

City of Leawood
Planning Commission Work Session
April 13, 2021
CIP
Car Washes
Residential Roofing

Planning Commission Members in Attendance: McGurren, Coleman, Stevens, Hunter, Hoyt, Peterson, Elkins

Chairman Elkins: In an abundance of caution I, would entertain a motion to suspend certain rules of the Planning Commission so we can proceed with the work session with Commissioners Peterson and Hoyt participating via Zoom.

A motion to suspend certain rules of the Planning Commission due to the pandemic was made by Coleman; seconded by Hunter. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Hunter, Hoyt, Coleman, Stevens, Peterson.

Planning Staff in Attendance: Mark Klein, Planning; Ricky Sanchez, Planner; David Ley, Public Works; Nicole Lareau, Budget Manager; Marci Knight, Assistant City Attorney

Chairman Elkins: To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Planning Commission is being conducted using the Zoom media format, with some of the commissioners appearing remotely. The meeting is being livestreamed on YouTube and the public can access the livestream by going to www.leawood.org for the live link. The public is strongly encouraged to access this meeting electronically; however, if you wish to comment on a public hearing item, please contact the Community Development Department to make arrangements.

Electronic copies of tonight's agenda are available on the City's website at www.Leawood.org under Government / Planning Commission / Agendas & Minutes. Because this meeting is being live-streamed, all parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those listening only. This applies to all commissioners, staff, applicants and members of the public who may speak. All motions must be stated clearly. After each motion is made and seconded, a roll call vote will be taken. The Chair or staff will announce whether the motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking. Thank you.

Capital Improvement Program (CIP) 2022-2026

Mr. Klein: Nicole Lareau, Budget Manager, will do a brief presentation. We also have David, Ley, Director of Public Works as well. With that, I'll turn it over to Nicole.

Ms. Lareau: I'm going to do a brief overview and then open it up for questions. I'm sure David will be able to answer more of those than I will, but I'll jump right in. First of all, this five-year period is \$98.9 million, of which Leawood is responsible for \$91.8 million. A point I do want to make is we have project pages for our 2021 projects included in this CIP. We did that because there are projects of interest, such as the Fire House; however, those projects are not included in the \$98.9 million figure. That is just for the 2022-2026 CIP itself. If you would turn to the very first page in the CIP, I'm going to quickly go through some of the major changes. First, we added a couple of projects, the first one being the Pool House replacement, Multi-Purpose Building, and Bike Hub. Again, this is a 2021 project, so this cost is not included, but this was a new project. We also added the Ironwoods Park Pond renovation, and this moved from the Pay-As-You-Go Parks program to a bonded project. Again, this was in 2021. For some future projects, we added No. 80179, which is Tomahawk Creek Parkway. This is a larger project at \$6.2 million, and this moved from the Pay-As-You-Go Arterial program to the bonded list as well. This will happen in 2023. Of course, the cost is just too high for Pay-As-You-Go. We also added No. 80402, which is the 2022 pedestrian signal crossing. This is a hock signal that is \$169,500. It will be happening in 2022. We also increased the cost of some projects. Mission Road to 143rd Street has increased from \$15.7 million to \$17.2 million. The next is the Park Maintenance Facility. A point I want to make about this is that this has actually increased past the \$13 million number already. I'm sure you know that the CIP changes often, and it is pretty much good for one day. The next time we have the CIP coming up is the Public Hearing on June 7th. Prior to that date, I will be sending out an email with all of the changes that have happened since this meeting, for example, and I will be sure you all are included on that. At this time, we have a change. That is 80173, Park Maintenance Facility, that has increased from \$12 million to \$14.99 million. We're hoping it doesn't go past that, but you will be informed if it does. We also adjusted the cost of the Fire Station replacement from \$7 million to \$9.2 million. That is a final number. Then, of course, we changed all the Pay-As-You-Go lists to reflect new projects for 2026, and anything that has happened since then, we have adjusted as well.

Going behind Tab 3, all of the foldout charts represent all of the projects I have been discussing. The first one shows all the projects through 2030. This is the total project cost. The following page is the exact same list, but it is the total city cost. The projects that have red dots next to the represent projects that we will be receiving additional funding for, including federal and state. Next, we have our Public Safety Fund expenditures. This is mostly just equipment, but the Fire Station is listed here as well. Behind Tab 4 will be all of the projects, listed by construction year. At this time, I would like to open it up to questions and see if anyone has any specific questions on these individual project pages.

Chairman Elkins: Could you just remind us what the construction year is. Does it correspond to the calendar year?

Ms. Lareau: It is just the year that it is actually being built.

Chairman Elkins: When you have the numbers in the foldout, the city could expect to incur those expenses in that calendar year?

Ms. Lareau: We also have them listed by bond year. On Page 58 in Tab 5, you'll see a year that they are actually bonded.

Chairman Elkins: For those of us who are not up on municipal finance, what does it mean to be bonded?

Ms. Lareau: That's when we will be obtaining the actual bond to then pay on it. Once we get the bond, we start paying the following year. If it is bonded in 2023, the first payment is in 2024.

Chairman Elkins: That is the year they issue the bond, and then the expenditures being the following year?

Ms. Lareau: Yes, sir.

Mr. Ley: Some of these projects may start in one year, but lots of them will continue multiple years. That is just the first year it starts. Finance takes out the temporary note. They're borrowing money on those projects from that date forward.

Comm. McGurren: In Tab 3 in the first foldout, it references the Mission Road project from 133rd to 143rd. That's the same \$17 million we saw on Page 1. What's happening between 127th and 133rd?

Mr. Ley: Mission Road from 127th to 133rd will have a consultant do the design in the next month. We will replace the storm sewers with metal pipe, and we will improve the sidewalks between 132nd and 133rd on both sides of the street. We'll install 8' sidewalks because there is a big school travel area there with the crosswalk. We are going to mill and overlay and install striped bike lanes.

Comm. McGurren: The road itself is not being widened?

Mr. Ley: For the most part, no, but it will down at 133rd to meet the new widened Mission Road south of 133rd.

Comm. McGurren: So, is that because it is actually going to occur in this calendar year?

Mr. Ley: That's a Pay-As-You-Go project, so that's going to Tab 6 on Sheet 68. That shows a \$2.2 million project in 2022.

Comm. McGurren: Thank you. Then, the last foldout under Tab 3 at the bottom of the list references the Fire Training facility, and it is obviously not planned until 2024, 2025, and 2026. Is it obvious yet where that location will be?

Mr. Ley: They've been discussing putting it east of our Public Works Maintenance facility. There are high power lines there, but that is one of the areas that they've identified.

Chairman Elkins: Thank you. Other questions? I've got two, probably for David. With respect to the cost adjustments for the Park Maintenance facility and Fire Station No. 1, which we haven't started yet. Can you give us some color as to why the increase exists on both of those?

Mr. Ley: At the very beginning, the Fire Station didn't really have a budget; it was more of a guesstimate. Since we have the plans close to final stages after going through City Council, we have been able to get better estimates on the cost for that project. As far as the Parks Maintenance facility, we are meeting with the Planning Department and are trying to meet the LDO. That keeps increasing the cost.

Chairman Elkins: The Parks Maintenance facility has not begun yet?

Mr. Ley: No, I believe that will be in the meeting in two weeks.

Chairman Elkins: You feel like these are pretty solid numbers for those two?

Mr. Ley: Yes.

Chairman Elkins: Are there others that you would describe as not really nailed down in terms of accuracy on the quick reference guide?

Mr. Ley: On the first page, the costs are pretty solid. We've been working with the utilities on the Mission Road project, so that's why we had to increase that cost.

Chairman Elkins: You feel good about the numbers for the Park Pond Outfall and Pool House?

Mr. Ley: Yes, we had an engineer provide a cost estimate.

Comm. Coleman: Nicole, welcome to Leawood and to Kansas City in general. Does the city get any of the federal aid for COVID-19 relief?

Ms. Lareau: To my knowledge, that is still up in the air. We're not actually sure when it is coming through. Last I heard, I heard this summer or fall. I don't think anyone really knows what's happening. I know a couple weeks ago, Scott Lambers said the same thing, so we're not really sure. I do believe we're supposed to get in the ballpark of \$3-\$4 million if I remember correctly, but we just don't know the timing.

Comm. Coleman: Have you had discussions on whether that money is earmarked, or are you waiting until it comes?

Ms. Lareau: Yes, to my knowledge, we will wait and see when we actually get it and move on from there.

Comm. Stevens: I may have misunderstood, but Nicole, your opening statements said something about the recommended CIP totaling \$98.9 million, but then it was not including some of the projects that you listed, like the more recent ones. Is that right? It appears to be included in the total.

Ms. Lareau: The actual cost is not. Page 24 shows the totals, and it does not include the 2021 projects just because the CIP is a five-year document, so technically, 2021 is not included in here. Like we said, we did have major projects going on that are still changing and still happening. We did want to include them, which we haven't done in past years. Their costs are not included.

Comm. Stevens: On some of the summary pages, if we add up the costs, it wouldn't be to \$98 million because it includes some of those projects.

Ms. Lareau: That's right, and this also does go out to 2030 as well. We do go into the future.

Comm. McGurren: In general within Tab 4, starting in 2022 and beyond, I noticed that there is no project inflation factor used. What would be the reasoning on that?

Ms. Lareau: I would have to get back to you on that. I am not sure why it wasn't included.

Comm. McGurren: Fair enough. It just seems like there would be inflationary costs. I understand that they haven't been dramatic of late, but on the other hand, if it is building materials and lumber, they have been excessive, obviously. This is probably an open question, so under Tab 4 on Page 40, I was a little surprised to see the roundabout. Obviously, I'm not an engineer or architect, but in general, I concluded that all the roundabouts I can think of are in major traffic areas generally, where there are an awful lot of people coming from four directions. In this case, it didn't seem to fit that logic. What's the major need for the roundabout?

Mr. Ley: The roundabout at Town Center and Tomahawk Creek Parkway is needed because when the traffic rebounds from the COVID era, there are major delays for eastbound Town Center.

Comm. McGurren: The people that are attempting to go across Tomahawk Creek Parkway to go north?

Mr. Ley: Eastbound to southbound and eastbound to northbound are some pretty hard movements. Northbound left to westbound is another difficult one. With the widened median, we were struggling. If we put traffic signals there, it will cause a lot of delay

with pedestrians or vehicles trying to cross the street. The thought was that the roundabout would work much better.

Comm. McGurren: There's obviously enough land to do that.

Mr. Ley: There's quite a bit of land. When putting in a roundabout, lanes come close together for the roundabout to slow down, and then they flare out again.

Comm. McGurren: Will it be a single lane?

Mr. Ley: We haven't designed it yet. My guess is it will be two lanes northbound, two lanes southbound, and one on the east and west.

Chairman Elkins: Thank you. David, I know you've been working on this for a long time and we've made tremendous progress, but can you give an update on the stormwater program? Are we where you want us to be and heading in the right direction?

Mr. Ley: We're slowly getting there. It's a challenge to do stormwater projects because we're in people's yards. Even though we have permanent drainage easements over our existing metal pipe, they are just really for maintenance purposes. When we remove a pipe, we need a much larger easement. We're trying to negotiate with all the property owners to either donate the easements or we pay for them, but we still get several residents who won't sign over the easements. We have to go through condemnation, and it really slows projects down. We are about a year behind on some of the projects. Some of that is due to COVID because courts were closed and we couldn't get through condemnation. Really, we're backlogged here, trying to get metal pipe projects out the door. We're working on them.

Chairman Elkins: Is this just something that is part of being a city and will go on forever? My sense was this was kind of a catch-up project that the city took on years ago.

Mr. Ley: Once we get through the metal pipe replacement, we'll be in a much better position. Prior to the mid '70s, developers were required to put concrete pipe in for the storm sewer, but between the mid '70s and mid '80s, City Council allowed metal pipe. That pipe is what we're replacing. Once we get that replaced, all the other pipe in the ground will be concrete. We'll still have maintenance projects, but we won't have these \$3.5 million projects every other year.

Chairman Elkins: What is your current estimate for when all that metal pipe will be replaced?

Mr. Ley: It's a 20-year program, and we're doing it every other year. It will be 2035 or so.

Chairman Elkins: Congratulations on the progress to-date because it's noticeable.

Mr. Ley: We are getting funding from the county, so that really helps out. For the 2022 program, we actually received \$1 million. We will be doing a \$4 million project this year instead of \$3 million.

Chairman Elkins: How do you prioritize this?

Mr. Ley: Currently, we're working in Leawood South because that whole subdivision has metal pipe. We're focusing there and are trying to get out of there by 2024. Once we get out of there, we rate the lines every 3-4 years, so we want to get the worst ones out of there first.

Comm. Coleman: On the metal pipe, I am not planting anything in my side yard until you guys come and dig out my metal pipe. I got to meet the TV guy last year and got to see my pipe in real time, which was interesting. He was very nice. Since Commissioner McGurren brought up traffic, I vaguely remember a study was going to be done for the 127th and Mission area. I think it was when COVID started, so maybe it was shelved.

Mr. Ley: We were looking at a traffic signal analysis, but due to COVID, we don't have near the volume of traffic, so we delayed it until this fall. We'll have the traffic engineer that is designing the roadway to also analyze that intersection.

Comm. Coleman: Which is unfortunate because I won't be using it since I won't be darting in an out of traffic to get my son to Leawood Middle School after this year.

Comm. McGurren: To follow up on the metal pipe, I noticed there was a relatively small amount to the south of 135th Street. Is it one subdivision, or how far did they get in that period of time?

Mr. Ley: Off the top of my head, I don't know. Some of that pipe was put in along the arterials. It might be coming out when we do the arterials. I don't recall if there are any within a subdivision.

Comm. McGurren: It was a lot smaller number than the other locations.

Mr. Ley: Between 1975 and 1985, the developments were mostly occurring between 119th and 127th.

Chairman Elkins: I have a big-picture question. We generally require our developers to bury the overhead lines, which is always a big issue because it is such an expense, and utilities are no helpful. I notice a number of these projects in the CIP include burying the overhead lines. I applaud the city for taking responsibility for doing it. I know some of this is a matter of negotiation between developers and the city, but do you have a sense for when, in the future, the city's responsibility for burying overhead lines might be over? Is that 20 years out?

Mr. Ley: It will probably be about 20 years. City Council is trying to bury power lines when we do roadway projects, so it's probably about 20 years.

Chairman Elkins: That's a huge improvement for the community. I also understand it is expensive. Anything else? Mark, do you have any comments you wish to make from the planning perspective about how this corresponds with what Planning things we should be doing?

Mr. Klein: It lines up with the Comprehensive Plan.

Chairman Elkins: Nicole, thank you for all your work. We look forward to additional information from you. David, as always, we appreciate all the work you do.

Mr. Ley: Thank you.

Chairman Elkins: We will take this up formally in the April 27th meeting. You'll have additional time to ask questions then, but hopefully, most of your questions have been answered today.

Comm. McGurren: Do you plan to update these documents?

Mr. Klein: Those are the only copies we have, so if you would be kind enough to bring them back on April 27th, that would be great.

Chairman Elkins: I just returned the last two 5-year plans tonight.

Mr. Klein: You're good about keeping them.

Car Washes

Mr. Klein: In the Table of Uses, Car Washes are fully enclosed, but the definition didn't clarify what that meant. We are taking it to be everything to be fully enclosed, including the vacuum stations. The Planning Commission made some good comments about whether that was reasonable and couldn't think of many that met the requirement. We took it forward to Governing Body, who also had similar concerns. They remanded it back to the Planning Commission for us to consider allowing the vacuum stations to be outside the fully enclosed building, but they asked for a canopy or something similar and that the 60/40 Rule would be maintained. Just to review that, if a frontage is along a public street, no more than 40% of it can be anything other than landscaping or a building condition to a depth of 90 feet. We wanted to get your thoughts. We have a couple examples with regard to some of the car washes we found (*shows photos*). There are car washes that are enclosed with the vacuum stations out without a canopy. Some have a canopy over the vacuum stations. Some have a screen wall. That could be landscaping, but it could still not meet the 60/40 Rule because it would go to a depth of 90 feet. We wanted to put this in context. A more recent example is in the location of the old

Winstead's building. It is difficult because of the street frontage along the side and back. We would like your thoughts on the car washes. We'll bring it back on April 27th.

Chairman Elkins: I haven't had the time to pull in, so I can't figure out how it works, but there is one at 151st and Metcalf, I think, on the northeast corner. You might take a look at that and show us pictures of that one, too. It's not immediately obvious where they are doing the vacuuming. They're hiding it pretty nicely.

Comm. McGurren: I believe you drive through the building to get your car washed; you come out the exit. If you choose to go to the vacuum, you go around slightly, and an entrance goes into an enclosed building.

Mr. Klein: So, they actually do enclose it.

Chairman Elkins: That's the way it looks to me, but I haven't pulled in. That spot caught my attention.

Comm. Coleman: I think Commissioner Block mentioned that's the Green Lantern location.

Chairman Elkins: That's a different one.

Comm. McGurren: It started as that and then changed its name.

Comm. Coleman: He mentioned it during our meeting, but he was corrected that it is Overland Park and not Leawood.

Comm. McGurren: That is correct. I think it is all fully enclosed, and the roads that you drive through, even though you've gone through the building to get your car washed, are sort of on the perimeter. Then, the two buildings are in the middle.

Mr. Klein: We'll definitely take a look at that.

Comm. Coleman: When we're talking about car washes, I almost see two separate types. I see the Waterway, where you give them the car and they do everything for you, including vacuuming and washing. Then, there are the quasi-self-serve automatic ones, where you pull through, get it washed, and then do the vacuuming. I don't know if we need to be that specific because I think there are two different needs. If there is a Waterway-style one, you have to have some flexibility to allow the workers to do that, maybe with no canopy like they have currently at Waterway, but if you have a self-service / automatic one, canopies would be required. I just think there are two different models, and I think maybe we have to approach them two different ways.

Mr. Klein: That's a good point. That would probably take more of an ordinance amendment because we'd need to modify the Table of Uses to separate the two and have definitions of each one.

Comm. Coleman: I think they are two different models.

Mr. Klein: I understand. When you think of Leawood, you think of Waterway, and I think that was a question last time. We indicated that it doesn't meet the fully enclosed requirement because they have the vacuum stations on the outside. I don't think anybody has a problem with Waterway.

Comm. Coleman: No, and if you do full service, I don't think there is a need for a canopy because they're funneling everything in, and there are so many different stations. They're trying to get it out as opposed to you pulling in and finding the vacuuming station if you're doing it on your own.

Chairman Elkins: I have to admit that I still have a bit of a problem with the aesthetic of a car wash on 135th Street. I don't know how you regulate that. They're good things, and we need them. I don't mind them being off what I consider to be one of the main thoroughfares in Leawood. As you were showing one of the pictures of the lots, I had this visualization of, frankly, even a Waterway without screening. That's the thing I struggle with.

Comm. Hunter: What is the purpose of the canopy? Why is it okay for Waterway to not have a canopy but other ones need it?

Mr. Klein: The way we originally proposed it, Waterway would be a legal, nonconforming structure because they were there before the current ordinance. Then, we would put this into effect. The previous ordinance said if a Waterway came in, they would have to be totally enclosed. I think the Planning Commission and City Council both indicated that they couldn't think of too many that met that requirement, and maybe that was a little too restrictive. Governing Body suggested a compromise of a canopy area that people could vacuum the cars. I think the idea is that there is a bit heavier investment in that area, trying to make it look a bit nicer with screening as well.

Comm. Hunter: So, the canopies are aesthetic.

Mr. Klein: Yes, and it would also offer weather protection. It should be pretty sunny if you're washing your car, though.

Comm. Hunter: Would any of the examples meet the 60/40 Rule?

Mr. Klein: I think probably one along Indian Creek Parkway probably would, depending on the depth. Another with 135th as the major street potentially could as well. The interior of Cornerstone development would not be a public right-of-way, so the vacuum stations could be on the interior instead of 135th Street. Really, most of the car washes that have approached the city have been in the more visible locations. The majority of them, if not all, have been along 135th Street.

Chairman Elkins: I understand there's a tension there because that's where the traffic is, so that's why it's attractive to them to be there. Again, the aesthetic of a car wash along 135th Street is a concern.

Mr. Klein: That is something the city has been concerned about as well. Even the 60/50 Rule itself, even though it doesn't apply to just car washes, is intended to present the building upfront as opposed to having parking upfront and the building pushed way back.

Comm. Coleman: Waterway is on 135th Street over by Home Depot in Overland Park.

Chairman Elkins: And I would prefer not to have that in Leawood. That's exactly the one I'm thinking of. It's set back from the street a bit.

Comm. Coleman: One of the comments from Councilmember Osman said that the ordinance, as it is written, is restricted to maybe not having any.

Chairman Elkins: Yes, but again, depending on what we find at 151st and Metcalf, that may counter Councilmember Osman's thought that it is basically a prohibition.

Mr. Klein: I think we would probably try to have something in the ordinance where at least the vacuum stations are screened or buffered from the major thoroughfares. The one had a wall, so maybe something like a wall with landscaping that softened the wall so it doesn't look so stark or landscaping to hide it would help.

Comm. Coleman: In the ordinance, are we trying to say how many bays or stations are allowed?

Mr. Klein: We hadn't thought about that. That is something that we could consider. You mentioned the difference in Waterway and the others. The main physical difference I've seen is the ones with the self-serve vacuum stations tend to have a lot longer façade that would go next to that. Waterway, they come out of the building and might flare out a little bit, but it's still much narrower than what you have on the rest of them.

Comm. Coleman: Personally, I don't mind the Waterway. I actually like seeing all the cars go through there. My kids won't go there because they know everyone working there. It also gives an opportunity to put the Leawood youth to work if we consider something like that. Again, going back to the difference between the full-service model and the partial-full-service model with the number of bays, I think they need to be restricted under both scenarios.

Mr. Klein: That is a good idea. Honestly, the only ones we've seen as far as going along 135th Street have been the ones that have been self-serve vacuum situations, which is different than Waterway. Those are great comments, so we'll look at those and hopefully have it back at the next meeting. If we decide to go a different direction with two, we might have to take a bit longer because we have notification requirements for a different section.

Residential Roofing

Mr. Klein: This has become a hot topic on a couple different fronts with the city lately. In case you're not aware, for residential roofing for single family, we have an approved list. In order to get on the list, the material must meet certain qualifications. Certain roofing materials are allowed in single-family residential, including synthetic slate, synthetic shingles, stone-coated steel. The one that we see the most of is asphalt or composite shingles. When this ordinance was put in place, it is my understanding that Leewood had primarily wood roofs. The city was trying to maintain that aesthetic. I think the city had to allow asphalt because of all the fire concerns. In that process, they came up with a requirement that the color range had to meet weathered cedar shingles or cedar shake. This has been on the books for a while, and as you can imagine, that gets to be a pretty subjective call. They can be primarily brown to primarily grey to quite a bit darker. We've had different directors interpreting that ordinance over time. Weather makes a huge difference in appearance of color. Over time, some darker materials have gotten on the list. In addition to that, we are now seeing darker materials and black roofs being the primary requests. Of course, we have the standard we're trying to match, but we're also trying to match what's on the list currently. It has become a little bit of a challenge. I have talked with a couple roofing manufacturers, and pretty much all of them have said that the black roofs are their second-highest seller now. Weathered wood is still the top. I talked to one today who indicated a lot of that is roofing is really in short supply, so some of the manufacturers have picked their top 5-6 colors and are only making those available. When people pick out their roof, they'll have a number of dark ones. There are a number of dark roofs in the city. We'd like to ask if that is something the Planning Commission would like to see opened up a bit as far as aesthetics or keep it to the weathered greys and browns. If that is the case, we need a better, more objective way to judge that individually, or would you like to see the darker colors as well?

Chairman Elkins: Comments?

Comm. Coleman: I think as the roofing industry evolves and develops new products to meet people's tastes, I would be in favor of opening it up. The shake shingles are basically old. I don't know many roofs that have that. I can understand trying to keep that look, but things progress, and I think it should be up to the individual homeowner to have more leeway to choose what they have in their home.

Chairman Elkins: Where do you draw the limit, thought? If somebody wants to put a slate black asphalt shingle on the roof, are we comfortable with that? I hear what you're saying, Mark, that you need something more objective, but there's going to be some judgment.

Comm. Hunter: I guess the city could give a parameter of shades, and then I assume the HOA could be stricter.

Mr. Klein: The city wouldn't enforce the HOA rules, but the HOA could be stricter.

Comm. Hunter: The city could provide shades. Maybe there's a trend with roof colors, and maybe it's going toward darker colors. You'd hate to tell somebody they couldn't choose that. Did we have this discussion a while ago concerning the pounds?

Mr. Klein: We also want to talk about that as well because technology and roofing have changed.

Comm. Hunter: If it's still a certain quality but there is a way to dictate shade range, we could leave it to the HOA to be stricter.

Comm. Coleman: Do we dictate colors of houses?

Mr. Klein: We do not.

Comm. McGurren: I'm in agreement with both sets of comments in the sense that, in my own history, we built in White Horse 20 years ago. We were required to do wood shake even though it was becoming less prevalent. The next phase within White Horse was lucky enough to get to the point where the city had changed its mind, and they could all do asphalt shingles. Hail damage occurred, and everybody in the development got a new roof, so it all just started over. Not a single person that I'm aware of put wood shake in. I think in the grand scheme of things, we would want to have quality standards as it related to the material itself and then some form of standard related to the color palette you're referencing. I would think it would highly inappropriate if, all of a sudden, the trend was red roofs and we suddenly allowed it. I would think where the trends would go, we would have some guiding principle that enabled what's on the list to still be acceptable from a quality and color standpoint. Yet, at the same time, to what Commissioner Coleman said, I'm okay with it opening up a little bit and being a bit broader. To be frank, when the hail damage occurred, there must have been a huge influx of variety of material. I don't remember anybody telling us we couldn't do anything, but maybe that went back to the HOA more than the city.

Comm. Peterson: I recall that incident because when we purchased our home in Berskshire in 1996, it had a wood shingle roof. We've always hated wood shingle roofs, especially around the 4th of July because we always believed they were a massive fire hazard. They tend to attract things like Silverfish and whatever. Fortunately, the hail storm destroyed our roof, but the insurance company was overjoyed that we decided not to replace it with a wood shingle roof. In order to get the composition roof we wanted, it was on the approved list for Leawood and then was taken off. The manufacturer had not reapplied, so we had to wait six months or so to have this done. We finally settled upon a different approved asphalt roof. The quality of composition has been improving over the years. The more flexibility we can give homeowners is valuable. When it comes to color, this is one of the things that stood out to me recently. One of our residents was going before the Board of Zoning Appeals regarding a fence, which was a totally different issue, but I looked into the minutes of some of the past Board of Zoning Appeals meetings. I happened upon a case in which the prior homeowner had put a roof on, and somehow, it wasn't approved because it didn't meet the color criteria of Leawood, even

though it was very close. It ended up that they were required to remove and replace the roof, even though it was from a prior homeowner. It was, in fact, a very dark shade. I'm not sure what it was. The meeting was sometime last March or April, I believe. I was shocked that the attorney for the petitioner did not win. They were required to remove the roof. Granted, it was a dark color. It wasn't a slate black, but it was very dark, and it didn't meet the city's criteria. I do think it needs to be a little more flexible. If the city does not require a specific color palette for paint on the home, why do they do so with the color of the roof? It doesn't seem consistent to me.

Chairman Elkins: I guess that leads into the question of the shadow lines as well. Basically, you're advocating for us to get away from even the appearance of a shake or cedar shingle. I remember when we had the big discussion about the shadow lines and whether they were required or not.

Mr. Klein: Yes, and a lot of it is from the history of Leawood as far as the color range. I can certainly appreciate the comment that asphalt shingles could be any color, including hot pink, I imagine. I'm not saying that it should necessarily be open to anything, but what we're seeing now and what we want to gauge is if the Planning Commission would want to allow the darker colors. I have some to show.

Comm. Hoyt: I think there is a real aesthetic style change going on. I live in Leawood South, and we have some of the oldest houses in the area. What I've noticed is as the Millennials are buying very traditional Tudor-esque houses, they're going for high contrast between the siding and the trim. It used to be more muted tones, and now it's almost stark white and black contrast. I think that is where the darker roofs are coming in. If we want to open it up, we could keep our color guidelines to at least neutrals and list those colors. That would exclude any primary colors that you have mentioned. There are very real style changes occurring, and I think we want to encourage those but not necessarily day-glow green. If we're wanting to continue to attract young, energetic homeowners who have resources to spend and want to improve the property, I think it would be a mistake to be too dictatorial. As Art says, if we don't even restrict color of paint jobs, we could just limit the roof color to neutrals.

Chairman Elkins: As a side note, I would support regulations on the colors of houses as well. I hear his comment, and it's a fair one about inconsistency. I would go the other direction and regulate house colors.

Comm. Peterson: I don't think we should underestimate the ability and desire of the HOAs to enforce their own restrictions. Even if Leawood were to allow somebody to have a stark white roof, I can guarantee it would not pass through the Berkshire subdivision.

Chairman Elkins: I think that's a good point. I will say that there's kind of a history that we haven't had to deal with in recent years. There's this ongoing tug-of-war between the city and the HOAs and who's going to force, and the idea of litigation always comes up. The city, often times, wants to push the responsibility off on the HOA because the city

doesn't want to deal with litigation. We've had other instances where the HOAs have, in coordinated fashion, come before us and said, "You need to do your job, Planning Commission and City of Leawood because we don't want the litigation, either, and you're the elected body." To Art's point, the appetite of HOAs to take on the tough issues has changed as well over the years. It is a moving target. I just know we've had HOAs and the Architectural Review Board issue. Some cities have one to take care of some of these issues, and we've steadfastly opposed an Architectural Review Board because of litigation, in part.

Comm. Peterson: With respect to HOAs getting involved with litigation, when it comes to litigation from an HOA, I've gotten to know around 40% of the HOAs in Leawood and have dealt with their boards. Most HOAs are tighter than two coats of paint when it comes to spending money on litigation.

Chairman Elkins: It is usually the other way. It is usually the homeowner suing the HOA, and that is why the HOA doesn't want to be in the position of getting sued. They would prefer the city to be in that position. You're exactly right, but it's that very reason that HOAs sometimes want to push this responsibility off on the LDO.

Comm. Peterson: Right, but the HOAs will tend to back off if they're going to be confronted with a mega-million-dollar lawsuit from Brown & Croupen or something.

Mr. Klein: Those are a lot of good comments. To repeat what I heard, we try to keep a color palette that is more neutral, earth tones, that would be okay, but to open it up a bit to allow some of the darker roofs as well. We'd also like to talk about weight. We noticed that we used to be able to find the weights of these products by pounds per square. We've always had a requirement of 300 pounds per square for something that isn't impact resistant (IR). For IR, when we got the first IR application, it was 275 pounds. The reason we were told is the material that they add into the roofing material is SBS, and it's a little bit lighter than the asphalt. Therefore, although it's superior as far as repelling impact, it is lighter. We did change the ordinance quite a number of years ago to allow 275 pounds per square for IR. We kept the 300 pounds per square for the other. What we've noticed lately is it's been more and more difficult for us to get the weights. Some of the roofing manufacturers told us that's intentional and that weight used to be used as a standard for quality of the roof, but there have been so many technological innovations that they no longer need that weight. One of them told me it comes down to the strip that actually holds the shingles together and goes to wind resistance. Before, they needed that extra weight there to meet the wind resistance and keep the wind from peeling up the shingles. Now, that seal has gotten to be so good that they no longer need that. One roofing manufacturer told me that they used to have a lot more sand in the roofing materials because it would add the weight. Since they don't need the weight anymore, they've removed some of that sand. They still have some of it, but that's made the roofing lighter and also a bit thinner as well. Another manufacturer indicated they are getting lighter because the shingles overlap, and before, they had granules on the area that was overlapped, but now, more are starting to not put the coating on that part since it won't be seen anyway. Then, they overlay the shingle on top of that, which has also made it

lighter. They have also indicated that the wind resistance and technology has gotten a lot better. The one that I talked to today said that you'll probably be seeing roofing materials closer to 200 pounds per square more and more. That's not to say we don't still see some heavy ones out there; there are some that are even 400 pounds per square. Grand Manor is one of those.

Comm. McGurren: Is there a new standard they're using for quality?

Mr. Klein: That's what I've been trying to get at, and that's what I've been asking all of them. I'm being told that some of our approved roofing are examples of materials that they haven't changed the name; they've just reduced the weights and we just don't know because they changed it without broadcasting it. I had a couple people give different ideas to set standards. One said that the term "premium" is a standard within the roofing industry and that we could just require them to all be premium shingles. I talked to another roofing manufacturer, and they called theirs something else. We're still struggling a little bit with it. We want to make sure the roofing looks like it has depth and doesn't look like a flat, three-tab roof. This then gets into the issue of the shadow line, which is actually a darker streak visible at the top of the shingle. It is supposed to make it look like it has more depth to it. Some of them have very defined shadow lines; other ones don't. A manufacturer I talked to today said that their heaviest roofing materials do not have a shadow line. They're about ¼" thick anyway, so they don't feel like they really need it. Those are some other roofing materials. Our standards are 300 pounds per square non IR and 260 pounds per square IR, five color granules, and shadow line. We are looking for something, but I don't have anything right now because I've gotten different information from different manufacturers. We would like to bring something to you, or I'm afraid we're going to get into a situation where we have to take materials off the roofing list because they're too light, and it's going to be difficult to find out about them, or we're going to get a lot of applications where the roofing materials is supposedly superior but doesn't meet the weight requirement.

Chairman Elkins: Do we permit concrete shingles?

Mr. Klein: We do allow concrete shingles as well as synthetic slate, which can be any color you'd normally see in a slate. Concrete tile is the same. The synthetic slates tend to be a lot more expensive, so people don't tend to go to those quite as much. Concrete tile needs to have the roof reinforced in order to support the weight. That is why we don't often see those on single-family homes. Asphalt shingles are often used on single-family homes.

Chairman Elkins: Do we have color limitations on the concrete shingles?

Mr. Klein: We don't.

Chairman Elkins: There's another point.

Mr. Klein: Honestly, it would be very difficult on the concrete shingles because most of the time, they're not a single color; they're different colors that are mixed and blended. That would be very difficult to define the pattern. They're all different and all look pretty good. We haven't really had any complaints about them or anything like that. There is a lot more variation, it seems.

Currently, asphalt shingles are only allowed to be placed on single-family homes. A duplex, triplex, fourplex, apartment building, senior living, and independent living are required to do something other than asphalt shingles. Typically, we would ask them to do concrete tile or synthetic slate or something similar. The way we understand it is that adds a whole lot of cost to the roof. We've had some indicate that the maintenance part is also an issue. One developer indicated that it worries him to death that he has those concrete tiles up there because if one breaks loose and falls off, it could kill somebody. He has to have somebody out there fairly regularly to inspect it and make sure they are staying on. One of the requests that we hear from developers on multifamily, including apartments, is whether we could allow asphalt shingles on those as well. We wanted to get your opinion to see if we should allow asphalt shingles on those. Across the street at Sunrise, they have concrete tile as well as Fairways at Ironhorse. Milano Apartments do not have concrete tile as part of a lawsuit and settlement. They were allowed to put asphalt shingles on that development. Another would be the apartments south of 135th Street on Kenneth Road. I believe those also have asphalt shingles.

Chairman Elkins: How did the ones on Kenneth Road get asphalt?

Mr. Klein: I think they were constructed before the current ordinance. They are legal, nonconforming. Does the Planning Commission have guidance?

Chairman Elkins: What is the rule for commercial roofing?

Mr. Klein: We consider the multifamily almost commercial. Basically, single-family doesn't come to the Planning Commission and City Council, but pretty much any multifamily does, be it part of Mixed-Use or RP-3. Lashbrook, south of 137th Street, had duplexes and triplexes. Those came before you with a material board. They had to list out their materials. They were required to go with something other than asphalt shingles. It may have been concrete tile.

Chairman Elkins: I guess where I was going with that question was wondering about a slippery slope. We change it so that asphalt shingles are fine for multifamily housing, and the next time, it will be office buildings or whatnot. Maybe that's fine; I don't know. It seems like we're heading down that road.

Mr. Klein: I think the argument so far has always been on the residential-looking buildings that a lot of residential uses asphalt shingles. A lot of apartments in the other cities have asphalt shingles. I don't think the city would be willing to have an office building or a commercial building with an asphalt roof. Something like Mission Farms could be a grey area with retail on the bottom floor and residential above.

Chairman Elkins: That's why I brought it up. MXD creates a whole other issue.

Comm. Hunter: What's the cost difference between asphalt and synthetic?

Mr. Klein: I don't have exact numbers. From talking with developers, though, it's pretty significant. Concrete not only gets into higher roofing material costs; you get into structural reinforcement to carry the loads. Synthetic slates, from my understanding, are probably even a little more expensive than the concrete tiles; however, the weight isn't as much, so the roof wouldn't need to be reinforced. They're maybe comparable to concrete tile because of the combined costs. The asphalt shingles, by far and away, are the most economical.

Comm. Hunter: In terms of development, is it so astronomically higher in price that it's going to prevent development?

Mr. Klein: I can get some of those numbers. I try to get a variety of prices.

Comm. Hunter: Are people saying they can't do a development because of the shingle requirement?

Mr. Klein: We have had people tell us that if we're going to require something other than asphalt, they'd have to go to a flat roof. It changes the architecture of the building. They would prefer to have a more residential-style building, and they do that with the asphalt shingle but probably would not do that if they had to go with something other than asphalt.

Comm. Hoyt: I can't remember which case it was, but we had one recently, I believe, where the developer transitioned from standalone houses to villas to duplexes to small apartment buildings. Particularly the duplexes, I believe, they wanted them to look like individual standalone homes and wanted asphalt roofs. It seems like, especially in these developments that are presenting a buffer from existing residential areas where we're stair-stepping the density, there is some aesthetic value to allowing the more residential asphalt roofs, also.

Mr. Klein: The Chamber has mentioned a couple times that they see it as a subject as far as creating more affordable housing in Leawood.

Comm. Stevens: It is sounding like, from talking to manufacturers, you're having trouble understanding the quality or performance of the roof with everyone having different makeups or not being open. It seems like all the composition or asphalt shingles would still have performance testing requirements, like meeting an ASTM test or strength test. You mentioned the impact resistance. That may be something to gauge quality and type of material versus just opening it up to any type composition shingle.

Mr. Klein: That is a very good point. We actually require an ICCES report. We won't allow any roofing material for the very reason that it is something that gets tested so that

we know it is quality. We used to get a lot of our information out of there. We used to get pounds per square, so it was a wealth of information from a third party that we trusted. Unfortunately, now, a lot of that information does not seem that it's being made available through the ICC. The fact that they have the ICC is something that we would still require. If it was on multifamily especially, we would require it to be Class A fire rating. I think we even have that on single family for asphalt shingles; however, I think some of the synthetic slate is allowed to be Class B. Then, I had one developer indicate that he thought the best way to look at it was to just require IR on everything. He felt that would be the best way; however, when I talked with other manufacturers, they didn't have that same opinion. If that is something the Planning Commission would like us to look at to bring back an LDO amendment, we would not feel comfortable bringing without standards. It is something we're going to have to do more research on so we're comfortable that it is something that is quality. We don't want to open it to products that aren't quality, either.

Chairman Elkins: I think it makes sense.

Mr. Klein: I have one other issue on roofing. This one has to do with Tesla roofing tiles. This is a solar panel, and I was hoping to bring up a website. Unfortunately, we seem to be having a problem clicking the link. I drove to Topeka over the weekend to look at two roofs being installed. There aren't many of them in the area. We have an application that has been made to the city to add them to the roofing list. It's a two-part question. I mentioned we have synthetic slate, stone-coated steel, asphalt shingles, synthetic shake as well. These are actually made out of glass. I went to the dictionary to find out what synthetic was, which unfortunately didn't help too much. I've been asking different people, and there are a lot of different conceptions of what it means. Some think it means plastic or has some sort of polymer in it or something like that. For others, it means it is artificially constructed. Glass is definitely a natural material; however, it is something that is tempered and formed. Part of the question is if we already have a category, we can put that under as far as synthetic slate because it is made to emulate that, or is it something that we need to add in as a new category? Probably the best one to show what they look like is a house with the Tesla shingles. They do glisten a little bit, probably more like a metal roof. It's not glaring or anything, but you definitely see a little more reflection than you see on a concrete tile or asphalt. The shingles also look 2-3 times as wide as concrete shake, concrete slate, or slate. They're a little shallower, so it has more of a horizontal appearance to it.

Chairman Elkins: Are they actually generating electricity, or is it just passive solar?

Mr. Klein: They are generating electricity. I talked to the installer and asked him some questions. Basically, he indicated that not all of them generate electricity, so they have a mixture. They have the ones that generate electricity in there mixed in with some other ones, but they don't look very different. They put the ones that generate the electricity on the exposures that are primarily getting the sun and less on the ones that aren't. We wouldn't be able to see the difference. You can kind of see over by the ridges is an area that is not quite reflective and is more of a matte finish. It's actually metal, and that's the

reason for the difference. They are substantially more expensive. The website indicated that a house that would cost \$30,000 to reroof would cost \$75,000, which would not include an electrician that would need to be hired. When I talked to this particular roof installer, he indicated that it is probably true on a very simple roof. Getting into more and higher pitches, it would probably go up pretty substantially. It is something that had some direction as far as the city wanting to incorporate environmental factors. I'm not going to say that I thought it looked like a concrete or slate roof. To me, it had a little different look to it, which is the reason I tried to find a movie to play so you would have a general idea as to what it looks like.

Comm. Hunter: Are solar panels allowed?

Mr. Klein: We do allow solar panels. They are required to be earth tones with black metal components. The difference with this over the solar panels is the solar panels are often on brackets so they get the right exposure. These don't tilt at all. That is the other thing I noticed about these. They don't overlap; they kind of fit together. When I talked to the roofer, he indicated there is a 1/4" space. Really, the protection of the roof from rain and elements is the underlayment, just like with concrete tile.

Comm. McGurren: Being glass, there's still no issue with something like significant hail?

Mr. Klein: I asked about that as well. IR is a Class 4, so I think a lot of the other glass shingles had a Class 3. Their website indicates that these are Class 3; he indicated that the panels generating the solar power are Class 3, but the other ones are Class 4. He said it's kind of a mixture that has to do with the fact that they have the electrical. It sounds like they wouldn't meet the higher IR because not all would be Class 4. The wind rating, he indicated was about 162 miles per hour, which is pretty good. Performance-wise, I think they're probably pretty good. The look of it is a little bit different. It definitely has the advantage of offering citizens of Leawood the alternative to be more environmentally friendly with putting solar panels on the roof. I know we talked about that before and there was some discussion about the front of the house and not wanting them there. We don't really have a regulation on that. This would be a way that you wouldn't have to worry about that.

Comm. Coleman: Have you gotten any requests for solar roofs?

Mr. Klein: We do have one application in right now where they are requesting to add this to the roofing material. If you go to the Tesla website, they actually show different profiles. I was pretty excited about some.

Chairman Elkins: They're definitely black.

Mr. Klein: These are definitely black. I took my wife, and the one thing she noticed is that they are very black and had a bit more shine to them.

Chairman Elkins: Is this Tesla an Elon Musk company?

Mr. Klein: Yes. What they have on the website doesn't look too bad. There is a terra cotta barrel tile and a rustic slate. It looks like there is a variation in the width. When I was talking to the roofer, he indicated that the one that was more textured was Version 1 and is no longer available. He said the terra cotta one is also not available right now but may be in the future. He said that it looks smooth but actually has striations in it. This is the one being put on and the one that is available now. That is the one that we have the application for.

Chairman Elkins: So, the ones that look the best, they don't even offer.

Mr. Klein: That's what I understand so far.

Comm. McGurren: It's a great idea.

Mr. Klein: I guess the guidance we're looking for is if this is something we want to add to the options for Leawood.

Comm. Coleman: I think if you don't address it now, you're going to have to address it sometime in the future.

Chairman Elkins: I think we need to talk about it.

Comm. Coleman: I think they're an improvement over the big solar panels you would put on a house aesthetically.

Mr. Klein: I would agree.

Comm. Coleman: I think we do have to address it.

Mr. Klein: Do you have a feeling for if it needs a new category? That's something we can try to take a look at as well. Now that I'm thinking of it, they might have different standards. Even if they could fit in a category, they are different enough that the thickness might factor in. That's all we have for tonight.

Chairman Elkins: Thanks, Mark, and thanks to staff.

MEETING ADJOURNED