

Regular Meeting**THE LEAWOOD CITY COUNCIL**

February 21, 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 Monday, February 21, 2022. Mayor Peggy Dunn presided.

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

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief Dale Finger, Police Dept.	Jarrett Hawley, Deputy Fire Chief
Brad Robbins, Police Capt.	Mark Klein, Planning Services Director
Nic Sanders, HR Director	Travis Torrez, Bldg/Code Enforcement Dir.
Chris Claxton, Parks & Rec Director	Ross Kurz, Info. Services Director
Mark Tepesch, Info. Services Specialist	Stacie Stromberg, Interim City Clerk

Others Present: Kevin Wempe, Gilmore & Bell; John Petersen, Developer; Travis Schram, Grata Development; Robin Polk, Heartland Enterprise

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 pointed out that Item 13B was added to the agenda.

A motion to approve the agenda as amended was made by Councilmember Harrison and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 8-0.

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 – None**
- 6. PRESENTATIONS/RECOGNITIONS – None**
- 7. SPECIAL BUSINESS**

Ordinance authorizing the City of Leawood, Kansas, to issue taxable Industrial Revenue Bonds (Leawood Village, LLC Project), Series 2022, and into certain documents related thereto (f/k/a State Line 87, LLC Project - Sales Tax Exemption only) [Roll call vote]

Kevin Wempe, Gilmore and Bell, 4618 W. 62nd Street, appeared and summarized the resolution, indicating that the City's intent was to issue the Industrial Revenue Bonds for the purpose of granting sales tax exemption on construction materials for the project. As they close the private financing, the company is requesting issuance of the bonds, which will be the final City Council approval before entering into the transaction. It also authorizes execution of documents related to the issuance of bonds. The City is not liable for payment of the bonds. Pursuant to City policy, as a condition to closing, the company will deposit a letter of credit in the approximate amount of the City's participation of foregone sales tax dollars. This will be the final approval for the project, which is anticipated to close several weeks thereafter.

Mayor Dunn confirmed that the estimate is a three-year construction time frame.

Mr. Wempe replied that it is the maximum term permitted.

Councilmember Sipple asked if the bonds would be retired in three years. Mr. Wempe stated that the bond documents provided for a three-year maturity of the bonds. There are construction performance milestones that require the company to finish in accordance with City policy, or the letter of credit can be drawn to repay the City. Councilmember Sipple asked if the bonds would be paid down in three years. Mr. Wempe stated that they would but that at maturity, the bonds often tender to the trustee for cancelation by the company. Councilmember Sipple asked who the trustee would be. Mr. Wempe replied that it would be Security Bank of Kansas City.

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

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 Filla

- B. Accept minutes of the January 18, 2022 Governing Body meeting
- C. Accept minutes of the January 18, 2022 Land Bank meeting
- D. Accept minutes of the January 13, 2022 Parks & Recreation Advisory Board meeting
- E. Approve renewal of Cereal Malt Beverage (CMB) License for Blade & Timber, LLC, located at 5203 W. 117th St. (CC)
- F. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City of Leawood and O'Neill Events & Marketing in the amount of \$7,500.00 pertaining to event plan development for Leawood's 75th anniversary (PR)
- G. Resolution approving and authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement between the City of Leawood and Continental Consulting Engineers, Inc. in the amount of \$14,000.00 pertaining to the Ironwoods Pond design [Project #80159] (PR)
- H. Resolution approving and authorizing the Mayor to execute a Professional Services Agreement between the City of Leawood and Continental Consulting Engineers, Inc. in the amount of \$19,500.00 pertaining to the relocation of the *Praise* sculpture [Project #79031] (PR)

- I. Resolution approving and authorizing the Mayor to execute a Professional Services Agreement between the City of Leawood and George Butler Associates, Inc. in the amount of \$40,750.00 pertaining to the 2022 Bridge Inspection and Inventory (PW)
- J. **Pulled by Councilmember Azeltine**
- K. Resolution approving and authorizing the Mayor to execute Change Order No. 2 between the City of Leawood and KBS Constructors, Inc. in the amount of \$29,854.00 pertaining to Phase I remodel of Ironhorse Clubhouse [Project #49136] (PR)
- L. Resolution accepting a portion of the easements and dedications necessary for the 2022 Mission Road (133rd to 143rd Street) Project [Project #80175] (PW)
- M. Resolution approving a Revised Final Plat for Leawood Plaza – Second Plat, located north of 123rd Street and west of State Line Road (PC 177-21)
- N. Resolution approving a Revised Final Plat for Hallbrook Office Center – Fifth Plat, located south of College Boulevard and west of State Line Road (PC 02-22)
- O. Resolution approving a Final Plan for Creekside Montessori School – Wall Sign, located north of I-435 and west of State Line Road (PC 04-22)
- P. Resolution approving a Revised Final Plan for Ranch Mart North – Lot 2 – NBKC Bank Patio, located north of 95th Street and east of Mission Road (PC 05-22)
- Q. Resolution approving a Final Plan for the Country Club of Leawood – 18th Hole Observation Deck, located south of Overbrook Road and west of High Drive (PC 06-22)
- R. Resolution approving a Final Plan for S. Paige Sander CPA, LLC (8000 Lee Boulevard) – Wall Sign, located south of Somerset Drive and west of Lee Boulevard. (PC 08-22)
- S. Approve 2nd and final payment in the amount of \$10,000.00 to Design Mechanical, Inc. pertaining to City Hall Heating Boilers project [Project #74076] (PW)
- T. Approve purchase of one (1) W60Ri Milling Machine in the amount of \$291,741.00 from Wirtgen Group (PW)
- U. Approve purchase of two (2) HP-45 PS Trailers in the amount of \$66,149.76 from Kraftsman, Inc. (PW)
- V. Approve purchase of four (4) fixed-unit Genetec Automated License Plate Readers (ALPR) in the amount of \$16,000.00 from Electronic Technology, Inc. (PD)
- W. Approve purchase in the amount of \$58,631.85 from Zoll Medical Corporation pertaining to an EMS Zoll X Series monitor/defibrillator and two (2) iSimulate monitor/defibrillator training systems (FD)
- X. Approve purchase in the amount of \$29,000 from Danko Emergency Equipment pertaining to a complete set of Hurst battery-powered hydraulic extrication equipment (FD)
- Y. Approve purchase in the amount of \$50,953.92 from Conrad Fire Equipment, Inc. pertaining to the annual fire hose replacement (FD)
- Z. Approve purchase in the amount of \$35,000.00 from Rainbow Fireworks, Inc. pertaining to fireworks for the 2022 July 4th Celebration (PR)
- AA. Approve purchase in the amount of \$74,229.68 from Modern Business Interiors pertaining to new furniture for the Ironhorse Golf Course Clubhouse (PR)
- BB. Declaration of surplus property: one (1) 2018 John Deere Walk-Behind Mower; one (1) 2017 Toro Grandstand Mower (PR)
- CC. **Pulled by Mayor Dunn**
- DD. Fire Department Monthly Report
- EE. Municipal Court Monthly Report

A motion to approve the remainder of the consent agenda was made by Councilmember Larson and seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 8-0.

Discussion of Item 8A - Accept Appropriation Ordinance Nos. 2022-5, 2022-6 and 2022-7

Councilmember Filla asked about No. 2022-5, wanting to know what the treasurer is paid for and what a submission document is.

Ms. Bennett responded that it could be a court-required payment but that she would look it up and get back to everyone.

Mayor Dunn speculated that it could be dues.

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

Discussion of Item 8J – Resolution approving and authorizing the Mayor to execute an Interlocal Agreement between the City of Leawood and WaterOne in the amount of \$495,000.00 pertaining to the relocation and replacement of water distribution mains on Lee Blvd. from west 83rd Street to Somerset Drive [Project #72087] (PW)

Councilmember Azeltine asked why the money needed to be paid first and then reimbursed.

Mr. Ley responded that 95% would be paid up front with the last 5% paid or reimbursed if the project comes in under budget.

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

Discussion of Item 8CC - Police Department Monthly Report

Mayor Dunn was impressed with the proactive patrolling of a strangely parked car that had been stolen. She also appreciated the arrest of an identity thief, as well, that cleared many cases.

Councilmember Cain asked how the IDs and credit cards were stolen.

Chief Finger speculated that it was due to unlocked cars.

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

Councilmember Filla complimented Public Works for the work on the easements.

9. MAYOR'S REPORT

- A. Fire Chief Colin Fitzgerald orchestrated a terrific groundbreaking for our new Fire Station No. 1 on a gorgeous weather-day. I was joined by Councilmembers Filla, Osman, Rawlings, Harrison, Sipple and Cain, as well as Scott Lambers and all department heads. Former Fire Chief Dave Williams also joined us for the festivities. The groundbreaking was swift, as the contractor moved up his schedule and is ready to begin.
- B. I had the pleasure of presenting abbreviated State of the City remarks for the Leawood Rotary Club via Zoom during our snow storm last week. The full script is now posted on the Leawood webpage.
- C. Speaking of snow storms, tremendous thanks to Public Works Director David Ley and his team, along with some Parks assistance, on the great job they did with the street clearing

during our recent event. We hope that the remaining winter months won't have too many additional storms.

10. COUNCILMEMBERS' REPORT

Councilmember Deb Filla: Discussion regarding greenhouses

Councilmember Filla apologized for missing the meeting in which the topic was discussed. She wanted to express support.

Councilmember Azeltine asked if the motion to rescind would be in the next meeting.

Mr. Lambers added that a motion to rescind did not require the City Administrator being involved.

Councilmember Filla stated that it needed to be on the agenda and didn't need a dissenting opinion. If it passes, the item would be on the following agenda.

Councilmember Azeltine asked if it was a motion to reconsider. Ms. Bennett stated that it was a motion to rescind and that a motion to reconsider would need to come sooner. The motion to rescind would require a 2/3 majority. A simple majority requires notice, which would put it on the agenda for the next meeting.

Councilmember Sipple asked if the minutes from the meeting were available so he could see the vote. Councilmember Cain replied that the vote was 4-3.

Councilmember Sipple stated that putting it on a future agenda wouldn't guarantee that the vote would be favorable.

Councilmember Azeltine pointed out that it could set a bad precedent because it could be used often. He pointed out that the Council has spent many hours on the subject that potentially affects few people.

Councilmember Cain restated that her issue was where the greenhouses could be placed. She asked if the issue is rescinded her vote would not change, as it was presented originally.

Ms. Bennett added that it would be an item on the agenda with a motion to rescind action taken on the issue. If it passes, all the ordinances come back for discussion. It would start over at the City Council level at the meeting following the action to rescind the denial.

Councilmember Cain reiterated that her vote would not change. Councilmember Filla replied that the conversation would start from scratch.

Ms. Bennett stated that it would come back as a planning item normally would, but if more information on setbacks is needed, it would be better to start over.

Councilmember Rawlings asked if a vote could be changed if nothing changes in the presentation. Ms. Bennett replied that if the matter is rescinded, it is a new vote.

Councilmember Rawlings asked if everything else remains the same, the vote would be 4-4, and the Mayor would break the tie. Ms. Bennett replied that Mayor Dunn could choose not to, in which case, it would be a denial. Councilmember Sipple asked if it remains a tie, would it stay in the books the way it is now. Mayor Dunn replied that it has always been that way.

Ms. Bennett stated that it could be approved, denied, or remanded if the Planning Commission needed to reconsider something.

Mayor Dunn stated that she didn't vote that night, but she had concerns about the size that would be allowed. She was also concerned when Councilmember Sipple was disappointed with the 1-acre lot size requirement. The way the ordinance is currently written, she could not break the tie, but that she could consider something that was smaller and attached by a breezeway.

A motion to place consideration of a motion to rescind action taken regarding greenhouses on January 18, 2022 on the March 7, 2022 agenda was made by Councilmember Harrison and seconded by Councilmember Filla.

Councilmember Cain asked if the only recourse would be to remand back to the Planning Commission. Ms. Bennett replied that it would change other ordinances, also. The issue is that some ordinances could affect others, which could require more ordinances to be reviewed.

Councilmember Osman expressed that he had brought the issue up initially. While he supported the rescinding, he also agreed with Councilmember Azeltine's concern about the precedent it could set.

Councilmember Filla pointed out that this is the first time she has suggested something like this and that it was not done lightly.

Councilmember Azeltine reiterated that the Council should be mindful of the consideration.

Councilmember Rawlings stated that he could not support it because the issue could continue indefinitely.

Mayor Dunn stated that the vote would be to consider adding it to the next agenda to entertain a motion to rescind the action.

Motion to place consideration of a motion to rescind action taken regarding greenhouses on January 18, 2022, on the March 7, 2022 agenda failed with a roll-call vote of 4-4-0. Councilmembers Cain, Filla, Harrison and Osman voted in favor to rescind. Councilmembers Azeltine, Sipple, Rawlings and Larson voted nay. Mayor Dunn abstained.

Councilmember Sipple stated that he supported greenhouses but thought there was a better way to address the issue. He was concerned about the precedent.

Mayor Dunn chose not to vote for reasons stated and for the concern about smaller lots being requested. She felt that if a modified proposal were to be presented, it could be considered.

Councilmember Cain asked if Planning Commission could also vote to rescind. Ms. Bennett stated that they follow Robert's Rules of Order and that the motion to rescind can only be used when no action has been taken in reliance on it.

Mayor Dunn pointed out that the Planning Commission makes a recommendation, but City Council takes action. She also thanked Mr. Klein for all the research.

11. CITY ADMINISTRATOR REPORT

Covid Update

Scott Lambers reported that the Centers for Disease Control (CDC) is looking to change mask mandates. He will bring findings to the next meeting.

12. STAFF REPORT – None

13. COMMITTEE RECOMMENDATIONS

[From the January 12, 2022 Public Works Committee meeting]

- A. Consider recommendation for Standard Operating Procedure for the consultant selection on Construction Inspection Services

David Ley appeared and reviewed the request, which included a change in the selection process for construction inspection on federally aided projects. The current procedure is the Public Works Committee selects a design consultant. Once the design is completed, staff negotiates the amendment with the designer. The change would include a short list of three firms that staff would interview for the construction inspection, bringing it through the Public Works Committee and to Governing Body.

Councilmember Azeltine asked if the same process would apply to stormwater projects. Mr. Ley replied that the interview process is important because of the amount of paperwork.

A motion to approve the recommendation was made by Councilmember Filla and seconded by Councilmember Filla. Motion was approved with a unanimous vote of 8-0.

[From the January 25, 2022 Planning Commission meeting]

- B. Ordinance approving a Revised Preliminary Plan and Revised Final Plan for Cocherl Family Subdivision – Lot 1, located north of 143rd Street and east of Kenneth Road (PC 82-21) [Roll Call Vote]

Robin Polk, CFS Engineers, appeared via Zoom and stood for questions.

Mark Klein referred to the memo on the dais and stated that the Planning Commission removed stipulation Nos. 4, 5, and 6, which is noted in the Staff Report, and that the Governing Body ordinance is correct. Mayor Dunn asked if the reference on page 4 that addresses stipulation No. 4 was fine. Mr. Klein replied that it was.

Councilmember Filla was pleased to see that pervious concrete was used for the parking and wondered if any kind of maintenance requirement would be included. Mr. Polk replied that it would be part of the maintenance on the parking lot. Mayor Dunn responded that a Public Works memo required construction in accordance with the Leawood Development Ordinance (LDO).

Mr. Klein replied that it should be vacuumed to remove the particulate to meet Best Management Practices (BMP). Councilmember Filla replied that she had not seen this on any other commercial endeavor. Mr. Ley added that pervious pavement is also at Walgreens and includes an inspection by the property owner per City Code.

A motion to approve Item 13B was made by Councilmember Cain and seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 8-0.

- C. Ordinance approving a Rezoning from SD-CR (Planned General Retail), SD-O (Planned Office) and RP-3 (Planned Cluster Attached Residential) to RP-2 (Planned Cluster Detached Residential), Preliminary Plan and Preliminary Plat for Macallister Place – Single Family Subdivision, located south of 135th Street and east of Roe Avenue (PC 152-21) [Roll Call Vote]

John Petersen, Macallister Development, 11817 Norwood Drive, Leawood, KS, gave a review of the proposal. The project is coming forward with a new development team with no drama. He agreed with every stipulation and is excited about the development partner of the highest quality and a vision for 135th Street. The site is vacant, and it still is in a financial quagmire of over \$1 million in property taxes. Moving forward would allow the City to be reimbursed for \$1.65 million in bond payments. The site includes 63 residential homes. The focus is empty nesters looking for smaller, high-quality, reasonably priced, maintenance-provided homes on public streets. Planning Commission will consider Final Plan and Final Plat pending approval of the current Rezoning request. The project will have entry monuments, wrought-iron fencing, landscaping along the street, and a dog park. The homes are custom built with input from the development group.

Travis Schram, Grata Development, 6300 W. 143rd Street, Suite 200, Overland Park, Kansas, reviewed the various developments produced by Grata Development, including 20% of the new home listings in Johnson County. The target market is active retirees who want to be part of an active community. The single-family can add a unique segment to the mixed-use corridor.

Councilmember Harrison asked if there was a plan for pickle ball courts. Mr. Petersen pointed out open spaces south of 137th Street with some thought about what could be done there. Mr. Schram stated he would like to research what the community would like. Councilmember Harrison stated that a pickle ball court is noisy. Mr. Petersen reiterated that consulting with neighbors would be important for that reason. Councilmember Harrison asked if the current neighbors would be consulted. Mr. Petersen said that there is a good working relationship with the neighbors to the south, but before a plan for the amenities, neighbors will be consulted.

Councilmember Harrison reiterated that the neighboring homes should have the most input. She referred to discussion at the Planning Commission regarding development of 100% residential and how to address potential future requests to continue with that instead of adding in commercial. Mr. Petersen replied that it is difficult to sustain commercial development in the corridor because so much has already been established and that it has to be a part of something larger. He felt that Cameron's Court could support commercial and that the proposed residential development could further support it.

Councilmember Cain was thrilled to see the proposal, despite it not meeting the 135th Street Corridor Plan or the Comprehensive Plan. She appreciated the height and density of the proposed houses as well as the for-sale aspect and hoped it would set a precedent for future development. She hoped to see a lower price point as the area is built out and also supported the idea of an unlit pickle ball court, as she has seen a large demand for them. Mr. Petersen added that there would be no lighting.

Councilmember Sipple stated that he has spoken with current nearby residents who are in favor of the proposed development. He asked about the price range of the lots and homes. Mr. Schram responded that the hope was to get to \$200,000 per lot and go up to \$275,000 and that the hope for the homes would be \$800,000-\$1.4 million.

Councilmember Sipple asked what the ratio would be of commercial and residential development. Mr. Klein hadn't computed the actual numbers. Mr. Petersen didn't have the percentages but had permission

from Mr. Musil (representative of the building on the northeast corner) and Mr. Patterson (owner of the building on the southeast corner) to share that the ownership of the buildings is strongly in support of the project. Currently, their projects are devalued because of the inaction on the land of the proposed project. He estimated that the ratio is in the 5% range. Mr. Klein added that ratios are difficult to estimate without knowing how large each house will be or how they will be integrated with a buffer as opposed to easy access offered in mixed-use development.

Mr. Petersen added that the project meets the LDO, and staff recommends denial because of the Comprehensive Plan. He asked for consideration from the perspective of prospective owners who want a smaller house, which speaks to a mixture of uses in the 135th Street Corridor.

Councilmember Sipple asked if the applicant would consider smaller units south of 137th Street, similar to the Lashbrook proposal, so a variety of more modest home ownership opportunities could be added to the area. Mr. Schram responded that the goal is to utilize the current infrastructure, which limits development.

Councilmember Sipple offered that Lots 13-21 might lend themselves to a variety of smaller opportunities such as twin villas. He also asked about the wall along 135th and the wall along Roe. Mr. Schram replied that the wrought-iron fence would run into the pillar. Councilmember Sipple pointed out that those in Lots 13, 14, and 15 would get road noise, which could be prevented with walls. Mr. Schram replied that walls are hard and that sound bounces. To combat the noise, dense landscaping would do a better job. The monument and the wall are meant to serve aesthetic purposes rather than security or sound deadening. Mr. Petersen added that the intent was to be soft and pleasing rather than representing a fortress.

Councilmember Azeltine asked Mr. Schram about developments with a diversity of housing and wanted to confirm that it was not possible with the current proposal. Mr. Schram replied that he had spent a lot of time exploring the idea and could not get the diversity to work. Councilmember Azeltine supported the 100% residential but also encouraged more diversity in options if at all possible, especially more affordable housing. Mr. Schram replied that lot depth created an issue because the value in paired housing is increased density, and the value of a duplex on the lots of the depths available would not meet the expectations. Councilmember Azeltine asked about cost savings because of the current infrastructure. Mr. Schram responded that much of it required reworking at a substantial cost. Councilmember Azeltine hoped for a better transition between the housing developments. Mr. Schram pointed out that State Line Road has similar transitions. Mr. Petersen added that Mr. Schram agreed with the desire but that the reality was that the infrastructure only allowed for what is currently proposed.

Councilmember Rawlings followed up with a question about the cost versus market demand, considering residents who want homes below the \$400,000 price point. He asked if it was truly not possible to build something such as patio homes that would be higher density. Mr. Schram replied that what needs to be done to accomplish a lower price point is to reduce the price of the lot, which can be achieved by reducing the linear footage on the road, both of which are limited by the current layout. Additionally, the need to get to market quickly prohibits tearing out current infrastructure. Mr. Petersen added that the lots will sell because there is a market demand for them. Councilmember Rawlings asked about the demand for a dog park, since it was the only green space in the project. Mr. Petersen replied that the demand is high and that green space is also on the south side of 137th Street as well as on the lots themselves.

Councilmember Larson supported many elements of the project, including the change in the fence and incorporation of wrought iron. She appreciated that the single-family, for-sale homes help break up

nearby density. The fact that the neighbors are in favor carries a lot of weight for her. She appreciated that the proposed plan makes good use of a property with many hurdles.

Councilmember Filla appreciated the effort to consider lower price points. She asked about the square footage. Mr. Schram replied that minimum square footages are 1,800 on the main floor with an average of 2,500 square feet and three-car garages. Mr. Petersen added that the value will be buyer driven. Councilmember Filla added that the price point still seems high for retirement and that she hoped for a variety of homes while still understanding the challenge of the property. She was not supportive of the lack of mixed price points because it does not encourage a viable community. Mr. Schram replied that affordable housing is important to him and that he likes finding ways to provide the best value; the issue is the existing infrastructure and the financial burden of the property. The hope with the development is that people moving in may free up lower-cost housing. Councilmember Filla felt that retirees would want to move to a lower-cost home. Mr. Schram replied that there is supply at all different price points, so adding supply at any level will ease supply issues at every level. Councilmember Filla felt that some of the lots were deep enough for two houses. Mr. Petersen pointed out that the Leawood Development Ordinance prohibits that. Councilmember Filla encouraged creative thinking to find a solution that offers more variety at a lower price point. Mr. Petersen restated that the market will support the proposed project and that the developer is doing the best with what the property allows.

Mayor Dunn asked if the \$800,000 base price point for homes included the lot. Mr. Petersen confirmed that it does. She asked Mr. Klein to confirm that the northeast corner would be retail because she thought it was commercial. Mr. Klein replied that it was a bank, which was considered retail.

Mayor Dunn asked if a swimming pool would be included and if there were amenities other than the dog park and the two areas of green space at the south end. Mr. Schram pointed out that the $\frac{3}{4}$ -acre dog park will include seating to create more of a gathering space.

Mayor Dunn asked about the Aventino name. Mr. Schram stated that Aventino is part of a branding that includes an Italian theme. Aventino is the neighborhood surrounding the southern hill of Rome with a famous keyhole that shows St. Peters and the Vatican. Those elements are meant to serve as connections to the southern part of the development and the ties to Church of the Resurrection in order to create a story. It would be marketed as Aventino.

Councilmember Sipple asked if the lots would have sidewalks on both sides of the street. Mr. Schram replied that there are 5-foot sidewalks on both sides of the street, allowing enough room for street trees. Councilmember Sipple asked if the County is giving ample time to do the business, given all the financial burdens. Mr. Petersen said there is enough time as long as it is resolved by March 31st.

Councilmember Harrison pointed out that the street trees appeared to be very close together. Mr. Klein replied that the requirement is 40 feet on center. Mr. Petersen said that they meet the code.

Mr. Klein added that sidewalks are on one side of the street on the internal; 135th, Roe, 137th, and Fontana will all have sidewalks on both sides.

Ms. Bennett clarified that there are price points of \$750,000-\$1.1 million and \$850-\$1.3 million, which includes the lot price. Mr. Petersen said that it is driven by the market, but that \$800,000-\$850,000 would most likely be the base. The goal is not to be the most expensive place to live in Leawood.

Councilmember Cain talked about how houses that are stacked together have a sea of concrete, which is not what she wants to see. She appreciated the conversation about transitional housing and the variety,

while understanding the constraints. She asked if the builders' names could be shared. Mr. Schram replied that there are verbal commitments from Don Julian, Rozier Homes, and Patrick Willis.

Councilmember Osman shared a comment from his parents about wanting to retire closer to the kids but not wanting to sell their house and downsize at the same price point. With the goal to target the retirement community and Leawood's average age of 43, the concern is the lack of younger residents. If the code is changed for this section to allow for smaller setbacks, could it allow for affordable homes. Mr. Schram shared that trying to add more lots wouldn't work with all the curves, even if zoned differently, because the lot has to be narrower. Mr. Petersen added that the plans could be changed, but the financial burdens are far too great.

Councilmember Azeltine shared that it seemed the only solution would be to go vertical, which he was not suggesting.

Mayor Dunn pointed out that the RP-2 zoning has 10-foot side yards. Mr. Schram added that the houses would be 60 feet wide. To address downsizing in the residential market, the current property with its existing conditions would not be able to solve the issue; it would need to be an empty piece of land. He spoke to marketability and how walkability is appealing to many who are tearing and rebuilding houses in Old Leawood.

Mayor Dunn asked about landscaping buffers with the nine deep lots on 135th Street. Mr. Petersen replied that the plan is for berms and heavy landscaping. Mr. Schram talked about the street trees on 135th and Roe. Additionally, there is grade separation, so the road is lower than the lots with a 3-4-foot separation. Landscaping will be evergreen trees.

Councilmember Azeltine shared support for the project because it is not just about how it is zoned and what is going in, but rather the financial situation accompanying it.

Councilmember Rawlings was not initially thrilled about the lack of patio homes or duplexes, but he trusts the developer's expertise. He expressed support of the project.

Councilmember Osman was initially vehemently opposed to the project because of the 135th Street Community Plan, strategic planning of the area, and lack of retail. One side is flanked by Overland Park and big box; the other side, by Kansas City and big box. The challenge is how to master-plan the area. The challenge of affordable housing drives people out of Leawood. Young people appreciate walkability. He expressed the importance of having a developer presenting the information in simple terms and believed that the affordable housing cannot be developed on the site. He expressed support for the project despite the lack of a mix of uses and affordable housing.

A motion to approve Item 13C was made by Councilmember Larson and seconded by Councilmember Azeltine. Motion was approved with a roll-call vote of 5-3. Councilmembers Azeltine, Cain, Osman, Rawlings and Larson voted in favor. Councilmembers Filla, Harrison and Sipple voted nay.

14. OLD BUSINESS – None

15. NEW BUSINESS

Schedule Governing Body Short, Near & Long Term Goals on Monday, March 28, 2022 at 6:00 p.m.

A motion to approve Item 15 was made by Councilmember Cain and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 8-0.

Meeting was adjourned at 9:20 p.m.