

**City of Leawood  
Planning Commission Work Session  
September 12, 2017  
Parapet Walls  
Ripple Glass**

**Planning Commission Members in Attendance:** Chairman Marc Elkins, Kip Strauss, Liz Hoyt, David Coleman, Jim Pateidl

**Planning Commission Members Absent:** Stacey Belzer, Mike Levitan, Bill Ramsey, Matt Block

**Planning Staff in Attendance:** Mark Klein, Richard Coleman, Staci Henry, Jessica Schuller, David Ley, Public Works; Andrew Hall, Legal, Debbie Brenner

**Visitors in attendance:** Amy Grant, Polsinelli

**Parapet Walls**

Mr. Klein: We'd like to cover the history of parapet walls. They are primarily used to keep somebody from falling off the top of a building. It is the portion of the wall that extends above the roofline. It primarily uses guardrails for aesthetics and to prevent the spread of fire. The Wikipedia definition of a parapet wall is a barrier that is an extension of a wall at the edge of a roof, terrace, balcony, walkway or other structure. The word comes from the Italian *parapetto*.

In the Leawood Development Ordinance, the definition is: "That part of any wall entirely above the roof line." In Leawood, parapet walls are often used to screen rooftop utility units. We prefer that the parapet wall looks like the architecture of the building as opposed to an aluminum screen around the unit itself.

Related to the topic is building height, which is defined as: "The vertical distance to the highest point of the roof for flat, gable, hip, gambrel, or mansard roofs, measured from the curb level if the building is not more than 10 feet from the front lot line or from the grade in all other cases. For purposes of determining the highest point, parapet walls and rooftop HVAC equipment and associated screening shall not be included.

Another related definition is included in the Prohibited Signs section of the Leawood Development Ordinance. A Roof Sign is defined as: "Any sign erected and constructed wholly on the roof of a building, supported by the roof structure.

Additionally, an exterior wall is defined as: "A wall, bearing or nonbearing, that is used as an enclosing wall for a building, other than a fire wall, and that has a slope of 60 degrees (1.05 rad) or greater with the horizontal plane" or "one of the sides of a room or building, connecting floor and ceiling or foundation and roof."

Those definitions help clarify what a parapet is. What we would like to discuss this evening is a parapet that extends above the roofline. These definitions all clarified it as a barrier from the rooftop and a structure. This topic has arisen because we will have

different developments, particularly within MX-D districts, where they may want the name of the development on a wall. It could be either a building or a parking garage. The parking garage in Park Place has architectural elements that extend above. Currently, there are spaces between. It is almost like a pergola or trellis feature that extends above the roofline of the building. Staff would not consider that a parapet because it doesn't create a barrier from the roofline over to where the architectural feature is. In staff's opinion, the parapet has a structural element, and it is almost a continuation of the wall instead of just a screen that goes behind.

Comm. Pateidl: The issue we're going to be getting at is parking garages. If one considers the upper parking deck the roof of a parking garage, the wall that comes up on the outside edge is there to protect people from driving or falling off. Is that not, by our definitions, a parapet wall?

Mr. Klein: That is true for that portion of the wall. We are talking 3-4 feet, and if the car drives in, it drives into a wall. Some of these structures extend beyond that. Then they become more of a decorative element.

Comm. Pateidl: I understand what you're saying, but the other definition we have for a roof sign says that it is a sign that is anchored wholly on the roof structure. What if it is anchored substantially, but they put an anchor to that parapet wall? I'm not sure what you're trying to include or preclude, but if we're trying to limit roof signs or signs on the top of these parking garages, I'm a little curious about the verbiage that we have that it will do the job for us.

Mr. Klein: I think we're fine as far as the signage on the parapet wall itself. For instance, with the garage, we mentioned that it comes up 3-4 feet and creates a barrier. We are fine with that being a parapet and a sign being able to go on that parapet. It is above that where the classification gets tricky. It seems like they are a bit more of a decorative element.

Comm. Pateidl: Do our definitions say that the sign cannot go above the height of the parapet wall?

Mr. Klein: Currently, with the roof sign, it is any sign that is supported by the roof itself.

Mr. Coleman: We don't have anything that says that the parapet wall cannot extend above the roofline. We have areas that allow signs.

Comm. Pateidl: If the sign is partially anchored to the parapet wall, it is not wholly anchored to the roof structure. Can the sign go above the parapet wall?

Mr. Coleman: We would probably not allow that in most cases because it doesn't fit into the allowable area for signage in the parapet wall.

Comm. Pateidl: You need to have the definition of the signable area of the parapet wall.

Mr. Coleman: We do.

Mr. Klein: We put in a definition of the signable area with the last LDO update.

Comm. Strauss: We also have to remember that the garages slope, so the heights will be different.

Mr. Coleman: It just depends on the architecture because some garages don't slope, or the walls make it so it looks like they're flat. It just depends. We may get the next parking garage for Park Place in the next six months or so. It was already approved with the UMB Bank building, but they are doing a reiteration of that, and it may come back to us.

Mr. Klein: The definition for signable area is: "A rectangular area on a building façade which is bounded by building edges, architectural features such as columns, windows, doors, projections, recesses, and change of material." In staff's opinion, the building edges would keep it from going above the top.

Comm. Strauss: You're saying that doesn't include the parapet?

Mr. Klein: It wouldn't include the parapet, but it would keep it from going above it.

Mr. Coleman: The sign couldn't extend off the end of the building.

Comm. Strauss: But what about the architectural feature that goes above the parapet wall?

Mr. Coleman: That probably wouldn't be part of it.

Comm. Strauss: It seems a little ambiguous.

Mr. Klein: We also call out in the table for Permanent Signage with regard to signable area that a sign cannot be more than 85% of the height of the signable area. It couldn't go to the edge of the building.

Mr. Coleman: Or extend off outside the edge.

Chairman Elkins: Are you talking about four edges or two edges?

Mr. Coleman: We're talking about the vertical edge and the horizontal edges.

Chairman Elkins: That tells me that they can't have a parapet sign that sticks above the top of the parapet because it exceeds the boundary of the building edge.

Mr. Coleman: Correct. At Camelot Court, when they redesigned the shopping center, they created these larger-than-normal parapet structures that go in angles. They couldn't stick up above that.

Comm. Strauss: By building a larger-than-normal parapet, they're increasing the building size.

Mr. Coleman: They're increasing their signable area. That is the intent of the design.

Comm. Strauss: It makes sense as a way of getting additional façade.

Mr. Coleman: We don't have any issue with that if it looks good because we do run into some of the old strip buildings. Some of the buildings weren't designed to place signs on them because they might have been an office building. They are trying to find a signable area on the building because they didn't think about it ahead of time. We've run into that a little bit, too.

Chairman Elkins: This all seems straightforward. Where is the issue?

Mr. Coleman: Part of the issue is one that came up during a City Council meeting about what constituted a parapet. It was brought up without us vetting it. There was nothing in the packet about it for Governing Body, and a lot of them had never heard of the word before. They referred it back to us to deal with it and to bring it to you.

Chairman Elkins: For that particular case or more general?

Mr. Coleman: Actually, it was more general because it will apply everywhere in the city. It has ramifications for the entire city.

Comm. Hoyt: Are you looking for a general agreement that these are the definitions we'll proceed with or just a general understanding that these are the definitions?

Mr. Coleman: Either one. If you have any questions, we wanted to try to answer them. It will eventually come before you.

Chairman Elkins: What specifically will come before us?

Mr. Coleman: A sign on a structure that extends above the roofline and whether it is considered a parapet or not a parapet.

Chairman Elkins: I think I understand. I think I'll know it when I see it.

Mr. Coleman: We didn't want to do the case in front of you.

Chairman Elkins: I appreciate that. The issue is about something that is different than a traditional perception of what constitutes a wall and whether that would fit within the definition. We talked about architectural structures.

Mr. Coleman: It involves architectural design and definition.

Comm. Pateidl: Where does the Park Place application stand with the Governing Body? Has that been approved?

Mr. Klein: They approved a lot of the Sign Package; however, there are a few signs where this becomes a relevant issue, including the identity signs. It will come back before you. It is currently scheduled for September 26<sup>th</sup>.

Comm. Pateidl: We haven't resolved the issue of the roof sign.

Mr. Coleman: We thought we had, but then it changed when it was presented to the Governing Body.

Comm. Pateidl: I heard that the Governing Body approved all of it.

Mr. Coleman: No.

Comm. Pateidl: This is coming back around. What we're doing here is going to have an impact on what we're doing with Park Place.

Mr. Coleman: We wanted to give you more background on it as far as the definitions and such so you have more information when it comes before you rather than trying to take it up a couple days right before you get it.

Chairman Elkins: It sounds like our LDO doesn't define a wall.

Mr. Klein: It does not.

Mr. Coleman: It is such a common thing.

Comm. Hoyt: This is helpful.

Mr. Coleman: Do you have any additional questions?

Chairman Elkins: I'm curious about the International Building Code definition. What's the significance of a 60-degree slope?

Mr. Coleman: I imagine it is verticality.

Chairman Elkins: If it has a 45-degree slope, it is a roof. That is what it is getting at.

Mr. Coleman: Fortunately, we don't have to worry about that.

Comm. Pateidl: I'll go back to Marc's comments in our last work session as to the responsibilities of the commission: legislative and judicial. This, I believe, falls in the legislative area. I don't see that there is any change being proposed to the LDO.

Mr. Coleman: We are just trying to define what we already have.

Comm. Pateidl: You're trying to define a parapet wall so that there's no misunderstanding.

Mr. Coleman: I know what I interpret as a parapet wall because I've had the same definition for 30 years as an architect, but some people have different opinions.

Comm. Pateidl: I would go back, though, as it relates to parking garages, and say that the upper parking deck does not fit our definition of a roof.

Chairman Elkins: Is there a definition of a roof in the LDO?

Comm. Pateidl: There is one, and I can't cite it off the top of my head. I say it doesn't fit the definition because an upper deck of a parking garage is not designed as a roof. Water will run off and run down during a rainstorm.

Mr. Coleman: It depends on how it's designed, to some extent.

Comm. Strauss: Maybe parking garages are roofless structures.

Mr. Coleman: Some of the parking garages at The Plaza act like roofs.

Chairman Elkins: I would be interested in a code definition.

Ms. Grant: Is there any opportunity to comment? I want to be respectful of your rules.

Chairman Elkins: Andy?

Mr. Hall: The rules say the public is welcome, but this is not the time for public comment. However, the chair has previously allowed.

Chairman Elkins: I'm interested in your thoughts.

Ms. Grant: I'm coming from the specific project that we're all referencing here for Park Place. When we were at the Council meeting discussing this exact issue respective to the LDO, there was a new definition presented by staff that attempted to embolden and firm up the definition of a parapet and how it relates to roof signage. That's where Park Place started to interject and talk specifically about its garages and these architectural elements. Richard is correct; it was a bit of a moving target at the discussion between legal counsel

and staff. I'm a little surprised I'm not seeing that here. I was hoping for a little bit more dialogue. I'm not seeing the proposed changes or more in-depth discussion of how it might address the city as a whole and, quite honestly, Park Place because it was front and center of this discussion. I'll leave it at that.

Chairman Elkins: Is staff in the process of working up a proposal for a revised definition of parapet? Maybe it's not a revised definition; maybe it's the first time the LDO has had that definition.

Mr. Klein: The intent was to get clarification through a discussion as far as what a parapet is and see if we can come to an agreement.

Mr. Coleman: We're going to have four people on the commission that haven't engaged.

Chairman Elkins: That's the challenge we have.

Comm. Hoyt: This is currently the definition we have in the LDO of a parapet, right?

Mr. Coleman: Yes.

Chairman Elkins: The definition of a parapet is tied to a wall at the edge of a roof, terrace, balcony, walkway, or other structure. The top floor would qualify as another structure. Whether the parking garage has a roof or not does not impact the definition of parapet, correct?

Comm. Pateidl: I wouldn't think so, particularly if you take the Italian verbiage and call it a security barrier, which is really what it is. I think that bodes well for what you get if what you're looking for is clarification of what we believe is the parapet in that situation. As it stands with the definition here, 16-9-199 – "That part of any wall entirely above the roofline," I would say the architectural element or column is a part of the wall, and it extends above the roofline. Then you'll get back into that situation. A clarification of the definition or firming it up would help. This is pretty sparse in terms of the definition. I can see where it would lead to a lot of confusion.

Comm. Coleman: I don't think there really were parking garage structures when this was written.

Comm. Pateidl: I'm not being critical of the definition; I'm just saying we can expect a lot of interpretation.

Comm. Coleman: Do we need a separate definition for parking garages?

Comm. Pateidl: I don't know if we need a separate definition. It depends on whether we want to include the upper deck of a parking lot in the definition of a roof.

Mr. Klein: That's what came to you before.

Comm. Hoyt: Would there be value in enhancing this 16-9-199 with some of the more basic definition that you have on your opening slide? You could even have a qualifying phrase of some sort. To me, the most helpful thing is looking at it as a barrier that is an extension of the wall at the edge of whatever it is. That is straightforward.

Mr. Klein: With regard to a roof sign, we made a proposal, and it was removed from the approval. It talks about the deck. It sounds like what I'm hearing is if we take the definition that we currently have under 16-9-199 and then add the components of where the parapet came from with regard to providing a barrier.

Comm. Hoyt: The business of an extension of the wall at the edge is extremely helpful, I think.

Mr. Coleman: There is not just one definition; there are probably a dozen.

Comm. Hoyt: This is clear, I have to say. I think the edge, extension, and barrier part are all clarifying elements.

Mr. Coleman: Talking about a roof assembly: "a system provided to provide weather protection and resistance to design; the system consists of a roof covering, roof deck, or a single component serving as both roof covering and roof deck. A roof assembly includes the roof deck."

Comm. Hoyt: Maybe it's best just to leave it with only "roof" and not "terrace, balcony, walkway, and other structure" because that gets into a whole other can of worms.

Chairman Elkins: The challenge there, then, is what do you do when you don't have a roof? Assume, for a moment, that a parking garage doesn't have a roof.

Comm. Pateidl: Where we're stumbling in the definition is the functionality because the functionality of a parking deck is to park a car. The reasonable assumption that it's going to be a roof structure that provides something is open for argument.

Mr. Coleman: Parking structures are subject to the International Code Council's building requirements. There are certain code requirements they must meet. The top deck of the parking garage could be considered the roof under their definition.

Comm. Pateidl: You'd better be prepared for it.

Comm. Coleman: Are there other examples from other municipalities?

Mr. Coleman: We could. "A single component serving both as the roof covering and the roof deck." That concrete slab is what I would consider as both the roof covering and the roof deck.

Comm. Pateidl: I think that was one of the good things here. I like the inclusion of terrace, balcony, walkway or other structure. That gives some wiggle room to tie that to a parking garage.

Chairman Elkins: I haven't thought it through really strongly, but I have it in mind to replace 199 with the first sentence from the definitions up on the screen.

Comm. Pateidl: I'd get away from the Italian.

Comm. Hoyt: I think it's very clear.

Mr. Coleman: They have one for roof deck, which is "the flatter, sloped surface, not including its supporting members or vertical supports."

Comm. Hoyt: That other structure would take into consideration the parking garage.

Comm. Pateidl: I still think you're open for debate.

Chairman Elkins: Devil's advocate: I never park my car on the top floor of the parking garage because I view the top floor to be the roof that protects my car. I don't know if we can construct a perfect definition, so we use this definition. Then we get into a discussion about what a barrier is. It could be a barrier of sunlight, and so a trellis could be a barrier. I think that's a stretch personally, but I could see making that argument for a client someday.

Comm. Pateidl: I went to a website and looked at modern parapet walls. It's everything from guardrails to chicken wire. As architecture goes on, those kinds of things are going to be brought before us as well. We've really done nothing here to clarify the intention of a parapet wall as to its makeup.

Mr. Klein: With regard to the function of the parapet wall, is the commission thinking more in terms of the pictures that we've seen here? Do you see it as more of a structure that acts as a barrier, or does it include the new things such as chicken wire?

Comm. Pateidl: They'll act as a barrier as well. I'm just saying that we're not dealing with the aesthetics of the parapet wall in this discussion.

Chairman Elkins: In my mind, a wall is a wall.

Comm. Pateidl: There are a lot of things changing in this world.

Chairman Elkins: I sense that we've exhausted the topic. I don't know that we've given you a lot of guidance. I think there are a couple kernels of guidance.

Mr. Klein: Thank you.

## Ripple Glass

Mr. Klein: We currently have a section on recycle bins in the LDO that allows recycle bins associated with churches and schools. The bins need to be 8 cubic feet. This discussion is more focused on recycle bins in commercial areas. The recycle bins that Ripple Glass is proposing are substantially larger than that at 30 cubic feet. Ripple Glass currently has many locations throughout the metro area. They want to encourage people to recycle glass, so they painted the bins purple and are very visible. There is access on both long sides of the bins. Bins can be approved by the Director of Community Development for location, screening, and design with certain requirements:

- Placed on hard surfaces only.
- May not exceed 8 cubic yards
- Located in the side or rear yard and shall not be locate closer than 25 feet to any property line.
- Some recycling bins can be unscreened, but screening is required:
  - If the recycling bin is visible within 200 feet of property that is zoned, used, or master planned for residential use, and then the recycling bin must be screened from view of residential property.
  - If the recycling bin is located within 100 feet of any property line, the recycling bin must be screened on the side adjacent to said property line.
- Screening shall consist of either evergreen landscaping or masonry enclosure
- Must be moved or emptied between the hours of 7:00 a.m. and 5:00 p.m.
- All recycling bins shall be maintained such that the contents are completely contained within the bin. Overflow or stacking of items around the bins is prohibited.
- BZA may grant exceptions to the location or screening requirements for recycling bins. The effect on surrounding property:
  - The location of the recycling bin on the property and
  - Proximity to residential property. In no case shall the Board allow a recycling bin to not be screened from a property that is zoned, used, or master planned for residential use.

We are proposing to add this to Section 16-4-1.4 – Accessories. Ripple Glass is proposing two locations in the City of Leawood. The first one is at 135<sup>th</sup> and Mission next to Price Chopper. It is constructed so the service corridor area would be enclosed. They would like to have the container located in the area that is screened from the north. There is a wooden fence that would screen from Pawnee. The building would screen on the other side. Most of the bin would be screened. The other location is within Ranchmart on the north side of the existing main center at 95<sup>th</sup> and Mission. The loading dock on the back side of Price Chopper has a screen wall. We discussed the possibility of putting it toward the screen wall, but the issue is with the trucks accessing the loading docks. The proposed area will be screened along Mission Road. There is also a fence with quite a bit of landscaping along the north property line. There is a fence with landscaping near Cure of Ars. The building would screen it from the east side. They would need to add landscaping to the screening on the north. We would have a setback requirement. We would also require screening from all public right-of-ways and adjacent residential areas at all times, regardless of setbacks.

Comm. Strauss: Is this more than 100 feet?

Mr. Klein: It is more than 100 feet away from the single family lot but not from the Cure of Ars parking lot.

Comm. Hoyt: Do you know what is immediately on the other side of that on the Cure of Ars parking lot?

Mr. Klein: There is a playground, a drive aisle, and then the church and school.

Comm. Hoyt: Have you mentioned this to them?

Mr. Klein: We haven't.

Comm. Coleman: My only concern is it is within throwing distance of the playground. It's not going to be supervised, and kids might throw those bottles.

Mr. Coleman: There is a fence.

Comm. Coleman: I'd be concerned about the access.

Mr. Coleman: My concern is the noise.

Comm. Hoyt: That's what I was going to say. When people take their recycling bins and empty them, it is very loud.

Comm. Pateidl: What is the actual zoning for school property?

Mr. Klein: It can go in any zoning district with a Special Use Permit. Some are Residential; some are Ag.

Comm. Pateidl: My point is with the zoning, you might call the school a Residential zoning. If that is the case, it will be too close for that particular location, notwithstanding the issue of safety with the children. Also, as I recall, those trees are not evergreen. In the winter, there will not be screening.

Comm. Strauss: Sunday morning, I was at the Hen House at 135<sup>th</sup> and Metcalf. They've got a Ripple Glass. It was overflowing to where people were putting their boxes of glass around it. I've read that they try to pick up regularly, but that's not what I saw.

Mr. Coleman: They're usually overflowing until they pick them up. The one I go to is hard to put glass in sometimes.

Comm. Strauss: What is the financial arrangement? Are they going to the property owner and asking to put the Ripple Glass container there?

Mr. Coleman: Yes. I don't think they get charged. It is all not-for-profit. It was started by Boulevard Brewery. Glass is not cost-effective generally for recycling. That is why recycling companies will not pick up glass. I did find out there is an associate group with Ripple Glass called Glass Bandit that takes it to Ripple for you. I think they are paid for that service.

Comm. Hoyt: I would be concerned about the noise.

Mr. Coleman: That is my biggest concern; that, and the fact that people drop bottles and the glass shatters.

Comm. Hoyt: In Overland Park, there is some sort of Green Team that volunteers.

Ms. Schuller: Shawnee has the Green Team.

Mr. Coleman: You don't think that Ranchmart, even with a brick wall, would be appropriate?

Comm. Coleman: Not that location,.

Mr. Coleman: Maybe they could put it on the Overland Park side.

Comm. Coleman: Yes, on that parking structure.

Comm. Strauss: It seems like the other location is screened pretty well.

Comm. Hoyt: At this point, yes.

Comm. Coleman: Yes; I didn't even know that existed. I've never gone back there.

Comm. Hoyt: I just wonder if people will know to go there.

Comm. Coleman: They'll have to put signage to get there.

Mr. Coleman: It will be on their map, and then the word gets out. Sometimes, I think they do mailers, too.

Comm. Pateidl: If we've got the restriction of 8 cubic yards, is it eligible for a deviation?

Mr. Klein: Since that size is limited to churches and schools, we thought this would be in another section of Accessory Uses strictly within commercial. It wouldn't be allowed to go in any residential. We were thinking 30 cubic yards.

Comm. Pateidl: I'd be careful about putting a blanket allowance of 30 cubic yards because we may see some really monster bins. I'd rather do it by exception.

Mr. Coleman: It could be by Special Use Permit in a specific zoning district for a specific length of time.

Comm. Pateidl: We don't necessarily have to have a Special Use Permit?

Mr. Klein: It's not written at this point. We could have the process go through a Special Use Permit.

Comm. Pateidl: I'd highly recommend that we leave it in your hands, and if a deviation is acceptable, put it in the Consent Agenda.

Mr. Coleman: We'll see how Governing Body goes.

Comm. Strauss: Is it Pawnee on the east side?

Mr. Coleman: Yes, and there are development proposals.

Comm. Strauss: So, what happens when residential comes in there?

Mr. Coleman: That is what they're proposing.

Comm. Strauss: That would conflict with the view.

Mr. Klein: It would conflict. It almost seems at that point, it would need to be moved.

Comm. Pateidl: Isn't it MX-D?

Mr. Klein: Currently, this is zoned RP-3, but it is planned for MX-D.

Comm. Pateidl: It is well over 200 feet away.

Mr. Klein: It is, but we were talking about screening from residential and public right-of-way, regardless of setbacks. Technically, this would not be screened from public right-of-way.

Comm. Strauss: This is off topic, but are those outparcels planned for outparcels?

Mr. Coleman: It is reserved green space.

Mr. Klein: It was supposed to be perpetually green space as part of the lawsuit.

Mr. Coleman: We would like it to be something, but it is not.

Mr. Klein: Some considerations we had:

- Limitations on the hours they could be emptied – 7:00 a.m.-5:00 p.m., not on Sundays
- Setback from residential properties. Overland Park requires 150 feet if the bins exceed a certain size.
- Screening requirements

You mentioned noise. The only way I think we could address that is with distance because I don't think an evergreen screen is going to buffer the noise.

Comm. Strauss: How do you deal with the trash or glass overflow?

Mr. Klein: That would have to be handled through Code Enforcement.

Comm. Coleman: They could go down the street and put it in the Walmart or Target parking lot.

Mr. Coleman: They do serve a good public purpose.

Comm. Coleman: They do. I just went to the Hen House on Monday on 135<sup>th</sup>. It was picked up by then.

Comm. Strauss: I can see advertising. That doesn't fit with our sign regulations.

Mr. Coleman: Those are sponsors: Deffenbaugh, Corning Glass, Boulevard, UMB, and somebody else.

Comm. Coleman: Owens Corning? DST Systems?

Mr. Coleman: I think so.

Comm. Hoyt: Note the picture of the children helping.

Comm. Coleman: It's a Girl Scout activity.

Comm. Strauss: I can't reach them. They're high. It's fun to hear glass break, though.

Mr. Klein: That's all we had tonight.

Mr. Coleman: If we come up with some parameters, would you be okay with it?

Chairman Elkins: I'm not hearing a lot of enthusiasm for it.

Comm. Coleman: The other structures they have are in the open. These are not good locations.

Mr. Coleman: They want them out front.

Comm. Coleman: Of course.

Chairman Elkins: They're doing it to accommodate us.

Comm. Coleman: I don't think they're going to get enough people utilizing it.

Mr. Coleman: Would you be okay with them in the front?

Comm. Coleman: No.

Mr. Coleman: That's why they're proposed in the back. They'd be there but be highly screened.

Comm. Coleman: I don't think people are going to use them.

Comm. Hoyt: Instead of going for two the first time, maybe try the Price Chopper location.

Mr. Klein: Price Chopper seems less problematic.

Mr. Coleman: We could do a test and allow one and see how it goes.

Chairman Elkins: With the Price Chopper location, it doesn't technically satisfy the requirement.

Mr. Klein: At this point, it's not written. There is no requirement.

Chairman Elkins: It is a narrow driveway.

Mr. Coleman: It is actually a pretty big driveway.

Chairman Elkins: It's not like the whole frontage of 135<sup>th</sup> Street.

Mr. Coleman: No; you would need to know it's there.

Comm. Strauss: I think that one is screened very well.

Comm. Coleman: I would agree. It is screened so well that it might not get used.

Mr. Coleman: I think they send flyers into the neighborhood to tell people it is there.

Chairman Elkins: Would you use some sort of weasel word like "substantially" screened from public right-of-way?

Mr. Coleman: Probably.

Chairman Elkins: That just begins the debate.

Mr. Coleman: Or, if it was more than “x” number of feet from a public right-of-way, it would need to be screened from the public right-of-way. Theoretically, it could be ¼ mile away from the public right-of-way, but it could not be screened because of the line of sight. If you’re dead-set against it, we won’t do anything.

Comm. Coleman: I think it’s a great public service. I would use it. The question is more about the visibility in their location.

Mr. Coleman: They’re agreeing to put it there based on our requirements. They send out postcards to the neighborhood, telling them they’re in town.

Comm. Strauss: It addresses the idea of the city being environmentally sensitive. Once you know about a site, then you know. It’s not a lot of drive-by traffic.

Comm. Coleman: I think the Market Square location is fine. I don’t think the Ranchmart location is good.

Comm. Pateidl: I think you’ve got grounds for not doing Ranchmart because of the zoning issue, which is fine. That gives you Market Square for testing. If it works well, we can consider it for other locations.

Mr. Coleman: Okay. I think that’s it.

Chairman Elkins: Thank you; good job.

Comm. Coleman: I noticed on the website that there is an additional item.

Mr. Klein: That rectified itself.

*MEETING ADJOURNED*