

Minutes

DVD No. 284

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, July 16, 2012. Mayor Peggy Dunn presided.

Councilmembers present: Carrie Rezac, Jim Rawlings, Julie Cain, James Azeltine, Andrew Osman, Gary Bussing, Lou Rasmussen and Debra Filla

Mayor/Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Dept	Chris Claxton, P&R Director
Interim Chief Steve Duncan, Fire Dept	Joe Johnson, PW Director
Karl Weinfurter, Info Systems Specialist	Lovina Freeman, HR Director
Richard Coleman, Comm Dev Director	Deb Harper, City Clerk
Mark Klein, Planning Official	Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Rezac; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

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 - None

5. PRESENTATIONS/RECOGNITIONS - None

6. SPECIAL BUSINESS

A. Continued discussion of proposed improvements to Brooke Beatty Park, located at 86th Terrace & Lee Boulevard

Mayor Dunn noted this is continued discussion from the July 2, 2012, Governing Body meeting of proposed improvements to Brooke Beatty Park.

Parks and Recreation Director Chris Claxton illustrated the park property line locations. The proposed improvements include a playground, path, and split rail/stone fence. The playground is designed for ages 2-5. She confirmed the \$25,000 line item includes the playground structure and base. The cost of the mulch and moving the art piece (bench) could be absorbed within the \$98,720 total. Should the playground ever need to be moved once installed, the cost would be 10%-15% of the cost of the structure.

Councilmember Osman joined the meeting at 7:33 P.M.

Public Works Director Joe Johnson clarified this entire property is located in a floodplain with the majority of the park being located in a floodway. The playground structure would be located in the floodway.

The following 3 parks are located in Prairie Village and are all in the vicinity of Brook Beatty Park:

- | | | |
|----|------------------|-----------|
| 1) | Weltner Park | 1.7 Miles |
| 2) | Meadow Lake Park | 1.7 Miles |
| 3) | Franklin Park | 1.6 Miles |

Mr. Johnson confirmed flooding should not damage the playground structure; however, the mulch could wash away and need to be replaced.

Mr. Lambers stated parking would be located on Meadow Lane, not Lee Boulevard. The sidewalk would be extended along the street to accommodate parking. A "No Parking to Corner" sign would be posted to prevent a site distance hazard.

Jolynn Hobbs, 8309 Lee Boulevard, was in favor of the proposed park improvements and stated there are families with small children in her neighborhood that would benefit from usable green space.

Scott Martin, 8616 Meadow Lane, stated the water current is a serious force of nature when this property floods. He requested that the Police Department be involved with the parking along Meadow Lane because he thought it would present a safety hazard. He was concerned people would park along Lee Boulevard as well.

Councilmember Filla confirmed with Ms. Claxton out of the 438 total park acres, this is the only park space north of I-435.

Mayor Dunn noted discussion at the last meeting was to hold a neighborhood meeting, have plans available for dialogue, and include a police study regarding parking and site distance concerns on Meadow Lane.

Mr. Lambers stated it would not be unreasonable to consider the 96th and Lee Boulevard site as a park location and include Brook Beatty as a part of this review. Money has been budgeted for a Master Park Plan to review all of the City's parks; however, the scope has not yet been determined. Work sessions are available in October to consider the 2 parks by themselves, or include them in the scope of the Master Plan. Once they determine the scope, it could take several months to complete the Master Plan. Funds would not be available until January 1, 2013.

Councilmember Filla stated there is demand in the demographics of the neighborhood for the proposed improvements to be beneficial.

A motion to hold a preliminary neighborhood meeting with the residents and return with a Councilmembers report within the next 6 weeks was made by Councilmember Filla; seconded by Councilmember Rezac.

Mayor Dunn confirmed with Ms. Claxton the residents would be noticed of the meeting.

Councilmember Bussing understood the frustration with the residents in north Leawood wanting a park; however, the City does not have open land to develop a north park. He preferred they designate a time to discuss a potential park at 96th and Lee, rather than focus time and money on Brooke Beatty. There is access to other parks in the interim. There are flood, public safety and parking issues at this location. He felt this would be money poorly spent.

Councilmember Filla thought the cost benefit analysis on this park compared to the dollars the City has spent on its other parks was inconsequential.

Councilmember Azeltine noted the vast majority of park land is located in a floodplain.

The motion carried following a vote of 7-1. Nay: Councilmember Bussing.

- B. **Resolution No. 3845**, authorizing the improvement of a certain section of 143rd Street, a Main Trafficway, between Nall Avenue and Windsor Lane within the City of Leawood; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689 and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the Project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 80162]

A motion to approve the resolution was made by Councilmember Rawlings; seconded by Councilmember Rasmussen.

Councilmember Rasmussen asked the necessity for this resolution since they had previously issued temporary notes and authorized expenditures for this project. Mr. Lambers replied the temporary notes have been issued for work done thus far. New temporary notes will be issued for construction. Both notes will be consolidated and paid-off by the long-term debt.

He recalled they had only authorized the issuance of temporary notes to determine the design and did not issue the bonds. This project switched back and forth between 151st and 143rd Street.

Mr. Johnson confirmed this phase of the project is estimated at \$13.5-\$14 Million of which, there is \$1.5 Million in federal aid. Construction is scheduled to begin in 2015 and be completed in 2016.

City Clerk Deb Harper clarified this resolution authorizes the project in order to include it in the note and bond process in August. There will be a subsequent resolution at the next Governing Body meeting authorizing the sale of the notes and the bonds.

The motion carried following a unanimous vote of 8-0.

- C. **Resolution No. 3846**, Resolution determining it necessary and advisable and ordering the recurbing, reguttering and repair of certain residential streets or portions thereof within the City of Leawood, Kansas pursuant to Charter Ordinance No. 27 of the City [Project # 80250]

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

Mr. Lambers confirmed the reason for the phased Curb and Gutter Program is balanced between low interest rates and to avoid a property tax increase. If they complete the \$20 Million program in one year or \$10 Million in 2 years, they would need to increase the mill levy to support the debt service fund. The idea when this was presented was to be able to push back the mill levy increase to 2019. Mayor Dunn noted Mr. Johnson had indicated the \$5 Million phased program would allow him to manage it to his capacity.

The motion carried following a unanimous vote of 8-0.

- D. **Ordinance No. 2550**, finding as to the advisability of and authorizing the construction of Storm Water Drainage Improvements in the vicinity of 89th Street and Mission Road within the City of Leawood, Kansas; providing for the issuance of General Obligation Bonds of the City to provide funds to pay the costs thereof, and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; expressing the intent to reimburse costs of the project so incurred from proceeds of such Temporary Notes and General Obligation Bonds; and authorizing and approving certain related matters and actions [Project # 80550] [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- E. **Resolution No. 3847**, authorizing the sale by the City of Leawood, Kansas, of General Obligation Bonds and General Obligation Temporary Notes of the City to provide funds to finance the costs of certain public improvements within said city; to refund certain outstanding General Obligation Bonds of the City; approving the form of Notice of Bond Sale and Preliminary Official Statement to be used in connection therewith; and authorizing and directing the City Finance Director to advertise such sale in the manner prescribed by law

A motion to approve the resolution was made by Councilmember Azeltine; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

- F. **Resolution No. 3843** approving and authorizing the Mayor to execute a Reimbursement Agreement between the City and Oddo Development Company, Inc., pertaining to the construction of 137th Street

A motion to approve the resolution was made by Councilmember Bussing; seconded by Councilmember Filla.

Mr. Johnson confirmed staff had reviewed the design and would oversee the construction as they commonly do in a developer public project.

The motion carried following a unanimous vote of 8-0.

- G. **Resolution No. 3844** accepting a Deed of Dedication of right-of-way from Terra-Bentley II, LLC, for construction of 137th Street from Mission Road to Pawnee Street and construction of left turn lane on Mission Road

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

- H. **Resolution No. 3848** accepting a Temporary Construction Easement from Terra-Bentley II, LLC, for construction of 137th Street from Mission Road to Pawnee Street and construction of left turn lane on Mission Road

A motion to approve the resolution was made by Councilmember Rawlings; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 8-0.

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. 2012-25, 2012-26, and 2012-27
- B. Accept minutes of the July 2, 2012 Governing Body meeting
- C. Accept minutes of the June 25, 2012 Budget & Finance Committee Work Session
- D. Accept minutes of the June 12, 2012 Parks and Recreation Advisory Board meeting
- E. Accept minutes of the May 10, 2012 Sustainability Advisory Board meeting

- F. Approve Certified Cost Summary in the amount of \$740,000, for City Facility Improvement Project [City Hall; Ironhorse Golf Maintenance Facility; Parks & Rec Maintenance Facility; Aquatic Center; Ironhorse Golf Club; and The Lodge [Project # 80165]
- G. Approve purchase for an amount not to exceed \$30,000 from Challenger Team Wear, for the purchase of soccer uniforms
- H. Approve Change Order No. 1 in the amount of \$85,000 to Bryant & Bryant Construction Company, pertaining to the 135th Street Partial Depth Repair Project [Project # 72027]
- I. **Resolution No. 3849** approving and authorizing the Mayor to execute an Extension to that certain Golf Facility Management Agreement dated December 21, 2009, between the City and Troon Golf, LLC, pertaining to the management of Ironhorse Golf Club, 15400 Mission Road
- J. **Resolution No. 3850** approving and authorizing the Mayor to execute a Service Agreement between the City and Citepay USA, LLC, pertaining to internet payment services for Municipal Court
- K. **Resolution No. 3851** approving a Planning Sustainable Places [PSP] grant request for an amount not to exceed \$150,000 with a 20% match from the City for an amount not to exceed \$30,000 from Mid America Regional Council [MARC], to assist with funding for the 135th Street Corridor Plan
- L. **Resolution No. 3852** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$38,520.00, between the City and Kruger Technologies, Inc., [KTI], to provide inspections for the Leawood Justice Center to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- M. **Resolution No. 3853** approving and authorizing the Mayor to execute Amendment No. 1 to that certain Professional Service Agreement dated August 16, 2010, between the City and Mc Realty Group, LLC, as Owner Representative pertaining to the construction of the Leawood Justice Center to be located at 117th & Tomahawk Creek Parkway [Project # 76008]
- N. **Resolution No. 3854** approving a Revised Final Sign Plan for Mission Farms – Revised Sign Criteria, located south of 105th Street and east of Mission Road (PC Case 137-11) *[from the June 26, 2012 Planning Commission meeting]*
- O. **Resolution No. 3855** approving a Final Sign Plan for Mission Farms – Development Sign, located south of 105th Street and east of Mission Road (PC Case 40-12) *[from the June 26, 2012 Planning Commission meeting]*
- P. **Resolution No. 3856** approving a Revised Final Plan for Park Place – Archer Park, located at the northeast corner of 117th Street and Nall Avenue (PC Case 69-12) *[from the June 26, 2012 Planning Commission meeting]*
- Q. Fire Department Monthly Report
- R. Police Department Monthly Report
- S. Municipal Court Monthly Report

Councilmember Bussing requested to pull Item No. 7I and Councilmember Cain pulled Item No. 7K for discussion.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.

- 7I. **Resolution No. 3849** approving and authorizing the Mayor to execute an Extension to that certain Golf Facility Management Agreement dated December 21, 2009, between the City and Troon Golf, LLC, pertaining to the management of Ironhorse Golf Club, 15400 Mission Road

Councilmember Bussing expressed his gratitude to the owners of Troon Golf for their remarkable job in the management and operations of Ironhorse Golf Club. This has become an excellent golf course in pristine condition.

A motion to approve Item No. 7I was made by Councilmember Bussing; seconded by Councilmember Rasmussen.

Mayor Dunn concurred and thanked the Ironhorse Advisory Board for their efforts as well.

The motion carried following a unanimous vote of 8-0.

- 7K. **Resolution No. 3851** approving a Planning Sustainable Places [PSP] grant request for an amount not to exceed \$150,000 with a 20% match from the City for an amount not to exceed \$30,000 from Mid America Regional Council [MARC], to assist with funding for the 135th Street Corridor Plan

Councilmember Cain expressed her appreciation to City staff for bringing this speaker before the City Council and Planning Commission for a very enlightening meeting and to MARC for coming up with the potential \$1.5 Million in available funds.

A motion to approve Item No. 7K was made by Councilmember Cain; seconded by Councilmember Filla. The motion carried following a unanimous vote of 8-0.

Mr. Lambers reminded the City Council that the next two work sessions involve the review of the existing 135th Street corridor plan.

8. MAYOR'S REPORT

- A. Thanks to Parks and Recreation Director Chris Claxton and her wonderful team for the terrific July 4th celebration. Appreciation is extended to the Police, Fire and Public Works Departments as well. Everyone had a grand time.
- B. Mayor Dunn was joined by Councilmembers Julie Cain and Lou Rasmussen at the art-on-loan dedication of "Guardian" by artist STRETCH. Thanks to the Art in Public Places Initiative [APPI] Chair Dr. Ann Kenney and Leawood Arts Council Chair Mary Tearney for their assistance.
- C. Congratulations to the Leawood Stage Company and Chair Paul Anderson on the eighth main stage musical production of "Fiddler on the Roof." The cast and crew were truly exceptional. There are still three more evenings to come out and enjoy the show on July 19th, 20th and 21th at 8:00 P.M., at Ironwoods Park.

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT Richard Coleman, Community Development Director

[From the February 6, 2012 Governing Body meeting]

Follow-up report on Massage Outcalls for massage therapy establishments – *CONTINUED FROM THE MAY 21, 2012 GOVERNING BODY MEETING*

Community Development Director Richard Coleman reported that outcalls are currently allowed only as a medical necessity. The change in the ordinance specifies the conditions under which commercial outcalls would be permitted, with exception to hotels and motels:

- 1) The business hosting the Massage Therapist is currently licensed in the City of Leawood
- 2) The massage is conducted by a Therapist currently licensed by the City of Leawood
- 3) A minimum of two (2) Licensed Massage Therapists are present at the event
- 4) The massage is performed in a public setting (not in an office with a door capable of being locked), and the patron is fully clothed
- 5) A sign-in log or register must be kept by the Licensed Massage Therapist and Massage Establishment for a period of three (3) years

Councilmember Rezac asked if these provisions would eliminate their previous concern that it would be hard to oversee the outcalls. Mr. Coleman replied it will still be difficult for staff to oversee; however, the log books will at least provide a history of services.

A motion to approve staff's recommendations regarding outcalls was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the October 25, 2011 Planning Commission meeting]

- A. **Ordinance No. 2551** amending Section 16-4-9 of the Leawood Development Ordinance [LDO], Fences and Walls, pertaining to fences constructed on top of a deck (PC Case # 119-11) *Continued From The November 21, 2011, March 5, 2012, March 19, 2012, April 2, 2012, May 21, 2012, June 4, 2012, and June 18, 2012 Governing Body Meetings -- [Roll Call Vote]*

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Azeltine. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

[From the June 26, 2012 Planning Commission meeting]

- B. **Resolution No. 3857** approving the Planning Commission's recommendation of denial of a Final Plan for a Tenant Finish for Somerset Shops – Dog Pawz, located at 7960 Lee Boulevard. (PC Case 64-12)

A motion to approve the resolution approving the Planning Commission's recommendation of denial was made by Councilmember Bussing; seconded by Councilmember Filla.

Mr. Coleman confirmed the applicant would be required to remove the back service door, the stairs, the deck landing, and a portion of the fence that encloses the area behind the tenant space and return to the original plan. This business moved into this space without coming before the Planning Commission or City Council, except for approval of a Sign Plan with the understanding they were not to make any changes to the exterior. The City has received several complaints from the neighbor directly adjacent to the business regarding disturbances by the number of dogs being let out. Staff has not had any dialogue with the applicant since the Planning Commission's denial. Under the current ordinance, if this business were to move, a dog kennel would not be allowed in this zoning district.

Councilmember Cain asked the timeline for the applicant to comply. Mr. Coleman replied this case is currently pending action in court. The applicant would need a building permit and would be given 30-60 days to comply with the original plan.

The motion carried following a unanimous vote of 8-0.

- C. **Ordinance No. 2552** approving a Special Use Permit [SUP] for a wireless antennae and associated equipment for Leawood South Country Club Maintenance Building – Sprint Wireless Antennae, located south of 123rd Street and east of Mission Road. (PC Case # 33-12) [Roll Call Vote]

Pete Akers, Sprint, requested that the Council approve the ordinance as recommended by the Planning Commission. He confirmed that prior to the issuance of the building permit; Sprint would ensure the site comes into compliance with the original plan.

A motion to pass the ordinance and include language in Planning Commission Stipulation No. 2 that Sprint, property owner of the monopine, would be responsible for replacing unhealthy and/or dead landscaping, was made by Councilmember Bussing; seconded by Councilmember Azeltine. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- D. **Ordinance No. 2553** approving a Preliminary Plan, Final Plan, Preliminary Plat and Final Plat for Palo Verde – Lot 2 – iModules, located at 5101 College Blvd. (PC Case 57-12) [Roll Call Vote]

John Sweeney, Reece & Nichols, represented iModules and the building owners. There are 9 buildings that front College Boulevard, of which 7 were constructed 30 years ago. With the proposed construction of a new building, iModules has an opportunity to set the stage for further redevelopment in this area. The existing structure is an older wooden building and is a fire hazard with no sprinkler system or elevators.

Josh Shelton, El Dorado Architects, gave a presentation of the proposed site plan for iModules. The new building will consist of 18,240 square feet with 74 parking spaces.

Vertical louvered solar screening will be located on the east and west facades, which is designed to intercept the heat of the sun. The south façade will have a perforated flat screening that is designed to float off the glazing. The north façade, or street view, is designed to be open and provide depth at night. Some buildings install roller shades; however, the space between the glass and roller shade captures heat gain. The louvers intercept the heat before it hits the clear insulated glass and will also reduce glare. They are fixed in a specific position to allow the best view. They plan to install reflective white roofing to help with heat and energy costs. Additional green space has been added to the west property line, the islands, and entry plaza on the south façade.

Mr. Sweeney confirmed they originally wanted 83 parking spaces; however, were told it could delay the process and opted to agree to the 74 spaces. The building owner also owns the adjacent building so they can work out a cross-parking arrangement if needed. They planned to return at a future meeting to request the additional 9 parking spaces.

John Reeves, El Dorado Architects, confirmed the monument sign would be made of frosted glass with vinyl opaque graphics and LED lighting from within.

Mr. Sweeney confirmed their lease states hours of operation will be 8:00 A.M. to 8:00 P.M. weekdays, and 9:00 A.M. to 1:00 P.M. on Saturdays, with 24-hour access to the building. Some lighting that will remain on in the evening.

Mr. Shelton confirmed cast concrete bands would run along the entire top of the building and top of the first and second floor and would be visible along College Boulevard. There will be a door on the south elevation that opens to a patio BBQ area.

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Bussing.

Dr. Ed Read, 5102 W. 111th Terrace, stated he was unaware of the Planning Commission meeting, in which he would have expressed some concerns with this application. He requested that the landscaping be installed at this building site in conjunction with the twin building site behind his home for screening and that there also be screening around the BBQ area.

Mr. Klein stated notifications were sent for the original Planning Commission meeting in May and the interact meeting. The applicant was working with staff on some design issues. This case was shown on the agenda as being continued to the June 26th meeting. The twin building behind Mr. Read's home is not connected with this project; however, staff could review the landscaping at that building to compare it to what was approved. Staff's focus was on this particular lot and building. Since the design of the twin building is unknown, the landscaping would not be done until it is torn down. At that time, the applicant would need to come into compliance with all screening requirements.

Mayor Dunn noted apologies to Dr. Read for the miscommunication regarding the Planning Commission meeting.

The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- E. **Resolution No. 3858** approving a Revised Final Sign Plan for Park Place – Revised Tenant Sign Criteria, located at the northeast corner of 117th Street and Nall Avenue. (PC Case 68-12)

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

Jeffrey Alpert, Park Place Village, requested approval of revised sign criteria for their office and retail design guidelines. This is specifically geared toward the AMC Sign Plan and 801 Chophouse. Mayor Dunn noted the Planning Commission recommended denial of the Final Sign Plan for 801 Chophouse.

The motion carried following a unanimous vote of 8-0.

- F. **Resolution No. 3859** approving a Final Sign Plan for Park Place – AMC Sign Plan, located at the southeast corner of Town Center Drive and Nall Avenue. (PC Case 66-12)

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 8-0.

- G. **Resolution No. 3860** approving the Planning Commission’s recommendation of denial of a Final Sign Plan for Park Place – 801 Chophouse, located at the northeast corner of 117th Street and Nall Avenue. (PC Case 67-12)

A motion to approve the resolution approving the Planning Commission’s recommendation of denial was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion carried following a unanimous vote 8-0.

- H. **Resolution No. 3861** approving a Final Plan and Final Plat for Park Place Building J Expansion and Park Place 10th Plat, located at 11625 Rosewood Street. (PC Case 70-12)

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rawlings.

Mr. Alpert stated the operators of 801 Chophouse are also going to lease this space for a new restaurant entitled “801 Fish.”

Gary Schuberth, Opus AE Group, gave a presentation on the expansion of Building J to the existing part of the Generali Building. The expansion will continue the same architectural detail of the building.

Judd Claussen, Phelps Engineering, confirmed there are ADA [American Disabilities Act] accessible routes throughout the development.

Mr. Alpert stated presuming the Planning Commission and Governing Body approve the storefront design over the next 3 weeks; the building extension and storefront will be constructed together. There will not be a temporary storefront installed. The wrought iron fencing on the roof of this extension is designed for aesthetics with no roof access. All restaurant equipment will be located on the roof of the original building. Parking for restaurant patrons will be available in the 117th Street garage. They have been studying future uses for the remaining east end of the property to ensure adequate parking is addressed.

The motion carried following a unanimous vote of 8-0.

- I. **Resolution No. 3862** approving a Final Plan and Final Plat for Somerset Shops, located south of Somerset Drive and west of Lee Blvd (PC Case 71-12)

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

Chip Corcoran, Renaissance Infrastructure Consulting, requested approval of the Final Plan and Final Plat for Somerset Shops.

Community Development Director Richard Coleman confirmed Stipulation No. 2 had been revised to read: "The curb wall at the northeast corner of the site shall be permitted to remain in place, provided that this area is graded such that the plaza area will be accessible from both Somerset Drive and Lee Boulevard and grading of the plaza area such that it is accessible from both Lee Boulevard and Somerset Drive."

Mayor Dunn confirmed this revision would override the Planning Commission's recommendation, which would require 6 votes in the affirmative.

The motion carried following a unanimous vote of 8-0.

12. OLD BUSINESS - None

13. OTHER BUSINESS - None

14. NEW BUSINESS

- A. **Ordinance No. 2554C** amending Chapter 13, Article 5 of the Code of the City of Leawood, 2000, entitled, '135th Street Corridor Impact Fee,' formerly known as 'K-150 Corridor Impact Fee;' and repealing existing Chapter 13, Article 5 and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- B. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, November 5, 2012 to Review the Fee Policy; Proposed 2013 Fee Schedule; and participation levels and revenues for the Parks and Recreation Department

A motion to approve the work session was made by Councilmember Filla; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 8-0.

ADJOURN

There being no further business, the meeting was adjourned at 10:20 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Assistant City Clerk