

Minutes

DVD No. 376

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, August 15, 2016. Mayor Peggy Dunn presided.

**Councilmembers Present:** Jim Rawlings, Andrew Osman, Debra Filla, Chuck Sipple, Julie Cain, Lisa Harrison and James Azeltine

**Councilmembers Absent:** None

**Staff Present:** Scott Lambers, City Administrator  
Joe Johnson, Public Works Director  
Mark Andrasik, Info. Services Director  
Chris Claxton, Parks & Recreation Director  
Richard Coleman, Comm. Services Director  
Chief Dave Williams, Fire Department  
Debra Harper, City Clerk  
Patty Bennett, City Attorney  
Dawn Long, Finance Director  
Chief Troy Rettig, Police Department  
Nic Sanders, Human Resources Director  
Mark Klein, Planning Official  
Cindy Jacobus, Assistant City Clerk

**Others Present:** Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

**A motion to approve the agenda was made by Councilmember Sipple; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.**

**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.

**4. PROCLAMATIONS – None**

**5. PRESENTATIONS/RECOGNITIONS – None**

**6. SPECIAL BUSINESS**

**A. Approval from Nominating Committee of Dr. Steven Kaster as Ward Two Councilmember To Fill Councilmember Rasmussen's Unexpired Term Until January 2018**

Mayor Dunn stated that per ordinance process, the Nominating Committee was composed of herself, the remaining councilmember for the ward Councilmember Rawlings, and Presiding Officer Councilmember Julie Cain. The numerous applications received were viewed as a compliment to the City. Nine outstanding candidates for the vacant councilmember seat were interviewed for over one hour each. She thanked Councilmembers Rawlings and Cain for their time and effort.

Councilmember Cain stated it was a privilege to serve on the Nominating Committee. Many of the applicants were personally known to the Nominating Committee members from candidate prior service and community involvement; she has known Dr. Kaster for 20 years. All the candidates were high caliber and the decision was difficult.

Mayor Dunn noted Dr. Kaster's presence at the meeting and stated he would be sworn in to office by the City Clerk at the September 6<sup>th</sup> Governing Body meeting. She encouraged all to read Dr. Kaster's extensive bio included in the agenda packet.

**A motion to approve the recommendation of the Nominating Committee was made by Councilmember Cain; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 7-0.**

**B. Public Hearing** Consider the 2017 Fiscal Budget for the City of Leawood, Kansas

Mayor Dunn opened the public hearing; no one was seen or heard to speak.

**A motion to close the public hearing was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.**

**C. Resolution No. 4669, expressing the Property Taxation Policy of the City of Leawood, Kansas with respect to financing the Annual Budget for 2017**

Mr. Lambers stated there had been no changes and all was in order. Mayor Dunn stated an extensive number of Governing Body and committee meetings, including a Budget and Finance Committee Citizen meeting, had been held over the last eight months. Mayor Dunn thanked Finance Director Dawn Long and Budget Manager Kathy Byard for their hard work.

**A motion to approve Agenda Item 6.C. was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.**

- D. **Resolution No. 4670**, adopting the Fiscal Year 2017 annual budget for the City of Leawood, Kansas

City Clerk Debra Harper confirmed to Mayor Dunn that a certificate acknowledging the City had conducted the budget process was due to the Johnson County Clerk by August 25. The certificate was circulated for Governing Body member signature.

**A motion to approve Agenda Item 6.D. was made by Councilmember Azeltine; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.**

- E. **Ordinance No. 2798C**, amending §15-409 and 15-410 of the Code of the City of Leawood, Kansas, 2000, pertaining to Permit Suspensions and Revocations for Solid Waste Permits and Appeals, and repealing existing Sections 15-409 and 15-410 and other sections in conflict herewith [ROLL CALL VOTE]

Mr. Lambers stated the reason for revision was given the seriousness of the issue, it would be appropriate for the City Administrator should make determination regarding revocation and suspension of solid waste permits, rather than the Public Works Director. The Public Works Director would be a back-up if the City Administrative was not available. He noted for revocation or suspension to occur, all three types of basic collection services, solid waste, yard waste and recyclables, required by the City would have not been collected and properly disposed.

Councilmember Cain asked how home owner associations [HOAs] that contract with solid waste service providers would be notified if a permit was revoked or suspended and if advance notice would be provided considering the ramifications on citizens. Councilmember Osman asked if a contractor's permit was revoked or suspended and they still operate within the City, if an HOA would have the right to terminate their agreement with that company and bid out waste management because of the illegality.

Mr. Lambers stated that revocations and suspensions would be an administrative step leading to Municipal Court action for operating without a permit. This could motivate corrections, with services expected to continue due to public health issues. Since the City may not know the specific contractor to an HOA, notification would be posted on the City's website. HOA ability to terminate service with their contractor for default of services would depend on the terms of their agreement.

**A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Osman. The motion was approved with a unanimous roll call vote of 7-0.**

- F. Discuss yard waste pick-up issues with WCA/Town & Country Representative

Mayor Dunn called for the WCA/Town & Country [T&C] Representative to come forward; no representative was seen or heard to be present. Councilmember Osman asked Mr. Lambers when notice to attend had been given to T&C. Mr. Lambers stated he had left a message on their answering machine about two weeks prior and he had spoken last week with an individual in Public Relations that assured him either she or the Division Manager would attend tonight.

Councilmember Osman stated several residents had advised that Johnson County mandated the separate collection of yard waste a couple of years ago. He asked if the amount of yard waste bags that can be placed at the curb at a single collection was governed by Johnson County or by the solid waste contractor. Residents in areas of the City with mature large trees can have 50 to 100 bags of yard waste in the fall. Uncollected yard waste is a serious public health concern and a hardship for senior residents who must retrieve bags from the curb if a service provider can only collect 10 bags. He would have requested this information from T&C representative. Mr. Lambers stated he was waiting on a response from his inquiry to the Johnson County Manager in this regard; he would follow-up.

Councilmember Filla noted that service providers for Leawood HOA had not enforced a 10 bag yard waste limit and an option would be for residents to move bags between one another to not exceed the maximum. Leawood HOA has been speaking with the original owner of T&C in regard to his potential to collect yard waste that WCA has been unable to collect.

Councilmembers Filla and Rawlings noted that collection of all three types of waste at their residences had occurred on the designated day last week. Councilmember Rawlings noted that a T&C Supervisor truck had been seen in his neighborhood. Both expressed their opinion that Mr. Lamber's contact with T&C may have made a positive impact.

Councilmember Osman stated that Waste Management/Deffenbaugh did not make their scheduled pick up at his residence. Mayor Dunn stated she had seen a Deffenbaugh collection truck at 5:00 P.M. on Saturday, probably working overtime.

Mr. Lambers stated he had not previously received complaints regarding trash not being collected, which is totally unacceptable. He would with T&C on their absence and reschedule for the next Governing Body meeting.

## **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 No. 2016-30
- B. Accept minutes of the August 1, 2016 Governing Body meeting
- C. Accept minutes of the May 24, 2016 Leawood Arts Council meeting
- D. Accept minutes of the July 12, 2016 Parks and Recreation Advisory Board meeting
- E. Approve 9<sup>th</sup> & Final Pay Request in the amount of \$2,509.00, to Freeman Concrete Construction pertaining to the 2015 Curb Repair/Replacement Program, Arterial Street Mill & Overlay, Sidewalk repair/replacement, Residential Mill & Overlay, replace Fire Station No. 3 parking lot. [Projects Nos. 80252, 72024, 70515, 70018, 76036]
- F. Approve Change Order No. 1 in the amount of \$10,020.00 to Warren Moore Painting LLC Co., pertaining to the Painting at Ironwoods Lodge, cabins, and Nature Center, located within Ironwoods Park, 14701 Mission Road [adding exterior of City Hall front entrance & outside Council Chambers]
- G. **Resolution No. 4671**, approving and authorizing the Mayor to execute a Parking Area License Agreement between the City and Camelot Court, LLC, pertaining to temporary parking in the western portion of the Justice Center Parking lot

- H. **Resolution No. 4672**, approving a Final Sign Plan for Leawood Executive Centre – Nuehealth Wall Sign (Private Equity Investment Firm), located south of 112<sup>th</sup> Street and east of Roe Avenue. (PC Case 70-16) *[From the July 26, 2016 Planning Commission meeting]*
- I. **Resolution No. 4673**, approving a Revised Final Plat for Leawood Heritage Third Plat, located south of 87<sup>th</sup> Street and east of Mission Road. (PC Case 72-16) *[from the July 26, 2016 Planning Commission meeting]*
- J. **Resolution No. 4674**, approving a Final Plan for modifications to a façade of a storefront for Town Center Crossing – SuitSupply (Men’s Apparel), located south of 119<sup>th</sup> Street and east of Roe Avenue. (PC Case 74-16) *[from the July 26, 2016 Planning Commission meeting]*
- K. **Resolution No. 4675**, approving a Revised Final Plan for modifications to the façade of a building for Town Center Plaza – Houlihan’s Restaurant, located north of 119<sup>th</sup> Street and west of Roe Avenue. (PC Case 79-16) *[from the July 26, 2016 Planning Commission meeting]*
- L. **Resolution No. 4676**, approving Final Plan for modifications to a façade of a storefront for Town Center Crossing – Tenant Space A133 (Vacant Tenant Space), located south of 119<sup>th</sup> Street and east of Roe Avenue. (PC Case 87-16) *[from the July 26, 2016 Planning Commission meeting]*
- M. Declaration of Surplus Property: [1] Coates Snow Plow; and [1] Hi-Way Spreader
- N. Fire Department Monthly Report
- O. Municipal Court Monthly Report
- P. Police Department Monthly Report

Councilmember Cain requested Consent Agenda Item 7.K. be pulled.  
 Councilmember Sipple requested Consent Agenda Item 7.P. be pulled.

**A motion to approve the remainder of the Consent Agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.**

- K. **Resolution No. 4675**, approving a Revised Final Plan for modifications to the façade of a building for Town Center Plaza – Houlihan’s Restaurant, located north of 119<sup>th</sup> Street and west of Roe Avenue. (PC Case 79-16) *[from the July 26, 2016 Planning Commission meeting]*

Councilmember Cain thanked the owner of Houlihan’s and applicant for their willingness to work with City staff, and staff’s continued efforts, on walkability of the Town Center area. The proposed plan includes extension of sidewalks as far as they can on their property which is a small piece separately owned from the rest of Town Center. Mayor Dunn noted that former Councilmember Lou Rasmussen would applaud the comments, effort and cooperation.

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

P. Police Department Monthly Report

Councilmember Sipple noted the dramatic increase in July for drug possession violations (municipal); 14 in July, eight in June and five in July 2015. He questioned if the increase was due to a special effort to identify drug offenders. Chief Rettig stated the increase was a random spike of charges resulting from vehicle search. There was no cause for alarm or concern. Mayor Dunn complimented the updated monthly report format.

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

**8. MAYOR'S REPORT**

- A. On behalf of the City, offer condolences to the family of Ben Craig on his passing. He was a philanthropist, banker and very involved in Johnson County. He was a founder of the United Community Services of Johnson County and the Johnson County Community College. He lived by the maxim "Leave Things Better Than You Found Them."
- B. Sincere sympathies to the family of Representative Scott Schwab from Olathe on the tragic, accidental death of his 10 year old son, Caleb.
- C. Appreciation to Councilmember Jim Rawlings for standing in for me at the grand re-opening of the Camelot Court Hen House. The grocery store had been closed for seven months and is now open, bigger and better than ever.
- D. Thanks also to Presiding Officer Councilmember Julie Cain for standing in for me at both the grand opening and ribbon cutting of Restoration Hardware Leawood, as well as the Leawood Chamber Debut for new Chamber members.
- E. Leawood has received another honor attributable to our citizens. Zippia.com ranked all cities in Kansas regardless of population size, and Leawood ranked #1 as the most successful city based on poverty level, median household income and unemployment rate.

**9. COUNCILMEMBERS' REPORT – None**

**10. STAFF REPORT – None**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION**

*[from the July 26, 2016 Planning Commission meeting]*

- A. **Ordinance No. 2799**, approving a Preliminary Plan and Preliminary Plat for an Assisted Living Facility and Independent Living Facility, and a Special Use Permit for an Assisted Living Facility for Bright Space Senior Living, located south of 137<sup>th</sup> Street and west of Mission Road. (PC Case 67-16) [ROLL CALL VOTE]

Applicant Mr. Ryan Elam, Project Civil Engineer, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, stated Greg Echols, Chief Financial Officer, Bright Space Living; Mike Belew, CBC Real Estate Group representing the owner; Whitney Hale, RKAA Architects; and Jay O'Dell, BHC Rhodes, were in attendance. He gave a presentation on the proposed project.

Bright Space is headquartered in Chattanooga, Tennessee, and they have six senior facilities throughout the country with the mission to create homes for today's seniors that merge innovation with the warmth and care of a family environment.

The proposed Leawood facility would be located on 11.63 acres in the southwest corner of 137<sup>th</sup> Street and Mission Road. The project would be constructed in two phases. Phase 1 construction of an 88-bed, 93,220 sq. ft. Assisted Living Facility would begin in December, with a 13 month construction duration. Phase 2 would be a 60-unit 92,593 sq. ft. Independent Living Facility, with a 12 month construction period to begin June 2017.

Site drainage plan includes bio-retention basins, a dry-bottom basin and rain gardens. The stormwater system has been designed to meet all load requirements, as discussed with Public Works and City staff, and reduces the run-off rate of the site below existing conditions and as well below the capacity of the receiving channel. Ultimately, the area will drain to a ditch along Mission Road and then to the detention pond owned by the Sienna Homes Association. Agreement has been reached on all setbacks.

A list of concerns raised at the Interact Citizen Meeting and other meetings with residents have been proactively addressed. These included berm completion from a previous developer across the southern boundary as part of Phase 1, protection of the existing native tree line and additional screening to the south, increased landscaping and vegetation to promote natural areas and butterfly population, restriction of trash pick-up times to 9:00 A.M. to 4:00 P.M. to be included in the contract with Waste Management or service provider, and no lighting from property facing adjacent homes.

Mr. Whitney Hale stated he had worked with Bright Space for a number of years and he provided architectural details. The Phase 1 Assisted Living Facility would be two floors, 35 ft.-10 inches in height at the ridge line. The elevation of the building materials from all sides would be roughly the same; 30% natural stone, 30% stucco, 30% concrete tile and the remaining 10% would be windows and glass at the entrance, and natural wood beams of the portico. The entire roof is concrete tile. Amenities include pet therapy, appropriate sporting activities and gazebos.

Councilmember Osman inquired if the trees, shrubs, landscaping and detention pond in the eastern area had taken into consideration the planned 2020 expansion of Mission Road which would require additional property. Mr. Elam confirmed, stating additional right-of-way had been included in the plan, and elevations coordinated as well to tie into the new storm sewer system when constructed.

Councilmember Cain gave commendation for the level conversation with the residents of Leawood Meadows and was pleased with the 5 ft. lighted sidewalk along the southern boundary. She inquired if the project would include the installation of a sidewalk along Mission Road on the east side of the property, which would connect 135<sup>th</sup> to Leawood Meadows as part of the Leawood Self-Propelled bicycle-pedestrian plan. Mr. Johnson stated the project includes a 5 ft. wide concrete sidewalk from 137<sup>th</sup> to the south property line. The City could explore the possibility of extension from 138<sup>th</sup> north to tie to this project sidewalk, and then work with property owner north of the project to extend all the way to 135<sup>th</sup> Street.

Mr. Elam clarified for Councilmember Sipple that the dry retention basin would have a manicured grass bottom, and that a variety of trees would be planted along 137<sup>th</sup> Street.

Mr. Elam confirmed for Councilmember Harrison that Phase 2 would include 60 stalls of underground parking as part of the facility.

Mayor Dunn expressed appreciation for the stormwater plans and for working diligently with residents to the south on many concerns from the past. Mr. Elam stated the 100-year storm of 60 cubic ft. per second, would be significantly reduced to 33.5 cubic ft. per second release from the detention basin.

**A motion to pass the ordinance was made by Councilmember Sipple; seconded by Councilmember Osman. The motion was approved with a unanimous roll call vote of 7-0.**

- B. **Resolution No. 4677**, approving a Revised Final Plan for Leawood City Park – All Inclusive Playground, located south of I-435 and east of Lee Boulevard. (PC Case 71-16)

Ms. Claxton stated the Leawood Foundation Chair Alice Hawk could not be present and confirmed she would represent the Foundation. The proposed revised final plan is for replacement of the current playground at City Park. City staff has worked diligently with the Foundation to achieve a goal of an all-inclusive playground, which goes beyond Americans with Disabilities Act [ADA] access.

The playground would include ramping and different types of slides and swings to be used by children, adults and veterans, including those with physical and non-physical impairments. The Foundation has been successful in their funding effort which is well past half of need, but funding would still be sought. The results of several grant applications are pending and the project has been accelerated due to required timing for the matching Cunningham equipment grants. Cunningham will handle the demolition of the existing playground and installation of the replacement, so they will need to meet their own deadlines. Completion would need to be by the first or second week of December.

Councilmember Osman requested additional information for media members present at the meeting. Ms. Claxton stated the matching equipment grant would provide the main structures for the 2 to 5 year old area and the 5 to 12 year old area. The zip lines would be located to the left of the large structure. The equipment would present numerous challenges to meet and go beyond a user's potential. Visitors would be able to participate, side-by-side. Members of the media have been a pleasure to work with and a press release with additional information is planned.

Councilmember Harrison inquired if there was an opportunity to sell or recycle the existing equipment. Ms. Claxton stated a close neighboring agency might be interested in the used equipment, but the City must consider liability. The Play-for-All representative may be able to distribute some pieces outside the country.

Mayor Dunn complimented Ms. Claxton for her work with the Foundation and prudent guidance. The Foundation Chair and Board are very excited about the project. Media outreach is an excellent idea.

**A motion to approve Agenda Item 11.B. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.**

- C. **Resolution No. 4678**, approving a Final Plan and Final Plat for Village of Seville – Leawood Micro Hospital, located north of 133<sup>rd</sup> Street and west of State Line Road. (PC Case 75-16)

Applicant Mr. Steven Kirkpatrick, Embree Asset Group, 4747 Williams Drive, Georgetown, Texas, stated the Preliminary Plan and Special Use Permit had been approved by the Governing Body in June. There had been no changes to the Preliminary Plan for a proposed micro hospital located at the northwest corner of 133<sup>rd</sup> and State Line Road, with main entrance on the west side of site facing the interior of the Village of Seville. Ambulance access would be on the northeast corner of the building. Stormwater quality is handled by three rain gardens. To complete the plat from 2004, a 20 ft. by 20 ft. tract has been dedicated to a monument sign for and deeded to Village of Seville in the southwest corner of the lot. Building elevations remain the same as prior, and materials would be similar to those of the Village of Seville; stucco, brick and natural stone with tile roofing. The 1,000 sq. ft. plaza amenity includes brick pavers, seating benches and bicycle posts. If approved, anticipate eight to nine months of construction beginning in mid-October and followed by 30 to 45 days to install equipment.

As requested by Planning Commission Stipulation 3, samples of vision and spandrel glass to be used in specific areas of the building have been provided to staff and have been brought for Council consideration. Spandrel glass has an extra ceramic frit baked on to the back side of the glass and gives an appearance of much larger windows near taller architectural elements. The building front is topped with two spandrel panels above ceiling line to conceal HVAC and plumbing equipment. The right side of front also has spandrel glass, which staff recommends be replaced with stone or stucco, which would create a heavy appearance. The area behind the spandrel panels would be insulated, so no impact on energy efficiency would be expected. Renderings depicting the locations of the proposed spandrel glass and appearance with stucco/stone replacement were displayed. Examples of spandrel glass used at Bank of Blue Valley at 135<sup>th</sup> Street and Mission and Sprint building across the street from City Hall were shown. The bank's spandrel glass is white and opaque. Sprint's spandrel glass is used in top panels across the front at the ceiling line at mullion level. Sprint's spandrel glass and location on their building is very similar to that of the proposed micro hospital; minor difference in color.

Mr. Klein confirmed to Mayor Dunn the applicant had worked with staff to provide a sample of spandrel glass with a low level of reflectance in response to Planning Commission Stipulation 3; prior sample was more reflective.

Councilmember Sipple inquired if Mr. Kirkpatrick had been involved in the construction of medical facilities where spandrel glass had been used so visuals of such buildings could be provided. Mr. Kirkpatrick stated he had not been involved in other medical facility construction involving spandrel glass, but that spandrel glass is a popular architectural element and would be used to conceal equipment behind an entire glass building façade.

Mr. Kirkpatrick stated there were no issues for any other stipulation and Mr. James Spencer from Curtis Group Architects was also present to answer any questions.

Councilmembers Sipple and Cain stated they had no issue with the use of spandrel glass as proposed for the project. Mayor Dunn stated she had received complaints about the spandrel glass used at the Bank of Blue Valley and that she would not be comfortable with that style, but she was comfortable with the Sprint example.

Councilmember Harrison noted two recent development plans that would increase the use of ambulances in the City, and questioned if this had been factored into Fire Department and Med-Act

services. Chief Williams did not feel there would be a large increase in the number of calls. Med-Act provides transportation and the Fire Department would be a first-responder if Med-Act could not arrive first. Any new assisted living facilities will eventually increase the volume of runs.

Mayor Dunn noted there had been publicity about two other micro hospital franchises to be in Johnson County, but none about the proposed Leawood project. She asked Mr. Kirkpatrick if he was associated with the other two Johnson County locations; he confirmed he was the applicant on those and the proposed Leawood location was furthest in the development process.

Mayor Dunn clarified the Planning Commission recommendation did not preclude the use of spandrel glass, as samples were not available at their meeting, so an override vote would not be required.

**A motion to approve Agenda Item 11.C. was made by Councilmember Osman; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.**

- D. **Ordinance No. 2800**, approving a Revised Preliminary Plan and Final Plan for Plaza Pointe – Mid-America Orthopedics of Leawood, located north of 137<sup>th</sup> Street and east of Briar Street. (PC Case 77-16) [ROLL CALL VOTE]

Applicant Mr. Patrick Joyce, Site Civil Engineer, BHC Rhodes, 7101 College, Suite 400, Overland Park, stated design team member Ms. Kristine Pafford, SPT Architecture-Wichita, was also present. Mr. Joyce provided project background.

Mid-America Orthopedics is a group of physicians with three successful similar locations in the Wichita area, proposing to expand to Leawood. They specialize in orthopedic care, joints, and sports injuries and medicine, all on an outpatient basis. The facility would be located at the northwest corner of the Plaza Pointe development on 1.81 acres, which is the last remaining vacant lot in the development, south of 135<sup>th</sup> Street. To the north are office buildings, Primrose School is located to the east and Church of the Resurrection to the south. The building would be 16,533 sq. ft.; 14,615 sq. ft. for the ground floor and 1,918 sq. ft. for the basement. Asphalt parking lot would provide 51 spaces for the building. Ample pedestrian access to 137<sup>th</sup> Street, Primrose School and businesses to the north would be provided. The site has an existing retention basin to the west of the building that would serve the project and the Plaza Pointe development. There is also an existing natural stacked stone retaining wall to the west that has some decay, and the wall would be taken down and rebuilt in a natural stone look from current height of 8 ft. to 14.5 ft.

Ms. Pafford stated elevations were designed to be consistent with the rest of the buildings in Plaza Pointe. Sloping roof would be synthetic slate. The lower portion of the building exterior would be predominately masonry; natural cut honed limestone and tan brick, with cementitious stucco above. Two decorative steel canopy entries are proposed. Signage would direct clinic patients to the right and the ambulatory surgery center patients to the left. The surgery center in the south portion of the building is outpatient use only, containing two operating rooms, one procedure room, and eight pre-/post-op beds. The clinic in the north portion of building would contain 11 examination rooms and PT/OP gym for physical therapy. The basement would be for mechanical and storage use only. If approved, construction would begin in October 2016 and be complete in October 2017.

Mr. Klein confirmed to Councilmember Osman that the parking space ratio was correct and that there was a cross-access/parking easement.

Ms. Pafford confirmed to Mayor Dunn that Mid-America Orthopedics currently located in Overland Park would be relocating to the Leawood facility. The lease for the Overland Park location expires in October 2017.

Councilmember Sipple noted the staff cover memo statement to the applicant's lowering of the west side of the building and he requested a visual rendering. Ms. Pafford stated this was an attempt to reduce the impact of the 14 ft. wall in the background plaza to the west, which had increased in height from 8.5 ft. to hit building elevation. The plaza portion of the wall could be reduced closer to the current wall height, which exposes more of the building wall at that location, and that area would be natural limestone. There is a 3 ft. of additional wall below floor level to minimize the height of the retaining wall. Councilmember Sipple asked if there would be pedestrian access at the top of the 14.5 ft. wall. Mr. Joyce replied there would be a metal railing at the top of the wall.

Councilmember Osman stated he had visited the development area earlier in the day and noticed a large amount common area upkeep issues and sidewalk deterioration around the site, a liability issue. Mr. Klein stated the Development Association with Plaza Pointe would be responsible for upkeep and staff would contact them in this regard.

Mayor Dunn thanked the presenters and expressed her delight to see the finish of the Plaza Pointe development. She reminded the vote would be super-majority override of the Planning Commission recommendation, requiring six votes.

**A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 7-0.**

**12. OLD BUSINESS** – None

**13. OTHER BUSINESS** – None

**14. NEW BUSINESS**

Mayor Dunn reminded the next Governing Body was scheduled for Tuesday, September 6, 2016, due to the Labor Day holiday.

Councilmember Sipple reminded fellow councilmembers that now was the time to purchase their Taste of Leawood event tickets. He would be attending and hoped others would as well.

## **ADJOURN**

There being no further business, the meeting was adjourned at 8:46 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk