



AGENDA

**PLANNING COMMISSION MEETING
CITY OF MERRIAM, KANSAS
Online Meeting due to COVID-19
May 5, 2021
7:00 P.M.**

In response to COVID-19 the Planning Commission meeting will be held on line.

The Planning Commission meeting can be viewed via the Zoom meeting link below.

<https://us02web.zoom.us/j/89655033471>

- I. **CALL TO ORDER-**
- II. **SWEARING IN OF NEW PLANNING COMMISSIONER SHAWN MCCONNELL**
- III. **ROLL CALL**
- IV. **CONSIDER SUSPENDING PLANNING COMMISSION MEETING BYLAWS**
- V. **APPROVAL OF MINUTES – APRIL 7, 2021**
- VI. **BUSINESS TO BE CONDUCTED**
 1. **PUD21-000003 Sign Scheme Package for an automobile dealership in a PUD-G (Planned Unit Development-General) District located at 6960 W. Frontage Road.**
- VII. **BUSINESS FROM THE FLOOR**
- VIII. **UNFINISHED BUSINESS**
- IX. **OLD BUSINESS**
- X. **ADJOURNMENT**

Respectfully submitted,

**Bryan P. Dyer, AICP
Community Development Director**

**REGULAR PLANNING COMMISSION MEETING
CITY OF MERRIAM, KANSAS
9001 W. 62nd St.
COUNCIL CHAMBERS
MINUTES**

**April 7, 2021
7:00 P.M.**

This was a virtual meeting via Zoom

The Regular Planning Commission meeting for the City of Merriam, Kansas was called to order at 7:00 p.m. by Community Development Director Bryan Dyer on Wednesday, April 7, 2021.

I. ROLL CALL

The following Planning Commissioners were present via Zoom meeting:

Bill Bailey, Secretary
Reuben Cozmyer
Brian Dailey, Chair
Judy Devere
Mitchell Fowler
Russ Harmon
Leah Ann McCormick, Vice Chair
Cole Stephens

Members Absent:

Also Present via Zoom meeting: Bryan Dyer, Community Development Director, Andrea Fair, City Planner and Nancy Yoakum, Recording Secretary.

II. CONSIDER SUSPENDING PLANNING COMMISSION BYLAWS

Community Development Director Bryan Dyer stated that since the Planning Commission was meeting via Zoom the commissioners should consider suspending the Planning Commission Bylaws. Mr. Dyer asked if there were any questions and entertained a motion.

LEAH ANN MCCORMICK MOVED THAT DUE TO COVID-19 RESTRICTIONS ON GATHERINGS THE PLANNING COMMISSION SUSPEND THE BYLAWS FOR THE APRIL 7, 2021 MEETING. REUBEN COZMYER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

III. APPROVAL OF MINUTES OF MARCH 3, 2021

Community Development Director Bryan Dyer stated that the Planning Commission members had received a copy of the March 3, 2021 meeting minutes and asked if there were any corrections or additions.

Hearing no comments, Mr. Dyer entertained a motion.

MITCHELL FOWLER MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF APRIL 7, 2021 BE APPROVED. JUDY DEVERY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

IV. ITEMS OF BUSINESS

- 1. RZ21-000001/PUD21-000002 Request for rezoning from I-1 (Light Industrial) District and C-2 (Retail Business) to PUD-G (Planned Unit Development-General) and the associated preliminary development plan for a vehicle storage lot for the storage of operable buses with the associated office, service or other facilities located at 5519 Merriam Drive.**

Community Development Director Bryan Dyer stated that the applicant, Kincaid Group, is requesting approval for Rezoning RZ21-000001 and a Preliminary Development Plan PUD21-000002 for the DS Bus Line parking lot expansion. Mr. Dyer stated they also have an application for a Final Plat which is the next item on the agenda. Mr. Dyer stated the property is located at 55th Street and Merriam Drive and is approximately 5.22 acres and has spilt zoning. Mr. Dyer stated the applicant is requesting that the subject property be rezoned from I-1 (Light Industrial) District and C-2 (Retail Business) District to Planned Unit Development - General (PUD-G) District. Rezoning to Planned Unit General (PUD-G) District will allow for consistent zoning, while maintaining flexibility in regard to setbacks and design standards.

Mr. Dyer reviewed the surrounding zoning and land uses and recapped the history of previous uses. Mr. Dyer stated that in 2018 the Kincaid Group purchased the property on a contract for deed from Buterin-Zaslavsky Investments, LLC and began a significant cleanup of the property.

Mr. Dyer stated that the Kincaid Group has been working with city staff, the city engineer and city council and received conditional approval to utilize access from the W. 55th Street and Merriam Drive intersection as a private driveway into the parking/storage area. Mr. Dyer stated that the private entrance and easement has been reviewed and approved by the City Engineer as well as Johnson County Parks and Recreation. Mr. Dyer stated Kincaid Group plans to do the parking lot and intersection improvements at the same time.

Mr. Dyer stated that the proposed parking lot will decrease the overall impervious surface by 18,000 square feet and provide additional employee and bus parking.

Mr. Dyer highlighted the Golden Factors.

Mr. Dyer stated that the buildings are included in the preliminary development plan. The floodplain is outlined and shows that there will be no vehicle storage or parking in that area, and they will be submitting a floodplain development permit for work in that area.

Mr. Dyer stated that a turning template has been submitted.

Mr. Dyer stated the applicant submitted a documentation showing a reduction in impervious surface. At the request of staff, the applicant will be doing some best management practices in the form of a native grass swale that will take the storm water off the enlarged parking lot to Turkey Creek.

Mr. Dyer stated that the plans were submitted to public utilities and there were no comments received from the utility companies or the Merriam Drainage District.

Mr. Dyer stated that the applicant submitted a photometric plan which demonstrates that the foot candles go to zero.

Mr. Dyer reviewed the landscaping plan and stated that applicant has committed to additional landscaping to the north side by the Turkey Creek Trail as well as the other portions of the property. There will be a slight realignment of the Turkey Creek trail as part of the improvements to the private drive. Mr. Dyer stated that even though it is not part of the development plan he noted that the applicant has committed to additional landscaping to the north of the property to buffer the trail from the property. Mr. Dyer stated there is no interior landscaping due to the bus movement which could hinder the site of the bus drivers as they maneuver through the property. Mr. Dyer stated that in exchange for no interior landscaping the applicant is providing additional landscaping along Merriam Drive and paved cut-throughs between the parking lots for employees. Mr. Dyer stated there is also a landscape screening they applicant is providing along Merriam Dr.

Mr. Dyer stated a Traffic Analysis was conducted and the study found that the proposed improvements would adequately handle the additional traffic generated. Mr. Dyer stated that he received a letter from their engineer confirming the traffic analysis supports the plan.

Mr. Dyer stated the total required parking spaces are 129 and the applicant is providing 254 spaces.

Mr. Dyer stated that the rezoning to a PUD-G district allows for the creation of a preliminary development plan for the subject properties and will allow the site to deviate from the C-2 District's required building and parking lot setbacks. Mr. Dyer stated in exchange, this allows the city to gain a higher level of review on the site's current and future uses. Mr. Dyer stated that a condition of approval is that the uses be restricted to a vehicle storage lot of buses with associated office, service and other support facilities. Mr. Dyer stated that if the property were to sell in the future and a new property owner wanted to change the use, they would need to come before the Planning Commission and City Council to make any changes.

Mr. Dyer stated that this is a public hearing item and he did not receive any public comments.

Mr. Dyer stated that staff recommends approval with the conditions listed in the staff report.

Mr. Dyer stated he would any questions of the Planning Commissioners. Hearing none, he entertained a motion.

BILL BAILEY MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION RZ21-000001/PUD21-000002 REZONING AND PRELIMINARY DEVELOPMENT PLAN FOR A VEHICLE STORAGE LOT FOR THE STORAGE OF OPERABLE BUSES WITH THE ASSOCAITED OFFICE, SERVICE AND OTHER FACILITES LOCATED AT 5519 MERRIAM DRIVE WITH THE CONDITIONS LISTED IN THE STAFF REPORT AND FORWARD IT TO CITY COUNCIL. MITCHELL FOWLER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

Chair Brian Dailey stated that after 30 years or driving by the site it is great to see some asphalt and that it is a huge improvement.

Austin Lage from BHC Rhodes stated he did not have any additional comments.

Jay Longhauser from the Kincaid Group was appreciative of the comment and stated that the Kincaid Family have been operating on and off the site for a number of years and started operating on the site in 2017. Mr. Longhauser has been working with the Community Development staff

since that time and everyone has been fantastic to work with. Mr. Longhauser stated that the property was not in the condition or standard that their company had envisioned, and since that time they have been working on improvements to be done correctly and will be a nice property and functional bus lot. Mr. Longhauser appreciates the help from Bryan Dyer and his staff and from the city.

2. PA21-000001 Final plat of Merriam Kincaid 2nd Plat.

Community Development Bryan Dyer stated the applicant, Kincaid Group, is requesting approval of a final plat, Merriam Kincaid 2nd Plat application PA21-000001, for 5519 Merriam Drive. The applicant is also requesting approval of a rezoning request to PUD-G (Planned Unit Development – General) District and preliminary development plan for the proposed final plat that was just reviewed and approved. Mr. Dyer states the plat shows the flood plain and perimeter easements and the applicant will be vacating the interior perimeter easement that was done on the first plat. Mr. Dyer states that this plat dedicates right-of-way along Merriam Drive.

Mr. Dyer stated that there has been an update to the final plat since the Planning Commission packet was mailed. Mr. Dyer stated that the plat has been updated by the owner/engineers by the Kincaid Group who purchased the property on contract for deed to include signatures from Buterin-Zaslavsky Investments, LLC.

Mr. Dyer stated he would answer any questions of the Planning Commissioners.

Commissioner Bill Bailey inquired if the floodplain there is any reference to the Army Corps of Engineers.

Mr. Dyer stated that there is a flood statement on the plat.

Mr. Dyer stated he would answer any questions of the Planning Commissioners. Hearing none, he entertained a motion.

COMMISSIONER COLE STEPHENS MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION PA21-000001, MERRIAM KINCAID 2nd PLAT FOR PROPERTY LOCATED AT 5519 MERRIAM DRIVE AND FORWARD TO THE CITY COUNCIL FOR THE ACCEPTANCE OF RIGHT OF WAY AND EASEMENTS. COMMISSIONER REUBEN COZMYER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

BUSINESS FROM THE FLOOR

- Work is taking place at the old Hen House store and staff is expecting to receive an application for the southern location of the building from a possible national tenant.
- The Merriam Comprehensive Plan 2040 was adopted and approved by the City Council and thanked everyone for their hard work on the project.
- There will be another meeting with MARC for the Downtown Merriam Planning Sustainable Places and the project should be underway shortly.
- Staff has seen an increase in planning inquiries for development in Merriam as well as an increase in building permits vs. last year.

Community Development Director Bryan Dyer stated that there have been some inquiries as to the time frame of returning to live meetings. Mr. Dyer stated that staff has not been given a time frame, so meetings will continue via Zoom for a number of months.

Commissioner Bill Bailey who works for a local hospital stated they have seen an increase in Covid cases over the last two weeks.

Commissioner Mitchell Fowler stated he realizes staff does not have control over the tenants that occupy the Merriam Town Center, but residents from Ward 1 miss having a grocery store.

V. UNFINISHED BUSINESS

None

VI. OLD BUSINESS

None

VII. ADJOURNMENT

With no further business for discussion, Community Development Director Bryan Dyer asked for a motion for adjournment.

MITCHELL FOWLER MOVED FOR ADJOURNMENT. The meeting was adjourned 7:34 p.m.

Respectfully Submitted,

**Nancy B. Yoakum
Recording Secretary**

Approved:

Community Development Staff Report
Planning Commission – May 5, 2021
PUD21-000003 – Sign Scheme Package Elevated Nissan

<u>Application:</u>	PUD21-000003 – Approval for a sign scheme package for a car dealership located in a PUD-G (Planned Unit Development – General) District.
<u>Request:</u>	Approval of a sign scheme package for a car dealership located in a PUD-G (Planned Unit Development – General) District
<u>Property Address:</u>	6960 W. Frontage Road
<u>Applicant:</u>	Richard Webb, Elevated Automotive, Owner’s Representative

Current Zoning and Land Use	PUD - G (Planned Use Development – General) District; developed with a car dealership.
Surrounding Zoning and Land Use	PUD - G (Planned Use Development – General) District to the north; developed with a car dealership. PUD - G (Planned Use Development – General) District to the south; developed with a car dealership. Interstate I-35 to the east. Parks, Schools, & City Facilities District to the west; developed with City Public Works Facility.
Legal Description	Merriam Pointe Fourth Plat Lot 19

Related Case Files	
Z-8-04 – PD5 – 0412	Merriam Auto Mall
Z-8-04 – FP9 – 0512	Merriam Auto Mall Developers
PUD20-000006	Parking Lot Addition

**Vicinity Map PUD21-000003
Sign Scheme Package – Elevated Nissan**



Aerial View



Vicinity Map

Staff Comments:

The applicant, Elevated Automotive, is requesting approval of a sign scheme package for the Elevated Automotive dealership. The applicant is proposing two new signs and one updated sign. The applicant is proposing a new freeway monument sign at the same location as the existing freeway monument sign. The sign consists of the Nissan and Infiniti logos. The applicant is proposing a new wall sign. The sign consists of channel letters spelling out “Nissan”. The applicant is proposing an update to the existing monument sign. The sign consists of the Infiniti logo and will add the Nissan logo. The site has 12 existing signs including five façade signs, one wire-way sign, three directional signs, two monument signs, and one pylon sign.

Proposed Signs:

The applicant is proposing two new signs and one updated sign to be associated with the Elevated Automotive dealership.

Freeway monument Sign – The applicant proposes a 49 foot freeway monument sign that will replace the existing 52 foot sign. The new monument sign will be located in the same location on the east side of the property. The total sign height will be approximately 49 feet. The Nissan logo sign face will be approximately 130 square feet. The Infiniti logo sign face will be approximately 130 square feet. The total sign face area is 260 square feet.

The proposed sign exceeds the Merriam Code’s height and size restrictions for a freeway monument sign.

Wall Sign – The proposed wall sign will replace the existing Infiniti façade sign on the north facing façade. The sign will be approximately 71 square feet and meets all size restrictions put in place by the City of Merriam Sign Code. The proposed sign is consistent in size, color, and location to existing façade signs in the area.

Monument Sign – The proposed changes to the monument sign include adding a Nissan logo to the existing sign. The Nissan logo sign face will be approximately 17 square feet and meets all size restrictions put in place by the City of Merriam Sign Code. The proposed sign is consistent in size, color, and location to existing monument signs in the area.

Relevant Sign Code Provisions

Section 53-93(g)(1). Freeway Frontage Monument Signs

(1) **Height.** Maximum height shall be 25 feet above the centerline height of the nearest through traffic lanes, with a maximum sign height of 35 feet. Where signs are located more than 15 feet above the centerline, maximum height shall be ten feet.

Section 53-93(g)(2). Freeway Frontage Monument Signs

(2) **Size.** *The permitted sign area shall not exceed 100 square feet, plus one square foot per eight freeway frontage feet over 800 freeway frontage feet, with a maximum size of 250 square feet.*

Deviations from the Sign Code

Per Sec. 53-93(g)(1), freeway frontage monument signs are to have a maximum height of 35 feet. The proposed freeway monument sign is approximately 49 feet. The existing freemen monument sign is 52 feet. While the proposed sign will be three feet shorter than the existing one, it will be taller than the maximum allowed code height. The proposed sign's height is consistent with surrounding freeway monument signs. To the north of Elevated Automotive is Hendrick Toyota. Toyota has a freeway frontage sign that is 52 feet in height. Reed Automotive is to the south of the property. The Reed Automotive freeway frontage sign is 46 feet in height.

Per Sec. 53-93(g)(2), freeway frontage monument signs are to have a maximum sign face of 250 square feet. The total sign face area of the proposed sign is 260 square feet. This sign face area is consistent with the surrounding signage. The Toyota sign face is approved for an area of 324 square feet. The Reed sign face has an area of 174 square feet.

These deviations from the sign code are consistent with the surrounding properties. The proposed sign is consistent in size, color, and location to existing freeway monument signs in the area. Since the freeway frontage monument sign does not comply with Sec. 53-93(g)(1) and Sec. 53-93(g)(2), the Planning Commission must consider granting a deviation from the sign code.

Sec. 53-67. – Sign Schemes

(b) **Purpose, Format And Criteria For Review:** *The general purpose of the sign scheme is to ensure proper business identification while enhancing the quality, harmony and consistency of a project by aesthetically integrating signage into the architecture of each building as well as the development as a whole. The sign scheme must comply with the basic requirements for signs established for the project's uses by this Article. The sign scheme shall address the following topics and demonstrate the following characteristics:*

1. **Identification Signs:** *Designation of the size and location of identification signage proposed for individual tenants. Specifications should anticipate letter style, minimum and maximum letter height, the use of logos, and need for use of double line copy. Sign locations should anticipate impact of pad buildings and landscaping, as well as the provision of adequate spacing between facade signs for effective readability.*
2. **Appearance:** *Signs shall be durable, attractive and be designed to complement and reinforce the design themes of the project buildings. Free-*

standing signage should relate to the building, through the use of similar materials and colors. Facade signage should relate to the design of the building, utilize compatible but contrasting colors, and incorporate high quality materials and illumination.

3. **Consistency:** *Sign design within a development should be generally consistent between tenants and buildings so that the design continuity of the project is maintained. However, it is not necessary for every sign within a particular development to be identical. Differences between major and minor tenants may be appropriate as well as differences between signs on peripheral sites versus signs on a main building. A sign scheme shall generally include at least 2 of the following characteristics: uniform letter and background color(s), uniform letter styles or uniform letter height. In general, as the signs become a smaller portion of the facade, or the architecture becomes more textured or ornate, the need for greater uniformity is lessened.*

Sec. 53-4 – Deviations

The Planning Commission may grant deviations to this Article, based on unique architectural treatments, special project conditions, or specific hardship. Deviations should be considered at the time of Planning Commission review of the sign scheme for the development, but may be heard subsequent to project review when necessary. The Planning Commission shall consider the following criteria in acting upon a request for deviation:

- (1) **Purpose And Intent Of Code:** *Is granting of the deviation in compliance with the general purpose and intent of the City's signage regulations? (Ord. No. 1366, §2, 9-27-99)*
- (2) **Impacts On Adjacent Properties:** *Will granting of the deviation adversely affect neighboring property owners or residents? Is the image presented by the sign or attention-attracting device consistent or compatible with that in the area as a whole? (Ord. No. 1366, §2, 9-27-99)*
- (3) **Safety:** *Will granting of the deviation adversely affect safety? For free-standing signs, a safe sight-distance setback is required, and the sign location must not encroach upon potential future right-of-way needs. The use of signs or attention-attracting devices should not significantly distract traffic on adjacent streets. (Ord. No. 1366, §2, 9-27-99)*
- (4) **Visual Clutter:** *Will granting of the proposed deviation significantly clutter the visual landscape of the area? The proposed deviation, in addition to all existing or potential future signs on nearby tracts, should be reviewed for their impact on cluttering the visual landscape. Reductions in the total number of signs or their size may be needed, or setbacks increased, to compensate for other signs and attention-attracting devices in the area. (Ord. No. 1366, §2, 9-27-99)*

- (5) **Site Constraints:** *In some situations, topography, landscaping, existing buildings or unusual building design may substantially block visibility of the applicant's existing or proposed signs from multiple directions. While visibility of a sign or attention-attracting device is not to be guaranteed from all directions, deviations may be appropriate to provide reasonable visibility of a business's main sign. (Ord. No. 1366, §2, 9-27-99)*
- (6) **Lighting:** *Sign or attention-attracting device lighting should not disturb residents of nearby residential land uses or adversely affect traffic on adjacent streets. (Ord. No. 1366, §2, 9-27-99)*
- (7) **Promotion Of High Quality - Unique Design:** *The proposed sign(s) should be of high quality and must be compatible and integrate aesthetically with daytime/nighttime color, lighting and signs of the development and adjacent buildings. Facade signs may include unique copy design including painting of walls or integration into canopies/awnings, shapes, materials, lighting and other design features compatible with the architecture of the development of surrounding area. Attention-attracting devices should be of a unique, high quality design which accentuates the architecture of the building(s) served, versus functioning solely to draw attention to itself. (Ord. No. 1366, §2, 9-27-99)*

The Planning Commission should discuss the merits of the proposed application and determine whether it meets the intent/purpose and weigh the criteria as contained in Sec. 53-4 in granting deviations from the sign code.

Staff Recommendation:

Staff finds that the requested sign package application is consistent with similar approved sign packages and recommends that the Planning Commission approve Elevated Automotive application for a sign package.

Bryan P. Dyer, AICP
Community Development Director
May 5, 2021

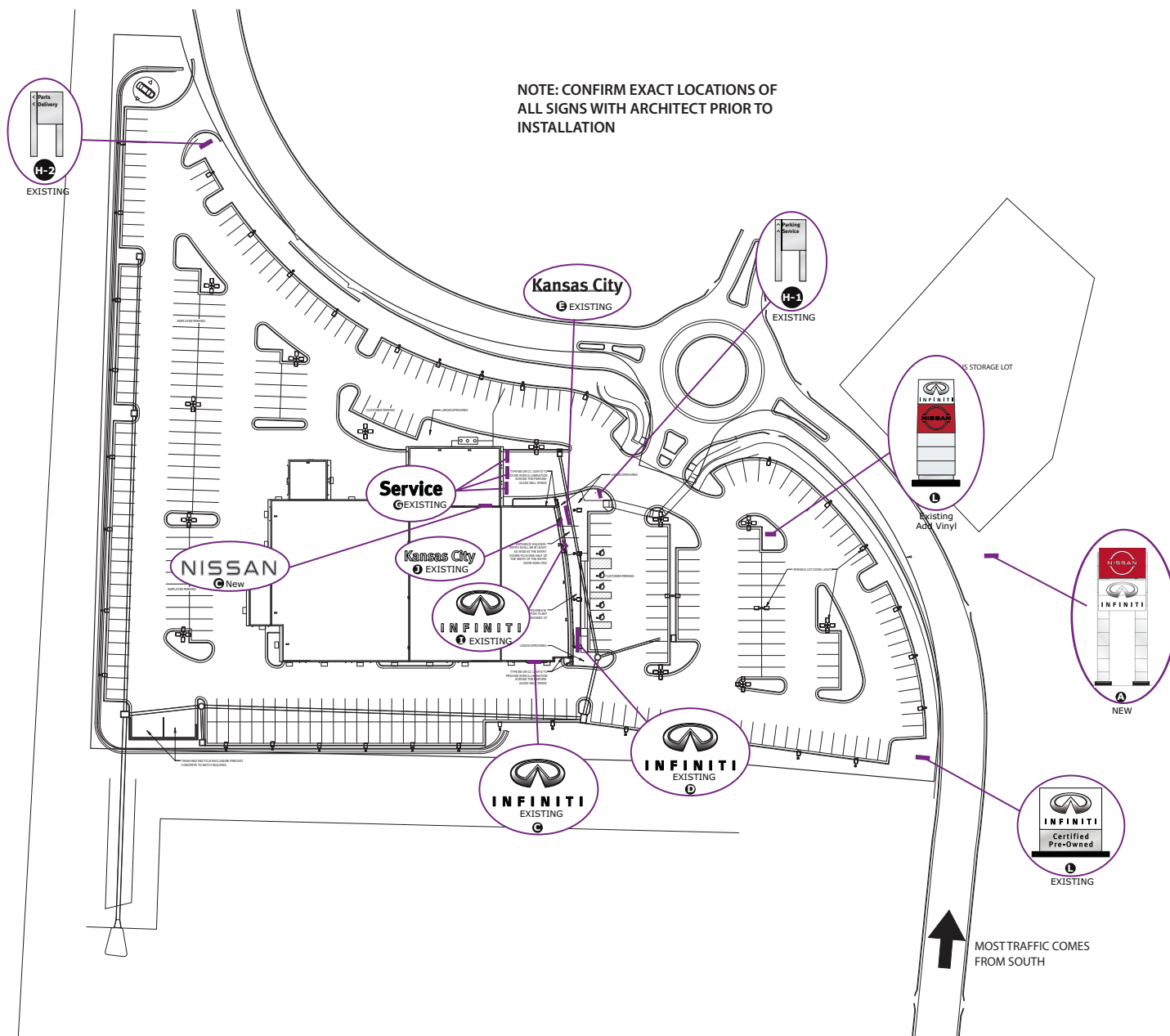
INFINITI DIVISION, NISSAN NORTH AMERICA, INC.

Dealer Presentation Package



1. SITE PLAN

The following provides a visual representation of the prepared schedule:

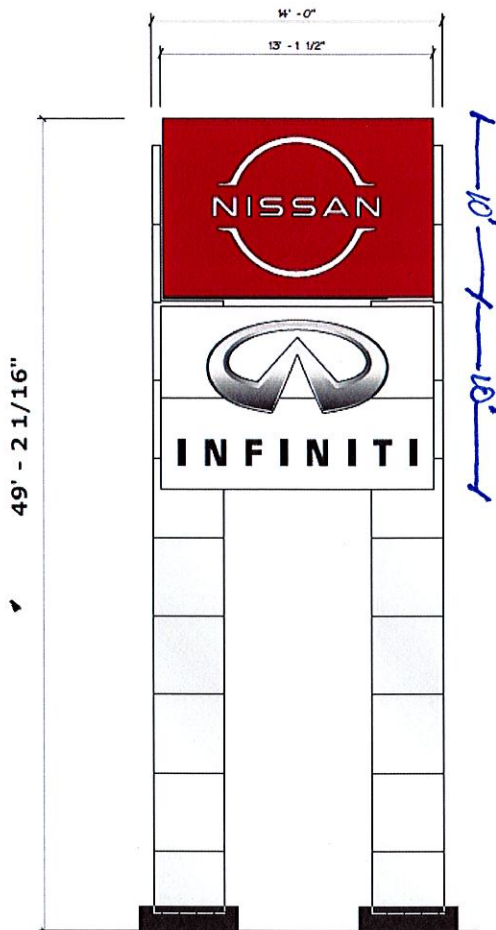


INFINITI DIVISION, NISSAN NORTH AMERICA, INC.

Dealer Presentation Package

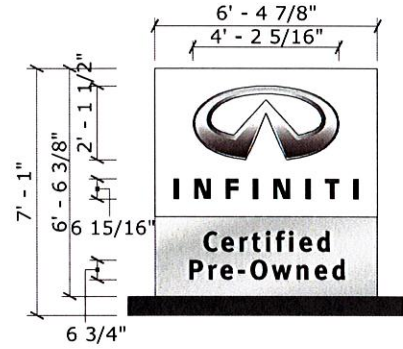


2. SCHEDULE OF SIGNS (CONTINUED)



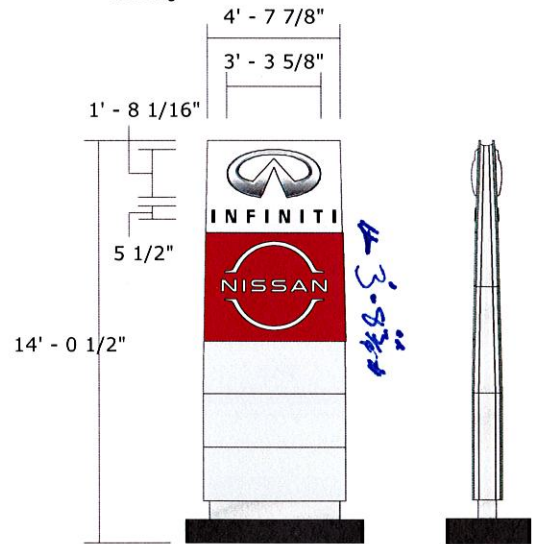
A Synergy Pylon

QTY:1
New



K Cert. Pre-Owed Vehicles Sign

Area: 45.375 Sq. Ft.
Qty.1
Existing



L Main Brand Sign

Area: 65.38 Sq. Ft.
Qty.1
Existing add vinyl

INFINITI DIVISION, NISSAN NORTH AMERICA, INC.

Dealer Presentation Package



2. SCHEDULE OF SIGNS

Site Before



Proposed Signage



Proposed Signs



MDNWM - Nissan Channel Letters

Area: 71.19 Sq. Ft.

Qty. 1

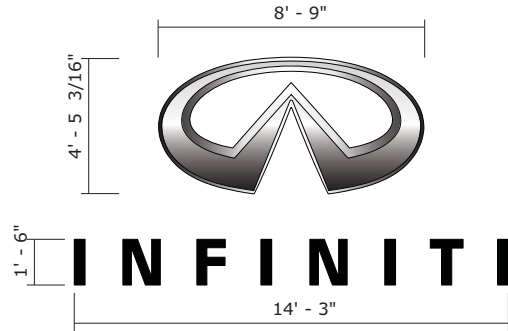
New

INFINITI DIVISION, NISSAN NORTH AMERICA, INC.

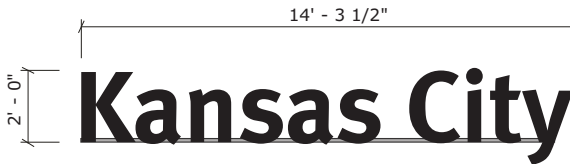
Dealer Presentation Package



2. SCHEDULE OF SIGNS (CONTINUED)



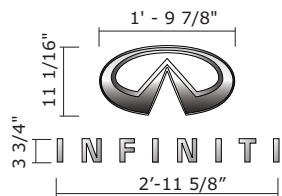
D Main Brand Building Sign
 Area: 106 Sq. Ft.
 Qty.1
 Existing



E Dealer Name Channel Letters on Wireway
 Area: 28.5 Sq. Ft.
 Qty.1
 Existing



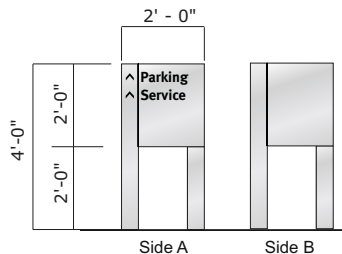
G "Service" Channel Letters
 Area: 7 Sq. Ft.
 Qty.3
 Existing



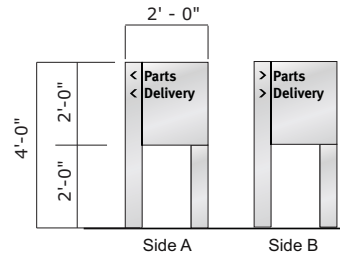
I Main Brand Building Sign
 Area: 5 Sq. Ft.
 Qty.1
 Existing



J Dealer Name Channel Letters
 Area: .68 Sq. Ft.
 Qty.1
 Existing



H-1 Freestanding Directional Sign
 Area: 4 Sq. Ft.
 Qty.1
 Existing



H-2 Freestanding Directional Sign
 Area: 4 Sq. Ft.
 Qty.1
 Existing