

Minutes

DVD No. 412

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, March 19, 2018. Mayor Peggy Dunn presided.

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

**Councilmembers Absent:** Andrew Osman

<b>Staff Present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Mark Tepesch, Info. Services Specialist III	Mark Klein, Planning Official
Chief Troy Rettig, Police Department	Ross Kurz, Info. Services Director
Brian Anderson, Parks Superintendent	Dawn Long, Finance Director
Chief Dave Williams, Fire Department	Nic Sanders, Human Resources Director
David Ley, Public Works Director and City Engineer	Debra Harper, City Clerk 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**

Mayor Dunn stated the agenda had been amended to reflect that Councilmember Cain would present, rather than Councilmember Osman, the request for referral to the Public Works Committee for a permanent traffic signal installation at Lee Boulevard and Mission Road cost sharing with Johnson County Wastewater, and also a new request for referral to the Public Works Committee for traffic control issues at 93<sup>rd</sup> Street and Mission Road, all as Agenda Item 9.A. Councilmember Azeltine would present a request for referral to the Public Works Committee regarding 127<sup>th</sup> Street and Mission Road as Agenda Item 9.B.

**A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved by 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 use profanity or 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.**

Ms. B.J. Gray confirmed to Mayor Dunn that she wished to address the Governing Body on Consent Agenda Item 7.L. Mayor stated attendees who had signed in to address the Governing Body on a specific agenda topic would be called upon when the topic was discussed. [Note: Based on later statements made by Ms. Gray and others, the agenda item Ms. Gray wished to comment on was clarified to be 12.B. The Hills of Leawood.]

Mr. Bob Leeper, 15233 Birch, stated he also spoke on behalf of his wife, Barb Leeper. They had moved from Houston back to Leawood to a residence at about 112<sup>th</sup> Street in 1984, then moved to a home near the 15<sup>th</sup> fairway of Ironhorse Golf Course. Their home had a beautiful view until multi-story assisted and independent living quarters were built on 151<sup>st</sup> Street. From 151<sup>st</sup> Street, the building may appear to be only three or four stories tall, but from the 15<sup>th</sup> fairway and residential area it looks like a seven-story building. He requested the City to pay attention and strongly encouraged the golf course to plant a lot of very large trees, not just evergreens, to block the view.

Mayor Dunn stated the Fairways of Ironhorse at Ironhorse Center is a total independent living facility, not an assisted living facility, for people at least 62 years old. The Fairways of Ironhorse was approved some time ago and is planned to open in about one year. She stated the landscaping plan is available for review from City Staff.

Councilmember Azeltine stated requirements of the landscaping plan would be met and City Staff annually reviews and reports on all landscaping in the City.

**4. PROCLAMATIONS – None**

**5. PRESENTATIONS/RECOGNITIONS – None**

**6. SPECIAL BUSINESS – None**

**7. CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon 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. 2018-9 and 2018-10
- B. Accept minutes of the March 5, 2018 Governing Body meeting
- C. Approve purchase in the amount of \$15,665.00 from Applied Concepts, Inc., for the purchase of Stalker Radar units

- D. **Resolution No. 4898**, approving and authorizing the Mayor to execute a Utility Agreement between the City and Kansas City Power & Light Company [KCP&L], for a reimbursable cost estimated to be \$955,116.00, for the burying of overhead power lines along 143<sup>rd</sup> Street Improvement Project, between Windsor and Kenneth Road [Project # 80129]
- E. **Resolution No. 4899**, approving and authorizing the Mayor to execute Addendum No. 1 to that certain Agreement dated November 1, 2010, between the City of Leawood and City of Overland Park, for maintenance of street lighting systems along common borders
- F. **Resolution No. 4900**, approving and authorizing the Mayor to execute a Professional Service Agreement between the City and HDR Engineering, Inc., in the amount of \$58,350.00 for a Preliminary Engineering Study for the Indian Creek Watershed on the north side of I-435 between Mission Farms and Lee Boulevard
- G. **Resolution No. 4901**, approving and authorizing the Mayor to execute a Software Agreement in the amount of \$6,000.00, between the City and MySidewalk, Inc., for a data management and communication system for the Fire Department – *CONTINUED FROM THE MARCH 5, 2018 GOVERNING BODY MEETING*
- H. **Resolution No. 4902**, approving and authorizing the Mayor to execute a Premier Lease Agreement including Associated Addendums, in the annual amount of \$54,577.08 between the City and Konica Minolta Premier Finance for the leasing of [27] copy machines for a 3-year term
- I. **Resolution No. 4903**, approving and authorizing the Mayor to execute a Maintenance Agreement with Associated Attachments, in the annual amount of \$22,803.60 between the City and Konica Minolta for the maintenance of [27] copy machines for a 3-year term
- J. **Resolution No. 4904**, approving a Revised Final Plan for Park Place- The Ainsworth [Restaurant], Fence, located north of 116<sup>th</sup> Street and east of Ash Street [PC Case 10-18] *[from the February 27, 2018 Planning Commission meeting]*
- K. **Resolution No. 4905**, approving a Revised Final Plan for changes to the façade of a tenant space for Town Center Crossing - Lululemon [Sports Apparel] located south of 119<sup>th</sup> Street and east of Roe Avenue [PC Case 12-18] *[from the February 27, 2018 Planning Commission meeting]*
- L. **Resolution No. 4906**, approving a Final Landscape Plan for Leawood Subdivision, Lot 789, Emergency Generator, located north of 92nd Street and west of Lee Boulevard [PC Case 13-18] *[from the February 27, 2018 Planning Commission meeting]*
- M. Police Department Monthly Report
- N. Fire Department Monthly Report
- O. Municipal Court Monthly Report

Mayor Dunn requested Consent Agenda Item 7.L. be pulled for comment by Ms. B.J. Gray, and also Consent Agenda Item 7.M. be pulled.

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

- 7.L. **Resolution No. 4906**, approving a Final Landscape Plan for Leawood Subdivision, Lot 789, Emergency Generator, located north of 92nd Street and west of Lee Boulevard [PC Case 13-18] *[from the February 27, 2018 Planning Commission meeting]*

Ms. B.J. Gray, 3300 West 151<sup>st</sup> Street, stated her husband, Don Stout, was unable to attend due to illness. She stated they had worked hard to become familiar with The Hills of Leawood project, having reviewed plans and communicating with some neighbors. She stated her conclusion this would be a good time to develop our backyards, and expressed appreciation for the developers doing so. She hoped the City Council would approve the development.

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

- 7.M. Police Department Monthly Report

Mayor Dunn offered congratulations to Officer Jesse Ryman, who had been working at the Church of the Resurrection when he observed an SUV driving suspiciously and piled with items. Officer Ryman continued to watch the vehicle, and officers quickly responded, stopped the SUV and the driver was arrested. One item in the SUV was a resident's purse stolen from a vehicle at Hen House that morning. The disposition of other items is under investigation. Mayor Dunn thanked Officer Ryman for the great police work and all the fine folks watching over the community. A round of applause followed Mayor Dunn's request that Chief Rettig let his team know.

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

## **8. MAYOR'S REPORT**

- A. Johnson County Commission Chair Ed Eilert hosted the Johnson & Wyandotte Counties Council of Mayors in March. In addition to city updates on property appraisals, Chairman Eilert shared with us his testimony before the Kansas Legislature regarding the "Dark Store Theory" and the possible \$100 Million loss to Johnson County.
- B. Joined Cultural Arts Coordinator April Bishop, Parks & Recreation Director Chris Claxton and others from the Leawood Arts Council at the 15<sup>th</sup> Annual ArtsKC Awards Luncheon. Arts Council Chair Mary Tearney was a Virtuoso Award Finalist. Congratulations to Mary on this esteemed recognition and appreciation for her numerous contributions.
- C. Reminder for the Leawood Arts Council Exhibit and Reception at Gallery V Fine Arts in Mission Farms West in Overland Park on Friday, March 23, 2018 from 5:30 P.M. to 7:30 P.M. Hope there will be many in attendance.

## 9. COUNCILMEMBERS' REPORT

- A. Councilmember Cain – Two referrals to Public Works Committee, April 4, 2018 Meeting – 1) Permanent traffic signal installation at Lee Boulevard and Mission Road cost sharing with Johnson County Wastewater and 2) Traffic control issues at 93<sup>rd</sup> Street and Mission Road

Councilmember Cain stated an email had been received from a concerned citizen in regard to traffic control at 93<sup>rd</sup> Street and Mission.

In regard to the Johnson County Wastewater (JCW) Treatment Plant expansion, a temporary traffic signal is needed at Lee Boulevard and Mission Road. JCW would pay the City for the significant cost of a temporary traffic signal, but had inquired if the City wished to consider JCW funding towards a permanent traffic signal. The signal needs to be installed by the end of October and a 6-month design period is needed. The item would need to be discussed at an April Public Works Committee meeting and the Public Works Committee's recommendation be an agenda topic for an April Governing Body meeting.

Councilmember Harrison asked if Lee Boulevard would be closed and raised during the JCW plant expansion and if the traffic signal might be a conflict. Mr. Ley stated Lee Boulevard would be closed for three to four months in three years, near the end of the JCW facility expansion project.

Mr. Ley confirmed to Councilmember Sipple that Johnson County funding for a temporary traffic signal would be a substitution for funding a permanent traffic signal. Johnson County would prefer to pay the City for the temporary signal and then the City would install a permanent signal; an approximate 50-50 funding proposition.

Mr. Ley stated the Public Works Committee could hear both referrals at their meeting on April 4, 2018. Mayor Dunn stated the resident concerned with traffic control at 93<sup>rd</sup> Street and Mission Road would want to know the date of the committee meeting. Mr. Ley stated he has met with the resident and they would be meeting again to discuss easements on Mission Road.

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

- B. Councilmember Azeltine – Referral to Public Works Committee, May Meeting – Traffic warrant study for possible traffic signal at 127<sup>th</sup> Street and Mission Road

Councilmember Azeltine stated the Council had received an email from a resident on Friday, March 16, 2018, expressing concern about the intersection at 127<sup>th</sup> Street and Mission Road and the need for a traffic signal. Councilmember Azeltine stated with the upcoming work on 127<sup>th</sup> Street this would be the time to conduct a traffic warrant study. He asked Mr. Ley if the work on 127<sup>th</sup> Street would involve an elevation change, pointing out when traveling east on 127<sup>th</sup> Street and turning left there is a rise in elevation and this is one of the issues. Mr. Ley stated the southbound lane elevation would not change, but northbound lane elevation would change a small amount at the Fire Station driveway.

For the education of attendees and at the request of Councilmember Azeltine, Mr. Ley stated a warrant study is conducted by a consultant for traffic counts over a period of 24 hours and reviewed to determine if minimum counts over a four-hour period are met. Traffic accidents would also be reviewed.

**A motion to approve the referral to a possible May Public Works Committee meeting made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.**

**10. CITY ADMINISTRATOR REPORT – None**

**11. STAFF REPORT – None**

### ***COMMITTEE RECOMMENDATIONS***

#### **12. PLANNING COMMISSION**

*[From the February 27, 2018 Planning Commission meeting]*

- A. **Resolution No. 4907**, approving a Revised Final Plan for Pinnacle Corporate Centre III, Crossfirst Bank - Emergency Generator, located south of 114<sup>th</sup> Street and west of Tomahawk Creek Parkway [PC Case 15-18]

Ms. Katherine Waldrop, Hoefer Wysocki Architecture, 11460 Tomahawk Creek Parkway, Suite 400, stated Hoefer Wysocki was neighbor to CrossFirst Bank and also their consultant. The owner is proposing to install an additional generator and also upgrade the existing generator to comply with the current Leawood Development Ordinance [LDO] requiring sound level of 60 decibels or less at the property line. The power of the existing generator is 250 kVA [kilo-volt-ampere] and the power of the new generator would be 300 kVA. Both generators would be located in the existing parking garage and encased in a custom noise attenuation enclosure. The enclosures would be fenced and landscaped for screening.

Councilmember Cain noted the minutes of the February 27, 2018 Planning Commission meeting stated the existing generator exceeds 60 decibels at the property line. She expressed concern that an additional generator would increase the noise level. Ms. Waldrop stated that both generators would be enclosed for sound attenuation.

Councilmember Cain asked why the generators are needed. Ms. Waldrop stated the location was the headquarters for all CrossFirst Banks, having critical functions, data and security needs. The existing generator is insufficient to meet these needs.

Councilmember Rawlings stated the noise level of the existing generator is close to 90 decibels at the property line. Ms. Waldrop pointed out the property line is adjacent to the parking garage of Pinnacle V and trails. The sound level of the new enclosed generator should be 58 decibels.

Councilmember Sipple asked about fuel tanks and the uninterruptable service length for the generators. Ms. Waldrop stated the generators would be fed by a double-walled fuel tank sitting outside the parking structure on a concrete slab. No tanks would be placed underground. The double-wall protects against fuel leakage. A signal would be sent if a fuel leak was detected. The generators are rated for 24 hours of continuous service, but service duration might be extended if non-critical building equipment was unplugged.

Councilmember Azeltine inquired if there were other generators in the City with sound attenuation structures and if the structures work. Mr. Klein stated sound level is checked at installation. The generator installed at the Orthopaedic Institute has a sound attenuation structure over the top and it does reduce sound decibels. If a generator's sound level does not meet the LDO requirement, the owner must continue to work to meet the LDO requirement.

**A motion to approve the Agenda Item 12.A. was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.**

- B. **Ordinance No. 2880**, approving Preliminary Plan and Preliminary Plat, for The Hills of Leawood, located north of 151<sup>st</sup> Street and east of Mission Road [PC Case 129-17] [ROLL CALL VOTE]

Applicant Mr. Greg Musil, Attorney, Rouse Frets Gentile Rhodes, 5250 W. 116th Place, Suite 400, introduced other project members in attendance and available for questions: Mr. Mark Simpson and Mr. Saul Ellis developers; Mr. Tim Tucker, Civil/Stormwater Engineer, Phelps Engineering; and Mr. Brick Owens, Site Planner/Landscape Architect. Dr. Eashwer Reddy, property owner since the 1990s, could not be present.

Mr. Musil gave a brief presentation, displaying a vicinity aerial map of 151<sup>st</sup> Street and Mission Road, an aerial map with lot overlay depicting the sharp-angled left side of site with existing overhead power lines in a 100 ft. easement, and a site plan showing landscaping, with manor lots shaded green and estate lots shaded yellow.

Mr. Musil stated large lots developed in the 1960's on 151<sup>st</sup> Street at a time when development could occur without interior roads, so the proposal is an in-fill development effort. Mr. Simpson and Mr. Ellis are reliable, high-quality developers in the City and throughout Johnson County. Their developments include Hallbrook Farms, Whitehorse, Estates of Ironhorse, Reserve at Ironhorse and many others. Prices would range from \$800,000 to \$1.4 Million for lot with home. The lots would be large and there would be significant setbacks and large buffer between the development and existing residential. Phase I development would be located on the east side of the site and Phase II development would be located on the north and west sides of the site. Both phases would include manor and estate lots. Mr. Musil stated the 28 stipulations with clarifications are agreeable. The 10 ft. Tree Preservation Easement would be located along the park. A wrought iron fence will protect trees maintained by Home Owners Association [HOA] and unauthorized removal of a tree would result in a \$1,000 fine included in deed restrictions. As was done by the developers on the other east tree line along the Villas of Iron Horse, the developers will work with arborists to determine which existing trees should be removed, with the City having the final decision. It is important that the City's park tree line be maintained.

He stated the proposed development would be a quality addition completing a hole in area development, and providing the opportunity for connection to sanitary sewer for existing homes using septic. The three closest HOAs support the project. Mr. Musil displayed the HOA support letters. The developers have been pleased to work with City Staff to bring the proposed development before the Planning Commission and the Governing Body.

Mayor Dunn thanked Mr. Musil and agreed about the importance of trees.

Councilmember Cain expressed appreciation for another high quality development from Mr. Ellis and Mr. Simpson. She asked if the proposed development would be comprised of all single family residential and for the square footage of homes, which was missing in the documentation. Mr. Musil stated the development would be all traditional single family homes, no maintenance provided.

Councilmember Cain expressed concern about the 30 ft. setback from building to property line and a fence 10 ft. within that setback, leaving a distance of only 20 ft. from the fence to a patio that would then be quite close to the fence. Mr. Musil stated setbacks would be met and the 10 ft. tree easement would be kept and is for both resident and park visitor privacy.

Mr. Musil confirmed to Councilmember there would be a continual fence on the north side of the site except at the angled side with existing overhead power lines which contains a park entrance.

Councilmember Cain stated there had been some discovery by the Parks & Recreation Department in regard to Americans with Disabilities Act [ADA] compliant trails. Mr. Musil stated there has been agreement on ADA trails; the issue is whether the private property-to-private property connection at the northeast corner of the site is subject to ADA. A North Carolina ADA expert attorney does not believe this connection would not need to be ADA compliant, since it is not a public accommodation. A straight trail would require fewer materials and there is an 8% grade. ADA is applicable for a 5% grade and switchbacks would be required to gain 3% of grade. This trail would be constructed to meet ADA if the City believes this should be compliant. This is not to circumvent ADA compliance, only to take the least amount of greenspace for trail switchbacks.

Councilmember Cain stated for the benefit of the Governing Body that the Parks & Recreation Department indicated they are comfortable with the identification procedure for marking trees for removal in the preservation easement. She stated that she would prefer less dense development along the park, but understands that LDO requirements would be met.

Councilmember Harrison inquired when 151<sup>st</sup> Street would be widened between Kenneth and Mission/State Line Road and if the proposed development had been designed for the future widening and 45 mph traffic speed on a divided two lane road, so no property would be compromised. Mr. Ley stated this was beyond five years, estimating 2028 or 2030. Mr. Musil stated the required right-of-way has been dedicated, existing homes have large setbacks and there will be a double-entry into the development and a large amount of green space between 151<sup>st</sup> Street and the houses.

Councilmember Harrison asked to review statements about existing home septic systems and proposed lot setbacks as shown on the aerial map with lot overlay. She expressed concern about setbacks of the two existing homes that face very long driveways, approximately one-third of development lots having less interior yard setback than LDO requirement, and another one-third having smaller back yards than LDO requirement. Mr. Musil stated the existing homes were constructed when sewer connection was not required so they have septic systems. The proposed development will provide the opportunity for these neighbors to connect to the sewer system at their own expense. Mr. Musil displayed the vicinity aerial with lot overlap map, agreed with Councilmember Harrison on lesser setbacks, and he invited Mr. Owens, Site Planner, to speak.



Mr. Brick Owens, Landscape Architect, 6101 Mission Road, stated site plan was prepared with side-car entry estate lots, approximately 120 ft. to 125 ft. wide. Smaller front and backyard setbacks to allow the side-car entry. Houses are placed about 50 ft. apart to accommodate side-car entry. This is one deviation for estate lots. Another deviation is for rear yards that are not backing up to neighbors to allow for pools and other backyard amenities. This deviation would allow flexibility on cul-de-sac lots.

Councilmember Harrison requested assurance that in three to four years if a resident with a smaller backyard wants to build a reasonably-sized patio or deck that must be 10 ft. from property line, there would not be issues because three or four more lots were carved out of the neighborhood. Mr. Owens stated the lots are 150 ft. deep and some are irregular-shaped, and have 35 ft. front yard setbacks. The development will comply with all patio and pool setbacks, which are typically 10 ft. Houses wider in length and less in depth would create an “Old World” Leewood neighborhood. He stated the development is one of the best he has designed for the City.

Councilmember Harrison pointed out the original 52 lots had increased to 73 lots in the proposed plan and this was a red flag, and the project team was comprised of many of the same members involved in the Country Club project and she did not want to have the same conversations arise for this development. She thanked the presenters for their time.

Mr. Musil confirmed to Councilmember Sipple that City Staff would go through the 10 ft. Tree Preservation Easement and identify trees for removal. The intent of the easement to provide more than just a site barrier between the trail and properties, but an area to preserve the tree line. It is likely few trees would be removed and no large gaps would be created by removing trees. Both diseased conifers and deciduous trees would be removed. Everything the City does not want removed will be preserved. If there is a gap, that gap would occur naturally. There is no stipulation to fix gaps, now or in the future.

Councilmember Sipple pointed out there could be wild grasses to mow and he asked if the HOA would maintain the easement. Mr. Musil stated the intent is to leave the preservation easement natural and for no one to disturb the many varieties of trees at risk of fire.

Councilmember Cain inquired if the natural state of the preservation area was the understanding of the Parks & Recreation Department. Mr. Anderson confirmed, stating there are many young saplings and as older trees die, the younger trees would grow and fill in as natural re-vegetation over the years.

Councilmember Cain asked if potential home buyers would be alerted to the future widening of 151<sup>st</sup> Street. Mr. Mark Simpson, 15145 Windsor Circle, stated other developments in the area have been advised there will be widening and build-out of the of the area, but the road is not in the City’s five or 10-year Capital Improvements Program [CIP] and the type of road is unknown. This has not seemed to be a concern. Councilmember Cain agreed with uncertainty and stated appreciation for sensitivity and transparency.

Mr. Simpson confirmed to Councilmember Cain the development would pay for two brick trail connections. The northbound trail connection would be constructed in Phase 1 and the second trail connection constructed underneath the existing overhead power lines in Phase 2. The Phase 1 connection would be approximately 35 ft. and curved to meet ADA, while the park trail does not comply with ADA in several places. [NOTE: Phase 1 trail will be 5 ft. brick path within The Hills of Leawood property, changing to 8 ft. asphalt as the trail enters Ironwoods Park. Phase 2 trail will be asphalt and the portion of trail constructed in Ironwoods Park will be a minimum of 8 ft. in width.]

Councilmember Cain asked if fence gates would be on a timer to coincide with park hours. Mr. Simpson stated the wrought iron gate would have a timer that operates off cells to lock/unlock. The trail connection underneath the overhead power lines may not have a locked gate as the property on the other side is owned by others and trail users would just be able to walk around.

Councilmember Cain asked if the current homes would have the option to connect to the sewer. Mr. Simpson stated there is currently no sewer under 151<sup>st</sup> Street, but this would be bored out and he had previously installed and appropriately-sized manhole next to the Reserve at Ironhorse. Sewer connection would be an option at existing home owner expense. He stated his belief that not every single home would be able to connect, estimating this would be possible for the homes on Mission Road, but homes on 151<sup>st</sup> Street may be too low/deep and may only be able to connect with the use of pumps.

Ms. Bennett stated City ordinance requires connection by owners with property lines within 200 ft. of sewers within three years. Mr. Klein stated the requirement used to state within 300 ft., but this was revised to 200 ft. to match Johnson County.

Mayor Dunn stated to Mr. Simpson that he now knows how to advise neighbors in regard to sewer connection. Ms. Bennett confirmed to Mayor Dunn language addressing this would not be appropriate to include in the ordinance for this proposed development.

Mr. Michael Lynch, 3305 Iron Horse Court, stated he was the President of the Reserve of Ironhorse HOA and the HOA fully-endorsed the proposed development, which would enhance the Reserve of Ironhorse. Mayor Dunn thanked Mr. Lynch for his comments.

Mr. Musil requested that Ms. B.J. Gray's comments and strong support provided for Consent Agenda Item 7.L. be incorporated in regard to The Hills of Leawood.

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

Mayor Dunn stated the project looks great and requested a timeline for next steps. Mr. Musil stated the Final Plat and Plan would be filed with the City tomorrow.

- C. **Ordinance No. 2881**, approving a Revised Preliminary Plan, Revised Preliminary Plat for the Park Place Development and Special Use Permit for a Hotel for Park Place East End – located east of Nall Avenue and north of 117<sup>th</sup> Street. (PC Case 14-18) [ROLL CALL VOTE]

Mr. David Rezac, Applicant, VanTrust Real Estate, 4900 Main Street, Suite 400, Kansas City, Missouri, stated it was exciting to talk about the final phase of Park Place after almost 15 years. He stated Mr. Rich Muller, VanTrust; Mr. Judd Claussen, Civil Engineer, Phelps Engineering; and other team members were present.

Mr. Rezac displayed an aerial map depicting the undeveloped areas to the east of Park Place and a small parcel on Nall. The proposed project would be comprised of four parcels; three on the east end of the site and one on the west. Each parcel would have its own architect. The architect for the hotel would be Mr. Brandon Boatwright, Brr Architecture; the east-end office architect would be Mr. Greg Finkle, Finkle & Williams; the west-end office would be Mr. Gary Schuberth, Opus Design; and the multi-family building architect would be LRK. Chris Dring with Young & Dring would be the landscape architect for the project.

The hotel proposed for the east end of site off of 117<sup>th</sup> Street would have 133 rooms, 78,680 sq. ft. and would be four-stories above a podium for surface parking below the hotel. A multi-family building fronting Town Center Drive would be located north of the hotel. The building would have 81 units that wraps a 249 car parking garage, 120,251 sq. ft., 37 surface parking spaces and 125 car garage, with design elements similar and complimentary to existing R-1 and R-2 properties to the west on Town Center Drive. A new office building would be on the very east end at 117<sup>th</sup> Street and Town Center Drive. The office building on the east at 117<sup>th</sup> Street and Town Center Drive would be three stories, 50,000 sq. ft. with 34 surface parking spaces and 124 parking spaces in the garage to the west. The design would have clean lines and glass, and create a perfect anchor for the east end of the site. There has been great discussion with a prospective tenant for the entire building. The west end office would be seven stories, 141,769 sq. ft. with an additional two levels of parking added to the existing garage increasing parking space from 566 to a total of 865. The proposed office will fill the west end and its ground floor can be either retail or office use.

Construction of all three parcels on the east end of the site would begin this Summer and completed by 2019. The applicant agrees to all 25 stipulations, has enjoyed working with City Staff and appreciates their recommendations.

Councilmember Sipple requested further details of work to be done to the creek under Town Center Drive and along the west side of City Hall. Mr. Rezac stated since Park Place was development without on-site retention, it had been agreed that Park Place would make creek improvements from Town Center Drive to Roe Boulevard. In 2006 the creek was surveyed, engineering drawings prepared, recommendations made to the City, and work done at a cost of \$286,000. Last week, the creek was walked with Mr. Ley. Pricing for needed off-site improvements would be obtained once drawing updates are completed by Mr. Claussen of Phelps Engineering. He stated that despite heavy rain events last Summer, issues seen now are similar to those identified at survey two years ago. Needed improvements will be made.

Mayor Dunn stated Stipulation 22 speaks to issue of survey and creek repairs made before a Temporary Permit of Occupancy [TOC] would be issued. For the record, although the City Administrator and Director of Public Works are comfortable, buildings could be ready to be filled, but there would be an issue as they could not be occupied until survey and creek repairs were made. Mr. Rezac stated the intent is to have improvements done well before TOC.

Councilmember Filla questioned if the creek improvements were needed to address additional stormwater drainage demands because of covered green space, and she pointed out the increased pressure on green space owned by the City because of the proposed development. Residents would likely be looking for a place to walk their dogs. Mr. Rezac stated in 2009 there were stormwater Best Management Practices [BMPs] instituted to retain some water on the site. Mayor Dunn stated the City would discuss green space use.

Councilmember Filla requested natural landscaping and incorporation of soft root systems be included in the plan. She asked if the improvements would include the missing trail connection underneath Roe Boulevard for walkability. Mr. Rezac stated this had not been incorporated in the plan to-date. Mayor Dunn and Councilmember Cain agreed the trail connection is the City's responsibility and something the City would review.

Councilmember Filla inquired if shared parking was part of the proposed plan, similar to that in the 135<sup>th</sup> Street Corridor Plan. Mr. Klein stated there would be some garage parking shared by residential and office use, but each use is meeting its own parking requirements. Mr. Rezac stated meeting parking ratios for each use was desired. The ratio of three parking spaces per 1,000 for office and 2 parking spaces per unit for residential will not be used that way. Office will need four spaces and 1.5 spaces for multi-family has been determined by Park Place to be sufficient for both uses.

Councilmember Azeltine stated he does not like the unattractive green glass element on the existing Parking Garage C and proposed for additional use. The glass is not used consistently on the exterior of the current structure; it appears unfinished and he would like to have gaps filled in. Mr. Gary Schuberth, Opus Design Group, 18001 W.106th Street, Suite 165, Olathe, stated he was not the design architect, but the architect of record for the existing garage. The glass was planned for a random pattern. The west side of the structure has more glass and the amount of glass lessens when moving north and south around the other sides.

Mayor Dunn noted that comments made by Commissioner Strauss at the Planning Commission meeting indicate he is not a fan of the glass. Mayor Dunn stated her concern is about the fading wood that is nearly the same color as the concrete, and recalled this concern for future appearance had been raised during original approval of the garage. At that time, the City was told degraded appearance would be a code issue and would be fixed. Initially, the appearance of the wood was alright, not fabulous. Mayor Dunn inquired if the wood was to be re-stained.

Mr. Schuberth stated KBS Realty Advisors understood the issue when they purchased the building. The dark brown wood fades to a natural gray after a few years. Staining will be done in 2018 to restore the wood to its initial appearance and research is being done for a good long-lasting product.

Mr. Lambers stated the City has lived with the general displeasure of this and stated now was the time to take advantage to correct by adding more glass all around and taking care of the wood. The lack of glass makes the building appear partially complete. He suggested adding a stipulation that details be provided as part of the Final Plan to add glass and wood staining to be done every two years.

Mayor Dunn expressed appreciation for Mr. Lamber's suggestion. Mr. Rezac stated the current owners of the garage and site would be happy to discuss the issues and a better time to address would be during the Final Plan.

Councilmember Cain stated she had supported the use of graduated glass and was glad the wood will be addressed. She noted the minutes of the Planning Commission meeting indicate the applicant would issue a Request for Proposal for the creek work and the City would manage the creek project. Mr. Rezac stated it is hoped a scope of work would be presented and reviewed with the City to determine next steps. The applicant wishes to handle procurement and would have a direction at the time of Final Plan. Mr. Ley stated that due to the current workload of the Public Works Department, it is preferred that Park Place handle the creek improvements to not potentially impede the TOC. Dialogue between the City and Park Place will continue.

Councilmember Cain inquired about the type of residential ownership, private garage entry, if the new garage and expansion would include vehicle charging stations and if any further discussion was needed on Stipulation 14 regarding additional landscaping on 117<sup>th</sup> Street and the island. Mr. Rezac stated all residential would remain as rental units, and the multi-family and office buildings would have gated entry to dedicated parking. He was uncertain in regard to inclusion of charging stations, but felt this was an important new amenity and there may be some stations in the existing garage. The applicant would work with the City on landscaping plan, supplementation and maintenance. Responsibility for island is ongoing, but Park Place is comfortable with how dialogue is proceeding.

Mayor Dunn proposed the additional stipulation regarding Parking Garage C be "At the time of Final Plan Application, applicant will work with City Staff on improvements of appearance and maintenance of Garage C."

Councilmember Azeltine requested specific detail be included in the proposed additional stipulation for maintenance every other year and more glass in proportion to wood. Mr. Rezac stated he did not want to get into specifics at the meeting as the owner was not present, but agreed to show the owner the minutes of this meeting. Mayor Dunn stated her appreciation for cooperation. The City has received many comments from the public in this regard.

Councilmember Cain pointed out the wood has been in place for four years. Mayor Dunn suggested a different stain could be used.

Councilmember Cain expressed excitement that Park Place would be finished with a bang. Park Place is a jewel in the City and lucky to have VanTrust involved. Councilmember Sipple echoed the excitement expressed by Councilmember Cain, and he thanked Park Place for their efforts.

Mayor Dunn asked for an anticipated timeline. Mr. Rezac stated the hope to return with Final Plan in one month and anticipated being back before the Governing Body on June 18.

Ms. Harper clarified the language of the additional stipulation would be “At time of Final Plan Application, the applicant will work with City Staff regarding details on improvement of Garage C appearance and maintenance.”

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

Mayor Dunn thanked Mr. Rezac for the presentation and asked that he extend greetings to his wife, former Councilmember Carrie Rezac.

**13. OLD BUSINESS** – None

**14. OTHER BUSINESS** – None

**15. NEW BUSINESS** – None

### **ADJOURN**

There being no further business, the meeting was adjourned at 9:07 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk