

**City of Leawood  
Planning Commission Meeting  
September 27, 2022  
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:** McGurren, Coleman, Block, Stevens, Hunter, Hoyt, Elkins. Absent: Belzer, Peterson.

**APPROVAL OF THE AGENDA**

Chairman Elkins: There is a quorum present. I believe staff has amended the agenda to move a case from New Business to the Consent Agenda. Are there any other changes?

Ms. Schuller: There are not.

**A motion to approve the agenda was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt.**

Chairman Elkins: That bring us to the minutes for review.

**APPROVAL OF MINUTES:** Approval of minutes from the August 23, 2022 and September 23, 2022 Planning Commission meeting

Chairman Elkins: Are there any revisions to the August 23, 2022 draft minutes? Is there a motion?

**A motion to approve the amended minutes from the August 23, 2022 Planning Commission meeting was made by Hoyt; seconded by McGurren. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt.**

Chairman Elkins: Are there revisions to the September 13, 2022 Planning Commission meeting? Is there a motion?

**A motion to approve the amended minutes from the September 23, 2022 Planning Commission meeting was made by Hoyt; seconded by McGurren. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt.**

**CONTINUED TO OCTOBER 25, 2022: CASE 63-22 – LUXURY TWIN VILLAS –** Request for approval of a preliminary plan, preliminary plat, final plan and final plat located south of 137th Street and west of Mission Road. **PUBLIC HEARING**

**CONSENT AGENDA:**

CASE 93-22 – BMO BANK (8840 STATE LINE RD.) – SIGNAGE – Request for approval of a Final Plan located north of 89th Street and west of State Line Road.

CASE 95-22 – COCHERL BUILDING (PANASONIC) – WALL SIGN – Request for approval of a Final Plan located north of 143rd Street and east of Kenneth Road.

Chairman Elkins: Does any commissioner wish to pull any of these cases from the Consent Agenda for additional presentation discussion?

Comm. McGurren: I have a question about Case 99-22.

If not, is there a motion to recommend approval of the remainder of the Consent Agenda?

**A motion to approve the remainder of the Consent Agenda was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt.**

CASE 99-22 – GARDENS OF VILLAGIO – Request for approval of a final plat and final plan, located north of 137th Street and east of Roe Avenue.

Comm. McGurren: Some of this is just educational on my part. Could you tell us the reasoning/benefit to making the change from two lots to one tract?

Mr. Klein: The applicant might know better with that. Currently, it has three condominiums, and it is being reduced to two. I think it's due to ownership, but I would defer to the owner of the property.

Doug Patterson, 12716 Linden, Normandy Place, appeared before the Planning Commission and made the following comments:

Mr. Patterson: I am the President of Gardens of Villaggio Condominium Association, which is soon going to be just the regular property owners' association as well as the owner of the two lots that you just described. When the original plat was prepared and filed, we weren't sure how much a company called HOD, LLC would want to take in the building. Originally, we thought we would contract to buy from the developer the larger lot. We saw the need for some additional space, so we bought two of those lots within the building and combined them. There's no demising wall or anything; it's just one continuous space that happened to be two lots within that building. We thought, for the CCR that would be filed, if the plat and side plat are approved, we'll just refer to those two lots within the building. The combined lot will have 3,700 square feet; the other lot has approximately 1,300 square feet. The same owner owns two lots, so the conclusion was to combine them.

Comm. McGurren: This may be a staff answer, but what is the difference between a tract and a lot?

Mr. Patterson: The tract is a common element that involves the yard, parking lot, sidewalks, and entryway into the building. It is a common area that you would have in any homes association. The lots are the two lots within the building.

Comm. Coleman: I know the two other Consent Agenda items had to do with signage. What makes this case part of the Consent Agenda rather than our normal agenda?

Mr. Klein: Part of the Consent Agenda is when there are no outstanding issues. This is just a plat, and the plan is to complete the sidewalk on the northwest corner. Currently, it is a jagged edge. They'll remove it, clean it up, and move the art piece down in front of the building on 137<sup>th</sup> Street.

Chairman Elkins: Are there other comments or questions?

**A motion to recommend approval of CASE 99-22 – GARDENS OF VILLAGIO – Request for approval of a final plat and final plan, located north of 137th Street and east of Roe Avenue (he said “west of Fontana Avenue”) – was made by McGurren; seconded by Hunter. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt.**

#### **NEW BUSINESS:**

CASE 97-22 – KOPP RESIDENCE (8424 MEADOW LANE) – SPORT COURT (WITH LIGHTING) – Request for approval of a special use permit, located south of 83rd Street and west of Lee Boulevard. **PUBLIC HEARING**

#### **Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 97-22 – Kopp Residence – Sport Court with lighting – Request for approval of a Special Use Permit. The applicant is requesting approval of Special Use Permit for an existing sport court with lighting. This residential home is located south of 83<sup>rd</sup> Street and east of Lee Boulevard. This is an existing sport court, which was approved by the Planning Department without lighting in October, 2020. The dimensions of the sport court are approximately 52 feet by 45 feet, and it is construction of concrete that has been painted. The sport court will be used primarily for basketball and pickleball and will solely be for private homeowner use. No organized sporting practices or events will be held on the property. The lights proposed are to allow the court to be used in the evening and are attached to the basketball goals. They will provide light to both ends of the sport court. These lights extend above the hoop and are approximately 15 feet in height above grade. The lights have already been installed but are not to be powered on until approval has been granted. With regard to screening, staff recommends additional trees be planted to completely screen house. Staff recommends that additional trees be planted to screen the

existing court with the proposed lighting, and, prior to Governing Body consideration, the applicant provide a revised landscape plan with this screening, specifically arborvitae green giant plantings to match what is already there. It has been recommended that these be located along the corners of the southwest-northwest property lines to further screen lighting from adjacent properties. This application meets all requirements of the LDO. Staff recommends approval of Case 97-22 with the stipulations listed in the Staff Report. I'd be happy to answer questions.

Comm. Block: You said it was issued in 2020. Was there a citation issued?

Mr. Klein: There was a complaint from a property owner who came to the Governing Body meeting. They could hear the pickleball paddles and comments.

Comm. Block: And then it was brought to staff's attention. Is it really just the lights?

Mr. Klein: Yes; currently, a sport court without lighting can be met administratively. Requirements such as a drainage study, landscape plan with screening, minimum of 10 feet to the property line. If the lighting component is added, the LDO requires a Special Use Permit.

Comm. Block: Did the homeowner go through the process for the court itself?

Mr. Klein: Yes, they had approval for the court.

Comm. Block: On the lighting, I understand cutoffs to be something around the light that directs the light. Is that the case here?

Ms. Schuller: Staff spoke with the homeowner about that. The lights are recessed to some extent, which creates a bit of a natural cutoff. If additional light screening is needed, we will ask the applicant to provide more.

Comm. Block: I thought the Staff Report said the lights can't be on past 9:00, but in the Interact Meeting, the homeowner said they won't be on past 10:00. Is 9:00 in the ordinance?

Mr. Klein: Currently, the LDO allows lighting from 7:00 a.m. to 10:00 p.m.; however, City Council has directed staff to look at standards for sport courts, including possibly abbreviating that time period more. This is a Special Use Permit, so it has room for the Planning Commission and City Council to impose limitations.

Comm. Block: How was the five-year time frame determined?

Mr. Klein: It was to give the landscaping time to grow. They have to meet all other stipulations in the meantime. The default is 20 years for a Special Use Permit; staff just felt that a shorter term would be better in this situation.

Comm. Coleman: To piggyback on those comments, my interpretation of the notes from the Interact Meeting is that the lights were already in operation. Do you have a timeline for when the lights were installed?

Ms. Geist: I do not. The applicant may be able to answer that better. I know that once the citation was issued, they were required to turn them off and were informed they could not turn them on until final approval.

Comm. Coleman: Someone made a comment about how these differ from floodlights on a house. Is there guidance on floodlights either on the front or back and how they can be on all night?

Mr. Klein: Currently, nothing in the LDO speaks specifically to floodlights. We have ordinances that require that the source of illumination is hidden and a maximum of .5-ft. candles at the property line. That would be in place for all lots across the city. We have it clearly listed in the stipulations that it would be no more than .5-ft. candles at the property line and that the source of illumination can't be visible. We also added the cutoffs in case the light bled off too much. It might be a way to focus the light back to the court and not spill off to the adjacent properties.

Comm. Coleman: What is the source of illumination?

Mr. Klein: It is a standard stipulation. It means the filament inside the clear glass that is the source of illumination, and that is not allowed. Often times, when staff is reviewing lighting, we require the glass to be frosted or a different light fixture is utilized to block the source.

Comm. Hunter: If someone had a floodlight that didn't meet the city's guidelines and it goes off in the middle of the night because a cat walks by, the only way you'll know about it is if someone complains.

Mr. Klein: That is probably true. It would be difficult to know what houses have a floodlight on a motion detector.

Comm. Hunter: Along that line, the neighborhood has gorilla lights on many basketball goals. Is it the city's position that every person who puts those lights up is supposed to go through this process, or is it only on a sport court?

Mr. Klein: It is specifically listed in the sport court. Part of the reason for that is it creates a bit more impact. Originally when I first got here, sport courts require a Special Use Permit, whether they were lit or not. We had situations such as size and organized practices that factored in. After a while, the city determined it would be acceptable to allow administrative approval. Lighting hit a level of higher impact, so it is required to go through Planning Commission and City Council.

Comm. Hunter: So, a driveway gorilla light is fine, but if it goes in the back yard, it is not.

Mr. Klein: It would still have the requirement of .5-ft. candle at the property line.

Comm. Hoyt: In terms of how this all came to pass, we have the administrative approval for the sport court, which has been going on for two years. When did the lights go up, and is this accepted protocol to have lights installed and then come back to ask for approval, or would you ask for someone to seek approval and then put the lights up?

Mr. Klein: We would want the approval before installation. That being said, there are situations where someone may have put the lights up without realizing the approval was required. In that case, they would receive a citation and go through the process. That is the situation tonight.

Chairman Elkins: There was a complaint during the citizen comment period at Governing Body about the noise, correct?

Mr. Klein: Correct.

Chairman Elkins: We're here today about the lights and not the noise, so at some point during the investigative period, a citation was issued for the lights.

Mr. Klein: Correct.

Chairman Elkins: There is nothing we are deciding today that impacts the noise other than a deadline of when the lights get turned off.

Mr. Klein: Correct. The city has a maximum of 60db at the property line.

Chairman Elkins: It seems that the applicant had done a photometric survey and demonstrated it met the LDO requirements.

Mr. Klein: Correct. I don't think this is a situation in which they have to install everything and turn the lights on. I think these companies have software that they'll use to calculate the light being generated, determining the foot candles at the site.

Chairman Elkins: That may be, but my impression was that they actually had someone come out and take measurements.

Mr. Klein: They did have someone come out. What they provided at that time wasn't required by the LDO, so you have the photometric study as well.

Chairman Elkins: So, that's why there's an open issue of what the lighting situation will be when they turn them on and if there is a need for additional cutoffs.

Mr. Klein: Yes.

Chairman Elkins: I got a little lost in the discussion about floodlights. If you have floodlights on in your house that are on all day, does the LDO state that house floodlights need to be off at 10:00 as well?

Mr. Klein: It doesn't say that they have to be turned off; they just have to be .5-ft. candles at the property line or less.

Chairman Elkins: If it wasn't a sport court and they met those requirements, the lights could be on all night, but since this is a sport court with a Special Use Permit, they must turn the lights off at 9:00.

Mr. Klein: Correct.

Chairman Elkins: I notice that there are many homes throughout Leawood with the lights that go across the patio. Oftentimes, those have a clear bulb. Is it staff's position that those are technically not in compliance with the LDO?

Mr. Klein: The LDO has performance standards in Article 2, Section 9. Let me double check that. The festoon lighting on a commercial project is required to have frosted bulbs.

Chairman Elkins: Is that limited to commercial, or would it apply in residential?

Mr. Klein: I'll check.

Chairman Elkins: I'm not suggesting we send out enforcement people. I was curious because that lighting seems to be popular, and frankly, I think it looks pretty good. I'm just curious if we have a potential technical violation and whether or not staff needs to look at clarifying the LDO for that. Are there any other questions?

Mr. Klein: It actually is for all lighting. It's in Section 16-2-9.1(g). It says, "All lights other than publicly installed streetlights shall be located and installed to reflect the light away from abutting properties zoned for or developed with residential structures, maximum of .5-foot candles at the property line."

Chairman Elkins: It doesn't address the point of illumination, though.

Mr. Klein: That is another part of the ordinance. I believe that's located under commercial uses.

Chairman Elkins: If there are no other questions for staff, are Mr. and Mrs. Kopp here?

### **Applicant Presentation**

George and Megan Kopp, appeared before the Planning Commission and made the following comments:

Mr. Kopp: We've lived in Leawood for 20 years. We love the neighborhood. The people are awesome. We've been trying to get everything right with our sport court for two years. I heard you asking why the lights were put up before. It's because in our neighborhood, there are a ton of these lights all over. They're not that bright. We didn't use them but maybe once or twice. We're sorry we did that without the proper permits.

Mrs. Kopp: They're all over our neighborhood. I did specifically ask in an email when we got the citation. They told me that even driveways had to have the Special Use Permit for any gorilla hoop light associated with a basketball hoop. We have three boys. They play basketball. It's going to get dark early. It would be nice for them to go out and shoot baskets. They're basketball players in high school. For them to even get a couple hours of basketball shooting from 6:00-8:00 would be great.

Mr. Kopp: They need to get better at shooting.

Mrs. Kopp: I did have a couple questions. I was wondering about the five-year time frame. I didn't see that when I was applying for this.

Mr. Klein: We've had a number of sport court applications. A lot are longer, but some are five years as well. The reason for the five years is that City Council has asked us to look at the standards. We wanted to limit it while still giving some time for landscaping. If you come in and renew it, it's possibly you could have it extended much longer than that. It basically ensures that if there is a situation, it can be evaluated five years from now.

Mrs. Kopp: But there's no renewal process; it would be the same process we're going through.

Mr. Klein: That's correct.

Mr. Kopp: When I got the documentation about applying for the Special Use Permit for lighting, it said the use was from 7:00 a.m. to 10:00 p.m. Everything sent to me and that was submitted was for 7:00 a.m. to 10:00 p.m., and now there's a stipulation for 9:00 p.m. I'm not saying we'll be out there that late every night, but occasionally it would be nice to go out until 10:00 on a summer night. That is my concern because everything I originally got from the city didn't have that in there.

Mr. Klein: A Special Use Permit is a special process. Instead of something being allowed by rights, the Special Use Permit allows the city to look more specifically at that project on that particular location. At the Governing Body meeting when City Council asked staff to look at sport court regulations, one of the things mentioned was to not have an abbreviation to how long the light could be on. That is a stipulation. It doesn't mean the Planning Commission and Governing Body can't take out that stipulation; That was a staff recommendation of what we have, and Planning Commission and Governing Body have the ability to adjust.



Mrs. Kopp: When we got the sports court planted, we planted 17 Green Giant Arborvitae Trees on the north, south, and west sides. There are corners where there are not trees. I think those are all in your packet. Last Friday, I was told to plant eight in that area. That area is very tiny. I can tell you the trees. They've grown significantly since planting, but I can't force them to grow. My concern is that we had the master electrician out. He found that it was .3 at all the property lines. I got a photometric study. You can see in the corners that there is no light illumination. I don't understand why I would have to plan additional.

Mr. Klein: Currently, the sport court has been approved without lighting. The stipulation says it needs additional trees in the corners. It looked like it was pretty well screened except for the corners. It might be 1-2. We would talk with a landscape person. You're absolutely right that the Green Giants are wonderful for screening. They should grow up pretty quickly. You can tell the ones you planted are growing well. We just thought with the lights, it might be an opportunity to add more in the corner.

Mrs. Kopp: I measured from the back of the hoop to the side corner, and it was about 41 feet. It's pretty far from illumination. With the photometric study, you'll see that there is no pickup in the corner. Who would I discuss that with?

Mr. Klein: It's a stipulation right now, and we're having the discussion tonight. There's a Public Hearing associated with it.

Mrs. Kopp: Just to make sure you know, I reached out to the houses in both corners. They got two letters, and I specifically talked to the homeowner on the southwest corner. I emailed the person on the northwest corner. They either said it was no problem or didn't reply. I think we were okay with everything else. We have three boys. What happened is my boys were out late one night.

Mr. Kopp: They got a stern talking-to.

Mrs. Kopp: We've addressed it, and now they know.

Chairman Elkins: Thank you. Questions for Mr. and Mrs. Kopp?

Comm. Hoyt: It's clear that you've done a lot of outreach to your neighbors. I appreciate that. It's wonderful when folks can iron out their situations. On the issue of permitting the lights until 9:00 p.m., I don't know if others on Planning Commission or Governing Body would go for this, but would it be helpful if it was a stipulation that said the lights could be on until 9:00 p.m. Sunday through Thursday and until 10:00 p.m. Friday and Saturday? It seems it would be more likely that they would need the accommodation on the weekend. It could address neighbor concerns. Would that be helpful?

Mr. Kopp: Anything would be helpful.

Mrs. Kopp: It would be helpful. They're in school, so they're not out there playing or having large parties during the week. The only thing would be summer, but if that's the stipulation put into place, that's it.

Comm. Hoyt: This is also marked for pickleball playing? I've read that people can be put off with the ping pong of pickleball. It seems like 9:00 might be a good cutoff time. Otherwise, you're precluded from ever having the lights on until 10:00, and that might not be the most reasonable thing.

Mrs. Kopp: It just surprised me because all the documentation, including the citation, said 7:00-10:00.

Mr. Kopp: The hope is for them to have the ability to have time to shoot during basketball season. We're here to hear what you have to say.

Comm. Block: I know the citation came from the noise and not the lights, and you reached out to a pretty big area for the lights. Did that overlap whoever complained about the noise, and are they okay with the lights, or have they said nothing, which is probably fine, too?

Mrs. Kopp: They may have comments. I've learned a lot since doing this. There are a lot of comments. People are asking if I'm putting some industrial lights in my backyard. The comments you made about the string lights and flood lights are things that people have come to talk to me about. They can irritate people in their bedrooms, and nothing is really ever done about those.

Comm. McGurren: My feedback on that would be when you build a sport court and put lights on it, the use creates a noise and a whole different environment than people sitting on their deck with floodlights. They're not on a court when all those other lights are in use.

Mrs. Kopp: These are used occasionally, and those are on all the time. I get it. There are a lot of different things that irritate people. You have to be a cognizant neighbor and really work to deal with people that have irritating things going on. To that point, I would agree with that.

Chairman Elkins: Other questions? If not, to give insight on the process, because this is a Special Use Permit, we have an opportunity for comments from the public. You'll have an opportunity to respond to concerns expressed there. With that, we'll permit five minutes for each speaker.

### **Public Hearing**

Amy Noktgal, 8425 Belinder Road, appeared before the Planning Commission and made the following comments:

Mrs. Noktgal: Our house backs to this home. We appreciate and agree with them. We love having kids outside and playing outside. This provides that opportunity. We're happy about that for them. This is not a small sport court. It is a 2,500-ft. sport court and spans

the entire width of their back yard. It is closer to my house than their house. It is a little bit different than what you all are thinking unless you come out to visit. That's the only reason we're here. The lights aren't so much the problem. I saw them on. They were fairly recessed. The problem is the noise that accompanies the light. It's a pickleball court. If it was a basketball court, we probably wouldn't be here talking about it. They're playing pickleball with big groups of kids. It's full-sized. It's not four kids playing basketball. If you remember the lawsuit recently in our friends' city where they were 600 feet away. We are not 600 feet away from that pickleball court. I am not the person that filed the complaint. I actually just sent Mrs. Kopp an email that said it was such and such time and I had to work but I couldn't go to sleep because they were out playing. Her response was very apologetic, and she talked to her kids. That was great. The key piece of her response was she didn't hear it because she was asleep because it's closer to my house than it is to her house. I think that's something we have to keep in mind. I think 9:00 is fine. I don't love it, but we're talking teenage boys with lots of language. We have to cut them a break, but we also have neighbors with very small children: kindergarteners, three-year-olds, special needs kids. We've got boys, as we would expect, that are having a great time. They should have a great time and enjoy it, but we have to balance all the neighbors' needs. That's all we're asking them to do: balance it a little bit with everything else going on in our neighborhood. 10:00 seems late during the week. We're all trying to go to bed. I work in a hospital; my husband works in a hospital. He's your favorite anesthesiologist. You want him to be asleep before you need him. We want to be a good neighbor, too. We don't want it to be impossible.

Comm. Coleman: I know that 10:00 is area-wide for lights with tennis courts, basketball courts, that sort of thing. You mentioned 9:00. In your neighborhood, what do you think is an acceptable time?

Mrs. Noktigel: I said 9:00 for sure during the week. The problem with 10:00 is that when he's on call at 5:00 in the morning on the weekends and they're out until 10:00 playing pickleball, it affects him. It's not just him; there are others with kids who get up at the crack of dawn. If you keep the kids up until 10:00, they can't fall asleep. I respect that it all needs to be balanced, but 10:00 seems like a lot during the week.

Comm. McGurren: I'll follow up to give you the ability to say what you desire. Is 9:00 acceptable? Would you want earlier if you were writing it for your neighborhood?

Mrs. Noktigel: We would prefer 9:00, but we would understand.

Chairman Elkins: Thank you for your comments. Is there anyone else who wishes to be heard?

Julia Dunfield, 8417 Belinder, appeared before the Planning Commission and made the following comments:

Ms. Dunfield: I'm not adjacent to the property; I'm a couple doors down. We've lived there for 20 years. I was surprised by the installation of the sport court. We weren't in the

immediate area where we got notification. I'm sure that was under regulation. I know that we're not here for that; it's for the lighting. From a lighting standpoint, we don't get any feedback from the lighting itself. It's more the noise and the extended playtime on the courts. When there is a larger group of players, there is some profanity. Like Amy said, kids will be kids. I'm not going to sit here and say I don't cuss, but when there are large groups of kids, it's a lot. After the cutoff time, who polices that, and who tells the kids? If it's a public court, people will tell them to stop, but it's really up to the neighbors to do that. Those are my concerns, I guess.

Chairman Elkins: Thank you for your perspective. Anyone else who wishes to be heard?

**A motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt.**

Chairman Elkins: Mr. and Mrs. Kopp, do you wish to respond?

Mr. Kopp: We were not aware of the language, and we are very upset about that. That will be addressed. Take my word for it that the kids won't be out there cussing and causing a problem. We will take charge of making sure it's off when the time is up. We don't have a lot of parties. It really was designed for basketball and some pickleball. Pickleball is mainly during the daytime. There's a lot of stuff going on with construction. There's a lot of noise in general. I'm really sorry about the cussing. I did not know that was going on. That will be addressed.

Mrs. Kopp: We'll do our best to police it. We have good kids, but when they get in groups, sometimes people do cuss. We'll do our best to make sure that is taken care of. We really don't have a lot of parties. We're not that exciting. It really is designed for the kids and us to get out as a family.

Chairman Elkins: Thank you for your comments. That brings us to a discussion on the lighting for the sport court.

Comm. Hoyt: I have some thoughts, but also, is it possible to put these lights on a timer so that there is enforced regularity as much as it can be enforced?

Mr. Klein: Unfortunately, I don't really know. I think there would be the ability to put it on a timer, but I've never used these lights.

Comm. Hoyt: I'm quite sympathetic about the neighbors' concerns. It's not just lights; it's that when the lights are on, the potential for action is on. I actually live on a golf course, and people cuss a lot on the golf course. It's actually become much worse in the last ten years, which is quite interesting. My kids are grown, but it would have bothered me to have grown men screaming on the golf course. You get a bunch out there, and it's only natural that you're not going to police yourself as much as you would if you were in a non-competitive situation. When the lights go out, it will take a bit of time for the action to wind

down, but having the lights on timers might be helpful to make sure the lights go off at the times they're supposed to go off. I would be in favor of modifying Stipulation No. 5 to at least give the option of leaving the lights on until 10:00 on Friday and Saturday. Without that, let's say my fellow commissioners want to keep it at 9:00 seven days a week. I hate to put another layer of permitting on this, but would it be possible for a homeowner, just as you have some sort of special notice of a bit party on the block, is it possible for a homeowner to ask the city for an exception?

Mr. Klein: As far as the regulation with the sport court, this would probably rule since that's what this was approved for. There are Temporary Use Permit for an anniversary or wedding. It does not preclude them from being required to meet the ordinances of .5-foot candles or 60db at the property line.

Ms. Knight: I don't think there would be a legal mechanism for that. If it goes to Governing Body and it says 9:00 p.m., there's no way any staff could overturn that.

Chairman Elkins: I did note that the interact meeting had discussion about timers. These are not hardwired lights, so that might complicate the issue of timers.

Comm. Hunter: I have a hard time with the holding a backyard basketball game or pickleball game to a higher standard than the same games in the driveway. I've had several boys in my front yard for basketball and pickleball games. I have a hard time distinguishing that. I also have a hard time with limiting it to 9:00 p.m. when the ordinance says 10:00 p.m. when the backyard lights can be on all night. These may be a lesser wattage than other people's backyard lights or floodlights. If the ordinance says 10:00 p.m., I think it needs to be that.

Comm. McGurren: My opinion is that Commissioner Hoyt's idea related to lights on a timer would be awesome. Hearing that it is 2,500 square feet in the middle of someone's back yard leads me to the assumption that it is bigger than the average home in America. That's probably bigger than most people's first floor in their house. We already know there's a problem. The lights have been on; the neighbors have reacted. It's not like we don't know what's going to happen. I have full faith that they will talk to their children about the language. I have no problem with the 9:00 p.m. I wouldn't vote for later than 9:00 p.m. I think we solve the problem that already exists by what staff has created.

Comm. Block: If a police officer is dispatched, is he going to have a manual that says that one house is a different time than another? How are they going to enforce that? How are they going to know to write them one for 9:00?

Mr. Klein: I would imagine they would respond to a call, and they would indicate the neighbors have concerned or complained. They would note in the journal. At that point, staff would get to know what the hours were. If we're looking at a problem, we'd have the address and the Special Use Permit tied to the address. I do understand your point about having different regulations at different times; however, we do run into that situation

whenever an ordinance changes and we have legal, nonconforming uses. If the city didn't change the ordinances, they would never work to the point where they want to get.

Comm. Block: If they did go to 10:00 and the Special Use Permit was only for 9:00, the citation could be issued later?

Mr. Klein: I believe that is a possibility.

Ms. Knight: The police don't do lighting violations; they do noise violations. If there's a group that is loud, they would tell them to quiet down. If they got called back, it would probably be a disturbing-the-peace citation. They can't write them a citation for a violation of Special Use Permit. That's a contractual agreement with the city. They're not going to be cited for having their lights on too long. If that occurs, I would encourage the neighbors to notify the Codes Department and not the Police Department and document that. That could go against their Special Use Permit, and it could be revoked.

Comm. Block: As far as the timer, they're not going to have the lights on every night, so the timer wouldn't need to be used the other six days of the week when they're not being used. My understanding is it's a cord that runs through a pole in the back that gets plugged in when it's getting used and unplugged when it's not.

Comm. Hoyt: You can attach a timer to that sort of thing, but the point is well taken that it might actually create a bigger problem because you don't want the lights on every single night.

Comm. Block: I guess you could put a timer on the plug so it only gets power certain days.

Comm. Coleman: I think everyone knows I'm a tennis player. One of the things this time of year is warm nights in the fall with no lighting. We kind of scrounge around for tennis courts. Almost every city in our area has a firm 10:00 cutoff. It's usually done on timers. We've found the timers don't work that great, and we get to play after 10:00 if that happens. The big difference between those public tennis courts that are in those big areas is that there are not a lot of people, and the lights aren't bothering homeowners. This is in someone's back yard, which affects not only the neighbors that are adjacent but the whole neighborhood because it gives off somewhat of a glow. I have absolutely no problem with the 9:00 cutoff when it's a sport court in someone's back yard. I think that's very reasonable, and I want to make sure we're accommodating the neighbors who may not have normal jobs to allow them to get eight hours of sleep between 11:00 and 6:00. I understand, as a father, little kids have different bedtimes. Having sport court noise, which is a byproduct of the lights, is not good for the neighborhood. In addition, I agree with Commissioner Block about the timer and that it's an undue burden on the homeowner. They've had to jump through so many hoops to get to this point; I just want to streamline the process and tell the homeowners to turn the lights off at 9:00.

Comm. Stevens: I guess I haven't really heard enough on why the stipulation shouldn't be as presented with the new time from 7:00 a.m. to 9:00 p.m. There are, I'm sure, a lot of

sport courts that have been approved in Leawood residents' back yards, even ones with lighting. They're probably following the current ordinance, which would be a 10:00 time. This is a change in the timing, but it does seem, for the reasons given including proximity to the yard and neighbors, it would help eliminate the amount of noise in the evenings.

Chairman Elkins: I generally find myself in agreement with Commissioner Hunter's sympathies in that it seems unfortunate that there is a difference in how long I can play basketball on my driveway that is right next to my neighbor's house as opposed to the sport court on the back of my house. Admittedly, maybe there is a difference because it's so large at 2,500 square feet and is set closer to the neighbor's house. I also think, in a commercial context, where we've had these kinds of lighting issues, we've regularly had a difference in terms of how long the patio lights can be on during the week versus the weekend. I thought Commissioner Hoyt's proposal was sensible and consistent with what we've done in other places in the city. Again, it's different because it's a residential area, but the reason we had those limitations in the commercial areas is to provide a balance and protection to the homeowners who were adjacent to the commercial areas. Ranch Mart is one, in particular, that had a stipulation that called for different times for the lighting on the pad site. That was for noise control as well. It might be apples and oranges, but it's somewhat similar. I tend to agree with the idea of having until 10:00 on the weekend and 9:00 during the weekdays. I don't know that there's a majority appetite for that, here. I guess one way would be to propose a motion that would amend Stipulation No. 5 and take it on its own and see how it fares, then moving on to the case as a whole.

**A motion to amend Stipulation No. 5 to read as follows: "Per Section 16-4-1.3B.6(g), of the Leawood Development Ordinance, sport court lighting shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 10:00 p.m. and 7:00 a.m. Friday and Saturday – was made by Hoyt; seconded by Block.**

Comm. Coleman: The difference between Ranch Mart and this is that Ranch Mart is a commercial area as opposed to in the middle of a residential area. That is my reasoning for not wanting to have it after 9:00. I think with the children in the area, they don't know it's a weekend as much as a teenager does. Personally, I wouldn't want the lights on as early as 7:00, but I'm not a morning person.

Comm. McGurren: I would agree for the same logic. I would not vote for the motion as it exists, given the fact that children have no idea what day of the week it is. If parents want to put them to bed at 8:00 and there is foul language and noise and some light, it does not improve the situation for the people in the neighborhood or for the people working odd hours in comparison to some people.

Comm. Block: I see it as a good compromise. The homeowners want to go to 10:00. That's what the city ordinance is. The neighbors to the rear are accommodated with 9:00 during the week. I originally thought a police officer would have to be dispatched to enforce this, but understanding that it really only impacts the Special Use Permit as it is with the administration and potentially issuing or not issuing one in the future.

Comm. Hunter: Having this restriction from 9:00 p.m. to 7:00 p.m., especially in the summer, renders the lights not able to be used.

Ms. Knight: This may require an amendment to the motion, but since the ordinance only talks about 10:00 – 7:00, the motion can't reference it. My suggestion would be to delete that.

Comm. Hoyt: That occurred to me as I was reading it.

Chairman Elkins: Any other comments? Then we'll move to a vote.

**Motion did not carry with a vote of 2-4. For: Hoyt and Block. Opposed: Stevens, Coleman, McGurren, Hunter.**

**A motion to recommend approval of CASE 97-22 – KOPP RESIDENCE (8424 MEADOW LANE) – SPORT COURT (WITH LIGHTING) – Request for approval of a special use permit, located south of 83rd Street and west of Lee Boulevard to include 14 stipulations as written – was made by Coleman; seconded by McGurren. Motion carried with a vote of 5-1. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt. Opposed: Hunter**

CASE 98-22 – IRONHORSE GOLF CLUBHOUSE – Request for approval of a final plan, located north of Bell Drive and west of Mission Road.

**Staff Presentation:**

City Planner Grant Lang made the following presentation:

Mr. Lang: This is Case 98-22 – Ironhorse Golf Clubhouse – Request for approval of a final plan, located north of Bell Drive and west of Mission Road. The applicant is requesting approval for a 304-sq.-ft. building addition to the Ironhorse Golf Club. It is located on the southwest corner of the existing structure. The façade construction materials for the project will match the existing structure. Any of the landscaping that is disturbed will be planted within the existing planting bed in the same location. With that, staff recommends approval with the stipulations listed in the Staff Report. I'll answer any questions.

Comm. Coleman: Is this the front of the building?

Mr. Grant: This would be the front of the building on the lefthand side.

Comm. Coleman: What is on the other side of that wall? Is it the kitchen?

Mr. Grant: It would be the kitchen. This would allow for them to expand their cooler.

Chairman Elkins: Other questions for staff? Ms. Claxton, do you and your team wish to be heard?



### **Applicant Presentation**

Chris Claxton, Director of Parks, Recreation, and Arts, appeared before the Planning Commission and made the following comments:

Ms. Claxton: This is behind the prep area, where the walk-in cooler, the dishwasher, and significant storage are. It's a fairly long linear space but not very deep at all. There are lots of problems with storage. This building was built in 1995 and was not built to the size it was intended to be. That money was spent on the golf course instead. The good news is the golf course has been seeing increasing activity in terms of events with the addition of the Vista 154 space. It's not unusual for 3-4 people trying to work in that space. There is significant pieces of dishware, cases of beverage products stacked up. This will give us an opportunity to expand that space. It will go out about 8 feet. It's going to stay underneath the current roofline. I also have the architect who worked with us on Phase 1 of the remodel. They will also work with us on Phase 2. Lori Doolittle-Bowman with BBN Architects could speak to specifics, and then we'll both stand for questions.

Chairman Elkins: Do you have any objections to the stipulations?

Ms. Claxton: No.

Lori Doolittle-Bowman, 411 Nichols Road, Kansas City, Missouri, appeared before the Planning Commission and made the following comments:

Ms. Doolittle-Bowman: It's a very simple expansion. As Chris mentioned, it will stay underneath the existing very deep roof overhangs. This side of the building has no windows, so we will not put any windows back because the rooms on the other side are all refrigeration and food storage. We're not really changing the use behind that front wall. It's about 42 ½ feet on the left side of the main entry, and it will bump out about 7 feet, 2 inches to stay underneath that eave. It will match the building materials. The landscaping is beautifully done. The beds are extremely deep and come out far from the front wall. We don't see any problem with transplanting the plant material that will be displaced.

Comm. Block: I just don't love the way it looks. I understand it's probably cost-effective to do it this way. From the renderings, I know we approved something similar at Town Center Crossing a week or two ago, but it was on the back side of the building. I'm just struggling.

Ms. Doolittle-Bowman: We did master-plan for the golf course clubhouse over the last couple of years because there are a lot more needs than just the kitchen. The activities have outgrown the building. There is a greater plan to do a pretty significant addition on the opposing side of the building, which would move the putting green. At that point, we would do an equal bump-out of the front of that side so that both sides would look similar on either side of the main front door.

Comm. Block: I understand it doesn't have windows now, and I guess we, as a city, don't like fake windows. Where the two windows are on the right side will eventually be bumped out?

Ms. Doolittle-Bowman: Yes, and those will have windows.

Ms. Claxton: The front entry doors are not centered on the building. The area we're looking to bump out on that left side is quite a bit longer than the one on the right. To Lori's point, we can't go inward with the building. There is no place to take that extra space and go into the facility. Our only option is to come outward. We will be coming back for Phase 3, and we'll be looking to make that other bump-out. They eventually will be equal on the front, but they're not equal left and right. They won't ever be equal left and right as far as the frontage.

Ms. Doolittle-Bowman: The view that is shown in our rendering is hard to achieve because there is a lot of landscaping in front of the building. It really conceals that part of the façade. I think that was intentional because it was a blank wall.

Chairman Elkins: I'm struggling a bit to visualize the southeast and northwest elevations. Is there a chimney on the end of the building where the expansion is?

Ms. Doolittle-Bowman: No, that's an end wall that creates a grand entrance to the center of the building, so that pops up above the roofline of the rest of the building.

Chairman Elkins: So, it's pitched with the roof?

Ms. Doolittle-Bowman: Yes.

Comm. Stevens: I have a similar comment as Commissioner Block. I can appreciate the tough project as it is and try to bump out or find space to work within the architecture that is there now. He mentioned all the facades that have this deep overhang, and all facades have the ornamental brackets for either archways or to reach out and simulate that they're holding the overhang. One thing that struck me is in pulling this out to the roof edge, especially in the front, there was a conscious approach that shows a series of decorative double brackets. I was wondering if there was a thought in repurposing those where you could remove the bracket part but leave the pattern.

Ms. Doolittle-Bowman: We could modify the bracket so it's shallower so that you still see that interruption across the façade.

Comm. Stevens: That might break up this flat, windowless front.

Ms. Doolittle-Bowman: That could be repeated on the other side.

Comm. Stevens: That might be good. I appreciate the hard problem to solve, where you're trying to gain space within the small area.

Comm. McGurren: I can't quite tell from the pictures, but is there a gutter on the roofline, or does the water pour off the tile, directly down.

Ms. Doolittle-Bowman: I don't think there's a gutter.

Comm. McGurren: How far back from where that water would pour off is the extension going to come out to be?

Ms. Doolittle-Bowman: A little less than a foot, so there will still be a roof overhang.

Comm. McGurren: So, there will be a whole foot between the waterfalls and where the roof is. Thank you.

Chairman Elkins: Other questions? If not, we'll move on to discussion. If not, is there a motion?

**A motion to recommend approval of CASE 98-22 – IRONHORSE GOLF CLUBHOUSE – Request for approval of a final plan, located north of Bell Drive and west of Mission Road – was made by Coleman; seconded by McGurren. Motion carried with a unanimous vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Hoyt.**

Chairman Elkins: Is there any other business to come before the commission?

Mr. Klein: This is hard for me to say, but Ricky Sanchez has decided there is a job opportunity he would like to fulfill, so he's leaving us. He's done a wonderful job here.

Mr. Sanchez: I appreciate my time here at Leawood. It's been great. I've definitely learned a lot. Leawood is very unique in the Kansas City area. I hope that I can take that to my next position.

Chairman Elkins: How long have you been with the Planning staff here?

Mr. Sanchez: Almost five years.

Chairman Elkins: Time flies. You've done a great job. We're grateful for the work you've done.

Comm. McGurren: Excellent.

Comm. Hoyt: We're sad to see you go.

Comm. Hunter: We are.

Chairman Elkins: When is your last day?

Mr. Sanchez: We have that mid-October meeting, and then my last day is October 21<sup>st</sup>.

Comm. Hoyt: Are you leaving the area?

Mr. Sanchez: I'm going to Kansas City, Missouri Parks and Recreation as a planner.

Chairman Elkins: Life is a circle. We got Mr. Coleman from Parks and Recreation in Kansas City, Missouri, and now you're going there from here. Good luck.