

**CITY OF LEAWOOD  
GOVERNING BODY  
MEETING AGENDA**

Monday, November 3, 2008  
Council Chamber  
4800 Town Center Drive  
Leawood, KS 66211  
7:30 P.M.

NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
						30							

**\*\*\*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 ‘LIVE UNITED’ DAY, November 12, 2008**

**5. PRESENTATIONS/RECOGNITIONS**

**6. SPECIAL BUSINESS**

**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. 1114A and 1114B - **Accepted**
- B. Accept Minutes of the October 6, 2008 Governing Body meeting - **Accepted**

- C. Accept Minutes of the September 25, 2008 Green Initiative Citizens Task Force meeting - **Accepted**
- D. Accept Minutes of the August 28, 2008 Ironhorse Advisory Board meeting - **Accepted**
- E. Approve Cereal Malt Beverage License [CMB] Renewal for Hy-Vee located at 12200 State Line Road - **Approved**
- F. Approve Retail Liquor License Renewal for Stoll Liquor Store located at 3731 W. 133<sup>rd</sup> Street - **Approved**
- G. Approve issuance of Temporary Alcohol Permit to Mission Farms for Make a Wish Foundation event to be held on Saturday, November 15, 2008, in accordance with Code § 3-216 - **Approved**
- H. Approve 4<sup>th</sup> and Final Payment in the amount of \$10,000.00 to Musselman & Hall Contractors pertaining to the 2008 Slurry Seal/Micro-surfacing Program - **Approved**
- I. Approve Change Order No. 2 in the amount of \$7,588.60 to Musselman & Hall Contractors pertaining to the 2008 Slurry Seal/Micro-surfacing Program - **Approved**
- J. **Resolution No. 3119** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$24,550.00, between the City and Godard & Sons Roofing, Company, Inc., pertaining to the roofing of Fire Station No. 1, located at 9609 Lee Boulevard - **Approved**
- K. **Resolution No. 3120** accepting Public Infrastructure Improvements through private development Glen Abbey of Leawood; located at 143<sup>rd</sup> & Juniper, in accordance with the GASB-34 Guidelines of reporting inventory of Assets.[Street Construction, Storm Sewer, Street Lights] - **Approved**

**8. MAYOR'S REPORT**

**9. COUNCILMEMBERS' REPORT**

- A. Consideration of Bike Friendly Community Designation from the Park and Recreation Advisory Board meeting

**10. STAFF REPORT**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION**

***[From the September 9, 2008 Planning Commission meeting]***

- A. **Ordinance No. 2363** amending § 16-2-9.2 of the Leawood Development Ordinance [LDO], entitled 'Non-Residential Uses' to allow for a deviation to the minimum 10-Acre 10 Acre Requirement for Commercial Development and to provide for lighting standards and repealing existing section - **CONTINUED FROM THE OCTOBER 6, 2008 & OCTOBER 20, 2008 GOVERNING BODY MEETINGS** [Roll Call Vote] - **Passed**

***Staff Comment:***      ***This ordinance changes one section in two ways. The first provides for a deviation to the 10-acre rule and the second pertains to lighting standards. The lighting***

*standards were remanded to Planning Commission to provide for clarification.*

- B. **Ordinance No. 2364** 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 & OCTOBER 20, 2008 GOVERNING BODY MEETINGS*** [Roll Call Vote] - **Passed**
- C. **Ordinance No. 2365** 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 & OCTOBER 20, 2008 GOVERNING BODY MEETINGS*** [Roll Call Vote] - **Passed**
- D. **Ordinance No. 2366** 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 & OCTOBER 20, 2008 GOVERNING BODY MEETINGS*** [Roll Call Vote] - **Passed**
- E. **Ordinance No. 2367** 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 & OCTOBER 20, 2008 GOVERNING BODY MEETINGS*** [Roll Call Vote] - **Passed**
- F. **Ordinance No. 2368** 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 & OCTOBER 20, 2008 GOVERNING BODY MEETINGS*** [Roll Call Vote] - **Passed**

**[From the October 14, 2008 Planning Commission meeting]**

- G. **Ordinance No. 2369** approving a Preliminary Site Plan and Final Site Plan for Bi-State Centennial Park - Lot 12, located north of 141<sup>st</sup> Terrace and west of Cambridge (PC Case # 66-08) [Roll Call Vote] - **Passed**
- H. **Ordinance No. 2370** amending § 16-4-5.7 of the Leawood Development Ordinance [LDO], pertaining to Off-Street Parking Requirements in Office, Commercial, and Industrial Districts [Lighting Standards Regarding Visibility of Light Sources and Uniformity] - (PC Case # 80-08) [Roll Call Vote] - **Passed**

**[From the September 23, 2008 Planning Commission meeting]**

- \*I. Resolution approving the Planning Commission's recommendation to deny a Rezoning, Preliminary Site Plan, and Preliminary Plat for Town Center Business

Park - Walgreens, located on the northeast corner of 117<sup>th</sup> Street and Roe Avenue  
*Continued From The October 20, 2008 Governing Body Meeting --  
CONTINUED TO THE NOVEMBER 17, 2008 GOVERNING BODY  
MEETING*

\*J. Resolution approving the Planning Commission's recommendation to deny a Special Use Permit for Town Center Business Park - Walgreens, located on the northeast corner of 117<sup>th</sup> Street and Roe Avenue *Continued From The October 20, 2008 Governing Body Meeting -- CONTINUED TO THE NOVEMBER 17, 2008 GOVERNING BODY MEETING*

\*K. 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 *Continued From The October 20, 2008 Governing Body Meeting -- CONTINUED TO THE NOVEMBER 17, 2008 GOVERNING BODY MEETING*

**12. OLD BUSINESS**

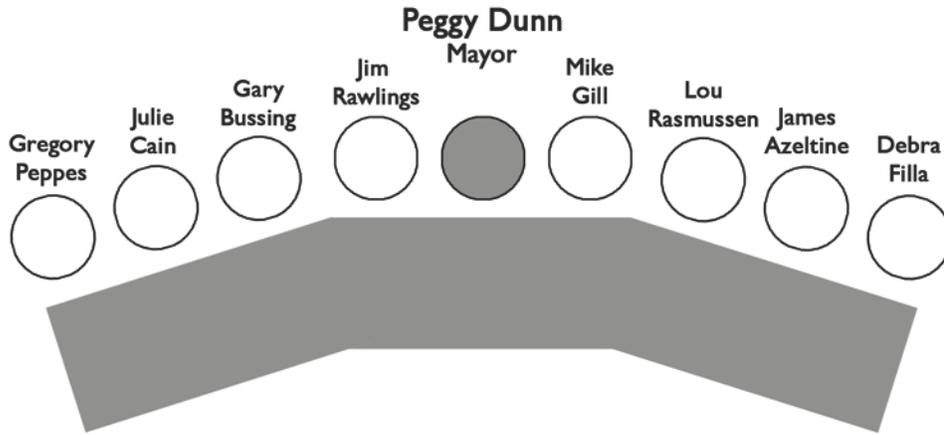
**13. OTHER BUSINESS**

**14. NEW BUSINESS**

- A. **Ordinance No. 2371** granting to American Fiber Systems [AFS], a contract franchise to construct, operate and maintain a telecommunications system in the City of Leawood, Kansas and prescribing the terms of said contract franchise and repealing Ordinance No. 2089 [Roll Call Vote] - **Passed**
- B. **Resolution No. 3121** approving and authorizing the Mayor to enter into a Public Land Use Agreement between the City and American Fiber Systems [AFS], pertaining to the installation and maintenance of communications facilities within existing conduit - **Approved**

**ADJOURN**

**Mayor and City Council**




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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.

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**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:** ¾ 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.