

**City of Leawood
Planning Commission Agenda
April 2, 2013
Dinner Session – 5:30 p.m. No Discussion of Items
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: Levitan, Pateidl, Jackson, Williams, Elkins, Strauss, and Ramsey. Absent: Roberson and Rohlf.

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Elkins; seconded by Jackson. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

APPROVAL OF MINUTES:

Approval of the minutes from the March 12, 2013 Planning Commission meeting.

A motion to approve the minutes from the March 12, 2013 Planning Commission meeting was made by Elkins; seconded by Strauss. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CONTINUED TO APRIL 23, 2013:

CASE 143-12 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6.13, PERMANENT SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to signage for public/semi-public campuses. **PUBLIC HEARING**

CASE 31-13 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the definition of building identification symbols. **PUBLIC HEARING**

CASE 27-13 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-9, PERFORMANCE STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to noise from generators. **PUBLIC HEARING**

NEW BUSINESS:

CASE 23-13 – PLAZA POINTE – 4811 W. 136th Street – Request for approval of a Preliminary Plan, Final Plan and Special Use Permit, located south of 135th Street and west of Roe Avenue. **PUBLIC HEARING**

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: Members of the Planning Commission, this is Case 23-13 – Request for approval of a Preliminary Plan, Final Plan and Special Use Permit. The applicant is proposing to install a backup generator at the southeast corner of an existing building located at 4811 W. 136th St. within the Plaza Pointe development and formerly occupied by Reece & Nichols. The generator will be located approximately 32 feet from the property line and is anticipated to be tested once a month and run for ten minutes. The plans propose to install a brick enclosure around the generator with access provided by a single door on the west

and double doors on the south. Staff is recommending a soldier course be added across the top of the enclosure. The plans propose to plant Hicks Columnar Yews on the east elevation. Two Colorado Spruces will provide screening from the south and east, and an existing Aristocrat Flowering Pear will provide screening from the west. Staff recommends approval of Case 23-13, following the stipulations outlined in the Staff Report, and I'll be happy to answer any questions.

Comm. Jackson: What's a soldier course?

Mr. Peterson: Brick usually runs horizontally; it would run vertically on the top. There would be metal coping across the top for drainage, but it's an architectural feature.

Chairman Williams: Why a soldier course?

Mr. Klein: It was intended to provide somewhat of a decorative element. At one point, we talked about a cast stone cap or something similar. The applicant wanted to use the metal to match the standing seam metal roof. The soldier course seemed like a compromise to break it up a little bit.

Chairman Williams: Is there a soldier course nearby it relates to, or will it just suddenly pop up here?

Mr. Klein: I'm not sure.

Chairman Williams: Related to the noise ordinance and term sustained length of time, can we not give it a definition?

Mr. Klein: That is taken straight out of the Leawood Development Ordinance. As far as defining it, it is a bit subjective. If it goes over 10-15 minutes, it would be for a sustained period of time.

Chairman Williams: I assume this is a backup generator for emergencies. If the power goes out because of the utility company and they are not back online for 24-48 hours, is that going to be in excess of sustained length of time?

Mr. Klein: The way they have currently stated the decibel limits at the property line, they will be below what is allowed, so it should be all right.

Comm. Pateidl: This is a diesel powered unit. I don't see anything in your report regarding fuel storage or fuel source for this unit. Can you address that at all?

Mr. Klein: It is my understanding they would have the gas within the tank itself. Perhaps the applicant can answer storage questions. This is enclosed, so they could not have any outdoor storage.

Comm. Pateidl: If it is self-contained and we have some elements of security with respect to the fuel, it is one thing.

Applicant Presentation:

Alden Bradley, ab Bradley Construction, 8337 Monticello Road, Shawnee, KS, appeared before the Planning Commission and made the following comments:

Mr. Bradley: There is a 250-gallon tank at the base of the generator as part of the complete unit. That will be filled up as needed. It does have security backups on it that are linked into the system, which is all monitored through the software they have purchased with the generator. Leakages would trigger an alarm with the system. The exterior doors on the generator will have locks.

Comm. Pateidl: I am concerned if a car hits it and then you have a spill with 250 gallons of diesel fuel. Is there either a pooling area to control where that goes or a requirement for that kind of storage, and does it comply?

Mr. Klein: There is no requirement in the LDO that speaks to that. It would be more of a building permit issue with building code.

Mr. Bradley: It is several feet from the parking lot and streets, and then from the enclosure to the generator is 3-4 feet.

Chairman Williams: You said the fuel storage is at the base?

Mr. Bradley: Yes, the fuel tank is the bottom compartment, and then the generator sits on top of it.

Chairman Williams: It is part of the actual unit and not buried.

Mr. Bradley: That is correct; it is one big unit.

Chairman Williams: Do you have any issues with the stipulations?

Mr. Bradley: No, there is soldier course around all the perimeter windows of the existing structure.

Comm. Jackson: What type of building is this going in?

Mr. Bradley: It is an operations center for Cross First Bank. This will be used in the event of a power outage. It will be the backup facility for their existing banking system structure and future banking facilities.

Comm. Jackson: They own a building across from this, don't they?

Mr. Bradley: Yes, it is at the corner of 135th and Roe.

Comm. Jackson: Will the generator be used for that building, too?

Mr. Bradley: It will not be used for that building. It is only files and computer systems, but they're not linked.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

A motion to recommend approval of CASE 23-13 – PLAZA POINTE – 4811 W. 136TH ST. (FORMERLY REECE & NICHOLS) – Request for approval of a Preliminary Plan, Final Plan and Special Use Permit – located south of 135th Street and west of Roe Avenue – was made by Elkins; seconded by Strauss. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 33-13 – BI-STATE/CENTENNIAL PARK - DARBYSHIRE OFF-STREET PARKING LOT – Request for approval of a Preliminary Plan, Final Plan and Special Use Permit, located north of 143rd Street and east of Overbrook Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: Members of the Planning Commission, this is Case 33-13 – Request for approval of a Preliminary Plan, Final Plan and Special Use Permit for an off-street parking lot for vehicles in the Bi-State Centennial Park Development. The applicant is proposing to install an office area centrally located within the space. Stainless steel and wood cabinetry is proposed with surrounding countertops. The office area would be used to file various documents, such as proof of insurance, car history, registry information and documents needed when transporting cars to shows and events. The applicant is anticipating storing 8-10 vehicles inside and has stated that no commercial activity will be performed on or from the premises. Per the LDO, auto sales and service is not a permitted use within the BP District. Staff recommends the space be limited solely to the parking of vehicles and that the office workspace and countertops be removed from the plan. Staff recommends approval of Case 33-13, following the stipulations in the Staff Report, and I would be happy to answer any questions.

Chairman Williams: Your concern with the office space is that they will be dealing in the sale of automobiles. What have they stated as the business intent, or is there actually business taking place here?

Mr. Peterson: No commercial activity is stated; it will be solely for the parking of vehicles.

Chairman Williams: Is the storage for their personal use?

Mr. Peterson: Yes.

Chairman Williams: If it is for personal use and we have an affidavit that states they won't sell vehicles, why not allow them the workspace inside this facility and the file cabinets?

Mr. Klein: The concern is if they have the counter space, they'd be pretty much set to run a business, and we really wouldn't have any idea that it was going on. If they added it in the future, as long as they pulled permits and everything, we would have some indication of a change of use. This is for an off-street parking lot, which would not really require office furniture. It is simply a way for us to ensure the use matches the plan.

Chairman Williams: What would be the penalty for violation of this affidavit?

Mr. Klein: Since they're getting a Special Use Permit, it could be revoked. This is a way to keep the site from being change to a sales use without the city's knowledge.

Chairman Williams: What would prevent them from bringing in file cabinets and desks, even if they take out the built-in counters?

Mr. Klein: Nothing unless they wanted to construct something similar to what they're showing on the plan itself. You are right; it just depends on what they are willing to do. If there is a change in use to where they would be in violation of the SUP, the city could revoke the SUP.

Comm. Levitan: Is this a five-year SUP?

Mr. Klein: Currently, it has no limit. The Planning Commission can place one. The standard period is twenty years.

Comm. Elkins: Just to clarify, since the proposal doesn't specify a period for the SUP, under ordinance, it is twenty years.

Mr. Klein: That is correct.

Applicant Presentation:

Jon Darbyshire, 1920 W. 143rd Street, appeared before the Planning Commission and made the following comments:

Mr. Darbyshire: As a hobby, I love to collect classic muscle cars. They are '66 – '71 vintage Ford Mustangs and Chevy Camaros. They are very rare cars you see at car shows. They have all been restored at some level. They are cars that typically would be refurbished or bought at Barrett Jackson, which is a high-end auto auction. They are all cars personally owned by me and tagged in the state of Kansas. The use of the facility is really just to have a nice climate-controlled secure area to store these cars. They are pretty rare and valuable. My wife wants me to get everything out of the garage. I understand staff's position on auto sales. I'm not in the business of selling cars. I won't be in the business of selling cars or parts; this is just a hobby. If I ever did want to sell one of these cars, it would be sold at one of these auctions in Florida or Phoenix, where I would ship the car and they would sell it. The intent of the center space is a place to go with my son and friends and enjoy it. There's a seating area with regular furniture and then a desk for us to store documents. The design of the center area is outlined like a car; that is why it has counter space down the front. It is just to do something fun to enjoy the atmosphere. I wanted this building in Leawood. I wanted a climate-controlled space that is secure. It is across from the public works department, and police cars are in and out; that was a big attraction. Each of the units in the back has large garage doors for the 8-10 cars.

Chairman Williams: Would you expect interested buyers to visit your place before they go to auction?

Mr. Darbyshire: No, these are show cars. You take them to events and win prizes.

Chairman Williams: How long have you owned some of these vehicles?

Mr. Darbyshire: The best one is a '66 Mustang Coupe that I rebuilt with my son when he was 15, and we've had that for 8-9 years. There are a couple Shelby Convertible GT500s that are pretty rare that we've owned for a short amount of time. I have my architect and attorney helping with the permit to answer any questions, and we also have the tenant next door to lend support or answer questions. The manager of the facility is also here to state support.

Chairman Williams: I would ask your feeling about staff's comment about taking out the built-in desk.

Mr. Darbyshire: I'd really rather not do that. I signed an affidavit to say that I won't do any commercial use in that space, and we won't. I don't know what else to say. We have no intent to sell cars or car parts or anything; it is just a storage location. It is what makes that space fun and give us the ability to enjoy the cars.

Public Hearing

Bruce Pinero, 1920 W. 143rd Street, appeared before the Planning Commission and made the following comments:

Mr. Pinero: I represent the Building 23 Owners Association; I am the property manager. The association fully supports the granting of the Special Use Permit to Mr. Darbyshire. Thank you.

Cory Childress, 1920 W. 143rd Street, appeared before the Planning Commission and made the following comments:

Mr. Childress: I am the tenant adjacent to the space for Jon, and I am in full support. We have no issues with their plans here.

As no one else was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

Comm. Strauss: I'd like to have some discussion on the recommendation to remove the office and workspace countertops. It doesn't seem like requiring them to remove those countertops would actually preclude them from doing business. Like we talked about, they could certainly bring in their own office equipment, so it seems like that stipulation doesn't get at what we would hope for. We might have to take the affidavit for its word. I would recommend that we remove that stipulation.

Comm. Elkins: I tend to agree with Commissioner Strauss. I would note that the recommendation still includes the stipulation for prohibiting commercial activity on the premises. I don't think it is a fact of just merely relying on Mr. Darbyshire's affidavit but a condition of the Special Use Permit. I understand there may be difficulty, should Mr. Darbyshire change his mind along the way, for the city to recognize or determine that there has been a violation of the stipulation, but I tend to agree with Commissioner Strauss. If I want to put a fireplace in my garage so I could be around my cars, I would hope I could do that.

A motion to recommend approval of CASE 33-13 – BI-STATE CENTENNIAL PARK – DARBYSHIRE OFF-STREET PARKING LOT – Request for approval of a Preliminary Plan, Final Plan and Special Use Permit, located north of 143rd Street and east of Overbrook Park – removing Stipulation No. 4 and leaving the remaining stipulations – was made by Jackson; seconded by Strauss. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 34-13 – LORD OF LIFE LUTHERAN CHURCH – Request for approval of a Revised Final Plan, located south of 135th Street and west of Chadwick.

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: Members of the Planning Commission, this is Case 34-13 – Request for approval of a Revised Final Site Plan. The applicant is requesting approval to revise Stipulation No. 5 from Case 37-02 – Lord of Life Cross Tower in reference to the burying of power lines. This case was a request for approval of a Revised Final Site Plan to allow construction of a 77-foot cross tower with a fountain at the northeast corner of the property. This case was approved, and the tower was constructed. Included with this approval was a stipulation referencing burying of utility lines. The requirements outlined in the stipulation have now expired, and the applicant is proposing to revise the stipulation by replacing the approved language, "To require Lord of Life to bury utility lines when surrounding development occurs, specifically, the undeveloped land to the west." Staff recommends approval of this case, following the stipulations in the Staff Report, and I'd be happy to answer any questions.

Applicant Presentation:

Doug DeZube, 4400 W. 109th St., appeared before the Planning Commission and made the following comments:

Mr. DeZube: Lord of Life has been in its current location the last twenty years. At the time that 37-02 was approved, Lord of Life, in conjunction with getting the cross tower, was requested to bury overhead power lines on 135th Street by October 8, 2009 and power lines that run along Chadwick by October 8, 2012. As everybody can understand, unlike many who appear before you, my client is not an income-producing property or business. The way that any of this can ever get paid for is to ask parishioners for donations. The hope is that at some point, this area would become a transportation district with some development along that corridor by now. That hasn't happened. For my client to be able to pay for this or have somebody share in the obligation, they had to give away property. That obligation would run with the original ordinance. We are asking to push that out to a more reasonable time where there may be development or maybe a transportation district.

Chairman Williams: I understand the transportation district portion, but you are saying the church would still potentially pay for the utility improvements but at a later date?

Mr. DeZube: That is correct. We would rather not because it is fairly onerous, but we do understand the stipulation, and we are just asking for some reprieve on the time.

Comm. Elkins: It seems that there are actually two elements, and one is the overall delay. In the original condition of building the tower, 50% of that cost was to be paid into the City of Leawood, regardless of whether or not construction began, before October 8, 2012. As I understand the proposal, we are taking away that obligation prior to the date the lines are actually buried.

Mr. DeZube: That is correct. We are asking them to move that date back to when development would potentially occur. We would look for a trigger point that would be six months from the time period we would have to bury the lines.

Comm. Elkins: Wouldn't it make as much or more sense for your client to do this in stages in terms of paying for it and have a portion of it go to an escrow fund to the city in advance, rather than asking the congregation to come up with the entire cost at the time it needs to be built?

Mr. DeZube: We are hoping that there will be some assistance in giving away some of the property and somebody sharing that. How they will finance it, I don't know. The church has some money, of course, but it is used for feeding poor and church-like duties. The hope is they continue to do this and act like a church. Then when this comes up, they are hoping for assistance from a co-developer that could be rolled into some development. If not, we will stand ready to fulfill whatever obligation we have.

Comm. Elkins: I don't see an actual date in here, but in looking at the case number for the original plan, it looks like this condition was all set up originally in 2002. Is that right?

Mr. DeZube: That is correct.

Comm. Elkins: I am curious about what you might be able to tell us about why we didn't see you here before October of 2012. Right now, your client is in default.

Mr. DeZube: There had been a change in some of the leadership at that point, so we didn't know. When they came to me, we started with a couple ideas to try to figure this out. When I approached staff, we found out that some of this was past due. We met with the city and tried to address it.

Chairman Williams: If there are no other questions for the applicant, thank you.

Comm. Ramsey: As I understand this, there is now no time limit with this.

Mr. Klein: Back in 2002, we were seeing a lot of developments along 135th Street. At the time, they were trying to pick a point in the future that they thought the adjacent properties would develop. Due to the economies of scale, it would therefore be easier to bury the utilities along an entire piece of frontage instead of just that piece mid-block. Unfortunately, the economy took a downturn, and it is my understanding that the church tried to arrange an agreement with the adjacent property to the northwest in which they would help pay for some of the burial. In the meantime, there was an effort by Polisinelli Law Firm to try to get a benefit district or TDD established across the entire 135th Street Corridor. It seemed that it would be a lot more efficient to start undergrounding those all at one time. Unfortunately, that also ended up not going anywhere. Today, it is obvious the requirement is not going to be met. Again, the intent was to have them underground at the same time to achieve economies of scale; therefore, we do not want a specific time limit on it, but rather time it with the adjacent property.

Comm. Ramsey: What happens if a TDD never goes in?

Mr. Klein: As long as the adjacent property along 135th Street starts developing, they will be required to underground their utility lines. Within 180 days of them beginning construction, the church will be required to do the same. As soon as the development gets approved, they should talk to KCP&L to make arrangements to drop all the lines along that section of 135th Street at one time.

Comm. Ramsey: So there is not a very good chance that we won't underground these lines? The issue is to get this put underground in a reasonable fashion.

Mr. Klein: Yes, the goal is to have them underground; however, it would be more efficient to do it all at one time along that stretch, either through a TDD or combining with the adjacent development.

Comm. Ramsey: We left in the 180 days.

Chairman Williams: What we don't have is a calendar date of completion.

Comm. Ramsey: I agree with that because who knows?

Comm. Jackson: Is that something that might be evaluated in the new 135th Street Corridor study?

Mr. Klein: Yes, we can look at it. When development was going well along 135th Street, a third lane was required along 135th Street. It made sense at that time to drop the utilities at that point because the easement and curb locations were determined. The reason the third lane is in some parts of 135th and not others is they were waiting for those frontages to develop.

Comm. Elkins: Mr. Klein, between Roe and State Line on 135th Street, are there other landowners this would serve as a precedent for?

Mr. Klein: Chadwick Place has Mission Bank, who will also have to underground utilities at some point. They were hoping it would all be done through a TDD. Today, nobody can say that will happen. We are just trying to say that when an adjacent property comes in, we will be able to do larger sections.

Comm. Elkins: Is Chadwick Place currently in default, or did they have a percentage that needed to be built out before the obligation was triggered?

Mr. Klein: I believe Chadwick Place is also in default, so we need to talk to them as well.

Comm. Strauss: Has the city thought about an impact fee? As the properties are developed, they pay into an escrow, and then the city takes on the project.

Mr. Klein: That has been done on some projects. I think especially as far as adding a lane, if they weren't going to add the lane immediately, they would pay \$311 per linear foot into escrow. We can talk about that.

Comm. Strauss: I understand wanting to bury the lines all at once, but you'll never get all the properties to develop all at once. I'd like to throw that out for consideration. The applicant would still pay a fee that would be prorated for their frontage to go into an escrow, and the city would take on the project at a later date when it is economically feasible to bury all the lines along the frontage at the same time.

Chairman Williams: Are you proposing that would be part of this case or a procedure the city would entertain at a later date?

Mr. Ley: If we did do that, there's not much of a cost savings because we're looking at lowering the power lines in quarter-mile sections, so they would still have to pay the same amount it would cost to bury the lines. We are looking at quarter-mile sections after we do the roadway widening so we know all the grades. Another issue is if we bury it now and come back in and add a third lane, we may change the grading, which means we would have to bury the lines again in a different location. We would rather just have the stipulation as shown in lieu of having to collect the money and do it at a different time.

Comm. Pateidl: Are there overhead lines running north and south along Chadwick on the west side of the street?

Mr. Klein: Yes, I believe so, and these would be covered under this stipulation.

Comm. Pateidl: In that particular case, the church parking lot abuts Tuscany Reserve, and there will be no further development north and south along Chadwick. Why do we defer burying that line?

Mr. Klein: They felt that while they were undergrounding 135th Street, they could talk to KCP&L. I couldn't give a definite answer to the thinking on that.

Comm. Pateidl: Has Tuscany buried their line down to what would be 137th Street?

Mr. Klein: I'm not sure. I know they are underground along 137th Street.

Mr. Ley: I don't know if the power lines continue underground because they are overhead to the south church property line, and then I'm not certain if they stop there or continue to the south on Chadwick.

Comm. Pateidl: I can certainly sympathize with the situation that exists on 135th Street. I certainly appreciate the economies of scale, and it just makes good sense. Quite candidly, though, as far as the obligation of the church under their use permit in the stipulations issued before, I see no reason to defer burying the lines along Chadwick. I don't see an economy of scale there, and I don't see any reason to let those go on indefinitely as they are.

Chairman Williams: Mr. Ley, could you address that question of putting in the power lines down Chadwick and not doing 135th Street at this time.

Mr. Ley: I think we were just looking at the economy of scale of doing it all at once. I don't know what the cost is to bury them along Chadwick.

Chairman Williams: Would KCP&L do just that section versus doing a section that fed a larger area, like Tuscany Reserve?

Mr. Ley: Yes, they would work out an agreement with the property owner. The city usually doesn't get involved in that.

Tim Torgler, church representative, 12521 W. 132nd Street, appeared before the Planning Commission and made the following comments:

Mr. Torgler: It is my understanding that if you just do part of it, you have to bury and then pop back out to reconnect, which is very expensive. We've been told by KCP&L that it is better just to do it all at once. They prefer not to pop back out and connect again. If there are power lines in front, I don't know why it matters if there are another 100-some feet of power lines to the side as far as visual. Again, to reiterate what we've already said, I think it's ultimately unfair to ask a non-income producing entity to pay for this anyway when right across the street are no power lines, and those businesses don't have to pay for anything but will benefit from the burial we fund. We are a really heavy church in mission work in Haiti and things like that, so we would prefer the money go somewhere else than to pay \$800,000 to bury north and east power lines.

Chairman Williams: With the church being constructed roughly twenty years ago, would there have been a stipulation for them to bury the power lines? When did that come to the LDO?

Mr. Klein: This was approved prior to the current LDO, which was adopted in 2002 and which addressed underground utility lines. I don't know if it was in the previous ordinance. I know this stipulation was put in when they wanted to construct the cross tower.

Chairman Williams: With the project and the stipulation that they agreed to, they are still obligated to do it. Now, it is really a question of when they will achieve it. If a transportation development district comes in to help to lessen the burden, it is great; but if it doesn't and everyone else develops, they are obligated for their responsibility as property owners, regardless of whether they are income producing or not. If there are no other comments, could I get a motion?

A motion to recommend approval of CASE 34-13 – LORD OF LIFE LUTHERAN CHURCH – Request for approval of a Revised Final Site Plan – located south of 135th Street and west of Chadwick – with three stipulations – was made by Elkins; seconded by Jackson. Motion approved with a vote of 6-1. For: Levitan, Jackson, Elkins, Strauss and Ramsey. Opposed: Pateidl.

CASE 35-13 – PARK PLACE – RESIDENCES AT PARK PLACE – AXIS LOFTS – Request for approval of a Revised Final Plan, located at the northeast corner of 117th Street and Nall Avenue.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 35-13 – Residences at Park Place – Axis Lofts. The applicant is requesting approval of a Revised Final Plan to convert a lobby area approved on the original building into a residential unit and also to make some changes on the elevations of the building as well. With regard to the residential unit, originally, the building was approved at 26 residential units; this would make it 27. It affects parking that is required. They have indicated they have sufficient parking to meet the requirement. With regard to the elevation changes, there is a series of windows on the east and west elevations located centrally. They were half windows in each unit. The applicant wanted to provide a full window in the dining room area, so they removed the half windows over the kitchen sink and moved them to where the dining room was. This creates a much larger blank area on the wall. Staff is recommending they actually provide the half windows

as well. In addition to that change, they would change the elevation within the via to add the residential unit. The unit on the other side was a solid wall with brick surrounding it and stucco squares along the wall with a single door at one end. The lobby portion of it had a glass door. They would like to mirror the residential façade on the other side with more of a solid wall with brick and the large stucco squares. Staff is recommending approval of this application, and I would be happy to answer any questions.

Chairman Williams: I understand your concern on the windows on the east and west, but I'm not as concerned as you are about the elevation with the differences. I think they are fine, and I can certainly understand making the swap to have the larger windows for dining areas versus a window in the kitchen. How is that additional unit being placed? It increases the unit count by one.

Mr. Klein: That is correct. It is adjacent to the via that runs through the ground floor.

Chairman Williams: Is the via changing in size?

Mr. Klein: I don't believe it is.

Applicant Presentation:

Jeffery Alpert, Park Place Residences 1, L.L.C., 11551 Ash Street, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Alpert: (*Refers to overhead presentation throughout*) Just to give you a little background on both of these changes to the Axis Loft building, the Axis building sits slightly northeast of Park Place Square with the ice rink and the skate pavilion. The west elevation faces the service area of the Becker Building. The east elevation has a better view of Archer Park, which was built by Mr. Darbyshire as part of his residence in our office building here. We made some minor changes to the floor plan, which spearheaded moving some windows. The via is a reference point for the other change we made to remove a lobby in the original design and replace it with a unit. The via is designed to allow residents of the buildings to the north to walk through that area and have a short walk to Barkley Square and the commercial part of Park Place. A two-bedroom unit exists on each end of each floor. The kitchen was slightly redesigned to be more functional. The window originally over the sink was enlarged and move to provide a view outside the dining area. We also added a window over the sink. We decided it made the unit a bit more desirable by bringing more light into the kitchen area.

Chairman Williams: Are you advocating putting windows in as staff is requesting?

Mr. Alpert: Yes, that is exactly what I am saying. The windows are still not centered in the wall, but they add interest to the elevation. Again, because of where the elevations lie and what they are opposite, we didn't really think they were primary in the context of all the elevations of the building, so we weren't as concerned from that aspect, but we did like the addition of the window for the marketability of the unit from the interior.

The other issue was the addition of a unit in lieu of a lobby. When we originally had this building approved in 2007, it was intended to be a standalone building, and for functional purposes, we needed to have a space for marketing and sales as well as a manager. When we ultimately decided to build it as part of the larger project with the buildings across the street, the public spaces, leasing and management exist in those buildings and there was no longer a need to have this space. The unit was a perfect fit for that space because this is the unit that exists on those upper floors. The north elevation doesn't change at all. The interior wall of the via changes because now you have a bed wall, a bathroom and so on. It really needs to be a solid wall, so we just matched the via wall on the opposite side. The via walls consist of the same brick used on the other elevations and the same stucco color that is on the other elevations. The upper elevation is the one we have changed; the lower elevation is the preexisting one. They complement each other. Because that whole area is covered in that breezeway, we probably will do some outdoor furniture in there,

and we might come up with some unique art to mount on those stucco panels to enhance the aesthetic. I'm happy to answer any questions.

Comm. Elkins: On the via, what is the linear length? I am looking at lighting and what it will be at night.

Mr. Alpert: I honestly can't tell you exactly what we have planned there, but it will be well lit. Because we don't have any windows in any of those walls, we can light it fairly brightly without being offensive to any of the residents.

Comm. Elkins: As I understand it, there is no ingress or egress to the building through the via.

Mr. Alpert: No, there are entrances to the building. Just inside the door is the building elevator. Because there is no access to the elevator on the first floor, there is another door on that side of the via for the three units on that side.

Comm. Pateidl: Do you have any objections to the stipulations that have been incorporated?

Mr. Alpert: No, the only one I was a little confused about was No. 2B, "A brick wainscot shall be provided along both sides of the via," because we are showing that.

Mr. Klein: The reason for that stipulation is the plans we had showed that faded out. I thought it was still part of it, but I wasn't sure at the time of the Staff Report. I included it to be sure it was there.

Mr. Alpert: The updated drawing shows the heavier line, so it should be acceptable. We have no objections to any of the stipulations.

Comm. Jackson: Mr. Alpert, what are the people on the west side seeing out their windows? Is there any landscaping there?

Mr. Alpert: Their view, quite honestly, is the rear of the Becker Building, and there is some landscaping with green space directly outside their windows, and trees are to be planted there. Their primary view is to the north and the northeast; it looks into the park and down the street.

Comm. Jackson: What is the time frame for building these apartments and the ones across the street?

Mr. Alpert: This building has been under construction for about thirty days now. We are on track to deliver the units in Axis right around the first of the year. We just received footing and foundation permits for the two larger buildings, and we'll be excavating either late this week or early next week on those. They will deliver probably late spring through mid-summer of 2014.

Comm. Jackson: Do you have any other holes to dig for any of your other buildings?

Mr. Alpert: We are in preliminary design for the second phase of our residential, which is the east end of the site on this plan. We may be coming in with an application the end of this month for your May meeting. It will be primarily residential with a possibly commercial use tied in.

Comm. Jackson: Are those apartments, also?

Mr. Alpert: At this point, the plan is to have them be apartments.

Comm. Jackson: What is the price range on what you're putting in at Axis and to the north?

Mr. Alpert: We quote in terms of dollars per square foot per month as the industry standard, and we are probably going to be in the high \$1.38 up to \$1.55. That will represent the highest rents for apartments in the Kansas City area.

Comm. Jackson: You've done some preliminary work, and it seems that those are rentable?

Mr. Alpert: Yes, the Mission Farms project is an example. Those units are running for about \$1.33 and are almost 100% leased, I believe. I'm a little prejudiced, but I believe we have a far superior location.

A motion to recommend approval of CASE 35-13 – RESIDENCES AT PARK PLACE – AXIS LOFTS – Request for approval of a Revised Final Plan – located at the northeast corner of 117th Street and Nall Avenue – with the eight stipulations recommended by staff – was made by Elkins; seconded by Pateidl. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 36-13 – PARK PLACE – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located south of Town Center Drive and east of Nall Avenue.

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: This is Case 36-13 – Request for approval of Revised Sign Criteria. The applicant is requesting approval to revise the sign criteria for Park Place Development to allow for taglines on blade signs as well as increasing the maximum letter height of primary signs from 18 to 24 inches. The existing criteria relating to taglines limit the wording of the primary sign to the store name only and shall not include any items sold therein, including taglines. The applicant is proposing to allow for taglines to be added to only blade signs. The applicant is also proposing to increase the maximum letter height of primary signage from 18 to 24 inches in situations or ten or fewer characters in only one line. Staff is not supportive of this modification. The City of Leawood requires developments to create sign criteria so the signage can be designed for the overall development in a comprehensive manner and free from the pressure of individual tenant requests. The Park Place Development has modified their Sign Criteria five times since 2011, and staff feels that modifying Sign Criteria around each tenant takes away from the overall intended purpose of the Sign Criteria. Park Place was designed as a pedestrian-oriented mixed-use development, and increasing the allowed sign height to 24 inches creates signage that is out of scale for the pedestrian orientation for the center. Additionally, staff recommends language is added to further define the word *tagline*. Staff recommends the following language: "The wording of signs shall be limited to the store name only, and such names shall not include any items sold there, including taglines, except for blade signs, which may, with landlord and city approval, include taglines. Taglines shall be limited to the general type of business and shall not include any products, merchandise or phrases." Staff is not supportive of increasing the maximum letter height from 18 to 24 inches, as we believe it would not only allow new but many existing tenants to increase their signage. Staff is recommending approval of Case 36-13, following the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Applicant Presentation

Jeffrey Alpert, Park Place Village, L.L.C., 11551 Ash Street, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Alpert: Let me start with a bit of background. While I sympathize with the staff's frustration with us with regard to changing our Sign Criteria from time to time, in defense of that, I would have to offer that Park Place is a complicated, evolving development. We conceived of Park Place over eleven years ago. As it has

developed, it has continually responded to changes in markets, changes in specific tenants who come in with specific needs. We do have a general Sign Criteria, and do find that it helps guide us in terms of the type of signage we put in, but it was never intended to be set in stone and not be changed as necessary when the occasion arises. We don't do it lightly. We try to use it to our benefit to keep our tenants' grand ideas in check when possible, but there are exceptions. For example, we had to change the Sign Criteria to allow the Aloft Hotel or the building on the west side of the Aloft where we had larger signage. Changes in scale in the buildings sometimes require changes in the size or configuration of signage to go with it. It doesn't make sense to us to restrict ourselves when good design dictates that we need to make changes. The blade signage, we are not doing anything different than we have since the beginning. We have always allowed our tenants to add a bit of descriptive language under the name on a blade sign where it's smaller and somewhat less conspicuous. If Tivol were to be our tenant, for example, the blade sign might say, "Tivol Jewels" to give someone a little better idea of what goes on inside. We personally felt that the change in the language to respond to what we've already been doing was appropriate. It does say that it describes the type of business, and sometimes, the type of business needs to be described with the products being sold in the business. If it's Sweet Pea Children's Wear or something like that, it's what you have to do. We may be arguing a bit about semantics, but I think generally, everybody is on the same page in that regard.

The other one was a response to a specific condition in the Generali Building. The ground floor is going to be 801 Fish, the third restaurant by James Lynch, who has 801 Chophouse and Pig & Finch. It is a very short name. The sign is at the end of a long block, and we felt because of the short number of characters in the name, the sign was small and out of scale for the building and for the location. This was actually not initiated by the tenant; it was initiated by us. The proposed size of the sign letters is 24 inches high, overall 6 foot, 6 inches wide. One of the important design characteristics we are using in this analysis is the distance between our buildings on 116th Street and Ash is approximately 82 feet. The idea is if a person is looking at a sign on the north side of the street, it will be from 65-70 feet away on the south side of the street. Looking from an angle, the distance might extend to 110-115 feet. You're in relatively close proximity to the sign when you're looking at it. These signs, we do keep at 18 inches in height. However, a sign like 801 Fish, which is a relatively small sign, will be lost at 380 feet away, which is the street. One of the concerns staff has is that every tenant will want to increase signs to 24 inches. To give you an idea, there are only three signs that have ten or fewer letters in all our retail tenants, so I don't see this as a run on the bank, so to speak. The other consideration is these signs are extremely expensive, from anywhere from \$3,500 to \$8,000. The likelihood of a tenant wanting to spend the money is not very great. Respectfully, we would request that we be allowed to increase the height from 18 to 24 inches. It is only under the condition that the sign has ten or fewer characters and is still always done with the approval of the developer.

Comm. Ramsey: The overall size of the sign remains the same, correct?

Mr. Alpert: I don't believe they've come in with their request. This is a unique situation because the way the façade is designed it has a back plate, where most of our signs don't have back plates. Because of the design of this particular font, the width of the sign wouldn't change regardless of the height; it would just be compressed vertically. The back plate might change slightly, but I doubt it would be much.

Chairman Williams: If we were to allow this change, signage such as this would still come to the review of this commission in light of some recent changes?

Mr. Klein: No, last night at the Governing Body meeting, it was approved to have signs administratively approved as long as the development has a Sign Criteria, and the sign meets the Sign Criteria, and also meets the requirements of the LDO. Chances are if it met all those requirements, you probably would not see signage coming back before you. We believe that the signs will be visible from pedestrians. The buildings are tall, so most of the time the view will be blocked by them. The signage does not tend to be

quite as far as it would be at Town Center Plaza, where you have this huge parking lot and you are driving down the street.

Chairman Williams: I am supportive of the pedestrian connection there. Are there any other questions? This brings us to a motion.

A motion to recommend approval of CASE 36-13 – PARK PLACE REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan – located south of Town Center Drive and east of Nall Avenue – including three stipulations – was made by Elkins; seconded by Jackson.

Comm. Jackson: I will say that Park Place has done a good job trying to make accommodations for all the different types and styles of buildings, and that is what makes that center so welcoming and unique. It does require some give and take, and I don't mind that you're back in here changing the sign plan that often for 33 tenants and the styles and different heights of buildings you have. But I do agree that I don't see a reason particularly to allow this one to go to 2 feet.

Motion passed with a vote of 5-1. For: Levitan, Pateidl, Jackson, Elkins and Strauss. Opposed: Ramsey.

CASE 25-13 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the definition of an architectural structure. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 25-13 and 24-13; I'll talk about both of them together. These relate to a change in the LDO we have discussed for over a year now with regard to developments with architectural features, which could range from a clock tower to an identity monument or column, similar to what Park Place has already constructed along Nall Avenue, possibly a water feature. The proposed development amendments are trying to focus more on the signage. We originally tried to look at something to regulate those architectural features themselves. That became a little bit difficult because we have such a variety of different developments, and I think it's good that we have those with their own sense of place, their own unique character; however, trying to write an ordinance that would consider that what might look wonderful in Park Place might stick out like a sore thumb in Parkway Plaza makes things difficult. We decided to allow the architectural structure component to come through with the Preliminary and Final Plan of the development so you could see the architecture going on and the location within the development. This focuses on the signage on those structures. It proposes that if signage is allowed on the architectural structure, it would be limited to the name of the overall development. There would be a maximum of two signs per side on a maximum of two sides of the architectural feature. The columns at Park Place have two signs: a logo and one that says "City of Leawood" with both on two sides. We also wanted to limit in the event of a feature that is a hexagon or something similar. It also would not allow temporary signage on any of the architectural structures. We went to work sessions with the Governing Body, in which that issue was addressed. They preferred not to have temporary signage on these. Another constraint would be a maximum of 15% of an individual façade for signage, again, limited to two signs on that façade. One could be a logo; one could be text. The maximum letter height would be 24 inches. A multi-line sign would be 30 inches. We tried to create an ordinance that would fit a lot of different developments because Mission Farms was originally proposing a clock tower in the heart of the development. This allows the architecture of the structure to be approved with the development when you see the whole development with scale, and it is concentrating more on signage allowed.

The other part of this ordinance is the definition of an architectural structure. We are defining it as a structure approved as part of a Final Development Plan that meets all required building setbacks, not used for human occupancy or storage of any kind, which is intended as a prominent decorative element within the development. An architectural structure may include such elements as identity towers, clock towers, water features, etc. We would add this definition to Article 9. Staff is recommending approval of these amendments, and I would be happy to answer any questions.

Comm. Elkins: Mr. Klein, if we were to adopt the proposed Sign Criteria here, am I correct in understanding the Park Place architectural structures at the entrance would actually be non-conforming because they have "City of Leawood" on them?

Mr. Klein: You are correct; they could substitute the logo, but it doesn't identify the name of the development.

Comm. Elkins: That is a concern that I have as to whether we are possibly too restrictive in terms of the signs. Frankly, I like the identification of Park Place with Leawood; I think they go together nicely.

Chairman Williams: I concur, particularly where those are located on the edge of Leawood as an entry to the city. Having the additional signage for Leawood is a real plus. We've talked about 135th Street and entry markers into the city of sorts, and if those are incorporated into the architecture, they can be a real plus. Maybe we are being too restrictive, and it should look at the size of that architectural structure and its placement. Maybe it would be less necessary in the center of the city. I'll leave that open for discussion.

Comm. Pateid: I'm a little concerned with the language in your definition. It says, "A structure approved as a part of the Final Development Plan that meets all required building setbacks, etc." I look at Mission Farms, and there was no clock tower included in the Final Development Plan. Does this definition allow for the inclusion of monuments in existing developments?

Mr. Klein: Yes, because if they wanted to add the clock tower in, they would come before the Planning Commission and City Council for Revised Final Plan.

Comm. Jackson: Ms. Shearer, is there anywhere else in the ordinance where we restrict the location of temporary signs?

Ms. Shearer: Other than the sight triangle, I don't believe it is location as much as size.

Comm. Jackson: Is there any concern that this might not be constitutional?

Ms. Shearer: No, we are talking about permanent signage and locations, and the architectural features are more meant to be decorative elements. That's not a concern of mine.

Comm. Jackson: Then could we perhaps do more of this in prohibiting the temporary signs?

Ms. Shearer: As we all know, temporary signs are a different subject matter with their own issues. I think we need to bifurcate that issue and discuss it at a different time.

Chairman Williams: Unfortunately, this doesn't preclude them having temporary signs near these elements; they just can't attach them to the elements.

Public Hearing

Jeffrey Alpert, Park Place Village, L.L.C., 11551 Ash Street, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Alpert: Since the Park Place monuments seem to be a pretty visible example of what this ordinance is about, I wanted to ask a question. Since I have not seen this final ordinance, what are the setback requirements?

Mr. Klein: The setback requirements would be whatever is approved for the development. I believe in Park Place, it is 30 feet. I looked at your last proposal for identity monuments, and I found a letter from the architect indicating they would be located within the setback. We also like that because other architectural features can be fairly large. When we talked to the Planning Commission, there was concern about having them adjacent to a point of access as far as the scale of it, sight triangles and distractions. By meeting that setback requirement for buildings and structures, a building could be located at that. That removed that issue, and that is why.

Mr. Alpert: So we can put our monuments closer than 30 feet?

Mr. Klein: No, they would have to be at the 30-foot setback. They couldn't go closer than 30 feet. You got a deviation from the 40-foot setback for the overall development, so these would be allowed to go to the 30-foot setback just like the buildings are.

Mr. Alpert: I would echo some of the comments I heard regarding restrictions on the number of signs. To me, it would be a real shame to not be able to put "City of Leawood" on our monuments. By the way, we are intending to add two more: one at the corner of 115th and Nall right by the AMC garage and another on the east corner of the site at 117th and Town Center Drive. Having said that, I would have to be honest that if we can't put two names on the sign, "City of Leawood" is not going to win, and I would really love to be able to put "City of Leawood" on our sign. I know there has been discussion, and unfortunately, we were not present when the discussions took place. I have owned shopping centers other than Park Place. Temporary signs are a natural part of shopping center culture. You have sales, events and all kinds of reasons you want to let the public know what is going on at your center. Unfortunately, the majority of these temporary signs end up being skinny metal poles driven into the ground, wavy vinyl strung to them that sometimes gets disconnected and blown off. As much as we all have our opinions about temporary signs, most of them are not attractive. One of the things we proposed with the Park Place monuments was an insert in the monument where a temporary sign could be inserted so it could be integrated into the existing architecture of that element and not just stuck out there as a cheap, floppy sign. It appears that concept is being rejected out of hand, but I would urge you to give that some thought. There are creative ways to handle these signs. We thought we came up with a good one. I think in the long run, it would be a far superior solution to what we're left with in terms of how we handle these signs. Thank you.

Chairman Williams: Mark, we have had work sessions and gotten people's comments, and what is being proposed reflects those concerns and comments. Has the Governing Body been involved in any similar work sessions on this subject?

Mr. Klein: The Governing Body was involved regarding the changes to the sign ordinance more in general, but not specifically the identity monuments. In general, they talked about signage and whether it would be appropriate to talk about some of the sign criteria in the LDO. It did organically grow to where temporary signage was mentioned with regard to possibly being on identity monuments. I certainly understand where Mr. Alpert is coming from with trying to make it attractive, but there really was no support at all. In fact, they were strongly against. I think part of the concern is that there would be events at the center, but there is also the potential to advertise a shoe sale for a certain store. That might remain for an undetermined amount of

time. I think there just wasn't willingness as far as what I heard from the Governing Body and Planning Commission to allow the temporary signs on them.

Chairman Williams: You could theoretically have a temporary sign every weekend for a sale or event and take it down during the week, and they could be up 365 days of the year.

Mr. Alpert: I would just tell you that I owned Hawthorne Plaza for 17 years, and it was our policy to never allow a tenant to put up a sign advertising their own specific store, sale or products. We only used our temporary signage for center-wide events. I think that could easily be written into an ordinance to make that distinction so that you wouldn't do that. Since I sold Hawthorne about six years ago, signs like that are now up all the time and it makes me sad.

Chairman Williams: We concur with you on that.

As no one else was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Elkins. Motion passed with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

Ms. Shearer: Ms. Jackson, I think I misunderstood your question. If you are asking if we could allow temporary signs on these structures per the LDO, there would be nothing prohibiting it at this time. As Mr. Klein said, the planning staff does not feel like they have the support of either the Planning Commission or Governing Body to write that allowance into the code with this amendment, thus the prohibition.

Comm. Jackson: I was actually asking how much restriction we can put on temporary signs. You answered it the first time.

Comm. Elkins: I've been puzzling over what we might do with respect to broadening the content that is permitted beyond the current restrictive function. It says, "Shall identify the name of the overall development only." I am struggling to come up with some broader language that doesn't completely open the floodgates. I would be curious if my fellow commissioners would have a suggestion, assuming any agree with me that we ought to be broader in the content we permit.

Comm. Jackson: Under "Function" I would just leave it at "Shall identify the name of the overall development." Put a period there; that doesn't make it so exclusive. Take out the "only" and then "maximum number of signs per architectural structure." I would leave it at "A maximum of two signs per side of the architectural structure shall be permitted." Isn't that what we agreed to?

Comm. Elkins: I thought we said it was two signs per structure.

Mr. Klein: Yes, it is four total, and on one individual façade, it is a maximum of two: one is text, the other is logo. It couldn't be on more than two sides of the structure.

Comm. Jackson: That opens it up to have one not be the logo, but it could be "City of Leawood." I don't know if you think that opens it up to too many wild and crazy ideas.

Comm. Ramsey: Maybe you just said this and I didn't quite understand, but if we put in the "City of Leawood" is exempt from the maximum number allowed.

Comm. Jackson: Then, you would allow a name, a logo and "City of Leawood"?

Comm. Ramsey: Yes, but it has to be in proportion to the sign, of course.

Comm. Jackson: You still have the 15% rule under “Maximum Sign Area.”

Chairman Williams: Would this be an administrative review of the sign? We would see the architectural structure as part of the Final Plan Review, but would we see the signage that goes with it at that point in time? If we didn't, would we ever?

Mr. Klein: If they came through with the architectural structure and addressed it within the Sign Criteria for the development, you might not see the actual sign that fit within the criteria. When we looked at number of signs, we tried to keep it as content-neutral as possible. We always try to do that with signage; however, sometimes, it gets very difficult. I do realize the first portion limits it to identifying the name of the overall development, but we try to stay away from being that specific as much as possible. We did look at having three signs that were content-neutral, but that seems to open up that third sign to be anything. We tried to tighten it down a bit more with allowing the name and logo. We tried to figure out a way to allow “City of Leawood” in areas where it is adjacent to a city boundary because it seems logical in those areas.

Comm. Ramsey: What I am thinking of is the co-branding. Leawood is a brand, and we try very much to keep that in our thoughts as we go through this as to the integrity of the brand of Leawood. When someone like a Park Place comes to Leawood, they're piggybacking on the Leawood brand as much as Leawood is then making sure that the Park Place brand is up to the standards for which we want to be known. It is a co-dependency there. That is why I think it's worthwhile that if it's going to be a really nice development and they're going to put up a monument like Park Place has done, people should know that it's in the city of Leawood, not that they're entering Leawood, but that is where they are.

Ms. Shearer: What Mark is getting at and the discussion that the planning staff had centered around if we weren't going to allow three signs to reduce visual clutter, they weren't sure about allowing a third one, only if it said, “City of Leawood.”

Comm. Ramsey: I understand on the clutter issue.

Mr. Klein: If it did go down that road to allow three signs; although, I did not specifically write this for the Park Place Development, I did use it as a test to make sure that things would be what we would see. If that third sign was added in, those percentages would probably need to change if their current proposals would stay the same.

Comm. Jackson: Does Park Place have a logo on there, also?

Mr. Klein: Currently, the ones they have right now have the logo and “City of Leawood.” However, they have an application that has been pending with the city for a while in which they were proposing to have the name of the development, “Park Place,” located on the base of the monument, the logo located on the middle portion where the one is now, and then “City of Leawood” up high like the ones they have now. Again, it did change the calculations as far as percentage of façade from 15% to 20% that would be allowed, and it may affect the square footage as well. I'm not as certain about that, though.

Chairman Williams: If we and Governing Body pass this change to the LDO, they would not be able to come back and put “Park Place” on those?

Mr. Klein: The way it is currently written, no, it would be identifying the name of the development, which would be Park Place, and then it would be the logo. I think Commissioner Jackson indicated to take off the logo and limit it to two signs. If you did that, basically, they would have a little bit more freedom with that other one; however, in the Function section, they still have the text limited to the name of the overall

development. Again, it gets content-based if we say it is name of the overall development and name of the city. They would have to choose between a logo and “City of Leawood” probably in that situation.

Comm. Jackson: You could just change “Function” to “Identification Marker.”

Chairman Williams: If Park Place wanted a logo and “City of Leawood” they could do that. It is just identifying their property instead of requiring them to put the actual name on there.

Comm. Elkins: I am still struggling a little bit. I think Commissioner Jackson is going down the right path, but my concern is that it broadens it too much. What I am mildly concerned about is we end up with monuments that end up with signs of “801 Fish” with 36-inch letters, signs that actually list the names of the stores on the monuments. I think that is something we want to avoid. We need to find some sort of middle ground. Otherwise, I could see signs that are at least somewhat similar to what you see in older portions of Kansas City where you actually list on the monument all the businesses in that particular development. I’m afraid we open the door to that kind of thing here. Again, I wouldn’t expect that from Park Place or most of our developers.

Chairman Williams: You’re thinking we’re opening Pandora’s Box on these architectural structures?

Comm. Elkins: That is the concern, but I think it is better taking that chance and relying on the administrative controls process than to overly restrict it in the ordinance is where I’m slowly getting myself to. I think I am supporting Commissioner Jackson’s thought on deleting the “only.”

Chairman Williams: So under “Function” the language would go to what Commissioner Jackson proposed in identifying the name of the overall development only.

Comm. Jackson: To Commissioner Elkins’ point, how about, “Shall identify the overall development” and then they can’t just use one of the stores or restaurants within the development? It would at least be up to the administration to say no.

Comm. Elkins: If it’s not exclusive, it does kind of open it up. We take out the “only” and say, “the overall development.” Because it is not exclusive, it at least gives the possibility of coming and asking. On one side, you’d have the development. On the other side, you might have three signs that have the major tenants in the development, and that’s what I want to avoid.

Comm. Jackson: So delete “name of the” and delete “only.”

Mr. Klein: Would a possible solution be to leave it at two signs and change Function to “identify the overall development” so you keep that portion and they can’t advertise a store, “and/or City of Leawood,” so it limits it to those two things. Since you took out the name, it doesn’t limit it to text, so basically, you’re allowed two signs on that façade, and they would have the choice to have “Park Place,” “City of Leawood,” or “Park Place” and logo or logo and “City of Leawood.” It would allow them a little bit of flexibility, but it would basically limit them to the menu of something identifying the overall development: logo or text, and it would also allow “City of Leawood.”

Comm. Elkins: I think that is kind of what Commissioner Ramsey was suggesting, and that would certainly work for me.

Comm. Jackson: Works for me.

Chairman Williams: So how are we going to rephrase this?

Mr. Klein: I think, "Shall identify the overall development and/or the City of Leawood."

Ms. Shearer: You might want to keep "only" at the end of that as well, Mark.

Mr. Klein: That is an excellent point, so it would limit it to those two. Then down where it says, "Maximum number of signs per architectural structure," it would limit it to "Two signs per side of the architectural structure shall be permitted." The rest of that would probably go away.

Chairman Williams: Do we want to say that a logo could be included?

Mr. Klein: Maybe "Shall identify the overall development [either name or logo of the development]" to make it clear that it could be either/or.

Comm. Strauss: Not to muddy the waters, but what if Target came in as a big box anchor and they wanted to call it Target Place and put a big bullseye on the monument? That is kind of a slippery slope.

Comm. Elkins: Yeah, that is what I'm concerned about.

Chairman Williams: Again, if Target is the overall development for 30 acres, we wouldn't allow Target.

Mr. Klein: You have an excellent point because what would happen down here at Leawood Fountain Plaza if all of a sudden, Columbian Bank went in and became the major tenant and decided to rename the whole development to Columbian Center. I'm not saying it isn't a possibility; however, the way we currently have it structured is if Target came in and they were the developer and it was the name of their development, I'm sure there would be discussion in Planning Commission and City Council, but if it was the name of the development, the way it is currently written would not stop them.

Comm. Elkins: And maybe that's not inappropriate.

Chairman Williams: For terminology, monument is one classification for signage, and architectural structure is another, and we're talking architectural structures in this case. We're at a point where Function might read, "Shall identify the overall development and/or The City of Leawood only." This leaves out the business functions that would take place there. Maximum number of signs is two signs per side and may consist of text and/or logo. Are there any other comments? We have two cases before us, so let's start with 25-13, which is Definition of Architectural Structures.

A motion to recommend approval of CASE 25-13 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9 – DEFINITIONS – PERTAINING TO ARCHITECTURAL STRUCTURES – with the change in wording under "Function" to read, "Shall identify the overall development and/or The City of Leawood only." was made by Elkins; seconded by Jackson. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

CASE 24-13 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6.13, PERMANENT SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to signage on architectural structures. **PUBLIC HEARING**

A motion to incorporate the record of Case 25-13 be incorporated in its totality as part of the record for Case 24-13 was made by Elkins; seconded by Strauss. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

Public Hearing

Jeffrey Alpert, Park Place Village, L.L.C., 11551 Ash Street, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Alpert: I want to make sure I understand what is being approved. If we want to add "Park Place" to the two monuments we have on 117th and Nall, does that violate the ordinance that you're about to approve?

Chairman Williams: My understanding is that it would.

Mr. Alpert: For the record, if we put "Park Place" up there and have to choose between "City of Leawood" and our logo, I am guessing that "City of Leawood" won't prevail. I just think that's a shame because it's a very prominent location as an entrance to the city, and I would think it would certainly not be detrimental to the aesthetic value of the monuments. Thank you.

As no one else was present to speak, a motion to close the Public Hearing was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Jackson, Elkins, Strauss and Ramsey.

Comm. Pateidl: I would like a clarification. Given the language you were discussing at one point in time, you made the comment that the inclusion of the name of the development and/or "City of Leawood." That implies to me that you could put "City of Leawood," the name of the development and the logo. Candidly, it gives the option to the people. If they want to count "City of Leawood" as a sign, so be it. I don't feel like Mr. Alpert is pointing a gun at our head, but I do think there is a good point to be made to Commissioner Ramsey's point about the branding of the City of Leawood and the extension of that to the public. To answer the question if it would apply to Mr. Alpert, you said no. But "and/or" means what?

Mr. Klein: What it comes down to is it would be the name of the development or logo of the development and "City of Leawood." They would have that option. Currently, the way the identity monuments stand would fit that as is. The limitation comes with the two signs. This would make them decide what those two signs would be. Currently, they have "City of Leawood" and a logo. If they wanted to put "Park Place Development" on the base, he would have three signs and would need to remove "City of Leawood" or the logo.

Comm. Pateidl: Would we have to make it one step further and say "Excluding the inclusion of 'The City of Leawood' as to the limitation of the number of signs"?

Mr. Klein: I think legally, that is where we run into problems as far as treating the city as a special case.

Ms. Shearer: It is just as I stated earlier: if the goal is to limit clutter and we are saying two signs are acceptable, I agree with what you have come up with this evening, and that is that it can say "City of Leawood" or the development name or a logo, choosing two of those three. The only other solution is just to allow three signs. I don't want to necessarily give legal advice on the record, but I think planning staff is saying if the concern is visual clutter and we've decided two signs, it can be two of the three things.

Chairman Williams: So maybe what we should take out of that Function description we discussed earlier is to take out the reference to the City of Leawood so it's not in this signage definition. It doesn't preclude that they can't include it if they want to, but it is not addressed individually or promoted or given special favor.

Ms. Shearer: It is not being precluded now. The way the commission has amended the ordinance this evening limits the sign to the name of the development or City of Leawood. This would preclude names of anchor tenants or stores.

Chairman Williams: I think the concern was with the “and/or” and you either have the name of the development or the name of the city, and then that leaves you a logo. There’s nothing that says they have to put a logo on here, but they could put the development on and the city on, or they could put the city on and a logo as the structures at Park Place now have.

Mr. Klein: The way it currently exists right now, they could say “Park Place Development” on the base. They could also go higher on the sign and say “Park Place Development” because they’ve identified the overall development. They would be limited to the overall development and “City of Leawood.” Or they could say “Park Place” in text and have a logo, which is still within two, or they could say “Park Place” in text and “City of Leawood,” or they could do just the logo and “City of Leawood.”

Comm. Ramsey: What if the name of the development is included in the logo?

Mr. Klein: The way we currently have it, it is just two signs, so a logo with text in it wouldn’t make any difference because it would still just be one sign.

Comm. Jackson: In the same respect, you could do “Park Place, City of Leawood” as one sign, also.

Comm. Elkins: I have to admit that I am now confused. The point that I was advocating was to permit the kind of signage that Mr. Alpert is advocating for Park Place. Again, this ordinance is not for Park Place, but it serves as an illustrative example. The other thing I seem to have missed on the way here is the way this is drafted, there can be a maximum of two signs per side of architectural structure and that the signs can be on two sides of the architectural structure. From my perspective, I thought we were actually voting on a total of four signs on an architectural structure because it says “Two sides and two signs per side.” I’m not quite sure why that doesn’t address Mr. Alpert’s concerns.

Mr. Klein: I didn’t think of it that way. On one side of the structure, it could have “Park Place” and the logo, and on the other side, it could have “Park Place” and “City of Leawood.” That is a little bit more flexibility.

Chairman Williams: The way this is currently written, we are saying that one of the signs is text only and one sign is logo only. Going to Mr. Pateid’s comment, if the developer wanted to put the logo on there, they would have to pick between the city and the development instead of putting both on and drop the logo.

Mr. Klein: I thought we dropped the logo portion of it. I thought what was being proposed is “A maximum of two signs per side of architectural structure shall be permitted,” and then the rest of that goes away except, “May consist of a logo and/or text,” so that makes it clear that a logo would be allowed as a sign as opposed to just text. It would open it up to getting the development name twice instead of getting the text of the development name and the logo.

Chairman Williams: It could be four different signs, then.

Mr. Klein: That is correct. I just thought it would be symmetrical.

Chairman Williams: We did limit them from putting a store in the development. For the text piece, they are limited to the development or “City of Leawood.” Then they could have both the text items and drop the logos or do some combination thereof. We are talking a total of four signs on the architectural structure and only on two sides. We don’t tell them which side. Do we have that clear?

A motion to recommend approval of CASE 24-13 – LEAWOOD DEVELOPMENT ORDINANCE – AMENDMENT TO SECTION 16-4-6.13, PERMANENT SIGN REGULATIONS, adopting what is on Page

3, except that under "Signs located on architectural structures," under "Function," it shall be changed to read, "Shall identify the overall development and/or the City of Leawood, only," and under "Maximum number of signs per architectural structure," it shall now read, "A maximum of two signs per side of the architectural structure shall be permitted. One sign may be a logo." Was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 5-1. For: Levitan, Jackson, Elkins, Strauss and Ramsey. Opposed: Pateidl.

MEETING ADJOURNED