

City of Leawood
Planning Commission Meeting
September 24, 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: Pateidl, Jackson, Rohlf, Williams, Strauss, and Ramsey. Levitan, Roberson and Elkins.

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Williams; seconded by Jackson. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Strauss and Ramsey.

APPROVAL OF MINUTES:

Approval of the minutes from the August 27, 2013 Planning Commission meeting and the minutes from the September 10, 2013 Planning Commission work session.

A motion to approve the minutes from the August 27, 2013 Planning Commission meeting was made by Strauss; seconded by Williams. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Strauss and Ramsey.

A motion to approve the minutes from the September 10, 2013 Planning Commission Work Session was made by Williams; seconded by Strauss. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Strauss and Ramsey.

CONTINUED TO OCTOBER 22, 2013:

CASE 60-13 – LEAWOOD PLAZA – Request for approval of a Rezoning from SD-NCR (Planned Neighborhood Retail) to SD-CR (Planned General Retail) and Revised Preliminary Plan, located north of 123rd Street and west of State Line Road. **PUBLIC HEARING**

CASE 77-13 – RANCH MART – MCDONALD'S DOUBLE DRIVE-THRU – Request for approval of a Revised Preliminary Plan and Special Use Permit, located north of 95th Street and east of Mission Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 113-13 – UNIVERSITY PARK FIFTH PLAT – Request for approval of a Revised Final Plat, located south of W. 112th Street and east of Nall Avenue.

A motion to approve the Consent Agenda was made by Williams; seconded by Pateidl. Motion approved CASE 96-13 – 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 wall and canopy signs within commercial districts.

NEW BUSINESS:

CASE 99-13 – TOWN CENTER PLAZA – PEDESTRIAN PLAZA – Request for approval of a Revised Final Plan, located north of 119th Street and east of Nall Avenue.

Mr. Coleman: Before Michelle gives the Staff Report, I would like to say a few words. There were issues with Stipulation No. 2 that we have discussed with the applicant. They have been opposed to providing the walk that was previously approved and also the ADA compliance. As you recall, this walk was discussed at the Preliminary Plan, and the commission inserted the words "if feasible." Between that time and City Council, we determined it was feasible to put the walk in. City Council had discussion concerning this walk, and Mr. Petersen (applicant representative) indicated they were not capable to bring it into ADA compliance. Staff feels it is feasible. Since this controversy was going on, we contacted the US Justice Department concerning the ADA compliance. They referred us to the ADA Compliance Center in Columbia, Missouri. We outlined the parameters of this walk and the Town Center Plaza shopping center. I also asked our building official and others to review this independently. We all came to the same conclusion that the walk from 119th Street to the new entertainment plaza should be made ADA compliant. The applicant feels there are exceptions to the rules governing ADA and that they meet them; staff respectfully disagrees with them, so it is a stipulation in tonight's application.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 99-13 – Request for approval of a Revised Final Plan for a pedestrian plaza at Town Center Plaza, located north of 119th Street and east of Nall Avenue. The applicant is seeking approval to transform the eastern vehicular access point at Town Center to a pedestrian walking and shopping plaza. At each end of the plaza, it is proposed to have large circular intersections and covered valet buildings surrounded by updated landscaping of shade trees, shrubs of perennial and annual mix. The applicant is also going to update the hardscape with a combination of colored concrete and interlocking pavers. Within the plaza, the applicant is proposing a water feature that will be approximately 31 feet in diameter. This will include arbors to provide shading, landscaping, hardscaping and the seating. Additional retail space, mall office, public restrooms and a second-level office space are included for approximately 8,750 square feet of new space. The façade of the proposed retail space is proposed to be cream colored limestone with aluminum storefront and roofing. The applicant shall also provide pedestrian connections to the pad sites north of the plaza and south to 119th Street, and staff has required that the applicant make the connection to 119th Street ADA accessible. Staff recommends approval of Case 99-13 with the stipulations outlined in the Staff Report, and I am happy to answer any questions you might have.

Comm. Pateidl: To be clear on your comments regarding the ADA stipulation, is there a requirement by an authority other than the City of Leawood or the LDO – federal, state or any other jurisdiction - that the sidewalk be built in accordance to ADA standards?

Mr. Coleman: Yes, we believe it falls under the Federal Americans with Disabilities Act and that it requires it to be built to ADA standards.

Comm. Pateidl: Is that an opinion? Does this fall under this act, and is it required by federal regulations?

Mr. Coleman: It does.

Applicant Presentation:

John Petersen, Polsinelli Law Firm, 6201 College Boulevard, appeared before the Planning Commission on behalf of Glimcher, the new owners of the shopping center, and made the following comments:

Mr. Petersen: We feel these are the first of improvements to the center to modernize it and start tying things together to create a district that the City of Leawood should expect for one of the top shopping areas in the entire Kansas City metropolitan area. Brian Suiter, Manager of Development for Glimcher, is here this evening. Bill Fowler with Hicks Fowler has been working with us on architectural issues. Brett Lauritsen is

here from Olsson and Associates. I was prepared to be brief because we have reviewed much of this plan during the process, and this phase is intended to bring in additional details. We agree with each of the 27 stipulations except for No. 2. I am really regretful that we have to take the joy we have had in working with staff and dive down into the negativity. This has been set up as a cost issue, which is not the issue at all, nor is it in any way disrespect or disregard for our patrons that suffer with a disability. Prior to this meeting, I was ready to accept all the stipulations. This issue about ADA compliance was raised 72 hours ago, with this comment from Richard: "Your last paragraph is the same argument that people who have opposed accessibility have made forever." That is not what this issue is about. As we outlined to this body, we have a situation with a center that has been in place for two decades, where, in the normal course of development, we have a driveway that is in close proximity to improvements at this time, and we own the driveway but only a limited amount of the green space on each side. As we have showed how we were increasing internal pedestrian circulation to continue to move toward a goal of the city of good pedestrian interaction, we were asked to look at providing pedestrian access down the throat of a very steep grade driveway. We looked at it and said we would provide the access if it was feasible. I suggested this because "feasibility" is a term used quite extensively in the ADA act. It does not mean impossibility or cost; it means a lot of things. We went to work and determined the feasibility. We don't own property on both sides. We would have to create the sidewalk with six or seven platforms with a grade between each. It would ultimately be a maintenance nightmare, and the sight of it in the very narrow space and the extreme grade increase rendered it not feasible. We went to Governing Body and talked about this issue for ten minutes. We drilled down on wanting to increase connectivity and this issue of ADA compliance. We made it very clear we would put the sidewalk in. We talked about the fact that we have an ADA sidewalk the next drive to the west. We have a variety of other ADA-accessible points of pedestrian ingress and egress in other parts of the center. A Governing Body member asked if we could remove the word "feasible" from the stipulation with their approval of the Preliminary Plan. I said we would be agreeable to this, which means we commit to build what was shown on the Preliminary Plan and that I would like the record to state that it would not be ADA compliant. Everybody nodded, and Mr. Rasmussen asked about the ADA compliance to the west. Then he moved for approval. There was not one mention of ADA requirements. Now, we find that we have a new stipulation that it must be ADA compliant. The ADA act is one that has to be worked with a lot. I don't rely on my personal experience because I am not an expert. We also talked to the Justice Department today. We also reached out to five leading architects in the city and set forth the factual circumstances. It doesn't mean every drive in a shopping center has to be ADA compliant. It means there must be access to the site, but not every access point, unless there is a particular characteristic about the particular access that would not be compliant such as a bus stop and there is not a bus stop at the other ADA-compliant access. This is very unfortunate with such a great addition, implying that this developer doesn't care about people with disabilities or is trying to save money. We have established that the Justice Department is the arbiter of this issue, so maybe we can talk to the same person there with the city attorney. If the answer is it must be ADA compliant, we just won't have access there. It is not required to put one there. I would respectfully suggest that the Planning Commission allow this to be moved on to the City Council for their determination since they are the ones that removed the word "feasible" based on the acceptance of the non-compliant sidewalk. I'll sit down with staff and attempt to come to a resolution or just agree to disagree. I would be happy to answer any questions you have.

Comm. Williams: I think the plans are put together well, and what they are proposing to do is going to be a real asset to Town Center. On the issue of the ADA, I would concur with the suggestion of going back with staff or the Governing Body, and I say that largely because it appears to be a legal issue that we don't have the knowledge or authority to weigh in on. On many issues, we rely on staff for their expertise and their interpretations. I have worked with the ADA, and in my dealings, it has been pretty cut and dried with what is required. I feel it would be appropriate to let staff work this out and send it to Governing Body. With that said, I think it's a nice plan.

Comm. Strauss: In the text, it talked about an interactive fountain, and the drawings show people in the fountain. Is this a zero-depth feature that people can walk into?

Mr. Petersen: Yes, sir.

Comm. Ramsey: John, just to be clear on the grade of the drive, the issue for the ADA is that the drive is too steep to put in a regular sidewalk, and therefore, that is why it needs to be leveled up.

Mr. Petersen: Yes, sir. I can't remember the exact specifications, but it needs resting platforms throughout.

Comm. Ramsey: Richard, is there a requirement for them to have a sidewalk on that drive?

Mr. Coleman: Yes, the LDO specifies that the building is to have a connection to the street, so it would need to have a connection to 119th Street. It is directly aligned with that. On the slope issue, the slope of that drive is 6%, and an ADA ramp can go up to 8.33%. We believe it is feasible to put in that ramp. They have not provided anything to us that shows that it can't be done. Mr. Petersen said they just found out about this ADA ramp 48 hours ago. It was discussed at Governing Body a month ago. They knew they were going to require it. It is why he told Governing Body he thought it was not feasible.

Mr. Petersen: Why would I worry about it after the Governing Body approved the plan on this basis? Did you offer this stipulation when you took the Preliminary Plan to the Governing Body?

Chair Rohlf: Mr. Coleman, I understand Mr. Petersen's position. Is he interpreting what City Council did incorrectly, or has he correctly responded to what they did and agreed with. It sounds like they were in agreement with what he is stating. Is that your impression?

Mr. Coleman: Actually, they approved the Preliminary Plan. They didn't say that it doesn't have to be ADA, and they didn't say it did have to be ADA. He told them it couldn't be.

Mr. Petersen: I would respectfully request we play the tape.

Chair Rohlf: I think the reason I am concerned about it is I'm not sure how City Council will respond to this. We need to make sure everybody was on the same page. I don't really care how long ago it was. I'm concerned that something is amiss here.

Mr. Petersen: It could not be clearer.

Chair Rohlf: Then I would have to hear it or read it myself. I just don't know how we would deal with your proposal with tonight's plan. Is it possible to approve this plan with the direction that it is going back to City Council for decision? Do we continue it?

Mr. Coleman: You could do either of those things, but neither the Planning Commission nor City Council can negate the requirements of the ADA. It is a federal requirement. Mr. Petersen respectfully disagrees with staff's opinion of the ADA and its requirements. We checked with the regional ADA Compliance Office in Columbia. We explained there were other ADA-accessible areas on 117th. We explained the walk from 119th to the entertainment district and whether it needed to be ADA compliant. They agreed and said that it does. Our building official contacted the technical advisors with the regional ADA Compliance Office and also, independently of me, explained the situation to them. The same answer came back that it was required to be ADA compliant.

Chair Rohlf: Why now?

Mr. Coleman: It is required to have a walk from 119th to this new facility, which is the outdoor entertainment district for Town Center Plaza from the sidewalk on 119th Street. That needs to be an accessible route to this new facility.

Chair Rohlf: Is it only because of what it is turning into? As it stands today, there is not a requirement.

Mr. Coleman: If they were building a building or filling in the space and a walk is required to be connected, as we require in all of our development projects, it would need to be ADA compliant. This walk needs to be ADA compliant.

Chair Rohlf: Because it is an extension of this new area.

Mr. Coleman: Because it is a major entry and site-accessible point to the development. If it is not provided, somebody with a disability at 119th and Roe could not enter on the Roe side, so they would be forced to walk clear down to Rosewood and back another 1,000 feet to this entertainment district. This route cuts 1,500 feet off that travel distance, which is a long way in a wheelchair.

Brian Suiter, Glimcher Realty Trust, appeared before the Planning Commission and made the following comments:

Mr. Suiter: This entire conversation is overshadowing the significance of what we're doing to the property. I was hoping to come in and talk about materials and the interactive fountain. We've had great success working with staff up until this point, and somehow, we've just veered 180 degrees from where we expected this conversation to go. It's not a cost issue. It's not that we have any disrespect for people with disabilities. There are access points throughout the rest of the shopping center that people with ADA issues can utilize. In this case, I took this to my operations people. I'm a big fan of connectivity and pedestrian access, especially to the point of a shopping center that is pedestrian-oriented. The ADA question came up, and it is not a cost issue. There are six ramps with six terraces, and each of those ramps has a double-sided guardrail on it. From an operations standpoint with snow, it is hard to keep track of that. It is difficult with people skateboarding and using it for other uses than its design. It is an aesthetic issue. Having this be the entry point to our new multi-million dollar pedestrian way was not something we thought was valuable considering it is not a legal issue. Going up a 6.5-degree slope doesn't seem appealing in a wheelchair. It is not what we thought is the best option.

Mr. Petersen: We got off on two points. We intend to resolve this in good faith. My point of inquiry is if we are required to have a sidewalk. That is a Leawood code issue. Yes, we want to encourage connectivity. It doesn't say that every portion of every building in a 750,000-sq. ft. shopping center is going to have direct access; it is the overall project. We have a lot of pedestrian access to our streets. We will work on coordinating the internal access as we continue to work with the plan as it evolves. Again, the code doesn't say every point of access needs it. Do you really want a sidewalk next to the back of a curb with people coming up and down that hill? Could it have been designed different 20 years ago? Yes, but we are dealing with a redevelopment issue. The fundamental issue is, if a sidewalk needs to be there at all, and if it has to be ADA compliant. If it does, we won't propose to build a sidewalk because we left here with the concept of feasibility, not possibility.

Mr. Suiter: Both John and Richard have talked to the authorities separately. It seems like a black and white issue of being necessary or not. If it is necessary, from a legal standpoint, we have to comply. We could get both parties on the phone and figure out what the requirement is.

Ms. Shearer: On behalf of me and the city attorney, we are more than willing to discuss this issue. I received an email from Mr. Petersen that is time-stamped 9:30 Sunday night, so my first foray into this issue was yesterday morning. I had our building official work on answering these questions for me yesterday from an ADA standpoint. John and I had some email correspondence today. According to our building official, it is required, but if there is a disagreement between whom we're conferring with and whom they are conferring with, I am more than happy to sit down with them on this issue.

Comm. Pateidl: I have a question more related to procedure. I think we can all agree that we don't have the authority to make that decision here this evening. Are they better off with a continuance for this matter to be resolved or take the sidewalk out for discussion?

Mr. Petersen: We would rather not take the sidewalk out because with the overall desire of having pedestrian connectivity, we think it makes sense. There was a lot of discussion about a task force with connectivity. We want to continue that.

Comm. Pateidl: Then I would encourage a continuance.

Mr. Petersen: I think this issue needs to be moved to the Governing Body because ultimately, compliance or non-compliance is really a Governing Body issue. That is not meaning to disrespect the Planning Commission.

Comm. Williams: When I talked about moving the project on to Governing Body, I was not leaving the final acceptance of compliance up to their hands. As Richard pointed out, it's a legal compliance requirement of the federal government, and what course of action the city chooses to take in that regard is up to them, except that we are faced with a compliance issue. Whether they want to take the sidewalk out as a result of the requirement of the LDO is their call. I would say I would have the support to keep the connectivity in to try to tie this center with 119th Street. Short of driving back and forth, it would negate a big part of that without the sidewalk. This is the closest access out of this shopping center across the street to the other one for pedestrian access. If someone with disabilities can't go up this sidewalk and can go farther and go around, we are talking close to ¼ mile of additional travel time. Richard commented on doing that in a wheelchair or crutches. I'm sure your partner doesn't want to do that.

Mr. Petersen: I asked him that today. He agreed with me on the wall.

Comm. Williams: Well, then he can go the extra ¼ mile. Again, we're looking at an issue that is out of our hands. The overall plan for this and the requirements for the LDO are in our hands, and I think that the project you are proposing is excellent. It has my 100% approval. I'm anxious to see it go in, and I'd like to see the connectivity.

Comm. Ramsey: The bottom line is we probably need to leave No. 2 in as it is currently worded, and if they have a meeting with the attorneys and others and determine it is not necessary, Governing Body can deal with that.

Comm. Jackson: You don't even need to take it out. The way it is written, it is either in compliance or not. It shall be constructed to meet all ADA standards.

Chair Rohlf: We just need to leave it as it is.

Comm. Ramsey: I think we need to leave it in because frankly, the burden of proof is on you, John, to make sure that it is not.

Mr. Petersen: I don't want to over-lawyer this. I think we will get it decided, but compliant can also mean that it is not required that it is built to ADA standards. That says that it has to be built to ADA standards regardless of whether the ADA would require it to be built to those standards. There's a big difference there. It's like saying, "I want you to build your building to LEED standards whether you get it LEED certified or not."

Comm. Ramsey: How about, "needs to be built to ADA standards if required."

Mr. Petersen: That is fair.

Comm. Ramsey: In any event, I think we need to leave the basics of No. 2 in.

Chair Rohlf: I think we should not add any language that would be suggestive of anything other than what it says on its face.

Comm. Pateidl: I agree with Commissioner Ramsey. I think adding "if required" to that would be appropriate because the only reason we're not making a judgment on this as a Planning Commission tonight is the difference of opinion between the planning department and the applicant. We have established that the Justice Department is going to be the arbitrator, and the only thing they will have to take to City Council is the result of that arbitration. Then it is over. We can't make that judgment, but Mr. Petersen has a very valid point. If we leave this as stated, ". . . shall be constructed to meet ADA standards," it does not give credence to the fact that a dispute exists. Lacking any other discussion, I would like to make a motion to approve.

Comm. Jackson: How would you like No. 2 to read?

Comm. Pateidl: Stipulation No. 2: "Pedestrian connection to 119th Street to the pedestrian plaza shall be constructed to meet ADA standards if required by the Justice Department." First of all, I would like to say to the developer that this is a wonderful thing for the city, and it is really a shame that this conflict exists, but I would also point out that the federal government is the federal government, and if this were the only conflict I had with the federal government, I would be happy. The reality is that we are caught in a catch-22. You have a terrific proposal. I am in favor of the proposal. I apologize for the situation we find ourselves in, but I believe if we make an approval and move it on to Governing Body with that modification, we can expedite this and get the plan approved and get it started.

Comm. Williams: I would like to ask staff's opinion of putting that requirement in.

Mr. Coleman: My only concern on that stipulation is the time frame. To get an official opinion in writing from the Justice Department could take a considerable length of time. We would prefer if it just said "if required."

Comm. Williams: The sentence stays as it is and just adds, "if required."

Mr. Coleman: Yes, because a formal request to the Justice Department could take months and months.

Comm. Pateidl: I would agree with that.

Mr. Suiter: Our intent is to focus on the pedestrian piece. This is a secondary thing, and the sooner we can get through this, the happier we will be to get a shovel in the ground.

Chair Rohlf: I think that will happen.

A motion to recommend approval of CASE 99-13 – TOWN CENTER PLAZA – PEDESTRIAN PLAZA – Request for approval of a Revised Final Plan, located north of 119th Street and east of Nall Avenue – with 27 staff stipulations, modifying No. 2 to include “if required” at the end of the sentence – was made by Williams; seconded by Pateidl. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Strauss and Ramsey.

CASE 115-13 – RANCH MART – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 95th Street and east of Mission Road.

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 115-13 – Request for approval of a Revised Final Sign Plan for Ranch Mart Shopping Center, located north of 95th Street and east of Mission Road. Ranch Mart is requesting to revise a previously approved tenant sign criteria plan to include sign criteria for the outparcel buildings and monument signs for the outparcel buildings within the development. At this time, the applicant is not proposing any changes to the sign criteria for the main center overall. The outparcel building tenant shall have an average letter height of 30 inches for a single-line sign and 24 inches for multi-line signs. If the building has multiple tenants, the average letter height shall be 24 inches for single-line and 18 inches for multi-line. The average letter height is calculated by taking the height of the largest letter and the smallest letter, finding the sum of those and dividing by two. The overall size of the sign shall be 5% of the façade or 125 square feet, whichever is less. The tenants are allowed a maximum of two wall signs. In lieu of one wall sign, the outparcel tenant shall be allowed one monument sign at street frontage, which shall be a maximum of 6 feet in height, 10 feet in width and approximately 18-24 inches deep. It will not exceed 50 square feet overall. Monument signs shall be a minimum of 5 feet setback off the property line and have a minimum of 3 feet of landscaping around the sign. Staff recommends approval of this case with the stipulations outlined in the Staff Report, and I'm happy to answer any questions you may have.

Comm. Pateidl: I'd ask you to clarify No. 4, "Prior to Governing Body approval, applicants shall revise the criteria to include that all wall signs shall have a maximum letter height no more than 12 inches taller than the average letter height proposed for the leased space." What is the intent or purpose of that?

Ms. Kriks: Staff had concerns since the sign criteria specifies that the average is taking the largest and smallest only instead of just the average of all the letters within the sign. We could potentially have a sign within the 5% but be large for the space.

Comm. Pateidl: This doesn't have anything to do with the 25% addition to the sign, then. What you're saying is they can't have a 36-in. letter and an 8-in. letter in the same sign because of the disparity.

Ms. Kriks: It would skew it.

Applicant Presentation:

Henry Klover, Klover Architects, 10955 Lowell, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Klover: The sign criteria has existed for a while, but we wanted to get the monument signs because we have a tenant going into the old post office that wants to do something other than simple and traditional. We had fun with staff debating and arguing as to how things would work, but the biggest goal was to not create what typically happens with cities in that you're so worried about people doing stupid things that you kill creativity and you set up a sign and say it can be so many square feet, so you always get this box that's 12 feet and letters that are exactly a certain size with no ascenders and descenders. We are trying to set up a

framework. They see stupid things that people can do. I've even given them another formula for how to figure how to do it and cut of those stupid things. We do say that we don't refer to what I refer to as "The Big Ed." We are trying to maintain tasteful creativity. I take no exception to the staff comments and stipulations. We are more than happy to work with them. I already gave one revision. I am more than happy to work with them to make it so we get criteria that encourages creativity and something better than Helvetica medium letters to get as big as they can. The goal was to create a ratio so they cannot get carried away.

Chair Rohlf: These criteria refer to anything new that might come in?

Mr. Klover: No, the revisions that are made will affect any of the tenants.

Chair Rohlf: They do not have to do anything now, but if they want to change, it needs to fit these criteria.

Mr. Klover: Yes.

Chair Rohlf: With respect to the new tenant of the post office building, what type of sign are they proposing?

Mr. Klover: It came about because they had risers and "Care" and a spot with a lower case letter that came down. The ruling from staff was that if a criterion doesn't cover it, it goes back. It got to where they couldn't do anything that would be attractive on the building.

Ms. Kriks: The former sign criteria for Ranch Mart specifically excluded the outparcel buildings, so we were not able to look at the criteria for this sign request.

Mr. Klover: It was fun to do this. We went through pitfalls they run into and stupid things people do and how to avoid it. It's the problem with creating any criteria because you want to allow flexibility, but somebody always comes in and does "The Big Ed."

Comm. Jackson: Are you all right with the five stipulations?

Mr. Klover: Yes.

A motion to recommend approval of CASE 115-13 – RANCH MART – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of 95th Street and east of Mission Road – was made by Jackson; seconded by Strauss. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Strauss and Ramsey.

CASE 96-13 – 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 wall and canopy signs within commercial districts.

Staff Presentation:

City Planer Justin Peterson made the following presentation:

Mr. Peterson: This is Case 96-13 – an amendment to Section 16-4-6.13 of the LDO – Permanent Sign Regulations, pertaining to wall signs and canopy signs. On April 16, 2012, the Governing Body approved a new format for this table, and it arranged it according to sign type within each zoning district and allowed the table to contain a little more complete information regarding the regulations of each sign type. The new format has worked well, but an unintended consequence of separating wall and canopy signs within the commercial districts has created some confusion regarding the number of signs permitted. In the previous format, wall and canopy signs were grouped together, and a maximum of two signs was permitted, either

wall or canopy. Wall and canopy signs within the commercial district were the only sign types grouped together in this previous format. When the new format separated the sign types for wall and canopy signs, it led people to believe they could have two wall signs and two canopy signs, which is not the intent. This is just a clarification to the table to avoid confusion. Staff recommends approval of this case, and we'd be happy to answer any questions.

Chair Rohlf: So, nothing has changed other than you have deleted the canopy and you have added it to the wall.

Mr. Peterson: Correct.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Williams; seconded by Jackson. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Strauss and Ramsey.

A motion to recommend approval of CASE 96-13 – 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 wall and canopy signs within commercial districts – was made by Williams; seconded by Strauss. Motion approved with a unanimous vote of 5-0. For: Pateidl, Jackson, Williams, Strauss and Ramsey.

MEETING ADJOURNED