

**City of Leawood  
Planning Commission Meeting  
January 27, 2015  
Dinner Session – 5:30 p.m. - No Discussion of Items  
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:** Levitan, Williams, Elkins, Strauss, Ramsey, and Walden. Absent: Pateidl, Roberson and Jackson

**APPROVAL OF THE AGENDA:**

Chairman Williams: We have changes to the agenda.

Ms. Kriks: A case that was previously published on the agenda has been requested to be continued: Case 146-14 – Villaggio of Leawood.

**A motion to approve the amended agenda was made by Elkins; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Levitan, Elkins, Strauss, Ramsey and Walden.**

**APPROVAL OF MINUTES:**

Approval of the minutes from the November 25, 2014 Planning Commission meeting

Comm. Walden: Under “Approval of Minutes” the minutes asked to include comments, but it doesn’t refer to whose comments are to be included.

Mr. Klein: It was Mr. Holland’s comments.

Chairman Williams: Thank you.

**A motion to approve the minutes from the November 25, 2014 Planning Commission meeting as amended was made by Elkins; seconded by Ramsey. Motion carried with a unanimous vote of 5-0. For: Levitan, Elkins, Strauss, Ramsey and Walden.**

**CONTINUED TO NOVEMBER 11, 2014:**

CASE 61-13 – RANCH MART - Request for approval of a Revised Preliminary Plan, located north of 95th Street and east of Mission Road. PUBLIC HEARING (Remand from the Governing Body)

CASE 135-13 – IRONHORSE GOLF COURSE CLUBHOUSE EXPANSION – Request for approval of a Revised Preliminary Plan and Revised Final Plan, located approximately at 146th Street and Mission Road.  
**PUBLIC HEARING**

CASE 137-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.4 MXD (MIXED-USE DEVELOPMENT DISTRICT) – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to required use ratios. **PUBLIC HEARING**

CASE 138-14 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-6.13, PERMANENT SIGN REGULATIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to window signs. **PUBLIC HEARING**

CASE 146-14 – THE VILLAGGIO OF LEAWOOD – Request for a Rezoning from SD-CR (Planned General Retail), SD-O (Planned Office), and RP-3 (Planned Cluster Attached Residential District) to MXD (Mixed Use Development District), Preliminary Plan, and Preliminary Plat, located south of 135th Street and east of Roe Avenue. **PUBLIC HEARING**

CASE 147-14 – MAINSTREET ASSISTED LIVING FACILITY – Request for approval of a Rezoning from AG (Agricultural) to RP-3 (Planned Cluster Attached Residential), Special Use Permit for an Assisted Living/Skilled Nursing Facility, Preliminary Plan and Preliminary Plat, located south of 143rd Street and east of Nall Avenue. **PUBLIC HEARING**

CASE 158-14 – LEAWOOD PINES – Request for approval of a Zoning to R-1 (Planned Single Family Low Density Residential), Preliminary Plan, Preliminary Plat, Final Plan, and Final Plat, located west of Lee Boulevard and north of 103rd Street. **PUBLIC HEARING**

CASE 161-14 – IRONHORSE CENTRE – THE FAIRWAYS OF IRONHORSE – Request for approval of a Rezoning from SD-NCR (Planned Neighborhood Retail) and SD-CR (Planned General Retail) to MXD (Mixed Use Development District), Special Use Permit for an Independent Living Facility, Revised Preliminary Plan, and Revised Preliminary Plat, located south of 151st Street and east of Nall Avenue. **PUBLIC HEARING**

CASE 01-15 – MARKET SQUARE – BANK OF BLUE VALLEY – SPRINT WIRELESS ANTENNAE – Request for approval of Special Use Permit for a wireless antennae and associated equipment, located north of 135th Street and east of Mission Road **PUBLIC HEARING**

**CONSENT AGENDA:**

CASE 02-15 – RANCH MART – CARE SPOT ROOF – Request for approval of a Revised Final Plan, located north of 95th Street and east of Mission Road.

CASE 03-15 – TOWN CENTER PLAZA – ATHLETA – Request for approval of a Final Plan for a Tenant Finish, located north of W. 119th Street and west of Roe Avenue.

**A motion to approve the Consent Agenda was made by Elkins; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Levitan, Elkins, Strauss, Ramsey and Walden.**

**NEW BUSINESS:**

CASE 04-15 – SADDLE AND SIRLOIN – AT&T WIRELESS ANTENNAE UPGRADE – Request for approval of a Special Use Permit, located east of Mission Road and south of I-435. **PUBLIC HEARING**

**Staff Presentation:**

City Planner Ursula Brandt made the following comments:

Ms. Brandt: This is Case 04-15 – Special Use Permit for Cingular Wireless / AT&T, located east of Mission Road and south of I-435 within City Park. The applicant is requesting a Special Use Permit to replace three existing antennas at a height of 99 feet with new antennas of the same size. They are also requesting to replace three remote radio heads at the same height and another three radio heads at a height of 84 feet. The antennas will extend 1 foot, 7 inches from the pole, while the radio heads will extend 1 foot from the pole. The new antennas and radio heads will increase the provider's network capacity. Staff is

recommending the expiration date of the Special Use Permit as September 19, 2016, as that is the expiration date of the tower. Staff is recommending approval of Case 04-15, and I'd be happy to answer any questions.

Chairman Williams: You are anticipating, since the tower expires in 2016, everything will come back as one package?

Ms. Brandt: Exactly.

Chairman Williams: Any questions for staff? We'll hear from the applicant.

### **Applicant Presentation**

Sam Davis, Black & Veatch, 6601 College Boulevard, Overland Park, KS, appeared before the Planning Commission and made the following comments:

Mr. Davis: I am representing New Cingular Wireless PCS, doing business as AT&T. The request was covered well, and I'd be happy to answer any questions you have.

Chairman Williams: Do the new antennas extend the same as the existing antennas?

Mr. Davis: Yes, per the ordinance, they are flush mounted to the structure.

Chairman Williams: Are there other questions? This case does require a Public Hearing.

### **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Elkins; seconded by Ramsey. Motion carried with a unanimous vote of 5-0. For: Levitan, Elkins, Strauss, Ramsey and Walden.**

**A motion to approve CASE 04-15 – SADDLE AND SIRLOIN – AT&T WIRELESS ANTENNAE UPGRADE – Request for approval of a Special Use Permit, located east of Mission Road and south of I-435 – was made by Elkins; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Levitan, Elkins, Strauss, Ramsey and Walden.**

CASE 22-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to electric vehicle charging stations. **PUBLIC HEARING**

### **Staff Presentation:**

Assistant Director Mark Klein made the following comments:

Mr. Klein: This is Case 22-15 – Leawood Development Ordinance Amendment to Article 9. This amendment proposes the addition of a definition of electric vehicle charging stations to the Leawood Development Ordinances. Currently, these stations are not addressed in the Leawood Development Ordinance. Case 23-15 deals more specifically with regulations regarding the charging stations. Staff is recommending that 16-9-104(a) will be added and will define electrical charging stations as public or private parking space that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:

1. Slow charging device typical in homes or businesses and operates only a 15-20 amp breaker on 120 volt A/C circuit
2. Medium charging device typical for home and public charging and operates on a 40-100 amp breaker on 240 volt A/C circuit.
3. Fast charging device primarily for commercial or public applications, operated on a 60 amp or higher breaker on a 480 volt or higher three-phase circuit with special grounding equipment. These stations can also be referred to as Rapid Charging Stations that are typically characterized by industrial grade electrical outlets that will allow for faster charging of electric vehicles.

Staff is recommending approval of the amendment, and I'll be happy to answer any questions.

Chairman Williams: Mark, the Level One refers to businesses, and yet they are not referred to in other categories. Is that limiting businesses to use the Level One? Cerner would have a Level Three station in their parking lot, I'm sure.

Mr. Klein: I did research on sites with regard to these stations, and the word "typical" is to point out what the stations are generally used for and not that they are limiting.

Chairman Williams: I just want to make sure we're not limiting the businesses to their opportunity. I think this is rather timely, given the article in today's paper with KCP&L coming out with massive introduction of charging stations across the country. Any other questions? This case does require a Public Hearing.

### **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Elkins; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Levitan, Elkins, Strauss, Ramsey and Walden.**

**A motion to approve CASE 22-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to electric vehicle charging stations – was made by Elkins; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Levitan, Elkins, Strauss, Ramsey and Walden.**

CASE 23-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1, PUBLIC UTILITIES AND PUBLIC SAFETY USES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to utility boxes, electric vehicle charging stations and landscaping of ground mounted utilities. **PUBLIC HEARING**

### **Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 23-15 – Leawood Development Ordinance Amendment to Section 16-4-1, Public Utilities and Public Safety Uses, pertaining to ground mounted utilities, electric vehicle charging stations, landscaping and signage for electric vehicle charging stations. I'd like to draw your attention to an amended Staff Report in a memo dated January 22<sup>nd</sup>.

As you'll recall, the Planning Commission had a case that addressed ground mounted utilities. Currently, the LDO has three levels of an approval process for ground mounted utilities, based on the dimensions of the utility boxes themselves.

- Level One: Administrative Approval: Height of less than 36 inches and a footprint of less than 5 square feet.

- Level Two: Final Plan Approval through Planning Commission and City Council but would not require public notification: Height of less than 55 inches and a footprint of less than or equal to 15 square feet.
- Level Three: Special Use Permit with public notification and interact meeting: Height of 55 inches or greater or a footprint of 15 square feet or greater.

Staff is proposing to eliminate allow the Final Plan in the Administrative Approval level. Administrative approval would be for any utility box with a height of less than 55 inches and a footprint less than or equal to 15 square feet. Anything above that would require a Special Use Permit, which is currently required. It would still require the notification and public interact meeting. That portion of the amendment remains the same. The reason this is before you tonight is after the Planning Commission heard the case, staff was contacted with regard to the electric vehicle charging stations. It was amending the exact same section, so we wanted to make sure we rolled it all into one and took it forward.

The previous discussion referred to residential districts. This adds another section that speaks to electric vehicle charging stations which will be required to be on the interior of the garage within residential districts. The part of the amendment addresses commercial districts and proposes that if the electric vehicle charging station fits one of two categories, it could be approved administratively.

1. Station has a height of 72 inches or less and a footprint of 3 square feet or less. These would be the Level One stations discussed previously.
2. Station has a height of less than 55 inches and a footprint of 15 square feet or less.

*(Shows photo examples of different stations)*

The amendment proposes that both Level One and Level Two could be approved administratively; however, Level Three would require Final Plan approval by the Planning Commission and City Council.

Chairman Williams: Would a Level Three situation be in a parking lot versus a parking garage?

Mr. Klein: That is correct. The charging stations in Park Place were considered interior when they were approved administratively. I'd also like to talk about signage on the charging stations *(shows various examples)*.

Comm. Levitan: Have we had many requests to install these?

Mr. Klein: There has been a request to install some but not a large number. The goal is to be proactive, since we know these are coming. We tried to match the ordinance as closely as possible with what is allowed for ground mounted utility boxes.

Another component of the amendment is landscaping. Currently, the LDO requires that if shrubs are used to screen a box, they must be a minimum of 7 feet in height. Sometimes, utility boxes are much smaller, and evergreen shrubs are used. These tend to draw more attention to the box. Staff is recommending an amendment that requires the shrubs to be at least 6 inches above the height of the utility at the height of planning.

The final aspect of the amendment is signage on the electrical vehicle charging stations. This amendment proposes that no more than 50% of a given side would be allowed to have signage. Additionally, signage would be posted indicating the space is for electrical vehicle charging purposes. It would also allow signage as far as instructions on how to use the charging station. It would also allow the owner or sponsor of the electrical charging station to list a name; however, it would be limited to 48 square inches. Advertising of products or services would be prohibited. Staff is recommending approval of these changes to the ordinance, and I'd be happy to answer any questions.

Chairman Williams: Regarding signage, you said that no more than 50% of the surface would be allowed to have signage. Would all of the elements of the signage be included in that 50%?

Mr. Klein: Yes.

Chairman Williams: In terms of signage, how would the sign get classified? Would the wrap be considered the signage or the graphic portion that is on the wrap? It could be any design on the wrap, but could it have places where it is clear or a solid color?

Mr. Klein: It applies to the graphic itself.

Chairman Williams: If the wrap is light grey and has a blue stripe through it with the sponsor logo on the background color, would that be the signage that has the 50% limitation?

Mr. Klein: Yes.

Chairman Williams: Regarding landscaping, I fully understand landscaping around utility boxes. Is the intent of the landscaping around the utility boxes to hide them?

Mr. Klein: No, the intent is not to hide them. The intent is to provide screening and to allow access to the station.

Chairman Williams: I went to Ireland last year, and I was surprised about how many charging stations each parking lot had. The units were relatively small, and they had no landscaping. They were almost invisible. The HyVee in Olathe has a charging station, and it is relatively nondescript. It is also not the size of the pictures you showed.

Mr. Klein: We shouldn't see as many of the larger units, as they are more expensive.

Mr. Coleman: The installers have told us that most of these will be grouped together, so it will be 4-6 stations in a row.

Comm. Elkins: Have there been amendments to the building code relative to the safety of these?

Mr. Klein: The suppliers indicated the chargers have safety mechanisms on the stations themselves.

Comm. Elkins: Are there standards of some sort?

Mr. Coleman: All of them will follow the National Electric Code, which is adopted as part of Leawood's building code. They are no less safe than other power sources that go into a building. The chargers have a safety mechanism, and the charging doesn't begin until the unit has been connected to the car for a certain amount of time.

Comm. Elkins: I would just like to confirm that the standards are in place to regulate any future proposed units that may not have all these safety features.

Mr. Coleman: Yes, the electrical codes would all apply for the installation of any electrical equipment.

Comm. Elkins: The charging station I am aware of is in a freestanding parking garage. Would that circumstance be covered by this ordinance, or is it outside the scope because it is internal?

Mr. Coleman: I think it would still be covered by our ordinance. If it was Level One or Two, it would still be administratively approved; if it was Level Three, it would be a Final Plan approval.

Chairman Williams: Why would we have to review it if it is inside a parking garage?

Mr. Coleman: You would review the size and location of it.

Comm. Elkins: That would be part of the plan for the parking garage, correct?

Mr. Coleman: If it came as part of the plan for the parking garage, it would require no additional review. If it came after the parking garage is completed, it would require review. The number of parking spaces would need to be evaluated because the space is not allowed for vehicles that are not electrical. As more electrical vehicles come to the market, the situation will require further review.

Comm. Elkins: Would a retrofit procedure trigger the need for a revised plan?

Mr. Coleman: Yes, it would be a Revised Final Plan.

Comm. Elkins: As I understand, what we are proposing with this case is a classification based on physical dimensions, and it just so happens that typically, these dimensions track Level One, Two and Three charging stations in the definitions we just approved. Since we're not categorizing in this amendment to the ordinance on the basis of Level One, Two and Three, can you help me understand where, in our ordinance, the definitions of the levels become important?

Mr. Klein: The reason we included the definitions is to give a broader range to explain why there are different stages. Technology will most likely change. This ordinance does not refer to the levels, but other cities do regulate based on the levels.

Comm. Elkins: I agree with classifying based on the dimensions. If those defining terms are not used anywhere within the operational part of the ordinance, what is the purpose of having the definition in there?

Mr. Klein: We just wanted to give as much information as possible with the definitions.

Comm. Strauss: Are charging stations mostly market driven as far as when they will be installed? Are they always installed by KCP&L, or will the developer be proposing them?

Mr. Klein: I would imagine it could be any of those situations.

Comm. Strauss: Would there be locations where we wouldn't want charging stations within the city?

Mr. Klein: Currently, they are limited to commercial if they are exterior. We would want them allowed anywhere with parking spaces and an associated demand.

Comm. Strauss: We wouldn't expect someone to want to put them up in Ironwoods Park or something similar?

Mr. Klein: Currently, they are only allowed in commercial areas.

Comm. Ramsey: Are there any at the library?

Mr. Klein: Not that I'm aware of.

Comm. Ramsey: Green buildings can get credit for having electrical charging stations. Could these wind up in an areas that aren't commercial?

Mr. Coleman: We would have to consider that if an application comes in. There probably are situations in which we would ask for relocation. The larger charging stations might be put in a sight triangle that is not desirable. They have a concrete pad, a transformer and a meter, so it is not just the charging station to consider.

Comm. Ramsey: In a Green building commercial configuration, would we care where they put it in for their own vehicles?

Mr. Coleman: I would say most likely not, but it depends on the circumstances.

Comm. Strauss: I was asking about locations where we might limit them, but also, does the city want to take a proactive role in requiring the stations, as they are good for the environment? Some communities around the country offer bonuses for developments, and some communities have free parking for electric vehicles.

Chairman Williams: I think Mr. Strauss makes a good point. Any other questions? I want to go back to residential requirements. You commented that in residential districts, the charging stations need to be inside, so would apartment complexes be required to put these in a garage?

Mr. Klein: The way this is written, the station would be required to be internal.

Mr. Coleman: The city requires one enclosed parking space per unit, so there would be an enclosed space where the charging station could be located.

Chairman Williams: Any other questions? This case requires a Public Hearing.

### **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Elkins; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Levitan, Elkins, Strauss, Ramsey and Walden.**

**A motion to approve CASE 23-15 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1, PUBLIC UTILITIES AND PUBLIC SAFETY USES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to utility boxes, electric vehicle charging stations and landscaping of ground mounted utilities – was made by Elkins; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Levitan, Elkins, Strauss, Ramsey and Walden.**

*MEETING ADJOURNED*