

OVERLAND PARK CITY COUNCIL MEETING

July 7, 2025

Mayor Curt Skoog called the Overland Park City Council meeting to order at 7:30 p.m. The following members were present, constituting a quorum:

Mrs. Holly Grummert, Council President; Mr. Jim Kite; Mr. Logan Heley; Mrs. Melissa Cheatham; Mr. Jeff Cox; Mr. Scott Mosher; Mr. Gregg Riess; Ms. Inas Younis; Mr. Chris Newlin; Mr. Richard Borlaza; and Mr. Drew Mitrisin.

Also present were: Mrs. Lori Curtis Luther, City Manager; Mr. Michael Koss, City Attorney; Mrs. Kristy Stallings, Deputy City Manager; Mr. Bryan Dehner, Assistant City Manager; Mr. Jack Messer, Assistant City Manager; Mr. Steve Horner, Senior Assistant City Attorney; Mr. Trevor Stiles, Senior Assistant City Attorney; Mrs. Lorraine Basalo, Director, Public Works; Ms. Doreen Jokerst, Police Chief; Mr. Alan Long, Fire Chief; Mrs. Leslie Karr, Director of Planning and Development Services; Ms. Gena McDonald, Director of Finance and Budget; Mr. Brian Monberg, Manager, Current Planning; Mrs. Shawna Holtgrew, Deputy Chief Information Officer; Mr. Bryan Toben, Manager, Engineering Services; Director of Parks and Recreation; Ms. Jane Manis, Senior Civil Engineer; Mr. Tony Meyers, Manager, Engineering Services; Ms. Meg Ralph, Director of Strategic Communications; Mr. Mark Barksdale, IT Support Specialist; and Ms. Kathleen Behrens, Recording Secretary. There were approximately 45 audience members.

PLEDGE OF ALLEGIANCE

Mayor Curt Skoog led the audience in the Pledge of Allegiance.

OPEN PUBLIC COMMENT PERIOD

Mayor Skoog opened the public comment period.

Mr. Cody Dusthimer, 9161 West 123rd Street, stated he was a five-year renter in Ward 4 and lifelong resident of Overland Park. He grew up in the City and felt it has become challenging for many to permanently move to the City. He felt nearly 38 percent of households have the challenge of providing feedback to the Neighborhood Executive Committee, because it is structured around homeowners' associations. He felt this was a structural gap in the City's process. He is a teacher and he feels the City's policies contribute to a reality that teachers cannot afford to live in Overland Park. The representation gap needs to be closed. The Housing Advisory Commission mandates representation around expertise, and he felt the City needs this type of commission. He understood creating a new permanent body of this kind is a significant step, and he was proposing a responsible data-driven way to get there. He suggested allocating approximately \$75,000 from the 2026 General Fund for a temporary housing task force. He felt this would be a low-cost pilot program for Framework OP, which calls for expanding housing options. The existing structures struggle to build consensus. When large projects aim to grow their community and seek significant public subsidies, it creates an opportunity to ensure the promise of new homes, address affordability and access gaps, and it will help the neighbors who lack a formal seat at the table. The task force is a tool that cities like Nashville,

Florence and Tulsa use to break these kinds of political logjams. There would be two clear mandates. First is to provide a consensus of the recommendations and second, is to deliver a final report on the structure, need and value of an established and permanent housing advisory commission. They can then make an evidenced-based decision about a permanent housing commission. He felt this conversation needs to take place year around, so it will ensure the voices of 38 percent of the City's households are heard and woven into the fabric of the City.

With no further comments, Mayor Skoog closed the public comment period.

PUBLIC HEARING

CONSIDER ESTABLISHMENT OF A TAX INCREMENT FINANCING REDEVELOPMENT DISTRICT – Overland Park Plaza II TIF Project.

ORDINANCE NO. RD-3487 – Making findings and establishing a Redevelopment District generally bounded by Glenwood on the west, 112th Street on the north, Nall on the east, 115th Street on the south and including the northwest corner of 112th Street and Nall (Overland Park Plaza II TIF Project).

Assistant City Manager Jack Messer presented the establishment of a Tax Increment Financing (TIF) redevelopment district for the Overland Park Plaza II TIF Project. This project is in alignment with a variety of planning efforts that had been ongoing for the last 15 years in the City and specifically in this area. He felt this was brought on by the idea of work around College and Metcalf, which was in recognition of struggling office space areas even prior to the pandemic. There was a demand for amenities and a need to take a strategic approach to how they dealt with that component. Strategic planning identifies strengths, weaknesses, opportunities and threats. The legacy of office development in the City has been a historic strength and what they built the City around. However, the demands of the new generation identified this as a potential threat if action was not considered. The planning identified the need to bolster this longstanding strength by taking action that brought amenities not only to the specific offices, but the spaces and areas around them. Staff's identified five big ideas that created and amenitized an environment for more pedestrian ability on streets, creating park spaces through work spaces, the live work and play environment and overall greening the public realm in the area. Black and Veatch is a very positive corporate citizen, who participated in this planning effort with the City. They also listened to their employees and proposed a plan that aspires to those community planning efforts. Their redevelopment proposal includes a set of conditions that include a new headquarters, a walkable pattern of public streets, structured parking, multiple development sites and an integration with the surrounding area. Some statistics show the developer has a 30-acre site, and they are looking at a multi-phase and multi-year schedule, which includes public streets, utility infrastructure, dedication of a public park, and sharing of parking. The estimated cost of the total project is just over \$1 billion, with \$874 million in private investment and \$247,000 in reimbursable requests through a couple of incentive processes. There will be \$70 million in public infrastructure and \$140 million in parking infrastructure.

Staff provided the Committee and City Council an analysis of how the project relates to their own internal City policies. Black and Veatch has made an application for Tax Increment Financing (TIF), Community Improvement District (CID) and Economic

Development Revenue Bonds (EDRB) financing. There are some areas outside of the policy, and there is a broader reach of the district. The order of activities is a little different and some of the elements they are currently dealing with are a little out of phase. This is a multi-step process. A public hearing will be held tonight, and the City Council can establish the TIF District, but that does not set any incentive for any incremental value to the developer. The developer would then need to come back with a project plan and development agreement. The developer is currently scheduled for a rezoning with the Planning Commission in September. Previously, the FAED Committee unanimously recommended approval of this request on May 21, 2025, to set the date of the public hearing, and the Council did so under Resolution No. 5046, on June 2, 2025.

Mr. Messer referred to the TIF Act and eligibility of this project. The TIF Act is a legislative determination made by the State of Kansas that give the City the authority to promote and stimulate development for the general and economic welfare of the citizens of the state, as well as residents of the City. It is intended to promote redevelopment of eligible areas. The TIF Act contains eight different types of eligible areas within it. The discussion with Black and Veatch will be about a conservation district as an eligible area. The natural evolution and decline of development goes through phases, and the TIF Act is intended to address certain property before it gets to a stage of decline, particularly for a conservation district, which makes it more difficult to move it to a period of growth.

The proposed district is outlined in red on the map, and the hatched area is an area around Black and Veatch's existing building, which is excluded from the district. The developer is seeking eligibility through conservation, which is a determination the Council is considering tonight. There are other properties and ownerships that are part of this district. He outlined a rendering that indicates the different ownerships of the site. The yellow indicates an entity called College and Lamar, LLP; the blue ownership is the Black and Veatch property; and orange ownership indicates the Galleria site owned by Block Real Estate. The conservation district request was contained in an analysis presented by Black and Veatch as part of their application and requires the district to be 15 percent or less of the City's total land area, which has been met and 15 percent or more of the structures within the area need to be older than 35 years. Within that district, there is one structure currently vacant and 41 years old. The building located within the district must show two or more factors/ In this case, there are elements of dilapidation, obsolescence and deterioration, and excessive vacancy.

The first step is to hold the public hearing, close it, or extend it at the discretion of the Council. If the public hearing is closed, the Council can take action as they see fit. Staff prepared Ordinance No. RD-3487, which makes findings as to the advisability and establishes the districts in accordance with the TIF act if the Council wants to move in that direction.

Mayor Skoog opened the public hearing regarding the consideration of a TIF Redevelopment District for Overland Park Plaza II TIF Project. With no comments to be made, he closed the hearing.

Mrs. Holly Grummert moved to approve Ordinance No. 3487, making findings and establishing a redevelopment district generally bounded by Glenwood on the west, 112th Street on the north, Nall on the east, 115th Street on the south and including

the northwest corner of 112th Street and Nall, Overland Park Plaza II TIF Project. Mr. Newlin seconded the motion.

Mrs. Melissa Cheatham supported the motion to create the TIF District, as well as the concept presented. She felt they were making a positive move through a variety of planning projects in recent years, and were moving away from the old outdated suburban office concept, which is an island in the middle of a sea of parking to a more vibrant public realm for those who visit Overland Park, Black and Veatch and those who will use the new City Hall. She wanted to ensure the applicant and the public understand the details will matter as they continue down this path. She did not want her vote in favor of the creation of the TIF district to be construed as a guarantee of her support for future project plans. She intends to study each plan carefully and look for some additional clarity around the financing of the park and the use of the increment across the various parcels, and she will be looking at whether the sustainability commitments are in line with what they adopted for their own buildings. She will be looking at the proportion of the increment that will be used and felt everyone in the City needs to be contributing to the benefits they all enjoy by being in Overland Park. As they bring forth housing projects, she will look at attainability. She wanted to ensure that everyone knows this is a first step and she will review the project plans carefully in the future.

Mr. Jeff Cox referred to the \$250 million in reimbursable requests by the developer, and understood there were a variety of tax incentives that help fund that request. He asked if there was an existing budget for the various tax incentives.

Mr. Messer stated the \$227.7 million is an estimate of the TIF funding requested, and \$19.9 million is CID funding. There is a sales tax rate exemption for eligible expenses against what is taxable, which is around 10 percent.

Mayor Skoog felt it was important for the residents to know about the project prior to the Council voting on it. He explained the request involved more than only building Black and Veatch's new headquarters. This is the first step in implementing Framework OP, and their new comprehensive plan, which look at how they take the core industry of office space, primarily suburban office space, which is an office building surrounded by fields of parking, concrete or asphalt parking lots, and turn it into a place. Their community came together to emphasize what they need to do to ensure their businesses, industry office and the community are successful. He felt with this being the first step, it lays the groundwork so they can talk about a specific project and how everything will work out.

The motion made by Mrs. Grummert and seconded by Mr. Newlin to approve Ordinance No. RD-3487 carried by a roll-call vote of 12 to 0.

City Attorney Mike Koss stated that since Ordinance No. RD-3487 is approved, the next step will involve staff working with the applicant to negotiate the redevelopment agreement and finalize the CID petition; however, since the FAED Committee provided staff that direction, staff has identified an opportunity to utilize certain economic development tools the applicant has requested to also help achieve City objectives in this area. He requested the Council's feedback on whether there is general support for staff to pursue those opportunities during their upcoming negotiations. At the Committee-of-the-Whole meeting held earlier this evening, the Committee recommended approval of the 2026 proposed Strategic Goals. One of those goals was

to begin the College and Metcalf Mobility Enhancements Project, which involves building infrastructure that enhances mobility in this area, creates walkable spaces, and provides access and amenities to those who work in the area. The College and Metcalf Mobility Study contemplated the potential use of CID revenues and other special taxes to fund such projects. In addition, the Committee of the Whole recommended approval of the acquisition of 6201 College Boulevard, and if approved, those purchase costs could also be eligible to be reimbursed with CID and TDD revenues. This reimbursement is not connected to the financing calculation for that project, but it illustrates another potential benefit to the City as part of this public/private partnership. Within the study area, the Black and Veatch proposal includes a request for a 2 percent CID sales tax on their property, and the adjacent Galleria 115 Project currently contains a 1.5 cent CID sales tax. Staff feels there is an opportunity to work with the property owners to establish a CID and TDD, and not just include those project areas, but also cover nearby City properties and infrastructure. Although the details of the CID and TDD would need to be negotiated, staff is requesting the Council's feedback on whether there is general support for the following general terms. 1) The establishment of a TDD and CID that covers certain portions of the existing Galleria 115 property, the Black and Veatch property and nearby City properties containing the College and Metcalf Mobility Enhancements; 2) the combined CID, and TDD Special Sales Tax, would never exceed 2 percent in the area; 3) if the purchase is approved, the combined CID and TDD would include 6201 College Boulevard so the special sales taxes could then be used to reimburse the costs of purchasing the property, and although revenue projections are speculative, the City would attempt to structure the combined CID and TDD to generate no less than \$25 million in projected revenues to fund or reimburse costs of City projects in the area. Staff is engaged in preliminary discussions with representatives of Black and Veatch and the Galleria 115 projects, and both were supportive of this general concept.

If the combined CID and TDD District is established, the City Council would decide each year how to allocate those funds as part of their annual budget process. Staff did not recognize this opportunity when the FAED Committee previously provided direction on this project, but they feel it has the potential to help achieve City objectives in this area and benefit their residents. Mr. Koss requested feedback from the Council as to whether this is something they want staff to pursue as part of their negotiations for this project.

Mrs. Grummert understood they would be using incremental financing that they use for development projects to help finance City projects that benefits the public for plans they have already researched, designed and have on their books. Mr. Koss agreed, and stated the special sales taxes would be used to fund the projects identified in the College and Metcalf Mobility Study and reimburse the purchase costs of 6201 College Boulevard, if that is approved. Mrs. Grummert understood they would be enhancing mobility along the corridor and City public benefits. Mr. Koss agreed. Mrs. Grummert asked if staff saw any harm to the current projects this project would be in relationship with. Mr. Koss did not see any harm posed.

Mayor Skoog noted they have spent a lot of time on the subject corridor thinking about how they can transition into the future. One of those transitions is improving the walkability and bikeability of these corridors. They have ideas for how improvements can be made to the intersections and other parts of that area to make it more walkable and attractive to the residents and employees.

Mr. Logan Heley referred to the 6-foot pedestrian path on the map, which appears to be over College Boulevard, but the information indicates 110th Street, which would be north of the Convention Center. He asked if the 6-foot pedestrian path was supposed to be on College Boulevard or 110th Street, because he thought College Boulevard was getting a cycle track. Mr. Koss stated if that information was in the College Metcalf Study, it would be a potential option. Mr. Heley stated there were a sampling of potential items and felt they should always be looking for opportunities with regard to transit. He liked the bikeability and walkability concepts on the plan, but he understood they have an active planning process they are participating in with the County and Mid-America Regional Council for fast and frequent transit service on Metcalf. He wanted to see if there were any opportunities to help move that plan forward, but understood it was currently under development. He also liked the fact they could potentially reimburse themselves for the purchase cost of the new City Hall building they discussed at their Committee-of-the-Whole meeting earlier this evening, which they are intending to pay cash for.

Mayor Skoog felt it was important for the Council to allow staff to include this information in conversations with the ongoing projects. However, the Council will decide where within this district they want to reimburse projects and expenses. The new City Hall will be one potential project, but there are many other projects within that study, the corridor, and the district that they may choose to include to fund.

As they receive the money, look at their budget and conduct the process, Mr. Newlin asked if it will have its own special fund that will be dedicated to the projects they are doing along College Boulevard so people understand where the money is being spent. Mr. Koss agreed, noting as soon as the increment is collected for the CID and TDD, they are required by law to be placed in a special fund. As part of the budget process, they would decide how those funds would be allocated each year. Mr. Newlin felt this was a smart way to use their incentives and enhance the proposed site and area.

Mr. Drew Mitrisin stated in addition to the sales tax they will have in the area generally, he understood they will generate sales tax revenue separately from the CID and TDD. Mr. Koss agreed. Mr. Mitrisin clarified whether that sales tax was not already going towards a different entity. Mr. Koss agreed. Mr. Mitrisin agreed with creating a special fund to fund all of the projects, use additional monies, and not feel limited by only what is in the fund through the CID and TDD to pay for those, and that they should be using other funding to pay for all the improvements next to City Hall. He felt they came up with a good idea, but he did not want them to feel limited by the amount they collect to put in this fund, because they should be thinking beyond the \$2.5 million that will be available.

Mr. Cox agreed with the level of creativity put into the project. Although he would support the project, he felt it was a complicated decision for him, because it is a redevelopment project and that is his standard for allowing tax sharing for developers. However, the area is not blighted, but could become that way. He felt tax incentives should only be used for the benefit of a community, not a private entity. The proposed project is \$25 million with potentially more benefits, and then it becomes a partnership with the City, because the residents have to pay for all of the things the City builds. He felt the sales tax was a fair and better way to do that than property taxes. Also, through sales tax, visitors contribute to paying the sales taxes. He felt the project would help advance the benefit to the residents if they can produce it by a significant amount. He also felt they had a good partner with Black and Veatch. As

they look at the entire area, he felt having the City and private enterprises all working toward, not only developing the site for their own benefit as a world headquarters, but also as a benefit to the community. They will work together in sharing costs of the infrastructure, and that becomes a negotiation. He felt they should advance the project forward.

MAYOR CURT SKOOG

Mayor Curt Skoog announced that the Star-Spangled Spectacular event took place at Corporate Woods this past weekend. Thousands of people attended this event to watch the fireworks, and he felt it was a great gathering of a cross section of Overland Park, Johnson County and the Kansas City Metropolitan area. The KC 2026 World Cup kickoff event was held at the Aspiria Campus, which demonstrates they are less than year from the World Cup official event starting. There was a countdown clock for the KC World Cup event at the Scheels Soccer Complex.

PROCLAMATION – Proclaiming July 2025, as Parks and Recreation Month in Overland Park.

Mayor Skoog presented a proclamation proclaiming July 2025, as Parks and Recreation Month in Overland Park. Parks and Recreation Programs are an integral part of the community, which build health, active communities and aids in the prevention of crime, disease, and provides therapeutic recreation services for those who are mentally or physically disabled, and improve the mental and emotional health of all residents; and parks and recreation contribute to the environmental wellbeing of the community. The United States House of Representatives has designated July as Parks and Recreation month, and the City of Overland Park recognizes the benefits derived from parks and recreation resources and remains committed to innovating and improving the parks and recreation systems.

Mayor Skoog noted they would be building and opening their 84th park in Overland Park this fall, which is the Bietigheim-Bissingen Park, which is their sister city park. They are in the process of redeveloping two other major parks, as well as their normal upgrades to the City parks. He felt the parks were incredible amenities the residents enjoy. He recognized the Parks Department staff who is also responsible for the Deanna Rose Farmstead, Scheels Overland Park Soccer Complex, Overland Park Arboretum and Botanical Garden, and the fireworks display conducted in Corporate Woods on July 4th. Friday concerts are offered in Thompson Park in Downtown Overland Park. He noted that Parks and Recreation staff are a central part of how they deliver community to the City's community, such as gathering places and opportunities to be with neighbors, friends and family. They also operate the Farmers' Market and others.

Director of Parks and Recreation Bryan Toben thanked the Mayor and residents, and recognized the Parks and Recreation team members and staff.

NEW YOUTH LIAISON APPOINTMENTS TO THE LEGACY OF GREENERY COMMITTEE:

Rishitha Bonthu - Term 7-1-2025 to 6-30-2026
Aleezay Khan – Term 7-1-2025 to 6-30-2026

NEW YOUTH LIAISON APPOINTMENTS TO THE ENVIRONMENTAL ADVISORY COUNCIL:

Brayden Presley – Term – 7-1-2025 to 6-30-2026
Asher Piskuric – Term 7-1-2025 to 6-30-2026

NEW YOUTH LIAISON APPOINTMENTS TO THE MENTAL HEALTH ADVISORY COMMITTEE:

Matthew Chen – Term 7-1-2025 to 6-30-2026
Devamayi Nair – Term 7-1-2025 to 6-30-2026
Grace Pei – Term 7-1-2025 to 6-30-2026
Noora Fatima – Term 7-1-2025 to 6-30-2026

NEW YOUTH LIAISON APPOINTMENTS TO THE PARKS AND RECREATION ADVISORY COMMITTEE:

Michael Jiang – Term 7-1-2025 to 6-30-2026
Vaisnavi Lakshman – Term 7-1-2025 to 6-30-2026

REAPPOINTMENTS TO THE INDEPENDENT CITIZEN ADVISORY BOARD ON RACIAL PROFILING AND NON-BIASED POLICING:

Catalina Velarde – Term 5-05-2025 to 5-05-2029
Fred Jones – Term 5-15-2025 to 5-15-2029

Mayor Skoog presented the new youth liaison appointments to the Legacy of Greenery Committee, Environmental Advisory Council, Mental Health Advisory Committee and Parks and Recreation Advisory Committee; and reappointments to the Independent Citizen Advisory Board on Racial Profiling and Non-Biased Policing for approval.

Council President Holly Grummert moved to approve the new youth liaison appointments and reappointments as outlined. Ms. Inas Younis seconded the motion, which carried by a vote of 12 to 0.

COUNCIL PRESIDENT HOLLY GRUMMERT

REPORT FROM THE COMMITTEE-OF-THE-WHOLE MEETING HELD JULY 7, 2025

2026 BUDGET AND STRATEGIC GOALS

RESOLUTION NO. 5052 – Approving the execution and delivery of a Purchase and Sale Agreement, and approving the execution and delivery of management agreements, all related to property generally located at 6201 College Boulevard in the City.

PURCHASE AND SALE AGREEMENT – College-Lamar LP, for the purchase of 6201 College Boulevard in an amount of \$22,500,000.

Council President Grummert stated the Committee of the Whole met earlier this evening to discuss two items. First is the 2026 Budget and Strategic Goals. At the

meeting, the Committee of the Whole recommended approval of the 2026 Strategic Goals, the proposed 2026 Budget for public hearing purposes, and actions necessary to adopt a budget exceeding the Revenue Neutral Rate (RNR).

Council President Grummert moved to approve the 2026 Budget for public hearing purposes; set a public hearing for the proposed 2026 Budget for September 8, 2025; schedule adoption of the 2026 Strategic Goals and proposed 2026 Budget and proposed 2026-2030 Capital Improvements Program, and 2026-2030 Maintenance Program for September 8, 2025; to no later than July 20, 2025, notify the County Clerk of the Governing Body's proposed intention to exceed the RNR with the proposed tax rate of 14.538 mills; set a public hearing of the Governing Body's intention to exceed the RNR for September 8, 2025, and notify the County Clerk of the public hearing; instruct staff to draft a resolution of the City's intention to levy a property tax rate exceeding the RNR for Governing Body consideration at the RNR hearing of September 8, 2025; and instruct staff to carry out all notices, publications and other requirements necessary to levy a property tax rate exceeding the RNR. Mr. Heley seconded the motion, which carried by a motion of 10 to 2. Those voting in opposition were Mr. Scott Mosher and Mr. Cox.

Council President Grummert noted that the Committee of the Whole also considered a resolution authorizing an agreement for purchase of property located at 6201 College Boulevard, which is intended to house a new City Hall.

Mayor Skoog explained that an extensive discussion took place at the Committee-of-the-Whole meeting about the location of a new City Hall building. Staff and Council has been working and thinking about a new City Hall building for the past 30 years. The Council has had discussions in the last few years, and they had a unanimous vote in Committee to purchase the building at 6201 College Boulevard as a future City Hall.

Mr. Heley felt the Committee of the Whole had a great presentation regarding a new City Hall location earlier this evening, which has been on the minds of prior Governing Bodies for some time. He felt it was important to note that a back-of-the-house tour of the current City Hall and Myron Scafe building across the street showed that both buildings have a 1970s look and are places where the employees work day to day. Some places where they work are without windows, and many employees work in the basement level without windows as well. He felt they needed a modern facility, and that staff has done a good job of working with outside consultants and experts to identify the different options, and determine what makes the most financial sense and meet the needs of the employees, community and residents. He felt a more central location for City Hall was needed, and the employees deserve a modern place to work. Workforce retention and attraction is always a challenge, especially competing with neighboring cities that have new city hall facilities, and the private sector that has new office buildings.

Council President Grummert stated they are not only talking about a new building, but a next chapter in the City, one that has been talked about for 30 years. The previous conversations for relocating City Hall have been debated, deferred and delayed. Each discussion, study, and plan brought them a step closer to where they want to be. This move is a message they are investing in the long-term future of the City, and they are choosing a location that is not only geographically centered, but strategically positioned to fuel economic growth and anchor development in a way that

lifts the entire community. This is a move that places City government where it is most accessible and impactful.

Council President Grummert stated the current City Hall facility has served them well, but is no longer meeting the needs of their modern responsive and transparent City government. The new City Hall will enhance how they deliver services, how departments collaborate and how residents engage with their local government. The new facility is a tool for better services and outcomes for everyone. The City is conducting this process responsibly, and the relocation is grounded in stewardship. They are maximizing the value of existing assets, pursuing strategic partnerships and investing in infrastructure that will serve the City today and in the future. This relocation reflects who they are and who they are aspiring to be, which is a City that listens, plans, grows responsibly and leads with purpose. She felt they were repositioning their city for progress.

Mr. Mosher felt if the residents toured the City facilities, they would see why they need a new City Hall, and a respectable place for the City as it grows, to not only expand but let employees work in an environment that has windows and is conducive to good work. He also agreed with repurposing something rather than building new and encouraged developers to do as well. He felt a remodel would be a better use for developers than letting those buildings go to waste or tear them down. He felt the City needs to set that example. He supported the request for the employees, and the future of the City. He felt the location was great and is something that will serve the City well as they move ahead.

Mr. Mitrisin stated he first was not excited to hear about the remodel option for City Hall, but after seeing the proposed remodel options, he felt it was more promising. He felt the location was the perfect location for the City. He visited the Planning Department one day and felt the department was somewhat scattered and disconnected, and employees are working in odd places. He felt the current City Hall building is obsolete. His hope was that the employees see this as an investment by the Council and City leadership into their workforce and employees, because he felt that was the most meaningful thing they can do for the employees as an employer. He understood private property owners have property rights, and he felt the key piece to the proposed City Hall building purchase is that they have a private property owner who is willing to sell the City their property. He felt this was important because they cannot just take a property building, and it happens to be a perfect property located next to the Convention Center on their main east/west thoroughfare. They recently went through a branding effort and many themes emerged about socioeconomics and about Overland park. He felt the site was the perfect Overland Park branding theme, because it is a nice building. He supported the request.

Mrs. Cheatham supported the request. She noted when she receives emails from constituents about various topics such as providing composting, she refers them to the sustainability staff, and emails concerned about speeding traffic she refers to the Police Department and various other police facilities around the City. She felt the new City Hall building was about an investment in the staff who serve the residents, and a new facility is needed to meet the needs of the community, which has grown by geography and the number of people since they built the current building in 1967. She supported the new City Hall building purchase, and she appreciates staff's work who have made this possible.

Ms. Inas Younis felt they have all had the opportunity to tour City buildings and recognize the proposed purchase is a need, not a want. She supported the request.

Mayor Skoog noted that the portion of the City Hall building where they currently sit was built in 1986, which was when the addition was put on the original 1967 City Hall when the population of Overland Park was 99,000. He felt the time was right to move towards a new City hall building.

Council President Grummert moved to approve Resolution No. 5052 as presented. Mr. Newlin seconded the motion, which carried by a roll-call vote of 12 to 0.

CITY MANAGER LORI CURTIS LUTHER

No report.

CONSENT AGENDA:

PUBLIC WORKS - Committee Report:

AGREEMENT – Affinis Corp., to provide engineering and architectural services for the 2027 Neighborhood Streets Reconstruction Program, in the amount not to exceed \$1,038,830.

INTERLOCAL AGREEMENT – City of Leawood, for the 2025 Street Improvement Project (Overlay), 135th Street from Metcalf to east of Nall, in the total estimated cost of \$2,480,274.83 with an estimated cost to Overland Park in the amount of \$558,655.59.

INTERLOCAL AGREEMENT – City of Leawood, for 2025 Street Improvement Project (Preservation – UBAS), 151st Street from the west side of Metcalf to the east side of Nall, in the total estimated cost of \$1,642,000 with an estimated cost to Overland Park in the amount of \$878,800.

INTERLOCAL AGREEMENT – Johnson County, for Bridge Reconstruction, Pflumm over Coffee Creek, in the total estimated cost of \$5,630,000 with an estimated cost to Overland Park in the amount of \$2,815,000.

BID TABULATION - M. H. Logistics Corporation d/b/a Armor Equipment, for a Truck Mounted Combo Sewer Cleaner Jet Vac Truck, in the amount of \$551,535.32.

BID TABULATION – J&D Equipment, Inc., d/b/a American Equipment, Co., for one (1) Single-Axle Snow Plow Truck Bid, in the amount of \$173,820.

BID TABULATION AND AUTHORIZATION TO PURCHASE – Central Salt, LLC, (primary supplier); and Independent Salt Company (alternate supplier); for Rock Salt, in an amount not to exceed \$250,000.

PUBLIC WORKS - Staff Report:

RESOLUTION NO. 5048 – Declaring it necessary to appropriate private property for the use of the City for a pedestrian trail on Metcalf, 83rd Street to 87th Street, in the City.

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT - Committee Report:

BID TABULATION – Rejecting all bids for the Scafe Facility generator and cell tower replacement.

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT - Staff Report:

COUNCIL MINUTES – March 24 and April 7, 2025.

CONFIRMATION OF INVESTMENTS - In Agency Securities in the amount of \$20,000,000.

EXPENDITURE ORDINANCE NO. 6A – Outlining the expenditures from the General Operating Fund and the Capital Projects Fund for June 6 through June 19, 2025.

Mayor Skoog presented the Consent Agenda for approval and asked if any items needed to be removed for separate discussion.

Mr. Mosher left the room at 8:30 pm.

Council President Grummert moved to approve the Consent Agenda as outlined. Mr. Newlin seconded the motion, which carried by a roll-call vote of 11 to 0.

REGULAR AGENDA

COMMUNITY DEVELOPMENT – Committee Report:

Logan Heley, Chair

No report.

COMMUNITY DEVELOPMENT – PLANNING AND DEVELOPMENT SERVICES – Staff Report:

No report.

COMMUNITY DEVELOPMENT – PARKS AND RECREATION SERVICES – Staff Report:

No report.

PUBLIC SAFETY – Committee Report:

Melissa Cheatham, Chair

No report.

PUBLIC SAFETY – POLICE DEPARTMENT – Staff Report:

No report.

PUBLIC SAFETY – FIRE DEPARTMENT – Staff Report:

No report.

PUBLIC WORKS – Committee Report:

Jim Kite, Chair

PARTIAL MEDIAN BREAK REQUEST – Denial of applicant's request for variance for a partial median break to accommodate a southbound left turn at 136th Street and Switzer.

Mr. Kite presented a partial median break request for a variance to accommodate a southbound left turn at 136th Street and Switzer. He noted that the Public Works Committee discussed this item this past week, which is in regard to an additional median break along Switzer, south of 135th Street. The Public Works Committee voted to deny the request by a vote of 4 to 2.

Civil Engineer Jane Manis presented the partial median break request for the Shoppes at Carrington Square, which is located at the southeast corner of 135th Street and Switzer. The request is for a southbound left-only median break at 136th Street and Switzer. This item was heard at the Public Works Committee meeting on June 25, 2025, and the proposed development has not yet been reviewed by the Planning Commission, but is on their agenda for June 14, 2025, with a revised preliminary development plan and a special use permit for a carwash. That request will be considered by the City Council on August 4, 2025. The proposed land use will be reviewed by the Council at a later date. The current request is only for the proposed median break independent of the land use. The applicant has informed staff that the viability of the project depends on the approval of the proposed median break at 136th Street and Switzer. For that reason, staff recommended that they proceed to the Public Works Committee and City Council prior to presenting at the Planning Commission. The applicant is requesting a variance from Governing Body policy Resolution No. 3816, which establishes a policy for designating and improving thoroughfares. The primary objective of the thoroughfare is to move traffic safely and efficiently. To accomplish this, the City's objective is to create openings in the median approximately every quarter mile. This optimizes traffic control and land access. Additional openings are allowed only after the specific need and feasibility have been clearly documented. The red area on the map indicates the proposed development area, the Scheels Soccer Complex to the west, the Blue Valley Recreation Baseball and Softball fields to the south and east, and directly south is the Villas at Carrington Square, which is an existing residential area.

Ms. Manis referred to the existing access to the site, stating there is an existing median break at 137th Street and Switzer and is stop controlled for east and west. There is also an existing median break at Grant at 135th Street, and it is stop controlled north and south. There is an existing right-in/right-out only off northbound Switzer at 136th Street, and there is a right-in only off 135th Street.

Ms. Manis referred to how the resolution recommends spacing for median breaks at approximately a quarter mile location. She indicated the existing median breaks on the map on Switzer, Antioch and Quivira. Switzer already has five existing median breaks. Quivira and Antioch have three existing median breaks, which follow the resolution. For these reasons, staff recommends denial of the median break request at 136th Street and Switzer, because it does not meet the median break spacing set forth

in the resolution. Staff feels the site has adequate access due to the existing median breaks at 137th Street and Switzer and 135th Street and Grant.

Mrs. Cheatham asked if someone traveling westbound on 135th Street would be able to turn left at Grant and access the development. Ms. Manis agreed.

Mayor Skoog noted that this was an unusual situation that does not happen often, and the applicant had requested a chance to provide a presentation on the request.

Mr. Judd Claussen, Phelps Engineering, 1270 North Winchester, Olathe, felt it was critical for the City to allow the left-in turn on Switzer for the median break at 136th Street. He referred to the engineering feasibility and need, both of which are points in the resolution that was discussed. He noted the site was originally zoned in 2006, as part of Carrington Square. The Carrington Square apartments moved forward and got built, and Casey's came along a little later, because there is a median cut at Grant. The development site is zoned CP-2, has existed since 2006 and is nearly 20 years going forward. Staff has said U-turns can be done at 137th Street, but he did not feel this is a typical move for those going to prime commercial real estate establishments, national tenants, and also makes it difficult for truck deliveries to make that same U-turn movement to get delivery vehicles into the site.

Mr. Claussen presented the site plan for consideration, which shows where the turn lane is proposed on the southwest corner. He felt it was much safer to make a left turn on 136th Street than to make a U-turn move. He presented a concept plan that shows the feasibility of how the plan can work, which includes the left-in only, no left turns out. There are not adjacent drives to the west to conflict with the opening, because sometimes that is a factor. There is 150 feet of storage available outside the functional areas of the intersections north and south of that area, which holds enough for six vehicles and two were required under the Traffic Impact Study.

Mr. Claussen referred to the need, stating the southbound left-turn movement is projected to accommodate between 50 to 75 vehicles during the week day and Saturday peak hours on the development. Today, that same maneuver at 137th Street is about five to ten U-turn movements. He felt that was a significant uptick in the number of U-turns that are occurring. The same can be said for vehicles per day, as they are forecasting about 600 vehicles per day turning during the week day; whereas, currently, it is 59 to 65 depending on the week day versus Saturdays. He felt that was a prudent reason to allow for left turns into the development. Another factor of feasibility to consider is site distance. There is plenty of site distance, and there is some landscaping that will have to be redone, but it is something that is commonly done and easily accommodated, which is located outside the functional area of the intersection.

Mr. Claussen stated they conducted a crash analysis and an analysis for adding additional vehicles to the intersection. They are concerned the crash analysis could increase.

Mr. Brett Young, property owner, stated the site is a retail site and is one of the best on 135th Street. Retail is driven by three things, including location, visibility and access. He felt the location of the site was good. Regarding visibility, the eastbound side has good visibility, but the westbound is not as good based on a requirement that they maintain the storm water. Regarding access, he noted in the last hearing on this

project, too much focus was given to access. When the comment arose about someone heading west on 135th Street, that wants to turn left to get to the site, one of the committee members said the rules need to be followed, and they can do a U-turn at Switzer, but that is an illegal movement. He felt that access is necessary to gain national retailers to the area.

Mr. Mosher asked if the turn would back up by six cars. Mr. Claussen stated the turn would allow up to six cars coming from that direction. Mr. Mosher understood there was no left turn out, and there were seven crashes at Switzer due to U-turn movements in the last couple of years. He also understood egress and ingress to retail is critical, and businesses that have difficulty in that area do not succeed well. He asked if the other access points further down from the site off Switzer had turning lanes as well. Mr. Claussen stated he could not answer that. Mr. Mosher referred to the other four access points to turn left off Switzer and asked if turn lanes existed there. Ms. Manis was not aware of whether all those points had turn lanes, but there is a turn lane at the Scheels Soccer Complex and on the south side of the site on the through road that runs east and west that has turn lanes. Mr. Mosher asked if there had been any accidents where the access points have turn lanes where the U-turn movement is not occurring. Ms. Manis stated she did not have that information; however, the accidents that have occurred at the intersection of 137th Street and Switzer were not necessarily U-turn related.

Mr. Kite moved to deny the request for a partial median break from the southbound Switzer and 137th Street intersection. Mr. Heley seconded.

Mrs. Grummert supported the motion, because they are looking at Switzer with its access points, and following their policy for safety. She referred to the corner of 135th Street and Switzer, noting it is the Scheels Soccer Complex, which is one of their economic generators. She was not concerned about a development at that corner, because it is one of the City's great attractions and will not be affected by a median break. She felt safety will be the key issue, considering this is large economic engine for Overland Park.

Mr. Mitrisin stated he had previously voted for the request at the committee level, and felt the applicant was compelling with their comments about westbound traffic from out-of-town guests. He rejected the idea the development is booming on the corner, as it has been vacant since 2006. He felt there was a sincere desire from the applicant to get access that is driven by retailers that are requiring them to have access with a turn lane and median break on Switzer. He also felt a safety question is involved, but generally felt U-turn movements were unsafe. If they do not grant the median break, they will be encouraging U-turn movements. It was also mentioned in the committee meeting that the apartment complex supported the median break. Conceptually, he did not feel they were making a planning and land use decision without going through the planning process and somewhat forcing the planning question into this median break question. His votes in the past regarding 135th Street around pad sites and car centric retail might indicate he would not support a plan like the proposed. He did not feel voting for the request would set any kind of citywide precedent where they would begin granting median breaks across the City. He felt the Governing Body always retains the discretion to approve these types of issues.

Mr. Mosher supported the median break request and did not see a problem of backing up six cars in the lane. People will turn into that site to use the businesses that would

be developed on that site. He felt ingress and egress was a big issue for him, because if he had to drive around a building in order to gain access, he would likely not visit that business often. If he turned off 135th Street and could see the businesses, he would want to go to those businesses. The turn lane will only back up six cars, which will provide plenty of time to make left turns to access those businesses, and that made sense to him. He felt a lot of turning movement already happens on that street now, but having a turn lane would change things on the site, as it is a way to get some businesses into an area that would be successful. He felt a turn lane was needed at the site for future development.

Mr. Heley supported the motion and staff's analysis of the request. He felt when they make it more convenient for vehicles, they will get uses in that area that are car centric, such as a tire shop, carwash, and drive-thru retail, such as what is being proposed on the site. If they let those types of businesses dictate their traffic policy, they would not have medians anywhere, and they would have six-lane thoroughfares on collectors. He felt the request would set a precedent and create more similar activity in this area.

Mr. Kite noted that U-turns are part of the City that has medians. He felt the City was deliberately designed this way, and they have standards. He rejected the idea they have an opportunity to always vote against the next similar request. He felt this was an engineering decision, and staff made an engineering decision based on the resolutions the Council passed. He felt staff has done a good job and the request is adding a certain amount of unsafe traffic movements along a stretch that already has so many points of conflict.

The motion made by Mr. Kite and seconded by Mr. Heley, to deny the partial median break request as outlined, carried by a vote of 10 to 2. Those voting in opposition were Mr. Moser and Mr. Mitrisin.

PUBLIC WORKS – Staff Report:

No report.

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT – Committee Report:

Chris Newlin, Chair

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT – Staff Report:

No report.

ECONOMIC DEVELOPMENT PUBLIC-PRIVATE PARTNERSHIP PROJECTS – REGULAR AGENDA:

RESOLUTION NO. 5050 - Authorizing the execution and delivery of a Fourth Amendment to the Prairiefire at Lionsgate Development Agreement, relating to a STAR Bond District and Community Improvement District, located at 135th Street, between Lamar and Nall. (Prairiefire at Lionsgate Project).

RESOLUTION NO. 5051 - Authorizing the execution and delivery of a Second Amendment to Museum of Prairiefire Operation Agreement relating to a STAR

Bond District and Community Improvement District, located at 135th Street, between Lamar and Nall. (Prairiefire at Lionsgate Project).

Deputy City Manager Kristy Stallings presented Resolution No. 5050 and Resolution No. 5051, stating both resolutions and amendments come with a recommendation from the Finance, Administration and Economic Development (FAED) Committee. The Fourth Amendment to the development agreement makes some modifications relative to updated uses at the museum of Prairiefire, and the museum operating agreement also mirrors those changes. The Committee reviewed the changes at their June meeting and unanimously recommended approval of Resolution Nos. 5050 and 5051.

Mr. Newlin moved to approve Resolution No. 5050 as presented. Mr. Passer seconded the motion, which carried by a roll-call vote of 12 to 0.

Mr. Newlin moved to approve Resolution No. 5051, as presented. Mr. Passer seconded the motion, which carried by a roll-call vote of 12 to 0.

RECOMMENDATIONS FROM THE PLANNING COMMISSION

PLANNING COMMISSION - Consent Agenda

SPECIAL EVENT PERMIT NO. SEP2025-00281 – 13700 Switzer – A special event permit is requested from June 23, 2025, through June 20, 2026, to allow a World Cup Countdown Clock. Application made by the City of Overland Park.

ACCEPTANCE OF RIGHT-OF-WAY - FINAL PLAT NO. PLT2025-00005 – Estates of Shadow Ridge – 17205 Metcalf Place. Application made by Domino Acquisitions, LLC. The Planning Commission approved this item on June 9, 2025, by a vote of 10 to 0. (Related Case No. PLT2025-00004).

REVISED PRELIMINARY PLAN NO. PDP2025-00009 – PAM Health Rehabilitation Hospital of Overland Park – 5100 Indian Creek Parkway. Application made by Heartland Rehabilitation Hospital, LLC. The Planning Commission approved this item on June 9, 2025, by a vote of 10 to 0. (Related Case No. SUP2021-00035).

DFD CERTIFICATE OF CONFORMITY NO. DEV2025-00020 – Friends of JCDS Floyd Street Housing – Vicinity of the northwest corner of 79th Street and Floyd. Application made by Friends of JCDS, Inc. The Planning Commission approved this item on June 9, 2025, by a vote of 10 to 0. (Related Case No. REZ2010-00006).

SPECIAL USE PERMIT NO. SUP2025-00010 – 6580 West 95th Street. A special use permit is requested for a 10-year period of time to allow renewal of a dance studio. This property is currently zoned CP-O, Planned Office Building District. Application made by Joel Hamilton. The Planning Commission approved this item on June 9, 2025, for a 10-year period of time, by a vote of 10 to 0. Ordinance No. Z-4371

SPECIAL USE PERMIT NO. SUP2025-00011 – 11310 West 89th Street. A special use permit is requested for a 10-year period of time to allow a sports or recreation facility. This property is currently zoned M-1, Industrial Park

District. Application made by MK Youth Foundation. The Planning Commission approved this item on June 9, 2025, for a 10-year period of time, by a vote of 10 to 0. Ordinance no. Z-4372

Mr. Newlin left the meeting at 8:55 p.m.

Mayor Skoog presented the Planning Commission Consent Agenda for consideration and approval and asked if any items needed to be removed for separate discussion.

Council President Grummert moved to approve the Planning Commission Consent Agenda as presented. Mr. Heley seconded the motion, which carried by a roll-call vote of 11 to 0.

Mr. Newlin returned to the meeting at 8:58 p.m.

PLANNING COMMISSION – REGULAR AGENDA

REZONING NO. REZ2025-00002 – Vicinity of the northwest corner of 127th Street and Nall. Rezoning is requested from R-1, Single-Family Residential District, to RP-1N, Planned Single-Family Infill Residential District, to allow a single-family subdivision. Application made by KARIN 127 Nall, LLC. The Planning Commission denied this item on June 9, 2025, by vote of 10 to 0. Ordinance No. Z-4370 (A valid protest petition has been submitted.)

Current Planning Manager Brian Monberg presented Rezoning No. REZ2025-00002, located at the northwest corner of 127th Street and Nall. The rezoning request is for RP-1N, Planned Single-Family Infill Residential District. A valid protest petition has been submitted for this application. He presented a map of the current zoning, noting the application request area. There are single-family residential subdivisions located to the north and south. The City of Leawood is located to the east and is also primarily single-family residential with some recreational park space. To the west are two lots unplatte with a single-family residence. He presented a map that shows Framework OPs character areas, noting most of that area is designated as suburban neighborhood of which single-family is a preferred use for the land use. There is a significant green buffer along Tomahawk Creek, which is designated as public parks and open space. Approximately half of the area for the application is designated for public park and open space. He presented an aerial photo of the character types and development pattern of the single-family residential. Tomahawk Creek runs through the north end of the property and the single-family home to the west of the parcel.

Mr. Monberg referred to the proposed plan, stating it was for a seven-lot single-family residential subdivision. The proposed zoning is planned Single-Family Infill Residential District, which has the intent to provide for single-family residences. The intent is to maintain the single-family character of adjacent properties, but also recognizing the zoning districts for where there are development constraints on a property, which includes topography and other infrastructure. Given the proximity to Tomahawk Creek, there is a stream corridor designation that will be established as part of this application to this property. Approximately 50 percent of this plan would be set aside as an open space tract for natural environmental preservation. The seven proposed lots range from 10,000 square feet to 21,000 square feet. Lot No. 1 on 127th Street is 21,000 square feet and Lot No. 3 is 10,000 square feet, with most of the other lots ranging from 12,000 square feet to 13,000 square feet. He referred to the

residential infill, noting one of the constraints on site is that it allows for slightly narrower setbacks for things like front or rear yards. In addition, it allows for smaller lots. In the current case, not only are the lots consistent with RP-1 zoning district, but they are larger than the minimum lot size for a standard R-1 district, which is 8,000 square feet. These lot sizes are similar to surrounding lots in the existing neighborhoods. The access for this new subdivision would be a new public street with a right-in/right-out access along 127th Street.

Mr. Monberg referenced some of the key considerations that were raised as part of the Planning Commission discussion. The stream bank is identified that would be designated and acknowledges the floodplain limits of which the proposed development would be located outside of. The Planning Commission had a robust discussion around that access location on 127th Street, and asked the applicant whether they considered other alternatives for that access, specifically a consolidation of that right-in/right-out access with a private driveway located to the west of the site. As part of that discussion, the Planning Commission had an initial motion to continue this plan for future discussion so there could be further evaluation by staff and the applicant to look at the alternative access. As part of that process, the applicant's representative asked the Planning Commission to provide a recommendation. The Planning Commission did not feel they had full information around that access point, and they recommended unanimous denial, which is currently recommended. The proximity to Tomahawk Creek, there are considerations around the stream corridor, the floodplain and the slope and grading of the site that staff reviewed and evaluated as part of the application.

Mr. Monberg provided another analysis of the request, noting it helps show some of the turn radius that was identified and reviewed by the City's engineering team as part of the application. The access would be a right-in/right-out on a public street that staff reviewed and recommended in their technical evaluation. Some of the considerations include recognizing this access is fully located on property controlled by the applicant to develop and construct. This also complies with City codes and standards, and design standards for the City. He noted this was a primary discussion with the Planning Commission, and several Commissioners expressed interest to consolidate this access with the private drive to the west. He pointed out that the proposed right-in/right-out access is roughly in the middle of the existing access points of the intersection of 127th Street and Nall, as well as the intersection of 127th Street and Outlook to the south, and a private driveway to the north. As staff was reviewing the application, they considered the policy of the City to provide access to private property. Staff provides guidance on the design or location, but would not be in a position to deny access to private property. Staff worked with the applicant to look at other potential access on 127th Street, as well as some locations on Nall that would serve the property, and none of them were deemed favorable as the current access. The applicant is not obligated or required to coordinate their access within adjacent property owners' property or their private drive. Staff reviewed the access with the City's Design and Construction Manual, which provides a number of factors that staff weighs when they evaluate access. Those factors include roadway frontage, existing access locations, topography, preservation of natural features and site distance.

Mr. Monberg provided a summary of the staff evaluation. The guidance for the Design Standard is to look at a 400-foot separation from other access locations. The proposed access is located within that separation distance. Staff evaluated

maintaining access, but that would be outside of the functional area of adjacent intersections for things like the turn lane and the deceleration needed to make turns. When staff worked with the applicant, the locations on Nall did not seem feasible because they would either be in the stream corridor to the north, the existing trail connection, or to the south where the right turn lane southbound on Nall emerges. Nall was not feasible given the factors that were previously discussed. The access proposed situates it as far to the west of Nall as feasible and keeps it out of the functional area of that intersection. Staff reviewed site distance and topography, noting it also puts it approximately at the crest of a hill. Staff considered the site distance location, and the access meets the site distance standards. The location seems optimal given the design and site constraints to provide access to the private property.

Mr. Monberg referred to the environmental considerations regarding stream corridor, floodplain and stormwater. The site drains to Tomahawk Creek to the north of the proposed new homes. The main channel of Tomahawk Creek requires a 120-foot stream buffer on the property, and the new parcels are set outside of that setback. The entire stream corridor will be set aside in an entirely different common space tract, which is about 50 percent of the proposed property. The proposed building lots will be outside of the map's special flood hazard area with an elevated minimum two feet above the flood elevation. The project also provides for stormwater infrastructure in addition to vegetation within that stream corridor buffer, and 127th Street provides infrastructure along with a stormwater pipe that would be located at the north end of the cul-de-sac. There will be a 25-foot tract of land between the thoroughfares that will be set aside as a landscaped buffer, and an easement provided for the existing greenway linkages trail. There is an existing trail along 127th Street and Nall.

Mr. Monberg referred to staff's evaluation of the land use, which is RP-1N zoning and provides for slightly smaller setbacks and lot sizes although these sites conform with R-1 zoning. When staff reviewed this component, the single-family being proposed is a preferred use for Framework OP. When staff considered the proposed lots relative to the existing lots of the subdivision north and south, they were consistent in size and character. The open space designation will preserve a substantial natural area as part of the plan. There is a deviation request as part of the rezoning application that would reduce the rear setbacks for Lots 1 thru 5 from a 20-foot setback to a 10-foot setback. Staff supports that request, given there is a 120-foot buffer from that setback to the stream corridor, as well as a 240-foot buffer from those lot lines to the nearest adjacent residential properties. Similar to Framework OP, the single-family housing is in charter with the adjacent single-family and increases housing supply in the City.

Staff recommended approval of Rezoning No. REZ2025-00002, as it provides needed single-family housing, is consistent with Framework OP and is identified as a preferred use. Staff also found the lot size consistent with the adjacent neighborhood development pattern. If the Council would like to consider additional evaluations such as the alternative access point or consolidation, staff would recommend a remand to Planning Commission for that discussion. The Planning Commission recommendation was a unanimous vote of denial for this application, but there was some substantial discussion about a continuance to consider that consolidated access, which the applicant's representative had asked for a vote on that day, which several Commissioners said they did not have enough information to be able to affirmatively vote on that, given the discussion around the consolidation. A valid protest petition has been submitted.

Mr. Monberg outlined the possible actions the Council could take, which first is to adopt the Planning Commission's recommendation of denial of the application that would require a simple majority Council vote. Second, the Council could override the Planning Commission's recommendation of denial and approve the rezoning, which would require ten votes of the Council given the valid protest petition. Third, the Council could remand the rezoning to the Planning Commission or continue it for further consideration at a future City Council meeting, which would require a simple majority vote.

Mayor Skoog asked about the current zoning of the property. Mr. Monberg stated the property is zoned R-1. Mayor Skoog understood the rezoning request would allow for more housing. Mr. Monberg stated the rezoning provides for flexibility on the lots for some of the design standards. There are slightly narrower frontages, and rear and front setbacks. What the applicant is proposing fits better within the development standards for the site. Mayor Skoog stated when he met with the neighbors to the north, they expressed concerns about storm water since they are on the creek. He asked for further clarification of the stormwater analysis staff conducted.

Mr. Monberg stated staff evaluated the storm water on the site, and two considerations were made. First, the scale of the development, which is not a large lot subdivision. Second, the proximity to Tomahawk Creek. Given those factors, the proposal adequately addresses storm water, which allows that water to discharge into Tomahawk Creek or to use some of the natural vegetation buffer for it. A significant discussion took place at the Planning Commission about that topic, and they acknowledge Tomahawk Creek is a large watershed. The intent would be to get water from the site into the creek as efficiently and quickly as possible so it can flow downstream.

Mr. Heley confirmed seven homes were being proposed for the subject site. Mr. Monberg agreed. Mr. Heley asked if staff had any concerns about the amount of traffic generated by those seven homes and only having the right-in/right-out access. Mr. Monberg noted staff reviewed that information, and the trip generation for the seven homes is minor relative to other uses that could be proposed for the site.

Mr. Heley referred to the conceptual trail alignment, and he understood they have the thoroughfare trail, but not the continuation of the streamway trail further to the east, as the City of Leawood owns part of that streamway corridor. He asked if they were requesting an easement through this process for the conceptual trail alignment.

Mr. Monberg stated one of the ways staff considers that information is through their policy map for the Greenway Linkages, which identifies 127th Street and Nall as those links that connect to the rest of the system and are constructed. Per that policy, there would not be a requirement to provide an additional easement there given they already have the Greenway Linkages there. The applicant has looked at the conceptual trail, and he felt there was an opportunity to explore it more, particularly going through the platting process. While this is identified at a conceptual level, one of the concerns is the engineering and constructability of that trail would need further design. There is a question of balancing a more environmentally natural investment in that tract relative to a more active use there. The conceptual trail alignment would be parallel to the existing routes. Further engineering would be needed to determine whether that could be constructed. That work could happen as the project proceeds with the platting process.

Mr. Heley understood it would be acceptable for an HOA to own a small creek, but Tomahawk Creek is one of their major streams in the City. He understood the City

owns the corridor further upstream, and Leawood owns it immediately downstream except for a private section. He asked if there was any reason they are not wanting to continue the public ownership through that area or not requiring that dedication through this process. Mr. Monberg stated that is an issue that could be explored, but from a policy standpoint the guiding ordinances around stream corridor preservation requires this to be maintained as a natural feature. There is not anything within the stream corridor ordinance or Greenway Linkages that would require that to be public land. The use would need to remain the same as a natural open space tract.

Mr. Heley asked if this was the final opportunity the Council would have to require that dedication for the conceptual trail alignment, easement and the stream corridor ownership, or if they could require it in a future land use decision such as the platting. Mr. Monberg stated one of staff's considerations is the character designation for open space, which requires collaboration with their Parks Department and Planning Department. While there has been initial discussion about a dedication of an easement, he did not feel there was a determination of whether it is feasible or desirable to have that easement at this time. Mr. Heley asked if procedurally whether they to make that decision now or if there was a future opportunity to make that requirement of the applicant. Mr. Monberg stated the preliminary final plat will be reviewed by the Planning Commission, and there could be consideration and further discussion of whether that trail connection could happen.

Ms. Younis understood the Planning Commission unanimously denied the application in part because of concerns they felt were not being addressed, and they wanted to offer an opportunity for continuance, which the applicant denied in hopes of negotiating with the adjacent property owner to the west. She asked what new information existed that staff is bringing forth now that would help inform the Council in ways the Planning Commission had not been informed. She asked if those negotiations and discussions had taken place. Mr. Monberg stated what is noted in the staff report and information presented was further elaboration of the specific factors that staff applies when evaluating a location. The discussion around those five factors is new to this presentation and was not presented regarding the functional area relative to the separate requirements. He referred to the status of negotiation, and deferred to the applicant to answer that question as the City would not be a part of the negotiation process.

Director of Planning and Development Services Leslie Karr added that at the Planning Commission presentation, staff was not clear about what the applicant's right to access might be. Staff reviewed that information since the Planning Commission presentation, and feels confident saying based on case law, the City has an obligation to look at whether access can be safely provided from the property. This is information that has now been provided and what the Planning Commission was missing during their deliberation of the request.

Mr. Newlin referred to the previous flooding in the adjacent neighborhoods, and understood the subject site is not located in the floodplain, but asked if that flooding had been addressed and if it had been made clear the rezoning would not be a problem on the site. Mr. Monberg stated given they are considering seven lots on the site and five acres of natural preservation that would happen, which staff felt would not increase the flooding risk in the adjacent area or vicinity.

Manager of Engineering Services Tony Meyers stated there are several thousand acres that drain to the area from the upstream, and by the time the water from the subject

site gets to the creek and downstream, the peak from the upstream area is what causes the flooding in the area, not the runoff from the subject site. Whatever is done with stormwater from the subject site will have no bearing on the flooding that occurs in Tomahawk Creek immediately to the north.

Mayor Skoog asked if the flooding occurs to the houses in the area. Mr. Meyers stated there are some houses that are in or near the floodplain in the vicinity, but the runoff from the subject site would not contribute negatively or positively. If detention was put on the site, it could make the situation worse because of the position of watershed.

Mr. Passer asked if the rezoning request was considered by the Site Plan Review Committee. Mr. Monberg stated a Site Plan Review Committee review can be recommended by staff or the Planning Commission, but in this case, no recommendation was made because staff's review of the proposal met the ordinance and policy requirements, and it is not typical for a single-family residential subdivision to be reviewed in detail by the Site Plan Review Committee. The Planning Commission could have directed that review, but did not. Mr. Passer understood there was discussion at the Planning Commission about a 4,500 square-foot deed restriction, and asked if that was something that would be controlled by the City, County or property owner, and how that would be enforced and when that would be contemplated. Mr. Monberg stated staff conducted some additional research on that issue after the Planning Commission discussion. The City does not have the authority to enforce private covenants and deed restrictions, because they are agreements under private contract law. The decision regarding the rezoning today is the purview of the City Council, and the City can enforce or act upon the Unified Development Ordinance (UDO) or Overland Park Municipal Code and regulations, which are based on public law. The enforcement of that private covenant, if it exists, is a private matter and not related to the zoning action before the Council today. Mr. Passer understood the median break was denied by the Planning Commission, but they are still hearing about it again, and asked if that was the normal process if a request gets denied by the Planning Commission. Even though there was a unanimous Planning Commission decision, he understood the item was not placed on the Consent Agenda, because it falls under a matter of rules. Mr. Monberg agreed, stating the Council rules for recommending unanimous approval would proceed on consent, but not for a denial. Considering there is a protest petition is why the item was put on the Regular Agenda for consideration. Mr. Passer stated he toured the homes in Deer Run a couple of years ago for another item, and there was discussion about erosion and flooding occurring. At the time, there were many comments made that many of those homes were so close to the creek and were approved by prior standards, but would not be approved today. He asked if staff had any background information on that issue in regard to that creek. Mr. Meyers noted the stream corridor setback requirement had been in place since 2003, and the homes in Deer Run that were approved predated that time. He felt the homes closest to the creek would have been within the stream corridor setback area, which is 120 feet. There are a number of them within that setback that would have had to be pushed further back. Mr. Passer confirmed they would not have had to approve those homes based on the 2003 standards. Mr. Meyers agreed.

Mr. Jeff Cox confirmed the applicant needs the rezoning to R-1N versus R-1 is for two reasons. First, the design of the lots has to be narrower as the configuration is a little different on an infill project, and R-1 zoning would not allow that. Second, there is a

deviation requested, because of the setbacks from the stream corridor make the space tight and 10 feet was given instead of 20 feet. Mr. Monberg agreed with Mr. Cox's analysis. Mr. Cox asked if they were not dealing with those two issues could the project be built as R-1 zoning, and all the other issues regarding access and environmental issues would have been handled by staff, and the Planning Commission would not have had to consider it if there was not a rezoning and deviation. Mr. Monberg stated that information was generally accurate, but those two issues are the justification for rezoning to R-1N. Mrs. Karr added they would review the preliminary plat, which would establish some of those things, but that review would not be in the context of land use. Mr. Cox felt the issue is that the Planning Commission would prefer, as would the neighbors to the south, for the entrance to be shared with the private drive, because that is also the entrance into the subdivision to the south. The problem with that is that the person who owns the private drive does not have to comply with that action. They are now taking the position of forcing two private parties into a negotiation of which neither the City controls. If the Council and staff is comfortable with using R-1N for the design of the lots and the deviation setback, given there is a creek between the two, the setback rule would not technically apply. He accepted the R-1N designation for the lot designs and the fact there is a right-in/right-out turn movement for seven lots where there could be a possible apartment complex and many more people coming in and out of the area if they do not approve this request. He felt the Planning Commission was disagreeing with something that is not under their control or the Council's control, which is trying to get two parties into negotiation over a private drive.

Mr. Mitrisin referred to the protest petition, stating one of the signatories to the petition does not want the project to proceed, and he felt that would be a tough position of negotiation.

Ms. Younis felt the way the property is currently zoned allows for two homes. Mr. Monberg stated there are two lots that exist currently with two parcels as part of the overall development. Ms. Younis asked if the current zoning allowed for two homes on the site. Mrs. Karr noted the current zoning allows for 8,000 square-foot lots. The applicant can produce a preliminary plat and bypass the zoning process with lots of 8,000 square feet for consideration by the Planning Commission. There are two existing, but not platted parcels that could be platted into 8,000 square-foot lots. Ms. Younis asked how many lots could be expected on the site. Mrs. Karr felt the current lots were 10,000 square feet, and there could potentially be more than seven lots under the current zoning.

Mr. Mosher felt they had an opportunity to put some homes in Overland Park in an area where it is needed. He asked how many homes could go on 8,000 square-foot lots. Mrs. Karr stated it could be more than seven homes, because the proposed lots are 10,000 square feet.

Mr. Curt Petersen, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri, appeared on behalf of the applicant. He referred to the reason why the Planning Commission sent the rezoning to the Council with a recommendation of denial of the project. He felt that reason had nothing to do with the substance of the project, but was a question of procedure. He noted three Planning Commissioners raised some issues. The first issue raised by a commissioner was that he envisioned two to three lots for the property opposed the seven lots proposed. Two other commissioners focused on the potential effects the seven homes could have on the homes on the

north side of the creek in Deer Run, including property values and other issues. Near the end of the Planning Commission discussion of this rezoning, the issue was raised about whether the developer could negotiate with the resident located immediately west of the site, which is Mr. and Mrs. Spies and whether they could make that a shared public access point rather than a private driveway. On behalf of the developer, he had asked the Planning Commission to move the project forward to Council and they would try again to reach out to that property owner between the Planning Commission and Council meetings so they could report to Council. He pointed out that he had previously reached out to Mrs. Spies prior to the Planning Commission meeting where this item was discussed to make that request and no reply was received.

Mr. Petersen referred to Ms. Younis' question regarding what new information needed to be considered on this topic. He noted they spoke with Mr. Spies after the Planning Commission consideration, and the proposed developer reached out with a written offer to acquire the land that would be dedicated to the City that is located at the shared access point. The developer offered the same per-foot land price they are under contract to pay for the land they are purchasing. Mr. Spies provided a written response, stating the offer was offensive. The developer tried to renegotiate, but he has not received a response.

Mr. Petersen stated numerous developers have tried to find a way to develop the subject site for many years, but it has never made financial sense. The developer found a way to bring seven new homes to the property at 127th Street and Nall. The parties were far apart in negotiations, but Mr. Spies had indicated the shared public access to the west is not meant to be. He quoted the staff report, which stated, "The applicant is entitled to public street access to the property, and staff is of the opinion that this is the optimal location for accessing this site within the confines of the land controlled by the developer." Assuming the Council finds the proposed project compelling, he requested they approve the project and not send it back for more consideration by the Planning Commission or Council. He noted the majority of the Planning Commission did not voice any substantive concerns. The results of a remand or continuance would involve several months, and there would be no chance for the developer to acquire that piece of land where the private driveway is currently located. He asked that the Council allow the developer to move on to an access point that staff has found safe and acceptable through their analysis.

Mr. Petersen stated the proposed project has full staff support. All factors are positive when comparing against the Framework OP analysis. The developer agrees to the proposed stipulations a thru p. The developer agrees to rezone the property to R1-N, which was staff's suggestion as they felt that residential category was created for this type of situation. Only one deviation is being requested concerning the 10-foot setback rather than the 20-foot setback from the rear of a house to the property line, and the five houses that back up to the creek have a minimum 240-foot setback before getting to Deer Run, which is consistent with why the code allows a 10-foot setback for RP-OS and RP-OE zoning classifications, because they have open spaces like the proposed site. He also noted the proposed project represented responsible infill development rather than green field expansion. They address a housing shortage at all price points. He felt the site was the classic challenge infill site. The site has been marketed for years but it has never been viable. The stream corridor and 25-foot landscape setback leaves just over three acres of developable land. The traffic concerns addressed in the analysis did not reveal any safety concerns, including a U-

turn movement by seven homes, given the minimal number of homes involved. If they are not allowed to develop as proposed, the next development that comes along could be worse. He requested approval of the rezoning, which will allow the land to be developed with seven new homes.

Mayor Skoog opened the public hearing.

Mr. Greg Spies, 5900 West 127th Street, stated he has been an Overland Park resident since 1991. When he purchased his property, three, four estate-sized lots and homes. He noted that Kansas City Power and Light (KCP&L) designed the electricity in that area for those four estate sized homes, and there are four electric utility boxes on site. The deed restrictions require a minimum 4,500 square-foot house not considering the basements. Overland Park City Code Section 18.460.360 allows that to be added into the platting requirement. He did not feel the proposed development was the right development for the site. The site is zoned R-1 and is appropriate to be developed as two estate size lots. He felt the conflict is that the developer wants to get as much development in the site as possible, and offered \$36,000 to take out an entire buildable lot. When he asked what the developer would sell the lots for, he did not get a response. The proposed lots are zoned R-1N, which is not the right zoning for the site, but should be large scale infill development. He felt their proposed zoning would allow them to shrink the road 20 percent smaller than an R-1 zoned road. The curbs would be allowed be reduced to half the size with the appropriate radius. The density is four houses per acre, and he did not feel there should be more than seven houses in R-1 zoning. The road will take up more of the buildable space, and would reduce the number of houses to five or six if built as R-1 zoning on the lot. He noted the front yards are 25 percent smaller than R-1 zoning, and a car will not fit in the driveway that is 15 feet. Many vehicles exist that are longer than 15 feet. The side yards are only 12 feet between the houses. The original plan to have four lots on the site zoned R-1 at minimum would have been 30 feet away, but the proposed plan shows them 6 feet from his property line to a house. He understood the deed restrictions are privately enforced and will be enforced on the proposed site as well. He noted the rear yards are less than half of what is required for R-1 zoning, and the house will be 31 feet from the walking trail. He felt the developer was putting too many houses in a small area. According to the City, he noted there will be 70 vehicular trips made per day resulting from the seven lots proposed. He felt 35 of those vehicles will either be making a U-turn at Outlook or on Nall. He did not feel U-turn movements were safe. He pointed out they could put an entrance at the beginning of the turn lane off Nall to go straight into the development, where the traffic has one source coming toward them, and they are either decelerating or going the same speed. If someone is at 127th Street, there are three sources of traffic accelerating toward the intersection. He felt the proposal violates the original plan for the site and how it has been designed.

Ms. Donna Oberstein, 5607 West 125th Street, appeared on behalf of the Deer Run Homeowners Association. She noted 26 homeowners signed the protest petition. She referred to the character of the neighborhood, noting within the 200-foot perimeter of the proposed development for 20 Overland Park homes, with the exception of three, the average size is 3,400 square feet and the average lot size is just over 12,000 square feet. The developer is proposing seven, 6,500 square-foot homes, which is nearly twice the size of the surrounding homes on approximately 12,000 square-foot lots. She felt the proposed homes was a substantial overbuild in relation to neighboring homes on both sides of the development. Regarding the suitability and length of time this property has remained vacant due to challenges of the site is not by chance. The

City's project summary describes a steep slope arising directly from the floodplain, which she felt was the reason the property has not developed. She pointed out the site has been zoned for two homes for over 30 years, and a few more homes could be considered, but not what the developer is suggesting. She noted the staff report outlines strict application of the provisions of R-1 zoning, which will continue an unnecessary hardship on the landowner. In considering the relative gain to public health, safety and welfare, she felt the addition of impervious surfaces, streets, sidewalks and seven 6,500 square-foot homes creates substantial hard runoff surfaces interfering with the ground's ability to absorb storm water. There are 12 Deer Run homes sitting adjacent to the floodplain and eight more within the 200-foot perimeter of the development. The Planning Commission report lists stipulations a thru p, which are recommendations, not requirements. She questioned what the oversight and compliance follow-up would be of any of the stipulations. She wanted to know who would bear responsibility for non-compliance of the stipulations, such as legal expenses and increased insurance expenses when consequences of the overbuild occur. She noted that the homeowners and neighbors are only trying to preserve the wellbeing, safety, property values and nature of the area. She felt the proposed seven new homes in a subdivision that is on a steep slope, abutting the floodplain was originally and intentionally zoned for two homes, and is a big deal to the existing residents.

Mr. Kirk Fredricks, 5700 West 127th Terrace, Turnberry Subdivision, stated he also spoke at the Planning Commission where this item was discussed. He thanked the City and developer for providing additional information on the traffic studies and operational characteristics of the project. He noted the residents in Turnberry and Deer Run are not against development in their subdivisions, but they want to ensure the proposed development operates safely on the existing roadways and there are no accidental types of interference. He referred to the site distance from the proposed access, which is about 320 feet, but that is still 80 percent not meeting the criteria, as it needs to be 400 feet. He referred to the U-turns that will occur at Outlook and Nall, noting that having the right-in/right-out development and access would not be a good practice, because he felt they needed to be used in order to have the access there. He felt having the right-in/right-out creates issues where were U-turns are necessary for traffic to move on Nall and onto Outlook to make the U-turn. He referred to the proposed access for 127th Street, noting that is 300 feet from that access to Outlook, and there is a 45-mile per-hour route where drivers will have to come out of the access point to go across two lanes of traffic into the turn lane in a 45-mile per hour traffic to make a turn there. He did not feel 300 feet was a very long distance and that movement will be dangerous. With the removal of the berm and trees, he felt there will be noise and visual impacts in Turnberry. There is a pathway that runs along 127th Street and there is an access point that will create impacts on the north side. When traffic comes out of Outlook at Turnberry and trying to turn east or west, they will have to be cognizant of those doing U-turns at Outlook, which creates conflicting issues in that area. There are currently backups on eastbound 127th Street where people want to go north on Nall. He referred to the new access point, noting there will be headlights shining into the back of houses in Turnberry. He felt if the developer had reached out more to the landowners in Turnberry and Deer Run, they could have avoided some of the issues brought up. He recommended some mitigation features that could be part of the project, if approved. He felt there were some measures that could make this project better and safer. One would be to install a No U-Turn sign at Outlook so there are no U-turns coming out of the access point at 127th Street; provide additional trees and vegetation along the south side right-of-way at 127th

Street to mitigate all the trees and berm that is coming out on the north side of 127th Street to address the noise and lighting coming from headlights. He questioned what the appearance will be when they lower the berm to 4 feet and remove the trees. He also recommended conducting a warrant study at 127th Street and Nall, because there will be U-turns made there, and there is existing traffic backed up at 127th Street going north onto Nall.

Ms. Carrie Cohn, 5608 West 127th Terrace, stated her home backs up to 127th Street and she has lived there for 24 years. She was not against development and she supports expansion of housing in Overland Park at all levels of the market; however, she and her neighbors in Turnberry are not in favor of the proposed development for a variety of concerns, most of which were shared with the Planning Commission, including the location of the new street entrance, hardscaping that will increase watershed to a flood zone that already impacted adjacent properties, traffic, noise issues and a series of other problems associated with shoehorning seven houses into parcels that were planned and zoned for two houses. She noted their concerns are significant enough that a majority of the surrounding property owners do not wish to see this development go forward as proposed. They submitted a valid protest petition with more than triple the necessary minimum percentage of participation. She understood the land has been vacant for some time and that land in use is a preferred state to land unused. She pointed out anyone who would have owned the subject site would have known for years that it was zoned for two houses, not seven. The developer does not live in their subdivision or Overland Park, but she felt if he did, he may have taken the most basic community-oriented steps for an experienced developer to take, such as inviting neighbors from the adjacent community to have a discussion about his proposed development. Not she or any of her neighbors were invited to a presentation or contacted in any way other than Mr. and Mrs. Spies by the developer about his plan other than sending the minimum notice requirement for zoning. If the developer would have approached the community as if he were a part of it, and the neighbors' concerns were of importance to him, they would have had the opportunity to work together towards potential solutions to address some of the concerns. She felt the proposed development was a bad plan for their community. She felt they would be forced to live with the development long after the developer has moved on. She urged the Council's support of the Planning Commission's unanimous rejection and requested they deny the rezoning request.

Mr. Pawel Domejczyk, 5604 West 127th Terrace, stated he moved into his home three weeks ago and purchased the home in December. He moved to Overland Park because his wife travels a lot, and he plans to raise his children in the City. He agreed with the comments made by his neighbors. He lives directly across the street from the proposed construction. He felt the proposed homes will be too close to each other and that the developer has planned for too many houses in too small of an area.

Mr. Joe Puzey, 5616 West 127th Terrace, stated that he has two boys who he bikes with on the trail in the area, but he was concerned the developer will add egress/ingress to the new neighborhood and cut the path. He did not feel there was any good plan to continue the Tomahawk Creek trail behind the area, and that the developer's plan will make it unsafe. He also felt the additional U-turn movements coming into Outlook will cause a lot more issues in that area. His boys get on the bus in that area, and he did not want to see many cars making U-turns through that area. Currently, there are many cars that come through their cul-de-sac driving erratically.

He did not want to see what the impact would be with that traffic if seven houses are allowed on the site.

With no further comments, Mayor Skoog closed the hearing. If the subject property were to develop with two or three houses, he understood access would have to be given to the street. If the adjacent property owner chooses not to participate in that access, the City has to provide access to 127th Street. Mr. Monberg agreed. Staff would have to review that plan, but more driveway access to serve individual homes would be permissible as part of a review of those single-family homes.

Mr. Kite understood the site was zoned for two houses, but that did not seem to align with what he had heard from Planning staff. He asked what the legal zoning was currently that does not require action from the Council and what the developer was entitled to build today. Mrs. Karr stated the site is zoned R-1, Single-Family, which allows a minimum 8,000 square-foot lot. Someone could bring forth an R-1 project and use the existing zoning to develop the site. Mr. Kite asked if the site would allow for developing five houses. Mrs. Karr stated the current zoning on the site would tolerate more than two houses subject to the plat and street layout. Mr. Kite understood they would also need more driveway access on 127th Street and multi-street accesses to a thoroughfare. Mrs. Karr agreed, but stated that would depend on how the access is laid out.

Mr. Newlin referred to a comment by a resident who said there was no public meeting held, and since the request is a zoning change, part of their rules include holding a neighborhood meeting and asked if that meeting was ever held. Mrs. Karr stated the rules do not require a neighborhood meeting when the zoning is to single-family. Neighborhood meetings are required when staff receives a request for multi-family zoning or higher such as commercial and industrial.

Mr. Heley expressed concern about the stream corridor being maintained under private ownership, outside of this area, Mr. Spies' property, and the Deer Creek Golf Course, Tomahawk Creek is entirely under public ownership. He wanted to hear the applicant's feedback on that issue and staff's feedback on how they can take a closer look on putting the stream corridor in public ownership, because he felt that was a critical connection.

Mr. Petersen stated if the City desired and the Council chose to take that creek into public ownership like the rest of the corridor, the developer would agree with that proposal. Mr. Heley asked if that was something they could pursue during the platting process if the plan moves forward. Mr. Monberg agreed. He noted that staff would need to evaluate that issue in partnership with the Parks Department about whether taking on that ownership would be something they could maintain effectively. Typically taking on land in that way is typically done as part of a Park's planning process. He felt what they were trying to connect is where the Parks Department has identified a need for additional park land. That conversation would have to proceed between the developer and City staff. Mr. Heley felt it would be more of a stormwater conversation than a Parks conversation, and possibly they would need to bring the County's Stormwater and Parks' Department into the conversation.

Council President Grummert moved to approve Ordinance No. Z-4370 (Rezoning No. REZ2025-00002) including stipulations a through p, and the requested deviations,

rejecting the Planning Commission's recommendation for denial. Mr. Cox seconded the motion.

Mrs. Grummert appreciated staff's diligence in getting updated information from the Planning Commission and the work that was done to get the plan to the Council and for all the residents who appeared. She felt the consideration of the stream corridor is important and appreciated they are ensuring they are getting sufficient setbacks with new developments. She felt the houses on the site to the north may not have been given as much consideration with floodplain aspects in the past and hoped they were doing better with stream corridors and floodplains. She understood infill projects were difficult to do, especially putting houses in an area that was once green fill between other things that were already built. She felt they were trying to accommodate the needs for the City and move forward. She referred to the private drive negotiations, and understood they cannot make private owners do what they do not want to do, as they have private property rights. She felt the entrance and exit proposed was a good solution to create access for the neighborhood for seven homes. She was satisfied with the traffic analysis and that the project will not be burdensome to 127th Street. She noted that housing needs is an issue they hear about all the time, and it is crucial they continue to move it forward. She was glad to see they were able to find a solution to a difficult corner that has not been developed for a long time. She appreciated the flexibility with setbacks, side yards, back yards and the size of the streets to find seven homes for residents in Overland Park.

Mrs. Cheatham supported the motion and appreciated the residents who came forward to share their concerns. She felt staff's reasoning was compelling regarding the traffic and stormwater analyses. The need for housing is something they discuss all the time, and she was happy to see seven homes going into the site. She felt they may need to think more frequently about the proposed zoning category. She was happy to see the smaller street width and to do that in areas of the City where it might make sense. She also supported the staff discussion about acquisition of the streamway corridor to ensure it is managed to the best interest of the community from a stormwater and parks and recreation perspective.

Mr. Passer disclosed some contacts he has had over the last several months, which include several of the neighbors, and the developer and their attorney. He also reached out to a planning commissioner for discussion. He recognized this was a rezoning matter, stating he valued the goal area committees and the Planning Commission input. When the Council gets recommendations, having that reviewed prior is very integral to their process and helps ensure an effective governing body. For the Planning Commission's unanimous decision of denial to come before the Council and ultimately result in an approval of the request concerned him. He would be more comfortable remanding the request to the Planning Commission and letting them reconsider the project. When he spoke with a planning commissioner, they were concerned that the Planning Commission's concerns were being relegated to the driveway issue only. He did not support the motion and recommended the request be remanded to the Planning Commission. He wanted to be compliant with the Kansas Supreme Court, and felt they should not make emotional decisions based on bureaucracy or process. They have to follow the Golden Criteria, especially Golden Criteria No. 5, which says approval of an application would detrimentally affect nearby properties, and No. 7, the extent to which a proposed use would adversely affect the capacity or safety of the portion of the road network influenced by the use.

Ms. Younis did not support the motion based on the reasons brought up in the Planning Commission that she did not feel were adequately addressed today. She pointed out that no one on the Planning Commission was comfortable with the right-in/right-out access point, and the U-turn that would have to be made. She felt seven houses at 6,400 square feet per house will add a lot more traffic, as each house will likely have multiple cars. There are Amazon deliveries and all sorts of vehicles that will be going in and out of the neighborhood. There is a synagogue to the west, which was not brought up in the conversation that has a lot of traffic on holidays and events, and that entire community will be coming in and out of that area. She drives by the site all the time and noted the hill is very steep, and it is hard to imagine fitting that many houses on that site. She felt the access point would be a concern. She understood there were flooding issues in Deer Run and is something that needs to be addressed. She did not feel the proposed plan will make that issue any better, or worse or worse enough to warrant not approving the plan, but she was still concerned about that issue.

Mr. Mosher understood if the site was zoned R-1, there would be 8,000 square-foot lots. Mrs. Karr stated that was the minimum lot size R-1 zoning allows. Mr. Mosher also understood under that scenario, the applicant would not ever have to come to the Council for approval of that type of request. Mrs. Karr stated the applicant would have to plat, and the Council would see a final plat for such a request. Mr. Mosher asked if the lot size on the proposed development is 10,489 to 21,000, and if they go to, 8,000, he felt there would be many more homes than seven. Mrs. Karr stated there could be more homes, but that plan would have to be laid out. Mr. Mosher understood having more homes would be smaller homes, which could detract from the neighborhood even more so, and they would never have to come back to the Council. He felt staff presented a process tonight that did not match the Planning Commission's decision. He asked if they could remand the proposal to the Planning Commission to review it again, discuss it and look at the presentation the Council received tonight to make a decision.

Mr. Mitrisin noted what stands out to him on this application is the recommendation of staff, which is important and should be followed. He felt the proposal follows the Golden Criteria, and there is a clear need for this use in the community. He did not agree with remanding the proposal to the Planning Commission, as he felt the question about access has been answered. He supported the motion.

Mr. Kite stated he had also spoke to the residents in Deer Run. He did not feel there was a traffic issue on the site, and the proposed site is 1 percent of the watershed area. There is an existing water issue in Deer Run, which the residents had showed him that damage. He felt the Public Works staff could aid in that discussion. There may be some impedance downstream in Leawood, and they have seen the thoroughfare and access street flood. Although there are some flooding issues, the proposal will not make that situation worse. He felt they are supposed to evaluate what the Planning Commission decided and denied unanimously, but he felt there was promise in the proposed development. However, to truly stay with the process, he felt the proposal need to go back to the Planning Commission and they should work with the neighbors. He felt the Council's job is to look at what the Planning Commission decided and render an opinion on that. He felt the specificity to be considered is to ignore the access negotiations with Mr. Spies, as he had spoken on that issue. He felt the Planning Commission needed to look at the project again based on what they

know and then bring it back to the Council after that has been done. He did not support the motion to approve the project.

Mr. Cox did not understand what remanding the application back to the Planning Commission would accomplish. He felt the primary issue and much of the discussion coming from the Planning Commission was about the right-turn in and out of the site. He did not feel it mattered on the number of lots on the site, because the traffic has a right to go in and out at that site. Unless the private party is willing to provide access to his entrance, that issue will exist. He did not understand what the Planning Commission would send back to the Council other than where they sit now. He felt they have all the information they need and he valued staff's opinion.

Mayor Skoog explained that the motion and second was to approve the Rezoning No. REZ2025-00002 at the northwest corner of 127th Street and Nall. Since the Planning Commission denied the request, ten affirmative votes are required to approve this action. Mr. Monberg agreed, stating the ten votes were required due to the valid protest petition.

The motion made by Mrs. Grummert and seconded by Mr. Cox failed by a roll-call vote of 7 to 5. Those voting in opposition were Mr. Kite, Ms. Younis, Mr. Riess, Mr. Borlaza and Mr. Passer.

Mayor Skoog entertained a second motion.

Mr. Kite moved that Rezoning No. REZ2025-00002 be remanded to the Planning Commission with the following guidance, which is that the driveway access using the other property is not part of their consideration. Mr. Passer seconded the motion.

Mayor Skoog understood direction could be given to the Planning Commission to consider specific things, but they cannot direct them to follow something. Mr. Monberg stated the Council can provide items they would like the Planning Commission to review and consider. In this case, instead of looking at it as a negative, they can consider the application with the access as proposed, and not with the idea of seeking access on the neighboring property.

Mr. Kite moved that the Council remand Rezoning No. REZ2025-00002 to the Planning Commission to consider the project with focus on the entrance point at 127th Street as provided by staff. Mr. Passer seconded the motion.

Mr. Heley felt ownership of the stream corridor was important, including the floodplain area outlined as public parks open space, and given that entire corridor except for the area under public ownership, with the exception of Deer Creek. He asked that the Planning Commission, and staff and the applicant look at that issue, whether that would be donated to the City or to another public entity, such as the County Stormwater Department or Johnson County Parks and Recreation, as he felt this was an important component of this project in other applications along their major stream corridors.

Mr. Mitrisin did not agree with remanding the project back to the Planning Commission, and they should decide on the project, as he felt they had all the information they needed. He opposed the motion.

Mr. Mosher understood some flooding was occurring at the site currently. Mayor Skoog stated there were a lot of policy issues around owning these types of waterways. Mrs. Karr stated that was something staff could review and be prepared to address at a later date.

Mrs. Cheatham opposed the motion, as she felt they have sufficient information to make a decision. She felt the remand would only slow down the housing process, take up more time and cost more money.

Mrs. Grummert agreed with Mrs. Cheatham and Mr. Mitrisin's comments and did not agree with sending the applicant back to the Planning Commission. She felt they would be making a decision on new information they received and did not feel the Planning Commission would have new information to consider.

The motion made by Mr. Kite and seconded by Mr. Passer to remand Rezoning No. REZ2025-00002 to the Planning Commission for further review carried by a vote of 7 to 5. Those voting in opposition were Mr. Mitrisin, Mrs. Cheatham, Ms. Younis, Mr. Cox and Mrs. Grummert.

Mayor Skoog stated to approve this project over the Planning Commission's position would have required ten votes, and that motion was not approved. The second motion was to remand the application to the Planning Commission to consider primarily the drive that has changed, which required a simple majority vote of the Council. He asked staff when the item might be considered on the Planning Commission agenda. Mrs. Karr state the item would most likely be addressed on the August 11, 2025, Planning Commission agenda.

OLD BUSINESS

No report.

NEW BUSINESS

MID-AMERICA REGIONAL COUNCIL REPORT

Mrs. Grummert presented the Mid-America Regional Council (MARC) Report, stating the MARC regional conference was held in June, which she attended in Seattle, Washington. This conference is held for all regions across America to gather and discuss major issues affecting their region. The major issues occurring throughout the United States are transportation, infrastructure, connectivity, attainable housing, creating housing affordability throughout the regions, trail connectivity, increasing mobility and sustainability, and community wellness throughout the cities. She visited the light rail system in Seattle, and they have incorporated it, as well as their new housing requirements.

Mrs. Grummert provided the highlights from the June Board meeting, which included four major reports. The areas reported on were the 988 Mental Health Crisis Response System; integration of dispatch through the 911 system and coordination of care of those calls; progress of the KC Connect 2050 Plan, which is the long-range 3+regional transportation plan, and how they are still receiving input on that plan; as well as a land-use adoption presentation and land-use vision; and emphasizing compact connected growth and land use strategies designed to align with

transportation planning and environmental resilience goals. The Board reviewed a draft of the regional multi-hazard mitigation plan, including updates, which addressed regional vulnerability to natural and manmade hazards. This federal required plan improved eligibility for Federal Emergency Management Agency (FEMA) disaster mitigation funding and provided a shared risk reduction strategy across their jurisdictions. All of their cities and counties work together to address big issues that affect their region. Next steps will include budgeting and finalization of the KC Connect Plan, obtaining feedback for those plans, as well as stakeholder workshops and mitigation plans.

ADJOURNMENT

Mayor Skoog adjourned the meeting at 10:42 p.m. Minutes transcribed by Kathleen Behrens.

Curt Skoog, Mayor

ATTEST:

Elizabeth Kelley, City Clerk