

Minutes

DVD No. 346

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, April 20, 2015. Mayor Peggy Dunn presided.

Councilmembers Present: Jim Rawlings, Julie Cain, Lou Rasmussen, Debra Filla, Carrie Rezac, Andrew Osman, James Azeltine and Chuck Sipple

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Dawn Long, Finance Director	Karl Weinfurter, Info. Serv. Specialist II
Mark Klein, Planning Official	Richard Coleman, Comm. Dev. Director
Chief John Meier, Police Department	Chief Dave Williams, Fire Department
Joe Johnson, Public Works Director	Chris Claxton, Parks & Rec. Director
Nic Sanders, Human Resources Director	Brian Anderson, Parks Superintendent
Dustin Branick, Horticulture/Forest Supv.	Cindy Jacobus, Assistant City Clerk
Debra Harper, City Clerk	

Others Present: None

1. **PLEDGE OF ALLEGIANCE** – Led by scouts from Troop 10.
2. **APPROVAL OF AGENDA**

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion was approved with 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.**

Mayor Dunn stated three citizens had signed-in to speak on Agenda Item 11.D. Those citizens would be called to stand and provide their comments when the agenda item was discussed.

Dr. Coleman Martin, 8833 Ensley Court, Leawood, Kansas, spoke about the pricing tier of AT&T Fiber as compared with Google Fiber. He stated AT&T customers pay approximately \$60.00 more per month to opt-out of the spying network/browser tracking that AT&T uses to create ads and assign junk mail. While broadband is important for Leawood, he stated that AT&T was not the company with which the City should partner.

Mayor Dunn replied that Google Fiber made the decision to break ties with Leawood.

4. PROCLAMATIONS **Crime Victims' Rights Week, April 19-25, 2015**
Arbor Day, April 24, 2015

Mayor Dunn read portions of the Crime Victims' Rights Week proclamation into the record, and Chief John Meier, Police Department, accepted the proclamation.

Mayor Dunn read portions of the Arbor Day proclamation into the record, and Brian Anderson, Parks & Recreation Superintendent, accepted the proclamation. Mayor Dunn stated the proclamation was timely, as the Governing Body had just completed a 1.5 hour Work Session on "Safeguarding Our City's Trees". She stated it was nice to have two arborists on staff, and thanked Mr. Anderson and Dustin Branick.

5. PRESENTATIONS/RECOGNITIONS

6. SPECIAL BUSINESS

- A. **Resolution No. 4434**, determining it necessary and advisable and ordering the reconstruction and repair of certain residential streets or portions thereof within the City of Leawood, Kansas, pursuant to K.S.A. § 12-614 et seq., for the 2016 Residential Street Reconstruction Program [Project # 80216]

A motion to approve Agenda Item 6.A. was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- B. **Resolution No. 4435**, authorizing the improvement of a certain section of 143rd Street, a Main Trafficway, between Windsor Lane and Kenneth Road within the City of Leawood providing for issuance of General Obligation Improvement Bonds of the City to pay the cost thereof, pursuant to K.S.A. § 12-689 and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the Project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 80129]

Councilmembers Azeltine and Cain asked questions in regard to project timing. Joe Johnson stated Phase I construction has already begun. The road would close to through traffic on May 22, with appropriate barricades and detours. Message boards would advertise the closure 10 days in advance. Expected start date is 2016 for design and 2016–early 2018 for utility relocation.

Joe Johnson replied that Phase 1 extends from Windsor west of Mission Road so the intersection of 143rd and Mission is open, and everything east of Mission Road would be open. Phase 1 would be expected to be complete by the start of the 2015-2016 school year. Phase 2 would go to Roe, and the final phase to Nall would be completed next year.

A motion to approve Agenda Item 6.B. was made by Councilmember Azeltine; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.

- C. **Resolution No. 4436**, amending Resolution No. 3845 authorizing the improvement of a certain section of 143rd Street, a Main Trafficway, between Nall Avenue and Windsor Lane within the City of Leawood; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689 and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the Project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 80162]

A motion to approve Agenda Item 6.C. was made by Councilmember Rasmussen; seconded by Councilmember Sipple. The motion was approved with 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. 2015-12 and 2015-13
- B. Accept minutes of April 6, 2015 Governing Body meeting
- C. Accept minutes of April 6, 2015 Governing Body Work Session
- D. Accept minutes of the March 10, 2015 Parks & Recreation Advisory Board meeting
- E. Approve Appointment of Presiding Officers for 2015-2016
- F. Approve renewal of Cereal Malt Beverage [CMB] license for Hallbrook Country Club, located at 11200 Overbrook Road
- G. Approve Final Cost Certification for 2014 Residential Street Reconstruction in the amount of \$2,635,000 [Project # 80214]
- H. Approve Final Cost Certification for 2014 Curb Program in the amount of \$4,890,000 [Project # 80251]
- I. Approve Final Cost Certification for 85th Terrace Traffic Calming Special Benefit District in the amount of \$80,000 [Project # 80408]
- J. Approve Change Order No. 1, [no \$ amount] indemnification of and adding BOCC as additional insured, pertaining to the 143rd Street Improvement Project between Nall Avenue and Windsor Street [Project # 80162]
- K. Approve purchase in the amount of \$23,394.60 from Alamar for the purchase of 25 Police Department rifles
- L. Approve 1st and Final Pay Request in the amount of \$115,264.85, to Professional Turf Products, LP, for the replacement of Irrigation Pump at the Pump Station at City Park, located at 10601 Lee Boulevard
- M. Approve purchase [NJPA Contract] in the amount of \$215,668 [\$57,500.00-trade-in] from Atlantic Machinery, Inc., for the purchase of [1] Base A7000 Schwarze Street Sweeper [PW Unit # 470]
- N. Approve Co-op Bid in the amount of \$41,212.00 from Shawnee Mission Ford, for the purchase of [1] Cab & Chassis [PW Unit # 432]
- O. Approve Co-op Bid in the amount of \$21,313.00 from American Equipment, for the purchase of [1] Snowplow \$5,732.00; [1] Spreader \$5,820.00; [1] Side Flap Kit for Sander \$824.00; and [1] 9-Ft. Platform Body & Hoist \$8,937.00 [PW Unit # 432]
- P. Approve Co-op Bid in the amount of \$51,097.65 from Westfall GMC, for the purchase of [1] Cab-over Dump Truck [Parks Unit 608]

- Q. Approve Co-op Bid in the amount of \$31,002.00 from Shawnee Mission Ford for the purchase of [1] Police Vehicle [PD Unit # 152]
- R. Approve Co-op Bid in the amount of \$18,681.00 from Roberts Auto Plaza for the purchase of [1] Police Investigations Vehicle [PD Unit # 166]
- S. **Resolution No. 4437**, approving termination of Design Build Agreement between the City and Gene Fritzel Construction Co., Inc., and Approval of Final Pay Request in the amount of \$3,770.22, pertaining to the Ironhorse Golf Clubhouse Expansion [Project # 49132]
- T. **Resolution No. 4438**, approving and adopting a revised Victims' Rights Policy for the City of Leawood, and repealing Resolution No. 1207
- U. **Resolution No. 4439**, approving and authorizing the Mayor to execute a Facility Usage Agreement between the City and Southern Platte Fire Protection District, pertaining to live fire training and usage of the Southern Platte Fire Protection District Training Center located at 8795 NW 'N' Highway, Kansas City, MO
- V. **Resolution No. 4440**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City of Leawood and the City of Overland Park for the use of Overland Park Fire Department Facilities, equipment and buildings, pertaining to fire training exercises
- W. **Resolution No. 4441**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City of Leawood and the City of Overland Park, Kansas, pertaining to the El Monte Street Improvement Project from College Boulevard to 109th Terrace; and on 109th Terrace from El Monte Street to end of pavement
- X. **Resolution No. 4442**, approving and authorizing the Mayor to execute a Design Build Agreement in the amount of \$6,380,516.15, between the City and Freeman Concrete Construction, LLC, pertaining to the 2015 Curb Program and Mill & Overlay Project [Project Nos. 80252 - 2015 Curb Repair/Replacement Program; 72024 - Arterial Street Mill & Overlay; 70515 - 2015 Sidewalk Repair/Replacement; 70018 - Residential Mill & Overlay; and 76036 - Replace Parking Lot/Fire Station No. 3, located at 14801 Mission Road]
- Y. Fire Department Monthly Report
- Z. Municipal Court Monthly Report
- AA. Police Department Monthly Report

Councilmember Azeltine requested Consent Agenda Items 7.T., 7.U. and 7.V. be pulled.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- T. **Resolution No. 4438**, approving and adopting a revised Victims' Rights Policy for the City of Leawood, and repealing Resolution No. 1207

Councilmember Azeltine asked what revisions were made to the policy. Ms. Bennett stated the revisions were mainly clerical. Many references and definitions were revised to parallel state statues and additional crimes were added.

A motion to approve Consent Agenda Item 7.T. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- U. **Resolution No. 4439**, approving and authorizing the Mayor to execute a Facility Usage Agreement between the City and Southern Platte Fire Protection District, pertaining to live fire training and usage of the Southern Platte Fire Protection District Training Center located at 8795 NW ‘N’ Highway, Kansas City, MO

Councilmember Azeltine asked if any new costs were associated with the contract. Chief Williams replied it was the first time the contract had come before City Council for a three-year approval; prior contract was for one year. Contract cost was part of the Training budget.

A motion to approve Consent Agenda Item 7.U. was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 8-0.

- V. **Resolution No. 4440**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City of Leawood and the City of Overland Park for the use of Overland Park Fire Department Facilities, equipment and buildings, pertaining to fire training exercises

Chief Williams confirmed to Councilmember Azeltine there were no new costs associated with the contract and that cost was part of the Training budget.

Mayor Dunn thanked Chief Williams for leading a rigorous accreditation process effort for the City’s Fire Department. Chief Williams stated that 208 fire departments in the United States are accredited. A review team would be on-site for about one week in May as part of the process. This team would review documentation, plans, training and apparatus, and conduct interviews with staff.

A motion to approve Consent Agenda Item 7.T. was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 8-0.

8. MAYOR’S REPORT

- A. Attended the first evening of the SevenDays activities held in the City Hall Oak Room. The program was an interfaith discussion with representatives from Buddhism, Christianity, Hinduism, Islam and Judaism. This marked Day One of the “Make a Ripple, Change the World” theme commemorating the one-year anniversary of the tragic shootings that took place at the Jewish Community Center and Village Shalom in Overland Park.
- B. Participated in the three-mile Peace Walk on the seventh day of the SevenDays event along with all City of Leawood Department Heads and 3,200 other walkers. The walk began at the Jewish Community Center in Overland Park and ended at the Church of the Resurrection in Leawood.
- C. Joined Police Chief John Meier and others from his department at the Nativity Parish School Drug Abuse Resistance Education [D.A.R.E.] graduation. Officer Kelly Ratliff has done a great job with the students and will soon be retiring.
- D. Councilmember Chuck Sipple joined me at the Leawood Chamber of Commerce ribbon-cutting for Marquette Physical Therapy located at Parkway Plaza. We wish them much success in their new, expanded space.

- E. Our sympathies to the family of former Leawood Mayor Marcia Rinehart on the loss of her husband, Dick Rinehart. Visitation will be Friday, April 24, 2015, from 5:00 P.M. to 7:00 P.M., and memorial on Saturday, April 25, 2015, at 2:00 P.M. at the Shawnee Mission Unitarian Universalist Church, 9400 Pflumm, Lenexa.

9. COUNCILMEMBERS' REPORT

Councilmember Filla

A. 'We the People Award'

Councilmember Filla provided background on the reason for award. She stated that Corinth School's student population is 95-98% from Leawood, though the school is located in Prairie Village. The school is not included in the "Safe Routes to Walk" program plan for Prairie Village or Leawood. The school created the first "Walking School Bus" program in the area.

In an effort to ensure additional safety for walking students, Councilmember Filla and Joe Johnson, Leawood Public Works Director, met with their Prairie Village counterparts and brainstormed ideas. As a result, streets were restriped and sidewalks were widened.

Joe Johnson accepted his award and also the award for David Ley, Leawood City Engineer, who was not present.

B. Community Garden

Councilmember Filla shared an email from Kayla Bruce regarding the opportunity for a community garden.

Councilmember Filla stated a potential garden location would be Fire Station #1, located at 9609 Lee Boulevard. The garden would be located on just the flat portion of the property, behind the station. The area could accommodate approximately six plots made of non-treated wood, separated by 4 ft. wide wood-chip paths. Gardeners would be required to visit and maintain their plot on a regular basis. She asked staff to prepare information and bring it to the scheduled May 4th Council Work Session regarding viability and/or suggestions for an alternate location.

Councilmember Cain stated this topic had not been discussed at a Parks & Recreation Advisory Board meeting. Mayor Dunn stated the topic could be discussed at the Work Session and then go to the Parks & Recreation Advisory Board. Her concern was that the surrounding neighborhood had hoped to see green space, and she questioned how difficult it would be to not continue if the garden use is deemed inappropriate at a future time.

Mr. Lambers stated there had been discussion on temporary use until a plan is finalized for the property. The proposed garden area would not be large and set-up would be for a one-year period only. He stated the only other potential garden area would be at Ironwoods Park.

Councilmember Azeltine stated he was not comfortable with a pilot program of this type because of the precedent it sets, and the use should be included in the City's Master Comprehensive Plan. If the discussion would be to consider any feasible garden location, he did not feel the May 4th Work Session would be an efficient use of time or appropriate venue, as the purpose of the Work Session is to discuss the redevelopment plan for the entire site and this temporary use should be considered separately. He suggested asking staff to present alternative community garden locations.

Councilmember Sipple stated agreement with Mr. Lambers and Councilmember Filla, and added that a pilot program for this growing season would be a learning experience, whether successful or not.

Councilmember Rezac stated her desire for additional information to be presented at the Work Session, but also wanted to know the visual impact of the gardens and what they mean to the City. Mr. Lambers stated photographs of the Prairie Village Community gardens could be provided, although it is early in the growing season and vegetation would not be as pronounced.

Councilmember Osman stated it was important to consider the concept in its entirety as part of an overall plan for the area. He felt it was important to be prepared to decide whether it is desirable or not during discussion at the Work Session.

Mr. Lambers clarified the motion asks for staff to return with costs to set up a temporary community garden. He will revise the May 4th Work Session to open with 15 minutes allotted to discuss cost, size, and number of plots. The Work Session would be used to determine if a consensus can be reached before any type of planning for the site moves forward.

A motion to approve Agenda Item 9.B. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a vote of 6-2; nay votes from Councilmembers Azeltine and Rezac.

C. Rain Gardens

Councilmember Filla gave a presentation of photographs in response to an email received from Leawood residents who have standing water in the drainage ditch between 83rd and 85th on Lee Boulevard. The ditch was a natural swale with storm inlets that repeatedly clog. She suggested a referral to the Stormwater Committee for their May 27th meeting. A plan that includes installation of water-thriving plants and stone to help improve the drainage issue and visual esthetics could be presented for a cost-matching grant.

A motion to approve Agenda Item 9.C. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

10. STAFF REPORT

Scott Lambers, City Administrator

Mr. Lambers stated he would be attending the Johnson County Board of County Commissioners meeting on Thursday afternoon, April 23rd. Johnson County Wastewater District staff will be making a presentation discussing expansion of the wastewater treatment plant in Leawood. He stated he intends to protect the interests of Leawood with regard to the issue, although the proposed expansion would not be on City park land.

Councilmember Rasmussen stated in light of his experience in the operation of a wastewater facility, he had great difficulty rationalizing the cost studies for the potential expansion locations, Leawood and Kansas City, Missouri, in that both facilities are tax-exempt and labor costs would be similar. He asked if a cost-comparison study was done. Mr. Lambers replied that a cost-comparison was conducted and the driving decision factor appeared to be that the district wants to maintain future control, even if that would require a higher initial cost.

Councilmember Rezac asked if the City should give notice of the upcoming meeting to property owners near the proposed expansion area. Mr. Lambers replied the upcoming meeting is preliminary “staff-level” in order to present options. Affected property owners would receive notice from the Wastewater District. If there is an increase in odor emissions, the County will have to address the issue.

Councilmember Azeltine asked if the issue was being driven by an Environmental Protection Agency edict to Kansas City, Missouri, to make repairs. Mr. Lambers stated Kansas City’s system needs repair and they have a water infiltration problem which destabilizes the plants.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the March 24, 2015 Planning Commission meeting]

- A. **Ordinance No. 2723**, approving a Special Use Permit [SUP] for a wireless communication facility, antennae and associated equipment, for CBIZ – Clearwire Wireless LLC, a Nevada Limited Liability Company, located at 11440 Tomahawk Creek Parkway (PC 05-15) [Roll Call Vote]

Curtis Holland, Esq, Polsinelli Law Firm, 6201 College Boulevard, Overland Park, Kansas, 66211 representing the Property Owner, PCC Two, LLC, and Clearwire Wireless, LLC, appeared and gave a brief presentation requesting a Special Use Permit to continue for a five-year period. The rooftop antennae is located on the Pinnacle #3 building, behind a screening shield. The antennae has been operating in conformance for the past five years.

Mayor Dunn asked Ms. Bennett about the name change for Clearwire that occurred after the Planning Commission approval recommendation and if an override vote would be required. Ms. Bennett stated that an override, requiring six affirmative votes, would be the best course of action even though the issue is primarily clerical.

A motion to approve Agenda Item 11.A. was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 8-0.

- B. **Ordinance No. 2724**, approving a Special Use Permit [SUP] for Molle Off-Site Parking for New Vehicles, located south of 104th Street and west of State Line Road (PC Case 25-15) [Roll Call Vote]

Curtis Holland, Esq., Polsinelli Law Firm, 6201 College Boulevard, Overland Park, KS, 66211, representing Molle Properties, LLC, appeared and gave a brief presentation requesting a Special Use Permit to continue for a two-year period.

Councilmember Cain noted Stipulation No. 8 and inquired if potholes and distressed pavement are an issue in the area. Mr. Klein replied the stipulation was recurring and there were no problems with potholes.

A motion to approve Agenda Item 11.B. was made by Councilmember Rasmussen; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 8-0.

- C. **Ordinance No. 2725**, approving a Rezoning from AG (Agriculture) to RP-3 (Planned Cluster Attached Residential), Special Use Permit [SUP] for an Assisted Living/Skilled Nursing Facility, Preliminary Plan, and Preliminary Plat for Mainstreet Assisted Living/Skilled Nursing Facility, located south of 143rd Street and east of Nall Avenue (PC Case # 147-14) [Roll Call Vote]

Curt Petersen, Polsinelli Law Firm, 6201 College Boulevard, Overland Park, KS, 66211, representing the applicant, Mainstreet Assisted Living/Skilled Nursing Facility, appeared and gave a presentation. He proposed a revision to Stipulation No. 1. The total square footage in the original plans was 69,465 square feet; the new square footage would be 70,993, an increase of 1,528 square feet. Mr. Petersen stated the proposed facility would be high caliber and a quality addition to Leawood. One-half of the 6.5 acre site would be open green space.

Councilmember Azeltine asked if staff had an issue with the square footage difference. Mr. Coleman stated the change was fine.

Mayor Dunn asked about the ratio of 86% skilled nursing and 14% assisted living. Mr. Petersen replied that 75% of the 86 beds are skilled nursing due to 15 to 30-day transitional, post-procedure care. After this care, the residents may move to assisted living.

Mayor Dunn asked about parking requirements, which are different for skilled nursing facilities. Mr. Coleman stated the proposed parking meets the requirements. Mr. Petersen added the proposal allows for more parking than required.

Councilmember Cain asked if Mainstreet shares ownership with other developers, and if the proposed area was originally part of the plan for the corner. Mr. Petersen stated Mainstreet is not involved with other development, and area was part of the original plan. He stated the proposed institutional use was consistent with planning and the area.

Mayor Dunn noted Stipulation No. 15 and inquired if concerns of the Fire Marshal had been addressed. Mr. Petersen replied the proposal addresses the issue of fire truck circulation. A cost-sharing agreement was been made with Highland Villas for the private drive maintenance.

Mayor Dunn asked if the Planning Commission's approval recommendation would require an override vote due to the square footage change; Ms. Bennett confirmed.

A motion to approve Agenda Item 11.C. was made by Councilmember Cain; seconded by Councilmember Rezac. The motion was approved with a unanimous roll call vote of 8-0.

- D. **Ordinance No. 2726**, approving a Rezoning from SD-NCR (Planned Neighborhood Retail) and SD-CR (Planned General Retail) to MXD (Mixed Use Development District), Special Use Permit [SUP] for an Independent Living Facility, Revised Preliminary Plan, and Revised Preliminary Plat for Ironhorse Centre – The Fairways at Ironhorse, located south of 151st Street and east of Nall Avenue (PC Case 161-14) [Roll Call Vote]

Curtis Holland, Esq., Polsinelli Law Firm, 6201 College Boulevard, Overland Park, Kansas, 66211, representing the applicant, appeared and gave a presentation. He introduced his clients: Brett Johnson and Matt Gillam, Principals with Overland Property Group; Brandon Brensing, Merrill Companies, the original developer of Ironhorse Centre; Brad Sonner, Project Engineer from Olsson and Associates; and Stephanie Bradshaw with Brian Cave, representing St. Luke's Hospital South, owner of a lot in the Ironhorse Centre.

Mayor Dunn disclosed that she was a board member of St. Luke's South. She receives no remuneration and would be able to act in a quasi-judicial manner without recuse.

Mr. Holland stated the purpose of the rezoning was to develop 74-unit independent living facility in the corner of the 13-acre Ironhorse Centre. The centre was developed in 2003 and 2008, with the last development on the east side of the centre. Lots 5 and 6 were originally planned for two-story office buildings. The area is a mix of retail and office uses.

Mr. Holland stated staff had a great deal of input to the plans presented. The Ironhorse Advisory Board also provided input, and their comments were addressed. A Citizen Interact Meeting was held and a number of neighbors attended, who raised concerns. Their two primary issues were traffic and building height. An Olsson study of the proposed use versus office buildings revealed there would be 500 less trips per day with senior living. With regard to building height, current zoning allows for a 3-story office building up to 40 ft. in height. The requested mixed-use zoning would allow the maximum height of 55 ft. at the tallest point of the building. Mixed-use zoning is in-line with the City's Comprehensive Plan. The building steps down from 4 to 2-stories on the southwest side, and steps down from 4 to 3-stories on the east side. Each story would be 12 to 15 ft. in height. The central portion of the building would be common area. There would be considerable landscaping, including four existing mature tree lines, in the 150 yards between the cul-de-sac entrance of the building and the residential neighborhood to the east.

Councilmember Rasmussen asked if Stipulation No. 25 covered maintenance for the wrought iron fence in Stipulation No. 11 and Mr. Holland confirmed it would.

Councilmember Rasmussen asked about the possibility of restricted air flow to the golf course mentioned on Page 6 of the Planning Commission meeting minutes, and how that could be enforced. Mr. Holland committed to the addition of a stipulation for applicant to pay for the installation of fans.

Mayor Dunn asked Mr. Klein to confirm the maximum height in SD-NCR zoning. Mr. Klein replied the maximum height for SD-NCR is 40 ft.; SD-CR zoning is 50 ft. The centre includes both zoning categories, with one SD-CR lot in the northeast corner.

Councilmember Rezac questioned if Stipulation No. 24 referred to just the proposed facility or to the entire development. Mr. Klein stated it would apply to Ironhorse Centre and easements were already in place.

Councilmember Sipple asked for an estimate in years to achieve screening from mature trees along Fairway 16, for neighbors to the east. Mr. Holland estimated 10 years for maturity.

Brett Johnson, founding partner of Overland Property Group, 5345 W. 151st Terrace, Leawood, Kansas, reviewed specific details of the \$20 Million project. He stated the facility would be an opportunity for Leawood to offer boutique independent living in a resort-style concept with high-end amenities such a valet parking and a 24-hour concierge. The building would be the only independent living facility in the area with completely enclosed underground parking [entry from west and exit on the north/east]. To meet City code, 80% of the units are more than 1,000 sq. ft. These units would have two bedrooms. The remaining units would have 750 sq. ft. and one bedroom. Estimated rents are \$3,250 to \$4,250 per month.

CITIZEN COMMENTS – Agenda Item 11.D.

Tom Slezak, 4717 W. 152nd Street, Leawood, Kansas, appeared as President of the Village at Ironhorse Homes Association [HOA], presented a signature petition and spoke in opposition of the project. He stated homes closest to the proposed development were valued in the high \$600,000 range. As a realtor, he had seen homes in the area sell quickly and at a premium. He felt the proposed project was outstanding, but in the wrong location. His concerns were the building height and the impact on nearby property homes. He noted that in 2006, a similar project came through the Planning Commission and City Council for One Nineteen, which was denied after citizens commented in opposition.

Councilmember Sipple asked if the HOA would be amenable to a 3-story building in place of the 4-story building. Mr. Slezak replied he would prefer to keep the property zoned with a 40 ft. maximum height.

Al Biermann, 4721 W. 152nd Street, Leawood, Kansas, appeared and spoke in opposition of the project. He agreed with Mr. Slezak's comments and added the distance between the homes and the project was not large enough, especially considering lighting on the building back and unit balconies. His greatest concern was the traffic and driver age. At the present time, the speed limit in the area is 45 miles per hour and two-lanes must merge into one-lane.

Doug Carolan, 15208 Linden Street, Leawood, Kansas, appeared and spoke in opposition of the height of the proposed building. His concern was potentially declining property values and the impact of the view of the residents. He stated the view makes a difference because home owners use their back patios and decks, and asked for consideration of the disrupted views of the home owners.

Mayor Dunn asked Police Chief Meier to comment on the traffic issue. Chief Meier replied that traffic was an issue because of speed and two lanes reducing to one lane. Joe Johnson stated the situation is similar to 143rd Street east of Nall, and improvements to 151st Street is not planned to occur in the next 10 years.

Councilmember Cain agreed with the height concerns of the residents. She stated that home buyers purchased with the understanding that zoning would dictate the maximum height in the area.

Councilmember Rezac stated she liked the project because the use is important for Leawood. She understood residents' concerns, but pointed out that much more than the building would be included in their view to the west and what was viewed would have a high quality, residential look. She also acknowledged that the City needs to evaluate the traffic challenges in the area.

Councilmember Azeltine stated if traffic decreased as stated in the study, the bottleneck could be safer. Mr. Coleman affirmed the study was accurate, and the report was accepted by staff.

Councilmember Filla appreciated the concerns about lighting of the building. Brett Johnson stated the second floor above the central restaurant had balconies, but units visible to the residents to the east would have only windows. The overall building would be lit in the front, but not the back.

Councilmember Filla asked about additional trees. Brett Johnson replied the landscaping plan meets the code, and a substantial number of trees currently exist.

Councilmember Filla asked if it would be possible to reconfigure the building and move units on the 4th floor to the 2nd floor, to make a 3-story building. Brett Johnson replied that had been reviewed and there would not be enough room to include all units within 3-stories. Mr. Holland added the east side of the building was tiered, and the portion of the centre to the north is currently zoned SD-CR, which has a maximum height of 50 ft. The length of the building is approximately 170 ft., 80 ft. of which would be 3-stories and the remainder would be 4-stories. Only one-half of the east side of the building would be seen from homes to the east.

Councilmember Rawlings spoke about property values, which are determined by the Johnson County Appraiser's office. He asked Mr. Slezak if the determination of potentially reduced property values was perceived or real. Mr. Slezak stated that based on his 13 years in real estate, the reduction would be real because the buyer pool would be smaller as they would not value the view as much as today. Councilmember Rawlings replied he did not feel a determination could be made as to whether or not property values would decline.

Councilmember Rawlings asked about the demand for golf course lots. Mr. Slezak replied demand depends on price, but it had been good.

Mayor Dunn pointed out the building materials meet the requirements of the Leawood Development Ordinance, and agreed with Councilmember Rezac's point about attention to detail and quality. She stated an additional stipulation for fans if needed for the golf course, and the traffic will need to be evaluated. The developer may need to work with the City to find creative solutions.

A motion to approve Agenda Item 11.D. was made by Councilmember Rezac; seconded by Councilmember Osman. The motion was approved with a roll call vote of 6-2; nay votes from Councilmembers Cain and Sipple.

12. OLD BUSINESS – None

13. OTHER BUSINESS – None

14. NEW BUSINESS

Schedule a Governing Body Work Session at 6:00 P.M., on Monday, May 4, 2015, for Initial Discussion of Redevelopment Plan for 96th & Lee Boulevard

A motion to approve Agenda Item 14. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 8-0.

ADJOURN

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

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk