

Regular Meeting**THE LEAWOOD CITY COUNCIL**

January 18, 2022

Minutes

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:00 PM on Tuesday, January 18, 2022. Mayor Peggy Dunn presided.

Councilmembers Present: Julie Cain, Chuck Sipple, Andrew Osman, James Azeltine, Lisa Harrison, and Mary Larson

Councilmembers Present via Zoom: Jim Rawlings

Councilmembers Absent: Debra Filla

Staff Present: Scott Lambers, City Administrator

Chief Dale Finger, Police Dept.

Brian Scovill, City Engineer

Nic Sanders, HR Director

Chris Claxton, Parks & Rec Director

Mark Tepesch, Info. Services Specialist

Capt. Kirt Yoder, Police Dept.

Patty Bennett, City Attorney

Chief Colin Fitzgerald, Fire Dept.

Mark Klein, Planning Services Director

Travis Torrez, Bldg/Code Enforcement Dir.

Ross Kurz, Info. Services Director

Stacie Stromberg, Interim City Clerk

Holly York, Cultural Arts Coordinator

Others Present: Lisa May, Lucy Bloom, Rotary Club; Bill George, owner/developer; Jay Browning, Gould Evans

The meeting was called to order at 7:01 p.m. by Mayor Peggy Dunn.

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

Mayor Dunn stated that a report under Item 11, City Administrator, has been added. Item 15A was removed since that meeting was already approved.

A motion to approve the amended agenda was made by Councilmember Harrison and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 7-0.

4. 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. A TOTAL OF 30 MINUTES WILL BE ALLOCATED PER MEETING FOR CITIZEN COMMENTS.

5. PROCLAMATION

Slavery and Human Trafficking Prevention Month

Lisa May and Lucy Bloom, Leawood Rotary Club members, were present to accept the proclamation. Mayor Dunn recognized Councilmembers Chuck Sipple, Jim Rawlings, Lisa Harrison as current Rotarians. Mayor Dunn is an honorary Rotarian.

Mayor Dunn read the proclamation into record.

Ms. May addressed the Governing Body. She stated that she is the immediate past president of the Leawood Rotary and that they have been very active with anti-human trafficking as a major focus with Rotary International.

Ms. Bloom addressed the Governing Body. She thanked the City for the proclamation, support and commitment. She gave some history of the Leawood Rotary cause to fight human trafficking that has now international partnerships. Leawood Rotary partnered with Lenexa Rotary and was awarded a global grant to help educate the public and put forth an action plan.

Mayor Dunn thanked Ms. May and Ms. Bloom for the work that the Rotary does in the community. Councilmember Sipple thanked both women for their work.

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. Pulled by Councilmember Sipple

B. Accept minutes of the December 9, 2021 Parks and Recreation Advisory Board meeting

C. Accept minutes of the December 20, 2021 Governing Body meeting

D. Approve renewal of Cereal Malt Beverage (CMB) License for CVS/Pharmacy #8237, located at 5001 W. 135th St. (CC)

E. Approve renewal of Cereal Malt Beverage (CMB) License for CVS/Pharmacy #8588, located at 11729 Roe Ave. (CC)

F. Resolution approving and authorizing the Mayor to execute a Professional Services Agreement between the City and Professional Service Industries, Inc. in an amount not to exceed \$39,910.00 pertaining to Construction Materials Testing and Observation Services for Fire Station No. 1 [Project #80158] (PW)

G. Resolution approving and authorizing the Mayor to execute an agreement between the City and SHEDIGSIT, LLC in the amount of \$820,883.00 pertaining to the Ironwoods Pond Project (PW)

H. Resolution approving and authorizing the Mayor to execute an agreement between the City of Leawood, the Board of County Commissioners of Johnson County, Kansas and the City of Overland Park, Kansas pertaining to the Public Improvement of 95th Street from Mission Road to Wenonga Road [Project #72078] (PW)

- I. Resolution approving and authorizing the Mayor to execute an agreement between the City of Leawood, the Board of County Commissioners of Johnson County, Kansas and the City of Overland Park, Kansas pertaining to the Public Improvement of Mission Road from 95th Street to south of 103rd Street [Project #72078] (PW)
- J. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines of Reporting Inventory of Assets pertaining to the construction of the Lee Blvd. Improvements Project [Project #72054] (PW)
- K. Resolution of the City of Leawood, Kansas declaring the City's intent to purchase and reimburse certain costs of acquiring a fire truck and appurtenant equipment from proceeds of a lease purchase agreement (FD)
- L. Approve purchase in an amount not to exceed \$40,000 to Air & Fire Systems pertaining to self-contained breathing apparatus (SCBA) compressor (FD)
- M. Approve purchase in the amount of \$53,441.10 to Jerry Ingram/Fire & Rescue pertaining to eighteen (18) pairs of bunker gear protective firefighting equipment (FD)
- N. Approve purchase in the amount of \$56,058.00 to Shawnee Mission Ford for one (1) 2023 Ford F-350 4x4 Crew Cab XL SRW LWB truck (PW)
- O. Approve quarterly payment to the Johnson County Sheriff's Office in the amount of \$17,225.00 pertaining to prisoner boarding (PD)
- P. **Pulled by Councilmember Harrison**
- Q. **Pulled by Mayor Dunn**
- R. Municipal Court Monthly Report

A motion to approve the remainder of the consent agenda was made by Councilmember Azeltine and seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 7-0.

Discussion of Item 8A - Accept Appropriation Ordinance Nos. 2021-52 and 2021-53

Councilmember Sipple stated that he must recuse himself from voting because his wife's name is listed as a vendor.

A motion to approve Item 8A was made by Councilmember Cain and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 6-0. Councilmember Sipple was recused from voting for reasons stated.

Discussion of Item 8P - Police Department Monthly Report

Councilmember Harrison asked for clarification of the location at I-435 and State Line Rd. as a hot spot for vehicle crashes. Chief Finger indicated that the actual crashes may take place anywhere near that intersection. She asked if it were possible to eliminate the panhandling at the intersection where many of the crashes occur as a deterrent. Chief Finger opined that panhandling is not the major reason why there are crashes near that location. He pointed out that the panhandlers are also on the Missouri side of State Line Rd. He stated that the numbers in the Police Department Monthly Report are mostly of accidents directly on I-435 highway.

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

Discussion of Item 8Q - Fire Department Monthly Report

Mayor Dunn highlighted the Season of Hope in the Fire Department Monthly Report. She stated that the toy donation during the holidays was very successful and congratulated the Chief and his team. Chief Fitzgerald stated that this was the first year they participated in the event, but that they plan to do it annually. He stated that KSHB-41 (Television station) were great partners.

Councilmember Cain stated that one of the two fire-related loses in the City was in her subdivision. She pointed out that the home was not a complete loss because of their proximity to the nearest fire station and their quick response. Chief Fitzgerald replied that the crews did a great job and only a few minutes later would have caused a total loss. Councilmember Cain wondered if the home's concrete shingle roof made any impact on the situation. Chief Fitzgerald stated that the crew was able to fight the fire internally, but stated that wood shake shingles in the past would cause fires to spread more quickly to surrounding homes.

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

9. MAYOR'S REPORT

- A. We offer our sincere sympathies to the family and friends of J.R. Hamil, known as Jim Hamil, who passed away last Friday at the age of 84. His son Alex, who is also an artist, said his father's work was a reminder of what it means to be dedicated to one's passion. He had a 15-year tenure at Hallmark Cards, and in 1972 he left Hallmark to open his own studio to teach adult workshops. We have a number of his paintings throughout City Hall, and he was commissioned to do a painting of this City Hall building for the Mayor of our sister city, I-Lan, Taiwan. I had personally commissioned him to do paintings in my own home. Jim was a wonderful man, and I was sorry to learn that he passed away.
- B. I would like to offer sincere appreciation to all who were involved in our City employees' United Way of Greater Kansas City 2022 Fundraising Campaign. We raised \$14,402.16. My congratulations and sincere gratitude to everyone.
- C. Councilmembers Mary Larson and Chuck Sipple joined me at the Leawood Chamber's Legislative Breakfast, where a panel of senators and representatives shared the forecast of pending issues that will be dealt with this legislative session. That same evening, City of Olathe Mayor John Bacon hosted the January Johnson and Wyandotte Counties Council of Mayors. There were senators and representatives from both Johnson and Wyandotte County present to discuss the challenges that may affect local governments in the coming session.
- D. I participated last Friday on a Zoom meeting hosted by Johnson County Commission Chairman Ed Eilert regarding a COVID-19 report to Johnson County Mayors. When asked why Johnson County did not mandate masks, he stated that there is no way to enforce it if they did. When the order was done last year, they needed the cities' Police Departments to enforce it under a contract (to which Leawood agreed), but only half of the cities in Johnson County agreed to do so. Dr. Areola was also on the call and encouraged mask wearing, hand washing, staying six feet apart, and avoiding mass gatherings for one's own personal safety.
- E. I was joined by Councilmembers Mary Larson and Lisa Harrison, Police Chief Dale Finger, Police Captain Yoder, Fire Chief Colin Fitzgerald, and Deputy Fire Chief Hawley last night at the Martin Luther King, Jr. Legacy & Scholarship Awards Committee Dinner that was co-sponsored by the NAACP of Olathe, Overland Park and Leawood. There were a number of awards, wonderful presentations of student writings, and remarks from Governor Laura Kelly, Kansas Senator Roger Marshall, and Attorney General Derek Schmidt. I want to thank everyone for attending.
- F. This evening I received a lovely Happy New Year's card from I-Lan Mayor Chiang, wishing all of us in Leawood great health and countless blessings in this New Year. I will pass the card around for the Councilmembers to see it.

10. COUNCILMEMBERS' REPORT

A. Councilmember Debra Filla

Community Garden Task Force Update

Mayor Dunn stated that Councilmember Filla was absent and asked if Chris Claxton, Parks and Recreation Director, was given the report. Ms. Claxton stated that she did not have it but was aware of Councilmember Filla's intentions.

Mayor Dunn stated that this item should be continued to a future agenda when Councilmember Filla could be present.

B. Councilmember Julie Cain

Recommendation to schedule Work Session to discuss the 135th Street Community Plan

Councilmember Cain stated that because of the high level of conversation and community input on the recent development relating to the 135th Street Community Plan, she made a formal recommendation to schedule a work session to discuss the Plan. She stated that it is long overdue, and asked if the meetings are public or not, and if the public would be allowed to interact.

Mayor Dunn clarified that Councilmember Cain is recommending one work session, not a series of meetings. Mayor Dunn also clarified that the public does not participate in work sessions. Patty Bennett, City Attorney, stated that a work sessions is an open meeting, where the public can watch and listen, but no public comments or presentations are allowed. She stated that all the work sessions are livestreamed on YouTube for the public.

Mayor Dunn stated that there are many opportunities for the public to speak or present if there are going to be changes to the Plan. She stated that the discussion will be on the 150 acres that are not developed. Mark Klein, Planning Services Director, confirmed that the acreage of undeveloped land is 143.77 acres total and not contiguous throughout the corridor.

Scott Lambers, City Administrator, cautioned that the work session cannot be to discuss any parcels that are currently in the planning process. He suggested scheduling the work session for the first meeting in February.

Mayor Dunn asked if there was anything specific that Councilmember Cain would like to discuss. Councilmember Cain stated that her focus would be to discuss density and building height.

Mr. Lambers stated that in considering building height limits, building stories can be limited but the terrain of the property should also be considered. He suggested special use permits to allow other factors when determining the ultimate building height to maintain flexibility.

Councilmember Azeltine noted the most recent version of the 135th Street Community Plan was approved 8 years ago and should be reviewed at this time with only 10-15% of undeveloped land remaining.

Mayor Dunn pointed out that many of the plans going through the process have been modified. She stated that the 135th St. Plan has been a great guideline. Mr. Lambers stated that not much actual construction has been put in place since the Community Plan was envisioned. He stated that he will notify the Planning Commissioners of the work session so that they may watch the meeting.

Mayor Dunn noted that any changes recommended by the Governing Body would first go to the Planning Commission for their discussion. Mr. Lambers suggested that a public hearing be held at the Council level before getting started formally so that residents have the opportunity to be heard.

Councilmember Harrison asked to add to the focus a desire for single-family homes and homeownership. Mr. Lambers suggested adding greenspace, diversity of housing in terms of price point and style, the ability to accommodate different income levels, and interconnectivity to the work session discussion.

Mayor Dunn gave credit to the work done by Mr. Klein and the Planning staff in developing the grid street system that is part of the 135th St. Corridor Plan.

A motion to schedule a Work Session on Monday, February 7, 2022 at 6:00 p.m. to discuss the 135th Street Community Plan was made by Councilmember Cain and seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 7-0.

11. CITY ADMINISTRATOR REPORT

Mr. Lambers stated that he has been following the latest COVID information and it is getting worse. He noted that masks are still a requirement inside City Hall. He stated that the first week of February may see numbers go down from the holiday surge. Mr. Lambers recommended that they stay the course but if it does become worse, at the February 7th meeting he would like to know what measures the Council would like to implement on a city-wide level.

Mayor Dunn expressed concern with enforcing a mask mandate and the burden it would place on the Police Department. She stated that the onus should be on the businesses but that she sees many people in public wearing masks.

Councilmember Harrison asked to clarify wearing masks inside City Hall. Mr. Lambers stated that employees are allowed to take them off when at their desks, but everyone is required to wear one in the common areas. Councilmember Cain asked about the fire and police personnel wearing masks when out in public. Chief Fitzgerald replied that firefighters and police are required to wear masks when out in public.

Councilmember Larson agreed that it would be difficult for the City to enforce the mask mandate and asked if the City could put out an official statement encouraging residents to wear them to show support of health care providers. Mayor Dunn suggested adding a message to the City's website. Councilmember Larson replied that she did not think many people went to the website, but she was unsure how to get the message out to the public.

Mr. Lambers agreed that the public would not necessarily go to the City's website for that type of information, but suggested the City place an advertisement in the 913 section of the Kansas City newspaper. Mayor Dunn stated that to cajole, encourage and educate the public is what they want to advocate.

Councilmember Cain echoed that enforcing a mask mandate is impossible and takes away other duties of the police force, so she requests the reason why the City does not mandate it should be added to a statement. Mayor Dunn stated that Dr. Areola affirmed that the only masks that offer significant reduction in the spread of Omicron are the N95 and KN95.

Councilmember Azeltine stated that although the County and State have mandates, they have passed the responsibility to the cities, but he noted that the cities do not have public health officers. He stated he was fine with passing a resolution encouraging mask wearing and vaccination but does not favor taking a formal role as to a mandate. Mayor Dunn and Councilmember Larson agreed that the statement would

be to educate the public. Mr. Lambers agreed that it should be under the Health Department but staff can draft a statement and have it ready for the local newspapers by next week.

12. STAFF REPORT – None

13. COMMITTEE RECOMMENDATIONS

[From the December 1, 2021 Public Works Committee meeting]

A. Consider the recommendation of four (4) Radar Feedback Speed Limit Signs on 143rd Street

Councilmember Osman, Public Works Committee Chairman, stated that there is a problem of speeding on 143rd Street and the Committee recommended installing radar signal as a first measure.

Brian Scovill, City Engineer, stood for questions. Mayor Dunn mentioned the cost and asked how soon the installation could be done. Mr. Scovill replied that it is within the 2022 budget and estimated 3 months for installation depending on materials and a contractor.

Councilmember Azeltine asked if the signs collect data. Mr. Scovill stated that some data is collected but not as much as they are used to getting from the police department's mobile units.

Councilmember Larson stated she is in favor of the signs. She asked if there had been any discussion with using trees and radar signs together (for speed control). Councilmember Cain stated that part of the AMC anniversary the City would be gifted a number of trees and there had been discussion of using those in this case. She stated that Parks and Rec are involved in that discussion also. She pointed out that if trees are used for speed control, once they grow in height, the signs can be moved to different locations.

A motion approve Item 13A was made by Councilmember Sipple and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 7-0.

[From the November 23, 2021 Planning Commission meeting]

B. Resolution approving a Revised Final Plan for Parkway Plaza – Design Criteria, located north of 135th Street and west of Roe Avenue (PC Case 156-21)

Bill George, 1300 Lydia Ave, Kansas City, MO, owner and developer, addressed the Governing Body. Jay Browning, architect with Gould Evans, was also present. Mr. George stated that the final design plan for Parkway Plaza allows them to use structural stone and enhance the landscaping. He noted there was unanimous approval from the Planning Commission. Mr. George stated that one of the biggest changes was that only stucco was allowed to be used on the residential buildings. He pointed out that did not want to use stucco due to the serious maintenance issues after ten years.

Mayor Dunn expressed how impressed she was on their design criteria that she contacted staff suggesting it could be used as a model for future projects along 135th Street. Mr. George remarked that they have received much interest in it before actually marketing it. He projected that approximately 60% of the units will be sold before they break ground.

Councilmember Larson commented on the integration with surrounding buildings. She stated she is in full support.

Councilmember Cain asked about the amenities. Mr. George replied that they cut back some of the office space, but they still have a full gym, full kitchen, board room, office, dog washing stations and other amenities.

A motion approve Item 13B was made by Councilmember Cain and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 7-0.

- C. Resolution approving a Final Plan and Final Plat for The Residences at Parkway Plaza, located north of 135th Street and east of Briar Street (PC Case 95-21)

Mr. George stood for questions. He mentioned that they hope to break ground by this March with approval from the Governing Body. Mayor Dunn pointed out that it is a 5-story residential building consisting of 10 units. She mentioned that on occasion, more than 4 stories are appropriate.

A motion approve Item 13C was made by Councilmember Rawlings and seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 7-0.

- D. Ordinance approving a Preliminary Plan for Cornerstone of Leawood – Charles Schwab, located south of 135th Street and east of Nall Avenue (PC Case 153-21)

Patrick Reuter, Klover Architects, 8813 Penrose Lane, Lenexa, Kansas, addressed the Governing Body. He stated that Charles Schwab wants to expand their existing building by 3,240 sq. ft. He explained that part of the addition will be using the existing colors, materials and design scheme. He stated that the current design includes a tower element with a short section of building attached to it, and as shown in the elevations in the meeting packet, they plan to mirror the shorter side on the other side of their building.

Councilmember Sipple asked about the purpose of the expansion. Mr. Reuter stated that the company is growing so they are looking to add more office space for their employees. He stated that there will also be an addition of a small mechanical room and IT space to accommodate the new work stations. Mr. Reuter stated that the interior space is still being designed.

A motion approve Item 13D was made by Councilmember Sipple and seconded by Councilmember Harrison. Motion was approved with a unanimous vote of 7-0.

- E. Resolution approving a Final Plan for City of Leawood Public Art – *Praise* Sculpture, located north of 148th Street and east of Mission Road (PC Case 138-21)

Holly York, Cultural Arts Coordinator, addressed the Governing Body. She stated that the title of the sculpture is *Praise* and the artist is Bruce Niemi. She stated that it is currently located in the backyard of donors, Christopher and Bridget Lee of Hallbrook.

Ms. York stood for questions. Councilmember Sipple asked how long after it is moved and taken to a manufacturer for cleaning and refinishing will it be put in place. Ms. York replied that staff hopes to have it installed this spring and explained weather and ground conditions are a factor.

Mayor Dunn mentioned that this is the second piece that has been donated in a year by residents. She stated the City is grateful and that they are setting a great example for others to donate.

A motion approve Item 13E was made by Councilmember Cain and seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 7-0.

- F. Resolution approving a Final Plan for Leawood Aquatic Center signage, located south of I-435 and east of Lee Boulevard (PC Case 151-21)

Chris Claxton, Parks and Recreation Director, addressed the Governing Body. She stated that the request is for two wall signs for the two new buildings at the Aquatic Center. She stated they are using the colors of the new design: one sign will be on the east side of the façade, and other on the south side of the event space. She explained that they will be lit, although the addresses will not be lit but are included on the signs. Ms. Claxton explained that they feel it is important that guests arriving to the area know there are two different facilities, especially for the event space.

Ms. Claxton stated that they are still on schedule for May. She stated that the structure for the bike/walk hub will arrive this week or next.

A motion approve Item 13F was made by Councilmember Larson and seconded by Councilmember Cain. Motion was approved with a unanimous vote of 7-0.

- G. Ordinance approving a Preliminary Plan and Final Plan for City of Leawood – Tomahawk Creek North Lake Restroom, located south of 114th Street and east of Tomahawk Creek Parkway (PC Case 140-21)

Ms. Claxton stood for questions. Mayor Dunn gave special recognition to Leawood Foundation Chairperson, Alice Hawk, and her Board of Directors for their efforts in raising private dollars to help fund this project.

Ms. Claxton stated that they are moving forward and had a meeting with the manufacturer recently. She stated that the project is running on course and perhaps even a month early. She stated that the manufacturer is projecting 6 months from next Monday and that Continental Engineers have the plans with all the details. Production is beginning soon and McCarthy will serve as the general contractor. Ms. Claxton hopes to have an agreement to the Council by the second meeting in February.

Councilmember Sipple stated 6 months will be the end of July. She stated once it is delivered, it should be installed quickly. The City will still need to hire a mason for stonework around all four sides, or discuss with McCarthy if it is in their scope of work. She stated that staff and residents are excited for the amenity to be added to the trail system, and hope to have something similar in the future at Tomahawk Park.

Councilmember Osman asked about the location choice. Ms. Claxton stated that the reason it is not being installed at the soccer fields now is the only time it would be used is during practices since no games are played there. She explained that Tomahawk Park is getting new playground equipment and baseball fields, as well as Nativity School uses it frequently. She stated that it is a good halfway mark for bathroom facilities along the trail.

Councilmember Harrison asked if there will be a water fountain planned. Ms. Claxton stated that there will be potable water available and a bike rack.

A motion approve Item 13G was made by Councilmember Larson and seconded by Councilmember Sipple. Motion was approved with a unanimous roll call vote of 7-0.

[From the December 14, 2021 Planning Commission meeting. Items 13H – 13N pertain to greenhouses.]

H. Ordinance amending Section 16-4-1.3 of the Leawood Development Ordinance entitled “Permitted Accessory Uses, Buildings and Structures” pertaining to greenhouses and repealing existing Section 16-4-1.3 and other sections in conflict herewith (PC-147-21)

Mr. Lambers recommended either denial or no action. Councilmember Sipple asked if there were any recommendations for a greenhouse that is attached to a home. Mr. Lambers stated his recommendation is only for detached structures.

Mark Klein, Planning Services Director, addressed the Governing Body and shared a presentation. He pointed out that approval of the ordinances would make substantial changes in the Leawood Development Ordinance (LDO), as the City has always restricted detached structures to preserve the openness of the neighborhoods. Currently, the City’s limit the types of structures that may be detached, locations of detached structures, heights of accessory structure and size. He offered a list of what is currently allowed.

He stated that if approved, the intent is to allow high-quality structures that would not fall out of disrepair quickly. He stated that the proposed regulations would require a Special Use Permit (SUP) and would be limited to certain zoning districts. They would also be limited to 1 acre lots or larger and limited to the rear yard. Mr. Klein outlined the setbacks within the zoning districts and the size limitations.

Mr. Klein explained the greenhouse standards proposed would be in regards to foundations, glass, lighting, and framing material.

Mayor Dunn asked how large a lot would need to be if there is a 400 sq. ft. maximum requirement. Mr. Klein replied it would need to be approximately 1.7 acres and showed a drawing of an example of a greenhouse on a 1.7 acre lot, including other potentially allowed detached structures.

Councilmember Sipple stated that if greenhouses are not be allowed on lots less than an acre, it would severely limit the number of citizens who would qualify. Mr. Klein replied that they started conservatively with restrictions to allow the Council to make changes, if desired. Councilmember Sipple asked if the residents who have asked for greenhouses live on 1 acre lots. Mr. Klein stated that he has only talked to one resident who wanted a 390 sq. ft. greenhouse on a 1.3 acre lot.

Mayor Dunn stated that when the Council initially directly staff to do research and make a presentation, the instructions were for lots no less than 1.0 acre. Councilmember Sipple stated that as a member of the Sustainability Committee, he wants to encourage residents to grow their own flowers and vegetables.

Councilmember Cain stated that an SUP is non-transferrable so a new owner would have to re-apply for the permit. Mr. Klein stated that a standard SUP runs a maximum of 20 years, but that the Governing Body has the right to allow transferability. She asked if the SUP process involves the Homeowners Associations (HOA). Mr. Klein stated that under an SUP by state statute, the property owner must notify property owners within 200 feet but that the City also sends notifications to HOAs and the applicant must have a required Interact meeting.

Councilmember Harrison mentioned the use of grow lights and expressed desire to have limitations on their use. She stated that she is not in favor of 6-foot high privacy fences and cautioned that residents will ask for them in order to block out the lights of a neighbor’s greenhouse. Mr. Klein stated that this would not be a reason to allow a 6-ft. fence. He also stated that a 6-ft fence is usually due to a pool. Councilmember Harrison expressed concern over the 80% usage and having supplies and other items stored in the greenhouse when plants can be moved outside certain times of the year.

Councilmember Osman asked if there is a checklist for an applicant that an HOA has been notified of a greenhouse application. Mr. Klein stated that the City goes beyond what is required in the ordinance to notify adjacent neighborhoods. Councilmember Osman stated that he appreciated all the work Mr. Klein did. He cautioned that allowing detach structures is a slippery slope and opens up the possibility of sheds, sports courts, or “man-sheds.”

Mayor Dunn stated that lighting requirements will include lumen restrictions. Councilmember Harrison expressed concern over the grow lights, especially during the winter months when there are no leaves on the trees to block it from the neighbors’ views. Mr. Klein stated that he asked about screening, but the nature of a greenhouse should not be shaded.

Councilmember Larson asked if a neighbor’s opposition to an SUP has any weight. Mr. Klein stated that with an SUP there is a public hearing so the Planning Commission has a chance to hear the neighbors’ concerns but he added that with an SUP more site specific stipulations can be added. Councilmember Larson thanked Mr. Klein for all his work on the subject. She said she initially was in support of greenhouses, but now has a lot of apprehension because of concerns for the neighbors who may be impacted. She asked how many residents have inquired about getting a greenhouse. Mr. Klein stated he personally has only talked to 3 residents.

Councilmember Rawlings expressed appreciation for Mr. Klein’s work. He asked what the average height of a 1-story house would be. Mr. Klein stated it would be approximately 20 feet. He stated that the maximum heights of other allowed structures, such as sunrooms and play equipment, is 15 feet. Councilmember Rawlings asked if there could be an approved vendor list to control the materials and design. Mr. Klein replied that it would be difficult to know exactly what each vendor provided, but it would also give an unfair advantage to those companies. Mr. Klein pointed out the cost of greenhouses, even the less expensive ones from Home Depot or Lowe’s can be up to \$10,000, so the restrictions enable the City to control the design and materials used. Councilmember Rawlings stated that he is not in support of approving greenhouses.

Councilmember Cain thanked Mr. Klein and the Planning Commission for their careful deliberation. She stated that she is not in favor of the rear setback because of how close a greenhouse may be to an adjoining property.

Councilmember Osman asked if the SUP could be revoked because of lumens. Mr. Klein replied that the City always has the opportunity to revoke an SUP and if certain standards are not met, it makes it easier to defend.

Councilmember Sipple asked that if a resident did not qualify because of lot restrictions, could they qualify for an attached greenhouse on the back of their home. Mr. Klein stated that currently greenhouses are not listed as an accessory use in the ordinance. He stated that in his research he was told that greenhouses need southern exposure. Councilmember Sipple stated that 95% of the residents in Leawood would not qualify because of the size of their lots. He was in favor of the 1 acre lot restriction, but would like to have options for residents who do not have that size lot.

Mayor Dunn stated that she was contacted by a resident who was extremely upset that the Council would allow this type of structure because the reason he moved to Leawood was because the detached structures were not allowed. Councilmember Osman commented that he has been contacted by two residents who were adamant that the City not allow sheds. Mayor Dunn suggested that the Council take a pause and work on educating the public. Ms. Bennett replied that the Council could continue it to a date certain

and post information on the City's website, Nextdoor, Facebook or Twitter and invite comments to the Planning Dept. email.

Mayor Dunn stated that the reason Planning Commission acted on this subject because they thought it was something the Council wanted. She stated that they talked at length about it.

Councilmember Osman suggested reviewing the ordinance to cover all detached structures and cautioned seeing non-conforming sheds built while residents are waiting to see what the Council decides. Mayor Dunn replied that greenhouses do not equate to sheds. Councilmember Osman noted that staff was instructed 6 months ago not to enforce restrictions of outdoor structures until the Council discussed what to do next.

Travis Torrez, Building and Code Enforcement Director, addressed the Governing Body. He confirmed that there are non-conforming sheds in the City that have been allowed to stay until the Council made a decision. He stated that those homeowners have been notified that the structures do not meet the City's ordinance.

Councilmember Azeltine agreed with Mr. Lambers and stated that the current ordinance has served the City well. He stated that it has set Leawood apart from other cities. He stated that he does not want to burden City staff with extra work, especially when there is not a large number of residents who want greenhouses. He appreciated being proactive and the work that Mr. Klein has done.

Councilmember Osman pointed out that there is an ordinance that allow playhouses. Ms. Bennett stated that there is a very specific playhouse definition to avoid lawn equipment being stored inside and there is a height limit. Councilmember Osman indicated that codes and amenities change. Councilmember Azeltine replied that codes change when there is a large amount of the population requesting it, but that there is not a great clamoring for greenhouses at this time.

A motion to approve Item 13H was made by Councilmember Osman and seconded by Councilmember Harrison. Motion failed with a roll call vote of 3-4. Councilmembers Azeltine, Cain, Rawlings and Larson voted nay. Councilmembers Harrison, Sipple and Osman were in favor. Councilmember Filla was absent.

- I. Ordinance amending Section 16-4-1.4 of the Leawood Development Ordinance entitled "Attached Accessory Structure Requirements and Exemptions" pertaining to greenhouses and repealing existing Section 16-4-1.4 and other sections in conflict herewith. (PC 148-21)
- J. Ordinance amending Section 16-4-2.2 of the Leawood Development Ordinance entitled "Detached Structures" pertaining to greenhouses and repealing existing Section 16-4-2.2 and other sections in conflict herewith. (PC 149-21)
- K. Ordinance amending Section 16-4-3.7 of the Leawood Development Ordinance entitled "Special Uses Designated" pertaining to greenhouses and repealing existing Section 16-4-3.7 and other sections in conflict herewith. (PC 150-21)
- L. Ordinance amending Section 16-4-1.2 of the Leawood Development Ordinance entitled "Location and Height of Accessory Uses, Buildings and Structures" pertaining to greenhouses and repealing existing Section 16-4-1.2 and other sections in conflict herewith. (PC 169-21)

- M. Ordinance amending Section 16-9-130 of the Leawood Development Ordinance entitled “Greenhouse, Commercial” and repealing existing Section 16-9-130 and other sections in conflict herewith. (PC 172-21)
- N. Ordinance amending Section 16-9-131 of the Leawood Development Ordinance entitled “Greenhouse, Non-Commercial” and repealing existing Section 16-9-131 and other sections in conflict herewith. (PC 173-21)

A motion to deny Items 13I-13N was made by Councilmember Osman and seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 7-0.

Mayor Dunn thanked Mr. Klein for his work and Councilmember Osman for bringing the item forward. Councilmember Osman requested to continue discussion on the shed ordinance at a future date.

Mr. Lambers echoed Councilmember Osman’s request to review the shed ordinance. He requested that it be added to the next agenda to re-affirm of the City’s prohibition to show action by the Council. Councilmember Sipple asked if the City has a list of the locations of the illegal sheds. Mr. Lambers stated that the staff has knowledge of the sheds that have been reported or have complaints about. Councilmember Osman asked if residents who have non-conforming sheds have been notified. Mr. Lambers stated that those the City is aware of can be notified that this item will be added to the next agenda.

14. OLD BUSINESS – None

15. NEW BUSINESS

Schedule Governing Body meeting on Monday, February 7, 2022 at 7:30 P.M.

Mayor Dunn stated that the meeting has been changed to start at 7:30 p.m. due to the Work Session that was added on February 7th at 6:00 p.m.

A motion to approve amended Item 15 was made by Councilmember Osman and seconded by Councilmember Harrison. Motion was approved with a unanimous vote of 7-0.

ADJOURN

The meeting was adjourned at 9:31 p.m.