

**City of Leawood  
Planning Commission Meeting  
January 23, 2018  
Meeting - 6:00 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive  
Leawood, KS 66211  
913.339.6700 x 160**

**CALL TO ORDER/ROLL CALL:** Belzer, Hoyt, Elkins, Strauss, and Coleman.  
Absent: Levitan, Pateidl, Ramsey, and Block.

Chairman Elkins: Mr. Klein, do you have an introduction you would like to make?

Mr. Klein: This is our new planner. He is from UMKC. His name is Ricky Sanchez. He worked for a year doing school planning with RSP, which is a small planning firm.

Chairman Elkins: Thank you, Mr. Sanchez. We look forward to working with you. We'll move on to the agenda. If there are no revisions, I'll entertain a motion.

**APPROVAL OF THE AGENDA**

**A motion to approve the agenda was made by Strauss; seconded by Belzer. Motion carried with a unanimous vote of 4-0. For: Belzer, Hoyt, Strauss, and Coleman.**

**APPROVAL OF MINUTES:** Approval of the minutes from the November 28, 2017 and the December 12, 2017 Planning Commission meeting.

Chairman Elkins: Are there any revisions to the November 28 minutes?

Comm. Hoyt: I think there is an incorrect date on the continuance for The Hills of Leawood. It says 2017. I assume that is an error.

Mr. Klein: We will change that to the February 27, 2018 meeting.

Comm. Coleman: On Page 11, third section from the bottom, it refers to Chairman Clawson instead of Elkins.

Mr. Klein: We will make that revision as well.

**A motion to approve the amended minutes from the November 28, 2017 Planning Commission meeting was made by Hoyt; seconded by Coleman. Motion carried with a unanimous vote of 4-0. For: Belzer, Hoyt, Strauss, and Coleman.**

Chairman Elkins: Does anyone have revisions for the December 12<sup>th</sup> minutes?

Comm. Hoyt: Curiously, the date is the same on this one. Should it be February 27, 2018?

Mr. Klein: Yes.

Chairman Elkins: If there are no other revisions, I would entertain a motion.

**A motion to approve the amended minutes from the December 12, 2017 Planning Commission meeting was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 4-0. For: Belzer, Hoyt, Strauss, and Coleman.**

**CONTINUED TO THE FEBRUARY 27, 2018 PLANNING COMMISSION MEETING:**

CASE 129-17 – HILLS OF LEAWOOD – Request for approval of a Preliminary Plan and Preliminary Plat, located north of 151<sup>st</sup> Street and east of Mission Road. **PUBLIC HEARING**

**CONSENT AGENDA:**

CASE 01-18 – PARKWAY PLAZA – THEE GIN MILL (RETAIL: RESTAURANT) – Request for approval of a Final Plan, located north of 135<sup>th</sup> Street and east of Briar Street.

CASE 02-18 – LEABROOKE TOWN MANOR VILLAS MONUMENT SIGN – Request for approval of a Final Sign Plan, located north of 148<sup>th</sup> Street and west of Kenneth Road.

CASE 06-18 – LARSON BUILDING COMPANY WALL SIGNS – Request for approval of a Revised Final Sign Plan, located north of W. 104<sup>th</sup> Street and west of State Line Road.

Chairman Elkins: Would any commissioners care to pull any of the items for discussion? If not, I would entertain a motion.

**A motion to approve the Consent Agenda was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 4-0. For: Belzer, Hoyt, Strauss, and Coleman.**

**NEW BUSINESS:**

CASE 03-18 – JOHNSON COUNTY WASTEWATER TREATMENT FACILITY EXPANSION – Request for approval of a Final Plan and Final Plat, located south of I-435 and east of Mission Road.

**Staff Presentation:**

Assistant Direction Mark Klein made the following presentation:

Mr. Klein: Mr. Chair and members of the Planning Commission, this is Case 03-18 – Johnson County Wastewater Treatment Facility Expansion – Request for approval of a Final Plan and Final Plat. The applicant is requesting approval to expand the existing Johnson County Wastewater Facility located south of I-435 and east of Mission Road. Once fully completed, the facility shall be made up of a combined 281,799 square feet on 56.7 acres. As the commission may remember, this application came through Planning Commission and Governing Body last year for Preliminary Plan, Special Use Permit, and Preliminary Plat. They then refiled for a Final Plan and Final Plat. The change made at the last application was to have a KCP&L substation in the northeast quadrant where an existing lagoon is located. That is also reflected on this application. I'll point out the major features.

Chairman Elkins: Thank you. I hope you all saw the memorandum from Mr. Klein identifying a few additional changes. Mr. Ley is also distributing a memorandum to the commission.

Mr. Klein: After I review the site, I will go over the two memos. In discussions with Johnson County Wastewater, we addressed a couple issues. Some of them included floodplain and staging. The project will last approximately 3 ½ years. We worked with Johnson County Wastewater to amend some of the stipulations. I will step through the changes.

*(Refers to overhead)* The existing Johnson County Wastewater facility is at I-435 and Mission Road to the west. Currently, a number of structures are located on the site. A large lagoon is on the eastern portion. The applicant proposed to remove most of the structures and raise the site out of the floodplain. Currently, most of the site is located within the floodplain. The raising of the site will vary with some areas not increasing much at all and other areas increasing by as much as 20 feet. Lee Boulevard will be raised out of the floodplain as part of the project.

The current proposal has a channel that will run to Indian Creek. Water will filter through and eventually empty out into Indian Creek. A couple buildings on the north side of the channel will be modified. Many structures are on the south side of the channel, including the administration building, where most of the parking will be located. The site itself is accessed off Lee Boulevard. A drive coming off the western side enters a controlled mechanical gate. There is also a manual gate that serves as a secondary entrance off Lee Boulevard to the east. Both will have Knox-Boxes for emergency purposes. The applicant is proposing to plant landscaping along Lee Boulevard, which includes a series of street trees, ornamental trees, and shrubs. One of the stipulations is that they will meet quantity, size, and type of landscaping required by the LDO; however, flexibility will be allowed on placement. This is to ensure the landscaping is used where needed to screen both the pedestrian trail and Lee Boulevard.

The current proposal is red brick for the building material with buff and dark brown brick for accents. The dark brown will be on the administration building. The buff brick is on the elevation facing east on the administration building, and it will also have a limestone. Some existing buildings will be modified with the buff-colored brick. The elevations showed doors painted red. Staff has asked Johnson County to paint them grey to try to make them not quite as visible.

The electrical substation on the eastern portion of the site hasn't changed. The site itself hasn't changed much since the last time the Planning Commission saw the plan. Staff is recommending approval of this application, and I would be happy to answer any questions.

Chairman Elkins: Questions for Mr. Klein?

Comm. Coleman: Since this is going to be a sizable area, it seems that the red brick and dark brown brick will stand out more. Is there any chance to get more of an earth tone or muted colors?

Mr. Klein: I think they are trying to match the brick used at Mission Farms. At the City Council meeting, there were questions about the color to try to make the buildings disappear as much as possible as well. We would look to the Planning Commission for direction, but for now, staff thought it was so much more muted than the elevation drawings that look very red; whereas, this looks more like what is on City Hall.

Comm. Coleman: That is one of my concerns. I don't think anyone really wants to know it's there. Right now, we know there is something back there. It is not a place that someone wants to go. My main concern is it is shrouded in secrecy as much as possible. I would like to hear comments from other board members on a color that isn't so noticeable once the leaves are gone. I think it's great they are trying to match Mission Farms. I would rather have them keep it muted and blend in with the park surroundings rather than the retail establishment up the street.

Mr. Klein: Johnson County is here to answer questions. I'd like to address some of the changes on the memo with regard to some of the stipulations. The fence on the north side of the buildings on the north side of the channel will have a wrought-iron style aluminum fence. The rest of the fence that encloses the site will be 6' chain link with three strands of barbed wire around it. The Leawood Development Ordinance (LDO) allows a deviation for a public facility to go up to 8' in height.

The next stipulation refers to the glass. There is vision glass and spandrel panels on the administration building. The LDO has a requirement that glass cannot be mirrored or reflective. Staff feels the vision glass is acceptable, but we would like the chance to work with the applicant to ensure the spandrel glass isn't reflective.

We knew that the utility lines will go around the perimeter. The transition lines run along the north side of the property, and distribution lines run along the east side of the property. Those were all discussed with the substation. Additional transmission lines feed into the substation itself. Staff wanted to ensure that the utility lines between the buildings on the interior of the site were buried, while recognizing that the transmission lines and distribution lines within the setbacks would remain above ground. The change here is that the applicant indicated there would be cable lines on the poles as well. They wanted to clarify that they would remain aboveground. It doesn't change the number of poles.

Stipulation No. 10 has to do with the landscaping. The applicant is providing street trees along Lee Boulevard. They also have trees to meet the requirements for the

number of parking spaces; however, fitting the landscaping within 50 feet of the right-of-way became a challenge. This requires that they provide the quantity required by the LDO, the type of plant material required by the LDO, and the size while allowing more flexibility to place some of the plant material where it is needed with regard to the screening of the trails or offsite areas. A second part to the stipulation is that we would like to work with the applicant regarding areas that are visible once construction has begun and the screening of those areas.

Stipulation No. 23 had to do with staging of the site during construction. A parking lot on the east side of the site is owned by Johnson County Wastewater. The City of Leawood has a lease to use the property. They are proposing to use that as a staging area. Part of the concern the city has is that they meet the FEMA requirements regarding what is stored there, specifically that nothing is stored that can float and wash downstream. This stipulation has been modified to provide more detail, and it requires a study prior to Governing Body approval showing their modeling and how they meet the FEMA requirements.

The last modification is to Stipulation No. 25. This is a standard stipulation, especially if there is any residential component in the area. It states that no construction shall occur between the hours of 9:00 PM - 7:00 AM and not on Sundays. The applicant indicated concern with that because they could need to work outside those time frames occasionally. They asked for 9:00 PM – 6:00 AM. Staff is comfortable with that in the summertime because daylight hours are longer; however, staff did not want it outside May 1<sup>st</sup> – September 1<sup>st</sup>. This allows no construction between 9:00 PM – 6:00 AM from May 1<sup>st</sup> – September 1<sup>st</sup>; the rest of the year, no construction between 9:00 PM – 7:00 AM. This also calls for notification to the Community Development Department that they may need to work outside the hours. The noise ordinance would still need to be met.

Additionally, an amended memorandum from the Public Works Department that Mr. Ley can discuss.

Mr. Ley: Stipulation No. 7 from Public Works was updated. The original stipulation mentioned that all public improvements shall be designed and constructed in accordance with the City of Leawood Public Improvement Construction Standards. That was clarified to state that permanent public improvements to Lee Boulevard, areas within the sidewalk easement, and on city property shall be designed and constructed in accordance with the City of Leawood Public Improvement Construction Standards.

Chairman Elkins: Mr. Klein, were all Public Works stipulations included in the 30 stipulations now being proposed?

Mr. Klein: Yes; Stipulation No. 28 incorporates the Public Works comment.

Chairman Elkins: The amended stipulations include the amended Public Works memo.

Mr. Klein: Yes.

Mr. Ley: On Public Works comments under Stormwater, it is included in Item 2B. This is in reference to Stipulation No. 23. Since Stipulation No. 23 has been updated, we would like to strike Public Works Stipulation 2B.

Chairman Elkins: Thank you. Is the rest of staff okay with that?

Mr. Klein: Yes.

Chairman Elkins: Mr. Klein, would you mind walking us through the procedural history of this? I know you included minutes from a Governing Body meeting as well as minutes from when this commission last considered this plan.

Mr. Klein: Originally, Johnson County Wastewater made an application for the expansion of the facility that included a Special Use Permit, Preliminary Plat and Preliminary Plan. The Planning Commission made a recommendation for approval, and it went to Governing Body. They showed preliminary elevations with the project and locations of the buildings. One of the late changes that occurred was based on them learning that they would not be able to meet their power needs and that they would need a substation. The Planning Commission recommended approval of this, and the Governing Body approved the application for the Preliminary. They indicated they would return with an application for a Special Use Permit as well as a Preliminary Plan for KCP&L substation located within the Johnson County Wastewater facility. This was approved by Governing Body in January of this year. At that time, they focused on the KCP&L substation with no changes with the rest of the site. They did explain which utility poles would remain aboveground, location of transmission lines, and location of distribution lines. The applicant is here with a Final Plan tonight. This will solidify final issues with regard to the site, which really hasn't changed much. It is appropriate at this stage to discuss what the buildings and structures look like. Once Planning Commission makes a recommendation, it will go on to City Council for approval February 19<sup>th</sup>.

Chairman Elkins: The minutes from the August 7<sup>th</sup> Governing Body meeting didn't relate to a plan at all; they related to the interlocal agreement, but obviously, issues around the plan came up at the meeting.

Mr. Klein: Maybe the legal department would be better able to answer that. Originally, it started out as a Special Use Permit and Preliminary Plan. Where it gets complicated is Johnson County Wastewater is a governmental entity, so they have certain rights. They returned and said they would go through the process; however, the last application had a Preliminary Plat approved because most of the procedures and stipulations were being dealt with in an interlocal agreement between the City of Leawood and Johnson County Commissioners.

Chairman Elkins: Andy, do you care to comment?

Mr. Hall: To get to the heart of the issue with the interlocal agreement, we are using it to help enforce the stipulations because Johnson County has asserted immunity that they

don't have to follow the Leawood Development Ordinance, which would include our normal processes for Preliminary and Final Plans. We have amended the interlocal agreement one time, and we'll probably amend it again to include some of these newer stipulations. That is approved by resolution of the Governing Body. They do, of course, get the minutes from these meetings to see how the commissioners feel about the stipulations.

Chairman Elkins: What is typically handled by legislation, ordinance, or regulation is being handled in this case by contractual obligation.

Mr. Hall: You could call it contractual. The interlocal agreement has some differences from your standard contract law, but that would be a conversation for a different day. Johnson County is agreeing to the stipulations, and we are agreeing to them as well.

Chairman Elkins: Thank you. What is the scope of what we are considering tonight?

Mr. Klein: They are going through our process because they have agreed to come to Planning Commission and City Council. The main difference is the stipulations you see tonight will be rolled into an interlocal agreement, so there will not be an ordinance associated with it from the Governing Body. However, my understanding is the stipulations that are recommended are what will be included in the interlocal agreement.

Chairman Elkins: The entirety of the wastewater plant as well as the substation is before us for comment tonight; is that fair?

Mr. Klein: For the most part, they will come back with KCP&L for a Final Plan for the substation. KCP&L is a bit different than Johnson County Wastewater in that they don't have the same immunity. They got a Special Use Permit and Preliminary Plan approval, so they will return with a Final Plan at a later date.

Chairman Elkins: Going clear back to August, 2017, Governing Body raised a number of issues concerning the plan. In staff's opinion, have those all been addressed at this point?

Mr. Klein: I believe so. We've had a number of conversations with Johnson County Wastewater.

Chairman Elkins: Can you identify or highlight the changes between the Preliminary Plan that we already approved and the Final Plan we are considering tonight? Maybe this is a question better put to the applicant.

Mr. Klein: The stipulations made things clearer. The location of the buildings hasn't changed. Some of the drives changed a bit. Not much changed outside of the substation being added in the late stages.

Chairman Elkins: Thank you. Are there other questions?

Comm. Strauss: Could you talk about raising Lee Boulevard out of the floodplain? What happens with the pedestrian trail along the south side of Lee Boulevard? Does it get raised? Will this require retaining walls? How much is it getting raised?

Mr. Ley: It is starting near Mission Road and will be raised through the first intersection on the west side of the plant. It is 6'-7' in front of the cell tower. The trail will be moved farther south, so it will be outside the fill limits. Lee Boulevard will be raised, but it will have an embankment.

Comm. Strauss: It will be graded down, and the trail will be at the bottom of the slope.

Mr. Ley: Possibly; we are looking to see if it can be moved a bit to the south so it is not at the base of the slope.

Comm. Strauss: That leads me to my question about maintenance of traffic and pedestrian/bicycle movement during construction. This is planned for 3 ½ years of construction. Does the street stay open to traffic? Do the pedestrian trails stay open?

Mr. Ley: The street will remain open for the most part. If they have a big pour with a lot of trucks coming and going, we will work with them on those days to probably close Lee Boulevard and have the residents access it from the east through 103<sup>rd</sup> Street. Chris Claxton in the Parks Department has a plan to close the trail at 105<sup>th</sup> and Mission. To access the trail, pedestrians will go west across the intersection and then go south. The trail in front of the plant will be closed all the way east to the bridge where Lee Boulevard makes a 90-degree turn and goes north over I-435.

Comm. Strauss: This will be for 3 ½ years?

Mr. Ley: Yes; they have a detour plan and signs that will describe the improvements.

Comm. Strauss: I think a pedestrian or cyclist will move over to the street. That worries me because, especially on the weekends, the trail is busy.

Mr. Ley: There is a detour route that goes south to College, over the bridge at Tomahawk Creek, and then back north on the trail. Instead of going along the north side of the plant, it goes along the south side of Indian Creek. There is still trail access.

Comm. Strauss: Lee Boulevard will be closed a day here and there?

Mr. Ley: Correct. (*Refers to Detour Plan on overhead*) The trail that runs along the north side of Lee Boulevard will be closed. The trail beginning at Mission Road will be closed along the north side of the treatment plant. The detour route will direct south.

Comm. Strauss: Can you talk about the staging area on the Lee Boulevard? Will that be a fenced-in area that people cannot access?

Mr. Ley: We've talked with Johnson County Wastewater, and it will be more of a permanent style fence since it will be there for three years. It also needs to be able to withstand flood waters.

Comm. Strauss: When the Preliminary Plan came through, we talked about the barbed wire. I was surprised it was allowed in the LDO. I really like that the new plan has the wrought iron on the front along Lee Boulevard. I don't think of Leawood as a "chain link fence with barbed wire" kind of community. I would like to see the wrought iron around the entire property. I understand the east, west, and south sides are not visible. That is what I'm grappling with. Mark, when the property gets raised 20 feet in some areas, would it be visible from Mission Road or College Boulevard?

Mr. Klein: I want to emphasize that the 20' increase is in limited areas. With regard to visibility, it is set in farther than the rest of it. I don't think the chain link will be as visible as the wrought iron. That was part of the city's concern. We had a lot of long conversations with regard to the fencing because we originally preferred it as well. They indicated that for security and cost reasons, they needed the chain link with the barbed wire on top. Staff is comfortable with working with them to ensure that the most visible portion along Lee Boulevard would be wrought iron. That is the compromise we reached with them. It could be visible, but I don't know that it will stick out like a sore thumb.

Comm. Strauss: Is the wrought iron along Lee Boulevard taking the place of the chain link, or is it in addition to putting the decorative fence out front with chain link and barbed wire along the north perimeter?

Mr. Klein: I believe the chain link cuts in a little bit. The applicant could speak to this more.

Comm. Strauss: I remember the access is farther in past the buildings. The chain link is around the entire campus area, and the wrought iron is more decorative in front, I'm guessing. I'm hoping that the chain link is not very visible. I think that will stand out. Are there any anticipated generators? I know we've had discussions with different properties in Leawood that have had generators that could have some noise concerns. I wonder about a facility this big. Does it have a need for emergency generators?

Mr. Klein: It has transformers and sectionalizers, but the applicant might be able to address generators.

Chairman Elkins: Thank you. Are there other questions?

Comm. Belzer: Where you're talking about the staging, does it mean the soccer fields won't be in use, either?

Mr. Klein: I believe they won't be used.

Mr. Ley: They would be closed for 3 ½ years. The baseball fields east of there will be open. Parks and Recreation is working with Johnson County Wastewater on the scheduling for the rest of the park.

Comm. Hoyt: On the new Stipulation 25 where it talks about construction outside of the times meeting all noise ordinances, does it mean that construction within the regular time period does not have to meet noise ordinances?

Mr. Klein: The noise ordinance is in effect across the board. The applicant wanted to put the city at ease that they would still be in compliance with the noise ordinance outside the hours.

Comm. Belzer: Outside of those times is really just an hour, correct?

Mr. Klein: The way it is written, they would have the ability to contact the Community Development Department and make their case as to the reason they would need to work outside those hours. It could be caused by a concrete pour or something that took a little longer. The Community Development Director would evaluate and approve on a case-by-case basis.

Comm. Belzer: Could that mean they could ask to work on a Sunday?

Mr. Klein: It wouldn't prohibit that. Sundays are usually protected.

Chairman Elkins: Thank you. What will the height of the wrought iron fence be?

Mr. Klein: I believe it is an 8' high fence. It is still a security fence. Johnson County Wastewater was concerned about it. Part of the discussion was the reason they wanted the barbed wire. We talked to them about other styles of fences that curve out a bit and make them difficult to climb.

Chairman Elkins: There is no barbed wire on the wrought iron?

Mr. Klein: Correct.

Chairman Elkins: Is the concept that there will be a chain link fence with barbed wire around the whole perimeter of the facility but a space with a wrought iron fence, or is it intermittent chain link and wrought iron?

Mr. Klein: It is basically the section with the wrought iron fence and the rest around the perimeter will be chain link with barbed wire.

Chairman Elkins: There is no doubling of the wrought iron.

Mr. Klein: I don't think so.

Chairman Elkins: Has there been any concern expressed about the reduction in security as a result of the wrought iron?

Mr. Klein: They were reluctant. They wanted to make sure the site was secure. We indicated we had concerns with regard to aesthetics, especially along Lee Boulevard. Johnson County Wastewater determined they could do a different style fence for that area but felt they needed the chain link with the barbed wire for the rest of it.

Chairman Elkins: Certainly, wastewater facilities are on the high-risk list for places of attack. I appreciate the aesthetics, but I also appreciate the level of risk. With respect to Stipulation No. 10, we have changed it to require a mutually agreeable landscaping plan. I am always reluctant to approve plans subject to the staff and applicant agreeing to something after the fact. What would be your Plan B if the applicant and city cannot come to a mutually agreeable landscaping plan?

Mr. Klein: We have reached out to Johnson County Wastewater to see if they would be willing to work with us on that. They do have immunity and could argue that they are doing this because they are agreeing to it but really might have the ability not to. The applicant has indicated a willingness to work with staff.

Chairman Elkins: The immunity question raises my concern even more than normal with a developer to make our approval subject to a mutual agreement down the road. My last question is relative to Stipulation No. 25. I'm just curious about the logic. It sounds to me that for the summer, construction can start an hour earlier than it can during the rest of the year.

Mr. Klein: Correct.

Chairman Elkins: What is the logic? Does it have to do with sunrise, or is it thought that the residents are going to be less affected by 6:00 AM construction in the summer than they would in the winter?

Mr. Coleman: It is common for construction companies to start earlier in the morning to avoid the heat in the afternoon.

Chairman Elkins: I'm concerned about what is common for the residents.

Mr. Coleman: It is also light by 6:00.

Mr. Klein: Often times in the summer, the Parks Department is out doing maintenance. There is a bit of a buffer between the residential area and the site.

Chairman Elkins: Thank you. Any additional questions for Mr. Klein? If not, I would invite the applicant to step forward. I understand the applicant's intent is not to make an additional presentation but are pleased to answer any questions we might have.

## **Applicant Presentation**

Tammy Lorenzen, Johnson County Wastewater, 4800 Nall Avenue, Mission, KS, appeared before the Planning Commission and made the following comments:

Chairman Elkins: Welcome. We're grateful that the county is willing to engage with us on these issues. Questions for Ms. Lorenzen?

Comm. Coleman: I think you heard my earlier discussion on the color of the brick. I'd like to hear from you why those particular colors are proposed and if you are willing to modify them.

Ms. Lorenzen: Our original intent was to mimic the colors of the commercial office buildings going south on Tomahawk Creek Parkway and also Mission Farms, not realizing that this would be so controversial. In the last Governing Body meeting, there was some debate between various members as to whether they liked the red brick or not. I think in a subsequent meeting that we had to discuss the final materials, there was talk about something that becomes more of a variegated color and could combine colors in both of these in a random pattern so that it would not be just this brown or just this red in sections. We talked with staff about putting together samples we could bring in as we got to construction.

Comm. Coleman: My concern is that I don't want it to stand out. I sympathize and understand how you want it to match the other buildings, but for our purposes from a local perspective, we don't want to notice the building. We would rather just have it blend in. That is my concern.

Ms. Lorenzen: The only thing I will say is that the existing building has the blond brick. The next building that has the other colors is the administration building. There will be some landscaping, so it will not be the most visible building in the area. We actually took the 3D model used to do the rendering and actually did an aerial fly-around to see how it looked. Quite a bit of this is actually screened based on the landscaping we are planning. We are happy to blend it more and not make it quite as visibly red. We told staff we could work with them on that.

Comm. Coleman: Would we have to put in a stipulation regarding that?

Chairman Elkins: If we want to make it enforceable, we do.

Comm. Strauss: Could you give me an understanding of potential generators? Also, could you give me a quick summary of how the treatment plant works?

Ms. Lorenzen: There are no generators at this site. We need two reliable sources of power. Some facilities will use one power supply with backup generators in case there is a loss of power. We instead choose to have two power feeds. Typically, they come from different locations. With the substation, KCP&L has explained that the transmission lines that feed that will have power from another direction if one goes down. At the substation

itself, they have redundant transformers themselves. There is no need for generators throughout the site.

*(Refers to map)* There are two large interceptor sewers that come to the facility. One comes from the west and generally follows Indian Creek. One comes from the south and generally follows Tomahawk Creek Parkway and the creek itself. We take the flow and do very preliminary screening of it to make sure that there is no large debris that will then damage downstream equipment. We do a first phase of settling to remove initial solids. That liquid is then sent into a biological process that basically makes it safe to put back into the creek. It removes nutrients that can cause excess algae growth in the creek. That all degrades or lowers the available oxygen for aquatic life, which would lead to fish kills. The water continues to be filtered. We disinfect it, and then it goes out to the receiving stream. We go through steps to make sure it's fully aerated. Then it comes into the channel and drops into Indian Creek. We are eliminating the existing outflow pipe that is visible from the trail on the east side of the creek. Then there are solids that are pulled out. We also treat those and stabilize them, and then we are able to do a beneficial reuse of those solids. They are taken and applied on fallow agricultural land. It is used as a beneficial fertilizer for farmers. The farmers in the area are generally very happy to get our biosolids.

Comm. Strauss: Are there trucks coming in and out of the facility, taking away some of that waste?

Ms. Lorenzen: There are trucks that come in for a variety of reasons. We do have chemicals we use in the process. The disinfection uses chemicals, and there are some other chemicals that we use to help settle or to make sure that the biological process works properly. We will have periodic deliveries of chemicals. The biosolids, as they are processed and dried, are taken out in a truck as well.

Comm. Strauss: I imagine this is state-of-the-art since it is brand new and there won't be any odor or anything.

Ms. Lorenzen: We have several odor-control facilities that are placed at strategic locations on the site to capture the air that comes off the foul parts of the treatment process. That is put through a carbon scrubber. That is ventilated. Basically, the scrubber pulls out the odor-causing particulates that are in the air. The clean air exhausts out.

Comm. Strauss: I wanted to understand the whole process, so thank you.

Chairman Elkins: Thank you. Are there additional questions?

Comm. Belzer: Do you anticipate any disruption of normal service during the construction?

Ms. Lorenzen: We do not. This facility is a little unique. Typically, we have very complex staging that we have to do during one of these construction projects to make sure we keep everything running and that we don't disrupt service to our customers. This

facility is a little unique in that we actually already send a portion of the flow through a continuing sewer to Kansas City, Missouri. We have an agreement that we are finalizing with them. We will send all of the flow to them during this construction period. Then, that allows us to basically expedite the construction schedule. There will not be any need to send out anything to the customers asking them to not use their sinks. It will be continuous service.

Chairman Elkins: Thank you. Ms. Lorenzen, I have a few questions for you. As I understand it, the entire facility is going to be raised so that it is above the 100-year floodplain, correct?

Ms. Lorenzen: There are a few portions that are currently outside the floodplain, but it is only a small amount.

Chairman Elkins: Outside the floodplain raises them above the floodplain, correct?

Ms. Lorenzen: Correct. We need to protect our investment. Clearly, this is a significant investment we're making. We are raising it above the 500-year floodplain. We have an extensive floodplain model that we have developed that shows that we can complete the construction without raising the floodplain. There will be no additional flooding impacts as a result of either the permanent improvements or the construction itself.

Chairman Elkins: Obviously, this last spring, we had some significant flood events. I've lost track whether those were 100-year floods or 500-year floods.

Ms. Lorenzen: We were very interested to see where the water levels were compared to our flood model. A stream gauge is right at Mission and Lee Boulevard where Indian Creek flows under it. We compared the stream gauge levels with our model, and it correlated very closely to between a 100- and 200-year. Certainly, the floods we had this past summer would not flood these proposed facilities.

Chairman Elkins: That answered my question about if the model needed to be rethought. It sounds like you tested your model against the actual events. I think you heard me ask Mr. Klein about the security. Clearly, it is a concern for you all. This is a significant piece of infrastructure for the county. Are you satisfied that changing out the wrought iron fence for the barbed wire and chain link is not compromising the security of the facility to a significant extent?

Ms. Lorenzen: We did have that run-through. We have a security expert with one of our county departments and our risk manager, who basically has to review everything to confirm that we're not putting the county at additional risk.

Chairman Elkins: Are there Homeland Security standards for infrastructure facilities such as yours? Are you confident that you're within the tolerances of those requirements?

Ms. Lorenzen: I know there are guidance documents on what is required or what is the minimum level of security that is recommended. The fencing we are provided is what is recommended. The fencing that we have will meet the requirements.

Chairman Elkins: When we first talked about this plan, we talked about an extended interruption of traffic along Mission Road or Lee Boulevard. I'm hearing you say that you've changed your construction staging such that there may be intermittent closures for a short period of time, but we're not looking at an extended closure of the road. Is that correct?

Ms. Lorenzen: That is correct. We have coordinated with the Parks Department to get their schedule for not only the sports leagues that go on but also significant events like the 4<sup>th</sup> of July celebration so we make sure we're not doing the road closure work during those events.

Chairman Elkins: Our thanks to the county for looking into that because I know that was one of my greatest concerns when I first heard the plan. You had an exchange with Commissioner Strauss around alternative power supplies. What I thought I heard you say is you have redundant power supply to the substation, and the substation itself has redundant power supplies. What happens to your facility if the substation is taken out for some reason?

Ms. Lorenzen: In terms of the threat of flood, the substation is also raised above the 500-year level as well. They have a substation that is just on the other side of the state line on 103<sup>rd</sup>. They did not experience any flooding at that site during any of these floods as well, which I thought was wonderful, considering how extensive the flooding was along there. If there would be a major catastrophe, such as a tornado that came through and impacted that, I would imagine there would be many other issues that would also be impacting us. In terms of the lines that come through and to the substation, if one a mile or two to the west were taken out, the lines that come from the east will still power that facility. It would take essentially a direct hit to that site to take us out of service.

Chairman Elkins: Either direction the transmission lines are coming to, they come to the substation before they go to you, correct?

Ms. Lorenzen: They do, but the way it works is that those lines are even a more elevated level of importance than the normal distribution line. They work in a different manner than the distribution line. If those lines were to be completely wiped out on one side of the substation, they could still feed the substation from the other side of those lines.

Chairman Elkins: I understand that. I guess my concern is it seems like the single point of failure here is the substation itself. If you lose the substation, no matter where you're getting the generating or distribution power from, your facility is not getting power anymore.

Ms. Lorenzen: The other thing I will say on that is the substation design uses their standardized transformer and equipment sizes, and they have assured us that they have a fleet or equipment location where they store backup transformers. They can very easily go into their available standby equipment that is sitting there, waiting for such an emergency. They could quickly replace what is at our site. In terms of the actual equipment there beyond the power lines that come to it, they have a plan to get us back up in a relatively quick manner because they understand how important this is.

Chairman Elkins: Thank you. Often times, when I am doing risk assessments, it is the thickness of the ice, which is the probability that something bad will happen, versus the depth of water, which is how bad it is if I fall through the ice. In your case, let's assume that all these various redundancies failed for whatever reason, and KCP&L can't get you new transformers, so you lose power to your facility. What are the implications for the facility of an extended power outage?

Ms. Lorenzen: If we had some situation where KCP&L simply could not get out in a reasonable amount of time to address any complete failure of the substation, JCW would then probably take it upon ourselves to go out and start looking for bypass pumping or emergency generators that we could get and bring to the site. We would then go out on our own and start looking at what we could do. To my knowledge, we have never had that happen at one of our facilities, and currently, they are all just fed on overhead power lines.

Chairman Elkins: That's a good answer.

Ms. Lorenzen: Mr. Coleman made a good point. We are keeping the sewer line that continues on to Kansas City, Missouri. It is not to be used. If we had a dire emergency, we could reopen that and send flow, so there is always that backup.

Chairman Elkins: What I'm trying to determine is if there is an onsite capacity for a period of time that can handle flow without sending flow out, or is it strictly a flow-through process, and if you lose your electricity, your choices are to open up that manual valve and send it on to Kansas City, Missouri, or bad things happen? Is there storage capacity for a period of time?

Ms. Lorenzen: We would look at how to do some temporary storage. It would certainly not be for multiple days at a time, so certainly, if it got to multiple days to a week or more, most likely the fastest alternative would be to send it to Kansas City, Missouri and then come up with the plan to get equipment so we could start running our facility. There is some available storage. We do not use our sewers for storage, but they would be available in a significant emergency. There is some amount of time it takes everything to get through the facility, but there are many other safeguards in place before we would get to that, and even if we did, we would still have emergency plans in place.

Chairman Elkins: What is your date that you expect the plant to become fully online?

Ms. Lorenzen: The plan is to discontinue sending any flow to Kansas City, Missouri in late fall or early winter of 2021. We are actually finalizing our agreement with the construction manager at this time.

Chairman Elkins: At what portion of full capacity will you be operating? What growth capacity is built into the system?

Ms. Lorenzen: We will be at approximately 15 million gallons per day out of 19 million gallons per day. Before we sized all of the processes, we worked with the city to look at areas left for development within the entire sewer shed, and we planned for that based on the projected development that would happen in those areas. We do have buffer for additional capacity for growth, but I believe the sewer shed area is approximately 90-95% built out. It should not ever need an expansion for growth.

Chairman Elkins: Thank you very much.

Comm. Strauss: What is the cost of the project?

Ms. Lorenzen: The total cost for construction is anticipated at approximately \$250 million, but we are finalizing that number.

Chairman Elkins: Thank you. Again, we appreciate you and the county spending so much time with us over these past months. This brings us to a discussion of Case 03-18. Does anyone care to weigh in at this point? Commissioner Coleman?

Comm. Coleman: I'm ready to go with the motion.

Chairman Elkins: Any other discussion?

Comm. Strauss: This is needed infrastructure. I know a lot of studies were done at the beginning. It's great to see this investment in this infrastructure. My biggest concern was during construction, getting cars and people along Lee Boulevard safely. I'm glad there is a detour planned for pedestrians. A lot of pedestrians want to get straight to Leawood Park. I'm nervous that they're not going to use that and will go down Lee Boulevard. It is a narrow roadway. That is my concern, but I know that the city and Johnson County Wastewater are trying to think of every possible alternative. I'm glad to see this investment in the infrastructure.

Chairman Elkins: I very much appreciate the time that staff has put into this project, the time the county has put into it, and the county's willingness to accept a large number of comments from staff as well as a large number of comments from the commission and City Council. We appreciate the collaborative nature that everyone has undertaken to get us to this point. I would add one comment in anticipation of what Mr. Coleman's motion may be. My own observation is when you put an elephant in the room, you cannot make it invisible. You're best served to make that elephant look as pretty as possible and go forward. I think that is what the county has done in trying to match construction materials

with the nearest major commercial development. I guess I am concerned about the futility of mandating what color the brick ought to be in hopes that it will make the facility invisible because it has 280,000 square feet over 57 acres. It is an institutional infrastructure facility; it is a needed facility. My own view would be to make it as pretty as possible and not try to make it invisible because I'm concerned that might be futile. I may be in the minority on that view, but that is my perspective.

Comm. Hoyt: I would agree with you on that point. I guess the problem with trying to make it invisible is that it is invisible at what time of year and under what particular conditions? Actually, these are earth tones that are being used. It is not purple, chartreuse, and so forth. I like the idea of blending with other similar structures. I really don't think it's going to be something that can be camouflaged so that people can't see it at all. I don't have any problem with the current color scheme.

Comm. Belzer: I think it's different in person. The way it reads on paper is very red. I agree with Commissioner Coleman that the bright red is really making a red elephant. That is not the case. This is very muted. I don't have a problem with it, either.

Comm. Strauss: I was going to give Commissioner Coleman some constructive feedback and say I don't have a problem with the colors, either. I like how they are the earth tones and brick.

Comm. Coleman: Before I make my motion, I have one comment. I'm looking for the brick to blend in with natural surroundings rather than the brick of the most current, closest buildings. I know it can't be camouflaged completely, but it can blend in with the natural surroundings better than with other buildings in the area.

**A motion to recommend approval of CASE 03-18 – JOHNSON COUNTY WASTEWATER TREATMENT FACILITY EXPANSION – Request for approval of a Final Plan and Final Plat, located south of I-435 and east of Mission Road – with the revised stipulations from Mr. Klein in the memo dated January 23, 2018, the revised stipulations from Mr. Ley, also dated January 23, 2018, with the exception of Section 2, striking Part B in the section – was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 4-0. For: Belzer, Hoyt, Strauss, and Coleman.**

Mr. Hall: For the purposes of a quorum, the chair does need to vote in this case.

**Motion carried with a unanimous vote of 5-0. For: Belzer, Hoyt, Strauss, and Coleman, including a vote in the affirmative from Chairman Elkins.**

*MEETING ADJOURNED*