

CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Monday, October 20, 2008
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

OCTOBER						
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NOVEMBER						
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ACTION AGENDA

(This agenda is subject to changes, additions or deletions at the discretion of the City Council)

Mayor Peggy Dunn

Councilmembers

Ward One

Debra Filla
Gregory Peppes

Ward Two

Louis Rasmussen
Jim Rawlings

Ward Three

Gary Bussing
Mike Gill

Ward Four

Julie Cain
James Azeltine

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.

4. PROCLAMATIONS

5. PRESENTATIONS/RECOGNITIONS

6. SPECIAL BUSINESS

[From the August 12, 2008 Planning Commission meeting]

- A. Presentation of 2008 Comprehensive Plan and Map **CONTINUED FROM THE OCTOBER 6, 2008, GOVERNING BODY MEETING**

[From the August 12, 2008 Planning Commission meeting]

- B. **Resolution No. 3114** approving the Planning Commission's recommendation to adopt the 2008 Leawood Comprehensive Plan and map, in accordance with K.S.A. § 12-7-47- **CONTINUED FROM THE OCTOBER 6, 2008, GOVERNING BODY MEETING - Approved**

7. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 1113A and 1113B - **Accepted**
- B. Accept Minutes of the October 6, 2008 Governing Body Work Session - **Accepted**
- C. Accept Minutes of the September 11, 2008 Green Initiative Citizen Task Force Committee meeting - **Accepted**
- D. Accept Minutes of the September 12, 2008 Stormwater Management Committee meeting - **Accepted**
- E. Accept Minutes of the September 9, 2008 Parks and Recreation Advisory Board meeting - **Accepted**
- F. Approve 2010 Budget Calendar - **Approved**
- G. Approve issuance of Temporary Alcohol Permit to sell/serve alcoholic liquor for the Fundraiser for DeLaSalle Education Center, to be held at 11701 Nall [AMC Movie Theatre] on November 19, 2008 - **Approved**
- H. Approve Change Order No. 1 in the amount of \$5,870.00 to Teague Electric Company pertaining to the 128th & State Line Road Traffic Signalization Improvement Project [#80400] - **Approved**
- I. Approve 3rd and Final Payment in the amount of \$15,355.85 to Mega Industries pertaining to the Trail Renovation project located at 123rd and Mission Road - **Approved**
- J. Approve 4th and Final Payment in the amount of \$52,885.39 to O'Donnell & Sons Construction pertaining to the Villaggio Development [CIP # 80403] - **Approved**
- K. **Resolution No. 3115** approving and authorizing a Construction Agreement in the amount of \$243,937, between the City and Miller Paving & Construction, LLC, pertaining to Gezer Park, [Phase I] located at 133rd and Mission Road [# 76006] - **Approved**
- L. **Resolution No. 3116** approving the granting of a Utility Easement to the City of Leawood for additional utility corridor relocations located at the Public Works Facility located at 14303 Overbrook - **Approved**
- M. Approve renewal of employee health insurance benefits with Blue Cross Blue Shield - **Approved**
- N. Approve renewal of employee dental insurance benefits with Delta Dental Insurance - **Approved**
- O. **Resolution No. 3117** designating holidays for the year 2009, in accordance with the personnel rules and regulations of the City of Leawood, Kansas - **Approved**
- P. Police Department Monthly Report
- Q. Fire Department Monthly Report
- R. Municipal Court Monthly Report

8. MAYOR'S REPORT

9. COUNCILMEMBERS REPORT

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. PARKS AND RECREATION ADVISORY BOARD

[from the September 8, 2008 Parks and Recreation Advisory Board meeting]

- A. Approve Change Order No. 1 in the amount of \$12,000 to Ankeny Kell Architects, Inc., pertaining to a feasibility study for a potential future Community Center for the City of Leawood – **CONTINUED TO THE DECEMBER 1, 2008, GOVERNING BODY MEETING.**

Staff Comment: There are no funds programmed into the 2008 budget for this Change Order.

12. PLANNING COMMISSION

[From the September 23, 2008 Planning Commission meeting]

- A. **Resolution No. 3118** approving a Revised Final Site Plan for Gezer Park, located on the northeast corner of 133rd Street and Mission Road - **Approved**
- B. Resolution approving the Planning Commission's recommendation to deny a rezoning, preliminary site plan, and preliminary plat for Town Center Business Park - Walgreens, located at the northeast corner of 117th Street and Roe Avenue [Roll Call Vote] – **CONTINUED TO THE NOVEMBER 3, 2008, GOVERNING BODY MEETING**
- C. Resolution approving the Planning Commission's recommendation to deny a Special Use Permit for Town Center Business Park - Walgreens, located at the northeast corner of 117th Street and Roe Avenue [Roll Call Vote] – **CONTINUED TO THE NOVEMBER 3, 2008, GOVERNING BODY MEETING**
- D. Resolution approving the Planning Commission's recommendation to deny a Preliminary Site Plan for Town Center Business Park - Discover O, located at the north of 117th Street and east of Roe Avenue [Roll Call Vote] – **CONTINUED TO THE NOVEMBER 3, 2008, GOVERNING BODY MEETING**

[From the September 9, 2008 Planning Commission meeting]

- * E. Ordinance amending § 16-2-9.2 of the Leawood Development Ordinance [LDO], pertaining to Performance Criteria - Non-Residential Uses [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 08-06) - **CONTINUED FROM THE OCTOBER 6, 2008 GOVERNING BODY MEETING** [Roll Call Vote] - **CONTINUED TO THE NOVEMBER 3, 2008, GOVERNING BODY MEETING**

Staff Comment: These ordinances are being continued so the changes can be consolidated with upcoming changes on November 3rd in order to save on publication costs.

- * F. Ordinance amending § 16-3-9 of the Leawood Development Ordinance [LDO], pertaining to Deviations [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 09-06) – **CONTINUED FROM THE OCTOBER 6, 2008 GOVERNING BODY MEETING** [Roll Call Vote] **CONTINUED TO THE NOVEMBER 3, 2008, GOVERNING BODY MEETING**

Staff Comment: These ordinances are being continued so the changes can be consolidated with upcoming changes on November 3rd in order to save on publication costs.

- * G. Ordinance amending § 16-2-6.1 of the Leawood Development Ordinance [LDO], pertaining to SD-O Planned (Office District) [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 83-08) – **CONTINUED FROM THE OCTOBER 6, 2008 GOVERNING BODY MEETING** [Roll Call Vote] **CONTINUED TO THE NOVEMBER 3, 2008, GOVERNING BODY MEETING**

Staff Comment: These ordinances are being continued so the changes can be consolidated with upcoming changes on November 3rd in order to save on publication costs.

- * H. Ordinance amending § 16-2-6.2 of the Leawood Development Ordinance [LDO], pertaining to SD-NCR (Planned Neighborhood Commercial Retail) [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 74-08)– **CONTINUED FROM THE OCTOBER 6, 2008 GOVERNING BODY MEETING** [Roll Call Vote] **CONTINUED TO THE NOVEMBER 3, 2008, GOVERNING BODY MEETING**

Staff Comment: These ordinances are being continued so the changes can be consolidated with upcoming changes on November 3rd in order to save on publication costs.

- * I. Ordinance amending § 16-2-6.3 of the Leawood Development Ordinance [LDO], pertaining to SD-CR (Planned General Retail) [Deviation to Minimum 10 Acre Requirement Development] (PC Case # 75-08)– **CONTINUED FROM THE OCTOBER 6, 2008 GOVERNING BODY MEETING** [Roll Call Vote] **CONTINUED TO THE NOVEMBER 3, 2008, GOVERNING BODY MEETING**

Staff Comment: These ordinances are being continued so the changes can be consolidated with upcoming changes on November 3rd in order to save on publication costs.

- * J. Ordinance amending § 16-2-6.4 of the Leawood Development Ordinance [LDO], pertaining to MXD (Mixed-Use Development) [Deviation to Minimum 10 Acre Requirement for Commercial Development] (PC Case # 76-08) – **CONTINUED FROM THE OCTOBER 6, 2008 GOVERNING BODY MEETING** [Roll Call Vote] **CONTINUED TO THE NOVEMBER 3, 2008, GOVERNING BODY MEETING**

Staff Comment: These ordinances are being continued so the changes can be consolidated with upcoming changes on November 3rd in order to save on publication costs.

- K. **Ordinance No. 2352** amending § 16-4-5.7 of the Leawood Development Ordinance [LDO], pertaining to Off-Street Parking Requirements in Office, Commercial, and Industrial Districts - Improvement of Parking Areas [Parking Lot Pavement Standards] (PC Case # 66-07) – **CONTINUED FROM THE OCTOBER 6, 2008, GOVERNING BODY MEETING** [Roll Call Vote] - Passed
- L. **Ordinance No. 2353** amending § 16-4-10.1 of the Leawood Development Ordinance [LDO], pertaining to Home Occupations [Home Occupation Vehicles and Vehicle Signage] (PC Case # 73-06) – **CONTINUED FROM THE OCTOBER 6, 2008, GOVERNING BODY MEETING** [Roll Call Vote] - Passed

13. OLD BUSINESS

14. OTHER BUSINESS

15. NEW BUSINESS

- A. **Ordinance No. 2354C** repealing § 15-301 of the Code of the City of Leawood, 2000, entitled “Incorporating Hydraulic Performance of Setback Curb Inlets” [Roll Call Vote] - Passed

Staff Comment: This is now incorporated into the new section of 5600 being adopted tonight

- B. **Ordinance No. 2355C** amending § 15-302 and adding new sections 15-302A and 15-302B of the Code of the City of Leawood, 2000, pertaining to Storm Drainage Systems and incorporating by reference Division V- Section 5600 Design Criteria for Storm Drainage Systems and Facilities, February 15, 2006 Edition as amended with certain amendments and omissions, such incorporation being authorized by K.S.A. §12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302, and repealing existing § 15-302 and other sections in conflict herewith [Roll Call Vote] - Passed

Staff Comment: Adopting the updated Section 5600 the City uses for stormwater design

- C. **Ordinance No. 2356C** amending § 15-303 of the Code of the City of Leawood, 2000, pertaining to Erosion, Sediment and Stormwater Management Practices and incorporating by reference Division V- Design Criteria-Division 5100 Erosion and Sediment Control, August 13, 2003, Edition as amended such incorporation being authorized by K.S.A. §12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302, and repealing existing § 15-303 and other sections in conflict herewith [Roll Call Vote] - **Passed**

Staff Comment: Adopting a new APWA Design Specification on Sediment and Erosion Control to replace the out dated specification.

- D. **Ordinance No. 2357C** adding a new § 15-303A of the Code of the City of Leawood, 2000, pertaining to Erosion, Sediment and Stormwater Management Practices and incorporating by reference ‘Division II – Construction and Material Specifications – Section 2150 Erosion and Sediment Control’, May 21, 2008, Edition as amended such incorporation being authorized by K.S.A. §12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302 [Roll Call Vote] - **Passed**

Staff Comment: Adopting a new APWA Specification on the installation and use of material for sediment and erosion control. Replaces the out dated specification

- E. **Ordinance No. 2358C** amending § 15-304 and adding new § 15-304a of the Code of the City of Leawood, 2000, pertaining to Storm Drainage Systems and incorporating by reference Division II-Construction and Material Specifications, Sewers, Section 2600 Storm Sewers”, April 17, 1996 Edition, as amended through December 31, 2007, with certain amendments and omissions, such incorporation being authorized by K.S.A. §12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302, and repealing existing § 15-304 and other sections in conflict herewith [Roll Call Vote] - **Passed**

Staff Comment: Allows the use of small diameter plastic pipe (High Density Polyethylene Pipe) on private developments 15, 18, & 24-inches. Also allows pipes sizes up to 60-inches to be used for detention

- F. **Ordinance No. 2359C** amending § 15-519 of the Code of the City of Leawood, 2000, entitled “Design Criteria and Performance Standards” and repealing existing § 15-519 and other sections in conflict herewith [Roll Call Vote] - **Passed**

Staff Comment: Adopts the new version of the Manual of Best Management Practices for Stormwater Quality used in the new Post Construction Stormwater Ordinance

- G. **Ordinance No. 2360C** amending § 15-528 of the Code of the City of Leawood, 2000, entitled “Exemptions” and repealing existing § 15-528 and other sections in conflict herewith [Roll Call Vote] - **Passed**

Staff Comment: Modifies the square footage for an erosion control permit from 300 to 400 square feet to match new requirements for grading plans on redevelopments

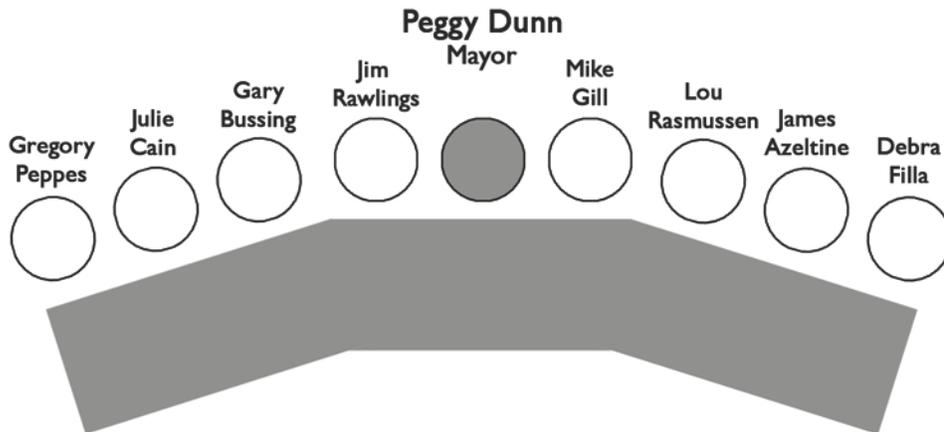
- H. **Ordinance No. 2361C** amending § 15-714 of the Code of the City of Leawood, 2000, pertaining to Post-Construction Stormwater Runoff Design Criteria; incorporating by reference the ‘Manual of Best Management Practices for Stormwater Quality,’ March 2008 Edition, such incorporation being authorized by K.S.A. §12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302, and repealing existing § 15-714 and other sections in conflict herewith [Roll Call Vote] - **Passed**

Staff Comment: Incorporates the plan requirement in 5600 for stormwater construction plans replacing the older version currently used.

- I. Schedule a Joint Governing Body and Park and Recreation Advisory Board Work Session on Monday, November 17, 2008, at 6:00 P.M., regarding further discussion of results of Needs Assessment Study for Community Center - **Approved**
- J. Schedule a Governing Body Special Call Meeting on Monday, October 27, 2008, at 7:00 P.M., regarding Final Site Plan located approximately at the southeast corner of 137th Street and Mission Road for multi-family housing [Applicant: Oddo Development] [Siena Subdivision] - **Approved**

ADJOURN

Mayor and City Council



Regular meetings of the Leawood City Council are held the first and third Mondays of each month beginning at 7:30 PM. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

Leawood operates under a Council/Mayor form of government, with a separately elected mayor and 8 council persons. Council members are elected on a non-partisan basis from 4 wards. The Council develops policies and provides direction for the professional city administration. Regular meetings of the Leawood City Council are held the first and third Mondays of each month beginning at 7:30 PM. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

Number of Votes Required:

Non-zoning Ordinances: Majority of the members-elect of the City Council [5]

Charter Ordinances: 2/3 of members-elect of Governing Body [6]

Zoning Ordinances and other Planning Commission Recommendations:

- **Passage of Ordinances Subject to Protest Petition:** $\frac{3}{4}$ majority of members of Governing Body [7]
- **Approving Planning Commission Recommendation:** Majority of the members-elect of the City Council [5]
- **Remanding to Planning Commission:** Majority of the members-elect of the City Council [5]
- **Approving, Overriding, Amending or Revising Recommendation after Remand:** Majority of the members-elect of the City Council [5]
- **Overriding, Amending or Revising Recommendation:** 2/3 majority of membership of Governing Body [6]

Note: Mayor may cast deciding vote when vote is one less than required.