

**City of Leawood
Planning Commission Work Session
Signs**

Tuesday, January 10, 2012

Staff members present: Richard Coleman, Director; Marc Elkins, Commissioner; Len Williams, Commissioner; Kip Strauss, Commissioner; Mark Klein, Planning; Bill Ramsey, Commissioner; Kelly Jackson, Commissioner; Lisa Rohlf, Commissioner; Jim Pateidl, Commissioner; Franki Shearer, Legal; Justin Peterson, Planning; Joe Rexwinkle, Planning; David Ley, Public Works; Scott B., representing IMAX; Amy Grant, Polsinelli and Shughart; Debbie Brenner, Planning.

Mr. Klein: We met on signage before Christmas. We had not discussed subtenant signage at the last meeting. We just handed out an email from Jane Neff-Brain, indicating her positions with regard to signage. We would like to talk about that first. We made some of these changes in the version I sent out last Friday. It addressed removing the word “additional” and leaving “subtenant signage.” We also replaced “of” with “or” to fix a typo. She would like to strike, “has a business relationship with,” and add in, “any tenant that leases space from a primary tenant, which space does not have its own public entrance,” which is what we had before. Our concern there is that we’re trying to address a couple different situations: The US Bank at Ranchmart and the IMAX at AMC in Town Center. That fits US Bank, but it is not the case with IMAX. I don’t think IMAX has a lease agreement for space in the building. We would feel more comfortable keeping it as broad as possible, regarding the business relationship. We talked about that at the last meeting, and some commissioners expressed some concern with the wording.

Comm. Williams: In that case, would it be better to take out the “with” and put, “has a business relationship or leases space,” so you cover both?

Mr. Klein: I think that would be good.

Comm. Williams: You’re almost saying that, even though you have a business relationship, you still have to lease space. If you have the “or” option, both areas are covered.

Mr. Klein: I agree. Does anybody else have input or ideas with regard to the subtenant issue?

Mr. Coleman: I think that’s a good change.

Mr. Klein: We would like to briefly go over tenant and subtenant signage and then move on to two other signs we wanted to talk about.

Comm. Pateidl: If you make that wording change, you might want to revisit Item B in the other section: “A subtenant sign is necessary to identify the business that has a business relationship with the primary tenant or has a presence within.” Are you going to strike “has a business relationship”?

Mr. Klein: I think we could keep both by using Len’s wording.

Comm. Pateidl: I’m just saying that one little word change has an impact on the statement.

Comm. Elkins: Given that, you could trade ten words for one because it is essentially the definition of subtenant. Why wouldn’t you just say, “The additional subtenant sign is necessary to identify the subtenant that has a presence within the tenant space”?

Comm. Williams: Yes.

Mr. Klein: I think that would work. Does anybody see anything else?

Comm. Jackson: Mark, can you just give me an idea what 200 square feet would be compared to the AMC sign already?

Mr. Klein: I don't believe the AMC sign is 200 square feet. We have rarely ever had a sign that gets up to the 200 square foot size because it usually approaches the 5% before it gets to that.

Comm. Jackson: Is the Dick's sign 200 square feet?

Mr. Klein: I don't think it approaches it, either.

Mr. Coleman: It would be a 10x20 sign.

Mr. Klein: We looked at the AMC at one point, and it was about 5 feet tall.

Comm. Williams: Depending on what you call the limits on signage, the one that might be closest is the plastic surgeon.

Mr. Klein: The one with the face?

Comm. Williams: Yes, and it ends up being a large presence on that building.

Mr. Klein: It does, and you're right; it does take up a significant area.

Comm. Williams: It's a lot bigger than AMC or Dick's.

Comm. Jackson: Where is that?

Comm. Williams: Just north of here on the east side of the street.

Mr. Klein: I'd like to go over what we are proposing. There are five criteria associated with the subtenant signage. It would basically allow one additional subtenant sign. In order to do that, all the signage including wall signs, blade signs and canopy signs would have to be no more than 5% of the façade. The primary tenant would have to have a gross square footage of 25,000 square feet. The additional subtenant sign would be required in order to identify the relationship of the subtenant with the primary tenant. The signage would be limited to the name of the primary tenant. Signage identification could not include phone numbers or products. All permanent signage on the primary tenant's façade has to be 5% or 200 square feet, whichever is less. The maximum height of the subtenant sign would be no more than 75% of the primary tenant sign. That was done to try to keep the relationship between them.

Comm. Williams: These would be revised to reflect our discussion?

Mr. Klein: Absolutely; I just wanted to go over the criteria we had that went along with that.

Comm. Elkins: What troubles me a little bit is the definition of the term "subtenant" in the context of the operative provision. We talk about a subtenant being any tenant. I am thinking particularly of the IMAX situation. I don't know that we need to get deep into that relationship, but if it's a reference to a kind of technology as opposed to an entity that is present in the facility, is it a tenant?

Mr. Klein: It would be considered a subtenant by our definition. The business relationship is defined in such a way as to remove confusion on whether the subtenant is a product or an entity. IMAX, obviously, has some sort of business relationship with AMC; therefore, according to this definition, it is a subtenant.

Comm. Elkins: That makes sense, except that you're starting with the premise that the entity is a tenant in the first instance. If I go to a law dictionary, I will read that a tenant is defined as having some interest in real estate, right to possess or something along those lines. I completely agree with the concept; I am just worried that, if somebody decides they are mad at AMC, they will say that IMAX is technically not a tenant and therefore does not fall within the definition.

Ms. Shearer: What if, in the definition of tenant, we changed, "any tenant" to "any entity that has a business relationship with the primary tenant"?

Comm. Elkins: That works for me.

Comm. Williams: In the case of IMAX, it's a technology to go along with the display of the films, and one could maybe build the argument that it's the visual component, similar to what Dolby Sound would be on the sound side of it. You could have an IMAX film with Dolby Sound. If they want to put Dolby on the outside of the building, is it different than IMAX?

Mr. Klein: I think it would probably be treated the same.

Comm. Elkins: They would have to choose one.

Comm. Williams: The IMAX will be the bigger draw, but it is more of an entity or technology than it is a physical tenant.

Mr. Klein: And that is what bogged us down before: trying to address this in the simplest way to negotiate it and address both the US Bank and the IMAX.

Mr. Coleman: IMAX is more than a technology. They have their own theater in many locations around the country. They are more than just the technology.

Comm. Williams: So they're IMAX-owned theaters like an AMC?

Mr. Coleman: Yes.

Comm. Elkins: But by broadening it to "entity," we have removed the issue.

Comm. Pateidl: Mark, can you go back to your staff recommendations? Item C says, "Signage shall be limited to identification of a subtenant and shall not identify phone numbers, products, specific services offered or any other information about the tenant beyond the name of the tenant." It strikes me that there is nothing in there with respect to logos. I don't see that we could allow the logos with a strict interpretation.

Mr. Klein: I don't know that it was actually the intent. I think somebody asked about logos, and we thought they would be. I actually pulled that language from another part of the ordinance. That is a point well taken. The only way I would see to modify that would be to indicate that logos would be allowed.

Comm. Pateidl: "Nothing beyond the name of the tenant and the logo, if appropriate."

Mr. Klein: Right.

Comm. Pateidl: I just don't want to get trapped by our own language.

Comm. Elkins: Along with Jim's comments, I also believe it should say, ". . . beyond the name and logo of the subtenant."

Mr. Klein: Absolutely.

Ms. Shearer: Can we do "and/or" there in case we have somebody like Apple, who just uses a logo?

Mr. Coleman: Yes.

Comm. Strauss: Does this address a situation with more than one subtenant in there?

Mr. Klein: We discussed the number. It sounded like some people were in favor of that; some were uncertain. We just kept it at one at this point from feedback we had from the Governing Body work session. That is something that will come before you at the meeting.

Comm. Strauss: I could see a Starbucks in the AMC wanting a sign.

Mr. Klein: We struggle in determining when to stop. Another suggestion was to allow however many signs fit in the overall 5%.

Comm. Pateidl: Not only the 5%, but the 200 square-foot limitation. Using that as the key to the limit and not the number of signs, there are two reasons for the numbers. One is Starbucks wanting you to know they're there so you can buy a cup of coffee; another is to inform the general public of facilities that are available. Watching the news, we know that the US Postal Service is going to gravitate toward putting services in more grocery stores and the like than they have in the past. That, to me, is a public service to say, "Hey, we've got a post office here." To say to the primary tenant, "You can choose between economics and public service," while they are still under the 200 square feet, I think, is a disservice to our community. This brings me back to the 200 square-foot limitation being the primary factor on determination on the number of signs.

Mr. Coleman: Grocery stores already sell stamps even though some don't have a full-service post office.

Comm. Pateidl: I can buy stamps at the HyVee on State Line, but I don't think I could buy stamps over here at Hen House.

Comm. Williams: You can buy stamps at Hen House. They won't take your letter, but you can buy stamps.

Mr. Coleman: If we go that direction, we would have to revamp this whole thing because we would have to decide how many signs would be permitted on a façade. Part of our sign ordinance is to reduce clutter.

Comm. Ramsey: I know that people can appeal to the BZA, but do we want to add in an elastic clause that allows people to appeal in situations that we can't foresee now so that we don't have to keep changing this every time?

Mr. Coleman: This ordinance modification is that elastic clause with the deviations. It allows you and the Governing Body to decide if these fit.

Mr. Klein: Right now, these are the deviations. We could have an exemption. This will come before you on the 24th. I know I've heard a number of commissioners express concern about the number of signs allowed.

Comm. Ramsey: I'm okay with the way it reads now, but just as sure as we're sitting here, I know that another IMAX deal is going to come up that is outside the boundaries of this thing, and we're going to have to say, "No, it doesn't meet this guideline." Instead of doing that, I would rather have an appeal process of some sort that could at least start with you and then come before the Planning Commission and City Council.

Comm. Williams: I think you make a good point. Rather than dictate to a business how they notify their customers of what the business is, we may want to offer flexibility, within reason, to address situations that may come up.

Comm. Jackson: I think you're going to keep those grocery stores from remodeling, too, because, if they remodel, they have to take down all those signs.

Mr. Klein: Are you talking about the US Bank situation?

Comm. Jackson: Yes; if Hen House does the front of their store, don't they have to come back in for the signs they want?

Mr. Klein: Yes, they would have to come into compliance with the current ordinance.

Comm. Jackson: And you'll have a massive protest at that point. I'd rather have them updating their stores and their look. Otherwise, we will have a bunch of run-down businesses.

Mr. Coleman: They've already done remodeling at that store.

Comm. Jackson: I'm sure HyVee will remodel.

Mr. Coleman: If it's that important to them, I don't see them not remodeling to save signs.

Comm. Jackson: Who knows?

Mr. Coleman: I wouldn't be supportive of changing it so that they could keep "Bakery."

Comm. Jackson: That wouldn't come under the definition of "entity."

Mr. Coleman: No, it's just more signs.

Comm. Jackson: This would get rid of all those extra signs on the grocery stores.

Mr. Coleman: Yes, they are legal, non-conforming signs as they are.

Mr. Klein: Those are products and services, which are not allowed under the current ordinance.

Mr. Coleman: I suppose if they didn't have US Bank but had Entenmanns's Bakery.

Comm. Jackson: Hen House is Tippin's Pie. A grocery store could put up any of those.

Comm. Williams: How would you address the wording on this to give it a little more flexibility?

Mr. Klein: I imagine you could do an exemption if you knew the circumstance you may run into, such as a public service or an item that would merit one.

Mr. Coleman: We are also trying to have certain standards. Some of the ordinance in the past has been so open that the past Commission and Council have done things that are not necessarily allowed in the LDO because of a conflict in the provisions and ordinance that implied that they could “make it up as they go,” so to speak.

Comm. Williams: Like Crate & Barrel.

Comm. Ramsey: I’m not suggesting it be open-ended; I’m just suggesting there be an appeal process. If you want to, you could even put in a clause that said, “Nothing construed in here would allow it to be in conflict with the LDO after the decision.” I’m just trying to say the business models today are changing so quickly that who knows what’s going to be in a grocery store? Who knows what the next retail thing will be?

Mr. Coleman: We don’t know.

Comm. Ramsey: Concerning post offices that may come in, certainly, someone that was now going to provide a public service should not have to be told, “You have to take one of your signs down to be able to put that one up.” There ought to be an appeal process that is allowed as long as they are within the 200 feet.

Mr. Klein: The problem you start running into is defining a public service.

Comm. Ramsey: I’m not suggesting that it is an exemption; I am just saying that we provide an appeal.

Mr. Klein: The appeal process through the Planning Commission and City Council is District Court.

Comm. Ramsey: I’m not arguing with you, and I understand the way the legal system flows here. I am trying to provide a means by which you don’t have to do that if it’s a simple slam dunk. Otherwise, we don’t have a way to do that.

Ms. Shearer: I think perhaps you’re talking about an exception through the BZA that is written into the LDO. All the other ones I can think of have three or four criteria they have to meet, so the BZA is just checking to make sure they meet those criteria. Maybe that’s what you are referring to; I’m not sure.

Comm. Ramsey: I’m not sure, either. I’m just suggesting that we ought to be able to give ourselves an out without stretching ourselves so strictly that it’s black and white because nothing in this world is black and white.

Mr. Klein: That is very true.

Comm. Ramsey: It is that or we keep changing this damn thing every time the business model changes.

Mr. Coleman: That is another process.

Chair Rohlf: Maybe we see what happens with this one.

Mr. Coleman: We don’t know what the next model is going to be.

Comm. Pateidl: I think Bill has a good point. If we don't know what it's going to be in two years, it is all the more reason to look for some exception language to incorporate in to give the planning department or the BZA some flexibility. As Bill said, if it's a slam dunk, they don't want to go through the Planning Commission, City Council, BZA and District Court. To a large extent, that makes us look like fools.

Comm. Williams: I agree.

Comm. Elkins: I am reluctant to a general idea of too much flexibility. I guess the issue is where to draw the line. One thing I think is a challenge that we, fortunately, have not had to deal with here is building in too much flexibility and creating an inherent risk of a challenge on a basically arbitrary and capricious action. The good thing about having inflexibility is, if you enforce the rule, you can't be challenged on it. If you have flexibility and you exercise your discretion in one instance, the next 30 times down the road, they will say, "Well, you did it for this guy." You think it is a slam dunk for the first one, but maybe it is not for the second. Now, the second is complaining that they didn't get treated the same as the first. That's why I tend to go toward what we have here, recognizing your valid points about the need to be flexible to the business decisions. I'm saying that we don't want to be so flexible that we lend ourselves to every fad that may be out there. I would support what we have here and would resist much more in the way of flexibility because of the risk of being challenged at some point down the road for arbitrary and capricious conduct in dealing with how the exception is applied.

Comm. Pateidl: You lose that, and you open a door. That's a good point.

Comm. Williams: Through the BZA process, we already allow for exemptions to the strict interpretation of the LDO.

Comm. Elkins: Based on the five factor test.

Comm. Williams: It is currently based on the five factor test. Quite honestly, having been to the BZA and a lot of different places, including this community, I will say that it can be arbitrary. That is a system that has been established by the State Supreme Court, and we have some requirement to live by, but if you get some parameters on who can apply for an exception as far as number, it can be responsive to the business community and flexible and yet not have us go through this process in six months and then change it because of one situation that looks like it really makes sense. How often is this going to happen? Are we making a mountain out of a molehill? We've got two Price Choppers and AMC as an issue. What else?

Mr. Klein: HyVee on State Line might have an issue. This will automatically be limited to the 25,000 square feet. As long as we hold the line on that size, there are only so many businesses out there that will be that large with a subtenant. Some of those may want more than one.

Comm. Ramsey: However, we still have the Santa Fe Corridor or 135th Corridor. We still may have some fairly large buildings go in there.

Mr. Klein: That is true.

Mr. Coleman: We are actually being more flexible with this than we are right now. If they were building right now, they would not have the ability to have subtenant signage. I think the changes that have been made are good changes.

Comm. Ramsey: I don't disagree with that. As I said, I'm supportive of what we're doing here; I think it's a good move.

Chair Rohlf: Where are we, then?

Mr. Klein: If nobody else has anything with regard to the tenant and subtenant, we would also like to address a couple other issues we are going to see here pretty quickly that the LDO doesn't address. One is the identity monument signs. Park Place has two of these: one on the southwest corner and another on the southeast corner. These are approximately 28 feet tall. They have the logo for Park Place and also "City of Leawood." We don't have any answer as far as where these fall in the LDO. We have monument signs, but those are limited to 50 square feet total, 10 feet in length and 6 feet height. We are looking at some way to approach the Planning Commission to see if you are supportive of these types of monuments. If so, how would you like to regulate them?

Chair Rohlf: Mark, how did they come in, in the first place?

Mr. Klein: Park Place proposed them, and I think we just took them as features. They really weren't addressed anywhere in the LDO; it just came through, and we tried to address it as well as we could.

Mr. Coleman: Right now, they are structures that serve as a gateway.

Comm. Ramsey: But monument signs are taken care of in the LDO.

Mr. Klein: Yes, they are addressed as far as size. It is not clear as far as where they are allowed. For instance, it has been an issue in other developments, such as Cornerstone. Do we allow a monument sign at every entrance into the development, or do we keep it to the major entrances, which we have always tried before. These, on the other hand, don't really fit the monuments because they're so much bigger. They are obviously not meeting the building setbacks, so they are treated as a monument sign in that regard. We came up with a development identity monument as a name to give a starting point for discussion. These are fairly large at 28 feet high.

Chair Rohlf: Would they be different if they didn't have names or a rendering of any kind?

Mr. Klein: We would like to discuss that a little bit. Right now, we would like to make it a broad argument because, if Park Place is getting these as well, we may see other developments that would like to have them. Right now, they would like the name and the ability to put temporary signage in the lattice area, advertising events and promotions within the City of Leawood. Currently, they just have the name of the city and the logo of the development. We would like to try to limit the location because they are so large. We proposed these for the MX-D districts because they are larger. Parkway Plaza is currently zoned MX-D, and Mission Corner was going to be zoned MX-D as well.

Mr. Coleman: A lot of what is on 135th will ultimately be MX-D as well.

Mr. Klein: We also wanted to limit the number of them. To do that, we said one would be allowed per 200 square feet of floor area within the development. The Park Place Development is 1.2 million square feet, so obviously, this would allow them five; but we would limit it to a maximum of four.

Comm. Ramsey: Why wouldn't you just continue going with these as a feature?

Mr. Klein: The reason for that is we don't really address features.

Comm. Ramsey: You already have the precedent set for what is there.

Mr. Klein: We do, and we are trying to make it match in the LDO as much as possible.

Mr. Coleman: Part of the early development plan had one of these not even on their property; it is in the right-of-way.

Mr. Ley: It is on AMC's property.

Mr. Coleman: And they allowed it to be put up. I can see those as an entry marker. Some of the proposals are just to put one at corners of the development, so there would be one out on Nall and Town Center Drive.

Chair Rohlf: What do they call them?

Mr. Coleman: My concern is they want to use them for signage and advertising.

Comm. Ramsey: That's not what they have there right now. I would not be in favor of doing that, but what's the difference between this and the signs down in Leawood Pavilions? It's huge.

Mr. Coleman: Right; and those are usually entry markers that provide a gateway by putting one on each side. One of the proposals is that they could go on the corners. I understand it from a residential development.

Comm. Ramsey: White Horse has entry signs at every street entering the subdivision. I don't mind what they've done as long as they keep the signage off of it. I think it would be appropriate for them to put them at boundary markers, but I wouldn't want to see any signage on them.

Comm. Williams: Are you talking about the event signs?

Comm. Ramsey: Yes, just like what is up right now because it has "City of Leawood" and it is a nice entry marker because you are marking the boundary into the city off Nall. I like them; I think they look nice.

Mr. Klein: Is everybody pretty supportive of the identity marker itself, separate from signs?

Comm. Strauss: It seems similar to residential gateway signage to me.

Mr. Klein: Can I get a consensus as far as temporary signage?

Chair Rohlf: Nothing more than what they have.

Mr. Coleman: Just their logo?

Chair Rohlf: Yes, it should all be consistent if we want them to have more.

Comm. Ramsey: If they want to duplicate what they have up now, I would be supportive. If they want to have different ones all over with different things on them, we should talk about it.

Mr. Klein: What about "Park Place"?

Comm. Ramsey: Do they have "Park Place" on this one?

Mr. Klein: No, and this would go for other developments as well and not just Park Place.

Mr. Coleman: It says “City of Leawood” and then has an architectural insert that has their rotated “P” logo on it.

Comm. Strauss: I think you could say the name of the development just like the residential developments.

Comm. Ramsey: That or their logo – one or the other.

Chair Rohlf: Is this in lieu of monument signs for them?

Mr. Klein: That’s what I want to talk about. Right now, there is nothing in the LDO about it. We are trying to draft something, and it could become an issue at some point. Somebody could want some monument signs and have these as well in certain areas. It might be perfectly fine if you have these at two major intersections and a monument sign at another, but that is something I want to discuss.

Mr. Coleman: Were these part of any of their bonuses for density?

Mr. Klein: No.

Comm. Strauss: What are the signs in front of residential developments called in the LDO?

Mr. Klein: Those are monument signs, and the ones in residential are typically allowed to be larger because they are approved by the Governing Body. They tend to be at each of the entrances; however, I know Wilshire Place brought in discussions as far as allowing larger ones off 133rd St. The ones between two subdivisions would be smaller.

Comm. Strauss: These will be differentiated just by calling them development markers.

Mr. Klein: They would be identity markers instead of monument signs.

Chair Rohlf: The word that bothers me a little bit is “identity.” I think we make it seem more like a sign than a monument. To me, these are monuments.

Mr. Klein: Maybe development monument?

Chair Rohlf: Where do you think they fit in as far as the LDO itself? Would it be a new section?

Mr. Klein: They would be a new section in the table. Just to give you a general idea, we would also like to restructure the format we have currently in the LDO. We have a lot of the same information, but it’s getting very ponderous to try to fit very much text in those little blocks. We would like to come up with a new format that allows us to add things in and describe exactly what they mean. This is what we have concerning these:

1. Located in an MX-D District
2. Number limitation – I looked at development sizes:
 - a. Parkway Plaza is 679,000 sq. feet and would be allowed three.
 - b. Cornerstone is 356,000 sq. feet.
 - c. Villaggio is 293,000 sq. feet, so they would be allowed one.
 - d. One Nineteen is 169,000 sq. feet.
 - e. Mission Corners is 315,000 sq. feet.
 - f. Market Square is 171,000 sq. feet.

Comm. Ramsey: Does the design still have to be approved?

Mr. Klein: These would come through Planning Commission and City Council, and the design would have to be approved. We are using Park Place as an example because we have some there.

Comm. Ramsey: If it's got to come through us for the approval of the design, why are we worrying about the number and all this other stuff that is going on out there?

Mr. Coleman: If Park Place asks for four of them and we approve those, so then Parkway Plaza asks for four and we only approve two, or maybe they ask for six of them. Why shouldn't we allow them six or eight?

Chair Rohlf: I could see them wanting more than four here.

Mr. Coleman: They have more entries than Park Place will have or as many. I think we also need to talk about their purpose. We know the purpose of monument signs because they are signage. These, initially, were not really signs but rather gateway markers to the city and, as best they could be, to Park Place. You could say they could be boundary markers to mark the boundary of a development or gateways that demarcate the major entries to the development.

Comm. Ramsey: What is the requirement now for a residential entryway?

Mr. Rexwinkle: The maximum area could be whatever the Planning Commission and Governing Body approve. There is no limit.

Comm. Ramsey: I rest my case.

Mr. Rexwinkle: That is only on residential and not commercial.

Comm. Ramsey: Exactly.

Comm. Pateidl: There are two issues we have to face. First, we have a whole bunch of places out there that don't have monuments that may want them. As far as the title, why can't we just call it Development Identity Monument; Residential" with one set of regulations and Development Identity Monument; Commercial" with another so you don't get confused with what these are? They're not signs. They're not commercials. They're not places to hang coming events. Secondly, what we have is some existing places that are going to, perhaps, want to include an identity monument. I think what you've done in terms of your square footage and the balance of that is very good, including the limitations, because there has never been an opportunity to address that in the past since they hadn't come up. For the future, is there a way we can move this into more of a regulatory issue as part and parcel of their Sign Plan for their development and we give the considerations then to the number and placement? I would think having this being proposed on a new development when we have the opportunity to thoroughly review their sign plan and the rest of that would make sense.

Mr. Klein: You're talking about the number and size?

Comm. Pateidl: I think your size limitations are fine. We don't want anything too terribly gaudy. Limiting something to 30 feet high should be just perfect.

Chair Rohlf: I don't want them to be able to have both. I think with most monument signs that we have currently and probably would have at some of these other developments, they'll want the big name of their development on there. I don't want them to be able to come back in and say, "We also want to do some things like this." If this is in lieu of monument signs, it's one thing; if they're going to come back and want big monument signs at their entrances, too, I don't know.

Mr. Klein: So these would be allowed in lieu of a monument sign.

Chair Rohlf: Or at least looked at in lieu of or at the time of planning. We shouldn't let it be an afterthought.

Comm. Williams: You're right.

Comm. Ramsey: It should be done up-front at the review process.

Comm. Williams: Another issue on this type of signage is also its context in relation to the development. You can't take a 30-foot obelisk like this and stick it out in the cornfield, so to speak, at the corner of a parking lot. They have things at Park place that are part of other structures; they don't fly in your face.

Comm. Ramsey: That's why it has to be reviewed as they come in for their sign program.

Comm. Williams: I think it goes beyond the sign program; it's the development itself.

Comm. Ramsey: I am just saying, in the review process before anything is built, they should know what they're going to do or not.

Mr. Coleman: We could probably put something in to that effect, but what if they are like they are right now, where they didn't have it in the Preliminary Plan, and they are halfway through the development of their project and go, "I want monuments around my development"?

Mr. Klein: And that will happen. They always have the ability to come back.

Comm. Williams: If we have language in here that gives the requirement or guideline of context, you could do that. You could take Town Center as an example of coming in and putting up a 30-foot obelisk along Roe. One, I don't see how they could fit one in, but if they try to do it at the entrance to Barnes & Noble, I think it would be a terribly inappropriate place to put it.

Mr. Coleman: That is something that is certainly a possibility.

Mr. Klein: I wonder if we could say that it must be approved as part of Design Guidelines for the development; however, some of these would be the parameters that you would have as far as the size and number. The rest would be left to be approved by the Governing Body through the Design Guidelines or through the exception process. I'm not exactly sure how that would work.

Comm. Williams: Yes, along that line.

Chair Rohlf: Doesn't Park Place have monument signs? Have we approved any of those yet?

Mr. Klein: No, they have not had any monument signs. They haven't at this point, and I'm a little surprised. Then again, they really don't have a lot of developments going in.

Mr. Coleman: That could change because their tenants probably haven't asked for it, but they have asked for more signs. That's why they've modified the Sign Criteria to allow for more signs per tenant. It wouldn't surprise me in the future if they did ask for one.

Comm. Williams: You could think about the Price Chopper development on 135th and Mission. They have corner features. All the developments along 135th Street are supposed to have corner features. They get to

be markers, of sorts; they just don't have the name of the development on it. They are somewhat appropriate sizes. Parkway Plaza has a corner feature. They could put "Parkway Plaza" on that, and it would fall in line with this.

Mr. Klein: Yes, Parkway Plaza has it; Plaza Pointe has it, and Market Square has it.

Comm. Williams: If you look at the monument features like the corner features - because these could be at the corner of the development - with the Parkway Plaza approach, as an example, it wouldn't begin to fit this because it's multiple pieces that define the entrance. Are you saying they can only do a one-piece element in all of Park Place?

Comm. Strauss: I had some confusion there, too, because a developer might argue that both structures on either side of the street are one monument together. Maybe it should say something like "one freestanding structure." Sometimes, they're connected, so does that make it one?

Comm. Williams: In that respect, are we saying they couldn't have the crossover, the connection? I don't see that being appropriate at Park Place, for example, but it works for a development like River Market in Kansas City, Missouri.

Mr. Klein: At this point, I don't know because it's going in the right-of-way and creating all sorts of issues that we would typically never address.

Comm. Williams: The River Market is not necessarily going into the right-of-way.

Mr. Klein: But it's parallel; I see.

Comm. Ramsey: What is the development off Mission and 119th into the residential?

Mr. Ley: 103rd and Mission has one into a residential subdivision. It's a stone tower with a roof structure above it.

Mr. Coleman: So we're okay with allowing the monuments, but we haven't decided on the parameters?

Comm. Ramsey: How did these get put in to begin with?

Mr. Klein: They came forward with a proposal for Park Place. At that time, it was considered part of a planned development as identity monuments. It was viewed as a structure and not a sign.

Comm. Ramsey: Did they bring it in, and was the design approved?

Mr. Klein: Yes, it went through the whole process.

Mr. Coleman: Was it part of the Preliminary Plan approval?

Mr. Klein: It was not part of the Preliminary Plan. They came with a separate Final Plan to have these installed.

Mr. Coleman: So they would submit another Final Development Plan for additional monumental features as part of the development plan.

Comm. Ramsey: Absolutely.

Comm. Williams: I think at least several members here are good with the idea of prohibiting any temporary signage being attached to these.

Comm. Ramsey: I agree with that.

Mr. Coleman: Let's say they did it and got approved and there were a couple more of those on there, and then Parkway Plaza came in and said, "We want those; ours are 50 feet tall"?

Chair Rohlf: They're not an MX-D, are they?

Mr. Coleman: They are. And now, you have to say, "Those are inappropriate because they are out of scale with your development."

Comm. Williams: You would have a limit on what the size could be.

Comm. Ramsey: We still have the authority to say no.

Mr. Coleman: I want to make sure we have some parameters.

Comm. Ramsey: Marc, have you found where it talks about residential?

Comm. Elkins: Yes, to a certain extent, and there is a section that governs monument signs, regardless of whether they are residential or not. Interestingly enough, the way I read it is that they can be no bigger than 6 feet in height, 10 feet in length and 16-24 inches in width.

Comm. Ramsey: I can tell you two of them that are in violation right now. I live in one of them.

Comm. Elkins: In the table, it talks about maximum area as approved by the Governing Body after recommendation. I still don't understand how that can trump a very specific limitation on the size of the monument sign.

Mr. Coleman: It is probably height because it doesn't address height.

Comm. Elkins: And I don't see that as a sign; I see it as a monument. I would be reluctant to mess with it in the sign section of the ordinance. My thought would be that, perhaps, you could include it in the section on permitted accessory uses, buildings and structures. That would make the most sense to me because we're going to get ourselves in a knot over whether it's a sign or not.

Mr. Klein: Part of our concern is we're talking about signage, and there was some support for it having the logo or the name of the development. A monument sign is a structure with the name or logo of the development.

Comm. Elkins: That's a fair point.

Comm. Jackson: But that's the single purpose of those. This is more of an architectural gateway, and the name is not at all prominent.

Mr. Coleman: Maybe we should limit the size of the name. I don't know how big those are, but they look like they're only 8-10 inches tall.

Ms. Shearer: There is also a limitation on the height of accessory structures in that part of the ordinance.

Comm. Elkins: It is 15 feet, so you would have to do some reworking.

Comm. Jackson: Nothing is perfect.

Comm. Williams: I agree with Marc about having it more in the accessory section.

Comm. Ramsey: I do, too.

Mr. Coleman: We won't put it in Signage.

Chair Rohlf: If we put it in with accessory uses, what else are we opening ourselves up to?

Comm. Williams: Staff can figure that out.

Mr. Klein: Currently in the accessories section, we just have accessories for certain zoning. If we meant to keep it as MX-D, we would have to call it out separately.

Mr. Rexwinkle: If we put it there, would we consider the "City of Leawood" and the Park Place logo and text to be signage?

Comm. Ramsey: No.

Comm. Elkins: I agree.

Mr. Klein: But it would be allowed?

Comm. Ramsey: Yes. The reason you take it out of signage is it removes all doubt that you're going to stick other stuff on there. Under "Accessories," it doesn't prohibit the location on the monument's text.

Mr. Coleman: These things are about 30 feet tall. Do we want to have location parameters with regard to setbacks?

Chair Rohlf: So much depends on each use.

Mr. Klein: One point you mentioned is including this in the Design Guidelines for the development itself. Is it possible to list it in the table as only being approved through approval of the Design Guidelines for the development and then have parameters as far as maximum size and number? For that part, I would think it would still be in Signage. I want to get back to something Lisa said. She was concerned as far as these being used together with a monument sign. If we want one or the other, we would need a statement that these would be in lieu of a monument sign. I don't think it would be a problem if they're on different frontages, but it might be if they were close together.

Chair Rohlf: If we are going to limit what is allowed to go on the tall markers, they are probably also going to want monument signs.

Mr. Klein: At this point, monument signs and these are limited to the name and logo of the development or "City of Leawood."

Chair Rohlf: Something like this is much smaller than what they would get on a monument sign.

Comm. Williams: I think you make a good point that we don't want these all together. Maybe there would be a provision that limits what you can do at one location. Maybe state a distance between this identity marker and the monument sign. The monument sign is intended to go at or near the entrance to the development, and these can be on a corner. If they want to put them closer to the entrance, they can do that, but again, if it's in a certain distance parameter, they don't do the monument sign.

Mr. Klein: I think that's good.

Chair Rohlf: I was looking at the table, and it says, "Maximum number of signs per monument." I don't think that's what it meant – maximum number of monuments in a development?

Mr. Klein: Actually, that was on the four-sided developments.

Comm. Pateidl: Is this monument issue going to come up on the 24th?

Mr. Klein: Originally, we wanted it to. Honestly, after hearing the discussion, it sounds like it needs more discussion; I have to figure that out. This is an application that was made for the November meeting. We told them we needed something written in the LDO to address these before we took them forward because there is a chance we may have others ask for them, too. We continued them to the January 24th meeting, so that's where they stand. They may be happy because they're getting their signage. They won't get the temporary signage they were proposing, so they probably won't be happy about that.

Comm. Pateidl: Do we have a deviation process for the accessory buildings?

Mr. Klein: Not that I'm aware of.

Comm. Ramsey: Would they be in and around the skating rink?

Mr. Klein: Actually, they're just proposing these on the corners.

Comm. Ramsey: Do we have any provisions to allow these circular, 6-foot high places to put posters and notices?

Mr. Coleman: It is a kiosk and would be approved as part of a Development Plan. We do have a provision for some of that in the ordinance, like correctional signs. You could have a sign kiosk that says, "AMC offices are this way; AMC Theatre is that way." I think they do have some kind of kiosk.

Comm. Ramsey: The reason I am asking is I am just thinking that you would have to have awfully large temporary signs put up for a driver to see something up on these boundary signs.

Mr. Klein: Yes, and at Town Center Plaza, they put up temporary signs on the corners on metal poles. I think that's what they were thinking.

Mr. Coleman: "Santa Claus" or "Sushi Special."

Comm. Jackson: There is no way we can tell them they can't put it at the corner.

Mr. Klein: In the past, we've always allowed them to do that as part of a Temporary Use Permit. Typically, it's been limited to events such as a sidewalk sale or concert series.

Mr. Coleman: You can have six of them for ten days.

Mr. Klein: That was part of the previous Temporary Use Permit. Now, we allow 16 square feet.

Ms. Shearer: What about the signs they hang on the light poles at Town Center that promote the charity shopping event in October. Do they get approval from you for that?

Mr. Coleman: Yes, they come in. I don't remember if it is specifically for that event.

Mr. Rexwinkle: Light pole banners are allowed in SD-CR, N-CR and MX-D.

Ms. Shearer: So do they have to get permits for the ones on the light poles?

Mr. Coleman: I don't know that they do.

Comm. Jackson: We're not going to stop any temporary signage with this.

Mr. Klein: No. Does anybody else have anything more? The next issue is something that also is not addressed by the LDO. It has to do with menu signs. We have broken those into two types: pedestrian with a display in front of a restaurant and drive-thru that would be viewed from a vehicle. Right now, we have McDonald's at Ranchmart and at Camelot Court. We also have Starbuck's and Winstead's. These menu boards are currently not listed in the LDO. We do have an application for McDonald's to add an additional drive-thru. We would like to address this within the LDO since it will probably come up again. Chick-Fil-A and Harvey's were talking about coming in at one point; it just never materialized.

Comm. Jackson: Mission and 135th wanted a McDonald's at one time, didn't they?

Mr. Klein: I think you're right.

Mr. Coleman: We will have other instances in the future.

Comm. Strauss: The second lane at McDonald's is not regulated by the signage, is it?

Mr. Klein: No, but they would be adding a menu board since they would be adding a second lane.

Comm. Ramsey: Are we talking about just the size of it?

Mr. Klein: We'd like to address whether it's allowed, period, within the LDO. I assume it would be since we already have them. Then there is a chance that we might get other ones.

Comm. Strauss: If you limit the number, it could regulate a second lane.

Mr. Klein: Yes, and we want to address that and also look at limiting the number of signs allowed. We are proposing limiting the number of menu boards to one per drive-thru lane. Many times, we will see a pre-sale menu and then the actual menu board. Then, perhaps, they will have additional signage related to a promotion they are having. Additionally, we often times see a sign for where to order and where to drive thru. We'd like to start by addressing the menu board itself, and we are proposing one per drive-thru.

Comm. Williams: Do you mean the whole thing has one sign?

Mr. Klein: This shows one sign, and we want to limit it to 36 square feet.

Mr. Coleman: This rotates so they can put breakfast and lunch out separately.

Mr. Klein: We have another issue with the menu boards in that they are box signs, which are not allowed. We would almost have to include an exception.

Comm. Strauss: Starbuck's has an informational sign before the menu boards. You are saying that would not be allowed.

Mr. Klein: They would not be allowed in this proposal, but Starbuck's would be allowed to keep theirs as legal, non-conforming.

Chair Rohlf: I think we should require them to put the calories and fat content on them, and then maybe they wouldn't put them up.

Mr. Klein: We would like to distinguish between the pedestrian signs and the vehicular. Additionally, we would like to regulate maximum area, lighting, motion and size. We would like to limit the number to one per drive-thru with a maximum of two. That way, a third sign for a triple drive-thru would not be allowed. We would like to limit the size to 36 square feet.

Comm. Williams: Does that comply with what is out there?

Mr. Klein: We looked at menu boards that are there, and we didn't really want to make anybody legal, non-conforming.

Mr. Rexwinkle: I don't know what the menu board sign is, yet; they haven't told us. The other cities in Johnson County were 32-38 square feet.

Mr. Klein: We would like to prohibit other types of signage, including preorder or promotional signage.

Chair Rohlf: This is a request for an additional drive-thru.

Mr. Klein: Yes, and they will want to basically duplicate all the signage they have on the current drive-thru on the second drive-thru.

Chair Rohlf: And at that point, we could tell them nothing but the menu board.

Mr. Klein: That is the intent of this. That way, if they know what the city will allow, they hopefully will not come in and ask for all this other stuff. Does that sound reasonable?

Comm. Jackson: I would prefer to limit it to one drive-thru. Because of the pollution that you cause with those things and the extra health issues, I'd prefer not to have any, but I would give them one.

Mr. Coleman: They have one.

Comm. Strauss: I have noticed that McDonald's is remodeling and modernizing across the country. Wherever they do this, they go to two drives.

Chair Rohlf: Can they get two drives over there?

Comm. Williams: It's a way to actually reduce the wait time. I've gone through a couple of those, and you can usually be the second or third instead of the sixth or eighth. Here in Leawood, I don't even do the drive-thru because I can get in and out faster.

Comm. Strauss: I don't know what the McDonald's is like during a rush hour, but if traffic backs up, does it create a safety hazard on Roe? They'll claim they will solve that problem.

Mr. Coleman: Yes, that happens on Roe now.

Comm. Pateid: If there is a purpose for all this discussion on signs, it is to keep clutter from inside the community. I think if there is ever an area where the city should put its foot down, it is in the example you gave just a minute ago (*Refers to photo*). That's atrocious and ugly and not what Leawood is really all about. I think if you limit to 36 feet and give them plenty of room to put their product and prices, it is fine. They don't need to advertise that stuff here. They don't need that clutter. The more we can stay away from sign pollution, the better off we are. All the arguments for two drive-thrus are valid, and you're not going to be able to avoid it. I think one per drive-thru is fine, and that's it. Welcome to Leawood. We are here to have a pleasant, non-cluttered community.

Chair Rohlf: These are all outside Leawood.

Mr. Coleman: These pictures are all in other areas. The McDonald's here and at 95th both have order menus already, but there is just one drive-thru.

Mr. Klein: The other issue is the canopy over the order area that serves as weather protection. Often, they will put something like, "Order Here" under the canopy. We feel that they should know where to order.

Comm. Williams: The flexible bar below the drive-thru does serve a purpose. Idiots just don't realize how tall their vehicles can be.

Mr. Coleman: They are getting rid of their overhang so they won't hit the building.

Comm. Williams: I recall when we heard the second drive-thru on 119th Street, we were pushing for screening of the drive-thru from the public right-of-way.

Mr. Klein: And I know we have always required screening on the backside of them and to try to screen the rest as much as possible.

Comm. Williams: We should screen these from the public right-of-way versus the interior of the development. At Winstead's, you can see the menu board when you're in the development but not when you're going down 135th Street.

Mr. Coleman: Do we have restrictions on menu boards as far as distance to residential?

Mr. Klein: No.

Chair Rohlf: Distance to banks, maybe?

Comm. Elkins: Are we just banning Sonic completely, then?

Mr. Klein: I never thought about that because they have a menu board at every spot.

Comm. Ramsey: Sonic now has drive-thru as well.

Mr. Rexwinkle: The other cities we looked at have regulated those separately; we just didn't include them in this.

Comm. Elkins: What do they call them?

Comm. Jackson: Drive-up menu boards.

Mr. Coleman: And then they may want to do an electronic sign that scrolls through. I could just see an "iMenu" where you can just page through.

Comm. Williams: That's coming. I heard a radio reporter a few days ago that said we will see things like that in the next five years.

Comm. Ramsey: It's made possible by The Cloud.

Chair Rohlf: Is this going to be in the LDO before they come in?

Mr. Klein: We would like to have this in place before they come in or at least prior to when they come in to have this in place. We were hoping this could go on the January 24th agenda.

Chair Rohlf: Going back to those initial criteria, you show what is incorporated in the actual text.

Comm. Williams: To those requirements, are you still going to add the screening from the public right-of-ways?

Mr. Klein: I know we typically do that as part of the Site Plan process with landscaping. We can add it in.

Comm. Williams: I think it needs to be in there so they know from the beginning.

Mr. Coleman: I am still thinking about call boxes with a drive-thru next to a residential area.

Chair Rohlf: It would need to be a Special Use Permit.

Comm. Williams: Even when a development comes through and designates ground for a drive-thru, we pretty much control where we do that. Do we need another provision in the LDO that covers it, or do you think we're pretty well covered?

Mr. Klein: I think all of it comes into consideration with a Special Use Permit.

Chair Rohlf: What is the McDonald's operating under? Is it a Special Use Permit?

Mr. Klein: They went in so long ago that there is a chance they didn't have to get one at that time.

Chair Rohlf: But they will on the additional one?

Mr. Coleman: Yes, because they have a new menu board and new call box. If they just had the lane and not a new menu board and call box, it would just be a Final Plan modification.

Mr. Klein: Does anybody else have anything else about the menu boards? Really quickly, I would like to go over menu signage at the entrance to a restaurant. We would like to limit it to one per tenant entrance, not to exceed two, total. The maximum area would be 2 square feet.

Chair Rohlf: Why are we allowing those at all?

Mr. Klein: I think we have some of those in place right now.

Chair Rohlf: Just at their door? We're not talking about a freestanding sign.

Ms. Shearer: Most restaurants have them in the wall next to the door.

Mr. Klein: It is not a sandwich board; however, we do have one that is a freestanding thing at Gordon Biersch. Lighting would be non- or indirect. We intend to limit them in scale.

Mr. Coleman: That does bring up Gordon Biersch. What if they put up a big freestanding sign?

Comm. Williams: Would there be a provision that this would have to be attached to the building?

Mr. Klein: We could add a provision that it would have to be included in the architecture or within the façade of the building.

Comm. Jackson: Yes.

Comm. Elkins: I agree with that, too.

Comm. Williams: Yes.

Comm. Jackson: How did Gordon Biersch's sign get there?

Mr. Coleman: They just stuck it in.

Comm. Jackson: So it's not been through the process.

Mr. Rexwinkle: It was shown in their approval.

Comm. Jackson: Did we miss it?

Mr. Coleman: I guess we missed it.

Chair Rohlf: How was it shown on the plan?

Mr. Rexwinkle: I don't remember exactly how it was shown, but it was on the plans.

Mr. Coleman: Did we comment on it?

Chair Rohlf: Did we even know to comment on it?

Ms. Shearer: Most restaurants have them; we just don't have anything in our LDO that speaks to it.

Chair Rohlf: I'm talking about the Gordon Biersch sign.

Mr. Klein: It's mounted on to a permanent structure.

Chair Rohlf: I'm sorry; I thought it was sitting on the ground.

Mr. Rexwinkle: Their outdoor dining area is fenced in, and it's mounted to the top of the fence near the building entrance.

Mr. Klein: And I think that's pretty much all we have.

Chair Rohlf: When we see this again, it will be the language in the LDO.

Mr. Klein: Yes, it is what we would like to do. As far as the tenant and subtenant signage, we definitely want to get in on the 24th. The menu boards are also very possible for that meeting. We were originally shooting for the development signage on the 24th as well. We will try to put something together, but I don't know about that one at this point.

Comm. Pateidl: Before we close, I would like to say thank you for the email including our topic list for tonight. Giving us advance notice of what our work sessions are going to be about is very helpful.

Comm. Jackson: Very helpful.

Comm. Williams: I agree.

Comm. Ramsey: This is a separate subject: do we allow backdoor composting facilities in residential areas?

Mr. Coleman: Yes, under certain parameters: your composter can only be a certain size, and it can only be located in certain areas. You couldn't have a 10 x 10 compost pile in your backyard.

Comm. Ramsey: Do you get any calls about it since Johnson County put in the new regulation?

Chair Rohlf: They won't pick up your waste anymore. It is a big deal.

Mr. Coleman: That is a big deal. Usually, they pick it up and take it to a commercial composter.

Comm. Williams: Our subdivision is doing that with a separate contract with Deffenbaugh.

Chair Rohlf: Supposedly, they're not going to allow those anymore unless they create a new site.

MEETING ADJOURNED