

Regular Meeting

THE LEAWOOD CITY COUNCIL

January 6, 2014

Minutes

DVD No. 316

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, January 6, 2014. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Carrie Rezac, Julie Cain, Debra Filla, Tom Robinett, Andrew Osman, James Azeltine and Lou Rasmussen

Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
John Meier, Police Chief	Chris Claxton, P&R Director
Dave Williams, Police Chief	Joe Johnson, PW Director
Mark Andrasik, Director Info Systems	Dawn Long, Finance Director
Richard Coleman, Comm. Dev. Director	Deb Harper, City Clerk
Lovina Freeman, HR Director	Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following amendments to the agenda:

- Item No. 11A – Continued to the February 3, 2014, Governing Body meeting
- Addition of Item No. 6 – Special Business

A motion to approve the amended agenda was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.

Kerry Phillips, 14616 Chadwick, stated she was opposed to spending \$600,000 on restrooms for Ironwoods Park, which was designed to serve an amphitheatre building that does not exist. She felt a much smaller facility would be more appropriate since peak usage is only a few weeks during the summer.

She suggested an amphitheatre be located at the Justice Center site and maintain the Ironwoods site as a secondary location because of repeated problems. She felt the City has not been a good neighbor in handling these problems and desired more proactive information be made available to the residents.

4. PROCLAMATIONS **Martin Luther King Day, Monday,
January 20, 2014**

Mayor Dunn read the proclamation into the record.

5. PRESENTATIONS/RECOGNITION - None

6. SPECIAL BUSINESS – CITY ADMINISTRATOR SCOTT LAMBERS

Establish capital project fund for Ironwoods Restrooms

Mayor Dunn referred to the work session discussion prior to this meeting stating the bond money that was set aside for the Ironwoods Park Restroom Project started with \$500,000. Some of this has been utilized with design work for two projects, in which the balance is approximately \$296,000. The discussion was to establish a Capital Project Fund using this balance and cash reserves, totaling \$600,000, and move forward with the desire to complete the project by this summer, 2014.

Councilmember Cain stated the City Council had spent several years discussing this matter and giving it careful consideration with involvement from citizens and City staff. She felt this came to a good conclusion stating these restrooms are necessary throughout the year, not just for a short timeframe.

Mayor Dunn concurred that they had spent a lot of time reviewing different designs and scenarios for this project.

A motion to authorize staff to initiate the necessary procedures to establish a Capital Project Fund for the Ironwoods Restrooms to incorporate the remaining bond monies and cash reserves, bringing the total project fund to \$600,000 was made by Councilmember Azeltine; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

7. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2013-49, 2013-50, and 2013-51
- B. Accept minutes of the December 16, 2013 Governing Body meeting
- C. Accept minutes of the September 26, 2013 Leawood Foundation Board meeting
- D. Accept minutes of the November 12, 2013 Parks & Recreation Advisory Board meeting

- E. Approve Mayoral Appointment of Carole Lechevin to Stormwater Management Committee
- F. Approve payment in the amount of \$17,336.58 to League of Kansas Municipalities, for 2014 Dues and Subscriptions
- G. Approve 7th and Final Pay Request in the amount of \$7,997.00 to PEI [Phelps Engineering Implementation] pertaining to the 87th Street & Mission Road Culvert Project [Project # 77011]
- H. **Resolution No. 4157** revising the 2014 Fee Schedule, not specifically provided for in the Code of the City of Leawood, 2000, specifically for the Arterial Street fee, and rescinding Resolution No. 4152, in accordance with § 1-701 of the Code of the City of Leawood, 2000
- I. **Resolution No. 4158** authorizing the Waiving of Street Improvement Fees for previously improved Single Family residential property located at 143rd & Mission Road [Spears Property]
- J. Declaration of Surplus Property: Coates 10' Snow Plow, last 4 VIN/1026; and Material Spreader, last 4 VIN/4878

A motion to approve the Consent Agenda in its entirety was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.

8. MAYOR'S REPORT

- A. Mayor Dunn wished everyone a Happy New Year.
- B. Mayor Dunn extended her appreciation to Public Works Director Joe Johnson and his department for working to keep the streets cleared during the recent snow events.
- C. The Leawood Chamber of Commerce Board of Directors approved their 2014 State Legislative Priorities at their December Board meeting.
- D. The City of Leawood's Annual Employee Appreciation Luncheon was held in December. Thank you to Human Resources Director Lovina Freeman for organizing this event, and to City Administrator Scott Lambers and all department heads for hosting. The charities that were supported by our staff this year were the Rose Brooks Center and Gillis Center. Councilmembers Debra Filla, Andrew Osman, Lou Rasmussen, Jim Rawlings and James Azeltine joined the celebration. Congratulations to Information Services Director Mark Andrasik for 30 years of service to the City and sincere congratulations to our Employee of the Year, Scott Fanning, of the Parks and Recreation Department.
- E. Attended a D.A.R.E [Drug Abuse Resistance Education] Graduation ceremony at Corinth Elementary School. Thank you to Police Officer Randy Wiler who does a superb job running this program.
- F. Congratulations are in order to the Leawood Lions Club for their bell-ringing activities that took place over the holidays. Their numbers are not yet finalized; however, they are already in excess of \$26,000. They began ringing in 1956 and have collected \$838,798 for the Salvation Army. They rang at four locations for a total of 256 hours. Mayor Dunn thanked the City Councilmembers who helped out with this endeavor. Lions Board member Harry Malnicof, former Finance

Director for the City of Leawood, is the person that separates all of the coins, unfolds all of the dollar bills and counts the money.

- G. Mayor Dunn shared a greeting card from I-Lan Mayor Huang wishing all a Happy Holiday and New Year.
- H. Reminder of the Governing Body Goal Setting Work Session on Monday, January 13th, at 6:00 P.M.

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the July 23, 2013 Planning Commission meeting]

*A. Ordinance approving a Revised Preliminary Plan for Ranch Mart – Renovation, located north of 95th Street and east of Mission Road (PC Case # 61-13) [Roll Call Vote] – ***CONTINUED FROM THE SEPTEMBER 16, 2013, THE OCTOBER 21, 2013, THE NOVEMBER 18, 2013 GOVERNING BODY MEETING, THE DECEMBER 16, 2013 GOVERNING BODY MEETINGS [Roll Call Vote]—CONTINUED TO THE FEBRUARY 3, 2014 GOVERNING BODY MEETING***

[From the November 26, 2013 Planning Commission meeting]

B. **Ordinance No. 2646** approving a Preliminary Plan and Final Plan for Town Center Plaza – Arhaus Furniture (Retail: Furniture Store), located north of 119th Street and east of Nall Avenue. (PC Case 139-13) [Roll Call Vote]

David Eickman, Olsson Associates, requested approval of a Preliminary Plan and Final Plan to construct a new 18,765 square foot 2-story pad-site at the southwestern end of the Town Center Plaza Development for Arhaus Furniture Store.

Brian Suiter, Glimcher Realty Trust, present on behalf of the developer, stated they were excited to bring a high end, built-to-order store that is first to the market and to the City of Leawood.

Mayor Dunn referred to Planning Commission Stipulation No. 3 f) - “A sidewalk, a minimum of 5’ in width, shall be extended through the full length of the parking lot islands along the north side of the Arhaus Furniture site, providing a future connection with the properties to the east and west.” After listening to the Planning Commission debate that this was a sidewalk leading to nowhere, they had decided to remove this stipulation. Then there was discussion to install it when future connections are made. After discussions with Community Development Director Richard Coleman, she suggested some language to replace 3 f) regarding a future sidewalk when Town Center Plaza expands. Mr. Coleman replied staff intended to have pedestrian connectivity as extensions to the development take place. He recommended the following language be added under Planning Commission Recommendation No. 2 c) - “A sidewalk shall be installed with any connection to the main center at the time the development is expanded to current development standards,” which would be when the 5% threshold is met.

Councilmember Cain expressed concern that this stipulation was removed since they had discussed incorporating pedestrian connections at length the last time the developer was before them. She appreciated staff's recommendation to include additional language regarding this.

Mr. Coleman confirmed for Councilmember Rezac that City staff was planning to host a meeting with surrounding property owners regarding the City's vision to resolve pedestrian connections throughout this area.

Councilmember Rasmussen preferred that this applicant install a sidewalk within one year and recommended staff establish a Comprehensive Plan for pedestrian connection from Tomahawk Creek Parkway to Nall and from Town Center to 119th Street and suggested the language be more definitive. He proposed an additional stipulation be included in the motion to read: "A sidewalk shall be constructed prior to granting a Certificate of Occupancy Permit [CO]."

Mr. Coleman confirmed for Councilmember Rezac there was enough room to install a 5' sidewalk and landscaping on the north side of the building.

Mr. Suiter stated they did not see the need to install a sidewalk at this time that has no connections since there is already pedestrian access to the south along 119th Street. He was in favor of a Comprehensive Plan rather than doing this as a piece meal. He confirmed that the closest sidewalk is located approximately 300' away to the north with another located on the south side of Pottery Barn.

Mayor Dunn stated Len Corsi, General Manager for Town Center Plaza and Town Center Crossing, is a member of the City's Pedestrian/Bicycle Master Plan Task Force and is very supportive of pedestrian connections. His thoughts will be helpful in making this more pedestrian friendly.

Councilmember Osman commented how development standards have changed over the last several years and how things are viewed today. He was in favor of the sidewalk; however, he felt they should have been educating developers throughout the City about the new design guidelines all along because of the multiple pad site owners.

A motion to pass the ordinance and include Stipulation No. 3 i) - "A sidewalk shall be constructed prior to granting a Certificate of Occupancy Permit [CO]" was made by Councilmember Rasmussen; seconded by Councilmember Cain.

Mayor Dunn noted this would be an override of the Planning Commission's recommendation, which would require a super majority vote.

The motion carried following a unanimous roll call vote of 8-0. Nay: None.

C. **Ordinance No. 2647** approving a Special Use Permit for wireless antennae and associated equipment for Park Place – Aloft Hotel – Verizon Wireless, located north of 117th Street and East of Nall Avenue. (PC Case 143-13) [Roll Call Vote]

Justin Anderson, Selective Site Consultants, present on behalf of Verizon Wireless, requested a Special Use Permit [SUP] for a wireless antennae and associated equipment, to be located on the roof of the Aloft Hotel within the Park Place Development.

They plan to replace sections of the existing corrugated façade on the west, south, and east sides of the hotel with RF friendly fiberglass materials. This allows the antennae to be completely screened from street view and any surrounding properties.

Councilmember Rasmussen asked if staff could include language for the applicant to share this facility if another provider comes along. Mr. Coleman replied the City cannot mandate this; however, the applicant has arranged the antennae that it would allow room for another carrier. Councilmember Rasmussen preferred that the City's policy to allow multiple carriers on towers be carried-over to rooftops. Mr. Anderson confirmed the lease between Verizon and Aloft does not exclude future carriers.

Mr. Anderson confirmed the fiberglass would be a painted material to ensure the façades remain uniform.

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- D. **Ordinance No. 2648** approving a Revised Preliminary Plan for Park Place – East End/UMB Bank, located east of Nall Avenue and south of Town Center Drive. (PC Case 137-13) [Roll Call Vote]

Mayor Dunn recused herself due to the appearance of a conflict of interest.

Councilmember Andrew Osman presided.

Jeffrey Alpert, Park Place Developers, requested approval of a Revised Preliminary Plan for the east end/UMB Bank of the Park Place Development. There are five components to this east end; a 5-story multi-family apartment building with a centrally located parking garage, the proposed UMB Bank building, Live/Work units, new plaza elements, and surface parking. The water feature in the original plan was intended as a placeholder, which has now been revised to become "Rill Park," which is a more formal landscape concept. The park will be 230' long by 50' wide with a small fountain located at the south end. They are interested in adding sculpture to the park as well. The apartment building will have interior parking, completely hidden from view with entrance from the interior private street with 224 parking stalls. There will also be an interior courtyard with a swimming pool and garden area attached to a clubhouse and common area. There are 146 one and two bedroom apartments. The building materials will include cast stone, brick, porcelain tile, and stucco and will be heavily articulated to break-up the massing.

The idea of the Live/Work units is to draw a commercial component from the center core of the development to the east end. There are nine 2-story units with a third level of another nine apartments. A lobby elevator serves for the apartments and garage. Behind the Live/Work units is a 5-story garage with 240 parking stalls for overflow parking. This would also serve as overflow for the multi-family apartment building to provide the two spaces per unit required by City ordinance and overflow parking for the UMB building as well. The addition of this garage gives them more than adequate parking to complete the project.

Building materials for the Live/Work units are primarily brick and pre-finished metal panels. The original Master Plan showed the area of the proposed UMB Bank building as residential. Since they began leasing retail at Park Place, they have wanted to include a bank building. There are currently 14 food service, 24 retail, and 19 office establishments, all of which, require banking on a daily or weekly basis. The bank facility would consist of one level with approximately 5,400 square feet. Along the private street would be a small lobby and office space, which would be attached to a second floor of 15,000 square feet that would bridge over the 3-lane bank drive-thru. This would be completely enveloped by the building without taking up any additional outside space. A small parking area is designed to serve the building with an entrance onto Town Center Drive with a right-in/right-out only entrance. Building materials for the bank building are vision glass, silk screen glass, metal wall panels, and high pressure laminate panels. This building compliments the AMC building opposite Town Center Drive.

David Kling, Executive Vice President UMB Bank, stated UMB recently celebrated their 100th Anniversary and they are excited to bring their first location to the City of Leawood. They have worked closely with the Planning and Zoning staff to provide much needed office space in working to compliment the high quality of Park Place. They are anticipating 12-18 employees at this location.

Public Works Director Joe Johnson confirmed staff was not in support of the right-in/right-out of the bank parking lot onto Town Center Drive because it does not meet City requirements for intersection separation. The applicant is proposing 140' from curb return to the curb return of 117th Street. The City's requirement is a minimum of 250' from curb return to curb return. Staff believes signals shall be warranted in the near future and this intersection is located within the functional area of the intersection. The Institute of Transportation Engineers does not recommend driveways be constructed within the functional area of intersections for safety reasons. According to the study provided, the approved entrances to Park Place have plenty of capacity and operate a safe level of service without the right-in/right-out from the bank parking lot. Staff recommends this be a right-in only entrance.

Jeff Wilke, Trans Systems Corporation, stated the traffic study projects a low traffic volume of 11 outbound turns from the UMB drive onto Town Center Drive during the morning peak hour and 30 during the evening peak hour. There is 175' from 117th Street measured from the point of curvature to the UMB drive.

The functional area of the intersection is 275' west, which is the area upstream or downstream where drivers are decelerating or accelerating and making lane changes. There are only minor conflict points with two crossing maneuvers at this access proposed for the UMB drive. This is a low volume driveway with adequate sidelines. Ash Street is within the 270' functional area of Nall and Town Center Drive, which is a full-access intersection. There are two intersections located along Town Center Drive between Roe and the west City Hall entrance. Crash reports on Town Center Drive from the last three years show no accidents at any of these intersections. The UMB drive should not have any operational or safety concerns.

Mr. Johnson reiterated staff supports a right-in only entrance at this drive and indicated a traffic signal is planned to be installed at the 117th Street and Town Center Drive location in the near future (west entrance of City Hall).

Councilmember Azeltine wanted to ensure safety concerns of the bank driveway and the bank drive-thru were mitigated before voting on this application. Mr. Alpert indicated the applicant was unaware of staff's recommendation for the drive to be right-in only until this evening and thought this decision should be left up to them. Mr. Alpert stated there should not be any traffic concerns with the bank drive-thru; however, this could be managed through the development if need be.

Mr. Kling was in agreement with staff's recommendation to make the UMB drive from Town Center Drive a right-in only entrance.

Councilmember Rezac encouraged the applicant to refine attention to the south side of the parking garage and the surface lot to tie-in similarity to the rest of the site when they return for Final Plan approval.

A motion to pass the ordinance and include Stipulation No. 24 - "To have a right-in only access at the point of the bank drive to Town Center Drive" was made by Councilmember Azeltine; seconded by Councilmember Rawlings.

Presiding Officer Andrew Osman noted this would be an override of the Planning Commission's recommendation, which would require a super majority vote.

The motion carried following a unanimous roll call vote of 8-0. Nay: None.

12. OLD BUSINESS - None

13. OTHER BUSINESS - None

14. NEW BUSINESS

Schedule Governing Body Work Session to be held on Monday, March 17, 2014, at 6:00 P.M., to discuss cell tower on 135th Street

A motion to approve the work session was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

ADJOURN

There being no further business the meeting was adjourned at 10:30 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk