

**Minutes**

DVD No. 169

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 6, 2007. Mayor Peggy Dunn presided.

**Councilmembers present:** Gary Bussing, Gregory Peppes, Jim Rawlings, Debra Filla, James Azeltine, Scott Gullede, and Mike Gill.

**Mayor/Councilmembers absent:** Lou Rasmussen.

**Staff present:**

Scott Lambers, City Administrator  
Chief Ben Florance, Fire Department  
Chief John Meier, Police Department  
Kathy Rogers, Finance Director  
Chris Claxton, P&R Director  
Jeff Joseph, Senior Planner  
Christy Wise, Deputy City Clerk

Patty Bennett, City Attorney  
Deputy Chief Randy Hill, Fire Department  
Captain Dale Finger, Police Department  
Joe Johnson, Public Works Director  
Mark Klein, Asst. to the Planning Director  
Deb Harper, City Clerk  
Jack Reece, IS Specialist

**1. PLEDGE OF ALLEGIANCE****2. APPROVAL OF AGENDA**

Mayor Dunn noted that a revision to Item No. 7M has been placed upon the dais. She requested that the item be relocated to Special Business as Item No. 6C. She also noted that Councilmember Filla will be giving a report as Item No. 9B. Revisions to Item No. 14B have also been provided by Finance Director Kathy Rogers. A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Gill. 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.

**4. PROCLAMATIONS** **Kansas Firefighter/MDA Appreciation Month, August, 2007**

Mayor Dunn read and presented the Kansas Firefighter/MDA Appreciation Month Proclamation to Fire Chief Ben Florance.

**5. PRESENTATIONS/RECOGNITIONS – None.**

**6. SPECIAL BUSINESS**

**A. Special Presentation by the Reverend Adam Hamilton, Senior Pastor, United Methodist Church of the Resurrection**

Reverend Hamilton reviewed that the City of Leawood provided the City of Greensburg, Kansas, a one year lease to a fire truck for the amount of \$1. The fire truck has been an invaluable gift to Greensburg subsequent to a devastating tornado. He commented that members of the Leawood Fire Department who volunteered to aid with disaster relief efforts also made a tremendous difference in caring for the victims.

The Church of the Resurrection received a telephone call centering on the hope that the fire truck could become a permanent fixture of the Greensburg Fire Department. Conversations with Mayor Dunn revealed that the City cannot donate taxpayers' property, thus plans were made for the church to raise funding in order to purchase the truck from Leawood and donate to Greensburg. The community provided \$50,000 in monetary contributions for the purchase of the truck in addition to \$20,000 that will be split between the flood and tornado victims as a cash offering. The Church of the Resurrection had also previously donated \$50,000 to Greensburg prior to the fire truck cause.

Reverend Hamilton requested that the City of Leawood allow the Church of the Resurrection to purchase a fire truck in the amount of \$50,000. If approved, he asked that Mayor Dunn accompany him in presenting the title to the City of Greensburg. A plaque will be mounted inside the public safety vehicle stating that it was presented by the people of Leawood and the Church of the Resurrection.

Mayor Dunn expressed gratitude to Reverend Hamilton for his leadership behind the effort and to the congregation of the Church of the Resurrection for their generosity.

A motion to approve the sale of the fire truck that is currently on loan for \$1 to the City of Greensburg, Kansas, for the \$50,000 contribution from the Church of the Resurrection was made by Councilmember Rawlings; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0.

Mayor Dunn presented Reverend Hamilton with a copy of the title to the fire truck.

- B.     **PUBLIC HEARING**             Consider the 2008 Fiscal Budget for the City of Leawood

Mayor Dunn opened the public hearing for comment. As there were no individuals present to speak on the matter, a motion to close the public hearing was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion was approved following a unanimous vote of 7-0.

- C.     [7M] Resolution No. 2855 to approve a Final Plat for Parkway Plaza Office Condominiums 1<sup>st</sup> Plat, located on the northwest corner of 135<sup>th</sup> Street and Roe Avenue [*From the July 10, 2007 Planning Commission meeting*]

City Administrator Scott Lambers stated the item was pulled from the Consent Agenda due to an error by the applicant. The Planning Commission approved the plat with incorrect numbers in the area table on the lower left hand corner of the plat drawing. Although the error is simply technical in nature, an override to the Planning Commission's recommendations will be required with a supermajority vote in order to approve the correction.

A motion to approve the final plat was made by Councilmember Bussing; seconded by Councilmember Gullede.

Citizen Craig Fischman, 13001 Cedar, stated that his place of residence is downstream from stormwater runoff. A City drainage problem has impacted his property by way of causing soil erosion. His fence is in danger of falling over at this point. The new developments along the 135<sup>th</sup> Street and Roe Avenue area have caused an increased amount of stormwater to flow into the creek behind his backyard, which was previously just a trickling brook. Although the community will benefit from the new developments, he is paying a price from a personal standpoint. Mr. Fischman requested guidance and assistance from the City in taking care of the problem.

Mayor Dunn clarified that Mr. Fischman's issue does not pertain to Item No. 7M. Noting that it may or may not be a City-related problem, she stated the topic can be reviewed by the Stormwater Management Committee.

The motion to approve Item No. 7M was approved following a unanimous vote of 7-0.

A motion to refer the issue of stormwater runoff from new developments impacting residential property to the Stormwater Management Committee for review was made by Councilmember Filla; seconded by Councilmember Gill. The motion carried following a unanimous vote of 7-0.

Mayor Dunn informed Mr. Fischman that he will be notified of the date and time of the meeting so that he may attend if so desired.

**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. 1082B, 1083A, and 1083B
- B. Accept Minutes of the July 16, 2007 Governing Body meeting
- C. Accept Minutes of the June 25, 2007 Governing Body Joint Governing Body/Budget & Finance Committee Work Session
- D. Accept Minutes of the June 26, 2007 Governing Body Joint Governing Body/Budget & Finance Committee Work Session
- E. Accept Minutes of the May 8, 2007 Leawood Historic Commission meeting
- F. Approve Massage Establishment License for Chad Fitzgerald, d/b/a Massage Envy, located at 4314 W. 119<sup>th</sup> Street
- G. Approve Massage Establishment License for Arthur Hall, d/b/a Satoraum Beauty Wellness at 5433 W. 151<sup>st</sup> Street
- H. Approve Change Order No. 2, in the amount of \$119,963.50 to Wiedenmann & Godfrey, pertaining to Phase II, Dykes Branch Channel Improvement Project, [SMAC Project DB-04-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road [ # 76009]
- I. Approve First and Final Payment in the amount of \$192,224.00, to Musselman & Hall Contractors, LLC, pertaining to the 2007 Slurry Seal
- J. Resolution No. 2852 approving and authorizing the Mayor to execute a Second Amendment to that certain agreement, dated October 16, 2006, between the City of Leawood, Kansas and Orion Management Solutions, Inc., for the management of the IRONHORSE Golf Course [2007-2009]
- K. Resolution No. 2853 waiving Special Benefit District Policy of requiring financial guarantees from all property within the benefit district for the benefit district formed for the purposes of paying construction costs at the intersection of 135<sup>th</sup> Street and Fontana [80403]
- L. Resolution No. 2854 approving and authorizing the Mayor to execute Amendment No. 3 to that certain Consulting Engineer Agreement dated July 18, 2005, between the City and Continental Consulting Engineers for an amount not to exceed \$58,000, pertaining to the Villaggio Development [CIP # 80403]
- N. Resolution No. 2856 to approve a Final Site Plan for a tenant finish for Trezo Vino, located on the northeast corner of 117<sup>th</sup> Street and Nall Avenue within the Park Place development [*From the July 24, 2007 Planning Commission meeting*]
- O. Resolution No. 2857 to approve a Final Site Plan for a tenant finish for Annabelle's, located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue within the Park Place development [*From the July 24, 2007 Planning Commission meeting*]
- P. Resolution No. 2858 to approve a Final Site Plan for a tenant finish for The Learning Tree, located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue within the Park Place development [*From the July 24, 2007 Planning Commission meeting*]

- Q. Resolution No. 2859 to approve a Final Site Plan for a tenant finish for Envy Boutique, located at the northeast corner of 117th Street and Nall Avenue within the Park Place development *[From the July 24, 2007 Planning Commission meeting]*
- R. Resolution No. 2860 to approve a Final Site Plan for a tenant finish for LeReve Nail Salon, located at the northeast corner of 117th Street and Nall Avenue within the Park Place development *[From the July 24, 2007 Planning Commission meeting]*

Mayor Dunn noted a minor correction to Item No. 7F as the zip code in the packet material should read 66211 rather than 66224.

Councilmember Filla requested to pull Item No. 7N for discussion.

On motion of Councilmember Bussing, seconded by Councilmember Gullede, the remainder of the Consent Agenda was approved following a unanimous vote of 7-0.

- 7N. Resolution No. 2856 to approve a Final Site Plan for a tenant finish for Trezo Vino, located on the northeast corner of 117<sup>th</sup> Street and Nall Avenue within the Park Place development *[From the July 24, 2007 Planning Commission meeting]*

Councilmember Filla requested that the location of the proposed establishment be pointed out on the Master Development Plan for Park Place. Jeff Alpert of Park Place Developers, LLC, Overland Park, 6201 College Boulevard, Overland Park, demonstrated that the wine bar and restaurant will be located on the south end of Building A.

A motion to approve Item No. 7N was made by Councilmember Filla; seconded by Councilmember Gill. The resolution was approved following a unanimous vote of 7-0.

## **8. MAYOR'S REPORT**

- A. Annual Report: American Revolution Tercentennial CD Fund. Mayor Dunn reviewed that the Leawood American Revolution Bicentennial Committee established the fund on July 6, 1976, by presenting the City with a CD in the amount of \$1,000. The current balance of the CD as of July 11, 2007, is \$7,642.86. The CD yields an interest rate of 5.117% and will mature on June 13, 2008. Mayor Dunn read the original letter from former Leawood Mayor William M. Eddy regarding the intent of the fund.
- B. Attended the Leawood Lion's Club meeting with Councilmember Rawlings at which the installation of new officers took place. President Tom Willy took the gavel from Gary Flick while Treasurer Jeff Cantrell, our Neighborhood Services Administrator, passed on his role to former-Finance Director Harry Malnicof. Ernie Young, the past International Director, served as guest speaker. Mayor Dunn congratulated the Lions and the new officers for all that they do for the City.

- C. Mayor Dunn also congratulated Leawood residents Bob and Ann Regnier for being honored on July 20<sup>th</sup> by the Volunteer Center of Johnson County as the 2007 Volunteers of the Year.
- D. Attended an outstanding performance of the Leawood Stage Company's production of "The Music Man." There were 10,500 people in attendance over a seven night period. The productions have grown larger every year with this year's musical featuring a cast of 60 with ages ranging from 7 to 70, 29 musicians, and a total of 150 volunteers that were involved in the combined productions. Mayor Dunn extended gratitude and congratulated Leawood Arts Council Chair Mary Tearney, Chairman of the Leawood Stage Company Bill Ellwood, Cultural Arts Coordinator April Bishop, and Parks & Recreation Director Chris Claxton for their leadership in another successful production, which always serves to build community spirit within and way beyond the boundaries of Leawood. The comment was made that the event was community theater in the truest sense of the word. Mayor Dunn led a standing ovation for all of those involved in "The Music Man."

In accepting the recognition, Chair of the Leawood Arts Council and Board member of the Leawood Stage Company Mary Tearney stated that it took a village to execute this year's production. She thanked Mayor Dunn, the City Council, April Bishop and City Staff for their support. Ms. Tearney listed the various people and organizations from all over the metropolitan area that were involved in all aspects of making the musical a hit. She confirmed for Mayor Dunn that the stage sets will be used again next Spring by Lakewood Middle School for their version of "The Music Man." Additionally, Ms. Tearney announced that she will return next year in the same capacity to mark ten years of being involved with community theater in Leawood. Based upon the exceptional reviews and acclaims for this summer's performance, Mayor Dunn remarked that it will be a challenge to improve upon next year's production.

#### **COUNCILMEMBERS' REPORT**

- A. Councilmember Bussing – Councilmember Bussing stated he would like to request that Staff evaluate the setback requirements for properties that abut common ground, or out lots. The current ordinance is strictly enforced regardless of what the abutting property might be, which has caused issues in south Leawood as there is no administrative appeal set in place.

A motion to direct Staff to evaluate the current LDO [Leawood Development Ordinance] setback requirements of property abutting common ground for possible amendment to allow for administrative acceptance in certain cases with a report given within 30-60 days was made by Councilmember Bussing; seconded by Councilmember Rawlings.

Mr. Lambers informed that the identified issue involves various parcels of land within the City, typically owned by homeowners associations, which cannot be built upon. The current ordinance does not distinguish between this type of land and a lot line occupied by a residence.

The theory of allowing an additional encroachment into the setback of an out lot parcel will generally not cause harm, therefore a process of administrative consideration for such cases should be made available. Mr. Lambers received permission from Councilmember Bussing to also begin the process of amending the LDO as this undertaking will take approximately three months.

Councilmember Azeltine verified with Mr. Lambers that the ordinance amendment will provide administrative relief for setback encroachments into out lot parcels. Unless otherwise directed, any properties in question will not receive such relief until the amendment has completed the process.

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

- B. Councilmember Filla – Councilmember Filla stated she would like to publicly thank Police Officer Ben Slenker for the assistance he provided to her and a group of three others when they experienced a flat tire on Tomahawk Creek Parkway while returning home from the theater. Officer Slenker provided additional lighting during the changing of the tire and positioned his patrol vehicle so that it provided a protective buffer against other motorists.

- 10. **STAFF REPORT** – Mr. Lambers shared that he would also like to extend appreciation to the patrol officer who responded to his home following an aggravated burglary. The suspect entered through a partially opened garage door and removed belongings from a vehicle. He thanked the officer for his quick response and professionalism.

## ***COMMITTEE RECOMMENDATIONS***

### **11. PLANNING COMMISSION**

*[From the July 10, 2007, Planning Commission meeting]*

- A. Ordinance No. 2251 approving a Special Use Permit [SUP] for an AT&T VRAD cabinet, located at 12901 Roe Ave [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Peppes; seconded by Councilmember Gullede.

Chris Carroll with AT&T, 8900 Indian Creek Parkway, Overland Park, offered to answer any questions. Regarding the Staff Comment on page 3 of the Staff Report, “This Special Use Permit only is for the new VRAD cabinet to be installed, not the existing SAI box,” he informed Mayor Dunn that the SAI box has been there for a number of years and, to his knowledge, does not have a term limit associated with the SUP. It is his understanding that none of the SAI boxes have restricted terms.

Councilmember Azeltine called attention to the letter from the clubhouse chairman of the Woodlands Homeowners’ Association, included as packet information, which stresses the importance of coordinating with the HOA’s landscaping management company before work is started in the area. Mr. Carroll stated that an agreement has been reached in this regard.

The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Azeltine, Peppes, Filla, Gullede, Bussing, Gill, and Rawlings. Nay: None. (Councilmember Rasmussen absent).

- B. Ordinance No. 2252 to approve a Special Use Permit for an AT&T VRAD cabinet, located at 12301 Linden Street [Roll Call Vote]

A motion to approve the Special Use Permit was made by Councilmember Peppes; seconded by Councilmember Bussing. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Rawlings, Gill, Gullede, Peppes, Filla, Azeltine, and Bussing. Nay: None. (Councilmember Rasmussen absent).

- C. Ordinance No. 2253 to approve a Special Use Permit for an AT&T VRAD cabinet, located at 4300 W. 124th Street [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Azeltine; seconded by Councilmember Gill. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Gullede, Bussing, Filla, Azeltine, Peppes, and Rawlings. Nay: None. (Councilmember Rasmussen absent).

- D. Ordinance No. 2254 to approve a Special Use Permit for an AT&T VRAD cabinet, located at 11900 Ensley Lane [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Gill.

Mr. Lambers confirmed for Mayor Dunn that a single Interact meeting was held for the seven VRAD SUP applications on tonight's agenda. The meeting report was inadvertently left out of the packet material for some of the agenda items, however would be identical to the summary provided under Item Nos. 11B and 11C.

The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Rawlings, Gill, Peppes, Azeltine, Gullede, Bussing, and Filla. Nay: None. (Councilmember Rasmussen absent).

- E. Ordinance No. 2255 to approve a Special Use Permit for an AT&T VRAD cabinet, located at 12301 Cherokee [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Peppes. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Peppes, Rawlings, Gullede, Bussing, Azeltine, and Filla. Nay: None. (Councilmember Rasmussen absent).

- F. Ordinance No. 2256 to approve a Special Use Permit for an AT&T VRAD cabinet, located at 11404 Canterbury Circle [Roll Call Vote]

A motion to approve the Special Use Permit was made by Councilmember Azeltine; seconded by Councilmember Gill.

Mayor Dunn noted that this location will require a separate SUP for the SAI cabinet prior to installation.

The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Azeltine, Gill, Gullede, Peppes, Filla, Rawlings, and Bussing. Nay: None. (Councilmember Rasmussen absent).

- G. Ordinance No. 2257 to approve a Special Use Permit for an AT&T VRAD cabinet, located at 13201 Mission Road [Roll Call Vote]

Mr. Lambers informed Councilmember Gill that the cabinet will not interfere with plans for the adjacent Gezer Park. The structure will not be visible from inside the park as it will be screened by berms and it will not cause an impact upon the trail system.

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Rawlings.

The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Gill, Rawlings, Filla, Peppes, Bussing, Gullede, and Azeltine. Nay: None. (Councilmember Rasmussen absent).

Councilmember Bussing voiced appreciation for AT&T's willingness to meet with the HOA representatives for Item No. 11A. He applauded the company's efforts to be good neighbors as the rather unsightly boxes are installed. Mr. Carroll stated it is important to ensure that residents of the community are pleased with the expansion project.

In follow-up to the staircase issue associated with one of the VRAD SUP applications at the last Governing Body meeting, Mr. Carroll stated that alternative arrangements have been made with Staff to install a paved road leading to the equipment in this location. The existing staircase will be removed.

**12. OLD BUSINESS – None.**

**13. OTHER BUSINESS – None.**

**14. NEW BUSINESS**

- A. Ordinance No. 2258 attesting to an increase in taxes levied for the budget year 2008 for the City of Leawood, Johnson County, Kansas [Roll Call Vote]

Mayor Dunn stated the ordinance for state budget law compliance provides that if taxes levied in the 2008 budget exceed those in the 2007 budget, a resolution stating such must be approved and published in the local newspaper. Property tax revenues projected in the 2008 budget exceed those in 2007 as a result of the increase in assessed valuation between the two years. She stressed that the mill levy will remain unchanged in 2008. The purpose of the state law is to encourage an explanation for any increase from local property taxes over the prior year. Over the course of many hours during the two-night Budget Sessions, ample discussion took place regarding how the additional revenue will be utilized for the betterment of the community.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Rawlings. The ordinance passed with the following unanimous roll call vote of 7-0: Yea: Councilmembers Bussing, Rawlings, Gill, Gullede, Peppes, Azeltine, and Filla. Nay: None. (Councilmember Rasmussen absent).

- B. Resolution No. 2861 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; 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

Mayor Dunn noted that revised material pertaining to Item No. 14B has been placed upon the dais.

A motion to approve the resolution was made by Councilmember Gullede; seconded by Councilmember Peppes.

Finance Director Kathy Rogers apologized for the last minute change and explained that it is the result of an increase in notes for Parkway Plaza. The increase of \$5.6 million to \$6.1 million is within the authorization level and is due to a revised estimate on construction.

Ms. Rogers informed Councilmember Bussing that the water feature [Project #83192] listed on page 1 of the memorandum will be located upon Cornerstone, LLC property at 135<sup>th</sup> Street and Nall Avenue.

The resolution was approved following a unanimous vote of 7-0.

- C. Resolution approving and authorizing the Mayor to execute a Development Agreement between the City and Park Place Developers, LLC., for use of transient guest tax for construction of a third garage located within the Park Place Development [# 80453] - **CONTINUED TO THE AUGUST 20, 2007 GOVERNING BODY MEETING [Continued from the June 18, 2007 Governing Body meeting]**

**[From the July 24, 2007, Planning Commission meeting]**

- D. Resolution No. 2862 to approve a Final Site Plan and Final Plat for the Aloft Hotel, located on the northeast corner of 117<sup>th</sup> Street and Nall Avenue within the Park Place development

Due to the appearance of a conflict of interest, Mayor Dunn stated she would recuse herself from this item. She then left the Council Chambers and Councilmember Gary Bussing took over as Presiding Officer.

Applicant Brandon Raney with Presidian Company of San Antonio, TX, conducted an animated presentation of the 6-story, 158-key Starwood brand hotel. It is anticipated that the hotel will be complete by the 2008 holiday season. He noted that there is a sign placed underneath the portico share that is outside of the City ordinance in terms of size. There will be retail adjacent to and underneath the hotel. Guest parking will be in the northern garage that is currently under construction.

In terms of amenities, Mr. Raney informed Councilmember Gill that the hotel will not have a full service restaurant but will feature a lounge and bar area with an outdoor terrace. An exercise facility, swimming pool, and grab-and-go food/beverage service will also be available for guests. There will be a small boardroom on the west side of the lobby, also with an outdoor terrace, to accommodate meetings.

Councilmember Azeltine inquired as to the price point of the hotel rooms. Mr. Raney stated they will range from \$129 to \$149 per night.

Mr. Raney stated the sign in question is a branding piece of architecture of all Aloft hotels. While the current ordinance allows 200 sq. ft. for signage and City Staff recommended that the Planning Commission allow up to 210 sq. ft., the proposed structure is approximately 305 sq. ft. He stated that decreasing the size of the sign will not affect the hotel from an advertising standpoint as it is not being used for this purpose. As it is more of an architectural feature, however, the size should be proportionate to the space that it occupies. He confirmed for Councilmember Peppes that the rendering in the packet material depicts the sign at the requested size.

Mr. Lambers advised Councilmember Filla that the Planning Commission did not approve the requested signage because increasing the size requirements of the ordinance is outside of their authority. However, a secondary motion was made following approval of the project requesting that the City Council consider amending the ordinance to allow up to 300 sq. ft. when it is determined appropriate in terms of proportionality. If the Council wishes to pursue this course of action, Mr. Lambers suggested that the height expansion be applicable to hotels only with other applications being brought forward on a case-by-case basis. Staff's concerns related to the size of the sign in relationship to individuals. An ordinance amendment can be brought back before the Council in 2-3 months and will not affect the applicant in terms of timing since signage is one of the last features installed.

To Councilmember Azeltine's question as to why the increased size could not take the form of a deviation, Mr. Lambers explained that the ordinance does not allow for this as it is an absolute.

A motion to approve the final plat and final site plan for the Aloft Hotel was made by Councilmember Peppes; seconded by Councilmember Gulledge.

For hotel security reasons, Mr. Raney informed Councilmember Filla that he does not believe the room windows will have the ability to open. Although some jurisdictions have a code requiring operable windows, a stop prevents them from being opened more than four-inches.

The resolution was approved following a unanimous vote of 7-0.

A second motion directing Staff to evaluate an amendment to the current sign ordinance that would permit hotel signage up to 300 sq. ft. was made by Councilmember Peppes; seconded by Councilmember Rawlings.

Councilmember Gill voiced agreement with Staff's original recommendation regarding the size restriction considering the denseness of the development.

Jeff Alpert of Park Place Developers, LLC relayed that his company approved of the sign for two reasons: it is not visible from Nall Avenue or any other major arterial; and it is a typical inclusion for this brand of hotels as more of an art/architectural feature than signage. On this basis, he asked Councilmember Gill to reconsider his position.

Mr. Lambers relayed to Councilmember Azeltine that the Planning Commission did not express favor or disfavor with the proposed signage; however, they felt that the Governing Body might want the option to consider the issue. Other than hotels, it might be appropriate to consider the increased size for some office buildings as well. The proposed sign for the Aloft Hotel is unique because it sits upon the ground rather than on top of a building. Mr. Lambers stated concern with the size of the sign as it relates to individuals on this specific application but believes that the independent decision of creating the ability for the Governing Body to consider such proposals is warranted.

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

**ADJOURN**

Mr. Bussing adjourned the meeting at 8:55 P.M.

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Debra Harper, CMC, City Clerk

Christy Wise  
Recording Deputy City Clerk