

Special Meeting**THE LEAWOOD CITY COUNCIL**

February 22, 2021

Minutes

Councilmembers Present: Lisa Harrison, Julie Cain, Debra Filla, James Azeltine and Chuck Sipple

Councilmembers Present via Zoom: Andrew Osman, Jim Rawlings

Councilmembers Absent: Mary Larson

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

Staff Present via Zoom: None

Others Present via Zoom: John Petersen, Polsinelli PC; Trip Ross, Cadence Commercial Real Estate; Aaron Ross, Hoerr Schaudt; Curt Petersen, Polsinelli PC; and Rick Oddo, Oddo Development.

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

Mayor Dunn stated that all the items on this agenda were continued from the February 15, 2021 Governing Body meeting agenda; however under New Business, 15A and 15B were withdrawn. Patty Bennett, City Attorney, explained that the State is currently working on a parallel statute in regards to these items. She stated that the Legal Department believes it will be very similar to the City's code changes and would like to wait.

Under New Business Item 15C was modified and Item 15D was added.

A motion to approve the amended agenda was made by Councilmember Azeltine, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call vote of 7-0.

- 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/.

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.

5. PROCLAMATIONS - None

6. PRESENTATIONS/RECOGNITIONS - None

7. SPECIAL BUSINESS - None

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. 2020-54, 2021-5
- B. Accept minutes of the February 1, 2021 Governing Body meeting
- C. Accept minutes of the January 21, 2021 Leawood Tree Committee
- D. Accept minutes of the January 14, 2021 Parks and Recreation Advisory Board Meeting
- E. Approve 2021 Governing Body Goals and Objectives
- F. Approve Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards [Effective March 1, 2021]
- G. Approve renewal of Cereal Malt Beverage (CMB) License for CVS/Pharmacy #8237, located at 5001 W. 135th St. and CVS/Pharmacy #8588, located at 11729 Roe Ave (CC)
- H. Resolution approving and authorizing the Mayor to execute a State and Municipal Lease/Purchase Agreement between the City and Clayton Holdings, LLC, in the amount of \$736,829.91 pertaining to the lease of a fire truck and appurtenant equipment and support systems (FD)
- I. Resolution for approving and authorizing the Mayor to execute an Interlocal Agreement between the City and WaterOne in the amount of \$1,370,100.00 pertaining to replacement of water line on Lee Blvd from 83rd St to 95th Street [Project #72054] (PW)
- J. Resolution approving the City's Stormwater Management Plan for compliance with the state permit to discharge stormwater under the National Pollutant Discharge Elimination system [NPDES] (PW)
- K. Resolution approving a Final Plan for Creative Hospitality Solutions – Monument Sign, located south of 127th Street and west of State Line Road (Case 111-20) (PC)
- L. Resolution approving a Final Plat for Osage Downs 2nd Plat, located south of 141st Street and east of Canterbury (Case 03-21) (PC)
- M. Resolution approving and authorizing the Mayor to execute an Agreement between the City and the Kansas Department of Transportation [KDOT] pertaining to the Special Traffic Enforcement Program [STEP] (PD)
- N. Request to approve 2nd and final payment in the amount of \$525.00 to K&G Striping pertaining the Leawood South Bike Loop [Project #71026] (PW)
- O. Request to approve 2nd and final payment in the amount of \$675.00 to K&G Striping pertaining the Lee Boulevard RRFB installation [Project #72054] (PW)

- P. Approve an expenditure in the amount of \$45,688.50 to Crafc0, Inc. for the purchase of (1) Crack Fill machine (PW)
- Q. Approve an expenditure in the amount of \$12,219.92 to Felling Trailers, Inc. for (1) trailer (PW)
- R. Approve an expenditure in the amount of \$22,016.00 to Central Power Systems and Services for the purchase of (1) 185CFM Portable Air Compressor (PW)
- S. Approve an expenditure in the amount of \$21,556.61 for hosting and maintenance fees for NICHE Records Management System to Johnson County Government (PD)
- T. Approve an expenditure in the amount of \$23,541.00 for the purchase of (7) replacement tablet computers to Turn Key Mobile (PD)
- U. Approve an expenditure in the amount of \$51,156.00 to Vermeer Great Plains for the purchase of (1) Vermeer BC1200XL Brush Chipper (PR)
- V. Approve an expenditure in the amount of \$37,800.00 to Professional Turf Products for the purchase of (1) Ventrac Kubota (PR)
- W. Declaration of surplus equipment (1) Brush Chipper (PR)
- X. Police Department Monthly Report
- Y. Fire Department Monthly Report
- Z. Municipal Court Monthly Report

Mayor Dunn pulled Items 8E, 8F, 8X, and 8Y.

Councilmember Harrison pulled Items 8J and 8X.

Councilmember Sipple pulled Item 8N.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Cain, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 7-0.

Item 8E discussion:

Mayor Dunn thanked the Council and City Administrator Scott Lambers for participating in the Goals and Objectives Work Session. She noted that Short Term Goal #13 has changed to a Near Term Goal in order to have the opportunity to review the new Public Art Master Plan that is being prepared by Plaid Collaborative.

Councilmember Azeltine asked for clarification of Short Term Goal #4 regarding the establishment of a land bank commission. Mr. Lambers stated it is to have the ability to acquire property that has become overwhelmed with property taxes that it cannot be reasonably developed.

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

Item 8F discussion:

Mayor Dunn praised and thanked the citizen volunteers who serve on Council, Advisory Boards, Commissions, and Committees, in addition to the Councilmembers who also serve as liaisons and chairpersons on other committees.

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

Item 8J discussion:

Councilmember Harrison asked about the citizen education component under the goals section of the Stormwater Management Plan. David Ley, Public Works Director, replied that it is to better inform citizens of stormwater, drains, and trash through the Parks Department's semi-annual guide. He stated that there is also help from the Johnson County Stormwater Management Advisory Council (SMAC) Program. Members of SMAC provide training in the local schools. Councilmember Harrison reiterated for residents that leaves and yard waste should not be put in storm drains.

Mr. Ley stated that a City staff member will be assigned to do the marketing and then will present it to the Stormwater Committee. Councilmember Harrison requested that when brochures are available from SMAC, she would like each Councilmember to receive a copy.

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

Item 8N discussion:

Councilmember Sipple asked why the City Council needs to approve a payment less than \$2,500. He believed that could be done by the City Administrator. Mr. Ley stated that the original contract was approved by the Governing Body and it has always been the procedure to bring to the Council any final payments of a contract. Councilmember Sipple remarked that it seems diminutive and takes up the Council's time. Mr. Lambers pointed out that this has been the practice of the staff when closing out a contract on informing the Council that the project is completed.

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

Item 8X discussion:

Mayor Dunn expressed her appreciation to Leawood Police Dispatcher, Rachel Snooks, who organized the Blood Drive for all City employees. Mayor Dunn reported that the Blood Drive was a success and exceeded the goal. She stated that the initiative is saving lives and asked Police Chief Troy Rettig to congratulate Ms. Snooks. Councilmember Harrison asked how often the Blood Drive is done. Chief Rettig stated that they are done quarterly.

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

Item 8Y discussion:

Mayor Dunn stated that in the Leawood Fire Department monthly report, Dr. Ryan Jacobsen, Medical Director of the Leawood Fire Department received the President's Award from the National Association of EMS Physicians in January. Mayor Dunn congratulated Fire Chief Colin Fitzgerald and the team and asked to pass along the Council's appreciation and congratulations to Dr. Jacobsen. Chief Fitzgerald replied that they are very fortunate to have Dr. Jacobsen. He pointed out that he worked as a paramedic for Johnson County MedAct before attending medical school and still maintains relationships with Children's Mercy Hospital and other hospitals.

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

9. MAYOR’S REPORT

- A. The February Council of Mayors meeting was held virtually. The guest speaker was Juliann Van Liew, Wyandotte County Public Health Director. She spoke about the CARES Act funding that was allocated to the Wyandotte County Health Department, the challenges of the vaccine supply, and the mutant variant of COVID-19 found in Ellis County (at that time). Dick Carter, lobbyist for the City of Overland Park, reported that the Capitol in Topeka is under tight restrictions and very few people are in the building due to social distancing. Governor Kelly said they are moving quickly to catch up since not being there since mid-March last year. There was also discussion regarding false unemployment claims in the State of Kansas. Kansas is the second worst in the Nation for these claims and many, including Senator Jerry Moran, have been affected.
- B. Congratulations to Information Services Director Ross Kurz. He was recognized at the Leawood Rotary Club for setting up Zoom meetings and making it possible for the Rotary Club to meet virtually. Rotary could not have successfully conducted meetings without his efforts, and he was honored with a special award.
- C. Happy New Year greetings were sent to I-Lan Mayor Chiang and our many friends in I-Lan who are celebrating the Year of the Ox. Mayor Chiang also wished us Happy New Year.
- D. Thanks are in order for Rotarians Lisa Harrison and Chuck Sipple and all others in the Leawood Rotary Club for their volunteer efforts to beautify the City with pop-up trash events. A story was featured in the *Shawnee Mission Post* on February 12th.
- E. We have just come through some of the coldest weather in history with ice storms, snow storms, rolling blackouts, and pipes bursting. Director of Public Works, David Ley, has been receiving the brunt of many calls, and he and his team are owed a round of applause for all of their great work. It does not go unnoticed and is greatly appreciated.

10. COUNCILMEMBERS’ REPORT - None

11. CITY ADMINISTRATOR REPORT - None

12. STAFF REPORT - None

13. COMMITTEE RECOMMENDATIONS

[From the January 12, 2021 Planning Commission Meeting]

- A. Resolution approving a Final Plat for Regents Park, located south of 135th Street and west of Kenneth Road (PC 109-20) *[Continued from the February 1, 2021 Governing Body meeting]*

John Petersen, Polsinelli PC, appeared on behalf of Regents Park, addressed the Governing Body via Zoom. Mr. Petersen stated Rick Lashbrook and Mark McGill were also present via Zoom. Mr. Petersen stated the Final Plat is the final step before construction begins. The developers will still need to subdivide the plat but one of the critical parts is to lay in the extension of 137th St. from Kenneth Rd. heading west, High Dr. to 137th St. to 135th St., and a deceleration lane on 135th St. as it approaches eastbound High Dr.

Mr. Petersen stated that their staff have accepted all the stipulations except for a stipulation in the Public Works Memo that was an oversight by their development team regarding an agreement made with the City for future improvements of 135th St. He stated they are asking the Council to reconsider that stipulation.

Mr. Petersen stated there had been some concern for months over who would be responsible for the eventual 3rd lane on 135th St. and burial of existing power lines along 135th St. Mr. Petersen stated that the premise of the conversation with staff was that the traffic improvement and aesthetics are an overall benefit to the City and not necessarily required of the Developer in order to move this project forward. He stated the Developers and staff have entered into an agreement that, at a trigger point, the Developer would make a \$600,000 contribution to the widening of 135th St. and a \$500,000 contribution to the burial of the power lines.

Mr. Petersen requested the Council to consider a revision of the Public Works Stipulation to delete the requirement to construct a right turn lane at Kenneth Rd. He stated, pursuant to the Public Works Memo, the Developer would be required to construct a right turn lane on 135th St. at Kenneth Rd., even though it will eventually be crossing the intersection as a thru-lane, and another turn lane would have to be developed at that time. It also required the Developer to bury 2-3 power lines that had been agreed to be a public at-large benefit. Mr. Petersen pointed out that the Developer did request a traffic study be done to confirm that the right turn lane is not required by the traffic generated by the Regents Park project.

Mayor Dunn asked if the right turn lane at Kenneth Rd. could be delayed. Mr. Ley stated when staff originally reviewed the warrants for the turn lane, it was for future volumes. He stated that staff agrees with Mr. Petersen that it is not required for their project, nor needed right now. Mayor Dunn asked if staff is comfortable with the triggers for the right turn lane being the same as the thru-lane. Mr. Ley replied yes.

Councilmember Filla asked that if the traffic generated from this project is not contributing to the triggers, why should it be included in this project. Mr. Ley explained that if it was warranted, the City would build the right turn lane. Mr. Petersen added that when they originally approached the City, they were required to build the entirety of the 3rd lane and bury all the power lines. Instead, they negotiated contributions to be paid, if the street improvements are to be done. He reiterated that this was not a mistake on the part of the City, but the Development team when putting the plan together.

Councilmember Cain asked for clarification on if the contributions are separate stipulations. Mr. Ley confirmed they are separate. She indicated that the City should not delete the stipulation because that would remove the Developer's responsibility. Councilmember Filla asked for staff's recommendation. Mr. Ley stated that staff is agreeable to removing the stipulation, but it is the Council's decision. Mayor Dunn stated the triggers that constitutes when the work should be done could be many years away, but that this is a good example of a public/private partnership. Mr. Ley stated if it is after 10 years, it becomes the responsibility of the City to fund.

Councilmember Sipple asked whether or not the contributions are for two different projects. Mr. Ley explained where each contribution would be committed. Mayor Dunn stated that there is no argument for the deceleration lane for the right turn lane on High Dr. at 135th St. Mr. Petersen affirmed that the Developers are building that as part of phase one at 100% their cost. Councilmember Filla asked to clarify what the Developer is requesting of the Council. Mr. Petersen stated they are requesting for the Kenneth Rd. turn lane stipulation be separate from the contributions that they have already agreed to pay.

Mr. Petersen suggested moving the stipulation to be included in Public Works Stipulation No. 2(e)(i). Mr. Ley agreed with Mr. Petersen's suggestion to include it with the \$600,000 to be done at the same

time. Mayor Dunn stated the timing of the construction needs to be changed since the stipulation states the work for the right turn lane needs to be done now. Mr. Ley affirmed that the work would have to be done later, after the power lines have been buried. Mayor Dunn stated she believed the \$600,000 was not included in the original figures but that the timing of when the work should be done can be amended at this meeting. Ms. Bennett stated the City wants the Developer to be responsible for the cost, but it cannot be determined tonight since the City will be doing the work of the 3rd thru-lane and the right turn lane at the same time. Councilmember Filla asked if the Developer's figures were based on a thru-lane. Mr. Petersen stated the premise of the agreement was that the Developer will take care of the improvements necessary to maintain good traffic control generated by their project. He stated they came up with \$600,000 and that the turn lane is part of that. Mayor Dunn asked if staff would have any objections to deleting the stipulation related only to the construction of the right turn lane on Kenneth Rd. but that the right turn lane at High Dr. will still be constructed by the Developer. Mr. Ley stated that staff has no objections. Mayor Dunn noted for staff to work together to make the modifications in the stipulations.

A motion to approve Item 13A with modifications as discussed was made by Councilmember Filla, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 6-0. Councilmember Azeltine was not present at the time of the roll call.

- B. Resolution approving a Final Plan for Regents Park Multi-family Subdivision and Public Improvements, located south of 135th Street and west of Kenneth Road (PC 103-20) *[Continued from the February 1, 2021 Governing Body meeting]*

Mr. Petersen addressed the Governing Body via Zoom, representing Leawood One35, LLC. He stated this item has the exact same issue as the previous agenda item. The Developer asked for the same consideration and has accepted all the other stipulations. Mayor Dunn asked if staff has any comments. Mark Klein, Public Works Director, agreed that the same stipulation carries through on three of the plats: the Final Plat, the Final Plan and the Final Plan for Leawood One35.

Councilmember Cain stated she takes exception to the buildings on this site being referred to as duplexes and triplexes by staff, but should be called attached villas. She noted the individual villas are not platted yet and stated her concern that they will later become rentals. Mr. Petersen stated the Developers will come back and plat the villas and each side to be sold individually. He stated the importance of moving the plat forward is to get the public streets platted and constructed this spring. Mr. Petersen stated that they will be subdivided by lot for sale. Councilmember Cain asked if this is a binding agreement. Patty Bennett, City Attorney, replied that the individual lots could be purchased but still be rented out by the homeowner. She stated that the Council could add a stipulation that the Developer would have to re-plat individual ownership of each unit. Councilmember Cain asked when the townhomes will be platted and if they will be rentals. Mr. Petersen stated that has not yet been determined, but will be based on the market at a future date.

Mr. Petersen stated that the Developer would accept a stipulation regarding ownership of the villas, but the townhomes are still under consideration. Councilmember Harrison asked if there can be a limit on the percentage of rentals. Mr. Petersen replied that is usually done in the restrictions of the Home Owners Associations, but that they will not be marketed as rentals.

Councilmember Osman stated that he agrees with Mr. Petersen that it is not economically feasible for a majority of townhomes to be rentals. He stated there are many cases in which renting is necessary, so he

is against the stipulation. Mayor Dunn added that past focus groups have expressed a desire for ownership verses rentals due to having people invest in the City and staying here.

Ms. Bennett suggested the stipulation to read, “prior to the issuance of the first building permit on this development, the Developers shall file for an amended plat to provide for individual lots for each villa unit.” Mr. Petersen stated they accept the stipulation.

A motion to approve Item 13B as amended and with the added stipulation was made by Councilmember Cain, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 7-0.

- C. Resolution approving a Final Plan for One35 – Mixed Use, located south of 135th Street and west of Kenneth Road (PC 102-20) *[Continued from the February 1, 2021 Governing Body meeting]*

Mr. Petersen addressed the Governing Body via Zoom on behalf of Leawood One35, LLC. He stated the Developers agreed to all the stipulations except the same issue as discussed in the two earlier agenda items--taking out the stipulation regarding Kenneth Rd. in the Public Works Memo.

A motion to approve Item 13C as amended was made by Councilmember Osman, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 7-0.

Mayor Dunn asked how soon construction will begin on the project. Mr. Petersen replied it will be weather permitting, but they are excited to get started soon.

[From the January 26, 2021 Planning Commission Meeting]

- D. Resolution approving a Revised Final Plan for Ranch Mart - Redevelopment, located north of 95th Street and east of Mission Road (PC 06-21)

Trip Ross, Cadence Commercial Real Estate, addressed the Governing Body via Zoom and introduced Aaron Ross from Hoerr Schaudt, who also appeared via Zoom. Mr. Aaron Ross explained the plan revisions to the plaza area. He pointed out that they added a more inviting courtyard with large planters, a possible mural, an overhead trellis, a large artificial lawn in the center of the plaza, and an artificial green wall. He explained there will be an area accessible for a food truck for events and they plan to reuse some of the existing brick to reference the history of the old shopping center. Mr. Aaron Ross explained they have also increased the landscaping in the overall project.

Mr. Aaron Ross pointed out that on the Meat Mitch (BBQ) building they have included a screened-in patio with a bar top. Mr. Trip Ross stated that the trash enclosure modifications include moving the location of the dumpsters to the north, so as not to create security issues for the bank located on the east side of the property.

Councilmember Filla remarked that she is in favor of the changes. Mayor Dunn replied that they are much improved. Mr. Klein pointed out to the Council that a second trash compactor was added to the staff report and that the Planning Commission has approved it.

Councilmember Cain inquired if a drive-thru window for Meat Mitch could be added. Mayor Dunn remarked that other BBQ restaurants in the City work well without a drive-thru. Mr. Trip Ross replied that a drive-thru has not been requested by the tenant, but they have designed a pick-up only window in

their vestibule, similar to Joe's KC BBQ. He stated there was a lot of thought in the design and that it is meant to be a communal space. Councilmember Sipple asked if the areas for pedestrians are safe from vehicles. Mr. Aaron Ross responded that there is a bollard and gate system and a speed table added.

Mayor Dunn asked about the timeline. Mr. Trip Ross responded that they are in communication on a daily basis with tenants and the general contractor in regards to the scope and their wish to plan it very precisely. He explained the first part of the project will be the demolition of the former bowling alley. He added that all of the project should be completed by this year.

A motion to approve Item 13D was made by Councilmember Rawlings, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 7-0.

- E. Ordinance amending Section 16-2-6.4 of the Leawood Development Ordinance entitled "Mixed-Use Development District" and repealing existing section 16-2-6.4 and other sections in conflict herewith (Case 01-21)

Mr. Klein explained this is an amendment to the Leawood Development Ordinance (LDO) regarding the mix of uses within a Mixed-Use Development. He stated that currently there is a mix that requires a minimum 20% residential, minimum 20% office, and minimum 10% retail space based on the gross square footage of the project. The amendment proposes to 1) address the overall mixed-use and reduce those numbers to 15% residential/15% office/5% retail, and 2) address infill development. Mr. Klein stated the reduction is due in part to the struggling retail.

He explained that infill development is a piece of land that is less than 15 acres within a developed area but not part of an existing development. He noted for that infill property, the mixed-use ratio would be 5% residential/5% office/5% retail because of it being a smaller site.

Mayor Dunn asked if these amendments are listed together in the LDO. Mr. Klein confirmed that they are in the same section of the ordinance.

Curt Petersen, Polsinelli PC, addressed the Governing Body via Zoom. He requested making a public comment to gain direction from the Council and staff on an issue regarding this ordinance section. Mr. Klein stated this ordinance is related to the percentage of uses located within a mixed-use and he believed Mr. Petersen would like to address density.

Mr. Klein stated the current percentage of residential mixed-use is 15 dwelling units per acre. Mr. Petersen pointed out that he represents a project at 8680 State Line Rd. and he believes the impetus to this LDO amendment was due to his infill project being unable to move forward. He explained that while working extensively with the residents in that area over the last several months, the neighbors desired high-end townhomes, instead of a large office building at that location. He stated the MXD provisions would change the 15 dwelling units per acre to 18. Mr. Petersen requested the Governing Body to consider allowing staff to work with developers for an immediate LDO change that could come before the Council as soon as possible to consider allowing deviations of up to 18 units/acre or higher. Mr. Petersen expressed gratitude to the Council for their consideration.

Rick Oddo, 3747 W. 117th Terr., Leawood, addressed the Governing Body via Zoom. He stated he is in favor of the reduction of percentage of the office and retail spaces. He opined that the office space percentage should be reduced down to 10%-5%. He stated that in the 135th St Corridor Plan, a 15%

minimum requirement equals over \$1.2M square feet of office space which he felt is unrealistic. He warns of future projects stalling out in the Corridor with too aggressive of a percentage requirement.

Councilmember Cain stated that she appreciated the comments but she disagrees with Mr. Petersen and Mr. Oddo. She stated the City only dictates 50% of the land use. She stated based on the economy with COVID, Mr. Lashbrook's development is a perfect example of how the City, Developer, and residents work together. She cautioned the Council in reducing the percentage lower than the proposed 35% total.

Councilmember Filla indicated that the Council needs to move forward with the proposal on the table and not override the Planning Commission's recommendation.

A motion to approve Item 13E was made by Councilmember Filla, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 7-0.

Councilmember Harrison asked if physician offices and pre-schools are considered retail. Mayor Dunn replied that the physician offices are considered office space. Mr. Klein replied that the pre-school is considered retail. Mayor Dunn noted that restaurants are considered retail and agreed with Councilmember Cain's comments.

- F. Ordinance amending Section 16-9-90 of the Leawood Development Ordinance entitled "Director or Director of Planning and Development" and repealing existing section 16-9-90 and other sections in conflict herewith (Case 02-21)

Mr. Klein stated in the LDO there is terminology used for Director, Director of Planning and Development, and Director of Planning that all mean the same thing, so this ordinance cleans up the language to make it consistent throughout.

A motion to approve Item 13F was made by Councilmember Azeltine, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 7-0.

- G. Ordinance amending Section 16-9-55 of the Leawood Development Ordinance entitled "Car Wash, Full Service" and repealing existing section 16-9-55 and other sections in conflict herewith (Case 07-21)

Mr. Klein stated this proposed amendment modifies the definition of full service car wash. He explained that staff has discovered that the Table of Uses in the LDO are not clearly defined regarding the definition of a full service car wash, and it does not specify if it is fully enclosed or not. Mr. Klein stated fully enclosed would be defined as the entire operation is inside a building, including the vacuuming.

Councilmember Harrison stated that the all-enclosed car washes are very expensive to build and operate, especially in the winter. She stated that requiring the vacuums to be inside seems unnecessary and creates a hardship to future business owners.

Councilmember Filla stated she does not see the need to put everything undercover in terms of sustainability. Mr. Klein stated the purpose of the amendment is to clean up the ordinance's Table of Uses for car wash and car wash fully enclosed to match the definitions. Councilmember Osman stated that it appears that the ordinance is written so that car washes are not wanted within the City.

Mr. Klein acknowledged another issue in the ordinance can be with the 60/40 rule as far as the building location and placement of the parking lot. Mayor Dunn stated she is concerned about the 60/40 rule. Councilmember Cain suggested keeping the 60/40 rule, but keep the vacuuming under an awning instead of fully enclosed.

Mr. Lambers suggested continuing this item to a date certain. Ms. Bennett stated this item would come back to the Council with a different case number, a change to the Table of Uses, and if there will be any changes to the 60/40 rule. Councilmember Filla asked what the 60/40 rule meant. Mr. Klein replied that it means if there is a frontage along a public street, 60% of the frontage has to be either a building or landscaping to a depth of 90 feet. It allows the other 40% to be a parking lot or driveway.

A motion to remand Item 13G to the April 27, 2021 Planning Commission meeting was made by Councilmember Filla, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call vote of 7-0.

- H. Ordinance amending Section 16-4-7.2 of the Leawood Development Ordinance entitled “Landscaping Requirements – Single Family Residential” and repealing existing section 16-4-7.2 and other sections in conflict herewith (Case 10-21)

Mr. Klein stated this is also another ordinance clean up. Staff discovered the residential section of the LDO regarding tree planting distance was not updated to be 40 feet apart. Councilmember Cain stated she believes more trees planted is better because of heat and stormwater. Mr. Klein stated part of the reason the ordinance changed from 1 tree per 35 feet to 1 tree per 40 feet is to allow the street trees to have more room to grow. Councilmember Filla requested that large shade trees be defined in the ordinance. Councilmember Sipple stated he remembered a discussion between the Leawood Tree Committee and the Parks Department regarding a 10 foot wide lawn. Mr. Klein stated the tree lawn is not part of the LDO, but it is in the City Code. Patty Bennett, City Attorney, indicated the City Code states the minimum spacing for medium-sized street trees is 30 feet and large trees is 40 feet.

A motion to approve Item 13H was made by Councilmember Sipple, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 7-0.

14. OLD BUSINESS - None

15. NEW BUSINESS

- A. Ordinance amending Section 3-104 of the Code of the City of Leawood, Kansas, 2000, pertaining to residency requirements for obtaining a cereal malt beverage retailer’s license and repealing existing Section 3-104 and other Sections in conflict herewith *[Withdrawn]*
- B. Ordinance amending Section 5-1B03 of the Code of the City of Leawood, Kansas, 2000, pertaining to residency requirements for obtaining a pawnbroker or precious metals dealer license and repealing existing Section 5-1B03 and other sections in conflict herewith *[Withdrawn]*
- C. Schedule Governing Body Work Session for Monday, March 1, 2021 at 6:00 P.M.

Mayor Dunn stated the topic of the Work Session is to discuss the Climate Action Playbook.

A motion to approve Item 15C was made by Councilmember Harrison, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 7-0.

D. Schedule Governing Body meeting for Monday, March 1, 2021 at 7:30 P.M.

A motion to approve Item 15D was made by Councilmember Filla, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 7-0.

Mr. Lambers requested a meeting for March 15, 2021 be scheduled at this time. He stated that the topic for the Work Session will be a continued discussion of property tax abatement and sales tax exemption. Items 15E and 15F were added to the agenda.

E. Schedule Governing Body Work Session for Monday, March 15, 2021 at 6:00 P.M.

A motion to approve Item 15E was made by Councilmember Azeltine, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call vote of 7-0.

F. Schedule Governing Body meeting for Monday, March 15, 2021 at 7:30 P.M.

A motion to approve Item 15F was made by Councilmember Filla, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call vote of 7-0.

Meeting was adjourned at 10:08 p.m.