

**City of Leawood
Planning Commission Meeting
September 24, 2019
Dinner Session – 5:30 p.m. – No Discussion of Items
Leawood City Hall – Main Conference Room
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: McGurren, Hoyt, Elkins, Coleman, Block, Peterson.
Absent: Hunter, Belzer, Stevens

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any revisions or amendments?

Mr. Klein: No.

A motion to approve the agenda was made by Hoyt; seconded by McGurren. Motion carried with a unanimous vote of 5-0. For: McGurren, Hoyt, Coleman, Block, and Peterson.

APPROVAL OF MINUTES: Approval of the minutes from the August 27, 2019 Planning Commission meeting.

Comm. Coleman: There are also minutes for the work session from August 13th.

Chairman Elkins: Let's take the minutes from the August 27th meeting. Any revisions or amendments?

Comm. Hoyt: I don't think anyone will find any confusion, but on Page 11, it says Holt instead of Hoyt.

A motion to approve the minutes as amended from the August 27, 2019 Planning Commission meeting was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 5-0. For: McGurren, Hoyt, Coleman, Block, and Peterson.

Chairman Elkins: That takes us to the minutes from the work session from August 13th. Are there revisions or corrections?

Comm. Block: I'm not positive, but I think on Page 4, the two references to Commissioner Coleman should be for me instead.

Chairman Elkins: Those at the bottom of the page?

Comm. Block: Yes.

A motion to approve the amended minutes from the August 13, 2019 Planning Commission work session was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 5-0. For: McGurren, Hoyt, Coleman, Block, and Peterson.

CONSENT AGENDA:

CASE 79-19 – CARRIAGE CROSSING – REPLAT OF TRACT C AND LOT 2 – Request for approval of a Revised Final Plat, located south of 130th Terrace and west of Roe Avenue.

CASE 94-19 – ENCLAVE AT HIGHLAND VILLAS, SIXTH PLAT – Request for approval of a Revised Final Plat, located south of 143rd Street and east of Nall Avenue.

Chairman Elkins: Do any commissioners wish to discuss either of the cases on the Consent Agenda?

Comm. Peterson: On Page 1 in our packet, under Requests, the second line should read “Tract C,” not “Tract A.”

Chairman Elkins: Does anyone else desire to address the cases in the Consent Agenda? If not, I would ask the record to note the change on Case 79-19.

A motion to approve the Consent Agenda with the modification noted to Case 79-19 to change “Tract A” to “Tract C” – was made by Hoyt; seconded by McGurren. Motion carried with a unanimous vote of 5-0. For: McGurren, Hoyt, Coleman, Block, and Peterson.

NEW BUSINESS:

CASE 93-19 – TOWN CENTER PLAZA – TEMPUR-PEDIC – AWNINGS & MODIFICATIONS TO THE SIGN CRITERIA FOR TOWN CENTER PLAZA – Request for approval of a Revised Final Plan for Changes to the Façade of a Tenant Space and Changes to the Sign Criteria for Town Center Plaza, located north of 117th Street and east of Nall Avenue.

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 93-19 – Town Center Plaza – Tempur-pedic – request for approval of a Revised Final Plan for changes to the façade of a tenant space and Sign Criteria for Town Center Plaza. Tempur-pedic is located on the south side of Town Center Plaza development. It is in the previous location of Helzberg Diamonds. The applicant is requesting approval of a tenant finish to replace the existing burgundy

awnings on the façade with blue awnings. The awnings will not be patterned or illuminated, and no other façade changes are proposed. The applicant is also requesting approval of a wall sign, which does not meet the current criteria for Town Center Plaza. The applicant is proposing a halo-illuminated sign with LED lighting that has 3” returns with colors that match the face of the sign. Currently, the criteria for Town Center Plaza only allows neon-illuminated signage with 5” black returns. Per Section 16-4-6.3 of the Leawood Development Ordinance (LDO), deviations from the private sign standards may be approved by the Governing Body. Approval will also amend the Sign Criteria for Town Center Plaza. The applicant is in compliance with the LDO, and staff recommends approval of Case 93-19 with the stipulations in the Staff Report.

Chairman Elkins: Thank you. Are there questions for staff?

Comm. Block: Help me understand. If it was 5” before, was that to account for the size of the neon? It’s not going to look substantially different from the ground, I guess.

Ms. Schuller: No; it’s just that the technology has changed over time. These are much more efficient, and they can make thinner letters that look better with the technology we have today. In speaking with the sign companies, they stated it’s an outdated practice and they no longer do it.

Comm. Block: Compared to the signs on the rest of the complex, will it look different?

Ms. Schuller: I don’t think you’ll notice at all.

Comm. Block: And the same with the colored turns versus black? It’s minor, but I’m trying to understand why it changed.

Ms. Schuller: It’s a decision they made when they originally wrote these in the ‘80s-‘90s, and over time, it has evolved. National-branded tenants aren’t choosing to make their colors black; a lot of them match the face with the returns. This is just brining it up to date.

Chairman Elkins: I have a vague recollection in one of our many discussions about signs and illumination about halo-illuminated signs versus other types. Can you give us a primer on difference and why this will be different than illumination on the other signs?

Ms. Schuller: The halo illumination lights the letters from behind rather than the face. Many people think it looks more subtle, maybe a little more sophisticated. You’ll see a lot of it in Town Center Crossing currently. The property owners just have different criteria on that side. This is a direction a lot of the tenants want to go. They think it makes for a nice, clean-looking sign. It’s probably less illuminated than a face-lit sign would be.

Chairman Elkins: This is a deviation from the Sign Criteria or from our requirements in the LDO?

Ms. Schuller: The LDO allows for the halo signage. Honestly, it was written pretty ambiguously in their criteria. We're just trying to make it clear that this is an allowed form of illumination.

Chairman Elkins: Any other questions? If not, I would invite the applicant to step forward.

Applicant Presentation:

Ann Hoynes, Young Sign Company, 326 Chocktaw Street, Leavenworth, KS, appeared before the Planning Commission and made the following comments:

Mr. Hoynes: I think she did great. She told you very clearly what they are requesting. Definitely, technology is changing. I am happy that you all seem to be on board with making changes as necessary. The depths of letters are more common at 5"; 3" is starting to become common. Again, it's because LED lighting allows it to be narrower than it used to be. Those are all changes that are happening. As long as you're open to those, it's not a step backward; it's a step forward.

Chairman Elkins: Thank you. Do you or your client have any objections to the seven stipulations in the Staff Report?

Ms. Hoynes: There are no issues.

Chairman Elkins: Thank you. Are there questions? Is there any discussion?

CASE 93-19 – TOWN CENTER PLAZA – TEMPUR-PEDIC – AWNINGS & MODIFICATIONS TO THE SIGN CRITERIA FOR TOWN CENTER PLAZA – Request for approval of a Revised Final Plan for Changes to the Façade of a Tenant Space and Changes to the Sign Criteria for Town Center Plaza, located north of 117th Street and east of Nall Avenue – was made by Coleman; seconded by Peterson. Motion carried with a unanimous vote of 5-0. For: McGurren, Hoyt, Coleman, Block, and Peterson.

CASE 89-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-3, SPECIAL USE PROVISIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Special Use Permits within residential districts. PUBLIC HEARING

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 89-19 – Leawood Development Ordinance Amendment regarding Special Use Permits (SUP) within residential districts. To give you background, this commission and past commissions have seen a number of different Special Use Permits come in. Currently, the LDO states that they have to meet the underlying zoning bulk regulations of the district they go in. The uses I'm talking about

that you typically see are schools. They're allowed within any of the zoning districts with a Special Use Permit. They can go into R-1 (Planned Single-Family Low Density), MX-D (Mixed Use), SD-CR (Planned General Retail). They just need to have an SUP, which allows the planning staff and the city to not give that particular application an "as of right" approval. In other words, they have to work with staff and make sure the project fits in with the surrounding area. Right now, staff does that. Where we run into difficulties and what we want to clarify is the fact that an independent living center or school could come in with surface parking, there is nothing in the RP-1, RP-2 or RP-3 zoning that addresses surface parking. There are no parking setbacks, nothing that says what the lighting should be. As I stated, staff works with the applicant to get a buffer and get the parking 25 feet away like it typically is within a lot of non-residential areas. We also try to get them to move buildings back because we're talking about much larger buildings than a typical single-family house. Homestead is one you recently saw an addition to on State Line Road. It's 32,000 square feet, and we don't see many homes in the area that size. This tries to codify what staff has been doing in working with the applicants to try to provide setbacks, buffering, landscaping, and lighting standards that are associated with a use that isn't compatible. It also allows the applicants to be clearer as far as what their restrictions are. Rather than coming in blind before they even meet with staff, they can go and see required setbacks and parking. Staff is recommending this amendment to make it clearer and codify what we've already been doing. I'd be happy to answer any questions.

Chairman Elkins: Thank you. Are there questions?

Comm. Block: I didn't know what a special use would be in a residential area, and you answered that as a school.

Mr. Klein: The main ones you would see are independent living facilities and schools. An independent living facility you've seen most recently was Ironhorse Center in MX-D, but it could go into R-1. It's four stories tall. We still have in this amendment that they must still meet the height restrictions of the district. If it goes into R-1, it has a 35' height limitation. That is an example of something that could go in. Homestead on State Line Road, close to 127th Street, is another one. Brookwood Elementary was an application you saw that required an SUP. It was located within an R-1 zoning district. We typically haven't had a lot of problems with them because most understand that the building is larger and it will have parking lot lights as well as headlights. This gives us a more substantive base to start with and also allows them to know what the rules are upfront.

Comm. Block: So, it doesn't change where special uses can be placed.

Mr. Klein: Correct.

Chairman Elkins: Other questions? I have a couple just to make sure I understand what's going on here. As I read the existing Section 16-4-3.6, the city has the flexibility to impose all of the requirements that staff is proposing to add to this section of the LDO.

Mr. Klein: Correct.

Chairman Elkins: By adding these requirements now, are we effectively not losing the flexibility because now, if for whatever reason, the applicant doesn't abide by all of these, we and City Council have no latitude to grant a variance from the requirements that are A-H?

Mr. Klein: I think they can still get a variance. All those deviations would be available in the LDO. For instance, the building setback from a property line that isn't adjacent to a public right-of-way could be reduced to 85% of the standard requirement. I think it takes it down to 34 feet. The parking lot setback could be reduced by 85%. If it is adjacent to a public right-of-way, it could be reduced to 75% of the standard requirement. There still is some flexibility. (*Refers to diagram*) There is no requirement to have any parking setback, so cars could shine lights. I'm not sure if the church preceded the residential neighborhood. I know today, if we had something like that, there would be a lot of concern. Generally, for all parking lots, we require buffering of the headlights from adjacent properties.

Chairman Elkins: In the current state, we could have imposed that same requirement as a stipulation to the case for the application of a Special Use Permit.

Mr. Klein: Yes, we could have imposed it. They could also have said that they'd be willing to go 5 feet and not 25 feet. It makes it a lot clearer for the applicant when designing the projects to meet those. Some of the setbacks are needed in order to get the buffer needed between the adjacent property line.

Chairman Elkins: To your point, all the deviations and variances available within the LDO would be available to the applicant, so items A-H would not be hard and fast requirements.

Mr. Klein: Correct; they always have those opportunities.

Chairman Elkins: Thank you. Are there other questions? Because this is an amendment to the LDO, a Public Hearing is required.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Hoyt; seconded by Coleman. Motion carried with a unanimous vote of 5-0. For: McGurren, Hoyt, Coleman, Block, and Peterson.

Chairman Elkins: That takes us to a discussion of the proposed amendment to Section 16-4-3 of the LDO. Are there comments or concerns?

A motion to recommend approval of CASE 89-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-3, SPECIAL USE

PROVISIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Special Use Permits within residential districts – was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 5-0. For: McGurren, Hoyt, Coleman, Block, and Peterson.

MEETING ADJOURNED