

**City of Leawood
Planning Commission Meeting
July 28, 2015
Dinner Session – 5:30 p.m. - No Discussion of Items
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: Hoyt, Walden, Pateidl, Williams, Elkins, and Coleman. Arrived after the meeting began: Strauss. Absent: Levitan, and Ramsey.

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES: Approval of the minutes from the June 23, 2015 Planning Commission meeting.

A motion to approve the minutes from the June 23, 2015 Planning Commission meeting was made by Hoyt; seconded by Walden. Motion carried with a unanimous vote of 5-0. For: Hoyt, Walden, Pateidl, Elkins and Coleman.

CONTINUED TO AUGUST 25, 2015:

CASE 61-15 – THE GLYN OF LEAWOOD - Request for approval of a Rezoning, Preliminary Plan, and Preliminary Plat, located north of 151st Street and east of Mission Road. **PUBLIC HEARING**

CASE 75-15 – LEABROOKE TOWN MANORS – Request for approval of a Preliminary Plan and Preliminary Plat, located north of 148th Street and west of Kenneth Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 64-15 – HIGHLAND VILLAS – MONUMENT SIGN – Request for approval of a Final Sign Plan, located south of 143rd Street and east of Nall Avenue.

CASE 81-15 – HEALIENT PHYSICIANS – MONUMENT SIGN – Request for approval of a Final Sign Plan, located at 4801 College Boulevard.

A motion to approve the Consent Agenda was made by Elkins; seconded by Pateidl. Motion carried with a unanimous vote of 5-0. For: Hoyt, Walden, Pateidl, Elkins and Coleman.

NEW BUSINESS:

CASE 76-15 – TOWN CENTER CROSSING – MITCHELL GOLD + BOB WILLIAMS – Request for approval of a Revised Final Plan for changes to the façade – located east of Roe Avenue and south of 119th Street.

Staff Presentation:

City Planner Ursula Brandt made the following presentation:

Ms. Brandt: This is Case 75-15 – Town Center Crossing – Mitchell Gold + Bob Williams – Revised Final Plan, located east of Roe Avenue and south of 119th Street. The applicant is requesting approval of a

revised Final Plan for changes to the façade. The application was previously heard on November 25, 2014 and was recommended for approval. The previous plan proposed 6 feet of limestone on the lower portion of the building of the storefront. The applicant is now proposing to replace the masonry with white stucco consistent with the upper portion of the storefront, along with a 12-in. black granite base. Staff is not supportive of this change, as staff would like to maintain consistency throughout the development. Stucco is not the primary storefront finish. Staff is recommending denial for Case 76-15 and would like the applicant to revert back to the originally approved plan. If the Planning Commission does recommend approval, staff recommends the stipulations stated in the Staff Report. I can answer any questions you may have.

Chairman Williams: They haven't actually installed this and want to take it off, correct? They are just revising their design and would like to not put it on?

Ms. Brandt: Yes; they got their plan approved and started putting stucco on the whole building. They were going to put the masonry on it. The stucco is currently on the building, and they decided they did not want the masonry on the lower portion.

Chairman Williams: Did the original storefront have masonry on the lower level?

Ms. Brandt: Yes, Z Gallery was the same proportion of stone; it was just a different color.

Chairman Williams: I didn't remember what was on it originally, but from a design perspective, it seemed to be consistent with the design theme of materials going from the parapet down to the ground. There are no deviations to the stone or other materials until the east end of the building. Any other questions?

Commissioner Strauss joined the meeting.

Comm. Elkins: Is the 6-ft. tall masonry in Exhibit A what we originally approved?

Ms. Brandt: Yes.

Comm. Elkins: Is there an elevation that the applicant has delivered that shows what they think it would look like, or is it the picture in our packet?

Ms. Brandt: The picture at the top is what is currently built; below that is what they are proposing, which includes the 12 inches of black granite.

Comm. Walden: There is a correction on the Staff Report; it should say 2014.

Chairman Williams: Are there other questions for staff? We'll hear from the applicant.

Applicant Presentation:

Laura Pottebaum, Klitzing Welsch Architects, 3109 S. Grand, St. Louis, MO, appeared before the Planning Commission and made the following comments:

Ms. Pottebaum: Everything she has mentioned is factual except they only applied the stucco all the way down because they failed to order the masonry. It was never planned to go on behind the masonry. The stucco was going to stop. There would be a 4-in. band of masonry and then 6 feet of Arisscraft, which is a different product than what was at Z Gallery. It is a similar unit size. I have the material samples here if you would like to see them. Once the owner found out the product would not be available in time to open, we received a temporary Certificate of Occupancy. We would like to apply the 12 inches of granite for protection and to cap off the stucco that is there now. The owner loves it the way it is. Glimcher has no problem with it

the way it is. They've written letters saying they don't have an issue with it. I visited the site a couple hours ago, and there are at least two tenants there that have no masonry at all. One is Apple; one is Orvis.

Chairman Williams: Sullivan's also has a large piece of stucco as part of their façade. It is not at the front door, but it is on the primary façade. It is not unusual to see that. Could we see the samples? (*samples handed around*) At this point, if you were required to do the stone, how would you put it on?

Ms. Pottebaum: They would have to saw-cut it off from 6'4" down. If the granite is approved, it is simply applied. We found out from the manufacturer that it can be installed on the stucco.

Comm. Pateidl: I would be surprised if we would approve that material.

Chairman Williams: By comparison to the stucco, how is the color of the Arriscraft?

Ms. Pottebaum: It is almost identical. If you visit the inside of the space, you will see that it is all white. That is their trademark.

Chairman Williams: How long would the process take to do reconstruction?

Ms. Pottebaum: To put the stone in, I would imagine probably three weeks. The major issue would be where to store the stone while the store is trying to function.

Chairman Williams: Does anyone have questions of the applicant?

Comm. Elkins: I have questions that go to process. Is the masonry that was originally approved by the Planning Commission and Governing Body something that can be ordered now, or is it simply not available anymore?

Ms. Pottebaum: It can be ordered; they just prefer the look that is there right now.

Comm. Elkins: Can you walk us through the process of the stone not being ordered?

Ms. Pottebaum: I'm not really sure. I just found out after the fact when it was too late that it had not been ordered.

Chairman Williams: The contractors doing the work would be the ones who ordered the product, and they didn't order it in a timely fashion.

Ms. Pottebaum: Yes.

Comm. Elkins: The expeditious decision was made to just move forward and make an application after the fact to ask for forgiveness.

Ms. Pottebaum: I was asked over the phone to change the drawings. I said we could not do that. We knew we had to come back because the owner was pressing me since they like how it looks and this is what they want to do. In think that generally, across the board, every Mitchell Gold business that I've seen is very similar to this. They are starting to get into some more materials and some SlimLite panel tiles, but generally, it has been a stucco or EFIS with a black granite base.

Comm. Elkins: Is it your sense that the decision around them liking it was after the fact, or did they come to it as they were doing the construction?

Ms. Pottebaum: I think there are two parties involved. There is a designer who went with the Arriscraft to 6 feet because that was what was there and he had an Arriscraft product that resembled what was there and would work nicely. Then there is a vice president who said he liked the way it looked as is. We answer more to the vice president than the designer.

Comm. Elkins: Are these materials in the current list of approved materials for the shopping center?

Ms. Pottebaum: I've recently seen the 60% masonry, 40% maximum stucco, which was not in our criteria packet we received from Glimcher. That was never something that was brought to us. I didn't hear about this until about a month ago. We would have never been in compliance with that remark at all. I don't think anyone there really is. There are a few tenants that have brick that is more of what I would call part of the mall, not a tenant façade.

Chairman Williams: On the original façade, was the area above the entrance doors and side lights in brick or masonry and then surrounded by stucco?

Ms. Pottebaum: It was EFIS, actually. It had the same 6-ft. line of masonry of some type, and then all EFIS up to the parapet.

Mr. Coleman: It was actually cement stucco. We don't allow EFIS.

Chairman Williams: Do you know the approximate percentage of the proposed masonry as a factor of the total façade?

Ms. Pottebaum: It is probably 20%.

Mr. Klein: To clarify, there is a minimum requirement of 60% masonry for tenant spaces over a certain size. Their space did not exceed that size, so they did not have the requirement.

Comm. Elkins: The prior tenants were below the threshold size. Does the current client have a larger space, or are they also outside the requirement?

Mr. Klein: They are also outside the requirement.

Comm. Elkins: As far as staff is concerned, are the materials proposed within the guidelines of the developer, or do those guidelines need to be modified to allow the materials?

Mr. Klein: They are allowed.

Chairman Williams: Are there other questions for the applicant? Thank you. I'll open the floor for further discussion.

Comm. Strauss: Can you tell me why some of the other stores such as Apple and Orvis don't have the masonry?

Mr. Klein: Apple is over the threshold. They came through Planning Commission and City Council. They proposed a stainless steel, and it was taken in lieu of masonry. I'm not as familiar with Orvis. There is a good chance it would not fall within the criteria, either, as it is smaller.

Comm. Elkins: I'm in a bit of a dilemma here because I am troubled by the integrity of our process and the idea that we go through the process with review and discussion and subsequent approval. Then construction starts and the applicant decides to change the plan. I'm struggling with that, and yet, I hate the idea of causing someone to saw the thing out. I am hoping to hear from my fellow commissioners.

Chairman Williams: I share your concerns about our process. Having been in the business a number of years myself, I'm not sure that there was an upfront desire to circumvent our process as much as the material not being ordered in time to meet the opening deadline. It was a pretty big event, and lots of planning went into it. I can see where they would not want to delay the opening. Somebody made the decision to finish it off as best as possible. I think the hundreds of people who went through the doors that night thought it looked just fabulous. I have to say I don't think it looks bad at all. I think it would look better with the black granite band, but I share your concerns about the process. The question is who gets penalized for this, and that is not our purview or responsibility. We have a new store in Leawood that seems to be doing fairly well. Do we want to cause them the disruption to put it back the way it was presented to us?

Comm. Strauss: I can understand the integrity of the process and what we approved. With your background, what is the burden of retrofitting it? We approved the masonry, so they were on the hook to install that. We've granted the temporary occupancy, so they are in business. I don't think it will keep people away. Is it a small, medium or large financial burden to cut out the stucco and put in the masonry.

Chairman Williams: I would ask the architect.

Ms. Pottbaum: I really don't know the cost.

Chairman Williams: I don't know what the material costs, so I don't know for sure. They would be looking at thousands of dollars.

Comm. Strauss: I was leaning toward acknowledging that it was a mistake and that it looks okay. Then I heard talk about the integrity of the process and the concern that this could open the door to other applicants saying that they had a mistake happen as well.

Chairman Williams: I don't know that this necessarily opens the door because that door has been opened in the past, and we have had a number of applicants come in over the years that have had one issue or another, sometimes driven by the applicants themselves.

Comm. Hoyt: If the applicant had brought a design for what is currently there in November, would it have been approved?

Chairman Williams: I think staff would have the same position that we typically don't accept stucco as a major façade material but rather as a component.

Mr. Klein: Typically, we don't like to see all stucco. We like to see masonry, especially with the façade already having masonry. We would not have been supportive of removing it.

Comm. Coleman: When something is given final approval, does staff go out to make sure that what this body has approved is what happens when construction is finished?

Mr. Coleman: Yes.

Chairman Williams: Yes, there is an inspection process.

Comm. Coleman: Would something more minor like this go under the radar?

Chairman Williams: I wouldn't think it would go under the radar, as it is not a small thing.

Mr. Coleman: The construction inspectors compare the building to the approved plans. If it doesn't comply with the approved plans, they talk to me. It just depends on the extent of the changes.

Comm. Elkins: It is a bit of an oversimplification, but to a certain extent, they promised us a brick house and gave us a stucco house. It is pretty significant.

Chairman Williams: It is 20% brick.

Comm. Coleman: When this sort of things happens, is there any precedent that this body uses to grant approvals?

Chairman Williams: The changes after the fact are certainly addressed case by case.

Mr. Coleman: The Thai restaurant is in the same center, and we went through 3-4 iterations of the façade, and the contractor built things that weren't approved. It was kind of a nightmare.

Chairman Williams: That was at the direction of the restaurant owner, who just wanted to change things and had a total disregard for the process. We had them correct it.

Comm. Pateid: Somewhat addressing the concern about the process and when, where and how we can become involved in this, I'm not one who particularly cares for someone coming in to ask for forgiveness rather than permission. Having said that, as an accommodation to the needs of the owner, a Temporary Certificate of Occupancy [TCO] was granted to them. Was there any agreement that the owner entered into with the city with respect to this problem in the TCO process?

Mr. Coleman: They didn't sign anything, but they had a schedule to open the store and needed a TCO. We agreed to grant it based on either them building it later as it was approved or coming back to the Planning Commission and City Council to ask for it to be redesigned.

Comm. Pateid: We actually opened the door to come in and ask for this redesign.

Mr. Coleman: If they weren't going to do it as originally approved, they had to come back. Those were the two alternatives.

Comm. Pateid: To go back to Commissioner Elkins' concern about the process, we did give them approval and it didn't come out that way, but we had another bite at the apple when it came to the TCO. We gave them this option we are considering today. In that respect, I find that the owner is acting in good conscience in following the process as we laid out for them. That does make a difference in my attitude as far as asking forgiveness.

Chairman Williams: It is a far different scenario than the Thai restaurant that we were just talking about a moment ago.

Comm. Pateid: I recall we had a project in the business park off Kenneth Road where we required the owner to remove cultured stone and put real stone on it. It is not a penal aspect; it is a matter of the integrity of the process. With that said, I look at the difference in this masonry material and the stucco, and I don't

see any major aesthetic difference. We are giving the owner a financial windfall with not requiring the masonry. Had I had an inkling that it was the purpose of the request, I would have a different attitude toward looking at this in a favorable light, which I do. I would support the applicant in the request because it is an approved building material and will have a minimal impact on aesthetics as well as the fact that he is acting in accordance with our process.

Chairman Williams: I think you make a good point. In the end, it is aesthetic, and the materials are virtually the same color. The only thing that will be different is the joints that the masonry would create. The elevations differentiate the stucco from the stone, but in the end, it is not going to be different. What do they gain and what do we gain from tearing it up at this point?

Comm. Elkins: You're an expert in this area. Tell us about the durability of stucco versus the durability of materials that we saw here tonight.

Chairman Williams: I venture to say that it will wear just as well if it is real stucco. It is roughly ¾ inch of cement with a metal backing behind it.

Comm. Elkins: I look at the same set of facts and come out at a different place because, by its very nature, a TCO is temporary. That was an instance in which the city bent over to accommodate an owner who had lined up a very nice grand opening rather than just exercising what they could have done and refused the TCO. I'm struggling with the concept that issuing the TCO has somehow opened the door in one fashion or another. It is a fair comment and certainly worth contemplating. Thank you.

Comm. Strauss: That was similar to what I was thinking. They were just following the process. I think I understood Mark to say that even though the materials are approved by the city, this design would not have been approved. I think the recommendation would have been for denial. I look at it as a mistake, and the city gave them a TCO so they could open, and now I would like to see the mistake rectified. I don't see it as a cost burden because it is something that was already planned. I understand that there are additional costs to tear out stucco and put in masonry. That is the cost burden to me. I can appreciate that a mistake was made and the city accommodated, but I would like to see it rectified.

Comm. Hoyt: The point I come down on is if this wouldn't have been approved through the regular process, I haven't heard why it should be approved now. However, I think it's beautiful, frankly. But if, because of the standards that have been previously established for proportion of building materials, it is truly the way the development is going and this group would not have approved it, I'm not sure this would be the time to approve it.

Chairman Williams: Staff would not have been in support of it, but the question would be whether the commissioners would have approved it for some of the reasons you just outlined.

Comm. Hoyt: I know we can't know it because it wasn't contemplated, but to me, that would be relevant, especially not having been part of this group before. If this would have been seen as an asset by the commissioners, then it is an asset now. If it would always have been rejected, then I would think we would not want to approve it now. If somebody else comes up with a similar request as a new tenant, would we be comfortable with using this as a template for their design?

Chairman Williams: Any other comments or questions? Can I get a motion?

A motion to deny CASE 76-15 – TOWN CENTER CROSSING – MITCHELL GOLD + BOB WILLIAMS – Request for approval of a Revised Final Plan for changes to the façade – located east of Roe Avenue and south of 119th Street – based on staff recommendation - was made by Strauss; seconded by

Walden. Motion carried with a vote of 4-2. For: Hoyt, Coleman, Strauss and Walden. Opposed: Pateidl and Elkins.

CASE 138-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6.13, SIGN REGULATIONS: PERMANENT SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to window signs. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 138-14 – LDO amendment to window signs. As the commission may recall, we have talked about this topic a few times. It was before the Planning Commission on September 23, 2014 at a regular meeting and was continued to a work session on April 14, 2015. It was scheduled for the April 28th Planning Commission meeting and continued once more. We had a work session on June 9th. I want to bring attention to the fact that another amendment follows and works in conjunction with it. Currently, if a development would like to get Sign Criteria approved through the Planning Commission and City Council, they are welcome to do so, and in that process, can get deviations to some of the standards in the LDO. However, the restriction on that is that in no case will the total of all wall signs, canopy signs and window signs exceed 5% of the façade. On the application for Case 95-15, we are proposing to remove the window signs from that calculation. They would then be calculated completely separately and would not count against the wall signs. It is typically the smaller tenants that will max out their 5% on the wall signs. This will allow them more flexibility. Staff is recommending that we limit the amount of window signs to 5% of the contiguous window area, as we have discussed in previous meetings. In doing that, a wall or canopy signs could be 5% of the façade. Window signs would then be allowed to be 5% of the contiguous window area. A blade sign is also typically a component of the Sign Criteria for an individual development. In some cases, developments have transom signs located directly above the door. Staff is recommending a limitation of 5% be placed back into the LDO with regard to window signs, and I will be happy to answer questions.

Chairman Williams: You talked about contiguous window area. Is that the entire storefront?

Mr. Klein: Mullions would separate windows, but if it was one bank of windows, it would be a contiguous window area. If it was separated by a column or a corner, it would not be considered part of the same window area. We talked previously about whether or not a door would be included. I believe it was the commission's desire to have the door included as part of the contiguous area as well. The intent of this amendment is that a glass door would be part of this as well.

Chairman Williams: Multiple openings around the corner would count for the entire façade?

Mr. Klein: Typically, a door will be flanked on either side by storefront windows. That is probably the most common. The one on the left and right would be two separate contiguous window areas, and then the columns would go around.

Chairman Williams: An example that comes to mind is Macy's. On the west side are square window areas and an entrance. This would take the entrance and the sidelights as well as each of the windows and add them together to get the total window area, and 5% of that would be what they would be allowed for signage on their façade.

Mr. Klein: If it is separated by masonry, we would take the windows themselves.

Chairman Williams: Again, share with us the history. This was in the LDO. Do we know when it was adopted? We know it came out in 2010.

Mr. Klein: When I came in 1999, we were under a different LDO. I believe that the criteria were in there with that particular ordinance. When this ordinance was redone in 2002, it was in there. I believe it was in 2010 when we looked at the Temporary Sign Ordinance that it was inadvertently removed.

Chairman Williams: Is there record or knowledge of how the 5% limit was established?

Mr. Klein: I personally do not.

Chairman Williams: Even though it was in there at 5%, it has not been enforced; correct?

Mr. Klein: There are a lot of storefronts that obviously do not meet the 5%. Part of that goes to the other discussion we had about the difficulty in defining window signage. If it was visible, it was considered a window sign. We have clarified that with the last amendment that defines a window sign as anything within 3 feet of the window area.

Chairman Williams: By that same definition, anything within the 3 feet is considered a sign?

Mr. Klein: Correct.

Chairman Williams: Do you classify a mannequin as a sign?

Mr. Klein: No; it would be a graphic and not a physical object.

Chairman Williams: Another example is the Apple store. They have a series of circles that create an art piece that hangs in their windows. Is that considered signage?

Mr. Coleman: I'm not actually that familiar with it, but most retail stores have their products or something related to their products in display windows. The products or things associated with the products would not be considered signage. It would be limited to actual verbiage or graphics. A sculpture or an object hanging down, it would not be considered signage.

Comm. Strauss: Since we're talking definitions of signage, are hours of operation considered part of the signage?

Mr. Klein: Yes, that would be part of the signage.

Chairman Williams: We have debated the 5% factor quite a bit. In our work session, you presented what some of our neighbors have been doing. Do we have any follow-up or clarification from anybody as to how they came up with their numbers?

Mr. Klein: I don't have anything with regard to the percentage. We did a couple of graphics to try to illustrate the amount. Olathe allows 10%. Prairie Village allows 20%. Lenexa allows 20%. Shawnee allows 50%. KC, MO and Overland Park didn't have a limitation.

Chairman Williams: In our work session, there was a request from commissioners to get additional input from retailers, retail designers or consultants to chime in on what seems to be industry suggestion or what seems to work for retailers besides telling retailers 5%. We've had the discussion before, and I'm happy to show more examples, but nobody in Town Center fits the 5% limit.

Mr. Klein: It has been our experience in dealing with sign companies that they typically want to leave their options open. They will generally not offer a suggested limit just because they don't want to cut themselves off.

Mr. Coleman: What we have done that is a change is we are now including the doors as part of the façade for the 5%, and we are not including the 5% of the window area in the calculations for the total façade signage for 5%. They are actually gaining more signage on the façade of their building than they had previously. In many cases, it would more like 5.5%.

Chairman Williams: Could I ask staff to put a couple pictures on the overhead? (*example placed on overhead*) I know you gave us examples at the work session. I brought up a couple existing conditions. The first one was Helzberg. It's a fairly new store. Their typical wall signage consists of the light-colored band with "Helzberg" in it and the round dot of "jewelry repair." I had the opportunity to meet with the folks at Helzberg and do a little calculation of their windows. They currently would be at 11% of the window area with the sign as it exists today. For Helzberg to be in compliance with the 5%, half of the sign would have to go away. Yet, it is not a big sign. It is certainly not obtrusive or offensive to me. We have had the discussion that we are not regulating taste, but this is an example of something that is reasonable. A clothing store close by had mannequins wearing aprons that said "Sale" on them and a ladder that also said it. I am assuming those would be considered in the calculation. This store would have to lose some signage with this 5% limitation. I don't think any store was at a 5% level at Town Center. I think most of the signage at Town Center is tasteful and reasonable. There are offending stores, such as Game Stop and Bath and Body Works. If we're going to have regulations and be inviting to retailers in the community, I think we need to give them a reasonable number to work with. From what I see, 5% is too small. It may have been in the ordinance at one point in time. We don't know how it got there. Since we're in a position today to put in something that we can agree is a workable number, I'd like to see it. I had the opportunity to talk with a city official from Prairie Village on their 20% limitation. It was a hard-fought battle, but they got the retailers to come around and accept it. He described the result as being positive for the city and retailers. When I see the tasteful signs at Town Center, I think that 20% can be a reasonable number for retailers.

Mr. Klein: Staff went out as well. We tried to evaluate signage. Papa Murphy's pizza is at 21.2%. Glace is at Town Center Crossing, and it is almost 17%.

Chairman Williams: That is one sign, and I'm assuming they have their store name across the bottom.

Mr. Klein: Correct.

Comm. Pateid: I have a couple thoughts and observations. I think it is Lenexa that has a 20% factor, but 20% of the façade is allowed for window signs, but no more than 50% of any window that we would define as contiguous. It's an interesting thought. Another provision I read from one of the other cities was to establish times or give them an opportunity to expand beyond the agree-upon percentage a certain number of times of the year for a certain number of days. For example, four times a year for no more than 30 days at a time, additional signs could be allowed as long as they were well marked with dates and easily enforced. Our concern is if we are dealing with the needs and compatibility with our retail merchants as well as our desire to avoid clutter. I had different measurements from Town Center. Of the 60 windows, I found only about 5 that were beyond the 5% issue. But, this is July when there aren't that many sales. The window signs that are acceptable eat up 2-3% of the contiguous window. Consequently, when Black Friday comes, they will be able to put up a bigger sign and be at 5% or be in non-compliance. Are we going to enforce this, or are we going to selectively enforce this? Do we want something where we can clobber the game store or the pizza place? Or do we want an ordinance we can live with? I believe the fact that we don't know why the 5% existed in the first place and we can't justify it now is not grounds to say that it is what we should use

now. I don't think we have explored the alternatives and opportunities we have to be compatible with retail merchants.

Mr. Coleman: To address the issue of the sales, we have a process for developments that get a Temporary Use Permit that allows additional signage for 10 days. That allows for the special events with larger signage.

Comm. Pateidl: Why don't we incorporate that into this ordinance?

Mr. Coleman: It's already in the LDO.

Comm. Pateidl: I haven't seen it as it relates to window signs.

Mr. Coleman: It is a Temporary Use.

Comm. Pateidl: Do we cross reference?

Mr. Coleman: We can put something in there to that effect.

Comm. Pateidl: If you're somebody looking to do business in Leawood and you read our ordinance and take it for what it says, you see that it is not very friendly. That is the issue. With all the Mixed Use development we want to encourage and the attraction of small retailers that we really hope to be able to accomplish, this is important. We are looking at a parking revision later this evening because cities around us require 50% less parking than we do, but when every city around us is monumentally different than what we are proposing, it doesn't make sense.

Comm. Strauss: I remember all our conversations, and I feel like the commission as a whole feels like it should be higher than 5%, but we are trying to find the magic number. I feel like we're missing part of the equation. We are trying to find the balance between good design and lack of clutter and attraction of businesses, but we are missing the business voice. I know we talked about the possibility of them asking for more, but I think if we had an honest conversation in a work session and asked them what works for them, it would be helpful. I would like to do more than 5%, but I don't know what the upper limit is. I've got a little information knowing what other communities are doing, so I have an idea that it probably shouldn't be more than 20%. Looking at the pictures that you provided, my personal opinion is that the signs over 20% start to look like clutter to me, but everyone defines clutter differently. I would like to propose another work session where we bring in experts that tell us what is healthy for business.

Chairman Williams: We were asking for that at the last work session.

Comm. Strauss: I don't think anyone on the commission has that retail expertise.

Chairman Williams: I agree that we don't. Additionally, the staff has planners but not retail designers. Does the city want to get in the business of being a sign designer? Getting the professional input can help the equation. Otherwise, we just say 5% and be done with it and have the city living with the turmoil of the retailers who receive tickets. I think that trying to enforce 5% at this point is anti-business.

Ms. Bennett: This has been pending for a long time and probably ought to hit the City Council level. Even if you do it with a motion to recommend denial, let the Governing Body rule. They will read the minutes on what more information you believe is necessary, and they can determine whether to take further action at that point.

Comm. Elkins: Mr. Coleman, I agree with what I've just heard about not hearing from the business community, but we have a process here, and part of the process is a Public Hearing. There are zero people in the audience. It begs the question, is the Chamber of Commerce aware that we are considering this? I'm surprised that we don't have people here tonight to advise us. I'm curious about the absence of our retail friends or Chamber of Commerce.

Mr. Coleman: I have talked to Kevin Jeffries about it, but I don't know that he was aware of this meeting, per se. The Chamber gets our agendas.

Chairman Williams: Retailers in Town Center were not aware of any pending changes in the Sign Ordinance.

Mr. Coleman: There are a lot of different retailers in the city, and I have spoken with Len Corsi, with Town Center. In the past, we have had discussions on signage with Park Place. If we were to look at retailers, we would want to look at their management because each one will have a different opinion.

Comm. Strauss: Glimcher would bring a national perspective.

Mr. Coleman: Yes, and Len works for Glimcher. Between now and City Council, I can talk with Len and get his opinion on the ordinance and whether they could live with it or if they would like to see changes. We can forward those to the Council.

Chairman Williams: Any other questions or comments? In the case of ordinances like this, are notices sent out?

Mr. Klein: Ordinances affect the entire city, so if you did the same sort of notice, it would be everyone in the city plus an additional 200 feet, which would run into a whole lot of money. We notify in the public newspaper, Legal Record, and we also place our agendas on the website. Additionally, we email and mail agendas to people who have signed up to receive them. There is opportunity to see the agenda before the meeting.

Chairman Williams: In the case of any business in Leawood, you are almost asking them to check the website every month to see what hot button issues are coming up that may or may not affect them.

Mr. Klein: Again, the Chamber of Commerce has signed up to receive an email. It's not that it isn't there. We get calls occasionally asking about agenda items.

Mr. Coleman: Back to your point about complaints and the enforcement, one thing I have found is Leawood is very responsive when they see something that maybe isn't working and needs to be changed. If it turns out that it needs to be changed, I know that the Council is responsive to that.

Chairman Williams: We have made changes in the LDO in the past for reasons like that. It does bother me with something of this nature that impacts every retailer in Leawood. The examples I saw when I went out to see the windows had very nice stuff for the most part. I really hate to see us get in and try to stomp on these folks to get it down to 5% or pay fines and still have substantial stuff, particularly when some of the signage we're dealing with is temporary. The Helzberg example is permanent. In one of the work sessions, Richard, you made the comment that we want customers to be able to see into the stores, which is why you want the signs at a minimum. At Town Center and a number of other places, they have things up that block the view, but you have new stores that have limited windows in the front. I'm not a retail expert, and that is why I think this body would have liked to have some input from retail experts and retailers so we can make an informed decision on this and try to come up with something that could be usable and workable. What is on the table

before us has been going on for some time. Maybe it is time to take action on this proposal. At the end of the day, if it is 5% and hell breaks loose, the Council is who will respond to it.

Comm. Coleman: The first thing that comes to mind that I question is if there is a problem in the city with visual clutter. It doesn't jump out at me.

Chairman Williams: There are examples, but in the scheme of things, the majority of them are elegant and appropriate. Signs that take up 50% are probably more artwork than signage, but still, it would classify as signage. It is still quite tasteful and has nothing wrong with it. Pottery Barn is another example. You can't see into the store because of a backdrop with text that talks about their products and store locations. They were roughly 50% of the window, and I thought it was quite elegant. Williams Sonoma has window areas that are 100% covered in signage, and windows are probably 5% on the front, depending on whether they are advertising a sale or not. With the classification we were given tonight, including the doors, it increases the glass amount, which should increase the size of the sign. Still, I guess I don't see a problem that we have. Again, we do have some offenders. I think we discussed a temporary Halloween store in Town Center that had stuff plastered all over the building, which shouldn't be done. Again, coming up with something that is retail friendly and tell retailers that we like the fact that they are here and selling stuff is important.

Comm. Strauss: I'm excited to hear Commissioner Elkins' motion, so I would move that we move on to the Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Elkins; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

Comm. Elkins: The discussion tonight has been good and healthy. I wish we had input from our business community, but it is a different issue for a different day to figure out how we can solve that when we have issues like these that might well affect the entire retail community. I hear loud and clear what our counsel has to say about our need to move this so the Governing Body can bring their considerable expertise to it as well. Having said that, I don't want to just kick the can over the transom, so to speak, and lay it at the feet of the Governing Body. From the conversation I've listened to tonight, I am persuaded that the 5% of the window area is probably too restrictive. I'm still of the mind that the 5% limitation on the overall façade in signs for the entire façade of the building is appropriate, while acknowledging that we haven't really had a discussion about that particular issue.

Chairman Williams: We're not proposing to change that.

Comm. Elkins: We're focused on the window area; although, we have an ordinance here. Having said all that and acknowledging that in some ways, my proposal could be viewed as arbitrary, but it is based on the conversation that I have heard tonight and examples provided, it is my intent to propose a motion that would recommend to the Governing Body that they approve the modification to the LDO as proposed in Case 138-14 with a modification that it be set at a 20% limitation of contiguous window area. The idea behind the 20% is my perception based on all that has been said that the 5% is too small. It could be argued that 20% is too small, but it is a reasonable limitation and one that gives the Governing Body something to work with.

A motion to recommend approval of CASE 138-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6.13, SIGN REGULATIONS: PERMANENT SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to window signs – with a modification to the limit from 5% to 20% of the contiguous window area – was

made by Elkins; seconded by Coleman. Motion carried with a vote of 5-1. For: Hoyt, Pateidl, Elkins, Strauss and Coleman. Opposed: Walden, who could support 10-15% but not 5% or 20%.

CASE 95-15 - LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6.3, SIGN REGULATIONS: OFFICE, COMMERCIAL AND INDUSTRIAL SIGNAGE IN PLANNED DISTRICTS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to window signs. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 95-15 – LDO amendment to Section 16-4-6.3 of the Office, Commercial and Industrial signage in planned districts, pertaining to signs. As we discussed with the previous case, this amendment proposes to remove window signs from the overall restriction on the 5% limitation. Effectively, this allows the previous amendment to be more effective. If this was denied, it would still limit the overall storefront to no more than 5% window, canopy and wall signs. Staff is recommending approval of this application, and I'd be happy to answer any questions.

Comm. Elkins: This modification takes the window sign out of the calculation for the total of 5%?

Mr. Klein: Correct; it has the added benefit of being easier to calculate for staff, as opposed to trying to figure out what the wall sign, window sign, canopy sign and façade all are and figuring out how it all computes. As you know, window signage varies quite a bit. This makes it more manageable for staff as well.

Comm. Elkins: Who knows what will happen with the Governing Body, but does the fact that the commission recommended that the limitation on window signs be 20% of the contiguous window space dampen staff's enthusiasm for taking the window sign out of the calculation?

Mr. Klein: No, I think it is up to the Governing Body to take a look. This also has the added benefit of making computation a lot easier just because the window signs are such a moving target when applied to permanent signage.

Chairman Williams: I guess I'm still confused.

Mr. Coleman: The way it is written, a business could only have 5% of signage for the façade, and that included the window signage. What Mark is saying is that the window signage is variable. One day, a business could be in compliance; the next day, it could not be.

Chairman Williams: This isn't limiting the window signs.

Mr. Coleman: This is allowing them to be calculated separately and also allowing more signage on the façade than previously.

Mr. Klein: Many of the smaller tenants max out their wall signage at 5%. Without this, they would not be allowed any window signs at all.

Comm. Strauss: Is it double-counting the window area since it's counting the window sign area and also counting it as part of the façade?

Mr. Klein: Currently, it is almost like it is double-counted, but this would clarify it and completely separate the two. This removes the conflict.

Chairman Williams: When it refers to 5% of the window area, it is directed toward the building sign, not involving any window signs in terms of any limitations.

Mr. Klein: Correct.

Chairman Williams: Is the last sentence that refers to additional signage beyond 3 feet not being considered a window sign really necessary when calculating the building sign?

Mr. Klein: No, it doesn't really make any difference. The 3 feet just created a definite line.

Chairman Williams: Any further questions?

Comm. Walden: *Inaudible comments.*

Mr. Klein: That's the way it is currently written, but we can certainly look at that.

Chairman Williams: Anything else? This case requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Elkins; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

Comm. Pateidl: In the paragraph of the memo contained within the body of the memo is a reference to the window signs being 5% of the contiguous window area. Since the proposal that has been approved by the Planning Commission has changed that to 20%, I would suggest that the memo be changed to reflect that.

A motion to recommend approval of CASE 95-15 - LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6.3, SIGN REGULATIONS: OFFICE, COMMERCIAL AND INDUSTRIAL SIGNAGE IN PLANNED DISTRICTS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to window signs – with the modification from 5% to 20% of contiguous window area – was made by Pateidl; seconded by Hoyt.

Comm. Elkins: Do you intend to include the wording that Commissioner Walden proposed?

Comm. Pateidl: Yes.

Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

CASE 89-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-7, TABLE OF USES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the use of medical outpatient care facilities. **PUBLIC HEARING**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 89-15 – LDO amendment to Section 16-2-7, Table of Uses, pertaining to medical outpatient care facilities. This amendment is proposing to allow medical outpatient care facilities within the

Planned Office District with a Special Use Permit. This use is currently allowed within the SD-CR and SD-NCR(2) zoning districts as a planned use. However, a medical outpatient care facility is currently prohibited in the SD-O zoning district. At this time, hospitals are allowed within the SD-O District with the issuance of a Special Use Permit. Generally, hospitals are a higher intensity of use than a medical outpatient care facility, and it is staff's recommendation that this use be permitted within the SD-O District with a Special Use Permit to allow the Planning Commission and the Governing Body the ability to determine if a project is suited to the site it is proposed for. Therefore, staff does recommend the Planning Commission approve Case 89-15, and I would be happy to answer any questions you may have.

Comm. Elkins: I'm trying to make sure I understand what we're proposing. A question I have without specifically identifying any facility that we have in Leawood, but would a surgery center that is performing orthopedic surgeries fall in the definition of minor or of a hospital?

Ms. Kriks: It will depend on how the surgery center is run. A hospital is defined in the ordinance currently as an institution where the sick or injured are given medical or surgical care in an inpatient or outpatient basis. A medical outpatient care facility is specifically defined as no patients being lodged overnight. That would be the determining factor. KCOI has inpatient services, so they currently have a Special Use Permit to operate as a hospital.

Comm. Elkins: There is a certain amount of overlap in the definitions because a hospital talks about surgery with inpatient or outpatient, so outpatient is included in both facility definitions. I'm trying to figure out how you will address that when you have a situation with an overlap. Let's say KCOI didn't treat overnight patients. What category would that fall in?

Mr. Coleman: The difference is the inpatient care issue. Right now, we allow hospitals to be in SD-O with a Special Use Permit, but we don't allow a lesser use, which is the outpatient surgery centers, to be located in the same district. This amendment would allow the outpatient surgery centers with no overnight stays the same zoning application abilities as the hospitals, which are a more intense, larger use in the same zoning district.

Comm. Elkins: Hospitals would be no more restrictive than the outpatient facility.

Mr. Coleman: Hospitals are a more intense use than the outpatient surgery centers, yet the outpatient surgery centers are not allowed in the same zoning district.

Comm. Elkins: I understand that, but would the hospitals be any more restrictive in what they could do than the outpatient surgery centers.

Mr. Coleman: Correct; there is no change in the hospitals.

Chairman Williams: Any other questions? This case requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

Chairman Williams: Any further comments, leading to a motion?

A motion to recommend approval of CASE 89-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-7, TABLE OF USES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the use of medical outpatient care facilities – was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

CASE 90-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-5.4, REQUIRED PARKING RATIOS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to health clubs. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 90-15 – LDO amendment to Section 16-4-5.4, off-street parking, storage, loading regulations and parking lot design – required parking ratios pertaining to health clubs. Staff is recommending this change to the LDO, which currently requires one space per 100 square feet of space dedicated to a health club plus one per employee on a maximum shift. The change would be one space per 200 square feet. The reason for the proposed change is that in looking at other cities and also in doing research with regard to health clubs, the parking ratio typically tends to be around the 1/200 or 1/250 range. Currently, there has been talk about a potential tenant who is looking at a space in Leawood, and if they go into that space, the parking for the entire center would not be enough to accommodate the health club, which is just a portion. That is what sparked evaluation of the issue. Staff recommends approval of this amendment, and I'll be happy to answer any questions.

Chairman Williams: With the example you were just noting, you commented that they couldn't meet the parking requirement with the entire center. Even with this, a large portion of the shared parking would be qualifying for the fitness center.

Mr. Klein: A large portion would still qualify for the fitness center, but it would be in line with what is typically required with that particular use in other cities.

Chairman Williams: In the scenario you were just describing, the parking for the use at the time is going to now be adversely affected for the other tenants of the center.

Mr. Klein: With most of the developments that occurred before the current ordinance, there was a minimum parking ratio and no maximum. Most of the shopping centers that existed before 2002 were approved on a minimum parking ratio of 5 per 1,000 with some being substantially more than that. Currently, the LDO has a minimum and maximum for SD-CR [Planned General Retail], which is what these shopping centers are located in of 3.5-4.5. It is lower, so it actually works out pretty well to take the health club in and then have its substantial parking requirement. It still allows enough for the rest of the center as well.

Comm. Hoyt: *Inaudible comments*

Mr. Klein: Correct.

Comm. Strauss: You said that this will now be consistent with other surrounding communities like Overland Park. Do you know what Overland Park's is?

Mr. Klein: We looked at quite a few cities out there, but I don't remember the number off the top of my head. I know we didn't find any that were more than 200.

Comm. Strauss: I bring up Overland Park because I've belonged to Lifetime for years, and I've never seen a parking problem. They've never been deficient of parking spaces in peak seasons and when kids are home. This is warranted, and quite frankly, we should probably be getting rid of parking spaces at health clubs and let them jog or ride a bike there.

Comm. Elkins: I'm curious mostly about the methodology. Say you have a strip center and a portion of the strip center is going to be used for a health club. Is the methodology there that you figure out the square footage of the health club, apply whatever we come up with here and then look at the rest of the shopping center to see what its square footage is and see if the remaining parking is sufficient.

Mr. Klein: Correct.

Comm. Elkins: So if you have a health club coming in to an existing shopping center, you have to do two calculations.

Mr. Klein: Correct.

Chairman Williams: Any other questions? This case requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Elkins. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

A motion to recommend approval of CASE 90-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-5.4, REQUIRED PARKING RATIOS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to health clubs – with the word “per” added between “one” and “employee” in the second line - was made by Strauss; seconded by Hoyt. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

CASE 91-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to residential driveways. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 91-16 – LDO Amendment to Article 9, Definitions, pertaining to residential driveways. This goes in combination with the next amendment with regard to limiting the amount of paved area for parking within single family residential areas. It might be beneficial to consider these both together so you are aware of how one affects the other since the definition is actually referenced in the other ordinance. The first one we want to talk about is adding a definition for a residential driveway. The proposed definition is a minor private way used by vehicles and pedestrians whose primary purpose is to provide direct access from a vehicular street to a garage or residential home. This definition shall not include paved areas that do not provide direct access to a garage or residence, which are used primarily for the parking of vehicles.

Chairman Williams: When you talk about access to the residence in addition to the garage, would a circular drive be considered access to the residence?

Mr. Klein: Yes. I actually have a graphic as well. Let me describe the next ordinance. That particular ordinance proposes to limit the amount of area that can be used for parking vehicles. It breaks it down as to whether the primary purpose of the pavement is for either access to a garage or residence or if the primary purpose is for parking vehicles. If it is used primarily for the parking of vehicles, it would limit it to 400 square feet, which is basically the equivalent of two additional cars. That is within the front yard of the single family residence. *(shows graphic)* The example includes the semicircle driveway. As far as providing access to the garage and then also providing access to the residence itself, it would be considered part of the single family driveway. The intent of the areas that are proposed as far as parking vehicles because a lot of times, paved pad sites are adjacent or a circular drive comes in and circles around in front of the house. The portion that actually provides the access to maneuver the car from the street to the house and then back down is fine, but occasionally, they will fill in the whole middle part and then park cars in the middle. The primary purpose of that middle paved area is meant more for parking. This doesn't prohibit them from doing that, but it requires them to get approval from the Director of Community Development and then also provide some criteria that allow us to look at the drainage because it creates more impervious area. This is also intended to allow us to look at the paved area in the front yard, which affects street frontage. If they decided to add a few more parking spaces in the front yard, they would have quite a bit of paved area along the street frontage. They would probably still meet the 30% open space requirement because there is often a lot of open space in the back and on the sides. This would give staff a little bit more chance to review and ensure that drainage is not an issue.

Chairman Williams: In terms of the open space, do we have a limitation on the amount of vehicular space including driveway and parking in the front yard area?

Mr. Klein: No, we currently do not. We do have the 30% open space minimum for the entire property.

Comm. Elkins: I have a concern about an ordinance that predicates one of the conditions on intent or purpose. In order to trigger this, the primary purpose is for the parking of automobiles. I am interested to hear staff's comments. If I go to build my house and would like a piece of concrete in the front yard to put in basketball goals, my primary purpose is not to park there. Now, fast forward 20 years ahead and the area looks like a good parking lot. Now, the primary purpose is parking. How do we handle that? Can you cite me for being in violation of it if it was approved when it was built? I'd like to understand the basic concept of who decides whose intent is what and whether we're being misled about the articulated purpose and also a purpose that changes. What are staff's thoughts on how to address that?

Mr. Klein: With regard to the example of the basketball goals, chances are that it would be considered a sports court, which is not allowed in the front yard. With regard to what we are trying to do with the ordinance, it was difficult. What we didn't want to do is have a driveway that came from the street and flared out to serve a 3-car garage. We looked at putting a limitation on the width, but that doesn't work because people have different garages and different configurations. We tried to come up with a definition of a residential driveway that stated that it had to provide access to a garage or to the residents. We thought about the situation with a semicircular driveway that is used for drop-offs. We didn't want to eliminate that. We tried to get to the purpose that if it does provide direct access to a parking garage or to the residents and that is what it is primarily used for. If there is a pad that isn't providing direct access to the garage or the residence and it is used for parking, we would like to address that.

Chairman Williams: Are there limitations on the width of a circular drive?

Mr. Klein: There are not. We have limitations as far as standards for Public Works when it is in the right-of-way but nothing on the private property. We looked at a lot of areas on aerials to see what parking configurations are out there, and they are all across the board. Originally, we thought limiting the width

would be the best way to do it, except it just got too difficult. So many people would have been nonconforming. We went to purpose as a way to tackle it.

Chairman Williams: I know one circular drive of a client of mine that was so big that all the construction guys could park in the driveway and still get out.

Mr. Klein: This doesn't prohibit it; it simply gives staff the ability to review it for drainage, impact on the neighbors and screening.

Chairman Williams: Any further questions?

Comm. Strauss: I'm hoping this is a typo. On the Design Standards, if I'm reading it right, it says, "Design features so that no more than 40 parking spaces are developed within the individual module."

Mr. Klein: That is part of the current ordinance within commercial districts. That is not part of this.

Comm. Strauss: I had the same feeling with the width, but I understand your response, so I won't go there. Do we have regulations on cars permanently parked versus temporarily parked? Do they have to be moved? Do we need any language in there about if a car is being repaired and sits in the extra space for months?

Mr. Coleman: Cars have to be operable and licensed to be parked in a driveway.

Comm. Strauss: Do we need to say that these are for single family residential driveways?

Mr. Klein: The intent is that it would be single family.

Chairman Williams: Anyone else? This case requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Pateidl; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

Chairman Williams: This brings us to further discussion and a motion.

A motion to recommend approval of CASE 91-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to residential driveways – was made by Elkins; seconded by Strauss. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

CASE 93-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-5.3, Off-street Parking, Storage, Loading Regulations and Parking Lot Design Standards: Design Standards – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to parking areas within single family residential districts. **PUBLIC HEARING**

Chairman Williams: This case requires a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

A motion to recommend approval of CASE 93-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-5.3, Off-street Parking, Storage, Loading Regulations and Parking Lot Design Standards: Design Standards – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to parking areas within single family residential districts – was made by Elkins; seconded by Strauss. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Pateidl, Elkins, Strauss and Coleman.

MEETING ADJOURNED

Chairman Williams: I'd like to recognize Mr. Strauss for an article that was in the Planning Magazine. I will admit that I haven't read it yet, but it was brought to my attention by Mr. Walden earlier today. It is a very positive recognition of our colleague to be in a national publication on a subject. Very good job. You are representing us all very well. I look forward to reading it.

Comm. Strauss: My next article I'm writing is a White Paper on autonomous and connected vehicles.