

**Regular Meeting****THE LEAWOOD CITY COUNCIL****January 4, 2021****Minutes**

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

**Councilmembers Present via Zoom:** Chuck Sipple, Jim Rawlings and Andrew Osman

**Councilmembers Absent:** None

<b>Staff Present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Dawn Long, Finance Director	Nic Sanders, HR Director
Chief Troy Rettig, Police Department	Chief Colin Fitzgerald, Fire Department
Chris Claxton, Parks and Rec Director	Ross Kurz, Info. Services Director
David Ley, Public Works Director	Mark Klein, Planning Services Director
Travis Torrez, Bldg/Code Enforcmt Dir.	Mark Tepesch, Info. Services Specialist III
Kelly Varner, City Clerk	Stacie Stromberg, Assistant City Clerk

**Others Present:** None

**Others Present via Zoom:** John Petersen, Polsinelli PC; Stephen Harris, Washington Prime Group; Mark Poltorek, RDL Architects; Kevin Jeffries, Leawood Chamber of Commerce; Rick Oddo, Oddo Development; Henry Klover, Klover Architects; Curtis Holland, Polsinelli PC; Bob Regnier, Property Owner; and Fred Logan, Logan, Logan and Watson Law Firm.

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**

Mayor Dunn stated there has been a modification to the December 21, 2020 Governing Body meeting minutes that were provided in the packet. She stated the minutes were left off the agenda and will be added to the end of the Consent Agenda. Mayor Dunn mentioned the order of items 7A and 7B were switched.

**A motion to approve the amended agenda was made by Councilmember Cain, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 8-0.**

- 4. CITY CLERK STATEMENT**

To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Governing Body is being conducted remotely using the Zoom media format and some of the members of the Governing Body are appearing remotely. The meeting is being livestreamed on YouTube and the public can access the livestream by going to [www.leawood.org/](http://www.leawood.org/).

Public comments on non-agenda items will not be accepted during this meeting. Public comment on agenda items not requiring a public hearing may not be accepted. As always, public comment on any agenda item can be submitted in advance. Written public comments received at least 24 hours prior to the meeting have been distributed to members of the Governing Body prior to the meeting. Public comments should be directed to [LeawoodPublicCommentGB@leawood.org](mailto:LeawoodPublicCommentGB@leawood.org).

## **5. PROCLAMATIONS**

**Martin Luther King Jr. Day, January 18, 2021**

Mayor Dunn read the proclamation in its entirety into record. She stated the annual NAACP dinner will be held virtually this year and that the Leawood Police Department has purchased a table. She reminded the Council it is also a holiday for the City and the next City Council meeting will be on the following Tuesday.

## **6. PRESENTATIONS/RECOGNITIONS – None**

## **7. SPECIAL BUSINESS**

- A. Resolution approving a Final Plan for Town Center Plaza – First Ascent (Health Club), located north of 119<sup>th</sup> Street and west of Roe Avenue (PC 100-20)

John Petersen, on behalf of the Washington Prime Group, addressed the Governing Body via Zoom and introduced the team members who are attending remotely. He began by explaining the orientation of the project within Town Center Plaza (TCP). Mr. Petersen stated they discussed with Planning Commission the 21 stipulations and agreed with nineteen of them.

He stated one of the stipulations they and the City staff were able to work out was an agreement regarding the screening device for the service drive. He stated that Stipulation No. 3 refers to the building colors, materials and design elements. He pointed out that staff recommended they work with the Planning Commission on the stipulation “to provide a stronger relationship between the proposed building and the existing center.” Mr. Petersen explained they would like to be compatible but not duplicative in design, so the building design does not perfectly replicate Town Center Plaza. He stated the goal of the design team is to differentiate and be less monochromatic and monolithic. Mr. Petersen gave several examples of store façades and building designs in close proximity, such as The Apple Store, Peloton, Crate&Barrel, AMC World Headquarters, and the Tortoise Investments building.

Mark Poltorek, RDL Architects, addressed the Governing Body via Zoom. He stated the design intent is to be timeless but cutting-edge, so they designed it using the international or modern-style of architecture. He explained they wanted openness and for the building to interact with the interior as well as the exterior. Mr. Poltorek stated this will be an Olympic training and competition venue. Mr. Poltorek stated the Planning Commission requested the exterior colors be tied to the structure, so they compared samples of three new paint colors against existing TCP storefronts and found Sherwin William’s SW7004 Snowbound matched very closely. He explained there is a mixture of grey tones on the exterior’s elevations, referred to as C1 on the flat plain elevation plans.

Stephen Harris, VP of Development for Washington Prime Group, addressed the Governing Body via Zoom. He stated that Town Center Plaza currently reflects a 1990’s look. He stated they want to modernize and eventually redesign the Plaza’s architectural vocabulary to enhance its dominant position in the marketplace. He pointed out some of the current buildings in the area that have already made the evolution to the international style, such as Crate&Barrel. Mr. Harris stated the First Ascent building fits

in today, but also works well with what is coming in every aspect. He said he is proud of this project and thanked the City staff and Council for their collaboration and time involved working with them.

John Petersen stated they have agreed to Stipulations Nos. 1 – 21 and respectfully request the Council to accept the Planning Commission’s recommendation for approval. Mayor Dunn asked if any of the panels on the east side that reflect the windows on the west side were changed in color. Mr. Poltorek replied that they were changed to the C1 color on some of the panels facing the service court and also on the center half of the entire building.

Councilmember Sipple asked if the glass at the entry was opaque or see-through. Mr. Poltorek replied that the north elevation on the east side is vision glass. The west elevation at grade level is visible glass and everything higher is vision glass to allow natural light in. He explained that the east side of the building will be colored panels due to the climbing walls.

**A motion to approve Item 7A was made by Councilmember Rawlings, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 8-0.**

Councilmember Cain stated she is excited about the project and is looking forward to a potential Community Improvement District (CID) to help revitalize Town Center Plaza.

Councilmember Harrison asked if there is an anticipated opening date yet. Mr. Harris replied that they are anticipating the later part of this year or early 2022, but there are several factors to be dealt with before construction starts.

Mayor Dunn recognized Kevin Jeffries, Leawood Chamber of Commerce, to speak via Zoom as requested. Mr. Jeffries stated he has no comments.

- B. Ordinance approving Planning Commission’s recommendation of denial of a rezoning from AG (Agricultural) and SD-O (Planned Office) to RP-2 (Planned Cluster Detached Residential) and MXD (Mixed Use Development District), Preliminary Plan and Preliminary Plat for Cameron’s Court, located south of 133rd Street and west of State Line Road (PC Case 49-20) ROLL CALL VOTE [*Continued from the December 21, 2020 Governing Body meeting*]

Mayor Dunn stated that this item is continued from their last meeting where the developer presented and some of the residents made comments, but staff did not yet make their presentation. She stated that a number of additional comments from residents have been received by the Council.

Mark Klein, Planning Services Director, addressed the Governing Body. He summarized the application components and rezoning requests, and outlined the parking requirements for apartment buildings, per City code. He stated the applicant has provided a parking study that does not meet the 2 parking spaces per unit requirement but they do show some land bank spaces within each of the developments that would meet the parking criteria. Mr. Klein stated all the commercial development is located on the east side of the property and staff has concerns with it being separate and not integrated as in a mixed-use development (MXD.)

Mr. Klein stated another staff concern is that the apartment complexes are fenced and gated, although the applicant did provide some green space and pedestrian amenities. He stated they are not proposing to complete Kenneth Road or Chadwick Street, per the 135<sup>th</sup> St. Community Plan’s grid network. Mr.

Klein explained the grid network allows for traffic to be better dispersed and to reach the commercial area more efficiently.

Councilmember Harrison stated that she had heard of this development being compared to Villa Milano. She asked what the parking ratio is at Villa Milano, in which Mr. Klein responded it meets the two-parking ratio. She commented that she has received complaints of not enough parking in the area of 137<sup>th</sup> St. which causes people to park on the street for various reasons. She asked if Chadwick St. was always slated to be a cut-through street. David Ley, Public Works Director, confirmed that there is full access at the intersection of 135<sup>th</sup> and Chadwick for access into the neighborhood, but there is no traffic signal. Mr. Ley explained that if Chadwick St. is not a cut-through street, staff is concerned that it could hurt businesses along 135<sup>th</sup> St. He stated the only access points to 135<sup>th</sup> St. are High Drive, Kenneth Rd., and Pawnee St. He stated Chadwick St. as a cut-through would relieve some of the traffic off 133<sup>rd</sup> St.

Mr. Ley responded to questions regarding the impact fee and improvements to 135<sup>th</sup> St. He pointed out the impact fee does not go toward any of the improvements that the developer is required to construct. Mr. Ley stated that the traffic study shows future volumes, with no more development along 135<sup>th</sup> St., is 40,000 vehicles a day, which is all that road can handle. Future development will require 6 lanes of traffic and staff is requiring the developer to add a 3<sup>rd</sup> lane. Mr. Ley indicated the applicant's development will add 20,000 vehicles a day to 133<sup>rd</sup> or 135<sup>th</sup> streets. He stated the impact fees are collected for future improvements that may need to be done, such as pedestrian or bicycling improvements. Mayor Dunn asked to clarify that staff does not intend for the developer to widen eastbound 135<sup>th</sup> St. Mr. Ley stated that should be clarified in the Public Works memo as "constructed by others."

Mr. Ley pointed out that in the issue regarding Kenneth Road as a public versus a private street, staff requested the applicant's traffic engineer provide a traffic study to review the impact on State Line Rd. He stated the analysis did not show any impact to State Line Rd if Kenneth Rd was either public or private, so staff removed the requirement of making it a public street, although they feel it is still a benefit to allow drivers another access for 133<sup>rd</sup> to 135<sup>th</sup>. Mayor Dunn asked about the church's long driveway and Mr. Ley responded the church wishes to keep it and the continued maintenance.

Councilmember Filla asked if Cornerstone Church were interested in making their drive a public drive, as it may benefit the church to offload the maintenance. Mr. Ley stated the church would be required to pay for half of Kenneth Rd, from 133<sup>rd</sup> to 135<sup>th</sup> St. so they are opposed to making it public because of the cost. He added that there is a large grove of trees along the right-of-way and that construction of Kenneth Rd. would cause removal. Councilmember Filla asked if it is possible that the church's drive could become the public road, to which Mr. Ley replied that the church would have to donate the right-of-way, then the road would need to curve around the tree line and church parking lot. Councilmember Filla stated she believes it should be done for the greater good.

Councilmember Cain commented that she will be supporting the Planning Commission's recommendation of denial because she fundamentally disagrees with several aspects of the proposal. She stated she has never seen this level of dissent from residents, nor did she envision a sea of apartment buildings on that corner. She stated she understands the owner's rights to sell, but remarked that the 135<sup>th</sup> St. Community Plan has served the City well many times over the years. Councilmember Cain expressed that the area of support from neighbors is where there is a planned one-story building across the street. She pointed out the highest density of the project is located in the center of the plan and along 133<sup>rd</sup> St. She mentioned there has been much consternation from residents about the timing of the Interact meetings and who the developer is listening to.

Councilmember Filla mentioned the comments received from the residents of The Enclave and their support of the commercial area but she felt that area would be good for apartments because it has the green space to support the residential. She mentioned the plan lacks integration and is not very creative or leading-edge, but is how the developer can be more profitable. She mentioned that she would like to have a partnership with Johnson County, like Meadowbrook (in Prairie Village). She does not believe the developer is offering enough common green space for the density, and that it does not feel like a community. Councilmember Filla suggested that there should be enough green space to farm crops or allow Johnson County Parks and Rec to manage it.

Councilmember Larson affirmed that the property will be developed, but that it needs to be the right development and not at the expense of the residents in the area. She agreed with staff that this seems to be 4 different tracts and not very cohesive. She compared Meadowbrook's 136 acres to this property's 116 acres. She pointed out that only 42 acres at Meadowbrook were developed and the rest is park land. She mentioned that Cameron's Court proposes 9 acres of green space outside of the fenced areas and felt this is inadequate for its density and size. She said that the study provided in the application recommended single-family homes, single-family attached homes, low density rental, and no demand for a hotel. She agreed with staff that it does not appear to be a mixed-use plan and she will not support the development plan as is.

Councilmember Azeltine stated he had never before heard of the term "horizontal" mixed-use, and he agreed that it does not integrate the uses. He mentioned staff wrote that they are not supportive even if the applicant meets all of the stipulations. He reminded the Council that there is a directive in the 135<sup>th</sup> St. Plan that refers to no gated communities and when separated by fences and gates it does not work well together. Councilmember Azeltine affirmed the plan is completely contrary to mixed-use. He added that it is important to have Chadwick St. and Kenneth Rd. cut through. He likes the grid plan and he is not supportive of this plan.

Mayor Dunn recognized resident Larry Gunja to speak. Mr. Gunja, 13288 High Dr., addressed the Governing Body via Zoom. He stated he is opposed to Cameron's Court because of concerns with traffic on 133<sup>rd</sup> St., density, and aesthetics. He commented that the traffic study was done during the pandemic when fewer people were driving to work and school. He liked the single-family homes, but felt the project does not meet Leawood standards.

Steven Durr, 2211 W. 132<sup>nd</sup> St., addressed the Governing Body via Zoom. Mr. Durr stated he is an avid cyclist and he supports the Public Works stipulation to widen 133<sup>rd</sup> St. for bike lanes and a protected center turn lane because of safety to motorists and bicyclists. He explained it is a popular street for bike and running clubs. Mr. Durr stated that although there is a path along 133<sup>rd</sup> St., it is designed as a mixed-use path and its primary function is as a sidewalk from High Dr. to Gezer Park. He stated that it experiences heavy foot traffic, children and casual riders, and is not acceptable for road bikes. Mr. Durr mentioned the amount of increased traffic is also a concern of his.

Rick Oddo, Oddo Development, addressed the Governing Body via Zoom. He stated his plan is a horizontal mixed-use, but does not include a coffee shop as mentioned by Councilmember Filla because there are others nearby. He explains the commercial area is focused along State Line Rd. because they felt it would be more successful in a concentrated area than designed within nodes. He stated that each time there is a cross street, there could be potential conflicts.

He pointed out that he has held dozens of Interact meetings and requested a work session with the City Council. He stated he requested RP-2 zoning to add protection to the neighbors on the north side of 133<sup>rd</sup> St. Mr. Oddo advised that Meadowbrook does have a large amount of park ground, but also includes one empty hotel, a large apartment building, and several million dollar homes around it. He explained there is no commercial and is not considered MXD. Mr. Oddo stated with a grid plan, because of the setbacks, it would eliminate the trees and green spaces. He stated that they deliberately left Chadwick St. virgin space to keep the trees. He explained they conducted a traffic study before and during COVID and it showed that in the worst case scenario 133<sup>rd</sup> St in his plan will still be functioning at an A or B Level. Under a grid plan, it would drop to a C or D Level. He stated the traffic study report also mentioned that Chadwick St. would not warrant a traffic signal if the proposed clubhouse was on Chadwick, but it would cause traffic flow problems. It was recommended to move the clubhouse to High Dr. He mentioned more streets in a grid plan would devastate traffic flow on 135<sup>th</sup> St. and be more dangerous for bikers and pedestrians.

Mr. Oddo stated the residents at The Enclave sat down with him and discussed what they wanted. He stated they did not want Kenneth St. to go through so they designed it to curve. He stated the church did not want it to go through because they wanted to keep the trees. He stated the snow removal may be free, but the cost of the street and removal of the trees was not a benefit to the church. He remarked that his plan meets what most people wanted after he spoke to the residents in the area, which was lower density. He stated that if he designed a project similar to Park Place, then there would be 5-story buildings along 133<sup>rd</sup> and 135<sup>th</sup> Streets and would double or triple the density to pay for all the street construction. Mr. Oddo explained that when he started meeting with the residents, they indicated they did not want an MXD plan.

He pointed out that the property is over a 1-mile area, and although some Councilmembers describe it as four different tracts, he stated that he did not want it to all be the same, so they designed diverse types of materials and building styles that blend together. Mr. Oddo addressed the concerns of parking in that they have increased the number of spaces at the clubhouse, but that there is plenty of parking for the residents and that parking on a public street is not illegal. He acknowledged that they do have some of the property land banked, if needed for parking, but it would eliminate green space.

Mr. Oddo acknowledged he is not in total compliance with the 135<sup>th</sup> St. Community Plan because he has half the density allowed and does not have the grid system. He said he did not line up High Dr. on the north because neighbors asked to not have it. He stated he could remove the gates but indicated that there are many fenced communities in the area, and that fences add a sense of community. He reiterated that his plan does meet the Leawood Development Ordinance (LDO) without any deviation requests.

Henry Klover, Klover Architects, requested the Council review their 135<sup>th</sup> St. Community Plan, specifically the statements regarding retail, office and residential, and in reference to the needs of row homes, townhomes, villa homes, and apartments.

Bob Regnier addressed the Governing Body via Zoom. He responded that he does not agree with Councilmember Cain's comment about the 135<sup>th</sup> St. Corridor Plan serving the City well. He mentioned that in Mr. Klover's presentation at the last meeting he listed several failed projects, and he noted that most of the property remaining in Leawood is still undeveloped. He stated that he believes the Corridor Plan is flawed. In response to Councilmember Filla's comments regarding Meadowbrook, Mr. Regnier stated that he agreed it is a beautiful development, but clarified the reason for its low density and large park land is because of their huge sewer system issue. He explained it could not be developed in the

same fashion and that the Meadowbrook developer was able to purchase that land at a significantly low price due to its development problem.

Mr. Regnier stated that he believes Mr. Oddo has tried very hard to work with citizens. He indicated that even without this proposal, the problem with High Dr. would still exist and he believes the City should address it. He remarked that the City is disingenuous, and that if the development for this property followed the 135<sup>th</sup> St. Plan, it would double or triple the amount of traffic in that area. He responded to the neighbor who commented that there are no 3-story buildings in the area, but Mr. Regnier replied that the City approved the Lashbrook plan allowing 3-story apartment buildings directly across the street. Mr. Regnier stated that he feels very strongly that the letter and the spirit of the Golden Rule are being disregarded, and what the City Council wants built on this property is not wanted or feasible. He expressed frustration that the City is not giving the developer any direction and that the Council is effectively “stealing” this land from his family. He stated that Mr. Oddo has asked for guidance and direction from the City. He stated that the 135<sup>th</sup> St. Plan needs to be reviewed because it is not feasible. He indicated that several Councilmembers have come to him in the past asking when he will develop the property, but said every time a proposal is made, it is turned down.

Mr. Regnier also mentioned that this entire proposal falls under just one developer, which makes it different from other plans. He stated this is an opportunity for a comprehensive plan if the City will work with the developer to come up with a plan that makes sense for everyone involved. He expressed his disappointment with the City of Leawood because of the lack of leadership in this particular case.

Fred Logan, counsel for Mr. Regnier, addressed the Governing Body via Zoom. He pointed out that in regards to the Golden Rule, this property has been vacant since 1975 under a very similar zoning scheme, which has placed a hardship on the property owners. He stated it is a planning and zoning hardship and how the City treats property owners. He remarked that the treatment of the property owners since 1974 has been very, very poor. Mr. Logan stated that a person could argue that the planning and zoning scheme currently is designed to ensure there is no development and ensure green space. He stated an argument could be made that the current scheme envisioned by the 135<sup>th</sup> St. Community Plan is designed to deny people of an opportunity to have reasonable development. He speculated what the response would be if the far more intense plan was presented, that is authorized under the Community Plan. He remarked this is a form of what Kansas law calls unreasonable.

Mayor Dunn noted that the Council has approved a development on the south side of 135<sup>th</sup> St. that shows their willingness to work with an applicant. She explained that there is a desire for more creativity and to be more in sequence with what the residents want. She stated that perhaps extending the RP-2 zoning, widening 133<sup>rd</sup> St., and adding another access to 135<sup>th</sup> St. makes more sense. Mayor Dunn stated the gates are something the City no longer allows.

Councilmember Harrison agreed with Mayor Dunn’s suggestions. She stated this is a long process and acknowledged Mr. Oddo’s willingness to be flexible, but that there is room for other considerations. She offered that the number of through streets be increased somewhere between what is in his proposal and what the grid plan suggests. She stated that much of the communication she received from residents is that they understand the property will be developed and they want a variety of mixed use, multi-family homes. Councilmember Harrison stated this is the first time since being on the Council that she has seen a project come this far to the Council and is not aware of other projects that the Council has turned down or stifled.

Councilmember Sipple stated he is not totally opposed to the rezoning of the property but suggested it could be done smarter and made more attractive to the neighbors, Planning Commission, and Council.

He remarked that he is also an avid bike rider and 133<sup>rd</sup> St. does not have adequate bike lanes on both sides of the street. He asked the developer to consider more single-family homes, duplexes, villas or townhouses as a transition between the north side of 133<sup>rd</sup> St. and the development. He agreed that Chadwick St. could be an entry into the development off 135<sup>th</sup> St. Councilmember Sipple suggested moving some of the multi-family structures to the east side of the church. He requested that the trees east and west of the church property and the stream become a focal point, and a high level of transitions between the single family and multi-family homes. He stated that he believes this is a starting point in a dialogue between the developer and the City staff.

Scott Lambers, City Administrator, stated this project has merit and his recommendation is that it be remanded back to the Planning Commission so the developer can take into account the comments that have been made. He agreed that the single-family homes should be extended all along 133<sup>rd</sup> St., the apartments should be shifted to the south closer to 135<sup>th</sup> St., the hotel be replaced with apartments, and better on the current proposal of the road system in terms of access.

Councilmember Rawlings thanked Mr. Regnier for his constructive criticism toward the Council. He inquired about a work session to discuss the project but Mr. Lambers stated that it was already in the planning process, as set out in State statute, and cannot have a work session. Patty Bennett, City Attorney, reiterated that the input given tonight is following the statutory process and the residents also have the benefit of hearing it publically. Councilmember Rawlings asked if the apartment buildings could be moved, as Councilmember Sipple suggested. Mr. Oddo replied the reason the apartment buildings were not planned in that area was because it would remove office and retail space and they are already at the minimum requirement in the MDX plan before asking for a deviation. He stated he could plan for more residential but then it would not meet the requirements of the LDO and Corridor Plan. Mr. Oddo stated he would prefer to keep the retail across the street from the existing retail for it to be more successful.

Ms. Bennett stated that the comprehensive plan is a guide, so the applicant could seek to have it rezoned, but she recommended that the Council not commit to that because it is a different process.

Councilmember Osman thanked Mr. Lambers' for his recommendation. He stated they need to consider what the residents, the developer, and City staff say. He indicated the residents expect eventual development of this property, even though some of their suggestions may not be practical or logistical, he stated the developer should be willing to tweak some items, as should the City. He was in favor of more access streets, such as Chadwick. Councilmember Osman stated the project as a whole is very disjointed and compartmentalized. He stated Meadowbrook is a unique situation and cannot be duplicated.

Councilmember Azeltine stated there should be a buffer for the existing single-family homes on the north side of 133<sup>rd</sup> St. and create some transition into the higher-density areas. He encouraged the developer to continue working with City staff regarding the constraints of mixed-use.

Mr. Lambers commented that the percentages of retail and office space within an MXD could be lowered, as it is being considered in another project within the City, as long as it has the presence of all three mixtures.

Councilmember Filla asked what projects Mr. Oddo has done that are not primarily apartments. He replied that he has completed over 1M sq. ft. of warehouse/industrial space, office buildings, retail, restaurants, and single-family communities. She reiterated making the church's green space an integral focal point and to try to use their existing road. She said the Council is not saying no, but wants to work to make it the best possible project. Mr. Oddo replied that he believed he was using the church's green space as a focal point, and that the road is on their property that he does not have access to. Councilmember Filla suggested that Mr. Oddo talk to the church elders to work out a compromise. Mr. Oddo stated he would like to continue working with staff regarding Chadwick St.

Councilmember Sipple suggested the green space become a park area with trails. He wanted to bring in the church elders into the process and perhaps trade land with them in order to do this, or enhance 133<sup>rd</sup> St.

Councilmember Larson commented that she supports the ideas that have been expressed. She referenced Mr. Regnier's study on the highest and best land use report and stated it is an excellent document to rely upon. She stated it has ideas that would be well received by the nearby residents.

Mayor Dunn reiterated that this is the first comprehensive plan for this property that has ever come in front of the Council. She stated there have been many suggestions and comments offered for Mr. Oddo tonight in response to his request for guidance.

**A motion to remand Item 7B to the Planning Commission at a date to be determined was made by Councilmember Azeltine, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 8-0.**

Councilmember Cain stated she is unsure that if an item is remanded to the Planning Commission that they receive notes from the Council. Ms. Bennett stated that they do receive the minutes of the meeting. She stated the applicant may need to do a new preliminary plan and new Interact meetings.

Mr. Klein stated the next available Planning Commission meeting is February 26<sup>th</sup> or 28<sup>th</sup> but that the staff with work with the applicant before then.

Councilmember Filla asked that in addition to the Interact meeting that information also be posted on Nextdoor. Mr. Klein stated that staff directs the applicant to contact residents by letters a minimum of 7-10 days before the meeting, in addition to contacting the citizens within 500 feet they also send letters to the HOAs in the area. Mayor Dunn commented that citizens complained about, not if, but when the meetings were scheduled.

Curtis Holland, legal counsel for Mr. Oddo, addressed the Governing Body via Zoom. He stated prior to this meeting the challenge they had was that they had not heard feedback from the City Council. He appreciated all the comments and instruction tonight. He stated a big challenge was the staff report's strict adherence to the 135<sup>th</sup> St. Community Plan, but that hearing suggestions from the Council has been very helpful. Mr. Holland voiced that they look forward to working with staff and the Planning Commission to bring back a plan that is economically feasible and works well.

Mr. Oddo asked if the horizontal plan is one that the Council is okay with. Mayor Dunn stated there is disappointment that there were four different zones because there needs to be some creativity, but that the Council will not be designing the plan for him. She stated it needs to be more integrated.

Councilmember Cain stated that the nature of the Planning Commission is to stay in strict adherence to the City's guidelines. Ms. Bennett stated that the Planning Commission can override the guidelines but they discourage anyone from going outside the 135<sup>th</sup> St. Plan because it is a goal of the Governing Body. Councilmember Azeltine added that if the Planning Commission gets direction from the Council, they are more amenable to going outside of the Plan. Mayor Dunn mentioned that the City staff is strict with adherence to the Plan because they follow what the Council has approved.

Mr. Oddo stated that horizontal mixed-use is commercially buildable. Mayor Dunn stated tonight's comments asked for more integration, and most importantly from residents is the desire for more buffer and transition between the apartments and single-family housing, such as the twin villas in Meadowbrook and the Lashbrook development. Mr. Oddo stated he will work on those comments with staff and appreciates the Governing Body's comments.

Mr. Lambers clarified to Mr. Oddo that the Council wants to see the possibility of integration of the uses, interconnectivity, move commercial to the center, have a central focal point, and more walkability.

## **8. 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. 2020-49 and 2020-50
- B. Accept minutes of the December 7, 2020 Governing Body meeting
- C. Accept minutes of the December 2, 2020 Art in Public Places (APPI) Art Selection Panel for Leawood Aquatic Center Pool House Project
- D. Accept minutes of the November 30, 2020 Tree Committee Meeting
- E. Resolution approving and authorizing the Mayor to execute an update to Every Renewables Direct Agreement (LD)
- F. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines of reporting Inventory of Assets for property located in a new development, The Hills of Leawood (PW)
- G. Resolution accepting a Temporary Construction Easement from Grantors John D. Wininger and Kathy F. Wininger as Co-Trustees of the John D. Wininger Trust and Kathy F. Wininger and John D. Wininger as Co-Trustees of the Kathy F. Wininger Trust for property located at 12617 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- H. Resolution accepting a Temporary Construction Easement from Grantor Walker Living Trust for property located at 9126 Lee Boulevard Improvements, pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street [Project #72054] (PW)
- I. Resolution accepting a Temporary Construction Easement from Grantor Milton Panos and Laurie A. Panos Living Trust for property located at 8707 Lee Boulevard, pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street [Project #72054] (PW)
- J. Resolution accepting a Temporary Construction Easement from Grantors Christian Joan Vila and Lenny Jackeline Terreros for property located at 9010 Lee Boulevard, pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street [Project #72054] (PW)
- K. Resolution accepting a Temporary Construction Easement from Grantor Sally Everhart Trust for property located at 8512 Lee Boulevard, pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street [Project #72054] (PW)

- L. Resolution accepting a Temporary Construction Easement from Grantors William J. Fraley and Jill K. Fraley for property located at 8420 Lee Boulevard, pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street [Project #72054] (PW)
- M. Resolution accepting a Temporary Construction Easement from Grantors Usama H. Mabrouk and Svetlana Kounitskaia, for property located at 9107 Lee Boulevard, pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street [Project #72054] (PW)
- N. Resolution accepting a Temporary Construction Easement from Grantor James Engle Custom Homes, LLC, for property located at 8440 Lee Boulevard, pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street [Project #72054] (PW)
- O. Resolution accepting a Temporary Construction Easement from Grantors John J. Jenson and Debra J. Jenson, for property located at 8508 Lee Boulevard, pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street [Project #72054] (PW)
- P. Resolution accepting a Temporary Construction Easement from Grantor Gary A. White for property located at 2501 W. 91<sup>st</sup> Street, pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street [Project #72054] (PW)
- Q. Resolution accepting a Permanent Utility Easement from Grantor Gary A. White for property located at 2501 W. 91<sup>st</sup> Street (Lot 454, Leawood), pertaining to the Lee Boulevard Improvements, 83<sup>rd</sup> to 95<sup>th</sup> Street Project [Project #72054] (PW)
- R. Resolution approving and authorizing the Mayor to execute Amendment No. 6 between to the City and McClure Engineering Company, f/k/a Shafer, Kline & Warren, Inc. as amended on May 7, 2018, July 1, 2019, August 12, 2019, September 16, 2019 and March 2, 2020, in the amount of \$12,030.00 pertaining to the acquisition of easements for the Leawood South Stormwater Project [Project #80256] (PW)
- S. Resolution approving and authorizing the Mayor to approve Change Order No. 2 in the amount of \$3,698.50 to Superior Bowen Asphalt Company, LLC d/b/a O'Donnell & Sons Construction pertaining to the 2020 Residential Mill & Overlay Program [Project # 70028] (PW)
- T. Approve an expenditure in the amount of \$1,514.06 for LED Lighting Reimbursement to Siena of Leawood Homes Association (PW)
- U. Approve an expenditure in the amount of \$17,939.25 for LED Lighting Reimbursement to Hallbrook Farms Single Family Residence Community Association (PW)
- V. Request to approve 3<sup>rd</sup> and final pay request in the amount of \$68,236.70 to Superior Bowen Asphalt Company, LLC pertaining to the 2020 Residential Mill & Overlay Program [Project 70028] (PW)
- W. Request to approve 3<sup>rd</sup> and final pay request in the amount of \$9,000.00 to MegaKC pertaining to the Installation of Public Art Pieces Project, "Inspiration" and "Women of the World" [Project #'s 79027 and 79028] (PR)

Mayor Dunn added the December 21, 2020 Governing Body meeting minutes as Item 8X to the Consent Agenda.

Councilmember Harrison pulled Item 8W.

Councilmember Sipple pulled Item 8A and 8T.

Councilmember Osman stated he needed to leave the meeting due to a family issue, but that he votes in the affirmative to the remainder of the Consent Agenda.

**A motion to approve the remainder of the Consent Agenda was made by Councilmember Cain, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 8-0.**

Discussion of Item 8A:

Councilmember Sipple asked to be recused from voting on this item because his wife's name is listed as a payee for her services to the Parks Department.

**A motion to approve Item 8A was made by Councilmember Azeltine, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 6-0. Councilmember Sipple was recused. Councilmember Osman was absent.**

Discussion of Item 8T:

Councilmember Sipple asked to be recused from voting on this item because he is a member of the Siena HOA and was involved in the discussion with the City to enter into the reimbursement program.

**A motion to approve Item 8T was made by Councilmember Filla, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 6-0. Councilmember Sipple was recused. Councilmember Osman was absent.**

Discussion of Item 8W:

Councilmember Harrison commented that she was excited about the installation of both art pieces. She stated that she does not remember any other art piece getting as much attention as the one located at the corner of College and Tomahawk. She remarked that she appreciated the YouTube Live video on Facebook of the installation. She thanked all the committees and staff who were involved. Mayor Dunn also thanked residents Mary and Bill Walker who donated the piece to the City. Mayor Dunn pointed out that the art piece "Women of the World" can be seen from Town Center Drive, especially this time of year.

**A motion to approve Item 8W was made by Councilmember Harrison, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 7-0. Councilmember Osman was absent.**

## **9. MAYOR'S REPORT**

Acceptance of \$2,980.00 gift donation to Police and Fire Department from The Cloisters Homes Association

- A. We have once again been fortunate to receive a very generous holiday gift from The Cloisters Homes Association for our Police and Fire Departments. This year's gift totaled \$2,980.00 and is to be shared equally between both departments. Per Robert Arther, President of The Cloisters Homes Association, the gift is provided by the residents on a voluntary basis in appreciation of the services both rendered and available to them. The Cloisters Homes Association has been donating to the City for many years. We are extremely grateful for their continued generosity year after year.

**A motion to approve acceptance of the donation was made by Councilmember Filla, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 7-0. Councilmember Osman was not present.**

B. I would like to wish everyone a very Happy New Year. The year 2021 was ushered in with an ice and snowstorm. Many thanks to the Public Works Director David Ley and his crews for providing such great service clearing our roads over the holidays.

**10. COUNCILMEMBERS' REPORT – None**

**11. CITY ADMINISTRATOR REPORT - None**

**12. STAFF REPORT - None**

**13. COMMITTEE RECOMMENDATIONS - None**

**14. OLD BUSINESS - None**

**15. NEW BUSINESS –**

A. Schedule Work Session for Tuesday, January 19, 2021 at 6:00 P.M.

Mayor Dunn stated the work session topic will be a discussion of above-ground pools. Mr. Lambers is asking Mr. Klein to survey neighboring cities' regulations on pools, fencing and set-backs to have ready at the meeting.

**A motion to approve Item 15A was made by Councilmember Rawlings, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call vote of 7-0. Councilmember Osman was not present.**

B. Schedule Governing Body meeting for Tuesday, January 19, 2021 at 7:30 P.M.

**A motion to approve Item 15B was made by Councilmember Azeltine, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call vote of 7-0. Councilmember Osman was not present.**

*Meeting adjourned at 10:02 p.m.*