

Regular Meeting

THE LEAWOOD CITY COUNCIL

September 3, 2013

Minutes

DVD No. 309

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 Tuesday, September 3, 2013. Mayor Peggy Dunn presided.

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

Councilmembers absent: Debra Filla

Staff present: Patty Bennett, City Attorney
Mark Andrasik, Info Systems Director
Richard Coleman, Comm. Dev. Director
Mark Klein, Planning Official
Joe Johnson, Public Works Director
Deb Harper, City Clerk
Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 6-0. (Councilmember Filla absent).

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.**

4. PROCLAMATIONS

Constitution Week, September 17-23, 2013

Mayor Dunn proclaimed the week of September 17-23, 2013, as Constitution Week in the City of Leawood and asked citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

5. PRESENTATIONS/RECOGNITIONS None.

6. SPECIAL BUSINESS

Approve recommendation of Tom Robinett, to fill Councilmember Bussing's unexpired term until April, 2014 [Oath of Office conducted on Monday, September 16, 2013]

Mayor Dunn thanked Councilmembers Carrie Rezac and Andrew Osman for their time and attention to this very important decision. There were five very qualified applicants, which made the task challenging. They were pleased to recommend candidate Tom Robinett for approval to the Leawood City Council. Mr. Robinett was recently on the Board of Zoning Appeals [BZA] for the City of Leawood and has extensive community involvement.

A motion to approve the recommendation of Tom Robinett, to fill Councilmember Bussing's unexpired term until April, 2014, was made by Councilmember Rezac; seconded by Councilmember Cain. The motion carried following a unanimous vote of 6-0. (Councilmember Filla absent).

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. 2013-31, and 2013-32
- B. Accept minutes of the August 19, 2013 Governing Body meeting
- C. Accept minutes of the June 18, 2013 Leawood Foundation meeting
- D. Accept minutes of the October 10, 2012 Public Works Committee meeting
- E. **Resolution No. 4124** approving and authorizing the Mayor to execute a Federal-Aid Road Construction Agreement between the City and Kansas Department of Revenue [KDOT] pertaining to the State Line Road Traffic Signal Improvement Project between 128th Street and 135th Street [Project # 72042] State Project 46-N-0526-01
- F. **Resolution No. 4125** approving and authorizing the Mayor to execute Amendment No. 1 to that certain Professional Engineering Service Agreement dated November 19, 2007, between the City and Burns & McDonnell, in the amount of \$14,140.82, pertaining to the design of 143rd Street from Nall to east of Mission Road [Project # 80162]
- G. **Resolution No. 4126** approving a Final Plan for a Tenant Finish for Town Center Plaza – Helzberg Diamonds, located north of 119th Street and east of Nall Avenue. (PC Case # 107-13) [*from the August 27, 2013 Planning Commission meeting*]
- H. **Resolution No. 4127** approving a Revised Final Plan for the City of Leawood – Public Works Facility Fences, located south of 143rd Street and east of Kenneth Road. (PC Case # 110-13) [*from the August 27, 2013 Planning Commission meeting*]
- I. **Resolution No. 4128** approving a Revised Final Plan and Revised Final Plat for Manor at Mission Farms, located south of W. 105th Street and east of Mission Road (PC Case # 67-13) [*from the August 27, 2013 Planning Commission meeting*]

A motion to approve the Consent Agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. Motion carried following a unanimous vote of 6-0. (Councilmember Filla absent).

8. MAYOR'S REPORT

- A. Congratulations to Leawood resident and Managing Editor Lisa Harrison on the 4th Anniversary of *Leawood Lifestyle*. This magazine started in Leawood and now there are four publications in the Kansas City area and in 14 cities across the country.
- B. Reminder for the annual Police and Fire Departments Open House on Wednesday, September 11th, from 5:00 – 8:00 P.M.

9. COUNCILMEMBERS' REPORT – None.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the July 23, 2013 and August 27, 2013 Planning Commission meetings]

Resolution No. 4129 approving a Revised Final Plan and Revised Final Plat for Mission Farms – Phase 3, located south of W. 105th Street and east of Mission Road. (PC Case 66-13)

Doug Weltner, Developer Mission Farms, gave a presentation requesting approval of a Revised Final Plan and Revised Final Plat to construct Phase III of Mission Farms. He requested clarification of Planning Commission Stipulation No. 27 regarding another ULI parking study be done prior to Final Plan approval to demonstrate that the development meets the parking demands. He felt this shouldn't be necessary if the project is built as approved. In regards to the traffic signal at the intersection of Indian Creek Parkway and Mission Road, he requested this be done when the City determines it is warranted. The Planning Commission removed the stipulation regarding that restaurant space be limited to a maximum of 24,000 square feet. Both the applicant and City staff were in agreement with the removal of this stipulation. The parking studies reviewed by the City's consultant Carl Walker, Inc., determined there should be sufficient parking for the development with the exception of 1-8 spaces approximately 3 hours during weekdays within the peak time of December. Mission Farms Christmas seasonal shopping is a very small part of their component. When this development is fully complete, they exceed the City's Code by 124 parking spaces with the last phase of the project including surface parking. He proposed to move forward with the project and delete Stipulation No. 27 and keep the Planning Commission's recommendation to remove the stipulation requiring restaurant space be limited to a maximum of 24,000 square foot.

Planning Official Mark Klein requested they remove Stipulation No. 4 because the applicant had already provided a signed document showing the number of spaces designated for each use and where they are located on the site, including those within the parking garage. The language in Stipulation No. 5 has been changed to read: "The applicant shall assign and reserve a minimum

of one parking space within the above ground parking garage for each apartment unit within Building 'C.'

Buildings 'A' and 'B' have sufficient underground parking for two parking spaces per unit. The applicant has provided 206 parking spaces for the 132 units for Building 'C'. The LDO requires two parking spaces per unit, which would be 264. They are short 58 spaces, in which the applicant is proposing the surface spaces be 'shared.' According to ULI parking standards, the residential parking is sufficient.

Bill Preloger, NSPJ Architects, confirmed their intent was to provide one parking space per bedroom in Garage 'C'. They will provide one space in the lease per unit. Other spaces would be available for people to lease as needed. All leased spaces will be numbered and assigned. The surface parking will not be assigned; it will be used as part of the mixed-use environment.

Mr. Klein clarified Stipulation No. 27 was included because of the one building located on the south side of the development. When the applicant submits that final phase of the development, they will then have to provide the ULI study showing that the entire development has adequate parking.

Mr. Weltner confirmed in the event they need additional parking in the future, it could be possible to build a parking garage next to the highway.

Mr. Coleman noted City staff is considering updating the LDO because of the current knowledge regarding parking and mixed-use development.

Councilmember Rezac confirmed with Mr. Weltner that the 58 surface parking spaces could be assigned to residential, if needed.

Mayor Dunn requested clarification of Stipulation No. 6 regarding installation of the traffic signal at the intersection of Indian Creek Parkway and Mission Road. Public Works Director Joe Johnson replied they have received several calls from people requesting a signal be installed at that location. Future public improvements are done either at the time of development or the funds are escrowed to the City until the improvements are complete. Leewood and Overland Park City staff discussed whether this intersection met warrants for a traffic signal. Overland Park plans to perform another warrant within the next month. Staff agreed a signal would more than likely be needed within the next year. This same process has been done with other developments throughout the City. There are usually nine warrants performed. Once they have met two or three, the funds would be required to be escrowed.

A motion to approve the resolution with the removal of Stipulation No. 4 and amend the language on Stipulation No. 5 as stated was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 6-0. (Councilmember Filla absent).

12. OLD BUSINESS - None

13. OTHER BUSINESS - None

14. NEW BUSINESS - None

ADJOURN

There being no further business the meeting was adjourned at 8:25 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk