

Regular Meeting

THE LEAWOOD CITY COUNCIL

August 19, 2013

Minutes

DVD No. 308

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, August 19, 2013. Mayor Peggy Dunn presided.

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

Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Dept	Fire Chief Dave Williams, Fire Dept
Mark Andrasik, Info Systems Director	Joe Johnson, Public Works Director
Dawn Long, Finance Director	Chris Claxton, P&R Director
Mark Andrasik, Info Systems Director	Lovina Freeman, HR Director
Karl Weinfurter, Info Systems Specialist	Deb Harper, City Clerk
Richard Coleman, Comm. Dev. Director	Pam Gregory, Assistant City Clerk
Mark Klein, Planning Official	

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following amendments to the agenda:

- Addition of Item Nos. 6B and 6C – Special Business
- Modification on Item No. 7G – Consent Agenda
- Addition of Item No. 7X – Consent Agenda
- Addition of Item No. 9B – Report from Councilmember Azeltine

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0.

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.

Christina Kanas, 505 Goode, Grandview, Mo, expressed concern of encountering a bicyclist along Mission Road stating she was in the right-of-way [ROW] when the bicyclist came close to hitting her car. He then became agitated and followed her for a few blocks. She had gone to the Police Station to file a report. She suggested changes be made to ensure the City can become a safer environment for both motorists and bicyclists before someone gets hurt.

4. PROCLAMATIONS – None

5. PRESENTATIONS/RECOGNITIONS Introduction of Jamie West, Gen. Mgr. at Ironhorse Golf Course

6. SPECIAL BUSINESS

- A. **Resolution No. 4112** approving and authorizing the Mayor to execute a Redevelopment Agreement by and between Ninety-Five West L.P., and the City of Leawood pertaining to the CID Redevelopment of Camelot Court Shopping Center

City Attorney Patty Bennett stated this Redevelopment Agreement provides that, should you approve the Developer's Final Plan, which should come before you in the next 6 months, and approve it for Community Improvement District [CID] purposes, the City will approve the CID petition for an amount not to exceed \$10,050,000. The policy provides that "due diligence" expenses, such as architectural and engineering expenses be allowed. This Redevelopment Agreement includes a provision allowing the developer reimbursement for architectural and engineering fees incurred for purposes of creating the approved Final Plan, incurred after August 19, 2013, and before approval of the Plan.

Councilmember Filla confirmed with Ms. Bennett that if this resolution is approved this evening, it in no way binds them to approval of the Final Plan.

John Petersen, Esq., Polsinelli Shughart, gave a presentation requesting approval of a Redevelopment Agreement between Ninety-Five West L.P., and the City of Leawood pertaining to the CID Redevelopment of the Camelot Court Shopping Center. At the Public Hearing on May 6, 2013, they requested to begin working on the development agreement with direction from the Governing Body and City Attorney. The Revised Preliminary Plan was approved by the Governing Body and they are waiting to bring forth the Final Plan with the final sign-off from Hen House that the proposal will work with their internal improvements. This project will be Pay-As-You-Go [PAYG] with no obligation to the City to issue any type of bonds. The total project costs are estimated to be \$36,396,828 Million; private investment \$26,256,955; and CID reimbursement \$9-\$10 Million (cap is \$10,050,000). They are anticipating \$40,000,000 Million in sales the first year with 1% put toward the CID reimbursement. If sales are greater than anticipated, they could terminate the CID sooner than the 22-year timeframe. After discussions with City staff, agreement was reached to cover no more than \$150,000 of the architectural and engineering expenses if the CID is established, and would be effective today, August 19, 2013, through Final Plan approval. The drive north of the car wash will be converted to private property with the applicant taking responsibility of the maintenance. The City is granting an easement to the property owner to expand the rear of the building to the east.

Jim Harpool, MD Management, stated the transfer of the north drive will not take place until approval of the Final Development Plan; however, he suggested they work out an agreement with City staff to begin repairs before winter.

Mr. Petersen confirmed a work session on the CID was held on March 4, 2013. The Revised Preliminary Plan was approved on April 15, 2013, and the Public Hearing on the CID petition was held on May 6, 2013. Mayor Dunn asked why the time delay since they had indicated this would come before them within 60 days. Mr. Petersen replied the shopping center needed to take care of some screening and downspout issues, which have since been resolved. They are on target to move forward once Hen House completes their internal review. The 6 month timeframe to return for Final Development Plan approval is a place holder as a worst case scenario. This should come back before the Governing Body for approval in the fall.

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

Councilmember Rezac was not in favor of including fees as CID reimbursables and stated she would not support the architectural fees as part of reimbursables.

The motion carried following a vote of 6-1. Nay: Councilmember Rezac.

Mr. Harpool confirmed it would take approximately 18 months to complete the entire project.

- *B. **Resolution No. 4113** approving and authorizing the Mayor to execute a Network Cooperation and Services Agreement between the City and Google Fiber Kansas, LLC

Rachel Hack, Kansas City Google Community Manager, stated they have received a lot of inquiries about their service from Leawood residents. Google Fiber currently has connectivity in areas of Kansas City, Kansas, and Kansas City, Missouri, and other local communities. If an agreement is reached this evening, work will begin immediately on the design process. Currently, they do not have a timeline for connectivity, but will do so as quickly as possible. This is currently only available for residential service; however, plans are to bring it to the commercial environment in the future.

Councilmember Rasmussen noted the provisions of this agreement discuss utilizing the City's right-of-way [ROW]. City Administrator Scott Lambers replied their intension is to utilize the ROW and not utilize the easements located in the back or side yards of the residences. This has been Google's standard practice with other communities. They are aware of what is permitted at an administrative level and what items would require a Special Use Permit [SUP] and have agreed to comply with the City's ROW Ordinance and provisions. Mr. Rasmussen suggested they request that their structures be placed in the ROW on the property lines. Mr. Lambers replied this may not be possible because of other utility boxes on the property lines.

Ms. Bennett stated there is the possibility they could need a 'network fiber hut,' which is too large of a structure to go in the ROW and would require negotiations with the City to place it elsewhere on City property. Ms. Hack replied it may be possible to have connectivity from an adjacent hut and they will work with the City to select a site, if needed.

Mr. Lambers confirmed the street trees should not be affected in the ROW because they are designed to have a deep root structure. The trenching should not go more than 3-4 feet deep.

Ms. Hack confirmed connectivity is prioritized in the order an agreement is reached.

A motion to approve the resolution was made by Councilmember Rezac; seconded by Councilmember Filla. The motion carried following a vote of 6-1. Nay: Councilmember Rasmussen.

- *C. **Resolution No. 4114** approving and authorizing the Mayor to execute a Structure Attachment and Conduit Occupancy Agreement between the City and Google Fiber Kansas, LLC

A motion to approve the resolution was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a vote of 6-1. Nay: Councilmember Rasmussen.

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 No. 2013-30
- B. Accept minutes of the August 5, 2013 Governing Body meeting
- C. Accept minutes of the May 2, 2013 Ironhorse Advisory Board meeting
- D. Accept minutes of the March 28, 2013 Ironhorse Advisory Board meeting
- E. Accept minute of the March 27, 2013 Stormwater Management Committee meeting
- F. Approve Mayoral Appointment of Ironhorse Golf Course Clubhouse Expansion Task Force
- G. Approve Mayoral Appointment of Leawood Parks Master Plan Task Force
- H. Approve renewal of Cereal Malt Beverage [CMB] license, for Ra Sushi Bar Restaurant, located at 11638 Ash
- I. Approve Massage Establishment License for Milagro, located at 4431 W. 119th Street
- J. Approve Massage Establishment License for Total Wellness Center, LLC, located at 8012 State Line Road, Suite # 201
- K. Approve purchase in the amount of \$184,734.00 from Shawnee Mission Ford for the purchase of 6 Ford Interceptor vehicles for the Police Dept.

- L. Approve Change Order No. 1 in the amount of \$40,340.00, to Mega Industries Corporation, pertaining to the Trail Improvement Project, on 119th Street at City Park South to 123rd Street & Mission Road [Project # 71018]
- M. Request to purchase Parks & Rec Equipment in the amount of \$17,603.00, from American Equipment Company to purchase a material sander
- N. Approve purchase in the amount of \$25,648.77, from Advanced Exercise Equipment for exercise equipment for the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- O. Approve purchase in the amount of \$6,640.03, from Fitness Gallery for exercise equipment for the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- P. Approve purchase in the amount of \$699.99, from Dick's Sporting Goods for exercise equipment for the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- Q. **Resolution No. 4115** approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Concepts for Business LLC, in the amount of \$31,856.00 for the purchase of shelving for the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- R. **Resolution No. 4116** adopting the Fiscal Year 2014 Annual Budget for the City of Leawood, Kansas
- S. **Resolution No. 4117** approving a Final Plan for a Tenant Finish for Camelot Court – Corner Bakery, located south of Town Center Drive and east of Roe Avenue. (PC Case 71-13)[*from the July 23, 2013 Planning Commission meeting*]
- T. Declaration of Surplus Property; 2007 Ford Explorer, last 4 VIN/0423; 2003 Lancaster Trailer, last 4 VIN/0055
- U. Fire Department Monthly Report
- V. Police Department Monthly Report
- W. Municipal Court Monthly Report
- *X. **Resolution No. 4118** approving and authorizing the Mayor to execute an Addendum to that certain User Agreement dated September 21, 2009, between the City of Leawood and the City of Overland Park, pertaining to Intergraph/I-Leads

A motion to approve the Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0.

8. MAYOR'S REPORT

- A. Mayor Dunn was joined by Governor Sam Brownback and Secretary of Commerce Pat George at the AMC Theatre Support Center ribbon cutting and dedication, hosted by President and CEO Gerry Lopez. She extended her sincere congratulations to all involved on this beautiful addition to Leawood's Park Place Development.

- B. Attended a breakfast hosted by KCP&L President Terry Bassham who is serving as the United Way Campaign Cabinet Education and Public Service Industry Segment Chair. It was gratifying to learn that the percentage of Leawood employee participation is leading the pack of other area municipalities.
- C. The “Sundays in the Park Jazz Series” began on Sunday, August 18th, at the Ironwoods Amphitheatre in Ironwoods Park. With free admission, the performers begin at 6:00 P.M, and are as follows: August 18th, “Hard @ Play;” August 25th, “Grand Marquis;” and September 1st, “David Basse.”
- D. The August edition of Ingram’s Kansas City Business Magazine awarded the City of Leawood a “Bronze” award for being one of the “Best Business-Friendly City/County Government” entities.
- E. CNN Money ranked the City of Leawood number 25 as one of the “Top-Earning Towns” in the Nation.

9. COUNCILMEMBERS’ REPORT

- A. Councilmember Rawlings- Update on Justice Center Construction Project

The overall project is 91% complete. They are in the process of reviewing the second punch list to wrap things up. They anticipate the furniture will be installed by September 30th. Based on current projections, plans are to begin moving into the new facility by October 14th. Landscaping and irrigations are underway. They hope to get a Temporary Certificate of Occupancy [TCO] by the end of September. A work session has been scheduled for October 21st at 5:30 P.M. as a walk-thru for the City Council.

- *B. Councilmember Azeltine – Request for referral to Public Works Committee

Councilmember Azeltine updated the City Council on the referral of monument signs to the Public Works Committee for review regarding line-of-sight and ROW issues. The committee reiterated City policy to have it come before the Planning Commission or City Council if they are altered more than 50%.

A motion to refer the Use design/build concept for the 2014 Curb Replacement Program to the Public Works Committee for review was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0.

- C. Councilmember Osman – Report on Temple B’Nai Jehudah Events

For the last three months the Temple B’Nai Jehudah has held three, Friday night events at Gezer Park. There were over 400 people in attendance. Councilmember Osman indicated he had received several phone calls from people expressing their appreciation of the park and the City of Leawood. He recognized Parks and Recreation Director Chris Claxton and the Parks staff for all of their hard work to ensure the park looked spectacular. They are considering holding these events at the park again next year and establishing `interest with Leawood’s Sister City relationship with the Gezer Region of Israel.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. STORMWATER MANAGEMENT COMMITTEE MEETING

[from the July 31, 2013 Stormwater Management Committee meeting]

Assignment: Review flooding in the 12600 block of Wenonga and other area addresses
Recommendation: Approval to hire Preliminary Engineering Study in efforts to obtain County approval for a Stormwater Project for pipe improvements

Councilmember Rawlings stated the Stormwater Management Committee discussed flooding concerns experienced on May 31st in the 12600 block of Wenonga, 3500 block of 129th, and the 4300 block of 126th Terrace. This rainfall was considered a 100-year flood event. After discussion and review of several photos, they recommended that the City Council ask staff to apply for these projects through the Johnson County Stormwater Program [SMAC] and hire an engineer to prepare Preliminary Engineering Studies. The flooded intersections would cost the City approximately \$3.5 Million to repair, in which the City does not have these funds available. SMAC funding would cover 75% of the costs with the City covering the remaining 25%.

A motion for City staff to move forward and begin the SMAC application process was made by Councilmember Rawlings; seconded by Councilmember Rasmussen.

Public Works Director Joe Johnson stated due to the size and cost of these projects, they will be submitted as three individual projects and will be prioritized once approved. The engineering costs would be a part of the application process.

Kathy Wininger, 12617 Wenonga, stated they have had several other flood events and expressed concern that the flooding would continue until something is resolved. She thanked the City Council for applying for the SMAC funding and having a sense of urgency on this issue.

Cheryl Schmidt, 12607 Delmar, stated her home has had several other flood events and they have spent over \$10,000 in repairs over the last 3 years. They previously requested help from the City in 2010. She too, asked that the City Council move forward and consider this as an urgent issue.

Howard Collins, 12611 Wenonga, stated he has lived at this location for over 25 years and has seen several flood events. Lakes have formed in the past where emergency personnel have had to rescue people from their cars. He expressed concern of safety because of the high water and utility poles. He requested that the engineering company speak with the neighbors and listen to their concerns when they review the issues going on in the area.

Councilmember Azeltine clarified the SMAC process begins with the County study and, if approved, the City will then hire an engineer to move forward with the project.

The motion carried following a unanimous vote of 7-0.

12. PLANNING COMMISSION

[From the July 23, 2013 Planning Commission meeting]

- A. Resolution approving a Revised Final Plan and Revised Final Plat for Mission Farms – Phase 3, located south of W. 105th Street and east of Mission Road. (PC Case 66-13)

Staff Comment: *The Planning Staff recommends that this item be remanded back to the Planning Commission without any City Council discussion due to the negative conclusions contained in the Traffic Study which could very likely change the current Planning Commission recommendation.*

Mayor Dunn confirmed the developer had agreed to this remand.

Community Development Director Richard Coleman noted this should return before the Governing Body at the September 3rd meeting.

A motion to remand this Revised Final Plan and Revised Final Plat for Mission Farms back to the Planning Commission was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0.

- B. **Resolution No. 4119** approving a Revised Final Plan for Kansas City Orthopedic Institute – Generator Enclosure, located south of College Boulevard and west of Tomahawk Creek Parkway. (PC Case 78-13)

Greg Musil, Esq., Polsinelli Law Firm, gave a presentation requesting approval of a Revised Final Plan to install an enclosure around an existing backup generator on the west side of Kansas City Orthopedic Institute [KCOI] due to the noise complaints during monthly testing that is required by Federal Regulations. The applicant went before the Board of Zoning Appeals [BZA] and was granted a variance to the 40-foot building setback and also granted a variance to place the enclosure 28 feet from the rear of the property line. An ordinance amendment received Governing Body approval on July 26, 2013, to recognize that hospital generators installed on or before January 1, 2003, are exempted from the noise limitation while testing the generators as required by Federal, State, or local law, or operating them under conditions of a loss of standard power. Because of numerous factors that may result in noise from generator operation, the manufacturer's specifications indicate a 70 decibel maximum; and KCOI has confirmed under no circumstance will the noise levels from testing or operation exceed 75 decibels at 25 feet from the generator and be no higher than 6 feet above grade. Their private agreement with the Woods HOA requires them to order the enclosure within 15 days and install it within 120 days.

Kent Sunderland, 11109 Alhambra, stated his and Mr. Agron's properties abut KCOI and are most affected by the noise and lighting issues. They won't fully know if the enclosure will minimize the decibel level to 70-75 until it is installed. With significant investment in his home, he was concerned with ongoing noise issues. KCOI has addressed some of the lighting issues with shades and have addressed the trash pickup noise. They have also installed some additional landscaping. The enclosure may help in mitigating some of the issues; however, there are still ongoing humming issues that continue to come from the building.

He felt this becomes a quality-of-life because it becomes difficult to enjoy using his outdoor space. He requested that the City continue testing the noise levels after the enclosure is installed.

Jim Robinson, 8500 Marty, Overland Park, Manager of Acoustical Services and was hired by Allen Agron, 11105 Alhambra, to investigate noise issues associated with other pieces of mechanical equipment at the rear of the building. There are condensing and chiller units located at ground level behind the institute at the property line. All of the noises generated from this equipment radiates toward the residences up the hill. The rooftop units generate noise as well. During their testing, they shut down pieces of equipment to determine where the noise was coming from. The noise level had dropped by 7 decibels when the equipment was shut down. All of this equipment operates 24 hours a day; 365 days per year. Acoustical Services has submitted reports making recommendations on the items mentioned, which should reduce the noise level by 10-15 decibels at the property line.

Mayor Dunn noted tonight's agenda discussion includes only the generator enclosure and suggested Mr. Robinson give these reports to Mr. Musil so they can continue working in cooperation with KCOI.

Allen Agron, 11105 Alhambra, stated he was appointed to represent the Woods HOA. They have been trying to resolve issues of the generator, the chilling and condensing units, the lighting, and landscaping for several years from KCOI. The City cited them for Code violations on the landscaping and generator. The lighting has been resolved. They were told nothing could be done regarding the chilling and condensing units; however, that is untrue according to the recommendations submitted by Mr. Robinson. Sometimes the generator has run until 1:00 or 2:00 A.M. He suggested the City Council visit the location to listen to the noise levels. They have signed the agreement, but reluctantly agreed to the 70-75 decibel level and the two variances granted by the BZA; however, there are some outstanding issues. He expressed concern of whose responsibility it is to replace any dead landscaping and if KCOI would be open to installing a few more trees for further screening. They have been very concerned about their property values. The enclosure will be approximately 14 feet high by 10 feet wide and visible from their backyards.

Mr. Musil stated he had not seen the reports or recommendations from Mr. Robinson and are separate from tonight's consideration. They have responded to multiple issues, which have never risen to the level of a Code violation.

Kelsyn Rooks, 8016 W. 115th Street, Overland Park, planned to give a sound level demonstration; however, Councilmember Azeltine objected stating the City has its own certain standards for measuring sound at the site. He didn't feel this was an appropriate venue for the demonstration. Councilmember Filla concurred. Councilmember Rezac stated she didn't see the benefit of the exercise because the demonstration in the Council Chambers would be different in comparison with the outside environment.

Mr. Rooks stated he was also hired by Mr. Agron to conduct numerous sound analysis recordings at his residence. On several occasions, the noise has exceeded the City's 60 decibel level ordinance.

The peak decibel level recorded at their property line was 63 on October 24, 2012. He asked that the City Council keep in mind that there is a constant, non-stop humming from the building that is at the same volume as a conversation. He pointed out that there are significant other sound issues that have not been addressed and stated the design of the enclosure may actually amplify sounds from the other equipment.

A motion to approve the resolution was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0.

- C. **Ordinance No. 2636** approving a Revised Preliminary Plan for Town Center Plaza – Pedestrian Plaza, located north of 119th Street and east of Nall Avenue. (PC Case 84-13) [Roll Call Vote]

John Petersen, Polsinelli Shughart, gave a presentation requesting approval of a Revised Preliminary Plan to transform the eastern vehicular access point within Lot 12 at Town Center Plaza to a pedestrian plaza, prohibiting vehicle traffic. The development will be made up of 686,073 square feet of construction on 70.48 acres. They were in agreement with all stipulations, including the changes made by the Planning Commission. A traffic study concluded that by closing the vehicle access point through the east end to create a pedestrian plaza, it would have a low amount of displaced traffic, and would not have a significant impact on the public street system.

Brian Suiter, Glimcher Development Manager, stated they recently acquired ownership of Town Center Plaza, which is one of 29 shopping centers they currently own across the Country. Plans for design include more of an opportunity for people to stay and enjoy the property longer. He thanked the City Council for the opportunity to come to the City of Leawood.

Councilmember Cain thanked the owners for making this a more pedestrian friendly center and encouraged the owners of the surrounding area centers to join in on the Steering Committee meetings and work with the City on becoming a more bicycle and pedestrian friendly community. Ms. Cain requested the language in Planning Commission Stipulation No. 8 be amended to remove the wording “if feasible.”

Mr. Suiter accepted the amendment in the language to Stipulation No. 8.

Mayor Dunn noted this would override the Planning Commission recommendation and would require a super majority vote.

A motion to pass the ordinance with the language amendment as stated to Stipulation No. 8 was made by Councilmember Filla; seconded by Councilmember Osman. The motion carried following a unanimous roll call vote of 7-0. Nay: None.

- D. **Resolution No. 4120** approving a Final Plan for a Tenant Finish for Park Place – G-30 (Generic Storefront), located south of Town Center Drive and east of Nall Avenue (PC Case 87-13)

Jeffrey Alpert, Park Place Developers, stated they do not have tenants for these storefronts (Item Nos. 11D and 11E,) but wanted to be prepared to respond quickly when the need arises.

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Osman. The motion carried following a unanimous vote of 7-0.

- E. **Resolution No. 4121** approving a Final Plan for a Tenant Finish for Park Place – F-07 (Generic Storefront), located south of Town Center Drive and east of Nall Avenue (PC Case 89-13)

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

Councilmember Cain asked if they had previously used this type of stone. Mr. Alpert replied they had not used this brand; however, it has been used in other areas with climate variations.

The motion carried following a unanimous vote of 7-0.

- F. **Ordinance No. 2637** amending § 16-4-6.13, of the Leawood Development Ordinance [LDO], Permanent Sign Regulations, pertaining to directory signs within the SD-NCR (Planned Neighborhood Retail), SD-NCR2 (Planned Neighborhood Retail 2), SD-CR (Planned General Retail), and MXD (Mixed Use) zoning districts (PC Case 102-13) [Roll Call Vote]

Mayor Dunn noted the Planning Commission changed the requirement that developments must be a minimum of 25 acres to a minimum of 10 acres.

A motion to pass the ordinance was made by Councilmember Osman; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 7-0. Nay: None.

- G. **Resolution No. 4122** approving a Final Sign Plan for Park Place – Revised Sign Development Standards, located south of Town Center Drive and east of Nall Avenue (PC Case 101-13)

Jeffrey Alpert, Park Place Developers requested approval of revised sign development standards for Park Place to permit signage on architectural structures and directory signs within the development. An existing structure is located at the northeast corner of 117th Street and Nall. Other proposed locations include the southeast corner of Nall and Town Center Drive and the southwest corner of 117th Street and Town Center Drive to mark the three corners of Park Place.

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

Councilmember Osman discussed the architectural structures and adding City of Leawood signage to one of the corners to identify it as a gateway. Councilmember Cain concurred. Councilmember Rezac didn't feel they would be limiting themselves by doing this. They could install additional monuments in the future to identify the City at other locations that are not tied to Park Place.

The motion carried following a vote of 5-2. Nay: Councilmembers Osman and Cain.

- H. **Resolution No. 4123** approving a Revised Final Plan for Park Place – Architectural Structures, located south of Town Center Drive and east of Nall Avenue (PC 131-11)

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0.

13. OLD BUSINESS - None

14. OTHER BUSINESS - None

15. NEW BUSINESS

- A. Schedule a Governing Body Work Session on Monday, October 21, 2013 at 5:30 P.M., for a walk-thru at the Leawood Justice Center,

A motion to approve the work session was made by Councilmember Rawlings; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 7-0.

- B. Schedule a Governing Body Work Session, on November 4, 2013, at 6:00 P.M., to Review Fee Policy; Proposed 2014 Fee Schedule

A motion to approve the work session was made by Councilmember Rezac; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0.

ADJOURN

There being no further business the meeting was adjourned at 10:05 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk