

**Minutes**

DVD No. 114

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, December 20, 2004. Mayor Peggy Dunn presided.

**Councilmembers present:** Jim Rawlings, Scott Gulledge, James E. Taylor, Sr., Gregory Peppes, Mike Gill, Lou Rasmussen, Gary Bussing and Debra Filla.

**Councilmembers absent:** None

**Staff present:**

Scott Lambers, City Administrator  
Ben Florance, Fire Chief  
Colleen Browne, HR Director  
Chris Claxton, P&R Director  
Karl Weinfurter, IS Specialist

Patty Bennett, City Attorney  
Chief Sid Mitchell, Police Department  
Diane Binckley, Planning & Dev. Director  
Deb Harper, City Clerk

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn stated the agenda has been amended specifically related to the Consent Agenda Item No. 7G. Item No. 12 has been withdrawn. Mayor Dunn added a new item under New Business, specifically scheduling a Governing Body Work Session on January 31, 2005 at 6:00 PM to discuss Goal Setting. A motion was made by Councilmember Gill, seconded by Councilmember Bussing to approve the agenda. The motion carried following a unanimous vote of 8-0.

**3. CITIZEN COMMENTS - None**

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 - None**

**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. Approval of Appropriation Ordinance No. 1016
- B. Accept minutes of the November 15, 2004 Governing Body meeting
- C. Accept minutes of the November 15, 2004 Governing Body Work Session
- D. Accept minutes of the December 6, 2004 Governing Body meeting
- E. Accept minutes of the November 18, 2004 Technology Review Committee meeting
- F. Accept minutes of the November 18, 2004 Joint Technology Review Committee and IRONHORSE Advisory Board meeting
- \*G. Approve quote in the amount of \$347,000, from St. Paul Fire & Marine Company, pertaining to the 2005 property and casualty insurance renewal
- H. Approve Change Order No. 2, in the amount of \$19,224.32, to Seal-O-Matic Paving Company, pertaining to the 2004 Residential Mill & Overlay Program
- I. Resolution No. 2350, approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$28,600.00, between the City and Schmitz, King & Associates, pertaining to the 2005 Street Reconstruction Boundary Survey
- J. Resolution No. 2351, approving and authorizing the Mayor to execute a Purchase and Installation Agreement between the City and David Phelps in the amount of \$76,500, pertaining to the public art piece, Pastoral Dreamer
- K. Resolution No. 2352, accepting New Development Contribution of storm sewers, street lighting and streets for Wilshire Place, 3<sup>rd</sup> Plat [GASB-34]
- L. Declaration of Surplus Property
- M. Police Department Monthly Report
- N. Fire Department Monthly Report
- O. Municipal Court Monthly Report

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

Councilmember Gill commented on the Fire Department statistics that reflects their average response time is under 5 minutes, which is extraordinary. He expressed his appreciation for the great job that the fire and police personnel do, not only throughout the year, but especially at this time of year.

**8. MAYOR'S REPORT**

- A. Ribbon cutting ceremony of a new design studio, Dragon Fly, at 121<sup>st</sup> & State Line
- B. Dedication of Tom Corbin art sculptures at 151<sup>st</sup> & Nall
- C. Attended the annual Chamber meeting and luncheon on December 14<sup>th</sup>, with Governor Sebelius as the keynote speaker, which was attended by almost all of the Council. Mary Tearney and Don Brain were inducted into the Hall of Fame.
- D. Attended a DARE Graduation at Corinth School
- E. Attended the Council of Mayors' Holiday Celebration on December 14<sup>th</sup>
- F. Groundbreaking ceremony at JCCC for the Regnier Center for Technology & Business and the Nerman Museum of Contemporary Art. Both of these contributors are Leawood residents.
- G. Reminder that the January 3, 2005, Governing Body meeting has been cancelled, due to the lack of agenda items.
- H. Reminder of the Legislation Luncheon on Wednesday January 5<sup>th</sup> at the Hereford House
- I. Reminder of the Johnson County Convenor Reception on Thursday, January 6<sup>th</sup> for the Johnson County Legislatures at Universal Underwriter's building at College & Metcalf
- J. Reminder of the Mayor's State of the City Address & Luncheon on January 11<sup>th</sup>
- K. The next Governing Body meeting will be on Tuesday, January 18<sup>th</sup>, due to the Martin Luther King holiday on Monday, January 17<sup>th</sup>.
- L. Reminder of the Lunar New Year Dinner on January 24<sup>th</sup> at the Fortune Star Restaurant
- M. Wished all a Happy Holiday and Happy New Year season

**9. COUNCILMEMBERS' REPORT**

*[from Councilmember Rasmussen]*

- A. Deer Population Control Initiative

Councilmember Rasmussen complimented Scott Lambers, City Administrator, on his report that was forwarded to the Council approximately a month ago regarding the deer situation in the City. After reading and reviewing the study, Councilmember Rasmussen was disappointed in officials for not taking action. Mr. Rasmussen commented on several newspaper articles, specifically 'More Traffic Animals Drive up Collisions and Costs,' *USA Today*, November 18, 2004; 'Deaths From Collisions With Deer are Increasing,' *Wall Street Journal*, November 18, 2004, which stated animal/auto accidents increased 27% in 2003, and deer collisions caused \$1.1 Billion in damage.

A motion was then made by Councilmember Rasmussen, seconded by Councilmember Taylor to authorize the City Administrator to select a contractor to eliminate the deer population that is in the vicinity of I-435 Highway and Mission Road in Leawood through a non-firearm lethal method; preferably bow hunting from tree stands, and that such an eradication effort be done consistent with State Law and with the approval of the Kansas Wildlife and Parks Department at a cost not to exceed \$10,000.

Councilmember Rasmussen stated the study showed the cost to hire a contractor is approximately \$600-800.00/carcass. He believes there are approximately 12 deer in this area. This \$10,000 amount should cover the eradication of these deer.

Councilmember Rawlings stated if 12 deer were eradicated in this area, they could be replaced by 12 more deer and was not in favor of this action, as it would not solve the problem.

Mayor Dunn confirmed with Chris Claxton, Parks and Recreation Director, that people do leave food on the trails for the deer which encourages the deer population to remain in the area.

Councilmember Bussing offered an alternative plan of using deer whistles, and feels Mr. Rasmussen's suggestion would not be effective. Councilmember Rasmussen stated that one newspaper article condemned the usage of deer whistles, as they are useless.

The motion failed by the following 3-5 vote: Yea: Councilmembers Rasmussen, Taylor and Filla: Nay: Councilmembers Rawlings, Bussing, Gill, Gulledge and Peppes.

## 10. STAFF REPORT – None

## ***COMMITTEE REPORTS***

### 11. PLANNING COMMISSION

*[from the November 23, 2004, Planning Commission meeting]*

- A. Resolution No. 2353, approving a Final Site Plan for McDonald's located at 4600 W. 119th Street

***Staff Comment:*** *It is the position of the City Administrator that the 2 stipulations recommended by the City Engineer should be incorporated as part of any approval of this application. The City Administrator shares the concern of the Planning staff regarding the impact of the proposed change to the site.*

Andy Schlagel, Schlagel & Associates, represented the applicant and gave a short presentation.

The current McDonalds restaurant is successful and does a large amount of business. The drive-thru option is becoming a more favorable method of service. The single drive-thru lane currently has a 'que' line, and a second drive-thru lane is necessary. With the addition of the 2<sup>nd</sup> drive thru, interior seats will be reduced by approximately 40. The average number of available parking spaces is 20 plus. Eleven spaces will be eliminated, however with the reduction of the seating capacity, and the increased growth of the drive-thru business, available parking will not present a problem. When a large order is placed in the drive-thru, cars are put into the 'que' line, and this backs up the drive-thru line. However, installing a 2<sup>nd</sup> drive-thru line will eliminate this back up. Half of the cars would be in one drive-thru and the other half in the 2<sup>nd</sup> drive-thru line. This request is not to increase the business, but is an efficiency issue. A significant amount of new landscaping will be added, with 40 additional new trees and 81 shrubs.

The approximate cost of this revision will be \$40,000, without the turn lane. Adding the turn lane to the cost factor is beyond reasonable. The shopping center currently has 9 separate driveways with no decel lane. McDonald's feels it has a limited responsibility for a turn lane but doesn't feel McDonald's should be responsible for the entire amount. Installing a second drive-thru could eliminate the entire congestion problem, in and around McDonald's. McDonald's should not be held responsible for the entire traffic problem at the center.

Mayor Dunn asked Diane Binckley to comment on Staff's position on the decel lane. Ms. Binckley stated the Public Works Department recommended that a northbound right-turn decel lane be installed due to the back up of traffic in this area, especially during the summer months, into the east-west private drive within the center and onto Roe Avenue.

Councilmember Gill confirmed with Mr. Schlagel and Ms. Binckley that a revised landscaping plan has been submitted in order to meet the Planning Commission's recommendation. Additionally, the Planning Commission denied the request for the additional canopy. Ms. Binckley stated staff has concerns with the additional signage that would be installed.

Councilmember Gill confirmed with Ms. Binckley that a traffic study was recommended; however the applicant did not provide one. David Ley, City Engineer, confirmed that one of the highest traffic generators is from drive-thru operations. Mr. Schlagel stated McDonald's certainly will take their pro rata share of the traffic problems, but feels it shouldn't be required to fund a traffic study of the entire center; as McDonald's and the traffic it generates is only a portion of the traffic in the shopping center and at the 119<sup>th</sup> & Roe intersection. Further, McDonalds conducted 19 separate onsite parking availability monitoring surveys over a 30-day period and this traffic congestion problem was not observed.

Mr. Al Raffet, the restaurant's Operations Manager, confirmed with Mayor Dunn that this restaurant serves approx 450,000 customers per year.

Councilmember Taylor confirmed with Diane Binckley that the original seating was for approximately 130; the new seating would have a capacity of 40, which is a reduction of 40 seats. The current parking space requirement would be a ratio of 1 per 4. With the amount of construction in and around this area, and the potential for this increasing, Mr. Taylor feels it would not be to their advantage to reduce the seating capacity and increase drive-thru capacity. Additionally, the City requesting that a traffic study be conducted is not unusual for this type of request.

Councilmember Filla asked if the decel lane could be installed after the 2<sup>nd</sup> drive-thru is added so the impact of the traffic could be assessed. Mr. Lambers stated if that were to be made part of a stipulation, the applicant would have to fund a traffic analysis to be conducted. Ms. Filla stated this center is a busy center and appreciates other traffic components to this area and asked how the City could require all of the businesses in the center to participate in a traffic study. Mr. Schlagel again stated McDonald's is willing to pay their fair share, however, are not willing to pay for the complete cost.

Mr. Lambers stated there is currently no mechanism in place that would require the property owners to participate in a traffic study. The tenants of the center would more than likely view McDonald's as having the lion's share of responsibility, as it is the only restaurant that is located close to the 119<sup>th</sup> & Roe intersection; all the other entrances are situated well inside the center and does not realize the traffic problems that are associated with the McDonald's area.

Councilmember Rasmussen stated traffic is heavily congested on Roe during the lunch hour due to the traffic going into Wendy's at approximately 109<sup>th</sup> & Roe. The traffic generated from the McDonald's located at 103<sup>rd</sup> and State Line discharges onto 103<sup>rd</sup> Street and blocks traffic every morning for east and westbound traffic. With the financial resources McDonald's has available, he finds it appalling that McDonald's would not conduct a traffic study.

Councilmember Rawlings asked if they have 2 drive-thru lanes available, but the meals can not be made any faster, how are the vehicles going to be able to get out at a faster rate. Mr. Raffet stated there will be 2 order points, thus, the orders will be taken at a faster rate.

Councilmember Gullede confirmed with Mr. Schlagel that the installation of the right turn lane is beyond the capacity of this improvement and would not be in favor of the turn lane.

Mayor Dunn asked John Peterson, Esq., who was involved in an earlier non-related improvement project in the City that required a decal lane be installed, what the approximate cost was for the installation of the decal lane at College and Roe Avenue. Mr. Peterson confirmed that the approximate cost was \$40,000-50,000. Mr. Schlagel stated their estimate was more than this approximate cost.

A motion was then made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve the Final Site Plan, including an additional stipulation that the City Engineer's recommendation be made a part of the approval, specifically:

1. Construct a northbound right turn lane on Roe Avenue at first drive entrance north of 119<sup>th</sup> Street. The right turn lane shall be eleven [11] feet wide, tangent length of one hundred [100] feet and a taper length of ninety [90] feet. The sidewalk shall be reconstructed to five [5] feet wide and relocated within the Right-of-Way one foot from the property line.
2. The northbound right turn lane on Roe Avenue shall be constructed prior to use of additional drive through lane.

Councilmember Filla asked Councilmember Rasmussen if he would want to amend his motion to allow for the interim traffic study to validate the need for the decel lane. Mr. Rasmussen stated a corporation the size of McDonald's should be willing to fund a traffic study and would not be in favor of amending his motion.

The motion was approved by the following 7-1 vote. Yea: Councilmembers Rasmussen, Taylor, Gill, Rawlings, Bussing, Gullede and Peppes; Nay: Filla.

*[from the November 23, 2004, Planning Commission meeting]*

- B. Ordinance No. 2094, approving a Preliminary Site Plan and Final Site Plan for Town Center Business Park located south of 115<sup>th</sup> Street and east of Roe Avenue [Roll Call Vote]

Mr. Andy Schlagel made a presentation for the applicant. This plan runs tandem with the next agenda item regarding the Special Use Permit [SUP] for the Sunrise Senior Living Center.

Councilmember Gill confirmed with Diane Binckley that this agenda item was being heard before the SUP for Sunrise because the property owner for the entire development wanted to ensure that the total square footage of the plan would not be diminished before Sunrise SUP goes forward.

Mr. Schlagel stated this updates a plan that is out of date. This application confirms that lots 1, 2, 3, 8 and 9 remain approved for the square footage that was originally zoned.

Councilmember Gill confirmed with Mr. Schlagel that the total square footage of the project that was approved is 139,500; they are requesting 183,308, which is an increase of just over 40,000 square feet. Two of the lots were zoned for 20,000 square foot; 9,000 square footage for office and 11,000 square footage for retail. The total parking is for approximately 100 stalls. The Sunrise application has 40 parking stalls, which is less than half the amount. All of the parking is underground, with 2 handicap stalls on the street level. The green space has been substantially increased. Councilmember Gill states he feels like the applicant is coming before the Council in incremental approvals. Mr. Schlagel stated the increase in the square footage is in the area of the Sunrise Senior Living Facility. Although it is an increase in square footage, it is actually a net reduction in all other measures.

Mayor Dunn confirmed with Ms. Binckley that all of the proposed FAR's are under the allowable FAR's. Mr. Schlagel stated the overall picture of this project is that it is a very attractive development, with a large amount of green space, less traffic, underground parking, with a national tenant.

Councilmember Gill asked how this final plan could be approved without the main component [Sunrise] being approved. Mr. Lambers stated when this preliminary plan was approved it was for a certain amount of square footage. Since that time, the project has been developed in general compliance with that, however this project was subsequent to that approval. This space is living space, not office space that will not generate the traffic that would normally be realized if it were to be office space. Mr. Lambers felt it would be better if this plan was approved prior to Sunrise in order for the applicant to maintain the same amount of square footage, however, the applicant was advised that the square footage would not be increased for the remaining lots to be developed, if this were to be approved by the Council.

Councilmember Taylor stated the name of this project is a 'Business Park,' however he feels an assisted living component is not conducive to the planning element for commercial office. He confirmed with Mr. Schlagel that the guest and staff parking for the Sunrise living facility would be underground. There will be a mixture of private parking and guest parking. Mr. Schlagel stated there would be hardly any parking spaces needed for the residents. There will be some parking spaces available, but most residents will be too elderly to drive and won't require a parking space.

Councilmember Rasmussen confirmed with Scott Lambers that the incremental increase in the square footage is only for the Sunrise part of this Business Park. The remaining lots that have not been developed to date, would be required to have the square footage that was originally approved, and they would not be increased. Mr. Lambers stated this information needs to be clarified upon approval. Mr. Schlagel confirmed that the remaining lot numbers 1,2,3, 8 and 9 would not have an increase in square footage.

Councilmember Gill confirmed with Mr. Schlagel that the additional 40,000 square footage is associated with the Sunrise Living Center, which would have a lower impact as compared to office zoning. If this item was approved, the additional square footage would be conditioned upon approval of Sunrise. If Sunrise was not approved, then the square footage would revert back to the original square footage amount that was approved.

A motion was made by Councilmember Bussing, seconded by Councilmember Rawlings to approve the ordinance, including the additional language that if Sunrise were not approved, then the square footage would revert back to the original square footage amount that was approved. Additionally, the remaining lot numbers 1, 2, 3, 8 and 9 will not have an increase in square footage.

The ordinance was passed by the following 7-1 roll call vote: Yea: Councilmembers Bussing, Rawlings, Gill, Filla, Bussing, Peppes, Gulledge; Nay: Councilmember Taylor.

***[From August 25, 2004 Planning Commission meeting]***

- C. Ordinance No. 2095, approving a Special Use Permit, Preliminary Site Plan and Preliminary Plat for Sunrise Senior Living located south of 115th Street and east of Roe Avenue [Roll Call Vote]

Councilmember Gulledge advised he would be recusing himself from this item and left the Chambers.

Mr. Andy Schlagel made a presentation. This is an 82-suite facility located on the southeast corner of Granada and Roe with a single drive access off of Granada. The driveway circles around the south and eastern side of the building entering an underground parking area with 40 stalls for visitors, staff and residents. There is a large amount of landscaping.

Councilmember Rasmussen confirmed with Jeff Skidmore that the flood plain boundaries have not been updated since the drainage channel had been constructed on the southwest side of the property to contain the 100-year flood plain.

Councilmember Filla confirmed with Mr. Tim Hedges that the average age of the residents are 85 years old. Most of these residents are not independent and would not have the ability to drive. The suites are smaller than a typical apartment, with only approximately 400 square feet with no cooking facilities. All three daily meals would be served in the dining room. Visitor parking would be situated close to the main entrance, with staff parking farther away. There would be operable windows but would have a stop at about 6-8 inches.

Councilmember Bussing confirmed with Mr. Hedges that Sunrise operates a number of these facilities, currently operating 400 in US, Canada, the United Kingdom and Germany. They have extensive experience in planning and managing these types of facilities. Further, confirming with Ms. Binckley that this plan has been replaced from a smaller but more intense use with a larger in terms of square footage but less intense usage, which, from a planning perspective, would be preferred in this area along Roe Avenue.

Councilmember Taylor confirmed with Mr. Hedges that the definition of 'assisted living' could include residents be much younger than 80-85 years old, and that they could live at this facility while they are recuperating from surgery, etc., for a short time period. However, the program is set up towards the older age group.

Mayor Dunn confirmed with Mr. Hedges that this would only include assisted living and not skilled nursing.

Councilmember Peppes confirmed with Chuck Heath, BerryRio Architects, that the delivery trucks for food and other supplies would be pulling off to the side of the driveway in the recessed area near the kitchen, located on the east side of the building.

Councilmember Peppes confirmed with Ms. Binckley that the brick, stones and rooftops identified in the final plan would be consistent with the criteria already established by Town Center Business Park.

Councilmember Gill confirmed with Mr. Hedges that there would be 82 suites, with 40 parking spaces, which would average .5 per unit. The highest level of staff would be about 20 employees, which would occur in the afternoon, between lunch and dinner. This would leave about 20 spaces left for visitors, notwithstanding 1-2 spaces occupied by residents. Typically, visitation occurs after work and on weekends, which is when the staff is less than the average number. Many times, family members pick up the residents and take them out somewhere, instead of staying at the facility for a visit.

Councilmember Gill confirmed with Ms. Binckley that an adequate amount of land was being banked if additional parking spaces are needed in the future. Councilmember Gill asked Mr. Hedges what would be an alternative use for this building if Sunrise were not successful. Mr. Hedges stated this has never happened in their history and this building is specifically built for this use. There is an increasing demand for these facilities and can not foresee this occurring. Ms. Binckley stated this is a non-transferable permit. If this transferred from Sunrise to another assisted living facility, it would require approval of a new Special Use Permit by the Governing Body. If another use other than assisted living wanted to go into this area, it would still require Governing Body approval for preliminary and final site plans.

Councilmember Rasmussen confirmed with David Ley, City Engineer, that the channel is sufficiently designed to take in all of the waterflow coming underneath both box culverts.

A motion was made by Councilmember Bussing, seconded by Councilmember Rasmussen to approve this Special Use Permit. The motion was passed following a 7-0-1 roll call vote: Yea: Councilmembers Bussing, Rasmussen, Peppes, Rawlings, Gill, Taylor, Filla; with Councilmember Gullede recusing.

***[from the November 23, 2004, Planning Commission meeting]***

- D. Ordinance No. 2096, approving a Preliminary Site Plan for Town Center Plaza located north of 119<sup>th</sup> Street and east of Nall Avenue [Roll Call Vote]

John Peterson, Esq., Polsinelli, Shalton & Welte, made a presentation. The 16,200 square foot pad site will be located by Houlihan's, and will be occupied by tenant, Pottery Barn Kids. The building will be closer to the street and includes pedestrian linkages, with sufficient parking spaces and patterns.

Councilmember Gullede confirmed with Mr. Peterson that a sidewalk connection would be placed on the northwest corner by Panera Bread. Councilmember Gullede stated this is a serious safety issue at this time. Mr. Peterson stated some of the vegetation will have to be removed, however this will be addressed at Final Plan.

Mayor Dunn confirmed with Mr. Peterson that the 3 screen walls referenced in the site plan comments are 'people doors' and not 'delivery doors.'

A motion was made by Councilmember Gullede, seconded by Councilmember Bussing to approve the ordinance.

Councilmember Gill asked if there is any other pad site in Town Center Plaza that faces the primary street. Ms Binckley stated the rear of Gaylan's, Yahoos and Hereford House face the street. Mr. Peterson stated from a design standpoint, you don't want to have all the buildings face the same way; as this proposed design will better attract pedestrian traffic.

The motion was passed following a unanimous 8-0 roll call vote.

- E. Resolution approving Planning Commission's recommendation to adopt the 2004 Leawood Comprehensive Plan and map, in accordance with K.S.A. § 12-747

**Staff Comment:** *The City Administrator is recommending this item be remanded back to the Planning Commission so that the tract of land located at the northwest corner of College Boulevard and Mission Road can be considered to be returned to its previously residential designation, preferably RP-1.*

Councilmember Rasmussen stated this tract located at College and Mission Road is open space and that the 100-year and 500-year flood plain came up to this corner of property. A civil engineer from the Corp of Engineers stated that the water was geisering behind the curbs because the water pressure was higher on Tomahawk Creek. This was the main reason why this area was left the way it was. This area should not be designated as residential due to this problem.

Mayor Dunn stated the deed restrictions on the property limit this area to residential. Mr. Lambers stated the property can be developed, however it will be limited due to the flood plain. Having this area remain as open space, makes it appear that the City intends for this area not be developed. Mr. Lambers requests this parcel be designated RP-1, so that the Planning Commission, in any deliberations or applications that are presented in the future, would not be under any misunderstanding that this parcel is supposed to be public property.

Mayor Dunn clarified that the deed restrictions designating this area as residential was lifted in either 2000 or 2001.

Councilmember Rasmussen confirmed with David Ley, City Engineer, that this property does lie within the flood plain. The previous stormwater study reflected that this area floods because the water is backing up in the stormwater system. This area floods when the water level on Indian Creek rises above the storm sewer. The only way to eliminate this problem is to raise the elevation.

Mr. Lambers stated the Planning Commission was not willing to consider the application because of the designation of open space. This area should be zoned residential. If the applicant desires to come back with a commercial development, then this needs to be considered by the Planning Commission.

A motion was made by Councilmember Gill, seconded by Councilmember Gulledge to remand this item back to the Planning Commission, as recommended by Mr. Lambers.

Councilmember Peppes asked for a friendly amendment to the motion that the Planning Commission consider the possibility of a hike/bike trail in the area of the 75-foot setback on the north side of the Ward Parkway parking lot located at 87<sup>th</sup> and State Line.

Councilmember Gill and Councilmember Gulledge approved of the friendly amendment.

Councilmember Taylor also asked for a friendly amendment that the goals and objectives of the Comprehensive Plan be reviewed by the Planning Commission. Councilmember Gill and Councilmember Gullledge approved of the additional friendly amendment.

Councilmember Filla extended her appreciation to staff for studying the review of the State Line Corridor between 83<sup>rd</sup> and 103<sup>rd</sup> Streets.

The motion was approved following a unanimous vote of 8-0.

**14. OLD BUSINESS- None**

**15. NEW BUSINESS - None**

Schedule a Governing Body Work Session at 6:00 P.M., on Monday, January 31, 2005.

A motion was made by Councilmember Filla, seconded by Councilmember Rawlings to approve the scheduling of this work session. The motion was approved following a unanimous vote of 8-0.

**16. OTHER BUSINESS - None**

**ADJOURN**

There being no further business, the meeting was adjourned at 10:15 P.M.

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Debra Harper, CMC, City Clerk