

## MINUTES of the PUBLIC WORKS COMMITTEE MEETING

Meeting held: Wednesday, August 14, 2013, at 7:30 AM in the Main Conference Room, Leawood City Hall.

### Committee Members in attendance:

James Azeltine, Chair and Ward 4 Councilmember  
Andrew Osman, Ward 1 Councilmember  
Jim Rawlings, Ward 2 Councilmember  
Carrie Rezac, Ward 3 Councilmember  
Adam Abrams  
John Burge  
Ken Conrad  
Abbas Haideri  
Marsha Monica  
Christopher White

### Committee Members absent:

Jon Grams

### Guests:

Councilmember Debra Filla-Ward 1  
Glenn Darrow, 8900 Pawnee Lane, Leawood, KS 66206  
Seth Berry, 9419 Wenonga Road, Leawood, KS 66206

### Staff in Attendance:

Joe Johnson, P.E., Director of Public Works  
Richard Coleman, Director of Community Development  
David Ley, P.E., City Engineer  
Sgt. Kirt Yoder, Traffic Supervisor, Leawood Police Department  
Julie Stasi, Administrative Services Manager

- **Chair Azeltine, called the meeting to order at 7:30AM.**

Introduction of Committee Members, staff and residents.  
Chair Azeltine welcomed new member Abbas Haideri to the group.

- **OLD BUSINESS: Review Previous Minutes.**

Jim Rawlings motioned to approve Minutes from the previous meeting of October 12, 2012.  
Carrie Rezac seconded the motion to approve. All present members were in favor.  
Motion passed unanimously.

Ken Conrad had a question on the past Meeting topic (Complete Street Policy/prioritization of Funding) and wondered what had happened since the recommendation.

Joe Johnson advised the recommendation from the Committee was passed by the Council. A consultant has been hired and a public meeting was held last Monday (with about 50 in attendance). The City has hired a consultant to look at the pedestrian bike path. It is moving forward and thinks the report will be complete at the end of this year. Report should be coming back to the City Council with recommendations.

- **NEW BUSINESS: Review Monument Signs (Council Assignment of July 15, 2013)**

Residents Seth Barry and Glenn Darrow were in attendance representing the Leawood Homes Association.

Chair Azeltine advised the Council had given the Monument signs as an assignment. This ordinarily goes to the Planning Commission and then on to Council. Staff saw a need to run it by this

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Committee for the line-of-sight issues/right-of-way issues first.

Joe Johnson explained that his information in the packet is what staff uses, both in Public Works and in Planning when an item like this is submitted to the City. He believes there were concerns as to the process outlined in the LDO (Leawood Development Ordinance). Joe asked Mr. Darrow from the Leawood Homes Association to speak on their behalf. Once he tells us what has transpired, then we can either run it thru Richard Coleman, Director of Community Development or the LDO or through Public Works.

Glenn Darrow –Advised he is head of the architectural review committee of the Leawood Homes Association and on the Board. Seth Barry will also be here with do-nuts and display for their presentation. A little history: Mrs. Neighbors wanted a monument at her street on 92<sup>nd</sup> Street and thought it would be nice to have some identity. The resident had asked that her street of 92<sup>nd</sup> have a monument like the neighboring streets. Example: 93<sup>rd</sup>, 92<sup>nd</sup> Place, 92<sup>nd</sup> Terrace all have some stone monuments and have been there forever.

The association gathered together and decided it would be nice to identify their homes association. They came up with a design so noting the foundation had been founded back in the 1930's and they went ahead and put some caps on top of the existing stone monuments that were on those streets. Mr. Darrow (passed out a couple pictures of the example monument) As we were in the middle of doing this, Mr. Darrow explained a car crashed into and tore down the monument at 93<sup>rd</sup> Street. They rebuilt the monument there and identified them as well as the rest. The big street they really want to identify is 89<sup>th</sup> Street at Mission Road at the south east corner. At present, there is a foundation there and they want to put a cap on top of it and identify it. The home owner came to the City and got permission to do plantings. As you will see in photos. The HOA is not going to go up any higher than what the plantings are right now as they do not want to impede anything.

Seth Berry-Mr. Berry displayed a map of the area depicting 13 monuments already existing and approximately 17 areas where they would like to construct monuments in their association. Mr. Berry said overall the wall itself is no more than 2 ½ feet above grade. The column/pillar is no more than 3 feet above grade. One of the things the association did was to take a survey of the current monuments.

Mr. Berry advised the area is very hodge-podge with how the monuments identify the home owners association. What they are looking for in the bigger picture is how do we go ahead and improve the identification for the association. Also a number of these are City boundaries, so the thought is it would also help in identifying for the City where the main intersections are.

One of the locations they are starting from is 89<sup>th</sup> & Mission. All of the red dots on the map are existing monuments that need refurbishing. Grout is cracked, some need re-grouting with the caps placed. They are looking from the City, guidance on what the best way to implement what they are trying to accomplish. They have spoken with Richard Coleman and they know there are some set back and sight line issues pertaining to the 89<sup>th</sup> one, but he is sure a lot of these have similar issues. So, rather than go to BZA (Board of Zoning Appeals) twenty to thirty times on all of this stuff, is there an easier way for us to go about doing this? They think this is going to cost the home owners association a quarter of a million dollars to do all these monuments, spread out over the next three to five years. So the HOA is looking at putting some investment into the community. We are looking for guidance from the City.

Ken Conrad-You're looking at doing multiple signs, is that why we are here? Why would this not just go to the Planning Commission?

Richard Coleman-It is supposed to; they don't want to do that. The HOA does not want to have to go to the Planning Commission/City Council for their monuments.

Debra Filla-Asked if she could explain. Part of the issue is that the LDO says you have to have this 30 foot setback and triangle. And that you cannot put anything in there because it is a danger and that is why it is here. It's really multi-disciplined. It's public works, police and planning. It's all three

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coming up with what is safe for an intersection. The reality is not one of those monuments is legal, according to the LDO. And when you think about it down south with Leawood putting monuments on the corners that are tall and some of them have waterfalls and stuff, well yea you have to set those back otherwise you cannot come to the intersection and see the cars coming. So the City Administrator recommended when she spoke with him that this be referred to Public Works because it is a multi-disciplined solution and rather than try to look for the exception, I think that what needs to be discussed is, is there an issue with having what I call cheek walls that you can go sit on that are 2 ½ to 3 feet on the intersection. In the older neighborhoods, they do not have that kind of setback, or you would be up against somebody's front door. She thinks everyone would agree it improves and helps polish up the entrance to all of our streets. So she does not think anybody does not want to have them, it's kinds of a way you do business all up and down Ward Parkway (in KCMO). They are all over the place. But somehow we didn't really think about the...in fact the one passed around in a photo, we actually took the height down when the car crashed into it.

Seth Barry-Advised they are not opposed to going to the planning commission, it's just we are trying to ask what is the best approach? Is it to, he realizes all the different intersections have their own unique issues. For example at 92<sup>nd</sup> & Mission on the south east corner. There is a planter height.

Richard Coleman-Yes. Essentially the monuments need to meet certain design criteria for ASHTO (American Association of State Highway and Transportation Office). ASHTO has guidelines about site plans for intersections. They are a little different than the 30 foot guideline we've mentioned. But it accomplishes the same thing. You are not supposed to have anything that obstructs the driver's vision within that triangle and it cannot be over a certain height. That is what we are asking the new monuments to comply with. If the HOA builds a new monument. Otherwise the City sets itself up for liability in case of a traffic accident.

Chair Azeltine. There are monuments in place that need refurbishing and then there are a couple places where you want monuments that do not exist?

Glenn Darrow-Yes.

Ken Conrad-There is nothing in the information about vertical, or is there? Is that one of the ASHTO Requirements? Six foot?

Richard Coleman-the six foot monument is an LDO Requirement. ASHTO and the sight triangle I think.

David Ley-42 inches, but it depends on each intersection. If you are at some intersections and you are looking down, it has to be lower than that. It all depends on what each intersection measures.

Ken Conrad-I agree. Certainly I understand. I live down 93<sup>rd</sup> and have a car that is pretty short and at the end of 93<sup>rd</sup> on Mission, this is not very obstructive (looking at the sample picture). As opposed to what it was in the past. I think there is a vertical question of what it is and I think it has to do with also the typography of the intersection. When I think of 89<sup>th</sup> Street, you are coming up if you are looking then to the south. Even 18 inches might be an issue there. So I guess I would say that I think this has to be an individual basis.

Marsha Monica-I would agree.

Ken Conrad-I am all supportive for having identity and where you are and everything, but do not think we would be able to come up with this universal guidelines that will just let you go out and do them all because safety is so important.

Chair Azeltine-and for those of you that do not know, Ken has sat on the Planning Commission for quite a few years.

Ken Conrad-I am supporting of our neighborhoods doing these kinds of things. I think in this case because of the safety issue, it has to be individual. I would be open to help people unfortunately go through the BZA to get it done. But I think that is what it's going to take.

Chris White-I understand but the problem with individual approach is what Richard was saying, you are going to expose yourself to a lot of liability. It will be hard identifying each one but we have had this line of sight triangle in a 2-dimensional basis. Is there a reason you can't do a line of sight, or is that

covered in the ASHTO for the line of sight requirement in a vertical direction very simply?

David Ley-Yes we would go out and measure it.

Ken Conrad-Yes that is what we need to look at.

Chris White-Rather than saying each individual basis, just define a vertical height that has to be a line of sight.

David Ley-We really would have to go out and measure each intersection because of the grades coming into the intersection.

Chris White-Right but couldn't you come up with a standard that says...

Joe Johnson- ASHTO does have a standard. It tells you, you start 42 inches off of the edge of the pavement. They give a certain height, a certain distance and a certain distance from the back of the curb and how far you have to see. It is also dependent on speed. If you are looking at 40mph then of course the longitudinal length along the street you are pulling up to is much longer than if you are 25mph.

Chris White-is there a reason why that's not workable in this situation?

Joe Johnson-Well that is our requirement. Whenever you would look at an intersection, there are two things. There is the line of sight that has to be reviewed. And then the other thing is I think most of the monuments sit outside of the right of way. We do not allow permanent structures in the right of way, because of utilities being located in the right of way. If Southwestern Bell or AT&T or whoever has to come in and dig up the right of way and they did up the monument, then it's the Homes Associations responsibility to put the monument back. I would say 99% of the monuments sit back behind the right of way and if that point we are looking at the sight triangle. As you pull up you need to see down the street before you make a left or right turn.

Chris White-But this is a legitimate issue, especially in the older parts of Leawood. There are a lot of areas where you cannot meet the current setbacks.

Char Azeltine-That's why we are here.

Andrew Osman-I wanted to piggy-back on what a couple of people have said with three dimensional. I think that that I'm hearing a couple of different issues. I'm right outside Leawood Home Association. I'm in Leawood Lanes Association, which is inactive. But we do have a significant issue. The residents like having that differentiation between Prairie Village and Leawood, saying that we are Leawood and we do have a unique style to our area. If you pull up to 85<sup>th</sup> or 86<sup>th</sup> Street, or where you pull up to Reinhardt Lane there are two monuments exactly like this but they are significantly higher. Actually I have seen every one of these monuments. They are much lower so if you pull up in a regular car you can easily see out. On ours, if you pull up in a regular car, you are unable to see out and you are literally pulling out right up to Mission Road to see. If you have an SUV, that is where you can easily see over that and so I incidentally get phone calls from residents in our area saying what can we do as a home owners association, even though it's inactive? So we looked at topping off or taking down the cap a couple feet and it's excessively expensive. The quarter to a half million dollars does not surprise me because when you are doing those number of monument signs it adds up. So if you create something low like this and streamline it across everything you should be able to meet that sight line issue even with the elevation change.

From the homeowners standpoint, I think it is a function of streamlining the whole process to know when they bid out, they are bidding out all of these and not just piece mealing them saying we are going to do one now and one six months from now because we have to change the elevation, change the design and then hire a contractor to wait until we go before planning commission again and BZA or City Council. And as we know that could take, weeks, months and you lose time from weather you lose time from inefficiency so I think what they are trying to do is say how can we come up with something to just maybe take it to staff? And say here is one way of doing it. If we need to deviate, just like we have for signs, we'll use staff judgment to say, lets figure out how to change the elevation on it and let them approve it.

Chair Azeltine-The BZA was mentioned before and Debra was telling me you had a discussion with Scott?

Debra Filla-Scott led me to believe that unless you change the Ordinance the BZA can't override it.

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And besides, why would you want to create that? As Andrew said, these are all volunteer folks. We all know how many people really want to devote their funds that they raise, so why do we want to make it hard for them to beautify our City?

Andrew Osman-Well when you're coming back time after time again to go from one intersection to another, like you said, it's time.

Debra Filla-and one of the pictures given, if you look at the irises planted there, the stems are taller than this little wall. So you will need to go around and whack a lot of people's gardens down if that is the line of sight. The Irises are too tall.

Marsha Monica- After Joe said that these are not allowed in the easements or right of way so these would be placed on somebody's property then? Where we would have to have a property owner's approval to have these?

Glenn Darrow-Yes and No. Some of it may be in the right of way and some of it may be on property. It all depends on how the survey comes out.

Marsha Monica-Wasn't Joe saying that they can't be put in the right of way?

Debra Filla-Some are already.

Glenn Darrow-If you start out at 103<sup>rd</sup> Street and you go north, every monument is in violation. Every one of them. All of Leawood Estates, every one. All the way up to Prairie Village.

Chair Azeltine-And they were built before the current LDO was in existence.

Unidentified-I don't think the Leawood Estates ones are, they are new.

Marsha Monica, so let me ask this question then. The ones you are talking about adding, would they be in the right of way or on personal property?

Glenn Darrow-Both.

Debra Filla-Think about Ranch Mart. Ranch Mart taught us that if we go back 60 years, we didn't have the processes that we have today.

Marsha Monica-I understand, I'm just getting information right now. So my question now is as a Body that now does have rules, would we even say, yes it's okay to put additional ones in the right of way?

Chair Azeltine-How many are existing that you want to refurbish?

Seth Barry-We have 13 existing that we are looking to refurbish. And three (3) of those have already been refurbished.

Chair Azeltine-Is there a way Richard, for those that area already in existence to refurbish those as a group and streamline it?

Richard Coleman. Yes. The rule basically is if you are just going in and like tuck-pointing the stone and refurbishing/maintaining it. You're not spending more than 50% of the value of the monument then you could do that without going to Plan Commission and City Council. That could be approved at staff level because they would be essentially a non-conforming structure if they decided they wanted to rebuild it and go in a different style or something, they would need to comply with all the regulations and go to the Plan Commission and City Council to have it reviewed.

Chair Azeltine-So for those that are in existence, we really don't even need to talk about those, right?

Richard Coleman-Yes, the ones that are existing, I only assume they were constructed at a time and they were maybe legal at that time; might not be now. But as long as they do not alter them more than 50%. So if they need to put a new plaque on an existing stone wall, that would be okay and they wouldn't need to really come to Plan Commission or City Council.

Glenn Darrow-Is the capping okay then?

Richard Coleman-I don't know what you mean by "capping".

Marsha Monica-The stone cap on top.

Richard Coleman-With that you are altering it though. You are adding a feature to it that didn't exist before and that cap could push the sign into violating the sight lines. That pillar might be the thing that obstructs somebody's vision at the intersection. So doing that, Yes, you would need to go to the Plan Commission for review. If you are changing what was there. If it's non-conforming then you are increasing the nonconformity and therefore you need to go through the process. If they didn't put the cap on it, they would be okay.

Andrew Osman-Could we amend the LDO to reflect acknowledging; the LDO is for the purpose of Leawood Town Center and places like that to put a monument sign or put temporary signage so that

you are not blocking 117<sup>th</sup>, 119<sup>th</sup> Street advertising, but differentiate and say if it is a home owners association or a promotion of Leawood, the Leawood brand or name (I don't know) that staff would have the administrative right to approve or deny any signage in lieu of going before BZA or Planning Commission?

Chair Azeltine-Well you have to have a certain amount of uniformity in your Ordinance.

Andrew Osman-that's simplifying to say what I'm trying to acknowledge that the Home owners association has different rules regulations; they have their own governing body.

Chair Azeltine-we are also subject to this ASHTO; where if we don't comply to those measurements we are opening ourselves up for liability.

Richard Coleman-Homes Associations actually should be very concerned about that themselves because if they build a monument sign in violation of those rules.

Andrew Osman-But they are working with you.

Richard Coleman-That doesn't release them of any liability. If they built a monument sign and it was determined in court that the height of that sign or the location of that sign contributed to an accident at the intersection then they are opening themselves up to a lot of liability. The Homes Association does, and the officers of the Board in particular.

Glenn Darrow-Well you all approved the planting of all those plantings there at 89<sup>th</sup> & Mission Road. And we are not going to go above what you see there now and they have been higher than that.

Abbas Haideri-I was coming to that, I see the landscaping right on the corner which is sort of serving a similar purpose. I'm wondering going back, that the ones that are existing probably get grandfathered, but the new ones perhaps should comply with the regulations that are already existing in the LDO.

Debra Filla-They can't do it. The LDO prohibits the old and would prohibit any new.

James Azeltine-and why did Scott say, didn't you say Scott said you could not go to the BZA?

Debra Filla-The BZA. If you go to the BZA and ask to build one of these at 89<sup>th</sup> Street, with the Ordinances we have on the books, can they override it?

Ken Conrad-Sure. If in their opinion and the evidence that is given to them convinces them that they can do it, they can vote to over ride it.

Chair Azeltine-My understanding the BZA can do anything they want. It may end up being challenged in court, but it's a quasi-judicial.

Ken Conrad-Exactly.

Debra Filla-But isn't that for something that is supposed to be exceptional verses we are talking about something that applies to every single intersection in our City? So I think the fundamental question is do you want these kind of markers at the intersection? Do you want to make everything that is existing illegal? And so when they fall down you can't fix them? What is the intent that we want before...we're not trying to create a public nuisance. These aren't taller than irises. And how do you want to be most efficient? Do you want 40 or 12 cases to go to the BZA? I mean the Homes Association can do that. But Scott thought it would be better to come back here and say, what is the right thing to do in terms of line of sight? It's not taller than the plants. What is the most expeditious way for our staff and our citizens in order to have beautification? If you don't want them, just create enough obstinance and you know they don't have to spend a quarter of a million dollars and knock their head against the wall.

Glenn Darrow-We could take that money and use elsewhere. It is going to cost us \$116,000 to treat our trees from Ash Bores.

Chair Azeltine-I understand all of that. But the City has an obligation to make sure that what we do, especially the Governing Body is in compliance with our own Ordinances. And so what we are trying to do is find a way to get this done within the framework, the systems and procedures that we have in place. Ken did you have something?

Ken Conrad-I am still a little confused Monica on something you said. If one of (the green dots are new ones on the display) is within the right of way, will there be consideration for it to be built?

Joe Johnson-No. To be in the right of way, the Governing Body would have to approve it to be there.

Ken Conrad-So in order to build one within the right of way, the process will be all the way to go to the Governing Body?

Joe Johnson-Yes.

Chair Azeltine-Can we though? Can the Governing Body do that?

Joe Johnson-Yes, that's what it says. If anything is to be built within the right of way, that has to be approved by the Governing Body. And we have allowed fences to be built.

Chair Azeltine-What about if it's on private property, wouldn't the owner have to give us an easement?

Joe Johnson-The owner would have to give consent for it to be built on their property. And a lot of them are. Most monuments built in newer subdivisions are either on either private property that has an easement or there is a private tract dedicated as a plat where the monument sits. That has been for the last 15 or so years that is how it has been done.

Ken Conrad- If we try to establish the processes that are going to have to go through, maybe that is what we need to do. One of the rules that we know is if it is on right-of-way, the process will be that it will have to be approved no matter what the rules are by Planning Commission first and then go to City Council/Governing Body to get approval. And that could be hurdle number one.

Chair Azeltine-Stop. Is that true? Is that the case?

Richard Coleman-If you are building something new, the new monument whether it is in the right of way or not in the right of way, it would be a sign monument Plan Application to the Planning Commission and then a recommendation to the City Council.

James Azeltine-So if it's new either way it has to go to the Planning Department to submit to the Planning Commission.

Ken Conrad-But if it's new and on private property and it meets the ordinances, then it wouldn't have to go to Governing Body.

Richard Coleman-Yes it does.

Ken Conrad-Every sign goes to Governing Body? If it's on private property? And meets the LDO?

Richard Coleman-Other than (we just recently changed the sign ordinance to allow administrative approval of commercial signs for businesses if they meet certain criteria). But all these monuments are private signs, yes, they go to the City Council.

Ken Conrad-So if it fully meets the Ordinance;

Richard Coleman-It would go on "Consent" if it fully met the Ordinance. We usually put the non-consent.

Marsha Monica-Let me ask you this: If they would come in and ask for these in groups or whatever; I know there is a fee involved. Is there any way that the City could let them pay one fee for all of their signs so they are not paying a fee each time?

Richard Coleman-Yes, we could do that.

Andrew Osman-When we restructured the signage criteria for the commercial establishments, we obviously didn't do it for the monuments, is there a way to...because it's my understanding that the survey hasn't been done, and the full plans haven't been submitted for each. Are you planning on uniformly saying here is our monument irrespective of 89<sup>th</sup> Street, you know, Lee Boulevard, this is what it's going to look like. So what you would do (just like a shopping center) register and say here is what the sign will look like and this is our sign criteria, which is for the 20 signs, and register that.

Chair Azeltine-I seriously doubt-you are talking about creating a separate section within the Ordinance for a specific group of signs?

Andrew Osman-Yes, because everything is going to look the same. All the monuments.

Unidentified-You mean in the application. We are not going to do them in the ordinance. He means in the application.

Chair Azeltine-You could consolidate the applications for the ones that are...

Richard Coleman-All of their monument signs are going to look relatively the same. That is not the real issue. The real issue is each intersection. How tall it is, where it's located and so forth. So some of the monument signs will be "x" big and some will be "y" big and each intersection is different so we would want a little sketch for each of those intersections showing the location and the size of the monument sign. But if they had 10 of those, we could take 10 of them through all at the same

time or if they had 5 or whatever.

Abbas Haideri- was wondering if design might give us a resolution of requiring a certain amount of transparency in sign. So maybe you say monument signs that appear on such and such intersections have to have 50% transparency and that becomes a design issue. Instead of building a solid block you build something that serves the purpose of being a monument sign but allows sight of the motorist.

Richard Coleman-Their signs are pretty solid though. They are all stone and cast stone monuments so you will not be able to see through them at all.

Chair Azeltine-Before we move on, Sgt. Yoder, you have been quiet. Are or do you see any safety issues currently with the monument signs in this part of town?

Sgt Yoder-I haven't gone back and researched the crashes in those intersections for the past say 3 to 5 years and how many of them may have been major problems.

Jim Rawlings-My first question was answered by the fact that if there are current monuments that need to be fixed. I am all for doing something here and I'm thinking to make it easier to go through the Ordinance. Can they submit a plan for the 16 or 17 ones where they have the criteria of what they want to do (for the new ones). But then give them a line of sight criteria for the 16 or 17-give them those measurements so they can have a three to five year plan for their budget. Where they know exactly at a specific corner this is the line of sight so they can work with their schedule and construction over the next three to five years and help them out? And then to Richards point, take ten (10) and chunk them through and then later if there is four (4) more Richard can chunk them through. So you know they have a plan, we're working with them. I'm in Leawood Estates Homes Association. We redid all ours and put some new ones in and we have had tons and tons of calls about the pride now that we are in Leawood Estates Homes Association, so we need to do this. We need to figure out a way to work with them.

Chair Azeltine-Is that possible Richard, grouping them like that?

Richard Coleman-As long as we have a plan that shows the monument.

Joe Johnson-But a plan for each intersection that says where it sits and what it is going to look like.

Chair Azeltine-But then what is the procedure though? Would it go straight to the Council then?

Richard Coleman-No. The procedure would be to go to Plan Commission, then they would make a recommendation to the City Council.

Chair Azeltine-so we can do this within the Ordinance.

Richard Coleman-Yes.

Andrew Osman-But if you change one of those monuments do you then have to go back again? Because let's say, if 89<sup>th</sup> Street is approved and then you find out that you need to change the height where you need a slight modification, do they then need to reapply and go back because it was approved through Council?

Richard Coleman-It depends on what they changed.

David Ley-when they make their application we would check the height. So we make sure what they are submitting would meet the requirements.

Jim Rawlings-And you give them those requirements for each intersection.

Joe Johnson-It's the same requirement for each intersection.

Jim Rawlings-But what I'm saying is about the elevation though.

David Ley-We would go out and spot check one that we're concerned about.

Ken Conrad-Okay, Joe when you do a check on like this sign. Do we, are the sight line calculations including elevation changes of the intersection?

David Ley-On 89<sup>th</sup> Street, myself and an inspector go out and physically measure. We put two dots out there.

Ken Conrad-Where do you put the eye of the driver?

David Ley-42 inches.

Ken Conrad-So that sign probably meets the sight line calculations. On a flat intersection.

David Ley-On a flat intersection.

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Ken Conrad-No question.

David Ley-That's why we would go out and look at each intersection individually to determine.

Ken Conrad-If 42 inches is the eye level of the driver, then it probably has to be a pretty steep area. It's just the first car right? Fifteen feet back from the intersection/first car, okay. I think the elevation either requires a submittal that gives that elevation.

Joe Johnson-Oh yea.

Ken Conrad-Or they need to be done on an individual basis. You can group them all if you had that elevation. But I think this is a pretty cut and dry technical issue for the safety standpoint.

Debra Filla-What about the 30 foot setback? Not one of those can meet a 30 foot setback.

Ken Conrad-to me the thirty foot setback, that's almost a negotiation and a discussion and back to what you asked Deb. Yes, I think if I was sitting and had to make a decision as to whether or not I wanted to make an exception to the LDO to put it in the right of way, which I think can be done, then I would be supportive of that. I mean, we are the citizens of the City, it's a City right of way, I think we need to know the risk that if the utility company comes in and they do legally have the right to tear it down and say we don't have to put it back, we need to understand that, but is the City in the process of making an exception, than I would be supportive of yes, let's put it there. We've got ones now in the right of way I'm sure. And I think we all want it and like it.

Andrew Osman-As Deb was saying earlier, we don't have the right, it has to go through the BZA. So either you have to change the Ordinance to allow it or every time they go through the BZA.

Chair Azeltine. Well if you change this, you change the ordinance for the whole City.

Ken Conrad-To me I think the real issue as we go through this is do we recommend that monument signs be allowed to be put in the right of way? In the City of Leawood? To me, that's what this really boils down to.

Andrew Osman-But then the other issue is do you have commercial which I would advocate that you would want to illuminate that monument sign, how do you differentiate a home owners vs a monument sign for commercial?

Chris White-My question to Richard. Certainly this is not the only time a monument sign in this part of town has come before the City for building. Surely, I assume there have been some that have come in and gone thru and have not met the right of way and have been approved. Is that true or not?

Deb Filla-Leawood Estates just did it, so maybe Leawood should have just never asked permission and just talked to Richard. Because Leawood Estates did all of theirs and didn't talk to any of us.

Chris White-There has got to be a way to get an exception even through planning and BZA and somehow and say this is the criteria there's no set back available. Has the City ever approved any of those? Or is the only way it's happened is by people just going out and doing it without ever asking?

Richard Coleman-I have not had the City approve any monument signs that were in the right of way. We have met with Steeple Chase and we've met with the Estates of Whitehorse.

Chris White-And we don't want to push people to go out and do it and then ask for forgiveness.

Joe Johnson-When you look at monuments on Mission Road, they are not in the right of way. They are all outside the right of way. And when you look at most subdivisions, (newer subdivisions) they are all behind the sidewalk. The sidewalk sits on the edge of the right of way and the same with Mission Road. The sidewalk sits at the edge of the right of way, so anything behind the sidewalk is on private property. When we construct our sidewalks, most of the time, except for sections of Roe, the sidewalks are built one foot inside the right of way. And when you look at most subdivision monuments, they are back behind the sidewalk.

Chris White-That is where there is confusion. There is a right of way and then there is a setback for the line of sight requirements.

Joe Johnson-Well when you look at the LDO and you look at what ASHTO shows, what we go off of is ASHTO. ASHTO is measured 14 feet from the edge of the pavement. And if you look at most residential areas, that is about three' outside of the right of way; because you have eleven feet. So you are starting about 3 foot back of the right of way and that is the sight triangle to look. Most monuments when built if we have sidewalks are behind the sidewalks which means they are on

private property.

Carrie Rezac-Was thinking about the logistics of this. It seems part of the question is not all the technicalities and how it's going to be done, but also how is the home owners association going to submit it to the City and work with staff on this? It seems that we still have to do it case by case because there is enough of them and there is enough variations that I think it will still need to be case by case that they work with staff. First you put together the plan, the design for each of these, and then work with staff case by case. However once all those case by case situations are taken care of, it can be brought forward as a package. Is that what we are saying?

Chris White-When you say case by case, you don't mean the criteria case by case, you mean the negotiation with the City on the design of case by case.

Carrie Rezac-the Design and their review of case by case as there are obviously different issues, one has a height issue, one will have a right of way issue.

Sgt. Yoder-Wanted to interject one thing on the safety and the line of sight. Part of the reason for the 30 foot setback (please correct me if I'm wrong). On Mission Road, a vehicle typically that is traveling exactly 35 mph is going 52 feet per second when you take into account the average drivers reaction time, they perceive a vehicle. Accelerator or brake all that kind of stuff-- that vehicle has already traveled over 200 feet; which is part of the reason for the 30 foot setback.

Glenn Darrow-(Just a sidebar note) He has lived there twenty-five years, and I've almost been killed at that intersection of 89<sup>th</sup> & Mission. And I would really love for you guys to get with Prairie Village and get us a stop light there.

David Ley-It was on the list back in the mid 1990's but Prairie Village backed out of the project.

Chris White-Well that would change all the rules on the monument too right? If you put a stop light in there?

(Laughter)

Joe Johnson-We would have to get more right of way.

Glenn Darrow-We're only trying to raise that existing foundation that is there right now, 30 inches. That's all we are trying to do. And the growth there right now is much higher than that as you can see from the photo.

Seth Barry-I like the idea of being able to submit an overall plan and being able to perhaps get an approval for like all of the monuments. Correct me if I'm wrong, but I think there is a limitation on like the time frame of approval that it is good for construction. Would we have some assurance that if it took us 3 to 5 years to go ahead and build all of them...

Richard Coleman-I do not think that really applies in this case because a final plan does not have any rezoning or preliminary plan or any of that stuff involved. So, um, you are good to go.

Andrew Osman-that is exactly my question. Is the time frame 2 to 5 years, I would hate for them to file and then 3 years into the project because...

Chair Azeltine-the approval would not sunset.

Richard Coleman-No. I assume if you started one monument, then you are good to go. That's how I interpret it.

Debra Filla-I just wanted to make sure we were talking about the package and the sketches that you can go out there and do some pictures and sketches, because I think anybody here knows you can spend a lot of money on architectural drawings and surveys and times that by 16 and pretty soon you've got your whole budget taken care of in the administrative process and now you don't have any money to do your work.

Richard Coleman-You will need a plan of the intersection, showing the right of way and where the monument is located. And then the type of monument that you are proposing with the height and it's location. With that Public Works can calculate and make sure that it's not in the sight triangle.

Joe Johnson-So they will have to do some calculations because they will be working with a contractor and he will need to know where to locate it. So there will have to be some survey work that they put into it.

Richard Coleman-So you are probably going to have to hire a design person. I think they could check with Public Works to make sure their criteria meets ours before they submitted it to us for the Plan Commission.

Chair Azeltine-So the citizen would come to the Public Works Department, get these issues monument by monument ironed out and then package it and go to the Planning Department.

Joe Johnson-And then the Planning Commission, as part of the review process, they have Public Works review it too.

Seth Barry-Let me just ask this. Do we have a chance to do 89<sup>th</sup> & Mission Road?

Richard Coleman-I think we asked Public Works to go out and look at it and for the most part, the foundation part of it was outside of the triangle. I think there was one little area that might be in it. But we didn't have the height of the item exactly.

Glenn Darrow- We're only asking to raise it thirty inches.

Richard Coleman-I'm not sure if thirty inches would put it back in the sight triangle, I know that most of it wasn't in there but one corner of it was.

David Ley-We will have to go back out and look at it.

Joe Johnson-The height is 42 inches, which is a standard vehicle line of sight. Of your eye looking down and anything in sight. So if the driver is looking down the street they need to see anything that is between where they are at and 300 feet. So they can see another approaching vehicle. Like what Kirt said, the reaction time from when you go off the break to the gas or from the gas to the break, you have traveled that distance.

Glenn Darrow-So are you asking us to pay for the Topography? To pay for all of this line of sight and yada-yada?

Joe Johnson-Well you need to hire somebody that is going to have dimensions for you to build your monument because you will need that for your contractor.

Glenn Darrow-Well we've done all that, we know exactly what we want to do. All we want to do is raise that little wall thirty inches and put a marker on it.

Joe Johnson-Well we can go out and look at that, but where you don't have a monument, then you will need to have some sort of survey plans that show the area.

Glenn Darrow-Well we know that, when we get to 92<sup>nd</sup>, (Mrs. Neighbors Corner) that is a raw situation. There's nothing ever been there and we understand that. Most everything that you see up there is either an add-on or a patch. There are some places where all we want to do is like on Wenonga and 95<sup>th</sup> Street. All we want to do is go in there and put one of our signages on put a cap on that stone wall. That's all we want to do there. But 89<sup>th</sup> & Mission Road, we want to raise that foundation thirty inches with stone just like you see and cap it and put our signage on it.

Deb Filla-Which somebody might ask why bother? Because quite honestly, it's going to be behind that shrubbery. Isn't it?

Glenn Darrow-In front of the shrubbery.

Deb Filla-In front of the shrubbery, and the shrubbery will show up behind it. So the question is, is that shrubbery too tall?

Joe Johnson-The shrub is not in the way.

Deb Filla-what he is saying is the wall is shorter than his shrubbery.

Joe Johnson-I know but the wall sits closer to the street.

Dave Ley-this is the location that is where the wall was running parallel to Mission Road was in conflict of the sight distance. It had to be moved back a foot. But if the bushes are put behind where the wall is going to be, then it's going to be outside. I measured back, but didn't measure thirty inches. I'll need to go back and measure the height. I was just looking at, well I was looking at a height of 42 inches but I didn't measure it 30 inches from the monument.

*(Multiple conversations).*

Chair Azeltine-Without getting too far back into the weeds here, let's try to summarize this.

On the old ones, my understanding is that as long as you are not changing the dimensions, there is no approval process necessary. You are just refurbishing it.

Marsha Monica-and adding a plaque.

Richard Coleman-If they are not changing the overall dimensions of the existing monument, just adding a plaque, there is nothing they have to do. Knock yourself out on those.

Chair Azeltine-On the new ones, sounds like where you are having it thirty inches higher, my understanding is that if you come to staff and staff says, can't do that. Then it is a BZA issue. Is that correct Richard?

Richard Coleman-I don't know that they can go to BZA.

Joe Johnson-You can't go to BZA to get a variance to obstruct a sight triangle. Because someone is going to get sued.

Debra Filla-The first thing to do is come to Public Works, show them where you want one and have them make sure it's not a line of sight issue. Then go ahead and put your package together and bring it to Planning.

Glenn Darrow-I want to back up. Who is going to pay to make sure of that 42 inches? Am I going to pay for that or is the City going to pay for that?

Debra Filla-Here's the quick question that I want to clarify on that. If you go put a marker for one edge and then a flag for the other edge is then the City can come out and do their marking and show them. Putting a stake for each edge of the wall and you say it's 36 inches. Then you can (the City) can go out and measure it. Yea. And if Public Works says no, then the HOA doesn't spend any more money. If they say yes, then go get your sketches and talk with your contractor.

Glenn Darrow-Well somebody is going to have to pay to set that instrument up there to see what that line of sight is and we need to know. Do we need to pack up and forget this or, we've already budgeted for this. Now you've got our feet in concrete and we aren't going to be able to do nothing until after October and now we're into winter and we won't get this job done until next spring. So we would like to move on to the others or scrap the whole thing. What we need to know is-tell us what more money we're going to have to spend to satisfy you all.

Ken Conrad-This may not be the answer you want to hear, but I think my interpretation would be: is that the homes association would have to pay for any surveying or calculations that they could bring to the Public Works Department to say we've done our homework. We believe this works and then they (Public Works) has to review it.

Chair Azeltine-That is my understanding as well.

Glenn Darrow-We've got so much money to spend and we've already budgeted for this project. And it is just sitting there. We would like to know maybe this is something that we just take all that money and spend on Ash bores.

Joe Johnson-Well I mean, whether I assume you are going to go thru a landscape company that would do the work. You are going to have to have a survey because they are going to have to stake it when they go build it. So.

Glenn Darrow-You know what? This wall is already there.

Joe Johnson-I understand that. But we're talking about 17 new monuments, so the existing monument, we will go out and measure up 30 inches and see where it falls, but that is not something you are designing. The seventeen (17) that you are going to design, you will have to have a surveyor because someone is going to have to set the stakes and...

Glenn Darrow-I understand that. I'm concerned about 89<sup>th</sup> & Mission Road. I really understand all the rest of that.

Joe Johnson-For 89<sup>th</sup> & Mission Road, that is existing, so we know where it sits and we can go put an object at 30 inches on top of it and then we will take a look at it.

Marsha Monica-Is that foundation on right of way or on private property?

Group-Private Property.

Glenn Darrow-We already have the home owner's permission. It is currently at ground level. The shrubbery is behind it.

Marsha Monica-So your priority is 89<sup>th</sup> Street. Do you feel like you have a game plan now? You can come into the City with your plan, they will go out and check the sight distance.

Seth Berry-Yes I think we have an idea.

Debra Filla-How soon can they get 89<sup>th</sup> Street reviewed?

Richard Coleman-It depends when we get their application. If we had it at the end of the week, then we would schedule it for September Planning Commission Meeting, we don't have a council the first week of October, so it would be the second Council Meeting in October. And then they could build it in October or November.

Glenn Darrow-The contractor has already been hired it's all been budgeted, everything. We are just waiting for you all to tell us how do we do it?

Chair Azeltine-If 89<sup>th</sup> is an urgent need, get with Richard. File the application for that one and it sounds like you maybe could get approval by the end of October.

Debra Filla-You guys (Public Works) can check the line of sight thing this week can't you?

Dave Ley-This week, yes.

Debra Filla-And then if there's no problem with the line of sight. Put your package together and when would they have to have it for a September meeting?

Richard Coleman-Next week.

Debra Filla-If Public Works gives it a thumbs up, you will want to get your package to Richard next week.

Richard Coleman-There is a little form you can bring it in and fill it out.

Chair Azeltine-For the representatives here, are we clear on how we are moving forward?

Seth Berry-Yes it's been very informative.

Marcia Monica-We all live in Leawood, we all love our neighborhoods and I think we all see where you have pride in your neighborhood and you want to make it special. We all come from various neighborhoods and we want to do that in ours. I personally have no problem with wanting to beautify your community and share it off. I do not think that is an issue with anybody here.

Glen Darrow-We know we all have to work together and we're not trying to work against one another, we just are a little frustrated as the one area we feel is probably the paramount marquee area of our entire subdivision-of the 1500 homes. That is the first thing you come to when you are coming down Mission Road and that is the one we really, really want done.

Chair Azeltine-Yes, just get the application from Richard Coleman and get started on that one. The other ones you can group together and get with Public Works to get all of the issues taken care of and then you can submit them as one application through the Planning Commission.

Chris White-Commends these guys for coming to the City, it's been very frustrating I know and I want to commend you again for working through this. Sometimes it is easier to just sometimes say forget it, we're just going to do it and deal with the consequences. I do appreciate you bringing it in and maybe we will find a way to make this easier on all the other similar situations as well.

Chair Azeltine-It does not sound like we need a motion or anything, so as there is no other business to come before the Committee, I think you and the meeting is adjourned at 8:40AM.

- Minutes respectfully submitted by Julie Stasi  
LEAWOOD PUBLIC WORKS DEPARTMENT

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