

**City of Leawood
Planning Commission Minutes
August 25, 2009
Meeting - 6:00 p.m.
Dinner Session – No Discussion of Items – 5:30 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: Pateidl, Roberson, Rohlf, Rezac, Williams, and Heiman. Absent: Jackson, Neff-Brain, Elkins

APPROVAL OF THE AGENDA:

A motion to approve the agenda was made by Roberson, seconded by Williams. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman.

APPROVAL OF MINUTES: Approval of the minutes from the July 28, 2009 meeting.

A motion to approve the July 28, 2009 Planning Commission meeting minutes was made by Roberson, seconded by Rezac. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman.

CONTINUED TO SEPTEMBER 22, 2009 MEETING:

CASE 54-06 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-10 – ARCHITECTURAL STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

CONTINUED TO OCTOBER 27, 2009 MEETING:

CASE 45-09 – MOLLE OFF-SITE PARKING – Request for approval of a Special Use Permit, Preliminary Site Plan and Final Site Plan, located at 104th Street and State Line Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 48-09 – MISSION FARMS – ELITE CYCLING – Request FOR approval of a Final Site Plan for a Tenant Finish, located at the northeast corner of Mission Road and I-435.

CASE 50-09 – JOHNSON COUNTY PIONEER LIBRARY – Request for approval of a Sign Plan, located at the northwest corner of Town Center Drive and Roe Avenue.

A motion to approve the Consent Agenda was made by Roberson. Consent Agenda passed with a vote of 4-0. For: Pateidl, Roberson, Rezac and Heiman. Abstaining: Williams.

NEW BUSINESS:

CASE 81-08 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-9.3 FENCES AND WALLS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 81-08 – Leawood Development Ordinance to Section 16-4-9.3 – General Requirement. This refers to fences and walls, specifically a combination fence which we've seen around the city and which has been approved for the Mission Farms Development. It is a split-rail fence with a chain link fence attached to provide more security for the homeowner. Currently, the LDO does not address these kinds of fences. A case went before the Planning Commission in 2004 when Mission Farms had a series of split-rail fences along Mission Road, and the residents of those properties had concerns about children or pets getting through the split rail. They asked to have chain link put up. That case required that a black PVC-coated chain link would be attached inside the split rail. The ordinance before you is to codify that into the LDO because we've had some disagreement as to which side the chain link should be placed on. I'd be happy to answer any questions.

Chair Rohlf: Questions for staff?

Comm. Williams: Is there a color noted in this proposed ordinance? If there is, I'm missing it.

Mr. Klein: No, this addresses the PVC coating. We primarily see the black or green.

Comm. Williams: So you don't see the need to put a color in here?

Mr. Klein: If the Planning Commission would want to add that in, that's perfectly fine.

Chair Rohlf: How many existing situations do we have right now? I know of only the one in Mission Farms from quite a while back.

Mr. Klein: I honestly don't know city-wide. We've had a couple calls from residents in North Leawood indicating a neighbor has put the chain link on the outside of the fence.

Chair Rohlf: These have all been instances of split-rail fences?

Mr. Klein: So far, they have been split-rail.

Comm. Rezac: I had noticed two instances where I thought this should be more specific. One was color because technically it would allow for any color the way it is written now. Also, Item E makes reference to a wood fence that is already installed. I wonder if we want to put a time associated with that, thinking that somebody could install something without Leawood knowing it was installed. I don't know if we're saying that it's fine to install those kinds of fences from this point forward.

Mr. Klein: The intent of this is that these would only be allowed if you already had a split-rail fence and a desire to enclose it. We require fence permits through the Building

Department, so as long as the fence isn't built illegally, we should have a record as far as when it went in.

Inaudible speaker

Mr. Klein: It's actually attached to it. It just has a split rail, and U-nails or something similar are hammered in to attach the fence to the split rail (*places a photograph of the fence on the overhead*).

Ms. Shearer: Madame Chair, if I could make two suggestions. One would be to change the word *is*: "A second fence made of PVC-coated chain link *is* permitted." to: "A second fence made of PVC-coated chain link *shall be* permitted." It's just cleaner language. I don't know how other members of staff feel about this, but maybe if we strike the word *already*, it would address some of the concerns Commissioner Rezac was expressing.

Mr. Klein: That would allow a split-rail with a chain link behind it to go in all at one time as opposed to requiring the split-rail to be there with the chain link added at a later date. That's a question for the Planning Commission as far as what they wish to support.

Comm. Williams: In a development that required the split-rail fence as is in Mission Farms, if the property owner puts in a split-rail fence when building the home and needs the extra security, by the way it's written here as "already installed" they wouldn't be allowed to put that chain link fence on it, correct?

Mr. Klein: For instance, say you had Owner A who had the property with a split-rail fence and sold the property or had concerns about the fence providing enough security. The way this ordinance would read is that you would then be able to put up a PVC-coated chain-link fence on the interior. If you remove the word *already*, that will allow you to say, "I want a split-rail fence now, and to add security, I'll add the chain link at the same time." What happened with Mission Farms is it was the site of the old Saddle and Sirloin club, so they had a certain character to maintain. They indicated they wanted the split-rail fence. I don't know that staff was originally supportive, but they approved it. It wasn't until the houses started going in that they got complaints about the security issues. Staff does not want to encourage this as a currently acceptable fence style.

Comm. Williams: Where were these pictures taken?

Mr. Klein: Those were at Mission Farms.

Comm. Williams: My reason for raising the question is it seems like we're allowing one group of residents with a split-rail fence to do the chain link, and yet another group who may be required to put in a split-rail fence for design standards for the development cannot because it's a new fence; yet, they may have the same considerations and same needs as someone else in a different part of town.

Mr. Klein: The way the ordinance is written right now, you could still put up a split-rail fence, and down the road, you could attach the chain link for additional security. The intent was also to encourage people to take into consideration what a split-rail fence offers not only for aesthetics, but also for security.

Comm. Williams: My concerns are for the residents who, because of design standards requirements, have to do a split-rail fence. Do you happen to know if, in Mission Farms, you have to use that type of fence?

Mr. Klein: I do not. I know that at the time the case went before the Planning Commission, we were talking specifically about the lots adjacent to Mission Road because that was the big concern. I don't know the covenants and restrictions of the Mission Farms development, and even if a fence were allowed by our ordinance, owners would still be subject to enforcement by the Homes Association.

Comm. Pateidl: Under the current ordinances, if a resident came in for a fence permit, would he be allowed a chain link fence?

Mr. Klein: Yes, chain link is a permitted fencing material in Leawood.

Comm. Pateidl: What are fencing materials that are not allowed?

Mr. Klein: It allows wood, rod iron, chain link and PVC as long as it has the look of wood. It does not allow construction barrier fences.

Comm. Heiman: In these pictures, it does appear a little unfinished - just tacking this chain link on the back of these fences. Unfortunately, with the split-rail, they are not stable over time. Wouldn't it be more aesthetic to actually build the fence on the inside with posts on the inside of the split-rail as opposed to tacking it on to the split-rail fence?

Mr. Klein: Originally, one of the concerns when we went through the Mission Farms project was double fencing, which is not allowed by the LDO. Part of the reason for that is you get into a situation where you may have a gap from 1' to 3", and you can't really get a mower in there. That may be part of the reason for attaching; whereas, if you had it installed behind, you would have the metal posts that you would have to try to screen and the potential for those posts to be separated from the split-rail.

Comm. Rezac: Is it the intent of the LDO to allow split-rail fences from this point forward?

Mr. Klein: This is not intended to ban split-rail fences, and it's not intended to ban a combination of a split-rail fence and chain link. The city could ban the fences, and the existing structures would be legal, non-conforming which would have to come down as they fell into disrepair beyond 50%. Or the city could continue to allow the split-rail fences but not allow the chain link to go behind, with the existing still being legal, non-conforming. This amendment is just to clarify on which side the chain link would be installed.

Comm. Pateidl: I have a comment for after the motion is made.

PUBLIC HEARING:

Chair Rohlf: Is there anyone in the audience that wishes to speak about this case?

As no one was present to speak, a motion to close the Public Hearing was made by Williams; seconded by Roberson. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman

Chair Rohlf: This takes us up to any further discussion and hopefully a motion.

Mr. Klein: Could I make one typographical correction? The second “B” should be a “C”.

Chair Rohlf: And you would prefer that we leave the word *already* in there?

Mr. Klein: I think that would be a question for the Planning Commission because it changes how it would be interpreted.

Ms. Shearer: The term *preexisting* could be used if your intent is to qualify a certain time wherein these split-rail fences have been installed.

Comm. Williams: Would you see that going before “the split-rail fence” or after?

Ms. Shearer: “A second fence made of PVC-coated chain link shall be permitted when a split-rail fence is preexisting.” It depends on your intention – you could qualify a time. If there is issue with that language, that is another option.

Comm. Rezac: I might suggest not only *preexisting*, but *approved* in case there are some out there that have not gone through the process that you mentioned before.

Mr. Klein: Is the intent to say *preexisting* from the passage of this ordinance, and therefore any split-rail that was installed after this could not have the chain link, or do you mean *preexisting* in that you could put up a split rail a year from now with the chain link going on at some point after it was installed?

Comm. Rezac: There are two issues there. If we continue to allow the split-rail fence, I think it’s only fair to allow people to put up the chain link in the future.

Mr. Klein: So *preexisting* would just mean the chain link was attached.

Comm. Williams: I’m lost on that one.

Comm. Roberson: I’m conflicted.

Comm. Williams: Are we saying that the chain link only goes on a split-rail that is in existence prior to the passage of this?

Mr. Klein: That’s what I was trying to clarify. From what I understand, no, it does not mean that; it means that the split-rail would have to be put up and the chain link would be added at a later date.

Comm. Roberson: Please clarify why there is a distinction? Why can’t I build a split-rail fence and attach the chain link fence? Why does that matter?

Mr. Klein: That was the question to the Planning Commission. You're basically stating this combination is a fencing option, and we need to determine if you have an issue with that.

Comm. Roberson: I think that's exactly what you're offering if you're going to allow this ordinance to go in - anybody can put up a chain link fence. Otherwise, you deny it completely.

Mr. Coleman: So it would use the *preexisting* language. Both materials are approved materials; it just happens to be that they are in combination on one fence. I think we just take out *already*, allowing them to be installed at the same time. There is nothing in the ordinance to prevent somebody from using any combination of approved materials.

Chair Rohlf: So if we delete *already*, that takes care of the intent.

Mr. Klein: Right, and you would be allowing the split-rail with the chain link attached.

Comm. Roberson: Based on those pictures, that is an ugly combination. I don't know what else to say. Quite frankly, I wouldn't permit it if we could get away with it.

Comm. Pateidl: Above and beyond the potential of residents' needs changing as far as their security is concerned, we also have to look at the expected integrity of our community that the other residents have. I agree that it's an ugly fence. If I were a resident having invested many millions of dollars in homes there, and presuming that there is a deed restriction to that fence, I would expect that my fellow neighbors would have read those restrictions and would not have built there if they didn't agree. They made a mistake, and everybody else has to pay. I don't think it's in the best interests of the Planning Commission or the City of Leawood to open the door to this combination of fencing material, which is unattractive and totally inappropriate. My recommendation is we deny this. In fact, I would take it a step further and state that nothing could be attached to a split-rail fence. It is what it is, and the security issue should be addressed in another fashion: either move or comply with what you've agreed to do.

Chair Rohlf: Is Mission Farms really the only place this type of fence is installed in a large quantity?

Mr. Klein: As far as I know, it's the only place. I'm not really familiar with all of Leawood, so I'm not going to say another development doesn't have one as well. Currently, both materials are allowed as part of the ordinance. Commissioner Pateidl is right in that you can deny this application, which is basically a clarification of type and placement of the PVC-coated chain link fence. If the intent of the Planning Commission is that this type of combination is not allowed, it would probably take an amendment to the LDO to make it clear.

Comm. Williams: If you're going to take that approach, you'd almost have to take out the chain link as a material, also.

Mr. Klein: Another ordinance to prevent the two being joined would have to explicitly state that nothing could be attached to a split-rail, for instance. Currently, chain link is allowed and is widely used in Leawood. That would be another issue if you wanted to ban chain link or another type of fencing material.

Comm. Roberson: The idea is we would prefer not to have the double fencing.

Mr. Klein: Again, this application is for this particular amendment. The Planning Commission can recommend denial or approval with, perhaps, some minor modification to the language. If the Planning Commission desires to make a different recommendation, it would have to come back as a new application.

Chair Rohlf: If we struck this language or denied this application, the people that have this would be non-conforming?

Mr. Klein: If the application is denied, it would still be allowed because both materials are still allowed; it just would not clarify the PVC coating and the placement of the fence.

Chair Rohlf: In order to change that, we'd have to go back with a new amendment, and that's not what we're being asked to do. If we're going to meet this, I think it's better to clarify it than to leave it open-ended since both materials are approved.

Mr. Klein: I'm not sure if another amendment would come through or not, but at least this would clarify what we already have.

Chair Rohlf: When I drove by, I don't remember it looking like it does in these photos; it seems like it was more difficult to see.

Comm. Williams: I think the difference is when you're driving by, you just quickly glance at it. In this case, we're looking at a photograph. As Commissioner Pateidl commented, a neighbor is going to see it all the time, and the question goes to whether the neighbor likes that fence. When we allowed it on Mission Road, it was from the perspective of what a driver would see. The majority agreed that the fence was not that bad.

Chair Rohlf: Everyone understands the dilemma.

A motion to recommend approval of CASE 81-08 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-9.3 – GENERAL REQUIREMENTS (FENCES AND WALLS) – Request for approval of an amendment to the Leawood Development Ordinance – with the following changes: “A second fence made of PVC-coated chain link shall be permitted on a split-rail wood fence, if such second fence is needed to provide extra security due to gaps and/or spacing . . .” and adding, “PVC color shall be black, dark green or other dark color coatings.” – was made by Williams.

Chair Rohlf: Do we have a second or a friendly amendment?

Comm. Rezac: Madame Chair, I have a question of protocol. If we were to approve this in the manner Commissioner Williams just presented, can it be contingent upon the fact that something else is introduced after some period of time?

Chair Rohlf: I'm not sure it's an option to weave that into this. Eventually, it would have to come from staff as a revision to the LDO. The problem is they're both approved materials, and all we're doing is trying to make sure people are going to install both of those allowed materials the way this new amendment reads.

Mr. Coleman: The Planning Commission could take up the subject of fences at a workshop in which we have time to really delve into all these details about what kind of fences the Planning Commission would like to see if you either approved or denied it.

Chair Rohlf: Don't you think that the majority of the homes in Leawood are governed by Homes Association rules that would prohibit most of these allowed materials?

Mr. Coleman: A lot of them would, but some of them don't get into these details. If you wanted to specifically prohibit the combination of materials in a fence, that would be something we could take up. Right now, the LDO doesn't prohibit that. I don't perceive a problem in that regard; most people design their fences to be fairly aesthetic. I know this particular case is something of an anomaly.

Motion withdrawn by Williams.

A motion to deny CASE 81-08 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-9.3 GENERAL REQUIREMENTS (FENCES AND WALLS) – Request for approval of an amendment to the Leawood Development Ordinance – was made by Roberson; seconded by Heiman. Motion approved with a vote of 4-1. For: Pateidl, Roberson, Rezac, and Heiman. Opposed: Williams.

CASE 20-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-1 ACCESSORY USES (RESIDENTIAL EMERGENCY GENERATORS) – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING.**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Planning Commission, this is Case 20-09 – Leawood Development Ordinance Amendment to Section 16-4-1 Accessory Uses. Specifically, this amendment addresses generators in residential and commercial districts, focusing primarily on residential. It states that any generators have to go through the Final Site Plan process through the Planning Commission and City Council for the commercial districts, which is what we currently do. With regard to the residential districts, during power outages, we have seen a number of residents getting emergency generators. This is an attempt to add them into the LDO as an accessory use, since they are not currently listed and have no guidelines. This would limit the size of the generators to 14KW or 36 cubic feet. It would also require them to meet setbacks, to be within 3-5' of the primary structure, to be screened and to be placed in the back yard. In addition, they would still be expected to meet 60 decibels at the property line, which is the current noise ordinance in Leawood. Staff is recommending approval of this amendment and will be happy to answer any questions.

Chair Rohlf: Are these considered to be permanent installations or temporary?

Mr. Klein: These are permanent installations. Some of the building inspectors took a look at them. They are about the size of an air conditioning unit. The maximum size is about 3'x3'x4'. I do have an example of one pulled from an actual case in Edgewood that is 20', but it could differ, depending on the size of the house (*refers to photograph*).

Chair Rohlf: These are natural gas?

Mr. Klein: Yes, I believe they're gas. This is where it's located. This one does happen to be on the side of the house, and the current ordinance would not allow that; it would require it to be in the back yard.

Comm. Williams: If these are to be powered by natural gas, do we need to add that it should be powered in a certain way and not gasoline, which you find in a lot of portable generators? Or are all of these virtually natural gas-powered?

Mr. Coleman: I believe they're all natural gas-powered. There are a few propane-generated ones, but I don't believe these are gasoline-powered generators.

Comm. Williams: In terms of placement of these things, do we need to make any stipulation regarding exhaust getting back in the house?

Mr. Coleman: I would have to check on the building code, but there is probably a provision that restricts any combustible unit like the generator within a certain distance of any air intake, just like on fireplaces.

Comm. Williams: Even in a kitchen exhaust vent, as an example, it has to be 10' away from an opening of a window, and that's far less dangerous than the exhaust fumes off one of these.

Mr. Coleman: Correct.

Comm. Williams: Does staff know how big of a house a 14KW would serve?

Mr. Coleman: A 14KW would serve your average 2,500 sq. ft. house pretty adequately.

Comm. Roberson: This may be a superfluous comment, but one would assume this is only going to be used for emergency purposes.

Mr. Coleman: I would assume so, too. Normally, they run them for about 20 minutes once a month as a test cycle, but they are slated for emergency power. I don't know that it would be cost-effective to run the generator full-time. We also have a provision in the ordinance that takes into account the noise generation. The noise ordinance prohibits the noise from being ongoing.

Comm. Roberson: So we do have something to control in case somebody got excited and decided to use this full-time?

Mr. Coleman: If they are violating any part of the ordinance, yes.

Mr. Klein: The sound could also be dampened as well. That was part of the reason for having the size restriction - so if there were an issue with the noise, they would have the opportunity to look for sound mitigation.

Comm. Williams: Do we happen to know what the average noise level is of an air conditioning unit?

Mr. Klein: No.

Comm. Roberson: I would like to see “emergency use” in here somewhere.

Comm. Williams: I would agree with that.

Chair Rohlf: We could add that.

Comm. Pateidl: Right after No. 23, just put “emergency power generation.”

Chair Rohlf: This would just be for the approval forward, or would we go back and try to have some of these existing generators corrected as far as location?

Mr. Klein: Those would be legal, non-conforming structures, and once they are replaced, they would come into conformance.

Chair Rohlf: How did you even know these were out there? Did they have to apply for some kind of permit?

Mr. Klein: They have to come in for a building permit to have the power hooked up.

Mr. Coleman: They’re inspected for the gas line just like your hot water heater.

Chair Rohlf: Does anyone have questions or comments?

PUBLIC HEARING:

Chair Rohlf: Is there anyone here that would like to speak about this case?

As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Williams. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman

A motion to recommend approval of CASE 20-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-1 ACCESSORY USES (GENERATORS) – Request for approval of an amendment to the Leawood Development Ordinance – with the addition of “emergency use power generators” on Line No. 28 – was made by Roberson; seconded by Williams. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman

CASE 38-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-12 WIRELESS COMMUNICATION TOWERS AND ANTENNAE – Request for approval of an amendment to the Leawood Development Ordinance. PUBLIC HEARING

Staff Presentation:

Director of Community Development Richard Coleman made the following comments:

Mr. Coleman: This case was heard at our last meeting. The Planning Commission requested us to review the ordinance as far as removing the stipulation. This was

discussed with the City Administrator, and it was concluded that the Planning Commission should act on it by either approving or denying it to move it forward. I've explained the ordinance, clarifying an existing ordinance that already allowed the wireless communication to be transferred if it was requested by the applicant and approved by the Governing Body at that time. Previously, no one had requested it, but in the last application we had, Mr. Holland did request it. Governing Body took it up, and they wanted some clarification and to be sure the City had a chance to look at this again before the ownership was transferred. That was why the language was modified in the LDO and brought before you.

Chair Rohlf: Mr. Coleman, this is essentially the language we saw before, correct?

Mr. Coleman: It is the same, with some further explanation on the issue in the form of my memo.

Chair Rohlf: In the last meeting when we were presented with this, we went somewhat beyond our purview in terms of what we can or can't do as far as either approving or denying it.

Mr. Coleman: That was the opinion, yes.

Chair Rohlf: This is truly just a clarification of what already is in process.

Mr. Coleman: That's correct. It's been on the book for eight years, that they have the right to ask for a transfer of ownership; it had just never come up before until just recently. We also made the process more efficient in the sense that the provisions of the preliminary and final plan approvals are already contained in the plan approval for the Special Use Permits, so it was somewhat redundant and costing the applicant an extra \$600 to provide the Planning Commission and Governing Body the exact same information. Those are the issues.

Chair Rohlf: Does anyone have questions for Mr. Coleman about his memo?

Comm. Pateidl: What you're saying is the ordinance that has been on the books for eight years is what we are to either approve or deny on any modification of that ordinance?

Mr. Coleman: No, we're asking that the modifications we are providing in this LDO amendment be approved or denied. That is the power of the Planning Commission.

Comm. Pateidl: I wasn't here for the last session, but I did read through the minutes closely, particularly on this subject. It seemed there were four concerns of the Commissioners: First was the duration of the Special Use Permit – that if the permit were extended for 20 years and there was a transfer, one question was of the condition of the unit at the time as it relates to technology, and another was the maintenance and lack thereof that might follow the transfer. Another issue was the complexities of this last transfer of the SUP with Sprint and that it seemed like an awful lot of redundancy. Finally, there was the issue of the city being exempt. My reading of the legal terminology may not be up-to-speed, but I don't see where this modification addresses those issues.

Mr. Coleman: I believe they do. The first issue with ownership requires them to come back to the Planning Department, and we have a chance to review it. If we find that maintenance is not being done, we can take that up and require them to get the SUP. The city is already exempted in some manner from the antennae. The change in this part of it was simply that it stated a directional antenna; and the antenna the city is using is not an omni-directional antenna, so we wanted to clarify that. The other issue was the preliminary and final plan approval part of the SUP. We wanted to streamline that for the applicants because it was redundant. Regarding the time frame, the ordinance currently allows up to 20 years. Sprint and TowerCo SUP runs for five years. I believe it's up in about three years. They'll still have to renew that SUP, even if they should transfer ownership in that time period.

Comm. Pateidl: Setting the issue of Sprint aside and going forward, if we permit one of these things and it goes out for 20 years, the issue that I gleaned from reading the minutes of the last meeting was that this Commission wanted the opportunity to see that operation and unit, which may not be available unless a Special Use Permit is required.

Mr. Coleman: If another wireless communication tower came through and requested 20 years, the city could choose not to permit the 20-year length. The Planning Commission would have the opportunity to recommend the length they deem appropriate.

Mr. Klein: Typically, the wireless communication towers have Special Use Permits for about five years.

Comm. Roberson: If I understand the first section, if I am a wireless company and build a tower with an antenna, I need one Special Use Permit.

Mr. Coleman: That's correct.

Comm. Roberson: The second part deals with the fact that if I build a tower and don't own the antenna, I have to have separate Special Use Permits. Going back to that first scenario, if I decide to sell my tower and antenna, does the Planning Commission get a chance to look at the new buyer to approve that?

Mr. Coleman: No, the new buyer situation would be commerce; we wouldn't have any involvement in the selling or purchasing. Where we would come into play is they would need to notify us of the transfer of ownership. We would look at the tower and the package to make sure it is being maintained, which we do on an ongoing basis anyway. If we found that it wasn't meeting the terms of the Special Use Permit, we could intervene at that point.

Comm. Roberson: That's what I was getting at. The Planning Commission itself would not be a party to that transfer in the future. You, the Planning Department would be notified, but the Planning Commission would not. Is that a fair statement?

Ms. Shearer: In their original approval, they would still have to ask for the stipulation that would allow transferability. That process is still in place, and just to clarify, that process has always been in place; no one has ever invoked it until recently.

Comm. Roberson: In either section, if there is a sale of the tower, the antenna or other equipment, the SUP goes along with that sale, assuming that you don't intervene.

Ms. Shearer: Provided that, during the process of getting the original approval, they have the stipulation approved that allows it to be transferred. They would still have to provide notice of the change in ownership to the Planning Department. One of the requirements in the LDO in the Wireless Communications Section is they also provide us with a maintenance bond and other documentation.

Comm. Pateidl: As I read this, if I were to build a tower and antenna and were a single owner for both sides of that equation, Mark wanted to buy that tower from me and we had the stipulation approved in our original SUP, we could, with the consent of the Governing Body, conduct that transaction and go forward without applying for a new SUP, correct?

Ms. Shearer: If I understand your question correctly, if you owned a tower with an antenna and wanted to sell that to Mr. Roberson in whole, yes, provided that the stipulation was in the original approval. But the time on the SUP is still going to be the same. If you sell to him in the third year, in the fifth year, that permit still expires, and you would have to come back to both this body and the Governing Body to get an extension or a new approval of a new SUP.

Comm. Pateidl: However, if I owned the tower, Mr. Roberson owned the antenna and we wanted to sell to Mr. Williams, Mr. Williams would have to go through a complete SUP application whenever you've got those two items bifurcated.

Ms. Shearer: Yes.

Comm. Pateidl: So the only thing this would apply to at this point is total unit transfer, given that the stipulation had been agreed to in the initial SUP application.

Ms. Shearer: Yes, in most cases, and allow me to qualify that. When I say, "in most cases," I mean if you only own the antenna, wanted to sell to Mr. Williams and you had the stipulation added in your original approval, you could do that without a new SUP.

Comm. Pateidl: I don't read this that way.

Ms. Shearer: Our intention in writing this – and you'd have to point out to me what contradicts this – is that anything that is wholly owned can be transferred to another ownership wholly.

Comm. Roberson: But he could buy the antenna; he could buy the tower separately if they were separately owned with two separate Special Use Permits.

Ms. Shearer: Yes, if the components were individually owned, Mr. Williams could buy them, but he would need a new SUP. The only time he wouldn't is if Mr. Pateidl owned tower and antenna and wanted to sell tower and antenna to Mr. Williams. The reason for this is in the Planning Department, we want to be able to track ownerships so that we can keep the bond requirements intact and track who owns what so we can keep those contractual obligations they have in the LDO in place.

Comm. Pateidl: Bear with me since we are directed to vote on this amendment as it is stated before us. In Paragraph Two under Article Four, starting about the third line

down, it reads, "Provided that a Special Use Permit for a wireless communication facility shall only be transferrable as approved by the Governing Body by stipulation in the Special Use Permit approval if the wireless communication facility is transferred in its entirety from one single owner to another single owner." That's by approval of the Governing Body. The next one says, "Provided further transfer of any individual component of a wireless communication facility that was approved originally by a single Special Use Permit shall be completed only by the approval of a new Special Use Permit for such component." In the instance where I own the tower and Ken owned the antenna and we wanted to sell one of those to him, neither one of us could sell without him coming in for a complete new Special Use Permit.

Ms. Shearer: That's correct.

Comm. Pateidl: Your comment to me just a minute ago was they could put a stipulation in there, but I don't read it that way inside of this language. I'm wondering what our intent is and where we want to be with the wording of this amendment.

Ms. Shearer: And I think maybe what is causing some confusion is the definition of wireless communication facility. That is a defined term in the definition section of the LDO. The reason we distinguished that is that situation got flushed out with this recent situation we have with Sprint. When they applied for their Special Use Permit, their intent was to have one Special Use Permit for the tower, antenna, etc. In the LDO, that's defined as a wireless communications facility. It includes everything. Individual components of the facility, meaning the tower and the antenna can be approved separately because there are cases where we have a tower that is built and then we have carriers locate antennae on the tower. In that case, they would come through in separate Special Use Permit approvals. The first sentence you read applies to the situation in which we have somebody who has come through and had an approval for a facility, meaning tower, antennae and everything together at one time. If they want to sell that off to another single owner and not parcel it out, they can do that without a new SUP as long as there was a stipulation in the original approval saying that it was transferrable. Does that clear up some of your questions?

Comm. Pateidl: I understand that entirely. You had indicated there could be a transfer of an antenna by virtue of a Governing Body stipulation if they had that stipulation in the initial SUP application.

Ms. Shearer: If that applicant came through with an antenna only originally, yes.

Comm. Pateidl: This doesn't say that.

Comm. Roberson: The first section does. You clarified it. What it says is that if you want to break up the wireless communication facility, you have to have a new SUP. Otherwise, you have to transfer it in its entirety.

Ms. Shearer: That's right.

Comm. Roberson: The first paragraph says that if you want to sell the components that were already approved separately, you can do that with a Special Use Permit.

Ms. Shearer: I do recognize this is a cumbersome read. It was not an easy thing to codify at all because we were trying to develop a scenario where if the Planning Commission and Governing Body wanted to allow transferability, great. The inner-office policy behind this methodology is that we need to be able to track ownerships so that we can keep companies accountable for their bonds and other things required in the LDO.

Comm. Pateidl: Again, I think the big difference I see between your communications facility single owner to single owner is there is a comment in here that, "It shall be transferrable as approved by the Governing Body by stipulation in the Special Use Permit approval," and that language is not contained for the transfer of an antenna, as an example. If I had a single SUP for an Antenna A on Tower B and wanted to sell Antenna A to another single owner, it doesn't appear that I had the option in my SUP to get the stipulation that's required from the Governing Body in that initial application.

Ms. Shearer: Here was the sentence that was meant to invoke that privilege, which is under 12.3a, second full paragraph: "A Special Use Permit for any wireless communication facility, tower, and/or antenna shall allow the specified use by the applicant only and shall not run with the land and is not transferrable unless otherwise approved by the Governing Body by stipulation in the Special Use Permit approval." Does that answer your question?

Comm. Pateidl: If we've got it covered in there, it's fine. I don't disagree with the concept.

Ms. Shearer: I welcome these questions, and I'm glad we're talking about this because I'm looking at it from my point of view of the drafter. I need to know how other people are viewing this. If there is something we need to clarify, now would be the time to make sure we do that.

Comm. Rezac: If this was denied, what does that mean?

Mr. Coleman: If this was denied, the Planning Commission would be recommending denial of the amendment language to the Governing Body.

Chair Rohlf: The process wouldn't change.

Mr. Coleman: Correct, the process wouldn't change. The process is already in place. They can already request it to have the SUP transferred. This allows the city to monitor the bond issues, clarify which components need Special Use Permits of what kind and so forth. If it's approved, it would move on to the Governing Body with your recommendation for this amended language. If you recommend denial, you'll be telling the Governing Body you don't agree with the amended language.

Comm. Rezac: Specifically, if it was denied, what does it not allow to happen regarding the SUP and transferability issues?

Ms. Shearer: The answer to that has two parts: A) If this is denied here at the Planning Commission level, it will still go forward to the Governing Body with your recommendation for denial, which means the Governing Body, in order to adopt this language, would have to approve it by a 2/3 majority. If they do approve it by a 2/3 majority, this amendment will go into place as written. If they agree with your denial, we

will go back to what we had before. A carrier will still be allowed to ask for transferability in a SUP through stipulation that has to be approved by you and the Governing Body in their original application.

Comm. Rezac: They will still be allowed to transfer a permit.

Ms. Shearer: They always have been if they get it allowed by stipulation.

Comm. Rezac: And they will have to go through the preliminary and final process.

Ms. Shearer: We have taken out the preliminary and final plan requirements because there is an extensive plan required as part of this application for a Special Use Permit with a wireless facility. They will need to go through the process outlined here for a Special Use Permit.

Comm. Pateidl: When Sprint got their SUP for the Monopine tower, did the Governing Body include a stipulation that would have allowed for this transferability in that SUP?

Mr. Coleman: It wasn't requested with the original SUP for the Monopine tower.

Comm. Pateidl: I don't know why they wouldn't have – call it an oversight. Do we have a provision inside either this amendment or the LDO that will allow somebody like Sprint to apply for that stipulation retroactively so they don't have to face this thing in the future? The Monopine is going to go through this hoop no matter what, no matter when?

Mr. Coleman: No, there is no provision for that actually. That is why Sprint and TowerCo came back with the two Special Use Permits – because the ownership was splitting, and they wanted to see if they could have the Governing Body approve that transfer of ownership in the future for the next three years.

Comm. Pateidl: Did that stipulation get included in that SUP by the Governing Body, or have those taken place?

Mr. Coleman: This language was drafted because the Governing Body asked the staff to take it back to the Planning Commission with this amended language because they wanted the clarification and the ability to track the bonds and other things.

Comm. Pateidl: I understand, but under the provisions of the LDO that you just read, there was an allowance that they could get the stipulation from the Governing Body.

Ms. Shearer: That's correct, and I believe Mr. Holland did ask for that this time around. That was the impetus for all these changes. Mark, did the Governing Body end up including it?

Mr. Klein: Yes, the Governing Body ended up approving it.

Comm. Pateidl: We have the one other tower on I-435. If they come in and want to do any of this shifting around, they're going to go through the hoops.

Mr. Klein: Yes, because they didn't have that request in their original application.

Comm. Pateidl: Does it make sense to incorporate some language in this amendment to allow them to do some of this retroactively?

Mr. Klein: I would say probably not because the Planning Commission and City Council would want to take another look at that tower just to make sure. It is located in City Park. I know it has a slim line antenna, which means the antennae are flat panels that are flush to the pole. It also has a Nextel platform antenna on it. I think Planning Commission would want to look at that to see if they could request them to change the appearance.

Comm. Pateidl: In the interest of commerce, which is really what we're talking about here, and facilitating moves inside an industry that's going to go through a lot of changes, if we make a decision and that decision stands and there is the opportunity for transferability, it should be allowed, provided we follow the regulations. If we're changing the rules now to allow for that, I think they should also have the opportunity to come back retroactively and seek that stipulation from the Governing Body. To that end, I would encourage that kind of language incorporated into this amendment.

Comm. Roberson: Did they have that opportunity when they originally applied for a Special Use Permit?

Mr. Coleman: They did, and the other option they would have is to come back for a new SUP and request that language be put in the new SUP. Every applicant and owner of communication facility has that opportunity to come back and ask for that transferability provision.

Chair Rohlf: This case does require a Public Hearing.

PUBLIC HEARING

As no one was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Williams. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman.

Chair Rohlf: I think we've had quite a bit of discussion on this. Hopefully everyone is clear with what the language has set out.

A motion to recommend approval of CASE 38-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-4-12 WIRELESS COMMUNICATION TOWERS AND ANTENNAE – Request for approval of an amendment to the Leawood Development Ordinance – was made by Williams; seconded by Roberson.

Comm. Pateidl: Just as a point of clarification, I'd like everyone to understand this is a vote purely on moving this language forward to the Governing Body for their consideration, not necessarily relative to the true issues involved in the transferability of this. I vote nay on the basis that I don't fully agree with the language that's contained in this amendment.

Motion approved with a vote of 4-1. For: Roberson, Rezac, Williams and Heiman. Opposed: Pateidl.

CASE 51-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-10, ARCHITECTURE/CONSTRUCTION STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Madame Chair and members of the Commission, this is Case 51-09 – Leawood Development Ordinance Amendment to Section 16-2-10.3(C) Roof materials for all buildings except single-family residential. This refers to roofing materials allowed in commercial zoning districts. As you'll recall, the Planning Commission and ultimately the City Council approved a Leawood Development Ordinance Amendment that removed asphalt shingles from commercial districts. This amendment allows a transition period before that ordinance will take effect. In cases of a project that has been approved as part of a Final Site Plan with an asphalt shingle, as long as it is installed prior to January 1, 2010, it would be allowed. After January 1, 2010, any roofing material in a commercial district would not be allowed to be asphalt. I'll be happy to answer any questions.

Comm. Roberson: I'm assuming this is because of the office complex on State Line Road.

Mr. Klein: That was part of what drove it.

Comm. Rezac: Is this changing the date from the last time we saw this?

Mr. Klein: The last time did not have a date; it just removed asphalt shingles as allowed materials.

Comm. Rezac: At that point in time?

Mr. Klein: Right, and since that time, you've seen an application for a Final Site Plan for Leawood Executive Offices on State Line Road. Since they were already in the process of putting on an asphalt shingle roof, this would allow them to continue with it within the time period stated.

Comm. Roberson: It says, "Must use a minimum of five-color blend granules." What does that mean?

Mr. Klein: The asphalt shingles have stone granules on them, and the ordinance has always required five different colors. The reason for that is so it doesn't have too monotonous or too flat of a look.

Comm. Williams: So it doesn't come out flat black.

Comm. Pateid: Don't we have any kind of an administrative policy or position in which we can make exceptions in cases like this that are relatively obvious without going through the process of changing an LDO?

Mr. Klein: Unless a deviation is specifically listed in the LDO in Article III, the City Council does not have the ability to approve anything like that. Currently there is nothing in the LDO that would allow an administrative approval of this magnitude. The Director of Community Development does have a little leeway with minor changes in landscaping and architecture, but the intent of the original approved final site plan must be met. This is a much more major component.

Chair Rohlf: Any other questions for staff? This case does require a Public Hearing. Is there anyone here who wishes to speak about this case?

PUBLIC HEARING

Jim Lichty, Archetype Design Group, appeared before the Planning Commission and made the following comments:

Mr. Lichty: I was the applicant on the Leawood Executive Park for a Revised Final Development Plan that asked that the four buildings at 8010, 8012, 8014 and 8016 be allowed asphalt shingles, as two had already been modified with the composition shingle listed on your approved materials list at that time. I apologize to you for not doing then what we did that, I think, was compelling to the City Council. We came to them with a petition signed by all but two contiguous Kansas property owners of the entire complex. The two that didn't sign were California Savings and Loan, and we didn't ask them to sign because their ownership is in California, and another vacant property. We therefore essentially had 100% of the adjoining property owners in support of the application of the Revised Development Plan with the Timberline shingles. We also had approximately 30 signatures on the petition of the tenants in the complex. We didn't think it was such a big deal to get this accomplished before the Planning Commission meeting, and I apologize for not having done this then. When we saw what we were up against, we came with that, and the Council essentially reversed your recommendation and asked staff to make this amendment into the LDO, which is back in front of you. Beyond that, I'd answer any questions you have relative to that project and our property.

Comm. Roberson: I assume you're in agreement with this.

Mr. Lichty: Yes, I am.

Chair Rohlf: Is there anyone else in the audience that would like to speak?

As no one else was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Williams. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman.

Chair Rohlf: I think everything is pretty straightforward here. Unless someone has any other comments, I would ask for a motion here.

A motion to recommend approval of Case 51-09 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT – SECTION 16-2-10, ARCHITECTURE/CONSTRUCTION STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance as presented – was made by Roberson; seconded by Williams. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman.

CASE 46-09 – MISSION FARMS – OFFICE EXPANSION – Request for approval of a Final Site Plan for a Tenant Finish, located at the northeast corner of Mission Road and I-435.

Staff Presentation:

City Planner Melissa Cownie made the following presentation:

Ms. Cownie: Madame Chair and members of the Planning Commission, this is Case 46-09 – Mission Farms Office Expansion. The applicant is Brian Garvey with Clockwork and is requesting approval for a Final Site Plan for a Tenant Finish for an office expansion with an area of approximately 182 sq. ft. within the Mission Farms development. The applicant is also requesting a panel sign on the north elevation of the expansion that would read, “Mission Farms.” Staff is not supportive of this sign for the reasons stated in the staff report. Staff recommends approval of the expansion with the stipulations in the staff report and would be happy to answer any questions.

Chair Rohlf: Does anyone have questions for staff?

Comm. Roberson: I’m still not clear where this sign is to be located. Can you point that out for me?

Ms. Cownie: Could we have the applicant show you?

Comm. Williams: I have a question about the sign. Is your only reason for not being supportive of the sign the fact that it’s not listed in the Mission Farms development guidelines?

Ms. Cownie: Yes, and also in their proposal, it says that the sign may vary in content from what it reads. We’re not exactly sure what that means, and we would not like to see the content changing out every so often.

Comm. Williams: So if this office expansion should change from Mission Farms to something else, then they’d be putting the other sign on there.

Ms. Cownie: Yes, it could range from anything, and then also they have other signs in the development that currently read, “Mission Farms.”

Chair Rohlf: Anything else? We’ll hear from the applicant.

Applicant Presentation:

Neil Sommers with Clockwork, 9331 Canterbury St., Leawood, appeared before the Planning Commission and made the following comments:

Mr. Sommers: The sign is located at the end of the sidewalk, and it faces east. It’s directly above the parking garage and would not be visible from the north side.

Comm. Williams: So the sign would be under what is now the overhang on that side of the building?

Mr. Sommers: That’s correct.

Comm. Williams: What is the purpose of the signage at that location?

Mr. Sommers: The purpose of the sign was to enhance the entry above the planter for the residents.

Comm. Rezac: I was curious why the wording on the signage may vary.

Mr. Sommers: The graphic design for the actual sign wasn't provided by our office. We were providing the architectural services for the background for the sign and the brick wall.

Comm. Williams: So the design and content of the sign itself may change.

Mr. Sommers: Correct.

Comm. Williams: So we're not looking at signage permit today?

Mr. Klein: Correct, staff is not supportive for a couple reasons. Once they submit a sign permit application, typically what happens is we take the design that was approved by the Planning Commission and City Council and compare the application against what was approved. If it matches, then we approve the permit. In this case, we wouldn't have that ability. Our second concern is that they just recently came forward with Mission Farms that was an overarching element on the south elevation, and we have a concern that these weren't shown in the sign criteria for the overall development, which could lead to a repetition of these with other applications. We do believe a development should be identified. It does have a monument sign next to Mission Road and "Mission Farms" over other elements. We just don't want a situation in which they repeat the name all over.

Comm. Williams: If they put another name on there, would you begin to look at that, or the fact that they don't have an official sign application describing the sign, its material, etc., that we're just not going to deal with the signage tonight?

Mr. Klein: Part of it is the fact that I don't know that we could approve it even if we were supportive of it because really we would need more detail as far as what we were comparing it to. If they really want to pursue it, they'd have to come back forward with another sign application that spelled out the specifics.

Mr. Sommers: I'd like to suggest that we add a stipulation to the signage panel and the sign itself for the sign to be removed from the project in order to be able to approve the Final Site Plan.

Chair Rohlf: The stipulation currently reads, "No signage is approved with this application," so that would take that into consideration. All we're really looking at is the office expansion this evening. Do you have anything else you would like to present on the expansion?

Mr. Sommers: No, thank you.

Chair Rohlf: All right, does anyone have a question?

Comm. Roberson: Is this an expansion of the kitchen, or is it for office space?

Mr. Sommers: This is an approximately 12'x12' expansion of an office. It's an office for the owner of the restaurant.

Chair Rohlf: So that's a little misleading on the Site Plan comments that the expansion will be used for the restaurant's kitchen area.

Mr. Klein: When we discussed this case, we actually had building plans that came in when Blanc Burgers and Bottles wanted to expand their kitchen area. They also indicated an office portion, but some of this office portion would be used for storage.

Mr. Coleman: This expansion of the office is outside the building footprint because they're expanding their kitchen into the restaurant manager's office. They have to move the office someplace, so they're creating new outside walls and reconfiguring the entry corridor for the residents of the building. It's all changing because the entrance door used to be on the other side.

Chair Rohlf: Does anyone have any other questions for the applicant? All right, do we have any other questions or concerns? I would ask for a motion.

A motion to recommend approval of CASE 46-09 – MISSION FARMS OFFICE EXPANSION – Request for approval of a Final Site Plan for a Tenant Finish – located at the northeast corner of Mission Road and I-435 with all three staff stipulations – was made by Williams; seconded by Roberson. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman.

CASE 47-09 – CITY OF LEAWOOD – FIRE STATION #1 – Request for approval of a Revised Final Site Plan for the replacement of an emergency generator, located at 9605 Lee Boulevard.

Staff Presentation:

Senior Planner Joe Rexwinkle made the following presentation:

Mr. Rexwinkle: Madame Chair and members of the Commission, this is a request for approval of a Revised Final Site Plan for replacement of an emergency generator on the north side of Fire Station #1 on Lee Boulevard. The applicant is the City of Leawood, with a representative from the Public Works staff here to answer questions that you may have about the proposal. The generator is proposed to be located on the north side of the existing generator that is substantially smaller than the proposed generator, which is a maximum of 9' wide by 3' deep by 8' tall. The area along the north side of the fire station is a fairly large side yard, and on the north side of that side yard are the rear yards of residential properties. Mature vegetation exists along that shared property line of the fire station and residential properties, and it provides screening; however, to address gaps, staff will meet with Public Works and Parks and Recreation staff to locate the most appropriate locations for the screening. Those are identified on the plan. The only issue staff has at this point after meeting with other city staff on-site is that we realized the LDO requires the trees to be a minimum of 6' in height. We are recommending a stipulation that would clarify that requirement. We are also

recommending a stipulation that the existing vegetation be maintained as well as possible to continue screening. We are also recommending a stipulation that would allow city staff to make some minor adjustments to the location of the trees once the generator is installed to ensure adequate screening, and also if an additional tree is needed here or there, that we be allowed to do that. Staff recommends approval of this plan, subject to the stipulations I just referenced.

Chair Rohlf: Questions for staff?

Comm. Williams: In light of the generator ordinance we reviewed earlier and discussion of sound ratings, since this generator is going to be facing a residential neighborhood on the north side, do we know what the decibel rating is going to be on that generator?

Mr. Rexwinkle: Howard Mann from Public Works is here, and he may be able to specify that.

Applicant Presentation:

Howard Mann, 16201 W. 63rd St., Shawnee, KS, appeared before the Planning Commission and made the following comments:

Mr. Mann: I'm the Fleet and Facilities Manager for the City of Leawood with the Public Works Department. That particular generator is a sound-attenuated generator in a prepackaged unit that will be at 60db at the unit itself. At the property line, it should be even less than that. The nearest property line is about 60' away from the generator itself. The vegetation on the property line will also help reduce sound coming off it.

Chair Rohlf: Explain to me in general how this generator comes into play. Is it just sitting there, and if needed, it automatically comes on?

Mr. Mann: It is primarily a standby unit. The building has an existing unit, and in the event of a power interruption, there is an automatic power switch inside the building that controls the generator. It senses the loss of power and starts the generator automatically and runs it until power is restored.

Comm. Williams: Will this serve only the fire station?

Mr. Mann: Yes, there is an existing unit in the Police Department now.

Chair Rohlf: This is natural gas?

Mr. Mann: Yes, this is a natural gas, single-source unit.

Chair Rohlf: Does anyone else have questions for Mr. Mann? Does anyone have any comments or questions about this particular case? It seems pretty straightforward.

A motion to recommend approval of CASE 47-09 – CITY OF LEAWOOD – FIRE STATION #1 – Request for approval of a Revised Final Site Plan for the replacement of an emergency generator, located at 9605 Lee Boulevard with staff stipulations 1-5 – was made by Roberson; seconded by Heiman. Motion approved unanimously with a vote of 5-0. For: Pateidl, Roberson, Rezac, Williams and Heiman.

MEETING ADJOURNED.