

**City of Westwood, Kansas
City Council Meeting
October 12, 2023 – 7:00 p.m.**

Council Present: David E. Waters, Mayor
Andrew Buckman, Councilmember
Jeff Harris, Council President
Jason Hannaman, Councilmember
Laura Steele, Councilmember
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, City Administrator
Curtis Mansell, Police Chief
John Sullivan, Public Works Director
Ryan Denk, City Attorney
Abby Schneweis, City Clerk

Call to Order

Mayor Waters called the meeting to order at 7:00 p.m. on October 12, 2023. The City Clerk called the roll. A quorum was present. The evening's meeting was held in a hybrid manner, with attendees joining both in person and via Zoom.

Approval of Agenda

Motion by Councilmember Harris to approve the October 12, 2023, City Council meeting agenda as submitted. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

Public Comment

Mike Coffman, 2217 W 50th Street, Westwood Hills, said he believes safety should be a top priority of the Governing Body and read comments submitted in the Rainbow Boulevard PSP Survey that was recently conducted. Mr. Coffman suggested the Governing Body visit with the crossing guard at 50th Street and Rainbow Boulevard about the intersection.

Nikki Dupont, 1930 W 50th Terrace, Westwood Hills, said during the 2017 Comprehensive Plan process a majority of residents who completed a survey indicated they would like to see expansion of park space. Ms. Dupont said the 2021 Urban Land Institute Technical Assistance Panel (ULI TAP) dismissed the idea of commercial development in the proposed redevelopment area due to proximity to residential properties and suggested redeveloping the area into an enhanced park, civic plaza and possibly City Hall. Ms. Dupont said the ULI TAP encouraged the City to work on funding strategies including grants and partnerships and questioned if any of these strategies were considered. Ms. Dupont said now is the time to purchase the property at 2511 W 50th Street, but it is not the time to approve a single commercial proposal that did not come from a bid process.

John Yé, 4836 Belinder Court, said a small kitchen remodel in 2006 set him on a course to ultimately serve on the Governing Body for 12 years. Mr. Yé acknowledged that those living close to the proposed development have strong feelings and said they are expected. Mr. Yé said the Master Plan has many

outtakes that could be used to fit the narrative for those for and against the Karbank proposal. Mr. Yé said over the past several years the City saw changes including the Woodside Village development, WalMart Neighborhood Market, the purchase of the 5050 Rainbow Boulevard property, adopting an updated Master Plan, and saw the construction of the new Westwood View Building. Mr. Yé said all of these developments had opposition, and the City has continued to maintain its identity. Mr. Yé said the project is not perfect, but he supports it and said it is the Governing Body's job to ensure the work done will make Westwood proud for generations to come.

Ben Hobert, 2208 W 49th Street, Westwood Hills, said he did not believe the City is receiving fair value for the 5000 and 5050 Rainbow Boulevard properties. Mr. Hobert prepared and provided copies of his calculations; they are included in Exhibit A of this minutes document.

Steve Platt, 4910 Glendale, Westwood Hills, said the changes in the plans provided by Karbank between March 2023 and those that are in the evening's meeting packet are very different. Mr. Platt said a lot has occurred since Karbank made their initial proposal in March, but there is still no proposal for the park, and the financial analysis has not been completed. Mr. Platt said he was concerned about the 43 year first right of refusal for the park land reserved for Karbank.

Malisa Monyakula, 2821 W 51st Terrace, said she has had meetings with members of the City Council and Planning Commission and does not believe the proposal has been vetted properly. Ms. Monyakula said she believes 51st Terrace and 50th Street will be turned into collector streets. Ms. Monyakula said she believes the development should be put to a public vote.

Lou Wetzel, 4832 Adams, said the Planning Commission is an advisory board, and the Governing Body is charged with considering their recommendations and deciding what is overall best for the community. Mr. Wetzel said that parks and greenspaces are one of the most important aspects of city life. Mr. Wetzel said he believes the best course of action is to maintain the maximum amount of contiguous green space. Mr. Wetzel said he believes the Karbank proposal is not in line with the Comprehensive Plan.

Dennis Dupont, 1930 W 50th Terrace, Westwood Hills, said the Governing Body has heard from many in the audience about their financial and safety concerns relating to the Karbank proposal. Mr. Dupont said the park is the City's identity and it carries the heart of Westwood. Mr. Dupont told the Governing Body not to rush through approving the Karbank proposal.

Spencer Day, 3003 W 49th Terrace, said he has young children and has used Joe D. Dennis Park extensively and has found it is not ideal for all ages. Mr. Day said the lack of restroom facilities, and the playground equipment's age and proximity to Rainbow Boulevard are cause for concern.

David Owens, 2412 W 49th Terrace, said the Karbank proposal could be a heat island. Mr. Owens said the City should consider proposals by Karbank to redevelop 4700 Rainbow Boulevard. Mr. Owens said he did not believe the Karbank proposal is the highest and best use for the property.

Bernard Brown, 2805 W 51st Terrace, said a letter was sent by attorneys to the City earlier that day stating the City must provide public notice twice before park land can be sold and the City has not provided such notice. Mr. Brown said there are a number of members of the community that would push for a city-wide vote. Mr. Brown said he had concerns about conflicts of interest of the members of the Planning commission and Governing Body.

Written comments submitted by Trent Dandel and John Borders were included in the evening's agenda packet.

Presentations and Proclamations

No presentations or proclamations were made.

Consent Agenda

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion. There will be no separate discussion of these items unless a member of the Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. Consider September 14, 2023, City Council Meeting Minutes
- B. Consider Appropriations Ordinance 755

Motion by Councilmember Harris to approve the Consent Agenda as submitted. Second by Councilmember Wimer. The City Clerk conducted a roll call vote. Motion carried by a 5-0 vote.

Mayor's Report

Mayor Waters acknowledged the recent violent events in Gaza and expressed sympathies for the innocent victims of violence.

Mayor Waters said he wished to address the conflict of interest issues that have been raised during the Public Hearing for the Karbank proposal both in meetings and online. Mayor Waters said many of the accusations were framed as residents just asking questions and remain without any support. Mayor Waters said he could only speak for himself, and said he takes his legal practice and obligations to the community extremely seriously and as Mayor there are Kansas Statutes that apply to conflicts of interest. Mayor Waters stated he is not employed by Karbank, and his employer does not and has not represented any of the Karbank family of businesses whether in regard to Westwood or any other matters. Mayor Waters stated he has not received any compensation or gifts from Karbank, nor does he have any financial interest in the family of businesses. Mayor Waters said he has dined at The Restaurant at 1900, and has attended events at Karbank properties for Westwood View Elementary School, Kansas City Area Development Council and the Johnson & Wyandotte Council of Mayors. Mayor Waters said anyone interested can view his Statements of Substantial Interest with the Johnson County Election Office. Mayor Waters said many have approached him and the rest of the Governing Body, Planning Commission, and Staff with good-faith questions and concerns and asked that the community continue to do so. Mayor Waters said there is no need for baseless personal attacks against those who are volunteering their time to serve the community.

Councilmember Reports

Councilmember Harris said he did not represent or have any business or financial ties with Karbank or any of its principals.

Staff Reports

Administrative Report

Ms. Herring provided an overview of the October 2023 Administrative Report included in the agenda packet and offered to answer questions.

Public Works Report

Mr. Sullivan provided an overview of the September and October 2023 Public Works Report included in the agenda packet and offered to answer questions.

Public Safety Report

Chief Mansell provided an overview of the September 2023 Public Safety Report included in the agenda packet and offered to answer questions.

Treasurer's Report

The September 2023 Treasurer's Report was included in the agenda packet, no questions or comments were made about the report.

City Attorney's Report

Mr. Denk did not have any items to report.

Old Business

No Old Business items were considered.

New Business

Consider Ordinance No. 1038 relating to the rezoning of property at 50th & Rainbow Blvd. and associated preliminary development plan

The applicant is requesting approval to rezone property located at 50th & Rainbow Blvd. and for approval of a preliminary development plan to build a mixed-use office and retail development on property currently under contract at 5000 Rainbow Blvd., 5050 Rainbow Blvd., and 2511 W. 50th St. Specifically, these matters are known as:

- RZ-2023-01 – Consider application of Karbank Holdings, LLC, on behalf of owner City of Westwood, KS to rezone property at 5000 and 5050 Rainbow Blvd., Westwood, KS 66205 from R-1 (Single-Family Residential) to PD (Planned Development)
- RZ-2023-02 – Consider application of Karbank Holdings, LLC, on behalf of owner Shawnee Mission School District to rezone property at 2511 W. 50th St., et al., Westwood, KS 66205 from R-1 (Single Family Residential) to PD (Planned Development)
- PDP-2023-01 – Consider application of Karbank Holdings, LLC on behalf of owners Shawnee Mission School District and City of Westwood, KS, jointly, for approval of a preliminary development plan at 2511 W. 50th St., 5000 Rainbow Blvd., and 5050 Rainbow Blvd, Westwood, KS 66205

The rezoning and preliminary development plan are subject to public hearing before the Planning Commission, at the conclusion of which the Planning Commission is to make a recommendation to the Governing Body, which body then takes the ultimate action on the applications¹. The Planning Commission opened the public hearing on these items on August 7, 2023 and closed the public hearing on September 11, 2023, on which later date it made a recommendation for conditional approval to the Governing Body by a vote of 7-2.

The conditions recommended by the Planning Commission are:

- a. Karbank to perform at its sole expense a study of the existing trees on the site prior to any demolition permits being issued, such study to include the following scope of work;

- i. Specie type;
 - ii. Estimated age;
 - iii. Condition (and to the extent possible an estimate on remaining lifespan);
 - iv. Ability to be relocated elsewhere on the development site or at the City Park (with emphasis on relocating as many possible on the development site); and
 - v. If proposed to be kept, a tree preservation and protection plan for use during the demolition and construction period;
- b. Karbank to mitigate the removal of mature trees from 500 and 5050 Rainbow Blvd. by providing one (1) new tree for every tree less than 12' caliper removed and for trees over 12" caliper, replace at 2:1. Preference for new tree plantings is for them to be located in the north and south side yard of the development; however, exact location will be determined at a later date following the study defined above;
 - c. Karbank to provide as part of the final development plan consideration sufficient and acceptable in-school traffic counts and traffic modeling and any necessary resulting modifications to the site access to ensure levels of service do not worsen as a result of the development;
 - d. Karbank, prior to final development plan approval, conclude with KDOT its review of the site access as applicable to KDOT and its jurisdiction on Rainbow Blvd. conditioned upon the approval of the City traffic engineer following review of the traffic study and per her recommendations to the applicant and City Staff; and
 - e. Karbank and the City in good faith study whether the park restroom should be part of the Karbank development or be a separate structure serviced by the City.

Pursuant to Westwood Zoning Ordinance 1.6.13(c):

The Governing Body may (1) approve such recommendations by the adoption of the same by ordinance or resolution; (2) override the Planning Commission's recommendation by a two-thirds majority vote of the membership of the Governing Body; or (3) return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

Rezoning in the State of Kansas are subject to protest petition procedures as set forth in both Westwood Zoning Ordinance 1.6.14 and K.S.A. 12-757. City staff has followed such procedures and acknowledges that a protest petition has been received and validated. As such, the ordinance or resolution adopting such amendment shall not be passed except by at least a 3/4 vote of all of the members of the governing body.

All expenses to date and hereafter relating to these document drafts are reimbursed by Karbank pursuant to the Funding & Exclusivity Agreement dated March 9, 2023.

Kenny Miller, of Perspective Architecture & Design, provided an overview of the design of the project proposed by Karbank. The project contains a 4.24 acre mixed use development and 3.86 acre city park. Mr. Miller shared that the development design will locate the taller portions toward the middle of the project site, with focus toward the interior and large setbacks allowing for landscape buffers. The project design will utilize the grade of the site by locating parking below ground and will create the appearance of two and three story buildings when viewing them from the north and west. Mr. Miller noted that the Karbank team has noted the comments made during the public hearing process and has reduced the project by 9,000 square feet. The Karbank team is privately under contract to purchase an adjacent residential property at the southwest corner of the proposed development area and is

scheduled to close on October 31st. With the acquisition of this property, the future park will be 0.5 acres larger. Karbank will be dedicating 10 parking spaces on the parking deck for park visitors to use. Mr. Miller said the Karbank team understands the importance of having trees on the property, and intends to keep mature trees wherever possible and has hired an arborist to help develop a tree preservation plan. Mr. Miller said the exterior of the building has been changed to an exterior wood cladding in a more muted color palette and natural limestone accents to tie in with landscaping features that currently exist in Westwood. Mr. Miller said the buildings will be built to the equivalent of LEED certified standards. Mr. Miller said the project will be 106,449 leasable square feet, there will be 291 parking spaces – 58% of these will be below grade, maintain mature trees and a water feature at 50th Street and Rainbow Blvd. Mr. Miller offered to answer any questions.

Mike Dougherty, Tree Management Company, was engaged by the Karbank team to help develop the tree preservation plan. Mr. Dougherty provided an overview of his observations of the trees located on the proposed development site.

Councilmember Harris asked Mr. Dougherty if the images in the development plan illustrate existing trees, Mr. Dougherty confirmed that they do. Councilmember Harris asked Mr. Dougherty if the trees on the eastern portion of the proposed development could withstand the construction process. Mr. Dougherty said that with a proper protection zone the negative impact could be minimal.

Councilmember Harris asked Mr. Miller if the height of the development were lessened, would the footprint of the development increase and possibly encroach on the tree protection zones. Mr. Miller said that it would.

Councilmember Wimer asked Mr. Miller to explain the height of each building. Mr. Miller said the northern and southern buildings will be approximately 50 feet tall, and the taller buildings in the plan will be approximately 76 feet tall. Councilmember Wimer asked Mr. Miller why the height of the buildings were maintained after hearing concerns from the public about the development. Mr. Miller said there is a certain amount of square footage for the project to be viable and if the height of the buildings is reduced, the footprint of the building increases. Councilmember Wimer asked Mr. Miller if reducing the height of the project is possible, Mr. Miller deferred to Steve Karbank. Mr. Karbank noted the height of the project has been massed in the center of the project and the tallest points of the project are 100 feet away from Rainbow Boulevard, 50th Street and 51st Street.

Councilmember Buckman asked if the construction of the project could hinder the projected start date for constructing the new park in the summer of 2025. Mr. Miller said the western setback from the property line should allow for park construction to commence by summer of 2025.

Councilmember Steele asked Mr. Miller to explain the logic of the number of proposed parking spaces. Mr. Miller said the number of proposed parking spaces is 2.7 spaces per 1,000 square feet, and that this number is below the 4 parking spaces per 1,000 square feet of retail and 3 parking spaces per 1,000 square feet of office space require by the zoning ordinance. Mr. Miller said the number of parking spaces is based off of existing Karbank project tenants.

Councilmember Hannaman asked Ms. Herring to confirm that all Tax Increment Financing (TIF) proceeds collected in the TIF Benefit District that was established for the Karbank project would benefit the City to build a future public park. Ms. Herring confirmed and added that the proceeds could also be used on the roads that lead to and from the new park.

Councilmember Harris said he is concerned about the height of the project, but measures have been taken to balance the height such as the footprint of the development and the setbacks from the street. Councilmember Harris said he is concerned about the conservation of mature trees, and Mr. Dougherty's assessment of the trees on the development site and the guidance to protect them has helped address his concerns. Councilmember Harris said the fact that this is a change for residents should not be ignored, but the Governing Body's task is not to prevent change, but to shape change and adapt to it. Councilmember Harris said one way to respect the residents living closest to the proposed development is for Karbank to be a good neighbor, Councilmember Harris said he expects Karbank to be a good neighbor.

Councilmember Harris said by his calculations the potential new park will be roughly 335% larger than Joe D. Dennis Park and the greenspace. Councilmember Harris noted that survey respondents indicated they wanted more greenspace during the 2017 Comprehensive Plan process and said at the time the church building and parking lot at 5050 Rainbow Boulevard had not yet been demolished. Councilmember Harris said he believes the potential park addresses the desires for more greenspace that were expressed in the 2017 Comprehensive Plan. Councilmember Harris said the City has financial matters to consider, and the proposed development provides an opportunity to make unproductive property productive property on the tax rolls. Councilmember Harris stated Westwood has an unusually high percentage of tax-exempt property. Councilmember Harris said he is happy to have these tax-exempt entities in the city, but the Governing Body is aware of potential changes to State of Kansas tax laws that could drastically change City tax revenues. Councilmember Harris said it is wise to know what those risks are and take action to insulate the City from those risks. Councilmember Harris said there used to be a commercial property with a parking lot in the middle of Westwood for decades – the Entercom property. Councilmember Harris noted the relocation of Westwood View Elementary to this piece of land in the heart of the City. Councilmember Harris said the Karbank proposal would move the city park off of a busy four lane street, and a commercial use project will move from the center of the City to Rainbow Boulevard. Councilmember Harris said from a land use standpoint, these are all good results, and he tends to support the proposal.

Councilmember Hannaman said that a comment made by a resident in a past meeting has stuck in his mind is why would the Governing Body entertain the Karbank proposal. Councilmember Hannaman said his "why" is to achieve a new larger park with upgraded amenities that is safely located away from Rainbow Boulevard. Councilmember Hannaman said he sees only two options from a timing and financial perspective, which are to either find a way to acquire the property at 2511 W 50th Street which the City does not currently have the funds for, or do nothing. Councilmember Hannaman said wishing that there were other options does not change the fact that there are none. Councilmember Hannaman said if the City does nothing, another party will likely buy the property and develop it as single family, and the City will have the same amount of park space on Rainbow Boulevard with no mechanism to pay for improvements.

Councilmember Hannaman said from the time Sprint began moving out of Westwood in the early 2000s the city has had to make hard choices to reach financial stability. Councilmember Hannaman said the Kansas House of Representatives was one vote away from Cities losing the ability to tax grocery sales, which would have been an almost catastrophic budget impact to Westwood.

Councilmember Hannaman said he does not relish disappointing residents, but he has a responsibility to the Westwood community as a whole. Councilmember Hannaman said to make Westwood a better

place for its youngest residents, and future generations, the Governing Body must make hard decisions. Councilmember Hannaman said he supports the proposal.

Councilmember Wimer said this decision has not been easy for her and it is a weighty thing to be charged with the stewardship for the community. Councilmember Wimer said she likes to find a win-win situation and acknowledged that people will be disappointed. Councilmember Wimer said change is hard but sometimes it produces the best growth.

Councilmember Steele said if the Governing Body does not move forward with the Karbank proposal the City loses its ability to work with a partner that has shown they have listened to community concerns by changing their development plan. Councilmember Steele said she ran for a Council seat for her children and hopes she can help shape a community they want to stay in in the future. Councilmember Steele said she appreciates the work from the Karbank team and City staff as well as the concerns raised by the community.

Councilmember Buckman said he echoed the sentiments of the other members of the Council. Councilmember Buckman said land use will change whether everyone likes it or not, and the Governing Body has a once in a lifetime opportunity to expand the greenspace and create a park that is useful. Councilmember Buckman said he supports the Karbank proposal.

Mayor Waters thanked Westwood residents for providing feedback and attending City meetings and believes the project has improved because of it. Mayor Waters thanked City staff, former members of the Governing Body, the Shawnee Mission School District, the Karbank family, and the current members of the Planning Commission and Governing Body. Mayor Waters said he will vote in favor of the Karbank proposal. Mayor Waters said the proposal complies with the 2017 Comprehensive Plan. Mayor Waters said in the 2022 Facilities Study the majority of Westwood residents favored a park at 2511 W 50th Street with development occurring on Rainbow Boulevard. Mayor Waters said the Karbank proposal achieves the goals of increasing greenspace, putting taxable properties to productive uses, raising revenue for City operations, eliminating debt on the 5050 Rainbow Blvd property, and providing amenities desired by residents. Mayor Waters said when the City engages in planning the Governing Body must consider current and future residents. Mayor Waters acknowledged the desire to convert the development area into a park, and said that is simply not a financially feasible thing to do. Mayor Waters said the Governing Body has a significant opportunity to improve Westwood for its future.

Motion by Councilmember Harris to accept the Planning Commission's recommendation to approve rezoning applications RZ-2023-01, RZ-2023-02 and the associated preliminary development plan PDP-2023-01, subject to the stipulations recommended by the Planning Commission, except condition C relating to traffic counts and modeling, relating to real property at 50th and Rainbow all as detailed in Ordinance 1038 subject to the subsequent approval of the development agreement, donation agreement, and first rights agreement and later approval of the donation agreement relating to real property at 2322 W. 51st St., Westwood, Kansas. Second by Councilmember Steele. The City Clerk performed a roll call vote. Motion passed with a 5-1 vote with Mayor Waters and Councilmembers Harris, Buckman, Hannaman and Steele voting aye, Councilmember Wimer voting nay.

Consider Development Agreement relating to redevelopment at 50th & Rainbow Blvd.

On March 9, 2023, the City and Karbank Real Estate entered into a Funding and Exclusivity Agreement to explore Karbank's proposal to the Westwood City Council for redevelopment of the Rainbow Blvd. frontage between 50th and 51st Street, which property is owned by the City of Westwood. Following

that initial presentation and Agreement execution, on June 8th, the Shawnee Mission School District and the City of Westwood entered into a Purchase Agreement to leverage its option to purchase the former Westwood View Elementary School located at 2511 W. 50th St. and, that same night, the City of Westwood and Karbank entered into a Purchase Agreement for Karbank to acquire the City's Rainbow Blvd. frontage property parcels, subject to the terms of those agreements.

Since that time, Karbank has submitted an application for and received a recommendation of conditional approval from the Planning Commission of the rezoning and preliminary development plan necessary to construct the mixed-use redevelopment project. This development plan was presented and reviewed by the Planning Commission at three separate public meetings (July 10th, August 7th, and September 11th) before the Planning Commission issued its recommendation to the City Council on September 11, 2023. The applications for rezoning and preliminary development plan approval for this project are before the City Council for final action on the October 12, 2023 agenda.

Related to Karbank's proposal are several documents setting out terms and conditions for the agreement between the City of Westwood and Karbank. These agreements include:

- a. Development Agreement;
- b. Donation Agreement (Covenants & Restrictions are set out in an exhibit to this document); and
- c. First Rights Agreement.

These documents were all presented to the City Council for review at its September 14th regular meeting.

These documents have been negotiated to this point by and between Karbank and a team of City Officials and representatives including Mayor David E. Waters, City Administrator Leslie Herring, City Attorney Ryan Denk, Financial Advisor Jeff White (Columbia Capital Management), and Bond Counsel Kevin Wempe (Gilmore & Bell). This team was available at the September 14th meeting and thereafter to respond to any questions the City Council may have had regarding the documents and to address any items not included or requested for inclusion by the City Council. Members of this team will be available again on October 12th to respond to any remaining questions members of the City Council may have.

A second Donation Agreement will be set for consideration by the City Council at a later date, most likely the November 9, 2023 regular City Council meeting. This Agreement relates to the City's consideration of acceptance of the privately negotiated land acquisition between Karbank and The Joanne Maureen Gaar Trust for real property at 2322 W. 51st St. to be used for purposes of future City Park.

All expenses to date and hereafter relating to these document drafts are reimbursed by Karbank pursuant to the Funding & Exclusivity Agreement.

Motion by Councilmember Hannaman to approve the presented Development Agreement with Karbank Holdings, LLC. Second by Councilmember Buckman. The City Clerk performed a roll call vote. Motion passed 5-0.

Consider Donation Agreement and Declaration of Covenants and Restrictions relating to redevelopment at 50th & Rainbow Blvd. (proposed Lot 3 of property under consideration for replat at 2511 W 50th St.)

Motion by Councilmember Harris to approve the presented Real Property Donation Agreement with K-Fans, LLC for the creation of a City Park. Second by Councilmember Buckman. The City Clerk performed a roll call vote. Motion passed 5-0.

Consider First Rights Agreement with Karbank Holdings, LLC relating to redevelopment at 50th & Rainbow Blvd.

Motion by Councilmember Harris to approve the presented First Rights Agreement with Karbank Holdings, LLC. Second by Councilmember Hannaman. The City Clerk performed a roll call vote. Motion passes 5-0.

Consider Final Plat for redevelopment at 50th & Rainbow Blvd. (Westwood Planning Commission Case Nos. FP-2023-01 and FP – 2023-02)

A plat is a document recorded with a property parcel that establishes property intended for public use.

The property located at 5000 Rainbow Blvd., 5050 Rainbow Blvd., and 2511 W. 50th St., Westwood, KS is the subject of a current rezoning and preliminary development plan application. Section 1.5 of the City's Zoning Ordinance specifies the procedures and requirements for the consideration of a final plat, which includes submission to the Planning Commission for review and approval and then submission to the Governing Body for acceptance/approval. Following approval by both the Planning Commission and Governing Body, the plat shall be recorded with the County Register of Deeds.

The Westwood Planning Commission unanimously and unconditionally approved the final plat at its October 9, 2023 regular meeting.

The submitted final plat consolidates multiple property parcels currently owned by two parties – the City of Westwood and USD 512 – into three parcels across the subject property, with the intent the Karbank Holdings, LLC will ultimately own Lot Nos. 1 and 2 and the City of Westwood will own Lot 3. As this replat is being considered at this solely to create the legal descriptions and real property parcels to be sold and purchased as contemplated in the Purchase Agreements dated June 8, 2023, a second plat will need to be considered and approved at a later date, once utilities have been relocated, easements vacated, and ROW placement finally determined further in the build process.

Further, there is intended to be a complementing Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement setting out rights and responsibilities related to the dedicated stormwater detention facility, which will be drafted by Westwood City staff, and which will be recorded with the plat on the property once the future replat is considered.

Staff review of the application submittal concludes that all elements required to be included on the plat are shown and that the submitted final plat conforms to all provisions of Section 1.5 of the Zoning Ordinance. Staff recommends the City Council approve the final plat as presented with no stipulations.

Motion by Councilmember Buckman to accept the dedication of public rights of way and easements as reflected on FP-2023-01 and FP-2023-02. Second by Councilmember Wimer. The City Clerk performed a roll call vote. Motion passed 5-0.

Consider allowing the consumption of alcohol beverages on City property at 4700 Rainbow Blvd. for special event

Motion by Councilmember Harris to approve the possession and consumption of alcoholic beverages on City-owned property at 4700 Rainbow Blvd. on Sunday, October 22, 2023 from 6:00 to 7:00 PM. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Announcements/Governing Body Comments

Councilmember Hannaman said he appreciates the varying viewpoints of the community and believes his actions and his vote are in the best interests of the City.

Councilmember Harris said he appreciates the collaboration that has taken place since the initial proposal was presented by Karbank in March 2023.

Executive Session

No matters required Executive Session during this meeting.

Adjournment

Motion by Councilmember Hannaman to adjourn the meeting. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote. The meeting adjourned at 9:41 p.m.

APPROVED: _____

David E. Waters, Mayor

ATTEST: _____

Abby Schneweis, City Clerk

Exhibit A

<u>WHAT WESTWOOD IS RECEIVING (3.8 ACRES) (Residential Land)</u>	
SMSD PROPERTY DEMOLITION	\$2,650,000
CHURCH PAYOFF	350,000
COSTS REIMBURSED (ESTIM)	275,000
2322 W. 51ST	150,000
	<u>575,000</u>
<u>TOTAL RECEIVED</u>	<u>\$4,000,000</u>
<u>WHAT WESTWOOD IS GIVING UP (Commercial Land)</u>	
4.2844 ACRES OR 186,625 SQUARE FEET	x \$35 SQ.FT.=\$6,531,980
	x \$30 SQ.FT.=\$5,598,840
SQUARE FOOT VALUES BASED ON WESTWOOD 10/10/2022 CITY FACILITIES ASSESSMENT AND FEASIBILITY ANALYSIS, PAGE 42	
LAND VALUES DON'T REFLECT ABILITY TO DEVELOP MORE DENSITY	
	<u>WESTWOOD IS GIVING AWAY \$1.6 - \$2.5 MILLION</u>