

**City of Leawood
Planning Commission Meeting
September 26, 2017
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: Hoyt, Levitan, Pateidl, Elkins, Strauss, Ramsey, Coleman, and Block. Absent: Belzer

APPROVAL OF THE AGENDA

Chairman Elkins: I would note that in the last few minutes, a revised agenda was circulated by staff. I know that the commission has not had a great deal of time to look at it, but I believe two of the cases have been moved from New Business to Continued. I don't believe there are any other changes.

Mr. Klein: That is correct.

A motion to approve the Revised Agenda was made by Strauss; seconded by Ramsey. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Chairman Elkins: I will note that Case Nos. 83-17 and 92-17 have been continued to the October 24, 2017 Planning Commission meeting.

APPROVAL OF MINUTES: Approval of the minutes from the August 22, 2017 Planning Commission meeting and the September 12, 2017 Planning Commission work session.

Chairman Elkins: Are there any corrections for the August 22, 2017 minutes?

Comm. Coleman: I just want to point out on the bottom of Page 17 and the top of 18, Commissioner Block and I have been switched again. The last two on Page 17 that say Block should be Coleman, and the first three on Page 18 that say Block should be Coleman as well.

A motion to approve the amended minutes from the August 22, 2017 Planning Commission work session was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Chairman Elkins: Are there any revisions to the September 12, 2017 Planning Commission work session minutes? Seeing none, I would entertain a motion.

A motion to approve the minutes from the September 12, 2017 Planning Commission work session was made by Strauss; seconded by Ramsey. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

CONTINUED TO THE OCTOBER 24, 2017 PLANNING COMMISSION MEETING:

CASE 83-17 – LEAWOOD ELEMENTARY SCHOOL PARKING LOT ADDITION – Request for approval of a Revised Final Plan, located north of 123rd Street and east of Norwood Drive.

CASE 92-17 – LEAWOOD PLAZA, FINAL PLAT – Request for approval of a Revised Final Plat, located west of State Line Road and north of 123rd Street.

NEW BUSINESS:

CASE 82-17 – PARK PLACE – REVISED SIGNAGE – Request for approval of a Revised Final Plat, located north of 117th Street and east of Nall Avenue.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 82-17 – Park Place – Revised Signage. The applicant is requesting approval of additions and changes to Sign Criteria for the Park Place development. Some sign types were proposed by Park Place development when they previously updated their Sign Criteria. A lot of the sign types were approved, but there were others not allowed by the Leawood Development Ordinance. On Case 48-17, we did an amendment that modified the Sign Ordinance for the city. It created a separate section for Mixed Use Development. We tried to address the various sign types within there to allow Park Place to come forward with what they are proposing. That is what they are doing at this time.

The Staff Report focuses on five sign types, one of which is the Development Monument Sign. Originally, they had shown six of those in there. When we did the development for case 48-17, we had a separation requirement as part of it. The applicant did update the proposal to eliminate one of the signs due to the close proximity between two signs along Nall Avenue. So now, there's five signs located there. Two of the Development Monument Signs have already been constructed. One is along Town Center Drive, and the other is in the median at the intersection of Ash and 117th Street. That is the only change regarding development signs.

The other sign types we focused in on were Parking Garage Development Identification Wall Signs, Vehicular Directory / Multi-Tenant Monument Signs, Garage Multi-tenant Wall Signs, and Parking Garage Entry Wall Signs. I have some exhibits that may be easier to understand.

Chairman Elkins: Thank you, and I would encourage you to identify, in particular, those spots where staff and the applicant are not in agreement, if you wouldn't mind.

Mr. Klein: (*Referring to exhibits*) The first type of sign I would like to talk about is the Development Monument Signs. The applicant would like to change the number of signs. As I mentioned earlier, they had originally proposed two signs off Town Center Plaza, two signs off Nall Avenue, and two signs off 117th Street. They removed the southern sign located along Nall Avenue, so it is in compliance with the Leawood Development Ordinance. Just as a reminder, these are 10 feet in length, 5 feet in height or 50 square feet, which matches the Leawood Development Ordinance. They are not illuminated and have a brick base. They have a central panel that extends through the middle and acts as a backdrop for the three-dimensional signage for Park Place. They have ground-mounted lights that are shining up to illuminate those. These meet Leawood's Sign Ordinance.

The next sign type is Vehicular Directory Signs. Originally, these were located in the center island. There was a bit of discussion with regard to the location. Some commissioners had concerns with regard to safety. I believe also that same comment was made at the City Council meeting. The applicant did distribute them throughout the site. There are three along the central intersection with the traffic circle; however, they are distributed to the corners, which was one of the suggestions. They would have to be out of the sight triangles when they place the sign. That would be one of the requirements. They moved two other ones to the intersection of 115th and Ash and another at the terminus of 116th Street.

Monument Signs are 4 feet in width and 7 feet in height for a total of 28 square feet in area. They do meet the Sign Criteria for the development as well as the LDO. They are push-through acrylic letters with a dark resin panel. This is an allowed sign type.

Parking Garage Development Identity Wall Signs are referred to by the applicant as Skyline Signs. They are proposing two. One is along Nall; the other is along 117th Street. These will be located on the architectural element on the top deck of the parking garages. They would like to put "Park Place" in internally illuminated letters. The letters would be 5'5" in height and 256 square feet. You have seen this several times from the applicant. When it first came through with the originally proposed Sign Criteria, this sign was not allowed by the LDO. This has since been changed. At that time, they showed an EFIS panel behind the sign. They met with staff and are now proposing something a little different. I tried to include a section that showed the three different types of applications for this particular sign type. The first one has the EFIS backdrop; the second has textile stretched across; the third is what they are currently proposing with no backdrop. Currently, they are proposing two horizontal brackets installed on the existing trellis. The lettering would be mounted to the brackets. Parking Garage A is the southern garage along Nall Avenue. The sign will extend above the top deck. The applicant is requesting a deviation for internally illuminated letters. The lighting allowed for these Parking Garage Identity Wall Signs is either halo illumination, no illumination, or push-through illuminated. In this case, we would like them to be internally illuminated so that the face of the sign will light up.

The parking garage on 117th Street has the same application. It is a central architectural element in the center above the parking deck. They would like to install two

brackets that would go across and attach to that trellis. The lettering would attach to the brackets.

Staff does not feel this particular sign type meets the LDO for a number of reasons. In Section 16-4-13 – Permanent Sign Regulations, the allowed sign type is a wall sign. The title for that particular sign type is Parking Garage Development Identification Wall Sign. In Section 16-9-257 – Definitions, Article 9, a Wall Sign is defined as any sign attached flat against the surface of an exterior wall or façade of a building and not projecting horizontally from the vertical wall surface by more than 12 inches, which is supported by the wall and which displays only one sign surface. Staff feels that this sign is not attached flat against the surface of an exterior wall or façade of the building. This is located on a trellis on the top deck of a parking garage, and they are installing two horizontal brackets to mount the signage. Additionally, staff feels this qualifies as a Roof Sign. Section 16-4-6.9 – Prohibited Signs states that all signs not expressly permitted in the Development Ordinance are exempted from regulation and herein are prohibited in the city. Roof signs are listed here. Additionally, signable area is defined as the rectangular area on a building façade, which is bounded by building edges, architectural features such as columns, windows, doors, projections, recesses, and change of material. The structure they are installing the sign on is a bit more open of a structure. It is a trellis with horizontal brackets that go through. The signage area is not defined. The side leans out a bit as well. Staff feels that does not meet requirements because it is difficult to determine sign area. If it was located on a wall or façade of a structure, it would be plainer because it would be more of a solid surface behind it.

The next sign type I would like to talk about is the Parking Garage Entry signs. These are located on the major entrance of each of the three parking garages that are off the public right-of-way. The name of the development would be in non-illuminated letters. There is also a logo for Park Place just below. They also would like to identify the parking garage. Staff's concern is in size. Per the ordinance, when we calculate size, we draw a rectangular box that encloses the extreme elements of the sign. Staff feels that the bar going across is an integral part of the sign. Staff would then draw a rectangular box around the entire piece. This makes the sign larger. The applicant indicated that the dimensions going across the garage are variable. That is why the Staff Report says that it cannot be determined. The applicant would like to compute the size of the signage by drawing a single box around the elements of the sign that have the wording and the logo.

In summary, the Parking Garage Entry Signs are addressed in Section 16-4-13. It needs to be a maximum of 120 square feet. We had a hard time determining until we knew exactly how wide the entrances were. There is also a requirement that all wall / canopy signs shall not exceed 5% of the building façade, which also includes the Development Identity Wall Signs for the parking garage. Section 16-4-6.7 – Sign Area Calculations breaks into two different sign types. One is the Single Panel Sign, and the other is if different components of the sign are mounted directly to the façade. The measurements will be taken by measuring a single continuous perimeter, enclosing the extreme limits of the sign panel, and in no case, passing through or between any adjacent elements of the same. It does say that structural components can be excluded. Staff doesn't consider the black bar a structural component because it is being applied to the garage. It also cannot be excluded if it is forming an integral part of the display. Staff's position is that it is an integral part of the sign.

The last sign type I would like to talk about is Garage Multi-Tenant Wall Signs. These are ones the Planning Commission has seen before. They have a listing of individual tenants and would be located on a Multi-Tenant Sign over each entrance to the parking garage off a public right-of way just like the Parking Garage Entrance Signs we just talked about. There would be one located off 117th Street and two located off Nall Avenue. These would be directly over the entrance, so the signs we just talked about would be very close to the top of the entrance. These would be located above that. These will be push-through, acrylic white, internally illuminated letters. They have an opaque dark background that is blackberry metallic. The proposed sign is 10 feet in height, 30 feet in length for a total of 300 square feet. That meets the LDO. The lighting also meets the LDO, as does the lettering size. This sign, as it stands alone, would meet the LDO.

Part of the city's deviation process is that all wall and canopy signs cannot be more than 5% of the façade. We included that in each of the tables for each of the different sign types. The first is the Parking Garage Development Identification Wall Signs. Those are the large ones that go along the top of the parking garages. They are 256 square feet. Maximum number of signs is one, and maximum area of signs is 300 square feet for any individual sign; however, all wall and canopy signage shall not exceed 5% of the building façade. That same requirement is repeated down in Garage Multi-Tenant Wall Signs. Those are the ones that are 300 square feet that are located directly above the entrance. This allows 300 square feet for any individual sign; however, all wall and canopy signs shall not exceed 5% of the building façade. As far as the Parking Garage Entry Wall Signs, the same requirements apply. The LDO allows 120 feet for any individual sign; however, all wall and canopy signs shall not exceed 5% of the building façade. Part of staff's concern is the calculation of the Garage Entry Signs with the bar. If it is included in the calculation, on at least one of the garages, it then exceeds the 5%.

Staff is recommending denial of this application, and I would be happy to answer any questions you may have.

Chairman Elkins: Thank you.

Comm. Hoyt: Do I understand you correctly that the Vehicular Directory Multi-Tenant Monument Signs, the Garage Multi-Tenant Wall Signs, and the number of the Development Monument Signs are all acceptable.

Mr. Klein: Correct.

Comm. Hoyt: The only two real issues are the Parking Garage Development Identification Wall Sign and the Parking Garage Entry Wall Signs.

Mr. Klein: Correct. I would say that is a good summary. Again, the ones for the Multi-Tenant Garage Signs located over the entrances are fine individually. Where it gets a bit dicey is with regard to whether all the signs together are more than 5%.

Comm. Hoyt: But most of those would fit within the 5%.

Mr. Klein: I believe so. Again, it depends on how it is calculated. They indicated the Garage Entry Signs vary in length. We would have to determine the length of each and apply it to that particular garage.

Comm. Hoyt: Procedurally, the staff is denying this entire application because two of the five signs that have been requested are unacceptable.

Mr. Klein: Staff is looking at it as a single application and is recommending denial of the application.

Comm. Hoyt: Theoretically, it would be possible to approve some and not all of them at the Planning Commission level.

Mr. Klein: I believe the Planning Commission has the ability to do that.

Comm. Pateidl: To the best of my knowledge, this is maybe the first time I have ever sat in on a session where we are talking about approving a comprehensive sign package. I'm pretty certain the remainder of my commissioners have never sat in on one, either. We have all sat in on talking about individual signs and the balance of that. What kind of latitude do we have? As Commissioner Hoyt has pointed out, there are two signs you have a problem with, and you are declining the entire application. Is this an "all or none" consideration? Does the commission have the authority to say that it is allowed by the ordinance but that we don't think they need that many? How much latitude do we have as we look at this package, short of denying the entire thing?

Mr. Klein: Staff is looking at this as a single application and feels it would be simpler to deny the entire application based on the fact that two of the signs are questionable. The Planning Commission has the ability to add stipulations and allow different parts, but it would be more difficult to do than to deny the application as a whole and ask the applicant to come back.

Comm. Pateidl: Would legal counsel like to comment on that? Do we have that kind of authority?

Mr. Hall: Absolutely; you have the authority to parcel it out however you would like.

Comm. Pateidl: This whole issue has been remanded back to the Planning Commission by virtue of misunderstanding on the part of the Governing Body of the definition of parapet. You indicate that we talked about this in a work session, but I don't see an interpretation of the Planning Department as to the meaning of parapet. Do you want to clarify that? Do you want to tell us what you think a parapet wall really is?

Mr. Klein: At the September 12th Planning Commission work session, it was discussed that a parapet is to act as a barrier. It can be aesthetic, but it also extends above the height of the top floor and acts as a barrier to keep people from falling off. We talked about it keeping cars from driving off the top deck. Staff feels that a parapet acts as a barrier.

Comm. Pateidl: You would conclude that the wall surrounding the upper deck of the parking garage is a parapet wall.

Mr. Klein: Yes.

Chairman Elkins: Mr. Klein, I have a few more questions for you. To clarify your conversation with Commissioners Hoyt and Pateidl, I understand the concern about the Parking Garage Development Sign. My understanding of the second issue was not necessarily that staff had an issue with any one of the particular signs on the walls of the parking garage, but in the aggregate, the collective volume of signs exceeds the aggregate limits in our LDO. Is that correct?

Mr. Klein: We had that concern with the aggregate. With the Garage Entry Sign, we also had a concern with the definition of the sign. With that particular sign, it would be the area aggregate, which would apply to all three of the wall signs. With regard to the Garage Entry Sign specifically, it would be what is actually included in the sign.

Chairman Elkins: As I understood, what both you and counsel said is that it is within our authority to attempt to blue-line the Sign Plan. That would have to be subject to the applicant making decisions about moving forward. Part of our task there would be to blue-line in such a fashion that the aggregate would not exceed the total sign limits in the LDO. Is that correct?

Mr. Klein: That is correct. The 5% is prohibited as part of the LDO, so you would not have the ability to approve that. You could add a stipulation that, in aggregate, all wall and canopy signs shall be no more than 5% of the façade, and this would match the language in the LDO.

Chairman Elkins: But if we were to take on the task tonight of blue-lining it, part of what we would have to consider is to blue-line it in such a way that it falls within the 5% aggregate limitation.

Mr. Klein: Correct.

Chairman Elkins: I realize there are parts of it that are difficult for you to calculate, but is the Parking Garage Development Sign included in your current calculations?

Mr. Klein: It is.

Chairman Elkins: If that sign were to be removed, would the aggregate of the balance of the signs in the plan satisfy or fall within the limitations of the 5% rule?

Mr. Klein: Yes; on the parking garage on Nall Avenue, they are not proposing the Parking Garage Development Identification Wall Sign. As a result, they have the 300

square feet that they have for the Multi-Tenant Sign on the garage, and then they have the Garage Entry Sign. Those two alone do not exceed the 5%.

Chairman Elkins: I've got a little bit of a concern that there is an opportunity here to lose the forest for the trees. Do we have a rendering that would show without all the distraction of the numbers what the entire façade on the west side of the parking garage would look like if we were to recommend for approval all the signs that are proposed in the Sign Plan?

Mr. Klein: I don't have anything that would show that. I did try to do some calculations.

Chairman Elkins: That's all right. I don't need calculations. I'll ask the applicant, also. I know we have individual sign issues here, but I think it behooves us to take a step back and look at the totality of what the appearance will be if we were to approve the entire plan. Hopefully we will have that opportunity later. Let's assume for a moment that the commission would make a finding that is contrary to staff's position. Is staff prepared with a report that we could report out to the Governing Body with the standard stipulations that go along with a package like this and whatever we might add in to the extent that we blue-line it and the applicant would agree to go forward with the blue-lining? Are you prepared to present something to us tonight, or are we going to have to do something orally and then rely on staff to accurately reduce whatever it is we land on in writing?

Mr. Klein: We do not have anything for you to look at as far as stipulations. If the Planning Commission were to evaluate the various aspects of the signage, it would need to include statements that refer to meeting the LDO. I did forget to tell you one other issue that has to do with the medallion on the Parking Garage Entry Signs. The LDO allows a maximum of 2 feet for any character. Currently they show it to be a little over 2'5". This would be very easy to change. But again, if the Planning Commission were to approve, they would need to make sure it not only met the 5% but also all the standards within each section of the LDO. For the most part, most of them do. The one that staff doesn't feel has the ability to be there at all is the one located on the Parking Garage Development Identity Wall Sign.

Chairman Elkins: From my perspective, that is a little bit disappointing because it is a lot harder for us to work from a blank sheet of paper. If we decide to take on that task, all of those things that you just mentioned could have been put into a template that we could have built around. It is what it is right now. One additional question I did find in my notes is about the Parking Garage Entrance Sign. That is the sign with some ambiguity about whether or not a bar is included. In the calculation for the area of the sign. You put up a picture of the north-facing wall that had the existing sign. Could you put it up again?

Mr. Klein: *(Displays photo)*

Chairman Elkins: When staff calculated the area for that sign in the original plan, did it include the totality of the bar going underneath the sign?

Mr. Klein: I believe it did. It really didn't come remotely close to the 5% because there wasn't the 300 feet for the Multi-Tenant and the 250 square feet above.

Chairman Elkins: I realize it's a little speculative, but what you believe you would have done would be to have drawn a box that the upper border would have been across the top where it says "Car Park" with the bottom border right below the thin white strip.

Mr. Klein: That is correct. That is the way we calculate all signage.

Chairman Elkins: It seems like there was another one that had a thin, narrow, black border with no writing on the bar underneath.

Mr. Klein: There is a little bit of wording. It says, "Park Place" and then "Public Garage" with the black bar.

Chairman Elkins: There is actually sign below the black bar.

Mr. Klein: Correct.

Chairman Elkins: If there was no writing underneath that thin black bar, would staff believe that the proper way to calculate the area of the sign would be a box that goes across the top of the letters that spell "Car Park" and went all the way out to the edges of the black bar?

Mr. Klein: It would be considered to be added to the façade of that canopy. Therefore, it is a design element. The signage is part of it.

Chairman Elkins: This is existing signage, correct?

Mr. Klein: This is existing signage.

Chairman Elkins: Thank you. I don't have further questions.

Comm. Strauss: Other than being what the LDO says, I'm having a tough time understanding how the Parking Garage Sign is too big but the Garage Multi-Tenant Sign that is ten times the size fits within the LDO limits. Can you explain the reasoning behind the differences in the definitions? Is the Garage Multi-Tenant Sign supposed to be no more than 5% of the façade?

Mr. Klein: These are all very large facades, so the 5% for each sign really doesn't approach the limit. It is in the aggregate that it does. I have calculations I can show you. They probably aren't completely accurate because, again, it depends on the width of the entry that goes in. When we changed the LDO in Case 48-17, we made the Parking Garage Entry Signs to include a maximum square footage. We tried to estimate what Park Place was looking at, and we came up with 120 square feet. That has a limitation of

120 square feet. We considered the Multi-Tenant Garage Signs, and we had a good idea as far as the dimensions. We gave that a maximum of 300 square feet.

Comm. Strauss: What is the letter height on that?

Mr. Klein: I believe on the Multi-Tenant Sign, it is 6 inches.

Comm. Strauss: I don't know if this is a question for you or Mr. Ley, but at 6 inches in height, from a vehicle traveling at 45 MPH, which is the posted speed on Nall, would the sign be readable?

Mr. Ley: It would not be readable. Typically, the overhead signs are going to be 12" letters.

Comm. Strauss: This gets back to the idea of the forest for the trees. Do we have any LDO requirements on the totality of the development and how many signs there are? We've been looking at each one individually, but we don't have any LDO requirements that talk about the total of Mixed-Use, do we?

Mr. Klein: No, and it would be difficult to do that just because a lot of the tenant spaces divide up differently. A single business could take up a fairly large space and have a single sign. If they chose another location and divided it up into several spaces, it would quadruple the number of signs. It is difficult. It also gets into office signage as well. Rather than allowing every office tenant to have a sign, many developments will decide which ones are eligible for the signage.

Chairman Elkins: I'm looking at Sheet 19 in the Sign Plan. What I thought I read is the total area of the Parking Garage Development Identification Wall Sign is 256 square feet, and the area of the Garage Multi-Tenant Wall Sign is 300 square feet. There is only a difference of about 40 square feet between those two. Do I understand that correctly? It would seem that the Parking Garage Development Identification Wall Sign is not substantially or materially bigger on its own than the Multi-Tenant Wall Sign.

Mr. Klein: (*Shows examples*) Parking Garage A is the one on Nall Avenue. Parking Garage B is on 117th Street. Parking Garage C is the north garage on Nall Avenue. The first sign is the Parking Garage Identification Wall Sign. That is at 256 square feet. The dimensions they provided were 46 feet, 11 ½ inches in length and 5 feet, 5 ½ inches in height.

Chairman Elkins: That is the parking sign that is near the top of the building.

Mr. Klein: Yes, and that is where the 256 square feet came from. The Parking Garage Multi-Tenant Wall Sign has a length of 30 feet, and the height is 10 feet. That is where the 300 square feet came into being. If I use 30 feet in length to the sign that they proposed for the Garage Entry Sign, I come up with a size of 122 ½ square feet. It is about 2 ½ square feet over the maximum of 120 feet. They could not exceed the 120 feet,

but as you can see on that particular parking façade, they are only at 3.9%. The Parking Garage Identification Wall Sign comprised about 1.5% of the façade. The Parking Garage Multi-Tenant Sign comprised 1.7%. The Parking Garage Entry Sign was .7%. Even with that larger sign, they were still fine on the aggregate of Parking Garage A. On Parking Garage B, which is the one on 117th Street, they had a little bit less area of the façade. They have the 256 square feet for the Parking Garage Development Identity Wall Sign. The Parking Garage Multi-Tenant Wall Sign is 300 square feet. The dimensions of those are identical among all. Again, I applied 30 feet from the width of the Multi-Tenant Sign over the entrance. I came up to 2 ½ square feet over the maximum. That probably would not be hard to correct. They are now at 5.4% on that particular façade because the façade varies on each of the garages. I did the same thing on Parking Garage C. This garage doesn't have the Parking Garage Identity Wall Sign on the top. They don't have the 256 square feet. They were still fine at 3.6%. I also did the same calculation with the numbers the way they were proposing. In the way they calculated it, if you eliminate the portion of the bar that extends to the left, using 30 feet, it is 122 ½ square feet down to 53.76 square feet. That was enough to actually bring it down 3.5% on Parking Garage A, 4.9% on Parking Garage B, and 3% on Parking Garage C. They weren't even really close.

Chairman Elkins: This is helpful. Another way of summarizing the issue is that the only issue with Parking Garage A is the Parking Garage Identification Wall Sign.

Mr. Klein: That is the way it is on both of those.

Chairman Elkins: You have the issue with the 122.5 square feet, and I get that, but the major issue there is the sign that is near the top. With Parking Garage B, the aggregate signage exceeds the 5% limit in your mind.

Mr. Klein: Correct.

Chairman Elkins: There is not an aggregate limit on the side facing Nall. There's a small issue with the 122.5 square feet, and there is the larger issue about the sign at the top. That is another way of summarizing the issues from staff's perspective.

Mr. Klein: That is correct, with the caveat that, again, I was assuming the 30 feet. I don't know that for sure.

Comm. Levitan: Mark, I'm grappling with the Parking Garage Entry Sign and how that piece is considered integral when it is basically painted pre-cast.

Mr. Klein: Part of it is that we would consider the way they match the colors, the way they have the sign aligned along that bar, and the way the sign is placed on the bar itself, that actually is a component of it. I think part of the reason is that on those photographs, right now, there is no bar. In order to create that, they would be creating that design element that went across. In staff's opinion, that is part of the sign. That is really what it gets into as far as how you look at it.

Comm. Levitan: I look at that and think of it almost as a safety measure because it gets people to the garage quicker. It draws their eyes because it's a bigger band. I respect your opinion on that. I guess if it's painted, I understand what you're trying to do to make it cohesive, but because it's technically not the same material of the sign, it becomes a safety mechanism. Secondly, on the development signage up high between a roof, parapet, and wall, I look at Mixed Use as kind of a working laboratory. In my time on the Planning Commission, we've seen things come up that we didn't anticipate. As I look at this, I think the sign is nice. It identifies the development, and it doesn't really hinder anything. If anything, I'm surprised that the Governing Body approved the Multi-Tenant Sign, but not the sign up high. How we classify it can be dealt with. To me, it's classic and an identifier. To echo the chairman's words, we're looking at the forest through the trees. To me, it's not hindering; it's actually adding value.

Comm. Pateidl: Mark, what I'm trying to do is reconcile what I read in the LDO, what the interpretation is from the Planning Department, and what the reality is when you drive up and look at the sign. I did do that in both parking garages. Without getting into all the conflict of what is a roof and what isn't a roof, concede that the top upper deck is, in fact, a roof. Where I get into this reconciliation problem is I go to the LDO and look at Article 9, Definitions. It says, "If there is a conflict with definitions elsewhere in the Development Ordinance, the more specific definition shall govern." Roof signs are signs that are wholly attached or anchored to the roof. In our LDO, a Parapet Sign is defined as a part of any wall entirely above the roofline. We've established that this is a parapet on the top. The back of the trellis is all precast concrete members, solidly integrated into the parapet wall, and anchored on the columns that come up. It is not even remotely secured to the roof. There is nothing in our definition of a parapet that precludes that we can't have an architectural feature as an integral part of the parapet wall. Help me reconcile that.

Mr. Klein: Staff's position is the architectural feature has the openings and really doesn't serve the function of a parapet. Originally, when we saw the garage come through, there was a lot of concern at the time that we didn't want a parking garage that looked like a parking garage along Nall Avenue. There were all sorts of efforts to dress that parking garage up to try to make it look as much like a building as they possibly could. They extended that architectural feature as a design element that was to dress up that parking garage and make it look like something other than a parking garage. Staff feels that doesn't meet the definition of a parapet. I think even more troublesome is the fact that, in that table, the only sign type allowed is a Wall Sign. A wall is defined as being attached, adjacent to, flat against an exterior wall. Staff feels that is not a wall. When Park Place originally came through, they showed a backdrop. We were trying to accommodate, and we are fine with having the wall there. The LDO was amended to reflect that. It wasn't until later that they came back without a wall, and then it became texture, and there were questions as far as the fabric with perforations being a wall or not. Then, on this last submission, that went away as well. Again, I think that we're struggling with the fact that we don't really consider that architectural feature they have it on as a wall.

Comm. Pateidl: Well, there's a couple comments you made there that I would like to clarify. The desire of the Planning Commission and Governing Body was to have a parking garage that didn't look like a parking garage. That was accomplished by putting an architectural feature on what is established as a parapet wall. I might add that when we wanted to do a big sign on Gaslight Grill, they had to put the parapet up to affix the sign to. That's not a wall; it's a parapet, but we allowed them to put that sign on that portion of the parapet. One portion of the parapet is about 2' high and runs over to where they wanted the sign. Then it goes up to about 10' high. Again, it shows that we don't have restrictions as it relates to what can constitute a parapet. There's nothing in here that says we can't have an architectural feature, and it was the architectural feature that actually broke the appearance of the parking garage and turned it into a "building."

Chairman Elkins: I think we're wandering away from questions and toward comments. As a matter of procedure, Commissioner Pateidl, can I have your picture? I'll take conditional notice of adding this photograph that Commissioner Pateidl referred to as part of the record after first giving the applicant an opportunity to review it and see if there is an objection to including it in the record. Staff, it may not have gotten close enough to you to take a look, either. I'll ask staff to make sure I don't lose track of that open item before we close the record on this case. Once we've gotten that consent, we'll make sure all the commissioners have a chance to see it. Any additional questions for Mr. Klein? Seeing none, we thank you. I would invite the applicant to come forward, please.

Applicant Presentation:

Amy Grant, Paralegal, Polsinelli Law Firm, 6201 College Boulevard, Overland Park, appeared before the Planning Commission and made the following comments:

Ms. Grant: I'm here tonight on behalf of KBSIII Park Place Village, LLC. I'd like to apologize that John Petersen isn't here tonight. He had a long-scheduled vacation that could not be rearranged. I also apologize that Chris Molinsky, who is the gentleman who developed our sign package with Vertical Design is absent, and he lives in Dallas and is serving jury duty. You are stuck with me and Brett Merz, who is the Senior VP and Asset Manager for KBS. He's been at several of these meetings. I'll just ask your indulgence. You're used to seeing me sit back and take notes and not stand in front of you to present. Bear with me.

Chairman Elkins: I'm sure you will do a good job and will represent your client well. To interrupt you, which I would have done with John were he standing in your place tonight, I'll take the unusual step of asking you a question in the first instance. I know we've had several formulations, but do you generally agree with the formulations we came up with for the two areas of disagreement between the applicant and staff?

Ms. Grant: I had a little bit of a hard time following the chart that Mr. Klein put up, but I assure you that we have some information in our packet that will hopefully bring some clarity or present it in a way that we can agree or disagree on.

Chairman Elkins: I would ask you to try to focus on those areas of disagreement if you can.

Ms. Grant: I will try to be expeditious. As you can imagine, we would like to present it from our standpoint wholistically as staff did. We'll give it our best shot.

Chairman Elkins: Absolutely.

Ms. Grant: We appreciate staff's report tonight. Just to reiterate a little bit of Mark's comments, we are extremely excited that we have constructed some signs on the property. We have the two monument signs on Ash Street that help identify the project. We also have six of the pedestrian signs internally for people walking through the development. As Mark said, the signage tonight is really affected with the LDO amendment that was adopted by City Council in June. I would take a little bit of challenge to the fact that these Skyline Development Signs were not permitted. They were permitted as a type of sign; it is just that the size was incorrect. That is a minor clarification from our standpoint.

The Vehicular Directory Multi-Tenant Signs that Mark referred to don't have much to discuss. They meet the new LDO criteria. We are excited about these because now, as vehicles come into the center, if we are fortunate enough to get approval tonight and also approval from City Council, will help cars as they enter the site to immediately understand where the two parking garages are located and to also have a better idea of where individual tenants are located so they can better navigate and decide which garage to park in. I won't belabor that point; we are just excited to have the opportunity to have that signage.

When we get to the Garage Wall Signs, I'm going to talk about them wholistically because they are very much interrelated; yet, we have to look at them individually as well. This will probably be a lot of information and a little overwhelming, just as Mark experienced, but it is important because we are in some disagreement with staff. These signs are the most critical of the development. Not only do we need the people who are intentionally seeking to come to Park Place to understand when they have actually arrived there by seeing the signage; we are very eager to have drive-by traffic to see that this is Park Place, and not only that it is Park Place, but that we have restaurants and retail behind the garage walls. We would love for them to come in and experience the center.

I know we've said it before, but we inherited this project; we didn't build it. Hindsight is 20/20. If we had a green field today, we would not surround this development with parking garages, but we don't have the benefit of that tonight. We're going to talk about the Multi-Tenant Wall Signs, the Entry Wall Signs, and the Development Identification signs as Mark discussed. We'll start with these Multi-Tenant Signs. That is a 300 square foot area that will have the Multi-Tenant Sign on it with the tenant logos. These will meet all the current LDO requirements as to size for individual signs. One thing I would note is they are embellished with a blackberry metallic color, which we'll come back to in a minute because it is important. When we talk about the Entry Wall Signs that Mark discussed, they are very tasteful. Given the cream color of the garage, the signs are not very visible or easy to read in today's current state. Up until last Thursday when we had some telephone calls with staff, our original sign package

proposed this for the new Tenant Garage Entry Signs. We have never calculated the paint that has been applied to the garage façade as part of our signable area. From what we've seen, when you add paint to an actual sign, it makes me think of Quik Trip and the identity of red that we all acquaint with Quik Trip. Sometimes, that red will bleed over into being part of the sign. The whole reason for this black color of paint is to make the sign more visible and readable and also to be more aesthetically pleasing and tie into the Multi-Tenant Sign that is going to be applied immediately above it. In discussions with staff late last week, we came to the understanding that staff believed the painted area needed to be included and felt that maybe we had a size sign issue. We have three options we would like to put before you tonight. If you prefer this original design that we presented up until last Thursday and you believe that the paint should not be an integral part of the sign and should not be included in the calculation of the sign face area, you basically end up calculating "Park Place" on its own, the medallion on its own, and "South Nall Car Park" on its own. When you do that, you come to 50 square feet of combined sign area for this particular sign. For the second option, if you all determine that you think the paint should be integral to the sign and should be included in the sign face area, there is a whole different approach. Now, you're drawing one large box around this entire sign area, which is what Mark was alluding to. We would tell you that comes to 145 square feet. This particular type of entry sign is limited to 120 square feet in the LDO, which is a bit ironic and I won't digress, but that number came from the fact that we were proposing this exact sign, and it wasn't until last Thursday that we understand with staff that they are not calculating it the same way as we are. Had they seen our calculations and we came to a better understanding a year and a half ago, I think you would have found an LDO that allowed a 145 square foot sign with the paint included. For your third option, if you believe the paint is an integral part of the sign but you don't believe you want to grant us a deviation to go with 145 square feet instead of 120, then you would likely direct us to develop the sign as Mark showed you. It would be shoving everything over to the right. It would still include the entire painted area. It starts to jog down away from the "P" and it gets right at 120 square feet, which meets the current LDO requirement. We are okay with doing this type of sign in this configuration. We do not believe it looks as nice as the other option. Keep that in the back of your mind as we come back to talk about the totality of the 5% on the sign.

I'll transition over the Garage Identification Signs. We'll still discuss them a little separately because Garage A and Garage B are a little different. Our desire has always been that the LDO sign regulations would be more breathable and flexible in light of the specific architecture and utilization for our existing buildings. I just want to give you recent background for full context. We, the applicant, were not present at the May Planning Commission meeting when the Revised Sign Regulations were first discussed with staff during a Public Hearing. When Park Place was made aware that those sign regulations were finally finalized and being presented to the city, we earnestly began a review of them to develop our new sign package. John Petersen and I met with city staff on June 16th to discuss these new definitions and how they might impact the garage signs for Garages A and B, including whether or not the parapet wall would be or could be infilled with a solid, hard material on the Garage A parapet. We later found after that meeting that any solid fill there would create wind load issues for the wall and would not be safe for the structure. We had proposed this mesh fabric material in the interim. We're

excited to come talk to staff about that in the future. What you'll find is that a few days later, we end up at the City Council meeting, where we are now observing the Public Hearing of the sign regulations being presented between staff and City Council. We were very surprised to learn that the LDO language proposed a different definition of a Roof Sign. It would, without a doubt, prohibit Park Place from installing the Development Identification Signs we proposed. What ensued was a somewhat lengthy and confusing discussion about whether or not the surface of the garage wall would be considered a parapet, whether or not the city should adopt this new definition of a roof sign, and included some discussion about our proposed mesh material, which was unfortunate because the applicant did not have the opportunity to visit with staff, so we were not both on the same page from that standpoint. Overall, we left that City Council meeting with the City Council deciding that the new definition would not be adopted for a Roof Sign because it would restrict Park Place's ability to do this Wall Sign. Further, we were immediately asked to file our new sign application with the idea that two things would happen. The first is that we would endeavor, as the applicant, to meet with staff and talk about this mesh material that was being proposed on Garage A. Then, we understood that staff would hold a work session with the Planning Commission. Not only would they look at the definitions of parapets, but it would pretty much apply to future developments for Mixed Use, mainly along the 135th Street Corridor, and it would not prohibit Park Place from attaining this critical Wall Sign. We also understood that staff may discuss the proposed mesh material regarding durability and aesthetics. So, we filed our sign application as instructed. We advised staff of our recent research that we could not do a fillable material without having wind load issues. Then, we also showed the proposed mesh fabric to staff. A few weeks went by. We receive comments from city staff on August 9th, where staff indicated in writing that they had not changed their minds since June 19th, and they weren't supportive of the mesh material we were proposing for the Garage A parapet. They recommended we continue the current application before you from August to tonight's meeting. This was all with the idea that staff was going to meet with the Planning Commission in a work session to discuss this mesh material that was in question. We agreed to the delay. We were disappointed that it took three months from June to September to actually hold the work session. I'm not going to attempt to memorialize the discussion or lack thereof that occurred at that Planning Commission meeting, but I will say that we were disappointed that the proposed mesh material was not presented or discussed, considering that was the basis of our continuance for the month. Ultimately, when we walked away from that meeting, we pretty much decided the mesh was not moving forward with for two reasons. One, it had not been discussed, so we had no additional information to give you or the City Council, and it was only going to be available on Garage A. We couldn't install it on Garage B due to structural issues as well. We just didn't think that, uniformly, it was going to look good for the overall development. We are no longer offering that. That's why you're not seeing that in the packet tonight. Here we are with two garage buildings, and we are specifically talking about the Development Identification Wall Signs. When we were at that June City Council meeting, the discussion was centered around the existing definition of a Roof Sign and Parapet Sign, both of which are in your LDO. We get a Staff Report a few days ago. Now, staff has switched gears, and we're talking about definitions of Wall Signs and Signable Area. The applicant believes that we have consistently heard that a good number

of City Councilmembers support the Park Place project and support the proposed signage. The applicant believes that both parking structures contain parapet walls, and thus, the proposed signs are permitted under the LDO. The exhibit for Garage A shows that the wall item is integral. It is not added on. It is very much integrated and made to be a functioning part of the garage wall. It is not an added feature. It is not part of the roof, and it is not supported by the roof structure. We are including additional brackets that Mark highlighted for you that you can barely see, given the size they are and overall scale of the project. We are going to install these so that we can attach the lettering to the bracket for the signage. If we were to take away those brackets as staff suggests and somehow attempt to attach the signage to what may be considered more true part of the wall structure, it would be very out of character with the overall project and with the garage. When we look at Garage B, we have the same set of circumstances. If you look at the way these items and architectural elements move up, they are very much integral and made a part of the wall, again, from the back. This is not a simple add-on feature that could come out and be saw-cut and taken off. We would give the same argument that this is a parapet wall and that we have added brackets for simplicity's sake so that the signage could be attached and not out of context with the overall scale of the building. In our minds, it comes down to this: the Planning Commission either supports or doesn't support the proposed signage. If you support it and it requires a deviation, then support the deviation. If you support it and it requires an interpretation of various definitions, then help weigh in on those interpretations and definitions. We understand that the Revised LDO Sign Regulations were primarily revised to address future developments and were not intended to keep Park Place from doing its best to work within the confines of existing circumstances. We believe you have the authority, and your City Attorney has confirmed it, that you can approve this project tonight. We understand that some information I'm about to show you here next has not been reviewed with staff, as we were working on it very diligently yet today with these calculations. We would be happy to meet with staff between now and City Council to get agreement on these calculations being correct. Our desire tonight is to get your direction and input and hopefully approval of the signs as proposed.

With that, this is what we are requesting tonight. Garages A and B have some similar things that we are asking. We would ask that you find clearly that the Development Identification Signs are a Wall Sign and are being constructed on the façade parapet of the garage. We would ask that you grant a deviation, allowing the Development Identification Signs to be internally illuminated. Then, we need you to determine one of the following for the Entry Wall Signs: the painted area is not integral and not signable area and get us to 50 square feet, the painted area is integral and should be included in the signable area and we get up to 145 square feet, or that the painted area is integral but not give us a deviation and direct us to go back to where the signage was pushed to the right and we can meet the 120 feet. Now, we're talking about the garages individually. Garage A is similar to what Mark had but hopefully just a little more succinct. We have a total façade area with 5% identified as 799 square feet. That is our allowable total sign area. The Identification Sign is 256 square feet. Multi-Tenant Sign is 300 square feet. If you go with interpretation number one of the Wall Sign and get to 50 square feet, we meet your LDO, not only for the individual sign but also for them all in total. If you go with option two, including the paint, we get to 145 square feet. We would

need you to grant a deviation to allow that sign to be more than 120 square feet. In totality, we meet the 5%, and we meet your LDO. The third option is to push the signage to the right as you've seen. That gets us to what we believe is 120 square feet, which meets your LDO both for the individual sign and in totality for Garage A. When we get to Garage B, we have the same set of circumstances but a different sign face area as to the total signage for the 5% that is allowed. Again, our preferred method is the first one where you get us down to 50 square feet for the individual signs and we meet your LDO all around. If you decide that the paint needs to be included, it is a little smaller sign because it's on the canopy and is at 113 square feet. We meet the LDO individually, but we start to run into this issue with the totality of the 5% calculation. Same thing on the third scenario: we meet the LDO for the individual sign but get out with the 5%, which is why we would prefer you go with the first option and not include the paint in the overall sign area, as you cannot deviate, as I indicated here. Garage C has always been a bit of an anomaly. Chris Molinsky has always been very ambitious to try to get as much signage as possible. I will tell you that in speaking with Brett, we do not need this signage. Garage C is what I would call the AMC Garage. We do not have an Identification Sign on the top of the wall. We would like to have some Multi-Tenant Signs if we could come to an agreement with AMC and somehow be blessed to do that. We would also like to change those Car Park signs for the entries. At the end of the day, we don't need any of the signage on Garage C. If you don't see fit to do that one, we're happy to drop it from the application. If you would like to give us the opportunity to have consistency throughout the project someday in the future, if we're fortunate enough to have better control over this garage, you can do so today and see that we meet your LDO requirements. Again, that will play a big part on whether or not that vacant pad is developed with another user such as a hotel that will play into how that signage looks for that garage.

I think that concludes our presentation. We're happy to answer any questions you may have.

Chairman Elkins: Thank you. Questions for Ms. Grant?

Comm. Pateidl: I have a quick question to staff. In the various machinations to figure out what the square footage is with breaking one sign into three, is there anything in the LDO that precludes a number of signs that are appropriate.

Mr. Klein: I have discussed this with the applicant before. We've calculate signage the same way for the 18 years I've been here. It becomes very difficult if that were to change just because we see sign applications on a consistent basis of a wide variety. It would be very difficult to start breaking them down differently. I believe on this particular application, there is a limitation as far as one Parking Garage Entry Sign. If you are talking about drawing a box around each sign, it would then be in violation of the number of signs. I do understand what they would like to do. I think the sign looks nice, especially with the original proposal. We did ask for the overall dimensions a number of times. It hasn't been that staff isn't willing to do that. As far as the number of signs allowed, the LDO states that one Parking Garage Entry sign is allowed. The other issue is if we start breaking a composite sign down to individual pieces, it will change a lot of calculations across the city and not just Mixed Use but also tenant signage across the city.

Comm. Pateidl: If we find that there is a violation as to the number of signs, does that not obviate your options?

Ms. Grant: I would argue that the number of signs is also an area you can deviate from as a Planning Commission and that you can find special circumstances for this development.

Mr. Klein: That is correct.

Chairman Elkins: Thank you. I have a few questions. First, I'll start where Commissioner Pateidl ended. There did seem to be agreement from staff, but since you're at the dais, I'll ask you. What is the authority within our LDO to grant the deviations that you have offered up as opportunities?

Ms. Grant: I'm sure you'll joke along with me that I'm going to state that I'm not an attorney because I don't ever like to perceive that I'm giving legal advice as a paralegal with a law firm, but I would suggest that you have the ability to deviate as to not necessarily the type of sign because it is a use issue, but you can deviate from the size of the signs, the number of the signs. Apparently, when you go to a whole separate section of your LDO, it talks about when you can grant deviations and when you cannot. The only time you're limited in the context of what we're talking about tonight is this 5% threshold of the totality of the signs. I believe you have the authority to grant any of these deviations that might be needed tonight other than being more than 5% of the total façade.

Chairman Elkins: You said you believe we have the authority. I'm just looking for where that authority is at.

Ms. Grant: In your LDO.

Chairman Elkins: I realize that. I'm just looking for signs you can give me to point me to the place in the LDO. I'll approach staff with that before we finish up here. You may recall that I asked Mr. Klein amongst my concern about losing the forest for the trees about some sort of elevation that shows us the entire façade, particularly about the garage that faces Nall as to what the totality of that would look like if we approved your proposed Sign Plan.

Ms. Grant: I apologize. Mark, I know you had one elevation that wasn't totally clear that showed the whole façade.

Mr. Klein: I think what he's looking for is the signage on the garage itself.

Chairman Elkins: I would love a bird's eye view if I was standing on the berms across at Sprint.

Ms. Grant: I think I understand what you're asking, and I can get you there in two different parts. (*Refers to diagram*) This isn't as much as you would like, but I'm hoping to get you there. If you were standing on the hill on the Sprint property, you would see the edge of a wall to an edge of a wall. You would see the stair column that people come up and down and the various parking levels. If you can wholistically picture this expanse being some 16,000 square feet, the majority of what you're looking at is a very nice parking garage. The Identity Sign is only centered on the center portion that has the glass behind it as a decorative element. Collectively, in the smaller area, the only other signage visible on the façade shows the Multi-Tenant Sign and the Garage Entry Sign.

Chairman Elkins: Not to worry as this comes from the prior owners, but we were given such a picture at the original approval, and what turned out to be there turned out not to look like what that elevation was. There are always things that happen during construction. My concern is that I'm not yet convinced that the signage we're talking about tonight will be as immaterial as it would appear on this picture. I think your client is trying to get signage that pops out and grabs people's attention as they are driving. My concern is that the actual appearance will not be as understated as this. Again, there is not a question in there; I apologize. Am I correct in believing that you have no objection to the photograph of the top of the parking garage being added to our record?

Ms. Grant: We do not because it is very similar to that picture we showed you.

Chairman Elkins: That occurred to me as well. We continue to have this discussion about the Tenant Signs. Is it your view that the Governing Body has already approved the Tenant Signs individually to be part of the Sign Plan for the garage?

Ms. Grant: I will tell you that City Council has approved your Sign Ordinance that allows the ability to approve Multi-Tenant signage. They will not see this packet again to approve this exact signage for a couple weeks.

Chairman Elkins: They have not seen nor ruled upon the specifics of the Tenant Signs that you all are proposing as part of this plan?

Ms. Grant: I would suggest to you that they have seen it but were not allowed to have as much earnest dialogue on it because it was not allowed under the LDO at that time.

Chairman Elkins: In any event, there has not been a decision on it.

Ms. Grant: Correct.

Chairman Elkins: In your understanding around the sign definitions that were rejected by the Governing Body at its meeting several months ago, you mentioned a definition of what I understood to be a Wall Sign or perhaps a Roof Sign. What was the definition that you believe was rejected?

Ms. Grant: I do not have the terminology in front of me, but I will tell you that it was an enhanced definition of Roof Sign. We were very amenable to the definition because we felt that we were not wholly on the roof and were not supported by the roof structure, which was the discussion that staff was presenting at the time. Staff had attempted to take a more emboldened definition with several more sentences that would have attempted to strengthen this language to prohibit Roof Signs.

Chairman Elkins: The prohibition would have stayed in place, and the definition being considered was the definition of what was being prohibited.

Ms. Grant: Yes.

Chairman Elkins: I think I understood this correctly, but you were showing what I understand to be an amalgamation of a photograph and what is proposed. Can you show the commission the current state of the roofline?

Ms. Grant: (*Refers to diagram*) The only thing we have embellished in the photograph is to add the lettering and the very faint horizontal brackets that are barely visible due to the size, which is what the signs would be placed on.

Comm. Hoyt: Since that all exists today, has it always been there since the building was first constructed?

Ms. Grant: To the extent that we have knowledge of it, yes, considering we purchased the projects.

Chairman Elkins: That is my recollection as well. For the record, the part I was complaining about is the original elevation showed all the decks horizontally, and they are all at an angle. I understand it was necessary as part of the construction of the ramps. Ms. Grant, thank you. You have done a great job so far of representing your client.

Comm. Strauss: On the cover of the plan is a “P” for parking, which is at each garage entrance today. I’m presuming that goes away with the new plan.

Ms. Grant: I believe they are being relocated. They will not be able to stay in their present place due to the Multi-Tenant Sign location. They will be shifted to another outside area but will be retained with this development.

Comm. Strauss: I’m trying to understand if there is a difference between your proposed parking sign and this one? Is there an advantage? You have more letters, but this one identifies it as a parking location. How does your sign enhance that?

Chairman Elkins: He is comparing the blade sign to the current Blade Sign.

Ms. Grant: The Blade Sign is the bigger “P” to help identify parking. the Identity Sign that says, “Park Place South Nall Car Park” Is more of an attempt to identify the area as

Park Place and to name the garage. Our desire is, as people become more familiar with the Park Place Development, they will know where to park.

Comm. Strauss: What is interesting is that parking garage is not accessible from the north, I don't think.

Comm. Ramsey: Correct.

Ms. Grant: It is accessible for vehicles heading north on Nall and by way of Town Center Drive from the north.

Chairman Elkins: Ms. Grant, in the conversation with Mr. Klein, there was a conversation between Commissioner Strauss and the City Engineer relating to the impact of the Tenant Signs on traffic and safety. I'm curious as to your perspective on that, particularly given Commissioner Strauss' point regarding the difficulty to access.

Mr. Klein: I just want to make a clarification because I think I indicated they were 6" letters, but I couldn't find that chart at that time. For the Parking Garage Multi-Tenant Wall Signs, they have a maximum character height of 2 feet. I just want to make sure you have accurate information.

Chairman Elkins: Thank you for that. What would your view be as to the potential impact on traffic and safety as the result of the signs?

Ms. Grant: I think we would say that we are confident that we are not creating a traffic or safety issue. We believe these signs are most beneficial to us because, even in that circumstance that does not allow enough time to pause and read, it is starting to bring an awareness that something is inside the center. We have said it from day one that the challenge with these garages is that an average person has no idea that anything is behind these walls. It is not evident that there are restaurants, retail, and entertainment within the center. We would suggest that you would not have accident-prone people gawking at the signage. If anything, it is just going to help bring awareness to the general public that there are retail tenants in here that we would like them to come visit. Again, as they become more familiar with the development and the signs, they will see which tenants are in the area closest to the garage as opposed to the one on 117th Street.

Chairman Elkins: I guess my concern is not so much the gawking driver but the driver who has come for the purpose of finding the particular tenant, and now they are searching to figure out where the tenant may be. Be that as it may, have you or your client done any human factors analyses around this issue of the visibility or readability of the sign at the posted speed limit?

Ms. Grant: We have not.

Comm. Hoyt: I just want to make sure I'm remembering this correctly. When you first began your presentation, you made a comment that one particular sign was the most

important. I'm remembering that you said the Garage Multi-Tenant Wall Sign. Is that correct?

Ms. Grant: If I said that, I was mistaken. Both are equally important. The Development Sign that says, "Park Place" is critical to us for an identity and brand. The Multi-Tenant Signs on the garage are critical to us so people understand there is retail and entertainment inside the center. I would give them equal weight as to their importance in our view.

Chairman Elkins: Additional questions or comments? Thank you, Ms. Grant. You've done a great job for your client. This takes us to discussion by the commission of this proposal. I think in order to organize it a little bit, I would start with the discussion of the piece parts, and we might see how it comes together. Using the terminology that I'm becoming more familiar with, let's discuss the Parking Garage Identification Wall Sign. I like Ms. Grant's description of it as a skyline sign.

Comm. Pateidl: I go back to when this sign was originally proposed and we heard that one of the problems that Park Place had was with the enclosing of the entire development and that people didn't know it was there. People might drive by, looking for Park Place, not realizing that they've gone past it. They wanted a sign on Nall for identification of the development, serving as branding. I agree with that. Now, I'm hearing that the Tenant Sign on the parking garage is important so they know there is a sushi restaurant and a shoe store. I'm beginning to get mixed signals. Second to that, there was no indication in the early days of having the "skyline sign" on the south parking garage. On 117th Street, it goes from Town Center Drive to Nall, and that is it. The primary purpose of that street is to give access to Park Place. The necessity to have a big sign that is going to be lit on that particular garage is beyond my identification. I can't agree with that. I can't see it. To me, it tends to give the whole scenario a feel of Wally World with green signs on Nall and green signs on 117th. That begins to border on the issue of sign clutter, which is the whole purpose for us having sign regulations of this nature. As you look at those particular signs, as it relates to the viability of it and the acceptability of it, I personally believe that architectural enhancement of a parapet wall is good for the city. I believe that the "trellis" on top of Parking Garage A is an architectural enhancement of a parapet wall. If it takes a deviation to use those two channels to put the letters on, it is not a big deal as far as the Governing Body is concerned. I am in favor of that sign as it relates to the original intent. We want to be able to identify Park Place. I am not in favor of the sign on 117th Street because to me, it borders on sign clutter.

Comm. Strauss: My comments are somewhat wholistic. That is the way I'm thinking about it. I just have a real problem with the entire package as sign clutter. We talked about individually meeting the LDO. I can appreciate the idea of letting people know, but I think people know where Park Place is. I live in this area. I've never talked to someone who didn't know where Park Place was. We have to remember this is Mixed Use and therefore, a pedestrian-oriented development. We have turned this into an auto-oriented development with all this signage. That worries me. I am really worried about the safety with these signs. I drove north on Nall just the other day at 45 MPH. With the full bloom

of the trees, I did not see the entrance of Garage B on Nall until I was 100 feet from the entrance because of all the foliage. For me then to slow down immediately to read the tenant sign would be disastrous. I think we will see a lot of additional rear-end accidents at that location. I'm concerned about the safety of some of the signs. I think we have too many signs. This is a pedestrian-oriented development. When I think of Mixed Use Developments in the area such as the Country Club Plaza, I don't see a big sign saying, "Country Club Plaza" down there. Zona Rosa may have one. I think signs are not the complete answer to drawing more people in there. I think there are some other aspects of marketing this development. I don't have a problem with the Monument Sign. Some of the signs, I'm okay with; some, I think, are a safety problem.

Chairman Elkins: Do you have any thoughts or comments you would like to share relative specifically to the Skyline Sign?

Comm. Strauss: I think I'm okay with the Skyline Sign. My biggest concern as 25 years as a transportation consultant is the safety aspect of people looking for these signs and slowing down on Nall Avenue. I just see it as a problem. There are already Monument Signs, and that identifies the development. This is a basic rule in transportation consulting: don't put more signs out there to solve your problem. I'll just leave it at that.

Comm. Ramsey: I've been listening and trying to take this all in. I read the portion that applied to this of the City Council minutes. They were pretty emphatic that the LDO now and forever has never allowed Roof Signs. I didn't see anywhere in the minutes where anyone was advocating a Roof Sign. On September 12th, unfortunately, I wasn't able to attend the work session on Roof Signs. Going through the minutes, I see that we really didn't come to much of a conclusion about a good definition of parapet as it relates to construction. I think we're still at the crossroads of it being a parapet or above the roof. I don't think we have adequately figured that one out yet; at least, I haven't in my mind. I'm with Kip. Having worked in Public Works for a number of years, I would be really concerned about the deceleration lane and people pulling in, trying to read a sign. I think I mentioned to the folks when they were here the first time that, if I need to know where something is inside the property, it is much better to have a sign board in the garage where I can get out of my car and see where business are and how to get there. I don't think we've come to terms with this. I think we're just kind of spinning our wheels on this application. I don't think we have a good definition. I'm pretty uncomfortable with it.

Chairman Elkins: One comment I will make out of turn is that it seems to me that we are kind of at a place where we can make a decision as to whether we like the Skyline Sign or not, and there is a way to get there. Most of the people on the commission are pretty analytical people and look first to what the rules are and how it fits, but both the applicant and staff have shown that we have a way to get to an approval if we like the sign. I share your frustration around the definitions that seem squishy at this point in time. I do feel that both the applicant and staff have done a great job of providing us with a way to get to whatever decision we want to get to.

Comm. Ramsey: I would just reiterate one of the major concerns that City Council had in that this will apply citywide and will apply to the 135th Street Corridor. If we are going to provide wiggle room here, we can be darned sure we're going to be asked to provide it down the line as well.

Comm. Coleman: I am in favor of a Skyline Sign. Obviously everyone up here wants Park Place to succeed. I don't think anyone in this room doesn't want it to. I will say that I do like the idea of signage to draw people in. I don't like the idea of individual signs. I think those are going to be a problem down the road, as Kip related. Drivers can't see them. They would have to be changed out as tenants come and go. The aging process is going to be different for each individual sign that is put up. I will say that I have a 7th grader and an 8th grader. Park Place is a destination for them already, so you're doing something to encourage people to go in there. They dragged me there to get birthday cards over the weekend. They know exactly where to go. They know where to park. They get it. I think the shops are an attraction; it is just getting people to notice that there is a place there. Once you grab them in, it becomes more mobile and pedestrian friendly. I do like the signage on the outside to draw them in, but I want it to be tasteful, and I don't want to deviate too much to where down the road for 135th Street, we have people coming in and saying, "Well, you did it for them; can you do it for us?" I think the word that I'm thinking of is balance. We need a balance to help the tenants and the development, but also, for our successors on this commission, we need to not box them into a tough spot.

Comm. Block: I like the Parking Garage Development Identification Wall Sign, and I can get there with it being a Parapet Wall Sign.

Chairman Elkins: Many of our commissioners have chosen to talk about the Tenant Sign. Do you have any comments about that?

Comm. Block: I think it is fine. Wholistically, I don't want to get too much into the Entry Sign of the garage, but I think then that the 5% rule cannot have a deviation. When we look at the Skyline Sign, Tenant Sign, and Garage Entry Sign, I think the applicant should figure out a way to fit within that and adjust however they want to. I don't think we should deviate in the way the sign is measured. If they want to push it to the right or keep it the way it is, they need to somehow, between all three of those signs, fit. Those would be my comments on the whole application.

Chairman Elkins: Correct me if I'm wrong, but if we stick by the traditional method of measuring the area of the sign, that gets those Entry Signs to 122.5 with a limit of 120. At that point in time, we would be in the deviation space for this particular building.

Comm. Block: I did have that note. I think we could deviate on the individual sign. However we need to get there, measure them as boxes as they are supposed to be measured, but don't deviate overall. In my mind, I would allow a deviation for that sign.

Comm. Hoyt: On the Skyline Sign, we have been talking about if it is a wall or parapet and if it is attached properly or improperly. Isn't there also an issue of method of illumination?

Comm. Pateidl: I thought that was changed.

Comm. Hoyt: Does anyone see a deviation in terms of allowing that to be internally illuminated? Is that the plan? That's something we don't currently permit.

Mr. Klein: Currently, the applicant is requesting a deviation to allow internal illumination for that sign.

Comm. Hoyt: Is there a method to illuminate that same sign without doing it internally?

Mr. Klein: The options listed for that particular sign type are non-illuminated, externally illuminated with lights pointing onto it, or halo-illuminated with an opaque face and lighting behind. Typically, a background would create a halo behind it to create that kind of signage.

Comm. Hoyt: Getting back to a comment you made that you don't want to see bright lights, that may be an issue of balance. If we're willing to give on this interpretation of the Skyline Sign being suitable for the wall/parapet/roof context of the LDO and if internal illumination isn't an absolute necessity, could we have the subtler illumination and still get what the client is interested in?

Comm. Levitan: I would think that they would have to have internal illumination because halo can't be done.

Mr. Klein: The backdrop is critical for halo illumination.

Comm. Levitan: It is bracketed, and spotlights would miss the mark. I don't have a problem with internal illumination. I think that would actually look pretty nice.

Chairman Elkins: One thing we might consider is whether or not we would impose time limitations on the light of the sign. We've done that in other developments. Sometimes they are monster signs that masquerade as stained glass windows. We limited the time periods for illumination. That might be one way of at least partially addressing the concerns about the illumination. It wouldn't address all the Concerns that Commissioner Pateidl has, but it might be a vehicle to get there. Other thoughts about the Skyline Sign general?

Comm. Hoyt: I think aesthetically, it looks fine. I'm more concerned about the precedent issue and whether this is going to create some sort of visual clutter in a future development that we would have a difficult time backing off from. In terms of the subsets of this proposal, the things that I'm quite comfortable with are the Development Monument Signs issue. That seems to be settled already. We're down to five, and that is

permissible. The Vehicular Directory Multi-Tenant Monument Signs have no issue that I have heard. I was completely on board with the Garage Multi-Tenant Wall Signs until Kip started talking about safety issues. This seems legitimate and gets to the issue of sign clutter, too, and wear and tear through the years. I'm okay with parts and not okay with other parts at this point.

Chairman Elkins: Commissioner Levitan, you come with a different perspective. I'm curious to hear your thoughts.

Comm. Levitan: I guess of all the things that give me pause, it is the Multi-Tenant Sign. I go up and down Nall like we all do, and it is the Autobahn. The speed limit is kind of the minimum. I would want to see some kind of a traffic study or more research just because people are moving so fast. That is not the problem with the development. It is tough to get people to come in and know who's there. They're fighting for their tenants, which I completely respect. Knowing I am probably one of the culprits in using the Autobahn, I just would want to know that it isn't creating a rubbernecking situation because there is so much to look at on that Multi-Tenant Sign. I guess I would want more backstop on that before I could formulate an opinion. Everything else seems right in line. They're just trying to improve upon what's there. It is a working laboratory. If we have these signage issues on 135th, we're doing something right because, as I maintain, Mixed Use is extremely difficult. It is expensive to finance. If somebody does actually get Mixed Use off the ground on 135th, it will be a miracle in my opinion. I don't know that this creates widespread problems for the rest of the city; I really don't. I'm in support of all of this with the exception of wanting more research on the Multi-Tenant Sign.

Chairman Elkins: One comment I will make out of turn is we are all appropriately concerned about precedent, but each project comes before us on its own facts, its own environment, and its own context. Certainly, there is a concept of precedent, but I would encourage the commission to take each project on its merits and not feel absolutely constricted like we would if we were a court of law as to prior decisions because every project is unique.

Comm. Pateidl: I have a couple comments. First, if we look at the statement of intent of what we have for signage, it is basically to avoid clutter and keep public safety in mind. I will address the Multi-Tenant Sign. To me, it is like teenage drivers. It is not a question of if they will have an accident; it is a question of when. To that end, on Nall, I think that is wrong. On 117th Street, I might have a different attitude simply because if you are on 117th Street, you are probably going to Park Place anyway. At that point in time, you don't have the Autobahn aspect of it, and you may have some identification there that is fine. Kip made the comment about the intent. The intent of Mixed Use is to create an urban atmosphere in a suburban area. We want people to get out of their car and walk through the area. If we have signs inside the parking structure at locations where people can see which way they're going to go when they get out, that is exactly what we want. Quite honestly, the commercial part of Park Place is not that big that it is an excessive burden for people to make that walk. We do have handicap parking for those who need it available on the street. I'm really concerned about clutter. We have agreed to the towers.

I don't know if they're even built or in the process, but that will identify Park Place. If we take away the Multi-Tenant Signs on Nall, there is all the room in the world for a Parking Garage Sign. I think the bigger, the better in that regard for visibility. Frankly, it's just bringing us into the 21st Century. The entrance signs to the parking garage now remind me of the 1950s. Deviations are to be granted to improve the aesthetics, or at least that's one of the reasons to grant a deviation. If it takes a deviation there, that's fine. Again, I'll reemphasize that I am in favor of the Skyline Signs. I interpret it as a parapet. My comment about Wally World is not that the one sign would be bright and would be a problem, but when there are two of those signs with no legitimate need for identification from 117th Street, it is overdone. That kind of sign clutter is problematic for me. We are talking about five monument signs, three of which are right along Nall Avenue right next to the tower, right next to two signs on parking garages that are going to say, "Park Place." I would suggest that it be toned down. I believe that what we have is clutter abounding and unnecessary. Internally, the Directional Signs and all those kinds of things are great, but when it is out to the general public and is just too many, I have a problem.

Chairman Elkins: Any additional comments? I have a few I would like to add. I would echo the sentiments of the commissioners who were concerned with the Tenant Signs. That has always been a concern for me since we first saw the signage. I am sympathetic to the merchants and their concern that it is hard to get the word out to the bypassing traffic as to just where they are. It is truly a concern. The one thing we may all be missing, including the applicant, is the importance and significance of technology. I don't have empirical evidence, but I believe that the majority of people find their way to a business by typing it into their GPS on the car or the phone. You don't need a sign for that. You need to do whatever voodoo it is that one does to get themselves on the top of the Google list when searching for ABC Sushi Bar. In terms of planning, I frankly have some concern as to whether that whole idea of signs will completely go out of style, and the whole idea of technology will take over for getting us where we need to go. I'm struggling with the Skyline Sign. After reading the report last night, I came in kind of opposed to it. I see a lot of benefit to it in listening to the presentations today. No offense to our friends from California, but it almost strikes me as a Hollywood Sign. It is much more understated than I thought when I first heard about it. You have done a nice job of doing that. It still concerns me just a bit. I could go on and make additional points, but I think they have been made by others here. The one thing we haven't talked about is the Parking Entry Signs and the way we measure them. Commissioner Block spoke to it. Does anyone have any additional comments on this issue of how we measure the Garage Entry Signs?

Comm. Strauss: I concur with Commissioner Block that if it has always been calculated the same way, we should not deviate from that. We can give a deviation to this particular sign if we want. Mark said he has been calculating it the same way for 18 years. That sounds like good enough precedent for me. We should calculate it the same way the Planning Staff has always calculated it to be consistent and then decide if a deviation is necessary.

Chairman Elkins: I can vouch for the fact that at least 13 of those years, it's the way it's been calculated every time.

Comm. Block: I think it should include the bar. I didn't say that earlier, but that would include the entire sign.

Comm. Hoyt: I agree.

Chairman Elkins: Additional comments about the rest of the Sign Plan? I'm going to take a bit of an unusual step here and take what I would call a preference vote on what I see as the three issues that are mostly in question. The idea is that, based on the result of those preference votes, we'll consider our options and what I anticipate to be an unusual move in giving the applicant an opportunity to consider the discussion. Rather than doing it by motion, I'm going to do it by Motion of the Chair.

Mr. Hall: Mr. Chairman, perhaps what you're looking for is a consensus and not preference.

Chairman Elkins: I'm looking to build a consensus. I'm going to ask if the commission favors or disfavors two internally lit Skyline Signs and if the commission favors or disfavors one internally lit Skyline Sign. I'm going to ask the consensus is relative to the Tenant Sign. Then, I will inquire about the consensus with respect to the Entry Signs. We'll see where we are, and I will lay out what I think are the options at that point in time and give the applicant an opportunity to consider.

Comm. Ramsey: Is this as a result of determining that this is a Wall Sign on a parapet and not a Roof Sign? Is that what we're saying?

Chairman Elkins: To my point earlier, I'm trying to find out whether the commission has a consensus around the presence of a Skyline Sign, and we'll figure out how we get there, either by variance or definition, if we have established a consensus.

Comm. Block: On the third item on the Garage Entry Sign, I don't know that anybody disliked it, so are we deciding whether or not we would grant a variance in how we measure it? Is it two things, or is it just if we like it or not?

Chairman Elkins: I think I'm saying that we like it or not, and we'll figure out how to get there if we want the sign. The applicant has provided us a pathway to get there. Questions about how I propose to proceed?

Comm. Hoyt: I don't want to fixate on the Monument Signs, but are we saying anything about them?

Chairman Elkins: I have heard no discussion, so I'm assuming the rest of the plan is not problematic. In my mind, the Monument Signs would be included with what we decide. Any other questions? Let's begin. All those who would be in favor of two Skyline Signs

that are internally lit, recognizing there may be variances around all of this, raise your hand.

Levitan, Ramsey, Coleman, and Block raised hands in favor of two internally lit Skyline Signs.

Chairman Elkins: I count four votes. All those opposed to two internally lit Skyline Signs, raise your hands.

Hoyt, Pateidl, and Strauss raised hands in opposition to two internally lit Skyline Signs.

Chairman Elkins: I count those as three. That adds up to seven. All those who would favor one internally lit Skyline Sign, please raise your hands.

Hoyt, Pateidl, Ramsey, and Coleman raised hands in favor of one internally lit Skyline Sign.

Chairman Elkins: I count four. All those opposed to one internally lit Skyline Sign, raise your hand.

Strauss raised hand in opposition to one internally lit Skyline Sign.

Chairman Elkins: Apparently I have two abstaining.

Comm. Block: I must have missed it. If I am okay with two signs, why would I want to vote for one sign?

Chairman Elkins: Because you might not get two signs. At least you get one that way.

Comm. Block: I like one sign, too, then.

Comm. Levitan: Same.

Chairman Elkins: That gets me up to 6-1 in favor of one sign with the caveat that two of the voters would prefer two signs. Moving on to the Tenant Signs, all those who favor Tenant Signs as presented in this plan, please raise your hand.

Block raised hand in favor of Tenant Signs.

Chairman Elkins: All those opposed, please indicate by raising your right hand.

Hoyt, Pateidl, Ramsey, Strauss, and Coleman raised hands in opposition to the Tenant Signs.

Chairman Elkins: I see five, and I think I have one abstaining. Those who would favor the Entry Signs with either A, B, or C of the applicant's options, please indicate by raising your hand.

Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block raised hands in favor of Entry Signs.

Chairman Elkins: That is unanimous. Speaking to the applicant now, it seems that we could go two directions, and I will leave it up to you. One approach would be to put your current plan up for a yay or nay in totality, and whatever the result is, we walk out and you take whatever action you feel you need to with the Governing Body. The other option would be difficult for staff, but we could vote on a modified plan that I think would include one Skyline Sign, probably over Nall. It would not include the Tenant Signs, and it would include your Entry Signs. With that, I appreciate your patience to all the other applicants here this evening. The third option would be a continuance, but you've been running at it all summer, so I would guess that is not what you would like. Questions from the commission? Questions from Ms. Grant? Does the applicant have any objection to the approach I've taken here?

Comm. Pateidl: I have a question for the applicant. Do you understand the ramifications of a no vote?

Ms. Grant: We do, and I was asked to say for the record that we are not opposed to the approach you are taking tonight.

Chairman Elkins: Thank you. With that, we will take a 10-minute adjournment.

10-minute adjournment; reconvened at 8:54 pm.

Chairman Elkins: We will call the Leawood City Planning Commission back to order. The record will reflect that we came back into order at 8:54 pm. Noting the time, I will address a point of order before we continue with Case 82-17. At this point in time, I would accept a motion to extend the meeting time until 9:30.

A motion to extend the meeting for 30 minutes to 9:30 was made by Ramsey; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Chairman Elkins: At this time, the Chair would recognize Ms. Grant, who will favor us with her client's decision and also add a few comments to the record.

Ms. Grant: I appreciate it. We'll start with the first part. Wholistically, we generally do appreciate your discussion tonight and that you took each sign individually and gave your input. Because both the Skyline Signs and Multi-Tenant Signs, to some degree, are equally critical to us, we find ourselves in a position to ask you for a wholistic yay or nay to the application tonight. We definitely think we have a lot of good context in the

minutes for City Council to consider your opinions individually on each sign. We very much appreciate that.

Chairman Elkins: One thought that occurred to me as you were speaking is that it may take the form of a motion to recommend denial as opposed to a motion to recommend approval that is then defeated.

Ms. Grant: I understand. As we listened to you and your dialogue, I felt remiss. We tended to pare back this presentation because we've been to you more than once with this Sign Plan. When we heard Commissioner Strauss and others speak to maybe not understanding why we would need more than one Skyline Sign and some of the importance of these Multi-Tenant Signs, we had comments. We did a very detailed market study on this project before we started these applications with this body. We found an alarming number of people saying that this is the signage we need because they don't know where Park Place is. You have to remember that we are a greater metro area. If I live in Leawood and frequent Nall, I generally understand what Park Place is. My kids know what it is. We talk about it. I know what the Olathe Great Mall used to be because I live in Olathe. Somebody in Leawood might not have any idea that there ever was an Olathe Great Mall. We take a little reservation with the idea that we are looking holistically with this market study that we need the greater metro coming to Park Place, and we need the greater metro people who are driving in and around the site to understand where Park Place is and what Park Place is. We take a little bit of reservation with those comments that it is a well-known area. Then, you go into the second fold. Once I see a Park Place sign, how would I know what Park Place is? I think most of your younger generation would probably Google it and see what it is. I'm 42. I would argue most of us that are not this millennial age aren't necessarily going to go home and Google Park Place and see what it is. I'm very akin to driving around all these cities within the greater metro, and I see signage. I go by Town Center, and I see that there is a cookie store, and I want a cookie, so I go in. I'm out in Olathe, and I go by Olathe Pointe Center, and I see a haircut place. I know I can go get a haircut because I can see the signage readily visible to me as I drive by these areas. The distinction we have consistently made on Park Place is that we regret how it was constructed. I don't think you will see it again, not only in the City of Leawood but not in this metropolitan area. You will not see a development of this size surrounded by garages and buildings with no idea what is going on inside. We are very unique. I agree with Commissioner Levitan that you will be fortunate to get more Mixed Use in Leawood. We are in a very unique situation. People do not understand what Park Place is and that there is anything inside it. It looks like an office building with some parking garages. We just want to reiterate the fact that we did a full-blown market study regarding this issue. We found this is the signage that would greatly assist the owner in bringing people to the site. With that, we appreciate you allowing us to give you just a few more minutes to express some of our thoughts on those that we had purposely taken out of our presentation because we had previously expressed it a year and a half ago.

Chairman Elkins: Thank you. Any additional questions for Ms. Grant, given her additional comments?

Comm. Ramsey: As I understand it, what you would prefer to have us do tonight is to take a vote on the whole package.

Ms. Grant: I say yes because the way I understood it presented was if we start to break this apart, there are five no votes for the Multi-Tenant Signage that is just as critical to us as the Skyline Signs. I think either way, we might end up in the same place where the City Council is going to ultimately have to think of these signs individually.

Chairman Elkins: Thank you, Ms. Grant. Be sure to tell Mr. Petersen you did a fine job. I would invite the commission to make any additional comments for the record or for the purpose of persuading one of your fellow commissioners how to vote tonight.

Comm. Ramsey: In light of the applicant's request, I think our previous consensus building was moot. I think they're asking us for a vote on the application in its entirety.

Chairman Elkins: I wouldn't go so far as to say it was moot because I think there was an implicit consensus that it was going to happen on the up or down vote. Not to prejudge, but we'll see how the vote comes out. Any other comments? At this point, I would entertain a motion.

A motion to allow the Garage Development Identification Signs to be considered as Parapet Wall Signs and to be internally lit; a deviation of Garage Entry Sign Size, which means the measurement would include the entire area and the band and the three signs cannot exceed the aggregate 5% of the façade – was made by Block.

Chairman Elkins: I think you misunderstood the applicant's approach. The applicant has indicated they have no interest in proceeding on that modified version. They have asked that we vote up or down on the Sign Plan as it is presented tonight.

Comm. Block: I don't understand because we can't approve it.

Chairman Elkins: It depends on how you do the measurements, but that is what the applicant is requesting. You may be absolutely correct, and if you feel that way, it should guide the vote you make. There is a motion on the floor. We can move forward and vote on that motion, or it can be withdrawn. Is there a second for the motion? Seeing no second, the motion fails for lack of a second. I reiterate my request for a motion on Case 82-17.

As the members of the Planning Department have suggested declination of the case, a motion to recommend denial – was made by CASE 82-17 – PARK PLACE – REVISED SIGNAGE – Request for approval of a Revised Final Plat, located north of 117th Street and east of Nall Avenue – was made by Pateidl; seconded by Strauss.

Chairman Elkins: Is there addition discussion?

Comm. Levitan: As I understand it, we're just trying to get it moved on to the Governing Body. They will rely on the minutes to formulate an opinion.

Chairman Elkins: That is correct. It does have implications within the Governing Body's rules as to what kind of majority is necessary to overrule us, but that is their concern and not ours. Ours is to make a recommendation to the Governing Body, and the recommendation that has been moved is that the Governing Body deny the application.

Comm. Block: If we deny it, it will go to Governing Body, regardless?

Chairman Elkins: That is correct. All of them go to the Governing Body whether we vote yes or no, unless an applicant chooses not to go forward. Any additional discussion?

Motion carried with a vote of 5-2. For: Hoyt, Pateidl, Strauss, Ramsey, and Coleman. Opposed: Levitan and Block.

CASE 88-17 – 8931 SAGAMORE SINGLE FAMILY RESIDENTIAL LOT – Request for approval of a Zoning to R-1 (Planned Single Family Low Density Residential), Preliminary Plan, Final Plan, Preliminary Plat, and Final Plat, located south of Sagamore and east of Lee Boulevard. **PUBLIC HEARING**

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 88-17 – Sagamore Single Family Residential Lot -Request for approval of a Zoning to R-1 (Planned Single Family Low Density Residential), Preliminary Plan, Final Plan, Preliminary Plat, and Final Plat, located south of Sagamore and east of Lee Boulevard. The structure is located south of Sagamore and east of Lee Boulevard within the Leawood Subdivision. Surrounding the property are additional single family homes within the R-1 Zoning District and the Stonebridge subdivision. The Final Plat will combine two unplatted slivers of property to the east and south of the property in a manner that creates a lot more regular in shape. FEMA Zone AE at the rear property line is enclosed within Tract A and is intended for open space, natural preservation, and stormwater drainage. Tract A will be maintained by the property owners. The Final Plan meets all bulk regulations of the LDO, and staff recommends approval of Case 88-17 with the stipulations outlined in the Staff Report.

Chairman Elkins: Thank you. Any questions for staff? Seeing none, I would invite the applicant to step forward. Thank you for your patience. I know you've waited a long time to have your opportunity.

Applicant Presentation:

Lance Larson, 8416 Ensley Lane, appeared before the Planning Commission and made the following comments:

Mr. Larson: This is concerning a different address. We are a building business. We wish to replat an unplatted piece of ground, just as staff has illustrated. It has been unplatted for some time, and we felt like it was a good opportunity to add that piece and clean up any unplatted areas in the city. We reached out to the owner, negotiated a sale, and purchased the property.

Chairman Elkins: Thank you. Do you have any objection to the eight stipulations staff has added as a condition for recommendation for approval?

Mr. Larson: I do not have any objections.

Chairman Elkins: Thank you. Are there questions for Mr. Larson? Seeing none, you may step down. This does require a Public Hearing. If there is comment from the public, you'll have an opportunity to respond.

Public Hearing

William Moran, 8927 Sagamore Road, appeared before the Planning Commission and made the following comments:

Mr. Moran: I live in the house adjacent to the east. My house is between the country club and the house that Lance is going to tear down and rebuild. First, I want to say that Lance Larson has a great reputation in Leawood and has done a lot of teardowns. We're really happy. We're not opposing the building of the house. We're opposing that, as he said, there is an unplatted piece of land between our two properties. It was actually owned originally by the Leawood Country Club, and the developer took it over when the developer bought the Leawood Country Club. I was part of the opposition that fought the plans that this body rejected by the developer. During that period of time, I was in opposition to the developer who owned this wedge of land that Lance would like to replat.

Chairman Elkins: If it would be helpful, you can set that down and project it.

Mr. Moran: (*Refers to projected diagram*) We're aware that it has been unplatted since the country club was around. We got a call from Lance six weeks ago that he had purchased that land for \$5,000 from the developer. We have made an offer to try to buy half of it and split it. He has declined it. We are respectfully asking this body to amend his plan to align with the boundaries of the previous owner and not include this wedge of land.

Chairman Elkins: Would that land remain unplatted, then?

Mr. Moran: It would remain unplatted. At this point, Lance does not want us to buy half of it, which we would like to do. It would remain unplatted until Lance and I came to an agreement about it.

Chairman Elkins: Can you tell us something from your perspective on how the platting would impact you and your property?

Mr. Moran: Up until now, it has been common ground between me and the prior owner. Now, it would cut down on our property line compared to the way it was before by 30 feet. We have a back tree line, and it was over 30 feet. Lance has graciously offered to have his surveyor come out and survey it for us. Lance talked to us. I think the point of contention is we would like to buy half of it from him.

Chairman Elkins: Are there other questions for Mr. Moran?

Comm. Strauss: How long have you lived in that house?

Mr. Moran: Since 2004.

Comm. Strauss: Up until now, have you ever considered purchasing it yourself?

Mr. Moran: The problem was that we were in opposition to the developer. The wedge of land was owned by the developer on the other side, which was Old Leawood Estates. That went on for nearly 12 years. We were in opposition to that. We could have cut a deal maybe with the developer. We were a major part of the opposition because we had the longest adjoining property line. We didn't do that.

Chairman Elkins: Thank you. Is there anyone else who wishes to be heard? Seeing none, I would ask for a motion to close the Public Hearing.

As no one else was present to speak, a motion to close the Public Hearing was made by Pateidl; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Chairman Elkins: Mr. Larson, is there any additional comment you would like for us to hear in light of Mr. Moran's comments in the Public Hearing?

Mr. Larson: Six weeks ago when I acquired the ground, we started plans that would not be allowed based on not having this sliver of land. The additional width allows us to add a little bit of additional width to the property. This lot is fairly narrow. It just gave us a bit more breathing room through the center of the house. We felt like it made it flow a little better. There's significant expense beyond the acquisition and the platting. I've had Phelps out multiple times to show Bill and his wife Celene what kind of space we're really talking about. At the front of the house, it's fairly narrow. It widens as it goes to the rear. I saw an unplatted piece of ground next to my property. I saw an opportunity to acquire it. I picked up the phone and negotiated a price, but that \$5,000 price is not what I have in it. It's a lot of my time, energy, planning, design, engineering, etc. Thank you.

Comm. Block: The width of the property that you now have with this sliver compared to the property of Mr. Moran is how many feet?

Mr. Larson: At the build line, we are at 100 feet. The closest a single family home can be built is 35 feet back. The Morans' property as it sits today is 114.43 feet. We're only adding a little sliver (*Refers to plan*) We pick up a very small but very important sliver of land. I might add that the net increase in width at the build line may be only 4 feet, which is still less than what the Morans' property width is. It might be 105 feet of width, compared to their 114.43.

Chairman Elkins: Thank you. That takes us to a discussion of the case presented. Comments? I don't see any comments, so that would lead me to entertain a motion.

A motion to recommend approval of CASE 88-17 – 8931 SAGAMORE SINGLE FAMILY RESIDENTIAL LOT – Request for approval of a Zoning to R-1 (Planned Single Family Low Density Residential), Preliminary Plan, Final Plan, Preliminary Plat, and Final Plat, located south of Sagamore and east of Lee Boulevard – was made by Pateidl; seconded by Levitan. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

CASE 93-17 – CORNERSTONE DEVELOPMENT – ELEMENT HOTEL – Request for approval of a Final Plan, located south of 135th Street and east of Nall Avenue.

Staff Presentation:

City Planner Stacy Henry made the following presentation:

Ms. Henry: We will be discussing Case 93-17 – Element Hotel – Request for a Final Plan. The hotel is located in the Cornerstone of Leawood Development, zoned SD-CR (Planned General Retail), south of 135th Street and east of Nall Avenue. Surrounding the property are Parkway Plaza and Prairie Fire, The Church of the Resurrection, and Plaza Pointe. The hotel is a 4-story, 72,819 sq. ft. hotel with 110 rooms on 1.42 acres within Lot 18 of the Cornerstone of Leawood Development. The main entrance is oriented to the south with a porte cochere drop off. The plan provides the required ADA parking in addition to two electric vehicle charging stations and five bicycle racks. The hotel provides outdoor patio space that connects to the pedestrian walkway within the center of Cornerstone Development. The hotel is a combination of brown and tan cementitious stucco, white fiber cement wall panels, and natural stone, accented with the Element Hotel's signature green, a color indicative of their eco-minded design. The Final Plan contains no changes in lot coverage, square footage or density that was approved with the Preliminary Plan. The Final Plan meets the parking and bulk regulation requirements of the Leawood Development Ordinance. Staff recommends approval of Case 93-17 with stipulations in the Staff Report. I'm happy to answer any questions.

Chairman Elkins: Thank you. Questions for staff?

Comm. Block: Thank you to staff for calling out those changes. That was helpful in my review. I appreciate that. I know that we talked when we first considered the Preliminary Plan. There was a lot of discussion about the parking and the drive. I know they removed

two of those spots. I didn't take the time to go back and look at my notes. It wasn't discussed in this as to whether that really made an improvement from your perspective for the flow of traffic. I remember you thought it was a dangerous situation prior, but I don't know if this corrects that or not.

Mr. Klein: It went on to City Council. They actually were okay with that. It more or less stayed the same as what it was. They have changed it a little bit. I think they have two electrical charging stations and two ADA parking spaces along there. In accordance with the Preliminary Plan approval, we're okay.

Comm. Block: The two that were removed were just to make way for those?

Mr. Klein: Correct.

Comm. Block: I don't know if this doesn't apply because this was an existing development, but a lot of times in a stipulation agreement, you usually put something in about not opposing a TID or CID. Does that not apply to this?

Mr. Klein: Usually, that is done with something where there are underground utilities. In this case, the utilities are already underground.

Comm. Block: If there is a CID or TID proposed on 135th, for example, they wouldn't oppose that? You're saying that there is no need. I understand; thank you.

Chairman Elkins: As a point of order, we are getting close to 9:30. I would entertain a motion to extend the commission hearing until the maximum of 10:00.

A motion to extend the hearing 30 minutes for a time no later than 10:00 was made by Hoyt; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Chairman Elkins: The commission meeting is extended until 10:00 pm. Per our rules, that is the last extension we can entertain. Any additional questions?

Comm. Pateidl: Do we have a materials board for this application?

Ms. Henri: We have a sample; it is just a different color. They provided us with a sample.

Comm. Strauss: Did I miss a color rendering?

Comm. Pateidl: Very early in the application.

Chairman Elkins: Any additional questions for staff? Seeing none, I would invite the applicant to step forward. We very much appreciate your patience.

Applicant Presentation:

Christine Henderson, Hoefffer Wysocki Architects, 11460 Tomahawk Creek Parkway, appeared before the Planning Commission and made the following comments:

Ms. Henderson: I'm representing KMG Hotel Group.

Chairman Elkins: Do you have a presentation?

Ms. Henderson: We have been working with staff. We inherited this project from another architect, so it is not our initial design, but we are still proud to represent the project for our owners. We've worked with staff on the finishes. We've complied with all their comments and have been able to provide responses to all their comments. I'd be happy to answer any questions. We're in agreement with all the stipulations.

Chairman Elkins: Thank you. Questions for Ms. Henderson? Seeing none, you may step down. That brings us to a discussion of Case 93-17. Questions or comments?

Comm. Pateidl: Apparently, I was absent during the Preliminary Plan discussion on this. Quite honestly, what I'm looking at now for the first time is a project that is going to be built at the front door of the City of Leawood on 135th Street. With all due respect, this architecture looks to me like Dormitory 101. I know that our position is not necessarily to make overall judgment on architecture, but frankly, I'm pretty disappointed that it would be how we invite people to the City of Leawood. Since this is an issue of discussion, that is simply my feeling toward the application.

Chairman Elkins: Thank you. Additional comments? Seeing none, I would entertain a motion.

A motion to recommend approval of CASE 93-17 – CORNERSTONE DEVELOPMENT – ELEMENT HOTEL – Request for approval of a Final Plan, located south of 135th Street and east of Nall Avenue – was made by Ramsey; seconded by Coleman. Motion carried with a unanimous vote of 6-1. For: Hoyt, Levitan, Strauss, Ramsey, Coleman, and Block. Opposed: Pateidl.

MEETING ADJOURNED