

**City of Leawood
Planning Commission Work Session
2015 Update to the City of Leawood Comprehensive Plan
Window Signs
June 9, 2015**

In attendance:

Commissioners: Kip Strauss, Jim Pateidl, Mike Levitan, Bill Ramsey, Len Williams, David Coleman and Liz Hoyt.

Staff Members: Mark Klein, Richard Coleman, Ursula Brandt, Michelle Kriks, Patty Bennett, David Ley

Absent: Marc Elkins and Wayne Walden

Mr. Klein: I'd like to introduce our two new Planning Commissioners: Dave Coleman and Liz Hoyt.

Comprehensive Plan

Mr. Klein: We are proposing updating the map itself because some areas have fallen out of date. We would also like to update the tables within the Comprehensive Plan. Also, we would like to update the names of the Planning Commissioners and then address a zoning district that is currently designated as both Low Density Residential and Medium Density Residential.

Comm. Ramsey: Do we have any transitional districts?

Mr. Klein: Depending on the area, some could be classified as a transitional district. For instance, a Planned General Retail could transition to Neighborhood Retail and then maybe a Higher Density Residential and then to Lower Density Residential. There are zoning districts that can be used as a buffer.

Comm. Ramsey: I know we have the overlays for requirements for the tear-downs. Have we had any movement on that recently? I was reading a piece in the Prairie Village paper that addresses the issue.

Mr. Coleman: I think it is functioning as it was designed to function. The houses being built are substantially larger than the houses that they are replacing, but they are not so much larger that they generally overwhelm. It is a continuing trend. We have had a builder buy nearly 25 houses in the north end, and he is actually establishing an office within the city. Then we have several other builders who are not planning on doing as many. Occasionally, we have houses in disrepair or that are abandoned. Many of those houses end up being candidates for tear-downs.

Comm. Ramsey: As far as you're concerned, we're in good shape with that?

Mr. Klein: The process to address this situation included many calculations to ensure the new houses would be compatible with the adjacent houses.

Comm. Ramsey: Where does the case now stand with Ranch Mart?

Mr. Coleman: They went to the BZA for the light pole standards, and they were denied. At this point, if they move forward, they will have to bring the lighting standards into conformance. It has been continued to August because they are working on some things.

Comm. Strauss: How often do we do a major update that revisits all the goals and objectives? Since I've been here, we've just done little patches.

Mr. Klein: Part of that is that we are going through the 135th Street Community Plan, so we're trying to get that in place at this point. It might be more appropriate to complete that first. The Implementation Plan will take general concepts in the current 135th Street Community Plan and will try to develop some more concrete policies and objectives associated with that.

Comm. Strauss: So, it's not a set schedule?

Mr. Klein: It's not a set schedule. We review it every year, and when we feel it has come out of date far enough, we look at the objectives.

Comm. Strauss: I know some other communities do surveys of residents. Does Leawood do that?

Mr. Klein: We did it back in 2000. We had a number of public meetings and surveys. We took a lot of input from that, which helped shape the base Comprehensive Plan that we have. We are getting into a situation where it is appropriate to get the 135th Street Community Plan in place because it is a major component of it.

Comm. Strauss: Is the bicycle plan incorporated into it?

Mr. Klein: It has been adopted and can be incorporated as far as reference with regard to the Comprehensive Plan. To give some background, the Comprehensive Plan is more of a general policy guide. It is an opportunity to look at the future and direct development. A Zoning Map is different. Zoning involves ordinances from the Leawood Development Ordinance. Each zoning district allows certain uses, and then bulk regulations apply to the particular district. The goal is to match the Zoning Map and Comprehensive map as closely as possible. With the 135th Street Community Plan, the city may look in a different direction.

The Comprehensive Plan map is a policy guide. We would like to highlight certain areas that we notice maybe do not match the existing direction the city would like to go.

Ms. Kriks: In the north part of the city along State Line Road, we have an office corridor across from Ward Parkway. Part of it is currently planned as Office, and there is an area that is planned as Retail. We would like to change it to an office use to conform to the current uses in the area. The next area is the old Fire Station No. 1 along Lee Boulevard. Currently, it is designated as a police station, and we would like to remove that designation and keep it designated as a fire station. We will keep it as an institutional use.

Mr. Klein: Institutional controls public facilities. Park land is usually designated differently.

Comm. Coleman: I come from the Parks Advisory Board, and I know part of our plan at least was to turn part of that land into a park.

Mr. Coleman: If the Governing Body decides to do that, we would change it when it starts to come to fruition.

Comm. Strauss: Is the large parking lot on the other side of State Line included in this?

Comm. Levitan: It's owned by the mall, and they may have already separated it. I know they're trying to make sure all the parking gets handled on the mall side.

Mr. Coleman: The owners of the mall went to the City of Kansas City and had it changed so the parking isn't required for the mall. They can sell it, develop it or do what they want with it. Before, it was part of the parking requirement for Ward Parkway Shopping Center. I believe it no longer is, though.

Comm. Strauss: So, it could be developed office, but the access is difficult.

Mr. Coleman: Well, right now, it's designated as Medium Density Residential.

Comm. Levitan: It slopes pretty dramatically to the west.

Comm. Ramsey: Isn't there an office building there?

Comm. Levitan: There are a couple of office buildings. The thought about that is that another use could be multi-family just because of the topography. They could absorb the slope much more readily. People have talked to me about it.

Mr. Coleman: Right now, it's designated Medium Density Residential. To develop it would be a multi-year process most likely.

Ms. Kriks: The next area is around 104th and State Line in the Business Park area. It is currently designated Public Works Facility, and we would like to change it to Parks and Rec. The next area we would like to address is an area around the Leawood Dog Park that is designated as Mixed Use. We would like to change the area to Public Open Space as part of the park land for the city. The area across the street from Sunrise Senior Living exists is designated as Retail. We would like to change it to match the surrounding use of Office. It wouldn't be much of an issue since it's a senior living facility, which is allowed in the Office classification with a Special Use Permit.

Comm. Strauss: Does anyone know the history of why Overland Park goes so far east of Nall?

Mr. Coleman: Annexation wars.

Comm. Ramsey: Yes, and that is why we're cut off down below. When I was in Olathe, we had battles with Lenexa along K10.

Mr. Coleman: It would be nice to straighten it out, but it will probably never happen.

Ms. Brandt: We're now going to move south of 135th Street to a tiny area designated as Medium Density Residential. It is already built out as Low Density Residential, so we really just want to reflect that on the map. Christ Community Church has a symbol designating it as a church, but we would also like to designate the land as Institutional, as the rest of the churches in Leawood have the same designation. The area that used to be Grace Gardens was owned by Leawood Baptist Church and was originally designated Institutional. Since then, pieces of land have been sold off and redeveloped. Part of the area is now The Highlands Villas and is built out as Medium Density Residential, so we would like to change that designation. The city purchased a parcel of land that will become park land. It was previously designated Retail, and we would like to change it to Public Open Space. The final area is designated as Medium Density Residential but is already built out as large lots and single family housing, so we would like to change that to Low Density Residential. We would like to include the 135th Street boundary, which is inside the 135th Street Community Plan, in the Comprehensive Plan. Also, we would like to add the areas designated as Natural Green Space and designate them as Public Open Space so that future development knows they should set aside the land. We also have a note to change the text within the Comprehensive Plan regarding the different zoning classifications and where they align with the Comprehensive Plan designations. R-1 and RP-1 is Low Density, but we also have RP-1 in Medium Density as well as RP-2 and RP-3. We would like to remove RP-1 from Medium Density and only have it designated in Low Density.

Comm. Strauss: Would you ever designate bike routes on this map, or do you just want to reference them in the bike plan?

Mr. Klein: We already do that; it is just difficult to see on the map. The trails that go along 133rd Street and 137th Street are shown as well as a number of other pedestrian connections.

Comm. Pateidl: Regarding the border for the 135th Street Community Plan, in looking at the Comprehensive Plan from '08, I notice 7 projects that had received preliminary or final approval, all of which are in that corridor. I'm not clear as to how long these approvals would remain in place, what kind of impact they would have on the corridor and/or if we should be identifying those places if there is an impact on it.

Mr. Klein: Are you talking about Parkway Plaza and Villaggio?

Comm. Pateidl: I'm talking about Villaggio, Tuscany Reserve Commercial, Chadwick Place, Leewood Market Center, Nall Valley Shops, the northeast corner of 135th and Roe, the Village of Seville at 133rd and State Line. There has been some built at Village of Seville, but I don't know if that impacts our corridor or not.

Mr. Klein: It does to a certain extent. The way the ordinance was originally written is that final plans have a 5-year sunset clause. From the time they got approval from the Governing Body, they had 5 years to substantially start construction and then continually move toward completion of the project. However, in 2010, the law changed, and it now has a 10-year sunset clause that doesn't begin until building permits get pulled. Most of the ones you mentioned were approved before 2010, so the stipulation approved with them was a 5-year clause. If there has been movement, such as at Cornerstone, they can continue the build-out. We have a number that have begun to lapse. For instance, Villaggio has the Gardens of Villaggio, the office building and the M&I Bank. I don't believe anything else has been constructed.

Comm. Pateidl: Maybe we should at least update the list so there's no confusion. I don't know what else has been approved inside the corridor that would remain active, but these projects would not necessarily all have been Mixed Use, correct?

Mr. Klein: They were not approved as Mixed Use. Cornerstone was zoned SD-CR [Planned General Retail]. Villaggio was split zoning of General Retail, Office and Medium and High Density Residential. Village of Seville had General Retail. The Enclave is the piece located directly to the west had an approval, and they are moving forward with it. On these projects as they continue in, if they continue the plan and it hasn't expired, they can build out the plan as approved. If the plan has expired, then we are actually looking for a Mixed Use development to go in that area.

Comm. Pateidl: If the plan is still valid and active, can a current owner sell that and continue on that same kind of approval.

Mr. Klein: The approval runs with the land; it doesn't run with the owner. Sometimes, Special Use Permits are attached, so a Special Use Permit is approved for a drive through, and if it changes ownership, they have to get a new Special Use Permit associated. All the uses that don't require a Special Use Permit run with the land.

Comm. Pateidl: If we're going to border the 135th Street Community Plan, I don't know if we should give some consideration to what we have or know that we have as an exception. If we don't have any, let's clean it up.

Mr. Klein: We talked about updating the tables that are in there, and a lot of the developments you indicated there are located in the Comprehensive Plan. We plan on updating those. Most of them haven't seen a lot of development. Parkway Plaza is one of the exceptions that has seen some development in the last few years with Kiddie Kollege.

Mr. Coleman: They had 4-5 buildings.

Window Signage

Mr. Klein: At the last Planning Commission meeting, the commission asked for a work session to discuss the topic. Window signs were originally limited to 5% of the facade. When the section of the ordinance that stated this changed, it was inadvertently removed. We are looking to add it back in. An amendment to the LDO has recently been approved by the Governing Body to define a window sign as anything that is located within 3 feet of the window area. Previously, window signs were anything visible from the outside of the building. It was difficult to enforce, and this new amendment helps to remedy that. The new proposal is to put the 5% requirement back into the LDO as well as an addition of 5% maximum permanent wall signs permitted in retail districts. Per the LDO, if the development has sign criteria approved by the Planning Commission and Governing Body, the signs can be administratively approved. The maximums are 5% of the window and 18 inches in height, and it must be one color. The only exception is for the primary tenant, for which there is more flexibility. After sign criteria are approved for the development, changes in size and color of the lettering and number of signs are allowed. There is an overall requirement that in no case can the amount of signage on the side of the building, including the wall signs, window signs and everything on them, be more than 5% of the overall facade. That is the current ordinance and will remain as such. Today, we are looking at window signage. (*Shows examples that meet the current definition of a window sign*).

Comm. Strauss: What about the "Open" sign that is out front?

Mr. Klein: Technically, it is not addressed in the ordinance, so it is not permitted.

Comm. Pateidl: I thought it was addressed with temporary signs.

Mr. Klein: The whole section for temporary signs was removed. The limitation on temporary signs is that the sign must be made of temporary material, cannot be more than 48 square feet in total for a particular lot, and no sign can be more than 16 square feet.

Chairman Williams: In Mission Farms, there is, in essence, a monument sign that is made of wood and is painted. It would be classified as temporary even though it sits there 12 months out of the year.

Mr. Klein: I don't know the sign. Basically, a temporary sign should be of temporary materials and should not be permanent.

Chairman Williams: That sticks out because we've had discussions of those kinds of signs on multiple developments, and yet they've managed to put it in. The banner signs are a whole other issue; they're temporary and are changed out.

Comm. Pateidl: As the ordinances are currently written, are any of these signs out of compliance?

Mr. Klein: I would say they are out of compliance, but there is no way we could enforce. Now, we addressed the 3 feet behind the window. Now, we are looking at percentage. (*Shows examples*)

Comm. Pateidl: We're not proposing that the sign must be singular but that the cumulative area cannot exceed the maximum.

Mr. Klein: That is correct.

Chairman Williams: So, the Helzberg store that was brought up at the last meeting has a band sign that goes across the glass. It's probably somewhere between the 10% and 15%. That exceeds the 5%, so it would not be allowed.

Mr. Klein: The 5% is what we are trying to put back in the ordinance.

Chairman Williams: Going back to the history piece of this with the 5%, prior to 2010, all the merchants that have these signs and many others were doing the same thing prior to 2010. We had it on the books, and I'm assuming they were not being enforced. What are we going to do?

Mr. Klein: Enforcement became very difficult, I think, with the window sign definition the way it used to be. As a code enforcement officer, I could stand next to a window and see a sign on the back wall that fills the window. It would be technically out of conformance. It didn't seem realistic.

Chairman Williams: If you go in and start writing citations, you'll run the merchants out of the city.

Mr. Klein: Right, which is the reason many of the signs were allowed even though they didn't meet the 5% maximum. It was difficult to define the location. With the window sign being defined as 3 feet from the glass, the code enforcement officer can determine with a measurement. It makes it easier to provide an objective standard.

Comm. Ramsey: Do we know where the 5% originally came from?

Mr. Klein: I do not.

Mr. Coleman: It has been in the ordinance a long time.

Comm. Ramsey: Have you guys heard anything from Overland Park in terms of this issue with them? I understand they don't regulate it.

Mr. Klein: Overland Park doesn't regulate it. Basically, Olathe is at 10%; Prairie Village and Lenexa are at 20%; Shawnee is at 50%; Kansas City, MO and Overland Park have no restrictions.

Comm. Pateidl: We are looking at percentages of window area, but we were talking about percentages of the façade. Candidly, 5% of the façade would be substantially larger than 15% of the window area.

Mr. Klein: Correct, and the issue with trying to apply the rule that all the signage together cannot be more than 5% of the façade, a small tenant will max out with the wall sign alone. At that point, they technically should not be allowed any window signage.

Comm. Pateidl: I agree; we just need to keep talking on the same page. When we look at the percentages allowed, Leawood allows 5% of the façade and not the windows. Is Olathe's percentage of the façade or the window?

Mr. Klein: I believe they are the window area. We want Leawood to talk about just the window area. The other rule would be separate and is still on the books.

Comm. Pateidl: You think the graph shows the window area of the other jurisdictions.

Ms. Brandt: Yes, it does.

Comm. Pateidl: Then in theory, we haven't decided what kind of window percentage we think is appropriate.

Mr. Klein: Yes; currently staff is proposing 5% of the window.

Comm. Hoyt: Why, I guess, is the question?

Mr. Klein: It goes to carrying forward what we have on the books.

Mr. Coleman: I think it's because the Governing Body previously approved it at 5% of the window area.

Comm. Pateidl: I've never seen anything that had the percentage of the window area before.

Mr. Coleman: It was in the sign ordinance.

Mr. Klein: There used to be a table that was called Temporary Signage. Within that table, it said that window signage should be no larger than 5% of the window area. When the table was removed and replaced with the text we have for the temporary signs, the 5% maximum went away inadvertently.

Ms. Brandt: This would apply to permanent window signs as well.

Comm. Pateidl: With the Helzberg example, does 5% sound reasonable with the windows?

Chairman Williams: I invite you to go to Town Center and look at the signage. There are a few examples here, and I would say that the examples shown are more egregious as far as posters plastered on the glass versus Helzberg, who puts up a very tasteful, very subtle display that is really only visible to pedestrians and not to drivers.

Mr. Coleman: But where do you regulate tasteful?

Chairman Williams: I understand that, but I look at the 5% rule and at what we have at Town Center, and I think the city is sending the message to the merchants that we don't want their advertising out there, which would then say that they couldn't advertise to customers and increase sales, so maybe they don't need to be in Leawood. I know that's not what the city is trying to do.

Mr. Coleman: It is not. I went by Town Center today to look at it, and there are some merchants that put the posters right against the back of the glass, and there are some that have actually set them back several feet in the window. I think they're both equally effective; in fact, I think the ones that are set back are more effective in some cases. That is what we're talking about. If they want to have a big poster, they have to sit back 3 feet from the back of the glass. If they want to paste a poster on the back of the glass, it has to be 5%. They can put a poster behind the glass at 3 feet and take up the entire window area. You can see those through the glass.

Comm. Hoyt: I think it would be a function of what sort of display they have in the window, too, because if things are in front of the area, the signs will not be visible.

Mr. Coleman: That is correct. Usually, it is a sale or something going on that cause them to put up the big posters. If the sign is 3 feet back, it is not regulated; if the sign is closer or attached to the window, it is regulated and must be 5% of the window. There is flexibility for the merchant to get the message out while still complying.

Comm. Ramsey: Have you had any discussions with Scott or the Governing Body on this?

Mr. Coleman: I have, and they are supportive of the ordinance as it was.

Comm. Coleman: Was there any issue when the ordinance was in place with realtors?

Mr. Coleman: We've been in no man's land for several years, and I'd like to get back to where we are because I'm in charge of enforcing it.

Comm. Levitan: Like Len was saying, I feel that the unintended consequence says that we're trying to tamp down on a retailer's ability to promote the business. Granted, I agree that the video game store signage looks awful and is what you would expect from a video game store, but by and large, they're trying to do something artful. We're talking about walkability and pedestrian friendly spaces. That's their chance to grab somebody from the sidewalk and bring them into the store.

Mr. Coleman: And they can do that by just placing their poster 3 feet back from the glass. It will be visible.

Comm. Pateidl: But the small merchant is the one that's going to get hurt because he's not going to have that 3 feet.

Comm. Levitan: That will be their Hours of Operation sign.

Chairman Williams: Have we gotten any input from retailers as to what they see as being a reasonable signage approach?

Mr. Klein: At this point, no.

Comm. Ramsey: If Richard is willing to enforce this and if the Governing Body and City Administrator are fine with 5% because it was in the original ordinance, we probably ought to get something on the books.

Comm. Pateidl: But what's wrong with our being comfortable? Just because it was 5% doesn't mean that it should be. We're going to make a recommendation to the elected representative. Really, we want to do Mixed Use with small retailers in those locations. As Mike just said, the sign allowance is only going to give them an Hours of Operation sign. That's not right.

Comm. Ramsey: The point I think I heard Richard making is all that has to be done is to go back 3 feet to put up as much signage as is desired.

Comm. Pateidl: And that's great for Town Center, but for Auburn Pharmacy in the Price Chopper, it's not.

Comm. Ramsey: What are you comfortable with?

Comm. Pateidl: A minimum for me is 10%, if not more than that. I don't think that the 10% is going to get to the ugliness that is displayed in the pictures.

Comm. Levitan: It's the small retailers in Park Place that struggle. They're the ones that have to pay the highest rents because the bigger retailers get the huge discounts on rent. The small guys really have to compete hard, and it ties their hands a little bit.

Comm. Pateidl: They're going to pay rent on that 3 feet, and that gets to be a really expensive sign.

Mr. Coleman: They already have signs. They have a wall sign. They probably have a hanging sign or blade sign.

Chairman Williams: Those signs designate the store name. The window signs promote the product that is within the store. They are two very different uses. The signs for a special promotion will go in the window so a shopper driving by or walking by can see it, and hopefully it will grab their attention and draw them in. If somebody already knows it's an Abercrombie & Fitch, for example, but they don't know that sweaters are 50% off, it can help with that.

Comm. Ramsey: Have temporary signs been removed?

Mr. Coleman: No, there is a temporary sign section.

Comm. Ramsey: Is the concern that the retailer won't be able to advertise a sale, or is it permanent information?

Mr. Coleman: No, they can advertise a sale. They can change it out daily if they wanted to.

Comm. Ramsey: The concern is that for a small retailer with small window space, the 5% is going to be taken up with just general information.

Chairman Williams: It would fall in the category of a window sign if it's in the window. Yes, it plays into the 5%.

Mr. Klein: We don't include the door.

Ms. Brandt: It's not included in calculating the window area, but we still consider things on the door as window signs. Technically speaking, permanent signs on the building can only be the business name, so products can't be listed in those signs, either.

Comm. Pateidl: I think we ought to include the doors. The front doors at Dick's have signs that are 100% of the doors.

Comm. Ramsey: They say the doors aren't in the calculation, but they count what's on the doors.

Ms. Brandt: In the example, the window graphic area is divided by the mullions, so all of it is included.

Comm. Strauss: Leawood is not in the distribution; we are so far to the left literally and figuratively. I would also compare our retail success versus other areas. I think those other cities are also having success. I just feel like the 5% needs to be rethought. Maybe it was appropriate 10-15 years ago, but maybe other cities have increased theirs.

Mr. Coleman: Some of them just gave up, like Overland Park and KC, MO. KC, MO had given up on their temporary signs, but now they have changed that, and they are more restrictive than we are on yard signs because it became a cluttered mess.

Comm. Pateidl: I suggest we follow their lead and fix it because it's getting to be a cluttered mess.

Mr. Coleman: That's because for a couple of years, we haven't been able to do any legitimate enforcement.

Comm. Pateidl: I'm talking about the yard signs.

Mr. Coleman: That's a whole other subject.

Comm. Pateidl: You're the one who brought up the yard signs.

Mr. Coleman: It's just an example of cities changing their policy due to problems with the policy.

Comm. Levitan: I think what Kip was saying was right: just because it was 5% doesn't mean we have to accept it. Let's revisit it and see if the percentage needs to go up.

Mr. Coleman: Come to an agreement and make a recommendation to City Council.

Comm. Strauss: Maybe we should talk to developers and get their feedback. Maybe they'll say that 5% isn't that restrictive, or maybe they'll give different feedback.

Comm. Ramsey: I don't think they have any idea until they put up a sign and we tell them to take it down.

Comm. Levitan: The developer is not going to want to meddle in anything that makes it harder on them to get tenants.

Ms. Brandt: It's the same with the retailer. If you ask them how much they want in the window signs, they will say they want 100%.

Comm. Strauss: I'm going to ask Overland Park why they gave up. Do they really have no restriction on window signage?

Ms. Brandt: Nothing in the ordinance or code.

Comm. Strauss: That doesn't seem right.

Comm. Hoyt: I'm just wondering why 10% is objectionable. Aesthetically, would 10% be so bad? If it would get the retailers and business folks more flexibility, and if it would actually be more liberal than the code that was on the books before, it might be easier to swallow. Instead of having a restriction that has been around for decades and has lapsed, if 10% is aesthetically reasonable and we want to have some sort of limitation, we should consider it. I think choosing 5% just because it used to be 5% is probably not a great rationale. This is purely anecdotal, but when I told a couple folks I was coming to this group, several business owners who are just friends of mine asked us to make Leawood hospitable to businesses and to look after the interests of the small business owner trying to do business in Leawood. I think this falls in that category.

Comm. Levitan: This is just off the cuff, but the architecture and landscaping we require is second to none. That makes the retail setting that much more attractive. I think it minimizes the impact of this window signage because it's the overall picture, and we're focused on this part. If you look at other cities without the landscaping requirements and without the material requirements we have, it will stand out more.

Comm. Hoyt: If you can enforce 10% and it will be extremely difficult to get compliance with 5%, wouldn't you rather put people in a position where they can more easily comply and you can write fewer citations with less ill will? They're all just arbitrary numbers. The fact that 10% is even twice what the original ordinance was is kind of a nice talking point for people who are questioning whether they have too many restrictions.

Chairman Williams: Some of the signage that you showed goes over the top and looks pretty bad and is objectionable. Some of it is seen from the street or public right-of-way. Much of it is mostly seen when you're in the shopping center. The concern is maybe more appropriate in the shopping center with customers looking for stores and sales. People in vehicles are not going to see the signage from 119th Street or Roe or Nall. We can't control tasteful, but many of these are tasteful. What's the harm if it's within the shopping center and not visible from the public right-of-way?

Comm. Strauss: We're not trying to regulate the store that's a couple percent over whatever we come up with. We don't want to measure every sign. It's the guy who's at 40%-60% that we want to regulate.

Comm. Levitan: That's true.

Comm. Strauss: I don't think there's that much difference between 5% and 10%. With that, I'd rather invite the retailers to Leawood and not worry about it. Maybe we know that 15% is out of code, but they're not the ones we would focus on; we would rather focus on the one that is 60%.

Chairman Williams: If there is an ordinance that is 10% and the business is at 15%, technically, they should receive a citation.

Comm. Strauss: I don't know if we've been enforcing them.

Chairman Williams: The old rule wasn't enforced because of the way it was written.

Mr. Klein: The problem is a situation of picking and choosing for enforcement.

Comm. Levitan: It puts you guys in a bad spot.

Mr. Klein: That's right, and then I understand the practical perspective of the ones that are obviously way over.

Comm. Strauss: But if one store complained that another store was over the 5%, you would have to go out.

Mr. Klein: There should be objective standards.

Comm. Coleman: It's like the speed limit. You can either pull someone over who's going 40 in a 35 MPH zone or try to catch someone who is really going over.

Comm. Pateidl: Can we give them a warning citation?

Mr. Klein: Typically, that is the standard process. The courtesy notice gives the business 10 days to respond. After that, they are opened up to a citation unless they're in the court system.

Comm. Coleman: I'd love to see examples of 5% or 10%.

Ms. Kriks: The signs on Banana Island are probably a good example of 5%. The signs for yoga are about 50% since the whole bottom window pane has some sort of window graphic.

Chairman Williams: If those are sitting back 3 feet, even though they cover the glass area, they would still qualify.

Ms. Kriks: They would be allowed, and I would say if the Hallmark signs sit back far enough, they would be allowed.

Comm. Coleman: How does Olathe enforce it? Are they enforcing it?

Mr. Coleman: I haven't talked to them.

Comm. Levitan: I think as spread out as they are and as much retail as they have added, it would be tough to police.

Comm. Ramsey: They probably only do it on an ad-hoc basis when they get a complaint.

Mr. Klein: There will also be situations of a backdrop with signage behind merchandise. If it is 3 feet back, it would not be included with the signage.

Chairman Williams: Let's assume that the big poster is 3 feet back. The signs in the window might be borderline 10%.

Mr. Klein: We intend to bring this to you at the June 23rd meeting. The Planning Commission can make a recommendation, like Richard said. We just wanted to provide more information to you.

Comm. Pateidl: Should we get a consensus of where we think we ought to be?

Comm. Ramsey: I'd be good with 10%.

Comm. Strauss: I think I'd be good with 10%, too.

Comm. Pateidl: I'm good with it.

Chairman Williams: From the review I did of Town Center for the last meeting, Helzberg could be close to 15% with the way they do their graphics, and it's very plain, very elegant. There's nothing wrong with that. I think if we give the retailers of all sizes some flexibility for what they do for signage, I think 15% or even 20% would be a reasonable number, coupled with maybe adding that posters cannot be plastered on the outside of the glass. We need to have something that is hospitable to the retailers and encourage them to do tasteful signs while allowing them to have signs that promote their business and their product. In the end, it's a win-win for the city. If they sell more stuff, it's more sales tax revenue for the city.

Comm. Ramsey: But what's a tasteful sign?

Chairman Williams: You're absolutely right on that. We can't control that, but by just putting up a limitation on the size of the signage area on the glass, we could still have some pretty raunchy signs, and what do we gain? We have less of it, I suppose, but that's the only win for the city.

Comm. Levitan: I think the difference between 10% and 20% isn't that great.

Chairman Williams: If they plaster it all on one window, it's a big sign, but that isn't what retailers typically do. They break it up with different messages and signs. A large retailer that has multiple glass areas can

have a small sign in one window and a larger sign in the other. They could be in combination with that larger sign with the 3 feet in the back or even with merchandise on the glass. If we look at giving them 20%, maybe we say it has to be broken up and distributed along the glass area. That gets the big size signs reduced. They could still have the ability to put signage in the window that does get the full message out on what the business is offering. I think it would be helpful to get the input from retailers. I know the thought was that they would ask for 100%, but I think if we say that we want a workable limitation on signage on the windows, we see what we can come up with instead of us as planners taking the role of a retail designer and telling businesses what they have to do.

Comm. Pateidl: I think if we got input from a consultant or a university professor as it relates to effective signage in advertising, it might be fine.

Chairman Williams: Then you do just that and ask a consultant who designs signage.

Comm. Pateidl: I think we might get some more objective information if we do that. Candidly, I don't disagree with the 15%-20%.

Comm. Coleman: Someone referenced the doors at Dick's. If they're glass doors, we don't include them in calculating the window area?

Ms. Brandt: Right.

Comm. Hoyt: The sign that exists would be calculated within their 5% limitation, which seems unfair.

Comm. Ramsey: That reduces the amount of space that you calculate.

Mr. Coleman: What if the door is solid?

Comm. Strauss: You could count it either way.

Mr. Coleman: So it would or would not count?

Ms. Brandt: The doors are not counted in the window area, but if there is a sign on the glass door, it still counts as a window sign. Otherwise, the entire door could be covered with a sign.

Comm. Coleman: Why wouldn't you include the glass door as part of the glass face?

Comm. Strauss: I think if the doors are glass, they should be included as part of the measurement.

Mr. Klein: We can take a look at that.

Comm. Coleman: Maybe we could give the Council a range as a recommendation. We wouldn't go less than 10% or more than 25%-30%, and they could pick the number that they see fit.

Mr. Klein: You're recommending a specific ordinance change. The Governing Body has the ability to either accept the recommendation with a simple majority, override the recommendation with a super majority or remand it back down to you and say that they would like you to look at it again.

Chairman Williams: When you bring this to the meeting, break up the percentages so it gives us a better, more realistic idea of what signage in a store might begin to look like.

Mr. Klein: We can do some things. Just so everybody is aware, when we calculate sign area, we draw a rectangle around it, which is dictated by the ordinance.

Comm. Coleman: I'd love to see some examples of the older retail sections.

Mr. Klein: It could be a matter of finding those.

Comm. Coleman: I think there is some caution about the older retailers that don't have much glass and what 5% would look like.

Mr. Klein: It seems like everybody has a definite opinion and would like more information. This is something we need to take forward, so we would like to have it at the June 23rd meeting. We'll try to have more exhibits.

Comm. Levitan: Mark, will you come with the 5% and then we'll have to have this conversation again?

Mr. Klein: Yes.

MEETING ADJOURNED