood Planning Commission is to make recommendations to the Governing Body which ensure the orderly development of this city by conducting fair and balanced deliberations, by protecting the city's residential, historic and cultural resources and by giving voice to the citizens of Leawood and their values and their quest for a sustainable and quality environment." was made by Jackson; seconded by Elkins. Motion approved with a vote of 7-1. For: Elkins, Pateidl, Roberson, Jackson, Neff-Brain, Williams, and Heiman. Opposed: Ramsey.

MEETING ADJOURNED.