

SHARP LAW

Rex A. Sharp*
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August 1, 2023

HAND DELIVERED

Adam Geffert
Prairie Village City Clerk
7700 Mission Road
Prairie Village, KS 66208

Dear Sir/Madam,

The PV Ad Hoc Housing Committee was comprised of UCS housing members and, with scant public input, unanimously recommended changing R-1 Single Family Residential zones to allow two or more families per lot, not on a certain lot, but City-wide. Without much discussion, the PV City Council unanimously voted to send that recommendation to the Planning Commission for implementation.

PV United was formed by Prairie Village residents, including several former City Council Members, to stop this rezoning effort. PV United does not cater to outside interests, and crosses party lines as local politics should be and is nonpartisan.

PV United supporters came to the PV City Council in unprecedented numbers to stop the city-wide R-1 rezoning. Resident after resident took time out of their schedules to address their concerns. The PV City Council ignored this unprecedented outpouring of concern. Literally closing its eyes and ears. Instead, the PV City Council cut down citizen participation at its meetings (even contemplating doing away with it altogether). When that did not work, the Council and Mayor encouraged residents to join and support an alternative group called PV4All (started by the Mayor's former campaign manager). The PV4All organization suggested that PV was racist and called out those who opposed R-1 rezoning as extremists, trolls, and racists. This politics of name-calling, labeling, and division emanated directly from the PV City Council.

PV United placed Stop Rezoning signs in the front yards of supporters, numbering in the several hundreds. PV4All countered with its signs numbering in the dozens and had to invite people from outside PV to speak at PV Council meetings to support it. PV City Council

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August 1, 2023

continued to ignore the overwhelming majority of its PV constituents. The Stop Rezoning movement is now 3,600 strong and growing in PV. Enclosed are 82 Stop Rezoning Petitions submitted as a group totaling 3,707 PV voter signatures, as well as an accompanying proposed Ordinance matching the Stop Rezoning Petition language. It's time to put this issue to a vote, to rest, and let the City heal.

We urge you to set aside party politics, personal agendas, and outside interests, and place the Stop Rezoning Petition on the November 7, 2023 ballot. The PV City Council may either (1) adopt the ordinance within 20 days *without alteration*, or (2) call a special election after 20 days, unless a regular city election is to be held within 90 days thereafter in which case the ordinance should be submitted at that election, to see if a majority of the voters in the city approve of the ordinance. If approved, the ordinance goes into effect and may not be repealed or amended without another election or without having been in effect for ten years.

Further, we would urge the PV Council Members to stop attacking the Stop Rezoning Petition and the other initiative petitions from the PV Council chambers as you are supposed to represent your 3,707 and growing group of PV resident petition signers. Nor should their taxpayer money (or anyone's taxpayer money) be spent against it or in furtherance of your personal agenda. As an interested PV resident, if you feel so inclined, engage in honest debate about how city-wide rezoning of R-1 will benefit existing PV residents and oppose it, if you will, with your own money and time as the 3,707 Stop Rezoning supporters have done.

The same goes for bringing the form of government into a more mainstream size and type. PV sits on an island of one with its form of government. Every ward will maintain its 1/6th representation, the mayor will be elected at large, and the size will be more streamlined, efficient, and cheaper (if the PC City Council decides to pay itself salaries and benefits). And if the voters like your governance, they will elect your representatives at the ballot box on November 7. Let PV residents' vote.

Sincerely,



Rex A. Sharp

Enclosure

cc: w/o Enclosure Prairie Village City Council

**Rezoning
Petition**

- 11
- 25
- 6
- 54
- 38
- 99
- 55
- 28
- 53
- 16
- 22
- 91
- 100
- 90
- 68
- 81
- 99
- 23
- 7
- 24
- 87
- 3
- 12
- 48
- 97
- 56
- 42
- 12
- 97
- 14
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- 80
- 98
- 25
- 43
- 30
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- 100
- 98
- 20
- 14
- 72
- 99
- 32

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89
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101
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73
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43
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22
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12
89
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97
82
49
25
2
4
93
5
13
Total 3,707

ORDINANCE NO. ____

AN ORDINANCE REGARDING LIMITING REZONING THAT WOULD ALLOW ACCESSORY DWELLING UNITS OR OTHER DWELLINGS FOR MORE THAN ONE FAMILY TO RESIDE ON A LOT IN A SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

WHEREAS, Kansas statutes do not address (a) whether two or more families should be allowed to reside at the same time in a single family residential zone, or (b) whether accessory dwelling units (ADUs) or other dwellings in addition to the single family dwelling house in single family residential zoning districts should be allowed;

WHEREAS, the City Council of the City of Prairie Village, Kansas has been considering these subjects for almost a year, and over 200 people have publicly oppose any legislation or ordinance that would permit them;

WHEREAS, the City Council of the City of Prairie Village, Kansas has indicated it can legislate to allow both (a) and (b) above, it stands to reason that local legislation can also refuse to or limit how;

WHEREAS, the broad and overall public purpose of single family residential zoning districts is (a) to permit one family to reside on a lot at a time, not two or more families on a lot at a time; and, (b) to permit only the single family dwelling house on a lot;

WHEREAS, enacting this Ordinance would provide the ways and means to accomplish that broad and overall public purpose;

WHEREAS, the City of Prairie Village, Kansas has been completely zoned and built out for decades, with over 90% of all of the land being in a single family residential zoning district;

WHEREAS, the local public Purpose and Intent of zoning is set forth in The Code of the City of Prairie Village, Kansas, Chapter 19.01.010;

WHEREAS, the local public Purpose and Intent of the local zoning code is geared to the single family residential zoning district to ensure the quiet enjoyment of the land by preventing congestion and overuse of a residential lot, encourage green space, and prevent increased density further burdening governmental services such as water, sewer, stormwater, electricity, internet, roads, sidewalks, parking, police, fire, parks, and schools;

WHEREAS, the City of Prairie Village, Kansas already is one of the most densely populated cities in Kansas;

WHEREAS, enacting this Ordinance would provide the ways and means to accomplish the local public purpose and intent stated above;

WHEREAS, determining whether to allow a single or multiple families on a lot or allowing one or more dwellings per lot in a single family residential zoning district does not require specialized municipal knowledge or intimate knowledge of the city's finances;

WHEREAS, the City of Prairie Village, Kansas has been for decades and continues to be welcoming to all people to reside within it;

WHEREAS, the City of Prairie Village, Kansas has received state and national awards for livability as is;

WHEREAS, the current residents of the City of Prairie Village, Kansas were aware of and relied on the stability of the zoning rules and the zoning district when buying their residences in single family residential zones;

WHEREAS, it is the public purpose to allow owners of land to have control over the zoning of their land, and those nearby to have notice, opportunity to be heard, and protest if something is done which may impact their quiet enjoyment of their single family dwelling;

WHEREAS, Kansas statutes do not address whether an owner's land can be rezoned by the government without the owner's consent, and this Ordinance would address that issue;

WHEREAS, rezoning is not done statewide;

WHEREAS, Kansas statutes do not delegate rezoning exclusively to the governing body; and,

WHEREAS, this Ordinance provides a simple, general, and permanent solution to all of these unresolved local public issues.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1: The Code of the City of Prairie Village, Kansas shall have added Section 19.02.422 entitled "Rezoning" stating: *Rezoning* means changing a lot from a more restrictive zone to a less restrictive zone, such as permitting two or more families living or dwelling on a lot in a currently single-family residential zone (R-1), or permitting three or more families living or dwelling on a lot in a currently two-family residential zone (R-2).

Section 2: The Code of the City of Prairie Village, Kansas shall have added Section 19.52.006 entitled "Rezoning By Governing Body", stating:

- a. The governing body and/or the planning commission can initiate rezoning in an R-1 zone district only one lot at a time and only with the written consent of all owner(s) of the lot.
- b. Rezoning initiated by the governing body and/or the planning commission for each lot must comply with all notice, opportunity to be heard, and protest rights of surrounding neighbors as set forth in Sections 19.52.015 through 19.52.045.
- c. Rezoning initiated by the governing body and/or the planning commission shall post a rezoning sign on each lot to be rezoned in the same manner as required Section 19.28.025 substituting 'rezoning application' for 'special use permit' on the sign.
- d. Under rezoning initiated by the governing body and/or the planning commission, the planning commission and the governing body shall make findings of fact by clear and convincing evidence of the same factors set forth in Section 19.52.030 as well as for the factors in Section 19.28.035 except that each of the factors shall be addressed in writing to justify rezoning.

Section 3: If any provision in this Ordinance is deemed unconstitutional, contrary to law, or not permitted by initiative, that provision shall be read as if not a part of the Ordinance and the rest of the Ordinance shall remain in full force and effect.

Section 4: This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on _____, 2023.

APPROVED:

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters, City Attorney

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August 1, 2023

HAND DELIVERED

Fred Sherman
Johnson County Election Officer
2101 E. Kansas City Road
Olathe, KS 66061

Dear Mr. Sherman,

Enclosed are 41 Adopt Petitions submitted as a group totaling 2,176 signatures. Please determine their sufficiency as provided by law, and advise if the Adopt question will be placed on the ballot for November 7, 2023.

Sincerely,



Rex A. Sharp

Enclosure

cc: w/o Enclosure peg.trent@jocogov.org
w/o Enclosure mary.buhl@jocogov.org

Adopt/Reduce
Petition Signatures

| | |
|-------|------|
| | 12 |
| | 4 |
| | 8 |
| | 73 |
| | 21 |
| | 67 |
| | 42 |
| | 66 |
| | 24 |
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| | 16 |
| | 21 |
| | 67 |
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| | 100 |
| | 84 |
| | 78 |
| | 101 |
| | 80 |
| | 96 |
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| | 73 |
| | 99 |
| | 77 |
| | 97 |
| | 90 |
| | 94 |
| | 29 |
| | 38 |
| | 12 |
| | 9 |
| Total | 2176 |

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August 1, 2023

HAND DELIVERED

Fred Sherman
Johnson County Election Officer
2101 E. Kansas City Road
Olathe, KS 66061

Dear Mr. Sherman,

Enclosed are 41 Abandon Petitions submitted as a group totaling 2,178 signatures. Please determine their sufficiency as provided by law, and advise if the Abandon question will be placed on the ballot for November 7, 2023.

Sincerely,



Rex A. Sharp

Enclosure

cc: w/o Enclosure peg.trent@jocogov.org
w/o Enclosure mary.buhl@jocogov.org

Abandon
Petitions

- 11
- 4
- 8
- 97
- 28
- 38
- 92
- 98
- 79
- 100
- 99
- 81
- 71
- 19
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- 95
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- 22
- 21
- 11
- 100
- 78
- 83
- 56
- 68
- 98
- 12
- 9

Total 2,178