

**CITY COUNCIL MEETING MINUTES
CITY OF ROELAND PARK, KANSAS
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, October 10, 2016 6:00 P.M.**

- Joel Marquardt, Mayor
- Becky Fast, Council Member
- Tim Janssen, Council Member
- Ryan Kellerman, Council Member

- Teresa Kelly, Council Member
- Sheri McNeil, Council Member
- Michael Poppa, Council Member
- Michael Rhoades, Council Member
- Erin Thompson, Council Member

- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Bohon, City Clerk
- John Morris, Police Chief
- Jose Leon, Public Works Director

Admin
Poppa
Fast

Finance
Kelly
Janssen

Safety
Thompson
Rhoades

Public Works
Kellerman
McNeil

PLEDGE OF ALLEGIANCE

Mayor Marquardt called the meeting to order and led everyone in the Pledge of Allegiance.

ROLL CALL

City Clerk Bohon called the roll and everyone was present.

City Administrator Moody introduced John Davidson, the new Building Official for Roeland Park.

I. ITEMS

1. COMMERCE BANK UTILITY EASEMENT DEDICATION ON FINAL PLAT

City Administrator Moody said the Commerce Bank property is currently one lot and the proposal is to divide it into two lots. Both lots would meet the City's minimum width and size requirements for its particular zoning district. There are a couple of public utility easements that need to be conveyed and that request is before the Council. The Planning Commission has the authority to approve plats, but public right-of-way utility easements that are conveyed by that plat are the Council's authority to accept.

Mayor Marquardt disclosed that the firm he is with does work with Commerce Bank and he personally has worked with Commerce Bank and recused himself from the vote.

CMBR Rhoades had a question with regard to procedure if the Mayor is the tie-breaking vote and he has recused himself from voting and how that would be handled. City Administrator Moody said it takes six yes votes to overturn a recommendation by the Planning Commission or to amend their recommendation. Confirming the Planning Commission's recommendation only requires a simple majority.

City Attorney Krstulic said an abstention would have the effect of being a vote against the motion.

Public Comment:

Kyle Rogler - Mr. Rogler expressed his concerns over the development plan of the Commerce Bank site. As a member of the Planning Commission he voted against the development plan and said the project did not meet the minimum performance requirements as set aside in the MXD zoning code. He directed the Council to review Sections 16-454(f), Section 16-455(f), Section 16-450, MXD Use District, General Purpose and Description of the City's Municipal Code.

Deb Settle - Ms. Settle said she is not against the development, but questioned who was running the hospital and what were the statistics of the company. She also requested a privacy fence from the developer to deter foot traffic in her back yard.

Aaron March with the White Goss law firm and representative on behalf of the combined development of Commerce Bank and Embree Associates for the hospital. He introduced Brent Hall with Commerce Bank and Steven Kirkpatrick, Embree Associates, developer of the hospital property. Embree is not the operator, but the developer/landlord. Also at the meeting to answer questions were Matt Masilionis and Austin Herndon with RMTI, the project architects for the bank portion of the building, and Seth Reece from Olsson & Associates, who is handling the landscaping.

Mr. March said the only questions were with regard to the landscaping on the west side of the hospital building. There needs to be the tall grass and the native grasses in order to satisfy the best management practices for storm draining by MARC BMP calculations. Other than that, they have no issues or concerns with the recommendations made by the Planning Commission. There will only be wall signs and no monument signs.

Mr. March showed a slide presentation of the development plan, the dimensions and landscaping.

Matt Masilionis addressed the changes in banking that has occurred since the original plans were created, which reflects smaller buildings, resulting in a smaller footprint and a more sustainable neighborhood. He also made a presentation on the design elements of the project.

Mr. Reece outlined the specifics of the landscaping.

Steven Kirkpatrick with Embree Asset Group and developer, detailed the planned retaining wall and showed there will be no access for pedestrian traffic on the west side of the site. Off Johnson Drive there will be an emergency drop-off with a canopy. The southeast corner will have an inpatient entrance for visitors. On the north side will be ambulance access and a service entry at the rear of the building. The hospital will be licensed by the state of Kansas and serve two core functions. One will be an inpatient nursing side that will consist of eight inpatient beds that can keep patients overnight mainly for nursing and monitoring. The second is as an ER department which can treat Level 4 traumas that are just above urgent care type emergencies, life threatening emergencies. Most patients will be self-driven or brought in by a family member or friend. Ambulance traffic will almost exclusively be limited to taking patients away from the hospital. They will have the ability to take anyone and treat them and stabilize them. If a higher level of care is needed, then transport can be arranged to another facility.

Mr. Kirkpatrick said he cannot identify the provider at this time, but did state it is a local provider committed to the community. Embree also has approvals for special use permits and a final permit for a facility in Overland Park and Leawood with this provider. This hospital model is new and being driven by changes to healthcare regulations and patient needs. The desire is to bring emergency care closer to where people live, closer to rooftops and commercial uses with a focus to reduce wait times in larger emergency rooms. Mr. Kirkpatrick also provided a photometric plan that meets the City's regulations with regard to lighting. Mechanical items on the room will be screened and are not expected to be heard over the traffic on Johnson Drive. The ambulance traffic will be low, with an anticipated two per month, and generally there is no use of lights and sirens.

Mr. March noted additional stipulations made by the Planning Commission to which they agree.

- The southeast corner be maintained as the side for fulfilling the one percent for art requirement.
- Meet with the Arts Committee (scheduled for November 16th.) To discuss integrating with the City's plans for Roe Avenue in 2020.
- Signage will be limited to the face of the building with no monument sign
- Agree not to exceed 60 decibels at the property line
- Rooftop mechanicals will be screened
- Adding colors to the landscaping colors
- Increased bike rack parking

There was discussion of the landscaping adjoining the residential property line and the possible confusion having native grasses up to the mow line.

John Honiotes, SKW City Engineer, said to remove the planned native grasses for the project would cause the property to fall out of compliance with best management requirements (BMP) provided for by the state in MARC manual.

CMBR Fast mentioned that the switchgrass is more of a weed. Mr. Honiotes said the cultivar variety of switchgrass they plan to use is called Heavy Metal and is more ornamental.

CMBR Kelly said she was pleased with the use of native grasses to help with the stormwater in this project. She would hope there were better choices besides barberry and roses for color and that there are native ground covers available to also create contrast and color. She then asked for clarification on the NPDES permit.

Public Works Director Leon clarified that the NPDES, National Pollutant Discharge Elimination System is a permit that is obtained annually.

City Attorney Krstulic said the adjacent property is owned in trust and it is their understanding could be coming up for sale. The trust was present at the neighborhood meeting. It was suggested at the meeting that the neighborhood association buy the land and use it as a park, or have someone else buy it and develop it. Neither the bank nor the City needs the property for the development of the project.

CMBR Kellerman asked for clarification on back entrances and the location of these types of hospitals being this close to residential areas. Mr. Kirkpatrick said this is not the first and they end up being very quiet neighbors and fit nicely into residential areas. He was unable to explain at this time why the owner of the hospital did not wish to disclose who they are.

CMBR Thompson noted the motion on the table is on the easements and the conversation should proceed in that direction.

City Administrator Moody said the beginning of a project is to establish the property lines.

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO APPROVE THE DEDICATION OF PUBLIC LAND FROM THE PLAT AS APPROVED BY THE PLANNING COMMISSION. (MOTION PASSED 8-0).

2. COMMERCE BANK REZONING

Ms. Jones-Lacy said that she would go through each item from the staff report, the dedication of easements, the rezoning and the redevelopment agreement and then the Council can then vote on each item. The proposed ordinance includes both the rezoning and the adoption of the redevelopment plan.

Arts Committee Chair Marek Gliniecki said the Arts Committee found the project stipulations for art acceptable. City Administrator Moody said the Arts Committee will provide direction to the City Council on the final design of the area. He said that in the 2012 development agreement it discussed the one percent for arts contribution.

Ms. Jones-Lacy reviewed what the MXD designation indicates. The Planning Commission approved the recommendations made by staff, but the actual property itself is zoned MXD. However, the existing MXD ordinance does not allow for a hospital-type use within the ordinance. By adopting Ordinance 940 it would allow for that use. Staff is recommending the Council adopt the MXD as amended for this property.

Ms. Jones-Lacy said the development plan has been reviewed by City staff as well as City Engineers and adjustments to the plan have been made based upon their recommendations. Those submissions were subsequently approved by the Planning Commission. Staff is recommending the Council support the Planning Commission recommendation with the staff-endorsed stipulations which are to increase the use of color in the landscape plan, clarify the quantity of bicycle parking, show a sidewalk connecting the north parking lot to sidewalk system and shift the hospital generator enclosure to be in line with the building and show doors on the trash enclosures. All these requests have been met and are no longer at issue.

She said the residents have raised questions during the public meetings and they are included in the packet, along with the history of this project. By adopting Ordinance 940, Council is adopting the development plan as well as the rezoning.

Concerns regarding the safety of the retaining wall can be discussed during the plan review process. City Administrator Moody clarified that where the retaining wall is 42 inches higher than the adjacent grade there needs to be fall protection provided on the uphill side of the wall. That will need to be done where the wall gets to that point. The proposed wall is not greater than 42 inches the entire stretch. The wall will be holding back the property to the west and to the north.

CMBR Kelly stressed the importance of the need for a feeling of privacy and safety with regard to the development and is due some consideration because it is important to the residents.

Mr. March said the southern end of retaining wall is at grade. It will be a landscaped area with areas of plantings. He can agree to have those plantings subject to staff approval and they will be significant enough to serve as a physical barrier as well as being aesthetically pleasing.

CMBR Fast called the question, but there was no second, so the discussion continued.

City Administrator Moody said the ordinance does reflect both the rezoning and the approval of the development plan.

CMBR Kelly said there were concerns with the drive-thru and asked if those concerns could be addressed with landscaping and more substantial screening.

Mr. March said they would happily work with staff to enhance that to further screen it from view to the street.

CMBR Poppa asked if there was data for self-transportation to emergency rooms. Mr. Kirkpatrick responded that this hospital model is not typically for ambulance mode of transportation. If an ambulance is required, then it will go to a larger area hospital as they will know what type of emergencies this facility can handle.

CMBR Poppa also inquired about Embree's experience in the area. Mr. Kirkpatrick said they are in the process of developing two other facilities like the proposed one for Roeland Park in Overland Park and Leawood.

CMBR Poppa also wanted to make sure that lighting from the property cuts off at the property line, and to include residual or any kind of overflow lighting, signs, canopies, headlights, etc. Mr. Kirkpatrick said their photometric plan does meet the ordinance. They want to be a good neighbor and want to minimize the light spilling onto residential property. CMBR Poppa thanked them for being here in Roeland Park and working so well with staff.

City Administrator Moody clarified the rezoning is MXD to MXD with a hospital use limited in size and limited in trauma service capability. The development plan is what is to be built on the land, what it will look like, and elevation of the floor and location of parking.

MOTION: CMBR FAST MOVED AND CMBR RHOADES SECONDED TO CALL THE QUESTION. (MOTION PASSES 7-1; WITH CMBR KELLY VOTING NO.)

MOTION: CMBR THOMPSON MOVED AND SECONDED BY CMBR RHOADES TO SUPPORT THE PLANNING COMMISSION RECOMMENDATION WHICH INCLUDES THE FOLLOWING STAFF ENDORSED STIPULATIONS: APPROVE REZONING TO A NEW MXD DISTRICT ALLOWING A HOSPITAL OF LESS THAN 20,000 SQUARE FEET WITH A TRAUMA CENTER DESIGNATION OF LEVEL OF IV OR V AS A PERMITTED USE WITHIN THE PROPOSED MXD ZONING. ALSO, RECOMMEND THE FOLLOWING STIPULATIONS: THE SOUTHEAST CORNER BE MAINTAINED AS THE SITE FOR FULFILLING THE ONE PERCENT FOR ART REQUIREMENT, WITH THE ARTS COMMITTEE PROVIDING DIRECTION ON THE FINAL DESIGN FOR THIS AREA; REQUIRING ALL FACILITY SIGNAGE TO BE LIMITED TO THE FACE OF THE BUILDINGS, NOT ALLOWING ADDITIONAL MONUMENT SIGNAGE; REQUIRE THE NOISE FROM THE SITE NOT TO EXCEED 60 DECIBELS AT THE PROPERTY LINE. (MOTION PASSES 6-2; WITH CMBRS KELLY AND POPPA VOTING NO.)

POLL THE COUNCIL

Fast - Y McNeil - Y Janssen - Y Rhoades - Y Kellerman - Y Thompson - Y Kelly - N Poppa - N

3. COMMERCE BANK DEVELOPMENT PLAN APPROVAL

CMBR Kelly asked to hear ideas on the screening for the drive-thru.

Mr. Reece said grasses are currently planned. They will be working with staff to increase the amount of screening. The grasses will be between 3½ -4 feet in height.

Matt Masilionis with RMTA is the architect firm of record for Prairie Fire and worked with Olsson & Associates on the landscape there and they used grasses to screen parking.

CMBR Fast said she was disappointed with the corner feature and that there is not enough variety.

City Administrator Moody said they are aware this needs to be discussed further and all are open to working with each other to come up with something final.

Mr. March said they will begin a dialogue with the Arts Committee and will put on deposit the one percent for art funds. With a project cost of \$6-9 million that would be \$60,000-90,000 for art.

It was also noted that the bank was originally approved for 4,700 square feet +/-, but the new bank is proposed to be 2,325 square feet as banking needs have changed.

Mr. Masilionis said that recognition of the bank is very important to Commerce and they want the tower and green roof with the brick and cast stone exterior. They have compromised by increasing the amount of stone and softening the green roof. The tower is a focus for them and is their strongest statement and is the brand known by their customer base.

CMBR Rhoades said he felt the bank design was small and flat.

There was brief Council discussion of the bank design.

Mr. Masilionis said they will also be adding pre-cast headers over the windows. He said they have worked hard to come up with this bank concept and one of the largest concerns the bank has is that tower.

Mr. March said the hospital needs to get going immediately and the bank wants to be able to sell the property to them immediately which is contingent upon the zoning. Rather than discuss the design of the bank, he asked the Council to consider only the approval for the final plan for the hospital, the entire preliminary development plan, which does not have the detail architecture. There would be nothing built until they came back for final plan approval from the Governing Body. He proposed just holding the plan on Commerce to discuss what they've been hearing and come back at a later time.

CMBR McNeil asked for clarification on the sale of the property to the hospital. Mr. March said they have a contract that's contingent on approval of the zoning and they will only purchase the real estate if they knew they could build on it.

CMBR Poppa said he would like to approve the hospital development plan and wait on approving the aesthetics for the bank.

Mr. March asked for approval of the preliminary development plan for the entire project. Attachments B01-B05 are specific components to the bank itself and the Commerce Bank signage sheet should be removed from consideration not considered as part of the final approved plan.

City Administrator Moody recommended to remove the preliminary and final development plan and the preliminary and final development plan, excluding Sheets B-01, B-02, B-03, B-04, and B-05, and the elevation sheet for the signage. A00, A02.

Brent Hall said they will go back and do more checking to see what they can present in terms of design and go from there.

CMBR Janssen asked what Embree's position with the hospital is. Mr. Kirkpatrick said they are not landlords, but will get a long-term lease, which is typically 15 to 20 years.

MOTION: CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE MICRO HOSPITAL AS INDICATED ON THE AGENDA, AND APPROVE THE PRELIMINARY AND FINAL DEVELOPMENT PLAN EXCLUDING ELEMENTS OF THE APPLICATION SPECIFIC TO COMMERCE BANK, EXCLUDING SHEETS A-00, A-02, B-01, B-02, B-03, B-04, B-05, AND B-06, AND THE BANK SIGNAGE EXHIBIT. (MOTION PASSES 8-0)

MOTION: CMBR KELLY MOVED AND CMBR RHOADES SECONDED TO SUPPORT THE PLANNING COMMISSION RECOMMENDATION WHICH INCLUDES THE FOLLOWING STAFF ENDORSED STIPULATIONS. APPROVE THE FINAL DEVELOPMENT PLAN AFTER CONSIDERING THE FOLLOWING CONDITIONS: INCREASE THE USE OF COLOR WITHIN THE LANDSCAPE PLAN; CLARIFY THE QUANTITY OF BICYCLE PARKING; SHOW A SIDEWALK CONNECTING THE NORTH PARKING LOT TO THE SIDEWALK SYSTEM; SHIFT THE HOSPITAL GENERATOR ENCLOSURE TO BE IN LINE WITH THE BUILDING AND SHOW DOORS ON TRASH ENCLOSURES TO INCLUDE EXCLUDING SHEETS A-00, A-02, B-01, B-02, B-03, B-04, B-05, AND B-06, AND THE BANK SIGNAGE EXHIBIT. (MOTION PASSES 8-0)

City Administrator Moody said the discussion should continue on Ordinance 940 with language to reflect approval of the rezoning which has been done and also the approval of the plans which has also been done. The ordinance was drafted reflecting action being taken simultaneously on the rezoning and the plan approval.

Anna Krstulic read the ordinance changes into the record. Section 1, the rezoning application preliminary development plan and final development plan for the property located at the northwest corner of Roe Boulevard and Johnson Drive are hereby approved, except for Sheets A-00, A-02, and B-01 through B-06, and the bank signage exhibit, which must be submitted for final approval.

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO APPROVE ORDINANCE 940 AS AMENDED. (MOTION PASSES 8-0)

4. AMENDMENT TO DEVELOPMENT AGREEMENT WITH COMMERCE BANK

City Administrator Moody said Exhibit B includes site elevations and would suggest incorporating the exclusion Sheets A-00, A-02, and B-01 through B-06, and the bank signage exhibit, which must be submitted for final approval at a later date to approve everything but the elevations.

Mr. March said Exhibit B of the Development Agreement lists the specific sheets which relate to the bank, but are not all of the ones. So, they would need to submit B-01, B-02, B-04, B-05 and the bank signage sheet at a later date. A-00, A-02, B-03 are not included as part of the contract, which is why it is not referenced.

City Administrator Moody clarified that A-01, B-01, B-02, B-04, B-05 and the signage sheet would be stricken from Exhibit B.

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO APPROVE THE DEVELOPMENT AGREEMENT WITH COMMERCE BANK AS AMENDED, WITH THE EXCEPTION OF SHEETS A-01, B-01, B-02, B-04, B-05 AND THE BANK SIGNAGE SHEET AS CONTAINED IN EXHIBIT WHICH SHALL BE SUBMITTED FOR FINAL APPROVAL AT A LATER DATE. (MOTION PASSES 8-0)

Mayor Marquardt thanked all the representatives from the Commerce Bank/Hospital project for their patience and working with the City.

Mr. March thanked the Governing Body for allowing them to move forward with the bigger project and the City has a great staff.

Mayor Marquardt thanked Mr. March for his fine comments about the staff.

5. REQUEST FROM 47th STREET OVERLAY COMMITTEE FOR MARKETING FUNDING

Ms. Jones-Lacy said the 47th Street Overlay Committee had submitted a request for a \$2,000 contribution towards marketing the fall festival that they are planning. They have requested funds from all three of the cities that adjoin in the corridor. They have requested \$2,500 from Westwood and Kansas City, Kansas and \$2,000 from Roeland Park as it is a smaller proportion of the corridor which is approximately 21 percent of the corridor. Twenty percent of the total equals \$1,470. Staff is asking for approval of their request.

CMBR Rhoades clarified that part of the funds would go towards a festival in 2017. They would use the funds to highlight the area and get the word out. They are also anticipating strong merchant participation.

CMBR McNeil suggested lowering the contribution to \$1,500 as the City has no commercial stake in the area.

CMBR Rhoades said an interlocal agreement was put together in the past and the City has an equal say with everyone and feels that by saying Roeland Park has less of an interest their role could be diminished and feels the City should stay involved as they are a part of the group.

CMBR Fast said she didn't think \$2,000 was very much to ask and supported that. She asked Ms. Jones-Lacy if this would come from the Public Relations line item. She said there is currently \$3,500 for 2016. This is why she recommended using 2016 funds as they are available and not likely to be spent before year's end. Next year there is an allocation for the Public Relations funds for the business luncheons/gatherings that are planned.

CMBR Kelly supported the funds but wanted to have better updates from the Planning Commission with regards to what is going on at the site at 47th and Mission.

Ms. Jones-Lacy said the Overlay District is trying to build an identity and everyone agrees that there is a lot of potential in that corridor. They are trying to build that brand and this request is an effort to do that with these marketing funds to kind of give themselves a sense of place among Kansas City residents. By planning this event, it is a kick-off to the public to encourage investment and people coming to the area.

CMBR Janssen said he supported the \$1,500 for the '17 year, but would increase that based on Roeland Park's engagement with the 47th and Mission development and the success of the festival.

CMBR Rhoades said the district wants to get a brand and the festival would be a kick-off for that in 2017.

Ms. Jones-Lacy said they're currently asking for funds for 2017, but they could possibly ask for more in the future. She is recommending giving it to them now as the funds are available in the budget. Westwood on the other hand will be making their contribution in 2017.

MOTION: CMBR MCNEIL MOVED AND CMBR FAST SECONDED TO AMEND THE MOTION TO \$1,500 CONTRIBUTION TO THE 47TH AND OVERLAY DISTRICT. (MOTION FAILS 5-4 WITH THE MAYOR CASTING THE DECIDING VOTE)

Poll the Council:

Fast - Y McNeil - Y Janssen - Y Rhoades - N Kellerman - Y Thompson - N Kelly - N Poppa - N
Mayor Marquardt - N

Mayor Marquardt said he believed CMBR Rhoades made a good argument.

MOTION: CMBR RHOADES MOVED AND CMBR KELLY SECONDED TO APPROVE THE \$2,000 REQUEST BY THE 47TH STREET OVERLAY COMMITTEE TO FUND MARKETING ALONG THE CORRIDOR ALONG WITH EXPENSES ASSOCIATED WITH A PLANNED 2017 FALL FESTIVAL. (MOTION PASSES 8-0)

II. ADJOURNMENT

MOTION: CMBR THOMPSON MOVED AND CMBR JANSSEN SECONDED TO ADJOURN. (MOTION PASSED 7-0)

(Roeland Park Special Call City Council Meeting Adjourned at 9:23 p.m.)



Joel Marquardt, Mayor



Kelley Bohon, City Clerk