

CITY OF PRAIRIE VILLAGE

January 17, 2012

City Council Meeting

6:00 p.m.



**COUNCIL COMMITTEE
Tuesday, January 17, 2012
6:00 P.M.
Council Chambers**

AGENDA

DALE BECKERMAN, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

Discussion regarding 84th Street & Mission Road Comprehensive Plan Amendment
Dennis Enslinger

*Council Action Requested the same night



ADMINISTRATION

Council Committee Date: January 17, 2012

Discussion Regarding 84th Street and Mission Road Comprehensive Plan Process

BACKGROUND:

Upon the sale of the Mission Valley Middle School site in August of 2011, staff has been looking and working on the various options to complete a comprehensive plan amendment for the site and the surrounding area. The initial approach was to work with the new property owner, RED Development Partnership, to conduct a joint planning process. While this joint process was initially determined to be the most desirable solution, RED Development determined that it would like the City to conduct the comprehensive plan amendment process as a sole City project.

The City has released an RFQ to select a public participation consultant and a land planning consultant to assist in the completion of the 84th Street and Mission Road Comprehensive Plan Amendment. A selection committee has interviewed and selected Consensus as the public participation consultant and Confluence as the land planning consultant. Prior to bringing the contracts related to the consulting services to the City Council for consideration, staff is requesting the City Council determine if the City should continue with the comprehensive plan amendment process.

Staff is requesting this determination for the following reasons:

- RED Development has requested staff engage the City Council in a discussion about the redevelopment potential of the proposed site.

This discussion should include whether or not there is a consensus on if the site should be income-producing (ie, contain land uses which are revenue generating through property tax and/or sales tax). In addition, there should be a discussion if the City Council would consider public incentives for the development of the site. Again, this is not to suggest that the Council will approve any specific plan or public incentives, but is to gauge the Council's interest regarding these issues.

- Kansas City Christian School (KCC) has approached RED Development about securing the school the site to allow the school to expand and move from its current location. It should be noted that the City has no control over whether or not RED would sell the site to KCC. The desire of KCC to relocate to this site is new information since the original direction was to move forward with the comprehensive plan amendment process. RED Development Partnership has indicated it has been approached by other schools and uses; however, it is their intent to develop the site into a mixed use development.

- In developing the level of public engagement and land planning necessary for this size of comprehensive plan amendment, the estimated cost of services is higher than originally presented by staff. Originally, staff indicated the cost of services would be approximately \$50,000. Based on the current negotiations with the selected firms, staff is estimating that the cost of the project to be between \$80,000 - \$90,000.

DISCUSSION:

Since this discussion topic involves redevelopment and the Comprehensive Plan, staff believes that it is relevant to provide some background about the City's Comprehensive Plan, *Village Vision*. *Village Vision* provides a policy framework to:

- *Maintain and improve the quality of life in Prairie Village;*
- *Suggests a variety of redevelopment opportunities; and*
- *Lead to long-term financial stability. (Page 1.2)*

At the time *Village Vision* was developed, the closure of Mission Valley Middle School was not contemplated. However, there are several key findings in *Village Vision* which are applicable to understanding the issues surrounding redevelopment:

- Limited Growth Opportunities
With no room to grow outward and virtually no land left to develop, the only option to accommodate growth and change is to look inward for development and redevelopment opportunities. (2.4)
- Redevelopment Orientation
Research suggest that cities that have developed a city-wide approach to redevelopment through neighborhood and site-based planning, coupled with financing incentives such as short-term financing or tax benefits, are attracting private investment and development. (2.5)

Village Vision stresses that the plan "is designed to be a practical document that will facilitate the implementation of key actions towards meeting the strategic investment priorities" (2.8). It also identifies a number of key approaches to help guide the plan which can be found under the Implementation Structure and Action Agenda, which are relative to the discussion about the redevelopment of study the area within the proposed 84th and Mission Road Comprehensive Plan Amendment (see pages 2.8 and 2.9 of the Executive Summary (attached).

One of the primary goals of redevelopment is to broaden the tax base, staff has compiled some rough calculations on the amount of revenue the City might anticipate from development of the Mission Valley site (18 acres). This does not include any additional revenue from redevelopment of the other portions of the 84th Street Comp Plan amendment area, or revenue generated for other entities (Fire District, School District, County, etc.).

The RED Development Partnership wants to develop the Mission Valley site into a mixed use redevelopment project including; retail, office and residential. Based on preliminary discussions, RED is looking at constructing a 25,000 sq. ft. specialty grocery store, approximately 50,000 sq. ft. of additional retail (restaurants and service oriented uses), 50,000 sq. ft. of office, and approximately 335,000 sq. ft. of continuum of care senior housing facility (250 beds). RED has indicated a desire to submit a request for public incentives related to the redevelopment of the site. RED has indicated that the level of public incentive will be dependent on the density level of the development.

Based upon this type of mixed use development, a rough estimate of the sales tax generated through the City's 1%, and the estimated City share of the JoCo Sales Tax, is \$115,000. In addition, an estimate of the property tax from a development at the density level described above is roughly \$157,000. These two revenue sources combined would generate additional revenue to the City of approximately \$272,000 per year or just under 1 mil of City-wide assessed property tax.

Keep in mind that this a very rough estimate and does not account for any public incentives (TIF) which would need to come from these revenue sources and the other property tax generated by other jurisdictions. As I noted before, RED would anticipate requesting public financing if the approved plan did not reach the density levels they believe are necessary for the project to be profitable without incentives.

COUNCIL ACTION:

Because of the cost of the Comprehensive Plan study, \$80-90k, the amount of public participation, and the political fortitude necessary for a redevelopment project of this scope and size, staff would like to have a candid discussion about whether or not to move forward with the comprehensive planning process.

It is not the intention of this discussion to indicate that the City Council would approve a mixed use development as described in this memo. Should the City Council decide to move forward with the 84th Street and Mission Road Comprehensive Plan Amendment process, a combination of public participation, appropriate land planning, property owner desires, and community goals and objects would be used to determine any recommendations on future redevelopment of the study area.

ATTACHMENTS:

Executive Summary – Village Vision

PREPARED BY:

Dennis J. Enslinger, Assistant City Administrator

Date: January 13, 2012

Attachment: Executive Summary of Village Vision



2. Executive Summary

This chapter provides a general synopsis of the *Strategic Investment Plan*, summarizing the planning process, key findings, and key directions for the future that are implied by its recommendations. The chapter outline can be found in the sidebar at left.

A. Overview

This document—and the policies included in it—makes a positive statement concerning the importance of determining a sustainable vision for Prairie Village’s future. Many residents and other community stakeholders continue to be satisfied with the quality of life Prairie Village provides. This satisfaction exists for very good reason. Prairie Village provides a high level of services in a community with unique physical attributes that is located in convenient proximity to both the metropolitan area’s urban core and outlying suburban communities. Many residents and businesses choose to locate in Prairie Village—and remain in the community—because of these qualities.

Given the satisfaction, a reasonable question might be, “Why do we need to do anything?” In fact, the community is not static. The research component indicates what some in the community sense intuitively: there is fundamental change afoot in Prairie Village. These changes include demographic shifts, property value shifts, and infrastructure maintenance needs. “Standing still” is not a viable option. As a landlocked community, Prairie Village must use its resources as efficiently as possible,

Chapter 2 Outline

Executive Summary:

- A. Overview
- B. Summary of the Public Process
- C. Summary of Key Findings
- D. Policy Foundation for the Plan
- E. Implementation Structure
- F. Action Agenda

particularly its land resources, which represent the City's property and sales tax base, and provide nearly 50 percent of the revenue required to deliver the services residents demand. Prairie Village's continued viability as a high-quality community providing high-quality services will require an active, concerted effort on the part of both local officials and citizens in order to keep pace with the changing environment in surrounding communities. The *Strategic Investment Plan* process has tried to understand the complex dynamics of these changes and recommend actions that reflect the needs and aspirations of the community.

In reading this document, the reader will quickly see the City has established an ambitious approach to ensuring the long-term sustainability of the community. Chapters 3 through 10 provide numerous recommendations for specific locations within in the community; Chapters 11 and 12 outline 54 specific actions. Maintaining or enhancing the City of Prairie Village will require a sustained, comprehensive, and incremental approach—there are no “silver bullets,” but lots of basic “blocking and tackling.” In some cases, this Plan may propose recommendations that the City has tried in the past. Due to the limited options local governments have relative to economic development and land use planning, Prairie Village leadership may need to reconsider some past efforts, and approach these strategies anew.

Public Process Timeline:

January 2005 – Formation of Steering Committee

February 2005 – Stakeholder Interviews

April and May 2005 – Public Brainstorming Meetings

June 2005 – Goal Writing

September 2005 – Community Choices

B. Summary of the Public Process

The formulation of the *Strategic Investment Plan* for Prairie Village was a participatory process that required the committed efforts of nearly 50 volunteers and staff to guide the process and conduct the major participatory activities of *Village Vision*. Public involvement in both the leadership of the process and in creating and refining the Plan was integral to ensuring results that reflect the goals and aspirations of those who live and work in the City. A detailed description of the public involvement activities can be found in Appendix C – Public Input.

The Steering Committee

A Steering Committee was created to guide the process. The City Council selected 14 members of the community to serve on the committee representing elected officials, planning commissioners, the Northeast Johnson County Chamber of Commerce, and residents. The Steering Committee met often to discuss how the process should unfold, to examine important data and trends, and to review ideas submitted through the public process. Steering Committee members also assisted with publicity and outreach to raise awareness of the effort and to encourage public participation and took an active role in developing and reviewing the final Plan document and its recommendations. The commitment of these individuals was essential to the success of the following activities.

Stakeholder Interviews

In February 2005 the Consultants visited Prairie Village to meet with the Steering Committee and conduct interviews with community stakeholders representing neighborhoods, business owners, and major property owners. In a small group setting, stakeholders offered their insight on the challenges and opportunities facing Prairie Village.

Brainstorming Ideas for the Future

The foundation of *Village Vision* was formed by the ideas generated at the Community Visioning Workshops. In April and May 2005, everyone living and working in Prairie Village was invited to attend open, public brainstorming meetings to think about the community's future. Over the course of four evenings, a total of 250 people worked in small groups with a trained facilitator to respond to the following question: "What can we do to make Prairie Village the best that it can be in the coming years?" The groups also completed a mapping activity entitled *Strong Places Weak Places*. Summaries of both activities can be found in Appendix C.

This process generated 552 ideas for the future. These ideas were entered into a computerized database and reviewed by the consulting team and members of the Steering Committee. Categories that summarized emerging themes were identified, and the ideas were sorted into these categories. The categories are listed in the sidebar at left.

Idea Categories

1. Community Character and Activities
2. Community Facilities and Services
3. Housing
4. Land Resources
5. Leadership and Governance
6. Learning
7. Prosperity
8. Transportation

These same categories were used by the Steering Committee to Develop the *Village Vision* goals.



Participants during the open assembly of one of four Community Visioning Workshops.

Setting Goals

On June 29, 2005, the Steering Committee met to turn the ideas generated by the public into goals and strategies. It was a challenging process requiring participants to carefully read all of the ideas for each topic, identify common themes emerging from those ideas, and use those themes to draft a goal for the future. The results of the goal writing were then prepared for presentation to the public. The goals are outlined at the end of this chapter under Part D – Policy Foundation for the Plan. Chapter 11 describes each goal along with supporting actions for implementation.

Community Choices

Community Choices was held on September 13 and 14, 2005 to provide an update on the community planning process and gain feedback on the direction for future development from Prairie Village residents. Participants reviewed the *Village Vision* goals and principles for development and discussed issues facing the City. Nearly 200 people participated in the Community Choices Workshop that was held over two days.

The event included six components to ensure a thorough review of the material and to provide sufficient opportunities for Steering Committee, stakeholder, and public input. Details about each of these components can be found in Appendix. C

C. Summary of Key Findings

Outlined below are the key findings and issues of the planning process. The policy direction of the *Strategic Investment Plan* was articulated in response to addressing these issues. Chapter 3 – General Land Use and Economics addresses each of these key findings in detail.

Limited growth opportunities: One of the defining characteristics of Prairie Village is that it is land-locked and fully developed. With no room to grow outward and virtually no land left to develop, the only option to accommodate growth and change is to look inward for development and redevelopment opportunities.

Quality of life: In general, residents and business owners value the quality of life offered by the pedestrian-friendly neighborhoods, convenient neighborhood-serving retail amenities, excellent schools, and other characteristics that make Prairie Village a unique community. Maintaining this high quality of life is of primary importance among residents.

Key demographic trends: The current estimated population of 22,000 persons in 10,000 households consists of relatively affluent families earning an average household income of \$94,000 annually. Between 1990 and 2000, Prairie Village experienced a net loss of 1,114 persons (4.8 percent). Based on a detailed analysis of the age and amenity characteristics of Prairie Village's housing stock, it appears that Prairie Village is losing households with growing children and those in their prime earning years to neighboring jurisdictions with more diverse housing stock and more modern amenities.

Key residential market findings: Nearly 83 percent of housing stock in Prairie Village was built before 1970. During a two-year period between 2003 and 2005, nearly 80 percent of all single-family homes sold within a range of \$100,000 and \$250,000 (354 units of 448 total units sold). More than half of homes sold were on the market for less than 30 days. Furthermore, homes with three or more bedrooms represented 93 percent of single-family residential sales.

Key retail market findings: The *Strategic Investment Plan* process focused on the relative condition and productivity of several key neighborhood retail-serving shopping centers, including The Prairie Village

Retail Market Analysis:

The results of this analysis suggest that, overall, Prairie Village's community and neighborhood-serving retail centers are balanced with market demand. These centers are largely tenanted by independent local operators that provide important goods and services in demand by residents and businesses. Nonetheless, when testing the health of Prairie Village's retail business against standards required by national chain operators, the City could be considered slightly oversupplied by marginal retail uses that would benefit from reinvestment or repositioning of the existing space.

Center, Corinth Square, and other retail nodes located along State Line Road, 95th Street, and Mission Road. The Prairie Village Shopping Center 2005 gross sales were up six percent from last year (2004). In contrast, sales in Corinth Square were up two percent during the same period. In the consultants' view, the Corinth Square shops, while productive and experiencing high occupancy rates, are at a disadvantage due to a lack of reinvestment in the property and the center's awkward and obsolete site configuration. The contrast between the relative sales productivities of similar retailers in the Prairie Village Center and in Corinth Square point to an opportunity for the property owner and retailers in the Corinth Square site to improve their business positioning by participating in a comprehensive Reinvestment Plan.

Office Space Classifications:

Class A – Modern construction, modern amenities, most desirable locations, commands the highest rents.

Class B – Highly functional, well-located buildings more than 10 years old.

Class C – More than 25 years old, not renovated, less desirable locations, commands low rents.

Office market trends: Prairie Village is largely a net-exporter of labor to downtown Kansas City, Missouri and Overland Park, Kansas with about 7,000 workers traveling inbound to work in Prairie Village, and more than 11,000 Prairie Village residents traveling outbound on a daily basis to employment posts located outside the city boundaries. As a result, the Prairie Village office market is primarily "Class B" small format, professional services space, housing a large concentration of professional medical office uses. (See sidebar for description of office space classifications.) Current office space vacancy rates in Prairie Village, and Johnson County overall, are considered very high at 14 percent and 20 percent respectively. Combined with average asking rents of \$18 per square foot, these market factors indicate limited potential for speculative office development.

Infill and Redevelopment Potential:

Cities like Prairie Village that offer quality of life amenities such as close commuting distance to downtown employment centers, traditional neighborhood-based retail goods and services, and competitive schools are well positioned to undertake redevelopment strategies. These characteristics are difficult to replicate in newer communities that require lengthy commutes to job locations.

In Prairie Village, infill redevelopment strategies that increase density in commercial areas (and possibly at the edges of residential neighborhoods) can play a significant role in growing the population, recapturing retail sales, and expanding the City's tax base.

Redevelopment orientation: According to the Urban Land Institute (ULI), many first-tier suburbs like Prairie Village are adopting a market-based approach to infill and development as a means of stabilizing out-migration (of both residents and businesses) and declining tax revenues. However, public entities are frequently faced with barriers to land assembly, public infrastructure needs, and financing gaps on the private investment side of the development equation. Research suggests that cities that have developed a citywide approach to redevelopment through neighborhood- and site-based planning, coupled with financing incentives such as short-term financing or tax benefits are attracting private investment and development.

Fiscal implications of redevelopment: In order to stabilize—if not enhance—the economic base of the community, the City needs to consider redevelopment in a more significant manner than it has in the past. More than ever, the type, intensity and character of development will decide how much of a fiscal benefit will be derived. The City's General Fund revenue budget relies primarily on property and sales tax revenues (nearly 50 percent of total revenues), with the balance derived from variable sources such as franchise fees, intergovernmental transfers, charges for services, and other sources. Although local tax rates are comparable to neighboring communities indicating an appropriate tax burden, increases in tax revenue

are limited due to few opportunities to expand the City’s tax base. The future fiscal health of the City of Prairie Village is dependent upon stabilizing and growing the population and recapturing retail sales through infill redevelopment strategies or raising taxes. This may require greater density and taller structures in the commercial areas and possibly the edges of residential areas.

Mixed use redevelopment concepts, such as those described in Chapters 6 through 9, offer the greatest potential for creating a critical mass of competitive housing stock, achieving real growth in retail sales through improving diversity and quality of retail offerings, and recapturing a share of the retail market lost to businesses in neighboring communities. While the proposed redevelopment opportunities presented in this *Strategic Investment Plan* will provide only a modest fiscal benefit, they should not be considered solely on the basis of financial feasibility or incremental fiscal revenues. Urban redevelopment strategies will also serve to maintain and enhance surrounding property values, to retain and attract residents and businesses, and to foster a vibrant physical and social environment – all-important factors supporting the City’s overall fiscal health and maintaining a high quality of life for residents.

D. Policy Foundation for the Plan

The policy foundation of the *Strategic Investment Plan* can be summarized by the goals for each of the eight elements; principles for growth and development; and the conceptual development framework.

Goals

The broadest policy levels of the *Strategic Investment Plan* are the goals. The goals express the community’s desired outcome in simple terms, and are derived from the ideas generated by the public. Outlined below are the eight goals of the Plan. Chapter 10 includes each goal along with supporting actions for implementation.

- **Community Character and Activities:** Provide an attractive, friendly and safe community with a unique village identity appealing to the diverse community population.
- **Community Facilities & Services:** Provide diverse community recreation areas, cultural programs, parks, green spaces including a new or renovated community center, complemented by well-maintained infrastructure and excellent City services.
- **Housing:** Encourage neighborhoods with unique character, strong property values and quality housing options for families and individuals of a variety of ages and incomes.
- **Land Resources:** Encourage a high quality natural and man-made environment that preserves community character, creates identity and sense of place, and provides opportunities for renewal and redevelopment, including vibrant mixed use centers.

Village Vision Goals:

- Community Character and Activities
- Community Facilities
- Housing
- Land Resources
- Leadership and Governance
- Learning
- Prosperity
- Transportation

- **Leadership and Governance:** Provide a City government that communicates effectively with the public and works cooperatively with other communities to promote projects and programs that maintain a strong Prairie Village.
- **Learning:** Support the provisions of high quality educational environments for residents at all stages of their lives, including public K-12 institutions.
- **Prosperity:** Promote a strong economy where a diverse mix of quality businesses contribute to a stable tax base, provide opportunities for redevelopment, meet the needs of residents, and attract visitors.
- **Transportation:** Encourage a variety of transportation choices including safe, interconnected, and well-maintained roadways, sidewalks, biking trails, and public transportation systems that support the community's needs.

Development Principles:

- Integrating development
- Leveraging investment
- Promoting mixed use development:
- Reinforcing interconnection
- Incorporating open space
- Creating safe and stable neighborhoods
- Creating a clear definition of the public and private realm
- Creating a range of housing choice
- Considering human needs
- Promoting high quality design in the built environment

Principles

During the public process, ten development principles were identified to form the Conceptual Development Framework, and provide guidelines for future development and redevelopment. These ten principles, summarized in the sidebar at left, will help to determine the quality, pattern, and character of future development. The principles are discussed in further detail in Chapter 3 – General Land Use and Economics, on page 3.19.

Conceptual Development Framework

The Conceptual Development Framework starts with the identification of specific areas in the community targeted for reinvestment. Six key areas were identified for Prairie Village. **Neighborhood Conservation and Improvement (Chapter 4)** focuses on Prairie Village's residential neighborhoods, which require ongoing maintenance and may, in some cases, benefit from targeted incentives for home improvement, in order to ensure continued growth in property values. **Civic Enhancement (Chapter 5)** addresses parks, schools, government facilities and other civic uses and facilities that provide places for public activities. **Corridor Redevelopment (Chapter 6)** targets the transportation corridors in the community, suggesting opportunities for enhancement to create a well-defined public space, and to promote infill development on underutilized sites. **Corinth Square Redevelopment (Chapter 7)** offers an ideal opportunity for upgrading and creating a vibrant mixed use center in the heart of Prairie Village. **Potential Redevelopment (Chapter 8)** looks at Meadowbrook Country Club and Somerset School. These facilities should be strategically redeveloped in ways that will benefit the City and integrate the sites with surrounding neighborhoods. **Commercial Improvement (Chapter 9)** focuses on neighborhood-scaled retail centers such as Somerset Plaza, Meadowbrook Village, and Kenilworth Shops.

Conceptual Development Framework:

A Conceptual Development Framework is a map with illustrations indicating how a community or a particular part of a community would appear if developed according to plan goals and principles.

The general location and configuration of each area are illustrated in Chapter 3 on Map 3.2. Subsequent chapters provide detailed information on reinvestment strategies for each of these six areas.

E. Implementation Structure

This *Strategic Investment Plan* is designed to be a practical document that will facilitate the implementation of key actions and help City officials, community residents, and private sector stakeholders evaluate and move forward with their strategic investment priorities. Chapter 11 describes a series of concrete action steps to support each of goals developed for this Plan. Chapter 12 outlines six key approaches to implementing the *Strategic Investment Plan*. It also identifies a set of ten “Programmatic Initiatives” that incorporate all of the actions identified in Chapter 11, setting up a programmatic context for implementation. (See sidebar at left.)

The key approaches that will guide implementation of the Plan are:

1. Residents and other stakeholders should be actively involved with implementing the Plan;
2. Implementation should be monitored and evaluated on a regular basis, with a focus on reporting results, promoting successes, and maintaining public and media relations;
3. The community should secure and allocate the necessary funding, especially through updating the Capital Improvement Plans and annual departmental budgets, to implement priorities;
4. The community should update key development regulations and processes in light of the *Strategic Investment Plan* priorities;
5. The community should require concurrence with the *Strategic Investment Plan* in rezoning or development approvals, and call for written interpretations of these Plans in order to create a public record for consistency;
6. The community should develop a process to update the Plan at a minimum of every five years; and
7. The community should develop a policy on the use of incentives for redevelopment.

Attention to these seven implementation guidelines will allow the City to maintain accountability, monitor the progress of its programmatic initiatives, and keep residents, businesses, and other stakeholders involved throughout the implementation of the Plan.

Programmatic Initiatives:

- Enhancing Economic Tools and Mechanisms
- Investing in the Public Realm
- Marketing and Promoting Prairie Village
- Maintaining and Diversifying the Housing Stock
- Emphasizing Architecture and Design Standards
- Updating Ordinances and Codes
- Improving Public Facilities and Service Delivery
- Fostering Communication and Effective Planning Practices
- Enhancing Parks and Open Space
- Promoting Arts, Culture, and Activities

F. Action Agenda

The Village Vision *Strategic Investment Plan* contains 48 recommendations for guiding and directing future development and redevelopment in Prairie Village. These recommendations are listed in Chapters 11 and 12.

To provide added emphasis to priority items, an eleven point Action Agenda has been established. Action Agenda items represent the “top priorities.” As the Village Vision *Strategic Investment Plan* is implemented, particular attention will be paid to these action items.

Improve the Development / Redevelopment Process

- Update the zoning ordinance to reflect contemporary land use issues while preserving the identity and character of Prairie Village
- Consider revising the zoning ordinance to allow more residential, commercial, and office development, particularly in walkable, mixed-use areas of greater intensity
- Consider updating building codes to facilitate renovation and rehabilitation activities

Encourage Appropriate Redevelopment

- Permit higher residential densities and mixed uses near existing commercial areas and along arterial roadways
- Consider developing a redevelopment plan for Meadowbrook Country Club.

Keep Neighborhoods Vibrant

- Examine incentive programs to encourage home renovation
- Allow for a greater variety of housing types throughout Prairie Village
- Develop and promote the use of a design style guide for renovation to create housing that meets the preferences of today’s homebuyers and is sensitive to the character of existing neighborhoods
- Offer workshops to educate and inform about issues related to zoning, building codes, and home maintenance in residential areas

Improve Communications

- Enhance communication between government officials and the public. Enhance transparency of processes and financial accountability.
- Consider more aggressively marketing Prairie Village to attract new business establishments and expand the tax base.

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
January 17, 2012
7:30 p.m.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC PARTICIPATION
- V. CONSENT AGENDA

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff:

- 1. Approve Regular Council Meeting Minutes - December 19, 2011
- 2. Approve Claims Ordinance 2891
- 3. Ratify the Mayor's reappointment of Lori Sitek and Thomas Brill to the Prairie Village Civil Service Commission to additional three-year terms expiring in January, 2015
- 4. Ratify the Mayor's appointment of Lindsey Rosemann to the Prairie Village Arts Council filling the unexpired term of Annie Brabson with her term to expire in April, 2014 and Maggie Swartz to the Park and Recreation Committee as a student representative
- 5. Approve funding in the amount of \$20,000 for the 2012 HOME Rehabilitation Program by approving a Letter of Understanding with Johnson County Housing Services
- 6. Approve recreation contracts with Challenger Sports and Omega Soccer

- VI. MAYOR'S REPORT
- VII. COMMITTEE REPORTS
- VIII. STAFF REPORTS
- IX. OLD BUSINESS
Discussion about Tomahawk Trail
- X. NEW BUSINESS
- XI. ANNOUNCEMENTS
- XII. ADJOURNMENT

If any individual requires special accommodations – for example, qualified interpreter, large print, reader, hearing assistance – in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.

**If you are unable to attend this meeting, comments may be received by e-mail at
cityclerk@pvkansas.com**

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

January 17, 2012

CITY OF PRAIRIE VILLAGE
December 19, 2011

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 19, 2011, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Ruth Hopkins, Steve Noll, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Wes Jordan, Chief of Police; Bruce McNabb, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Chris Engel, Assistant to the City Administrator; Lisa Santa Maria, Finance Director, and Jeanne Koontz, Deputy City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

No one was present to address the council.

CONSENT AGENDA

Dale Beckerman moved the approval of the Consent Agenda for Monday, December 19, 2011:

1. Approve Regular Council Meeting Minutes - December 5, 2011.
2. Approve Claims Ordinance 2890
3. Approve the contract for Portable Toilet Services to Best Portable Toilets, Inc. for 2012 through 2014
4. Approve the contract for Pest Control Services to Lawrence Pest Control for 2012 through 2014

5. Approve the contract for Locksmith Services to Johnson County Key Services for 2012 through 2014
6. Approve the contract for Ice Maker Services to Ice-Masters, Inc. for 2012 through 2014
7. Approve the contract for HVAC Services to O'Dell Service Company, Inc. for 2012 through 2014
8. Approve the purchase of necessary equipment for a previously purchased 2011 International Dump Truck from American Equipment Company for \$61,039.00 including the automatic lubrication system.
9. Approve an amendment to the IT Support Services Contract with Alexander Open Systems
10. Adopt Resolution 2011-18 establishing 2012 compensation ranges for the City of Prairie Village subject to review and approval of the City Attorney
11. Adopt the 2012 Joint City/County Legislative Platform
12. Approve the Design Agreement with Affinis Corporation for the Design of the 2011 Bond Project, the 2012 Paving Program and the 2012 CARS Project in an amount not to exceed \$251,410.00

A roll call vote was taken with the following members voting "aye": Hopkins, Noll, Wang, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

MAYOR'S REPORT

Mayor Shaffer gave his report at the Council Committee of the Whole meeting.

COMMITTEE REPORTS

Planning Commission

Consider Amendments to Zoning Ordinances Chapter 19.02 & 19.44.025

Dennis Enslinger reported that the Planning Commission is recommending changes to the zoning regulations to differentiate between the construction of solid walls and fences. The changes include the addition of new definitions for solid walls. They also have included farm type fences to the fences prohibited in the city. Clarification has been added for the determination of the height with height being "measured from the finished grade on the high side of the wall". Under the new regulations solid walls will be required to receive site plan approval from the Planning Commission.

Dale Beckerman moved the Governing Body adopt Ordinance 2247 amending Chapter 19.02 of the Prairie Village Municipal Code, entitled "Definitions" by amending Section 19.02.235 entitled "Fence" and adding new Sections 19.02.502 entitled "Wall, Retaining" and Section 19.02.503 entitled "Wall, Solid" The motion was seconded by Charles Clark.

A roll call vote was taken with the following members voting "aye": Hopkins, Noll, Wang, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

Dale Beckerman moved the Governing Body adopt Ordinance 2248 amending Chapter 19.44 of the Prairie Village Municipal Code, entitled "Height and area exceptions" by amending Section 19.44.025 entitled "Fences and Walls". The motion was seconded by Andrew Wang.

A roll call vote was taken with the following members voting "aye": Hopkins, Noll, Wang, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

Council Committee of the Whole

COU2011-60 Consider purchase of LiveScan Electronic Fingerprinting System

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve the purchase software and hardware associated with implementing a LiveScan electronic fingerprinting system for use by the Police Department and Municipal Court Personnel in the amount of \$53,000 from the Equipment Reserve Fund. The motion was seconded by Laura Wassmer and passed unanimously.

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve Rugs Too to replace flooring, tile and carpet in an amount not

to exceed \$75,000 for the Police Department building and \$40,000 for the City Hall building and authorize the Mayor to negotiate and sign a services agreement. The motion was seconded by Andrew Wang and passed unanimously

STAFF REPORTS

Staff Reports were presented at the earlier Council Committee meeting.

OLD BUSINESS

There was no Old Business to come before the City Council.

NEW BUSINESS

Charles Clark reported on Friday, December 16th, David Morrison, Ken Vaughn, Quinn Bennion & Dennis Enslinger interviewed applicants for the planning of the Mission Valley site. Approval was made subject to reference checks. A recommendation will be brought to the second meeting in January.

Quinn Bennion reported that American Water Resources, a private enterprise, sent a letter to all residents offering sewer and water line warranty. He anticipates many phone calls and inquiries. WaterOne will be sending a similar letter for water line warranty. Andrew Wang asked if the National League of Cities (NLC) had any ideas that there were other providers and that the market would get deluged after participating in the NLC program. Quinn Bennion replied that NLC is aware of other providers but he has not discussed it with them.

Ruth Hopkins commented about the resident letter regarding yard waste changes. She said there are a lot of Prairie Village residents who think Deffenbaugh is no longer going to pick up compost. She assured council that the City's contract will not

change. The City already composts leaves diverting them from the landfill. Dennis Enslinger stated there will be an article on the front page of the next newsletter which will publish the first week of January.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Arts Council	12/21/2011	7:00 p.m.
Environmental/Recycle Committee	12/28/2011	7:00 p.m.
Council Committee of the Whole	01/03/2012	6:00 p.m.
City Council	01/03/2012	7:30 p.m.

The Prairie Village Arts Council is pleased to announce a watercolor exhibit by Richard Joslyn and Dr. William Herre in the R. G. Endres Gallery for the month of December.

The Prairie Village Arts Council is pleased to announce a mixed media exhibit of City owned art in the R. G. Endres Gallery for the month of January. The reception will be held on January 13th from 6:30 - 7:30 p.m. The art will be removed on Tuesday, January 17th and the gallery will be closed for maintenance for the remainder of January.

The City offices will be closed December 26th in observance of Christmas and January 2nd in observance of the New Year's Holiday. Deffenbaugh observes both holidays so pick-up each will be delayed one day.

The City will be offering holiday tree drop off sites from December 19th through January 20th at Porter, Franklin, Meadowlake and Harmon parks again this year.

The Johnson County Convener reception is on January 5th at Zurich Financial.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 7:44 p.m.

Jeanne Koontz
Deputy City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

 January 17, 2012

Copy of Ordinance
2891

Ordinance Page No.

An Ordinance Making Appropriate for the Payment of Certain Claims.

Be it ordained by the governing body of the City of Prairie Village, Kansas.

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of funds in the City treasury the sum required for each claim.

NAME	WARRANT NUMBER	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
1327-1411	12/9/2011	635,925.81	
1412-1429	12/14/2011	850.00	
1430	12/15/2011	352.75	
1431-1518	12/23/2011	919,274.96	
Payroll Expenditures			
12/2/2011		246,141.26	
12/16/2011		246,801.19	
12/30/2011		245,826.13	
Electronic Payments			
Electronic Pmnts	12/8/2011	14,832.48	
Electronic Pmnts	12/17/2011	2,156.97	
Electronic Pmnts	12/22/2011	2/12/1925	
Electronic Pmnts	12/27/2011	15,475.09	
TOTAL EXPENDITURES:			\$ 2,336,812.07
Voided Checks			
TOTAL VOIDED CHECKS:			-
GRAND TOTAL CLAIMS ORDINANCE			2,336,812.07

Section 2. That this ordinance shall take effect and be in force from and after its passage.

Passed this 17th day of January 2012.

Signed or Approved this 17th day of January 2012.

(SEAL)

ATTEST: _____

City Treasurer

Mayor



MAYOR

**Council Meeting Date: January 17, 2012
Consent Agenda**

Consider Reappointments to Civil Service Commission

RECOMMENDATION

Mayor Shaffer requests Council ratification of his reappointment of Lori Sitek and Thomas Brill to the Prairie Village Civil Service Commission to additional three-year terms expiring in January, 2015.

BACKGROUND

Lori Sitek has served on the Commission since 1996 and Thomas Brill since 2005, representing the City of Mission Hills. Both bring strong expertise and experience to their positions and have agreed to accept reappointment for another three year term.

ATTACHMENTS

Volunteer applications

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: December 16, 2011



MAYOR

**Council Meeting Date: January 17, 2012
CONSENT AGENDA**

Consider committee appointments

RECOMMENDATION

Mayor Shaffer requests Council ratification of the appointment of Lindsey Rosemann to the Prairie Village Arts Council filling the unexpired term of Annie Brabson with her term to expire in April, 2014; and Maggie Swartz to the Park and Recreation Committee as a student representative.

BACKGROUND

Lindsey Rosemann is a strong support of all Arts and brings particular expertise in the area of Dance. Her volunteer application is attached. Maggie Swartz volunteer application is also attached.

ATTACHMENTS

Lindsey Rosemann Volunteer application
Maggie Swartz Volunteer application

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: January 20, 2012



City of Prairie Village
APPLICATION TO VOLUNTEER

Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-381-6464 or send an e-mail to cityclerk@pvkansas.com.

Name Lindsey Rosemann Spouse's Name Scott Rosemann

Address 7053 Granada Lane Zip 66208

Ward 1 Telephone: Home 913) 831.2423 Work 816) 931.4848

Fax _____ Other Number(s): 816) 810.8986 cell

Business Affiliation Blue Valley Physical Therapy & Sports Med.

Business Address 3100 Broadway #507 KCMO 64111

What Committee(s) interest(s) you?

Arts

Please tell us about yourself, listing any special skills or experiences you have which would qualify you for a volunteer with the City of Prairie Village.

- Bachelors of Fine Arts - Dance
- Company da member - Williams Henry Dance Theatre
- Fellowship Student - Alvin Ailey American Dance
- Asst. Adjunct Professor - UMKC Dance Dept.
- Big fan & supporter of all arts!

Thank you for your interest in our community.



**City of Prairie Village
APPLICATION TO VOLUNTEER**

Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-381-6464 or send an e-mail to cityclerk@pvkansas.com.

Name Maggie Swartz Spouse's Name X

Address _____ Zip _____

Ward _____ Telephone: Home _____ Work X

Fax X Other Number(s): _____

Business Affiliation X

Business Address X

What Committee(s) interest(s) you?

PARKS and RECREATION

Please tell us about yourself, listing any special skills or experiences you have which would qualify you for a volunteer with the City of Prairie Village.

I am sixteen years old and a
sophomore at Shawnee Mission East High School,
where I take all honors or AP classes. I play soccer,
run cross country, and enjoy volunteering. I am
very responsible and organized and am looking
forward to getting more involved in our community.

Thank you for your interest in our community.



ADMINISTRATION

Consent Agenda: 17 January 2012

Consent Agenda: Consider Johnson County Housing Services: HOME Rehabilitation Program

RECOMMENDATION

Staff recommends City Council provide funding in the amount of \$20,000 for the 2012 HOME Rehabilitation Program by approving a Letter of Understanding with Johnson County Housing Services.

BACKGROUND

The HOME Rehabilitation Program assists eligible homeowners with rehabilitation of their owner-occupied homes. The program will bring a dwelling into compliance with local housing codes, and address health and safety issues.

Assistance is provided as a deferred payment loan at 0% interest and is forgiven 10% a year for 10 years. If at any time the property changes ownership, the remaining loan amount must be repaid.

Typical projects range from \$20,000 - \$40,000. The City commits 25% matching funds to each project, with a maximum matching amount of roughly \$8,000. In 2011, one Prairie Village property was assisted.

Currently, the HOME Rehabilitation Program has 15 applications from Prairie Village residents on its waiting list. The \$20,000 budgeted for 2012 will assist two to three Prairie Village homes.

FUNDING SOURCE

The 2012 Economic Development Fund included \$20,000 for the HOME Rehabilitation Program.

ATTACHMENTS

Letter of Understanding

PREPARED BY:

Emily Kotay

Administrative Intern

Date: January 12, 2012

**LETTER OF UNDERSTANDING
FOR THE JOHNSON COUNTY HOUSING SERVICES
2012 HOME REHABILITATION PROGRAM**

This service agreement is between the Housing Services office of the Johnson County Department of Human Services and the **CITY OF PRAIRIE VILLAGE, KANSAS**. This agreement is specific to rehabilitation work to be performed on homes located in this City.

PURPOSE

The purpose of this agreement is to enable Johnson County Housing Services to provide more extensive home rehabilitation to qualified low to moderate income residents of the City as long as funds are available for this purpose.

ADMINISTRATION

The Housing Services office, located at 12425 West 87th Street Pkwy, Suite 200, Lenexa, KS 66215, will provide all personnel necessary to administer and manage an effective program.

The program will be administered according to HOME guidelines and the Policies and Procedures for the Johnson County HOME Rehabilitation Program (Copies of Policies & Procedures available upon request). These Policies and Procedures are made a part of this agreement and are incorporated herein by reference.

FUNDING

The HOME Rehabilitation Program is a partnership program between the County and participating Cities. In order to leverage non-federal dollars, the County agrees to match City funds on a three to one basis with County HOME funds to the extent these funds are made available. **With this Letter of Understanding the City agrees to provide City funding in an amount up to \$ for the HOME Rehabilitation Program.** This amount represents 25% of the maximum cost for completion of repairs on _____ residences.

HOLD HARMLESS

The County agrees to hold and save the City harmless from any and all claims, settlements, and judgements for personal injury, bodily injury, property damage, and/or death arising out of the County's or any of its officers', employees' or agents' negligent acts and/or omissions with respect to the performance of home repairs provided under this agreement.

INSURANCE

The County will maintain coverage of the types of insurance and in such amounts as may be necessary to protect itself and the City against all hazards or risks of loss.

In no event shall the County be subjected to any liability greater than found in the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto.

AMENDMENT

This Agreement may be amended by supplemental writing signed by the parties to the agreement.

TERMINATION

This agreement may be terminated by either party upon thirty (30) days' written notice. In the event of termination, all unexpended City funds shall be returned to the City within thirty (30) days of termination.

RENEWAL

A new agreement will be signed for each calendar year. Any portion of funds not used for the current year will be automatically transferred to the next program year or returned to the City upon request. **Requests must be received in writing, in our office, no later than November 1, 2012.**

GOVERNING LAW

This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Kansas.

NON DISCRIMINATION

The County shall not discriminate against any person in the performance of work under this Agreement because of race, religion, age, color, sex, handicap, national origin, familial status or ancestry.

to program records at all reasonable times upon request.

The Housing Services office shall prepare and submit to the City a statement at the end of each quarter showing expenditures to date and the remaining balance of City funds. Other data, pertinent to the City, may also be included with the quarterly report.

CITY OF PRAIRIE VILLAGE, KANSAS

**HOUSING SERVICES OFFICE,
JOHNSON COUNTY HUMAN SERVICES**

Signature

Deborah Collins
Director of Human Services

Title

Date



PARK AND RECREATION COMMITTEE

Park and Recreation Committee Meeting Date: January 11, 2012
Council Meeting Date: January 17, 2012

Consent Agenda -

Consider Recreation Contracts with Challenger Sports and Omega Soccer.

RECOMMENDATION

Recommend approval of recreation contracts with Challenger Sports and Omega Soccer.

BACKGROUND

The City annually contracts with these outside agencies to offer recreation programming in the various parks. The attached contracts are similar to ones signed in the past. These contracts were approved by the Park and Recreation Committee on January 11, 2012. Excerpt of unapproved minutes:

Vice Chair Laura Wassmer moved for approval of the consent agenda for January 11, 2012 [included minutes from November 9, 2011, Challenger Sports and Omega Soccer contracts]. Jim Bernard Jr. seconded the motion and it passed unanimously.

FINANCIAL IMPACT

There are no direct costs to the City in administering these contracts outside of normal park maintenance costs and minimal administrative staff time. The service providers directly charge and collect fees of which a nominal portion is passed on to the City to cover the above costs.

ATTACHMENTS

Challenger Sports and Omega Soccer contracts.

PREPARED BY

Chris Engel
Assistant to the City Administrator
Date: 1/13/12

2012 AGREEMENT BETWEEN THE CITY OF PRAIRIE VILLAGE AND OMEGA SOCCER CAMP ORGANIZATION

The undersigned, Omega Soccer Camp Organization (hereinafter termed "Omega") and the City of Prairie Village (hereinafter termed "City"), enter into the following rental agreement with regard to the dates and terms specified below. This rental agreement is for the purpose of conducting a soccer camp for the children of Prairie Village and its surrounding area.

Omega and the City do hereby agree to the following terms:

Facility Reserved:

Omega and the City agree that the camp will be held at Franklin Park, which is located in the City of Prairie Village, Kansas. Soccer fields A and B will be reserved for use by Omega.

Camp Date:

The camps will take place from: June 11-15, June 18-22 and July 9 - 13.

Facility Use/Condition:

The City will allow Omega use of said facility from 8:00 - 3:30 p.m. daily. This applies to all applicable areas of said facility.

In the event of any property damage caused directly through the negligence of or the act or actions of Omega or participants in said camp program, the City will notify Omega within five (5) business days of the damage and any related claims against Omega, and Omega shall be liable for the costs of repair or replacement thereof.

Rental Payment:

Omega agrees to pay a rental fee of *thirteen U.S. dollars (\$13.00)* per student enrolled in each camp. Payment shall be delivered to the City no later than July 31, 2012. This shall be the only payment required in consideration of the use of said site for said camp. Omega will provide enrollment rosters as proof of camp attendance.

Insurance:

Omega will provide proof of insurance prior to the first day of camp. The City will be listed as "Additional Insured" and a copy of the insurance certificate will be sent to the City.

The City shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury or injuries to any person or persons or property of any kind whatsoever, whether the person or property of Omega, its agents, employees, or camp attendants, from any cause or causes whatsoever while in or upon the facility or any part thereof during the term of the camp or occasioned by any occupancy or use of the facility or any activity carried on by Omega in connection therewith. Omega agrees to indemnify and save harmless the City from any claim or loss by reason of Omega, or

any camp attendant under the supervision of Omega, or person connected thereto, use or misuse of the facility and from any claim or loss by reason of any accident or damages, during the camp, to any person or property happening on or in said facility.

The Agreement

When signed by an authorized representative of both parties, this document accurately reflects the entire and only agreement between these parties. This agreement may be modified only in writing signed by an authorized representative of each party. This agreement also contains within the option to renew annually upon the written consent of both parties.

Acknowledged and agreed:

Omega Soccer Camp Organization Representative

Date

City of Prairie Village Representative
Ronald L. Shaffer, Mayor

Date

AGREEMENT BETWEEN THE CITY OF PRAIRIE VILLAGE AND CHALLENGER

The undersigned, Challenger Sports, a corporation organized and existing under the laws of the State of Kansas, located at 8263 Flint, Lenexa, KS 66214 (hereinafter termed "Challenger") and the City of Prairie Village, a municipal corporation (hereinafter termed "City"), enter into the following rental agreement with regard to the dates and terms specified below. This rental agreement is for the purpose of conducting **British Soccer** camps for the children of Prairie Village and its surrounding area.

Challenger and the City do hereby agree to the following terms:

Services Provided:

Challenger shall make available, conduct, and maintain (1) instructional British Soccer camp in accordance with the terms of this Agreement. There will be at least one qualified coach for each coaching group (12-15) campers. The morning camp shall consist of five (5) sessions of at least three (3) hours each and will be scheduled 9am-12pm. Challenger shall not be required to conduct the camps if it is determined by mutual agreement of the parties that there is not sufficient interest among participants to justify the camp.

Cost of Camp:

The cost for each participant for the morning camp shall be \$125. Challenger shall be in charge of collecting these fees from participants.

Facility Reserved:

Challenger and the City agree that camp will be held at Meadowlake Park, which is located in the City of Prairie Village, Kansas.

Camp Date:

The camps will take place from June 18, 2012 through June 22, 2012. In the event of a cancelled day of camp due to weather, the City will allow the use of said facility at no additional cost to Challenger for make-up days mutually agreed upon.

Facility Use/ Condition:

The City will allow Challenger exclusive use of said facility from 9:00 a.m. - 12:00 p.m. This applies to all applicable areas of said facility, including, but not limited to all playing field areas, restrooms, and covered shelter areas. However, Challenger understands that the facility is a public park and the residents of Prairie Village may reasonably use the portions of the facility not in use by Challenger.

The City also agrees to prepare the facility (i.e. Proper lawn care, sanitize restrooms and shelters, removal of trash, etc.) prior to the first day of camp. Challenger and the City will agree upon the satisfactory condition of the facility within seven (7) days prior to the start of the first day of camp. Any additional facility maintenance agreed upon by both parties will be provided by the City throughout the camp week at no additional charge.

In the event of any property damage caused directly through the negligence of or the act or actions of Challenger or participants in said camp program, the City will notify Challenger within five (5) business days of the damage and any related claims against Challenger; and Challenger shall be liable for the costs of repair or replacement thereof.

Rental Payment:

Challenger agrees to pay a rental fee of ten U.S. dollars (\$10.00) per student enrolled in said camps. This fee is intended to reimburse the City for its costs in making the facility available for the camps. Challenger will pay the City of Prairie Village by check no later than September 1, 2012. This shall be the only payment required in consideration of the use of said site for said camp. Challenger, as proof of camp attendance, will provide enrollment rosters.

Insurance:

Challenger will provide proof of insurance prior to the first day of camp. The City will be recognized as a Certificate Holder and a copy of the insurance certificate will be sent to the City.

Liability:

The City shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury or injuries to any person or persons or property of any kind whatsoever, whether the person or property of Challenger, its agents, employees, or camp attendants, from any cause or causes whatsoever while in or upon the facility or any part thereof during the term of the camp or occasioned by any occupancy or use of the facility or any activity carried on by Challenger in connection therewith. Challenger agrees to indemnify and save harmless the City from any claim or loss by reason of Challenger's, or any camp attendant under the supervision of Challenger, or person connected thereto, use or misuse of the facility and from any claim or loss by reason of any accident or damages, during the camp, to any person or property happening on or in said facility.

The Agreement:

When signed by an authorized representative of both parties, this document accurately reflects the entire and only agreement between these parties. This agreement may be modified only in writing signed by an authorized representative of each party. This constitutes as an agreement between Challenger and the City with respect to the 2012 Challenger Camp season, from May 1, 2012 to September 1, 2012, and supersedes all prior representations and agreements. This agreement also contains within the option to renew annually upon the written consent of both parties.

Challenger Representative

Date

City of Prairie Village Representative
Ronald L. Shaffer, Mayor

Date

AGREEMENT BETWEEN THE CITY OF PRAIRIE VILLAGE AND CHALLENGER

The undersigned, Challenger Sports, a corporation organized and existing under the laws of the State of Kansas, located at 8263 Flint, Lenexa, KS 66214 (hereinafter termed "Challenger") and the City of Prairie Village, a municipal corporation (hereinafter termed "City"), enter into the following rental agreement with regard to the dates and terms specified below. This rental agreement is for the purpose of conducting flag football camps for the children of Prairie Village and its surrounding area.

Challenger and the City do hereby agree to the following terms:

Services Provided:

Challenger shall make available, conduct, and maintain (1) instructional flag football camp in accordance with the terms of this Agreement. There will be at least one qualified coach for each coaching group (12-15) campers. The morning camp shall consist of five (5) sessions of at least three (3) hours each. Challenger shall not be required to conduct the camps if it is determined by mutual agreement of the parties that there is not sufficient interest among participants to justify the camp.

Cost of Camp:

The cost for each participant for the morning camp sessions during the week of June 25-29, 2012, and shall be \$95. Challenger shall be in charge of collecting these fees from participants.

Facility Reserved:

Challenger and the City agree that camp will be held at Meadowlake Park, which is located in the City of Prairie Village, Kansas.

Camp Date:

The camps will take place from June 25, 2012 through June 29, 2012. In the event of a cancelled day of camp due to weather, the City will allow the use of said facility at no additional cost to Challenger for make-up days mutually agreed upon.

Facility Use/ Condition:

The City will allow Challenger exclusive use of said facility from 9:00 a.m.-12:00 p.m. This applies to all applicable areas of said facility, including, but not limited to all playing field areas, restrooms, and covered shelter areas. However, Challenger understands that the facility is a public park and the residents of Prairie Village may reasonably use the portions of the facility not in use by Challenger.

The City also agrees to prepare the facility (i.e. Proper lawn care, sanitize restrooms and shelters, removal of trash, etc.) prior to the first day of camp. Challenger and the City will agree upon the satisfactory condition of the facility within seven (7) days prior to the start of the first day of camp. Any additional facility maintenance agreed upon by both parties will be provided by the City throughout the camp week at no additional charge.

In the event of any property damage caused directly through the negligence of or the act or actions of Challenger or participants in said camp program, the City will notify Challenger within five (5) business days of the damage and any related claims against Challenger; and Challenger shall be liable for the costs of repair or replacement thereof.

Rental Payment:

Challenger agrees to pay a rental fee of ten U.S. dollars (\$10.00) per student enrolled in said morning camps. This fee is intended to reimburse the City for its costs in making the facility available for the

camps. Challenger will pay the City of Prairie Village by check no later than September 1, 2012. This shall be the only payment required in consideration of the use of said site for said camp. Challenger, as proof of camp attendance, will provide enrollment rosters.

Insurance:

Challenger will provide proof of insurance prior to the first day of camp. The City will be recognized as a Certificate Holder and a copy of the insurance certificate will be sent to the City.

Liability:

The City shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury or injuries to any person or persons or property of any kind whatsoever, whether the person or property of Challenger, its agents, employees, or camp attendants, from any cause or causes whatsoever while in or upon the facility or any part thereof during the term of the camp or occasioned by any occupancy or use of the facility or any activity carried on by Challenger in connection therewith. Challenger agrees to indemnify and save harmless the City from any claim or loss by reason of Challenger's, or any camp attendant under the supervision of Challenger, or person connected thereto, use or misuse of the facility and from any claim or loss by reason of any accident or damages, during the camp, to any person or property happening on or in said facility.

The Agreement:

When signed by an authorized representative of both parties, this document accurately reflects the entire and only agreement between these parties. This agreement may be modified only in writing signed by an authorized representative of each party. This constitutes as an agreement between Challenger and the City with respect to the 2012 Challenger Camp season, from May 1, 2012 to September 1, 2012, and supersedes all prior representations and agreements. This agreement also contains within the option to renew annually upon the written consent of both parties.

Challenger Representative

Date

City of Prairie Village Representative
Ronald L. Shaffer, Mayor

Date

MAYOR'S ANNOUNCEMENTS

January 17, 2012

Committee meetings scheduled for the next two weeks include:

Arts Council	01/18/2012	7:00 p.m.
Environmental/Recycle Committee	01/25/2012	7:00 p.m.
VillageFest Committee	01/26/2012	7:00 p.m.
Council Committee of the Whole	02/06/2012	6:00 p.m.
City Council	02/06/2012	7:30 p.m.

The Prairie Village Arts Council is pleased to announce a mixed media exhibit of City owned art in the R. G. Endres Gallery for the month of January. The art will be removed on Tuesday, January 17th and the gallery will be closed for maintenance for the remainder of January.

The City will be offering holiday tree drop off sites through January 20th at Porter, Franklin, Meadowlake and Harmon parks again this year.

The City offices will be closed Monday, February 20th in observance of Presidents' Day. Deffenbaugh does not observe this holiday so pick-up will be as usual.

INFORMATIONAL ITEMS
January 17, 2012

1. Council Committee of the Whole Minutes - December 19, 2011
2. Planning Commission Minutes - December 6, 2011
3. Planning Commission Agenda - January 10, 2012
4. Mark Your Calendars

COUNCIL COMMITTEE OF THE WHOLE
December 19, 2011

The Council Committee of the Whole met on Monday, December 19, 2011 at 6:30 p.m. The meeting was called to order by Council President Dale Beckerman with the following members present: Ruth Hopkins, Steve Noll, Andrew Wang, Laura Wassmer, Charles Clark, David Morrison, Diana Ewy Sharp, David Belz and Mayor Ron Shaffer. David Morrison arrived late. Staff Members present: Wes Jordan, Chief of Police; Kyle Shipps, Technical Operations Officer; Bruce McNabb, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director, Chris Engel, Assistant to the City Administrator and Jeanne Koontz, Deputy City Clerk.

COU2011-60 Consider purchase of LiveScan Electronic Fingerprinting System

Officer Kyle Shipps stated the Police Department is seeking to purchase a LiveScan electronic fingerprinting system. The system would allow for the electronic capture of fingerprints for criminal arrests, citizen requests, and applicants. The devices used would replace the current "ink on cards" method currently used. As of April 1, 2012, the FBI will no longer accept inked fingerprints submitted by law enforcement agencies. LiveScan is a two part system. The main system is a cabinet that will be kept in the booking area. A portable unit will be kept at records and can be brought to municipal court. An RFP was conducted and two responses were received. L-1 was selected with the product Identix. L-1 is used by many Kansas agencies, including the Leawood Police Department. One of the big benefits of the system is that it can be tied into the I/LEADS Records Management System and is capable of capturing electronic "mug shot" photographs.

Mayor Shaffer asked what cities will do who cannot afford to go digital. Officer Shipps said that some of the agencies may need to use the Sheriff's Department.

Laura Wassmer asked the life expectancy of the product. Officer Shipps said he is not sure but Leawood has had their system for about 10 years. The software has been updated but the hardware has not been replaced. KBI statute changes will be pushed out to the devices.

Laura Wassmer made the following motion, which was seconded by Ruth Hopkins and passed unanimously:

MOVE THE GOVERNING BODY APPROVE THE PURCHASE OF SOFTWARE AND HARDWARE ASSOCIATED WITH IMPLEMENTING A LIVESCAN ELECTRONIC FINGERPRINTING SYSTEM FOR USE BY THE POLICE DEPARTMENT AND MUNICIPAL COURT PERSONNEL IN THE AMOUNT OF \$53,000 FROM THE EQUIPMENT RESERVE FUND.

COUNCIL ACTION TAKEN

CONSENT AGENDA

COU2011-61 Consider approval of Rugs Too to replace flooring tile and carpet at the Police Department and City Hall buildings

Quinn Bennion stated that the City is requesting project approval to replace the flooring in City Hall and the Police Department. Quinn Bennion, Chief Jordan and Mike Helms worked together to secure three quotes. The project does not include replacement of every square foot of flooring but will focus primarily on high traffic areas and offices. Project funding for City Hall will come from the 2011 budget. Project funding for the Police Department will come from the 2011 and 2012 budgets with any excess from a 2011 budget reallocation.

Diana Ewy Sharp asked why the normal bid process was not used. Quinn Bennion stated that staff felt this process was unique because it involved having each installer self measure and staff did not want a huge number of installers coming into the municipal court office and police department for security reasons. Mr. Bennion said if council approves the item than they are also approving a variance from the purchasing policy.

David Belz asked how the three installers were selected. Mr. Bennion said staff visited with a designer who recommended carpet installers she worked with previously.

Ruth Hopkins made the following motion, which was seconded by Steve Noll and passed unanimously:

MOVE THE GOVERNING BODY APPROVE RUGS TOO TO REPLACE FLOORING TILE AND CARPET IN THE AMOUNT NOT TO EXCEED \$75,000 FOR THE POLICE DEPARTMENT BUILDING AND \$40,000 FOR THE CITY HALL BUILDING AND AUTHORIZE THE MAYOR TO NEGOTIATE AND SIGN A SERVICES AGREEMENT.

**COUNCIL ACTION TAKEN
CONSENT AGENDA**

Presentation on Animal Enumeration and Online Business Licensing

Jeanne Koontz reported that seven enumerators conducted an animal census of the area north of 75th Street between September 17th and October 31st. The enumerators made two attempts to make personal contact, clocking 522 hours and covering 579 miles. This year the enumerators were given maps of the area to be enumerated already routed with addresses designated. This reduced the time spent in actual enumeration and mileage.

Of the 2,326 homes visited, 600 homes were identified to have 839 unlicensed pets. The minimum potential revenue is \$5,034. To date, approximately half of these new pets have been licensed with one-third of them purchasing multi-year licenses creating greater revenue in 2011.

Jeanne Koontz also reported that the multi-year animal license instituted in January 2010 has been very well received by residents. Over half of the licenses are multi-year licenses. The multi-year licenses are expected to reduce postage costs in 2011 by \$2,473.

Jeanne Koontz reported that online business licensing renewals began in May 2011. The City is working with Springbrook Software to beta test the online software. The response has been very positive with 45% of the renewals being paid and renewed online. City Clerk staff is tracking those businesses that have requested to continue to receive paper renewals. The City Clerk's Office continues to work with Springbrook Software to modify and suggest enhancements to the software. This has resulted in a number of changes to the system since its launch in May.

The convenience of online transactions comes at a processing cost charged by the online merchant processor based on the dollar volume. Staff is researching how other cities handle these charges and may bring forth a recommendation for a fee adjustment in 2012.

Presentation on 2011 Exterior Grant Program

Dennis Enslinger gave a presentation on the 2011 Exterior Grant Program. The City gave sixteen grants for the fourth year of the program. Staff is still trying to close out three of these grants. Grants given by area: Area 1 - 5 grants; Area 2 - 4 grants, and Area 3 - 7 grants. The City invested \$35,000 with a total investment of \$150,000. Residents must spend a minimum of \$5,000 and can get up to \$2,500 for the grant. The most typical projects are window replacements and driveway replacements. The City Council has awarded \$34,319.58 of the \$50,000 budgeted from the Economic Development Fund.

Laura Wassmer asked what happens to the money not awarded. Dennis Enslinger said the money remains in the Economic Development Fund.

Diana Ewy Sharp asked how the program is publicized. Mr. Enslinger said it is publicized in the newsletter, on the website and sent out through the e-news.

David Morrison stated he thinks the program should be opened up to the entire city. He said Ward V pays for the program but is not eligible. Mr. Enslinger said it is a City Council decision whether to change the program. The grant areas were originally established based on code enforcement issues. Andrew Wang asked if there has been any impact on the frequency of code violations in the grant areas. Mr. Enslinger stated most of the residents who receive grants do not have frequent code violations. Laura Wassmer asked if the City has tracked requests that come from Ward IV and V. Mr. Enslinger said staff is not currently tracking requests by location.

STAFF REPORTS

Public Safety

- Chief Jordan gave an update on an armed robbery case from Saturday evening. It may be related to one in Brookside the same evening. The Police Department is working with the Kansas City Police Department.
- Chief Jordan said the Shop with a Cop event was a success.
- Chief Jordan warned of a scam involving notification of winning a lottery.

Administration

- Lisa Santa Maria gave a summary of CID sales taxes collected in 2010 & 2011 at Village and Corinth Shops. She noted it is hard to get data for 2010 and there is a delay in sales tax data. She also noted that not all of the shops report on time so it is not easy to compare month by month. It is better to look at yearly numbers in aggregate.

Laura Wassmer asked if there is any speculation as to why the sales at the Prairie Village Shops look like they have increased where as the sales at the Corinth Shops look like that have decreased. Lisa Santa Maria said that some of the shops may not be reporting sales tax.

- Dennis Enslinger said Deffenbaugh will pick up Christmas trees at the curb and there will not be a holiday delay for trash service. Residents should be receiving a phone call from Deffenbaugh regarding the holiday pick-up schedule.
- Chris Engel reported he has attended a number of legislative forecast meetings. The recurring themes of the sessions beginning January 9th are redistricting, school finance, tax policy, and KPERS. City Hall Day in Topeka on February 1st is a good time to share priorities with our legislators.
- Quinn Bennion said the new phone system is working well. The new system has the ability for council members to have an extension that would allow voicemails to be sent to email.
- Quinn Bennion reported the City received recognition for participation in the Mid-America Regional Council Glass Recycling Challenge.

MAYOR'S REPORT

Mayor Shaffer reported his attendance at the following events representing the City: lunch with Pearl Harbor Survivor, DARE graduation at Prairie Elementary School, Johnson County / Wyandotte County Council of Mayors dinner, ribbon cutting at Jos. A Bank, DARE graduation at Belinder Elementary School, Mission Hills holiday lunch, Sister City dinner, employee holiday lunch, meeting to discuss Johnson County trash issue, Lathrop and Gage legislative breakfast, Northeast Johnson County Chamber legislative breakfast, Northeast Mayor's holiday luncheon, Volunteer Holiday Party, and Salvation Army bell ringer. He also shared action and votes from the Johnson County Charter Commission meeting held earlier in the evening, noting the vote taken resulted

in positive outcomes for Prairie Village. Mayor Shaffer thanked Mely Ballard for all her hard work on the Gingerbread House Parties at Brighton Gardens.

Adjournment

With no further business to come before the Committee, Council President Dale Beckerman adjourned the Council Committee of the Whole meeting at 7:28 p.m.

Dale Beckerman
Council President

PLANNING COMMISSION MINUTES
December 6, 2011

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, December 6, 2011, in the Council Chamber, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Bob Lindeblad, Dirk Schafer, Nancy Wallerstein and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Dennis Enslinger, Assistant City Administrator; Al Herrera, Council Liaison; Jim Brown, City Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Bob Lindeblad moved for the approval of the minutes of November 1, 2011 with a changing the word "objective" to "subjective" in the first sentence of the last paragraph on page 4. The motion was seconded by Nancy Wallerstein and passed 5 to 0 with Dirk Schafer abstaining as he was not in attendance.

PUBLIC HEARINGS

**PC2011-08 Proposed Revisions to PVMC 19.44.025
 Entitled "Fences"**

Chairman Ken Vaughn reviewed the rules for the scheduled public hearing on proposed revisions to the zoning regulations and called upon Ron Williamson to present the revision.

Ron Williamson reviewed the following proposed revisions:

1. Revise the fence definition as follows:

19.02.235 Fence

"Fence" means a free standing structure, which is for the purpose of blocking a view or providing privacy; providing aesthetics; preventing intrusion, escape or trespass; or redirecting a person's direction of travel. A fence generally consists of ~~posts~~ woven fabric, (including chain link), boards, pickets, ~~stone, brick, block or iron bars or~~ *similar materials and posts and columns made of wood stone, brick, concrete or iron. This definition does not include solid walls as defined by this ordinance.*

2. Add new definitions:

Solid Wall - "Solid Wall" means a free standing structure, which is for the purpose of blocking a view or providing privacy; providing aesthetics; preventing intrusion, escape or trespass; or redirecting a person's direction of travel. A solid wall generally is constructed of brick, stone, concrete, block or similar materials or materials that are similar in appearance.

Retaining Wall - A wall which may be constructed of wood, stone, brick, concrete, block or similar materials designed or built to retain soil or other materials from slumping, sliding or falling.

Further clarification was added to the section on prohibited fences adding the following language: ". . . farm type fences such as barbed wire, high tensile wire, wire mesh, welded wire, woven wire, pipe and cable, . . ."

Clarification as to the measurement of the height of fences built in combination with retaining wall was added to Section 19.44.025B(3) stating that walls and/or berms shall **be measured from the finished grade on the high side of the wall.**"

Language was added to Section 19.44.025G - Site Plan Approval to allow Planning Commission approval of solid walls or retaining walls.

G. Site Plan Approval

1. As a part of the site plan approval process as set out in Section 19.32 Site Plan Approval, the Planning Commission may *approve solid walls* or make adjustments to the height and location of fences, solid walls and retaining walls provided that it results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site.
2. An application may be made to the Planning Commission for site plan approval of *a solid wall, retaining wall or a fence* that is unique and does not have the locational or design characteristics set out in these regulations. (Ord. 2117, Sec. 2, 2006)

Chairman Ken Vaughn opened the public hearing to comments. No one was present to address the Commission and the public hearing was closed at 7:05.

Nancy Wallerstein confirmed the proposed changes would not become effective until approved by the City Council and published and thus would not impact the application before the Commission later in the meeting.

Bob Lindeblad stated he is still not a fan of having the Commission review walls through the site plan process, but feels that staff could handle these requests. Ken Vaughn agreed but felt the number of applications would be minimal.

Nancy Wallerstein moved that the Planning Commission recommend approval of the proposed changes to the fence regulations as proposed to the Governing Body. The motion was seconded by Randy Kronblad and passed unanimously.

NON PUBLIC HEARINGS

PC2011-122 Site Plan Approval for Wireless Antennae 7231 Mission Road

Pete Akers, with Wave Wireless, representing Sprint Wireless presented their request for Site Plan Approval to replace three antenna panels, add three new antenna panels and replace three equipment boxes with two. Initially the three existing equipment boxes will be relocated and the two new boxes will be installed. The existing boxes will remain in the equipment compound until such time as the new equipment boxes are tested and approved. This could take as long as two years. There will be no changes in the size of the equipment compound. The purpose of this new installation is to enable Sprint to provide 4G coverage which is faster mobile broadband speed. Sprint is implementing a nationwide upgrade to increase its capacity in order to accommodate the demand for increased cell phone coverage, particularly smart phones, and to process more data faster.

The existing 12 antennas on the steeple are located at the 75' elevation. The plan proposes to install six new antennas at the 65' elevation. After testing is complete six existing antennas will be removed at the 75' elevations.

The existing three equipment cabinets will be temporarily relocated and will be removed after the new cabinets have been tested and approved. He noted this may take up to two years. Similarly, the existing antennas will be relocated and used until they have been tested and approved and acknowledged the staff concerns with this length of time. He has spoken with Sprint and they would accept the staff recommended condition that the antennas be removed within 12 months of approval.

Mr. Akers also stated he had signed and sealed structural analysis by a structural engineer licensed in the State of Kansas, stating that the antenna installation will not caused any adverse effect to the structure of the steeple and that the towers are sufficient to carry the additional load.

Ron Williamson stated in 1996, the Planning Commission approved a Conditional Use Permit for Sprint in the St. Ann's steeple/tower with the equipment boxes contained within a brick wall extending from the building. In 2001, a Special Use Permit was approved for Nextel. Nextel and Sprint merged and a renewal of the Special Use Permit was approved for Sprint/Nextel in 2006. In 2009 a site plan was approved for a Clearwire installation under the new Wireless Communications Ordinance. St. Ann's Church is a stealth wireless communication installation and therefore, under the new ordinance, only requires Site Plan Approval.

Since this is a minor change in the installation, the applicant was not required to hold a neighborhood meeting.

Ron Williamson pointed out there will be an additional set of antennas ten feet below the bottom bank of antennas shown on the photo in the packet

Nancy Vennard confirmed that the Type 3 antenna shown on the top of the site plan will remain in place.

Ron Williamson noted there will be a significant number of antennas on the steeple, particularly during the testing and asked if the mounting brackets would be removed when the antenna are removed. Mr. Akers replied they can be removed, but noted they often remained allowing for possible reused at a later time. Nancy Vennard agreed and felt they should be removed. Mr. Akers responded their visual impact will be minimal.

Chairman Ken Vaughn led the Planning Commission in a review of the following criteria:

A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.

The capability of the site to accommodate the equipment compound was addressed in the previous approval of the Conditional Use and Special Use Permits.

B. Utilities are available with adequate capacity to serve the proposed development.

Adequate utilities are available to serve this location.

C. The plan provides for adequate management of stormwater runoff.

The amount of impervious area will not be changed and therefore will not have an impact on stormwater runoff.

D. The plan provides for safe and easy ingress, egress and internal traffic circulation.

The site utilizes the existing driveway and parking lot for circulation that currently serves it and no changes are proposed.

E. The plan is consistent with good land planning and good site engineering design principles.

This is a stealth installation and the details of the overall design of the equipment compound and antennas were worked out on the approval of the Conditional Use and subsequent Special Use Permits.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.

This is a stealth installation and the antennas have a very minor impact on the appearance of the Church steeple. The equipment cabinets have been incorporated into a brick walled area that is attached to the building and it is not noticeable from the street. The installation has been incorporated into the steeple in a manner so that its visual impact is minimal.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.

Wireless communications are not specifically addressed in Village Vision. Generally it falls into maintaining and improving infrastructure.

Bob Lindeblad stated he was thrilled to see co-location of antenna on an existing structure rather than constructing another cell tower

Bob Lindeblad moved the Planning Commission approve PC2011-122 Site Plan for the placement of wireless antenna on the church steeple at 7231 Mission Road by Sprint subject to the following conditions:

- 1) That the antennas be installed as shown on the proposed site plan.
- 2) That all wiring be contained inside the church steeple.
- 3) That all equipment and wiring shall be below the screening wall.
- 4) That the three existing equipment cabinets shall be removed immediately after the operation of the new cabinets has been approved but in no event longer than 12 months from the date of Planning Commission approval of this application.
- 5) That the six existing antennas and mounting brackets at the 75' elevation shall be removed immediately after the operation of the new antennas has been approved but in no event longer than 12 months from the date of Planning Commission approval of this application.
- 6) That the antennas shall be painted a color that blends with the brick on the Church steeple so that their visibility is minimized.

The motion was seconded by Dirk Schafer and passed unanimously.

**PC2011-121 Site Plan Approval for Wireless Antennae
9011 Roe Avenue
Zoning: R-1a**

Pete Ackers stated this application is similar to the previous application with the proposed replacement of three antennas, adding three new antennas and replacing three equipment boxes with two equipment boxes. This monopole is 100 feet tall and the sprint installation is at the top of the monopole. The equipment compound at the base of the tower will not be enlarged or increased in size. The purpose of these antennas is to increase capacity and to enable Sprint to provide 4G capacity.

The Clearwire antennas will remain as installed, but the three companion Sprint antennas will be replaced with new panels. The three new Sprint antennas will be mounted below the existing antennas. The three new antennas will have panels approximately 8" wide by 69" long with a total weight of 33.5 pounds. The replacement panels will be approximately 12" wide by 72" long. The existing three equipment cabinets will be temporarily relocated and will be removed after the new cabinets have been tested and approved.

Mr. Akers stated Sprint has agreed to the staff's request for the replacement of the existing wood fence with a brick wall that is tall enough to screen the equipment boxes

with the brick matching that of the fire station as close as possible with the plans for the wall to be submitted to staff for review and approval.

Ron Williamson noted this was the first monopole approved in Prairie Village and at that time approval was by Conditional Use Permit. In 2004, a Special Use Permit was granted to Cingular (now AT&T) to install antennas at the 90 feet elevation along with equipment cabinets in the compound at the base of the antenna. In 2009, a Special Use Permit was granted to Clearwire to install antennas and equipment cabinets. Sprint is a major shareholder in Clearwire and the Clearwire antennas were installed as a modification to the Sprint antennas at the top of the tower.

Since no neighbors have appeared at previous neighborhood meetings and the changes were not major, the applicant was not required to hold a neighborhood meeting.

Nancy Wallerstein asked the height of the new brick wall. Mr. Williamson stated it would probably eight feet to screen all of the equipment. Mrs. Wallerstein asked if there would be any landscaping around the wall. Mr. Williamson responded there is very limited space at this site and the Fire Department would prefer to keep that area open.

Bob Lindeblad advised that for future applications the Planning Commission would like to see the surrounding building locations shown on the site plan.

Chairman Ken Vaughn led the Planning Commission in a review of the following criteria:

A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.

The capability of the site to accommodate the equipment compound was addressed in the approval of the Special Use Permit. The proposed improvements will occur on the existing tower and within the existing equipment compound.

B. Utilities are available with adequate capacity to serve the proposed development.
Adequate utilities are available to serve this location.

C. The plan provides for adequate management of stormwater runoff.

No additional impervious area that will be created and therefore a stormwater management plan is not required.

D. The plan provides for safe and easy ingress, egress and internal traffic circulation.

The site utilizes the existing driveway and parking lot for circulation that currently serves it and no changes are proposed.

E. The plan is consistent with good land planning and good site engineering design principles.

The details of the overall design of the equipment compound were worked out on the approval of the Conditional Use Permit. That applicant needs to prepare a structural analysis to confirm that the tower is sufficient to carry the additional load.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.

The tower has been at this location for approximately twenty-five years and the proposed external installation consists of three additional antennas that are minor in size compared to the size of the tower. The tower is located at the Fire Station and has very little impact on surrounding residential areas. All the equipment will be located within the equipment compound. The existing ice bridge will be used. The wiring will be inside the tower.

It should be pointed out that when the original approval for the cell tower occurred in 1996, it was the intent that the equipment be screened. A six foot high fence was required at that time. Obviously, the equipment boxes are much taller and the six foot tall fence is inadequate. In 2009, the Special Use Permit approved for Clearwire required adequate screening of the equipment. A new taller fence or wall should replace the existing fence in order to improve the appearance of the installation and make this installation more consistent with others in the City. It should also be noted that the ice bridge is much higher and more visible than other installations.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.

Wireless communications are not specifically addressed in Village Vision. Generally it falls into maintaining and improving infrastructure.

Randy Kronblad echoed Mr. Lindeblad's earlier comment supporting applications for co-location rather than constructing additional cell towers.

Randy Kronblad moved the Planning Commission approve PC2011-121 Site Plan for the placement of wireless antenna on the existing cell tower at 9011 Roe Avenue by Sprint subject to the following conditions:

- 1) That the antennas be installed as shown on the proposed site plan.
- 2) That all wiring be contained inside the tower.
- 3) That all equipment and wiring shall be below the screening fence.
- 4) That the three existing cabinets shall be removed immediately after the operation of the new cabinets has been approved but in no event longer than 12 months from the date of Planning Commission approval of this application.
- 5) That the three existing antennas shall be removed immediately after the operation of the new antennas has been approved but in no event longer than 12 months from the date of Planning Commission approval of this application.
- 6) That the applicant prepare a structural analysis of the tower to confirm that it is sufficient to carry the additional load.
- 7) That the applicant replace the existing wood fence with a brick wall that is tall enough to screen the equipment boxes. The brick shall match the fire station brick as close as possible and plans for the wall shall be submitted to Staff for review and approval prior to obtaining a permit.

The motion was seconded by Nancy Wallerstein and passed unanimously.

**PC2011-120 Site Plan Approval for Wireless Antennae
7700 Mission Road**

Pete Ackers stated this application is similar to the previous applications with the proposed replacement of three antennas and the platform and add three additional antenna installations at the 110' elevation on the tower behind City Hall. The purpose of these antennas is to increase capacity and enable Sprint to provide 4G coverage.

Mr. Ackers noted Sprint will also replace the existing platform and replace it with a new low profile antenna platform. The new platform will be a triangular shape in plain view with replacement antennas on each of the three points and new antennas located on the platform midway between the points. The three replacement antennas will have a panel approximately 12" wide by 72" long with a weight of 62.5 pounds. The three new antennas will have panels approximately 8" wide by 69" long with weight of 38.5 pounds.

Sprint is also proposing to replace the three existing equipment cabinets with two new equipment cabinets which will be approximately 2'4"x4'3"x4'2" in height. These cabinets are small and will be well below the height of the existing brick screening wall which is approximately 8' in height. The existing three equipment cabinets will be temporarily relocated and will be removed after the new cabinets have been tested and approved. Similarly, the existing antennas will be relocated and used until they have been tested and approved.

Ron Williamson noted in August 2011, the Planning Commission approved a similar antenna change out for AT&T on the platform at the top of the monopole.

In October 2009, the Planning Commission approved the Special Use Permit Renewal for this tower and the approval was based on the new Wireless Communications Ordinance. Changes in the installation for carriers are required to be submitted to the Planning Commission for site plan review and approval.

Since no neighbors have appeared at previous neighborhood meetings and the changes were not major, the applicant was not required to hold a neighborhood meeting.

Chairman Ken Vaughn led the Planning Commission in a review of the following criteria:

A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.

The capability of the site to accommodate the equipment compound was addressed in the approval of the Special Use Permit. The proposed improvements will occur on the existing tower and within the existing equipment compound. It should be noted that three steel posts extend above the screening wall and they should be reduced into the height of the screening wall with the new installation.

B. Utilities are available with adequate capacity to serve the proposed development.
Adequate utilities are available to serve this location.

C. The plan provides for adequate management of stormwater runoff.

The amount of impervious area will not be changed and therefore will not have an impact on stormwater runoff.

D. The plan provides for safe and easy ingress, egress and internal traffic circulation.

The site utilizes the existing driveway and parking area for access and no changes are proposed.

E. The plan is consistent with good land planning and good site engineering design principles.

The details of the overall design of the equipment compound were worked out on the approval of the Special Use Permit. That applicant has prepared a structural analysis and the tower is sufficient to carry the additional load.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.

The tower has been at this location for approximately twenty years and the proposed external installation consists of three additional antennas that are minor in size compared to the size of the tower. The tower is located in the Municipal Complex and has very little impact on surrounding residential areas. All the equipment will be located within the equipment compound. The existing ice bridge will be used and it is not visible above the wall. The wiring will be inside the tower.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.

Wireless communications are not specifically addressed in Village Vision. Generally it falls into maintaining and improving infrastructure.

Bob Lindeblad moved the Planning Commission approve PC2011-120 Site Plan for the placement of wireless antenna on the existing cell tower at 7700 Mission Road by Sprint subject to the following conditions:

- 1) That the antennas be installed as shown on the proposed site plan.
- 2) That all wiring be contained inside the tower.
- 3) That all equipment and wiring shall be below the screening wall. The three existing steel poles that extend above the screening wall shall either be removed or reduced to the height of the wall.
- 4) That the three existing cabinets shall be removed immediately after the operation of the new cabinets has been approved but in no event longer than 12 months from the date of Planning Commission approval of this application.
- 5) That the three existing antennas shall be removed immediately after the operation of the new antennas has been approved but in no event longer than 12 months from the date of Planning Commission approval of this application.

The motion was seconded by Nancy Wallerstein and passed unanimously.

OTHER BUSINESS

PC91-108 Revision to Site Plan - Southminster Presbyterian Church

Wayne Wilson, representing Southminster Presbyterian Church, stated the Church is proposing to replace the existing wooden fence approved and constructed in 1992 on their property with a black vinyl coated six-foot chain link fence with black slats in some locations. Three of the existing wood fence enclosures would utilize the proposed slats. There are three areas of the fence where the proposed slats would be used - the two areas housing the air conditioner units as they are adjacent to windows and also the fencing surrounding the playground.

Mr. Enslinger stated the minutes of from the original approval by the Commission on February 11, 1992 does not have any conditions related to the fence material; however, a wooden fence was denoted on the site plan approved by the Commission. Since existing staff were not present when the application was considered, Planning Commission is being asked to review the application and determine if the proposed fencing material at the specific locations is acceptable.

Ken Vaughn stated he was pleased to see the church upgrading and replacing the fence.

Nancy Wallerstein asked what the slats were made of. Mr. Wilson responded a black plastic.

Dennis Enslinger reviewed a map designating where the existing fence is located and which areas of the new fence would be slatted and open. Mr. Lindeblad confirmed the slats would be fencing 63rd Street on the north side and asked the dimension of that area. Mr. Wilson responded approximately 60 feet and noted some of that area is partially screened by the building. Mr. Lindeblad asked if the church would consider planting some shrubs in front of the fence. He noted that he is not in favor of chain link fences with slats particularly in residential areas. Mr. Wilson responded the chain link is a black commercial grade fence with a higher cost.

Ken Vaughn stated he liked the black chain link fence, but not the slats. Mr. Lindeblad noted the slats would be visible as slats. Mrs. Vennard stated she felt the proposed fence would be better than the existing wooden fence.

Randy Kronblad stated he preferred wood to slatted chain link and from a maintenance stance asked if they had considered pvc. Mr. Wilson responded there contractor recommended against pvc because it was not very durable and the cost was twice the cost of the proposed chain link.

Bob Lindeblad stated he liked the proposed black chain link around the play area as it would open up the area and be aesthetic, but he feels the screened areas should be wooden. Mr. Wilson responded the committee would do one or the other, not a combination.

Nancy Vennard suggested the Commission approve both replacement by wooden fence in all locations or a combination of wooden fence for the screened equipment areas and chain link for the open play areas allowing the church to discuss the options and made their decision.

Nancy Wallerstein questioned the solid wooden fence around the equipment. Bob Lindeblad stated the city's code requires mechanical equipment to screen from view requiring a solid fence.

Nancy Vennard moved the Planning Commission approve the replacement of the existing fence at 6306 Roe Avenue entirely with a new wooden fence or the replacement of the areas surrounding equipment with wooden fence and the other areas with open black chain link fence. The motion was seconded by Randy Kronblad and passed unanimously.

Discussion of possible revisions to zoning regulations on "Alternative Energy"

At its regular meeting on November 1, 2011, the Planning Commission discussed solar, wind and geothermal energy in detail and requested Staff to prepare proposed amendments for further discussion at the December meeting addressing the following:

1. Change the "Solar Energy Stems" Chapter to "Alternative Energy Systems" and include solar, wind and geothermal in one Chapter.
2. Amend the Solar Energy Chapter as recommended by the Planning Commission.
3. Create a separate listing for Wind Turbines as either a Conditional Use Permit or Special Use Permit and include standards.
4. Clarify geothermal as Staff approval.

Ron Williamson reviewed the following proposed changes to Chapter 19.50 noting that much of the language on Wind Energy was taken from the regulations adopted by the City of Overland Park and that most of the prior solar language remained but was moved and clarified by additional language: Language was also added to allow small solar panel installations on utility poles.

Text that is to be deleted is lined out and new text is shown in italics.

CHAPTER 19.50 - ~~SOLAR~~ ALTERNATIVE ENERGY SYSTEMS

Sections:

- | | |
|-----------------------------|--|
| 19.50.005 | Purpose. |
| 19.50.010 | Application. <i>Solar Energy</i> |
| 19.50.015 | Related Ordinances. <i>Wind Energy</i> |
| 19.50.020 | Definitions. <i>Geothermal Energy</i> |
| 19.50.025 | Solar Easements. <i>Hybrid Energy</i> |
| 19.50.030 | Compatibility. |

~~19.50.035 Appeals.~~

~~19.50.040 Permits.~~

19.50.005 Purpose.

The purpose of this chapter is to establish for the residents of the City of Prairie Village a provision for using an alternate sources of energy apart from the prevailing energy sources of natural gas and electricity—in this case, solar, *wind and geothermal* energy. The city, by this chapter, establishes that the use of *alternative solar energy systems* is in the general welfare of its residents in that its use will help alleviate the use of depreciating energy resources and thereby will lessen the city's reliance on increasingly uncertain power resources. The use of *alternative solar energy systems* is, therefore, valid public purpose. ~~and any violation of the chapter shall be considered a public nuisance.~~

19.50.010 Solar Energy - The following regulations shall apply to solar energy installations:

~~**19.50.010 Application.**~~

~~The requirements established by this chapter shall not be retroactive except by agreement of the property owners under a solar easement agreement. In such case, a property owner who wishes to construct a solar energy system may enter into a solar easement agreement with another property owner whose property contains an obstruction to solar access. Under this agreement the latter property owner may agree to remove existing vegetation or structures which block solar access to the solar energy system.~~

19.50.015 Related Ordinances

~~**19.50.015 A. Related Ordinances.**~~

All other ordinances of the municipal code are applicable to this section, including, but not limited to building setbacks, yard requirements, and height restrictions.

~~**19.50.020 B. Definitions.**~~

~~A. 1. "Solar access" means access to the envelope of air space exposed to the face of any solar energy system through which the sun passes and which allows the solar energy system to function. Such access is necessary to any solar energy system.~~

~~B. 2. "Solar air space envelope" means that volume of air space whose lower limits are defined by a plane sloping upward to the south at an angle of twenty-two (22) degrees from the horizontal plane, measured from the bottom of the solar collector system and whose lateral limits are defined by planes which correspond to the direct rays of the sun on each end (east and west) of the solar collector system at 0900 and 1600 solar time from September 21 through April 21.~~

~~G. 3. "Solar collector" means both passive and active systems. An active collector shall include panels designed to collect and transfer solar energy into heated water, air or electricity. Passive collectors shall include windows and window~~

walls, which admit solar rays to obtain direct heat or to obtain heat for storage. Such windows and window walls of passive systems may extend to ground level. Greenhouses, atriums, and solariums are included in this definition.

D. 4. "Solar easement" means an easement arising by agreement between property owners and establishing the solar air space envelope within which building and vegetation obstructions are prohibited.

19.50.025 C. Solar Easements.

In order to preserve and protect the solar access across contiguous or nearby property, "solar annotated easements" may be formulated. Such easements shall establish the solar air space envelope within which building and vegetation obstructions are prohibited. Solar easements are allowed by Kansas Statutes Annotated 58-3801 - "Creation of Solar Easements; Recordation" and 58-3802 - "Same; Content." ~~Such an easement shall be an agreement between property owners and probably, although not necessarily, will be initiated by the owner of a proposed solar energy system.~~ *A property owner who wishes to construct a solar energy system may enter into a solar easement agreement with another property owner whose property contains an obstruction to solar access. Under this agreement the latter property owner may agree to remove existing vegetation or structures which block solar access to the solar energy system.* The City of Prairie Village shall also be included as a property owner wherein property owned by the City may be located in a solar air space envelope and the city, therefore, may be a party to such an easement. All easements shall be recorded by the Johnson County Register of Deeds and shall transfer from one owner to another if the property is sold. All such easements shall also be filed with the Building Official for coordinating issuance of future building permits, which might be affected by the easement.

19.50.030 D. Compatibility.

The design of any solar system, active or passive, shall generally be compatible with the architectural design of the surrounding neighborhood as follows, whether or not the solar energy system is the subject of a solar easement.

A. 1. Any solar energy system incorporated into residential facility shall be integrated into the basic form and main structure of the residence. All active systems shall be roof mounted with the collector panels integrated into the roof either directly mounted against the roof or integrated into the roof so that they form a part of the roof itself. Mounting arrangements, which allow the collectors to project above the roof line, such as "standoff" or "rack" mounting arrangements are not allowed.

B. 2. Any system incorporated into a commercial building *or a nonresidential building in a residentially zoned district* shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack

supports and freestanding collectors apart from the main building are not permitted.

C.3. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in Paragraphs A and B above. No freestanding panels or panel racks shall be allowed *except as setout in Section 19.50.030.E.*

D. 4. In an active or photovoltaic system, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, etc.

E. 5. All exposed metal, including the frame work of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color. Clear unpainted aluminum shall not be allowed.

E. *Ground-mounted installation:*

1. *Ground-mounted solar collectors for utilities and public entities shall not exceed eight (8) feet in total height and shall be located within an easement or public right-of-way.*
2. *All lines serving a ground-mounted solar collector shall be located underground.*
3. *Parking lot light pole installation: The mounting height for parking lot light fixtures shall not exceed 25 feet as measured from the bottom of the fixture to grade. Twenty (20) percent of the height of the light pole may be added above the light fixture for the purpose of installing a solar collector panel. The overall height of the parking lot light pole and solar collector shall not exceed 30 feet. Any necessary solar collector appurtenances shall be painted to match the light pole and fixture.*
4. *Utility Pole Installation: Solar collector panels may be mounted on utility poles by utilities and public agencies.*
5. *Solar panels shall not exceed two square feet in area.*
6. *Staff shall review and approve the size, design and location of all ground-mounted installations prior to their installation.*

19.50.035 Appeals.

~~All appeals involving solar easements or any appeal to the rules and regulations of this chapter shall be filed with the Board of Zoning Appeals. Both parties affected by a proposed solar energy system, the owner of the solar energy system and the owner of the property on which the burden of the easement falls, shall have the right to appeal. All appeals shall include engineering drawings and schedule showing the solar energy system and the solar air space envelope, and such appeals must demonstrate that the layout of the solar energy system on the site has been maximized.~~

F. *Site Plan Approval.*

1. *As a part of the site plan approval process as set out in Chapter 19.32 Site Plan*

Approval, the Planning Commission may make adjustments to the height and location of solar panels provided that it results in a project that will not be detrimental to the public welfare or be injurious to or will substantially adversely affect adjacent property or other property in the vicinity.

2. *An application may be made to the Planning Commission for site plan approval of a solar panel installation that is unique and does not have the locational or design characteristics set out in these regulations.*

19.50.040 G. Permits.

A building permit is required for the construction and/or installation of any solar system. If the solar system construction is a part of other construction, it may be incorporated with that permit.

19.50.015 - WIND ENERGY - The following regulations shall apply to wind energy installations:

A. Definitions.

1. *"Wind Turbine" means any machine designed for the purpose of converting wind energy into electrical energy. Wind turbine shall include all parts of the system, including the tower and turbine composed of the blades and rotor.*
2. *"Horizontal-axis wind turbine" means the main rotor shaft of the turbine is oriented horizontally. This type of turbine must be pointed into the wind.*
3. *"Meteorological tower" means a tower separate from a wind turbine designed to support the gathering of wind energy resource data. A meteorological tower shall include the tower, anemometers, wind direction vanes, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics at a given location.*
4. *"Roof-mounted wind turbine" means a turbine system mounted to the roof of a building.*
5. *"Vertical-axis wind turbine" means the main rotor shaft of the turbine is arranged vertically and does not have to be pointed into the wind.*

B. Site Plan Approval - The following wind energy installations shall be subject to site plan approval as setout in Chapter 19.32:

1. *Wind turbines may be installed on any non-single-family structure (such as a building, water tower, etc.) three stories in height or greater but no less than 35 feet provided that the wind turbines shall add no more than 20 feet to the height of said existing structure. Wind turbines which are architecturally compatible to the building architecture may locate on non-residential buildings less than three stories or 35 feet in height. The maximum height which may be approved for a roof-mounted wind turbine on a non-residential building less than three stories or 35 feet in height shall be equal to one-half the height of the building, measured from the surface of roof on which the turbine is mounted to the highest point of the*

wind turbine structure, including blades, if applicable. Associated equipment may be permitted on the roof so long as it is screened from view.

- 2. Wind turbines may be installed on parking lot light poles. The mounting height for parking lot light fixtures shall not exceed 25 feet as measured from the bottom of the fixture to grade. Twenty (20) percent of the height of the light pole may be added above the light fixture for the purpose of installing a wind turbine. The overall height of the parking lot light pole and wind turbine shall not exceed 30 feet, measured to the highest point of the wind turbine structure, including blades, if applicable. The wind turbine and any required appurtenances shall be painted to match the light pole and fixture.*

C. Special Use Permit - The following wind energy installation shall be subject to Special Use Permit as setout in Chapter 19.28:

- 1. In office and business districts, a ground-mounted wind turbine not to exceed a maximum height of 150 feet, measured from average grade at the tower base to the highest point of the wind turbine structure, including blades, if applicable. A lightning rod, not to exceed 10 feet, shall not be included within the height limitations.*

D. Application Requirements.

Each application for site plan approval or a special use permit for a wind turbine or wind turbines shall be accompanied by the following information:

- 1. Preliminary site plan (see Chapter 19.32).*
- 2. Turbine information, including type, model, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each wind turbine being proposed, tower and electrical transmission equipment.*
- 3. Meteorological tower information, if applicable, including location, height, and appearance.*
- 4. Digital pictorial representations of "before and after" (photo simulation) views from key viewpoints as may be appropriate.*
- 5. The Staff, Planning Commission, or Governing Body may require additional technical studies deemed necessary to fully evaluate the application, such as a shadow/flicker model, noise study, geotechnical report, or wildlife impact study.*

E. Conditions of Approval.

The Planning Commission and City Council may require any or all of the following conditions and may add additional conditions if deemed necessary for a specific location:

- 1. A request for a special use permit for a wind turbine(s) may be approved for an indefinite period of time.*
- 2. Height - The maximum height which may be approved for a wind turbine is 150 feet. Height shall be measured from average grade at the tower base to the highest point of the wind turbine structure, including blades, if applicable. A lightning rod, not to exceed 10 feet, shall not be included*

- within the height limitations. The maximum height which may be approved for a roof-mounted wind turbine shall be equal to one-half the height of the building, not to exceed 20 feet. Height shall be measured from the surface of roof on which the turbine is mounted to the highest point of the wind turbine structure, including blades, if applicable.*
- 3. Minimum lot size - Ground-mounted wind turbines shall be located on property a minimum of one acre in size.*
 - 4. Setbacks - All wind turbines, other than roof-mounted wind turbines, shall be setback a distance equal to the height of the wind turbine, including blades, if applicable, from all property lines.*
 - 5. Separation requirements - When two or more ground-mounted wind turbines are located on one lot, they shall be separated by a distance equal to the overall height of one wind turbine system, including blades, if applicable.*
 - 6. The Planning Commission or Governing Body shall have the ability to grant a deviation from these standards. In support of a deviation request from these requirements, the applicant shall submit detailed information illustrating the need for the deviation.*
 - 7. Color/Finish - Wind turbines, including the towers, shall be painted a non-reflective, non-obtrusive color or a color that conforms to the environment and architecture of the community.*
 - 8. Tower design - All tower structures shall be of self-supporting, monopole construction unless attached to a structurally reinforced roof where such support is not warranted. No lattice structures shall be permitted.*
 - 9. Blade size - The diameter of the blades for a ground-mounted horizontal-axis, propeller-style wind turbine system shall be limited to one-third the height of the tower.*
 - 10. Lighting - Wind turbines shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA) or other applicable authority.*
 - 11. Signage - Signs shall be limited to the appropriate warning signs (e.g. electrical hazard or high voltage) placed on the wind turbine tower(s), electrical equipment, and the wind turbine. Commercial advertising is strictly prohibited.*
 - 12. Federal and State regulations - All wind turbines shall meet or exceed current State and federal standards and regulations.*
 - 13. Building code compliance - All wind turbines shall meet or exceed the current standards expressed in the adopted building codes. A building permit is required prior to the installation of any wind turbine.*
 - 14. Utility connections - Reasonable efforts shall be made to locate utility connections from the wind turbine(s) underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider. For electrical transformers with a footprint greater than two (2) square feet in area, landscaping shall be provided where necessary to substantially screen the structure from public view and/or view of adjacent*

homeowners. Maintenance of all landscaping shall be the responsibility of the property owner.

- 15. Electrical wires - All electrical wires associated with a wind turbine shall be located underground or inside the monopole except for those wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires.*
- 16. Safety shutdown - Each wind turbine shall be equipped with both manual and automatic overspeed controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No wind turbine shall be permitted that lacks an automatic braking, furling or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades, and turbine components.*
- 17. Minimum blade clearance - The blade tip clearance for a ground-mounted, horizontal-axis, propeller-style wind turbine shall, at its lowest point, have a ground clearance of not less than 30 feet.*
- 18. Noise - The noise emitted from any wind turbine shall not exceed 55dbA as measured at the nearest property line, except during short-term events such as utility outages and severe windstorms.*
- 19. Utility notification - No building permit for a wind turbine shall be issued until a copy of the utility company's approval for interconnection of a customer-owned generator has been provided. Off-grid systems shall be exempt.*
- 20. Removal of abandoned wind turbines - Any wind turbine that is not operated for energy production for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine shall remove the same within ninety (90) days of a receipt of notice from the governing authority notifying the owner of such abandonment. If such wind turbine is not removed within said ninety (90) days, the governing authority may remove such wind turbine at the owner's expense.*

19.50.020 Geothermal Energy.

A. Definitions

- 1. Geothermal Energy - Energy that is stored in the Earth.*

B. Application Requirements

Each application for a geothermal energy installation shall be accompanied by the following:

- 1. A site plan or scaled drawing showing all buildings, property lines and the location for the pipe system.*
- 2. A description of the system being installed including the type, model, brand and contractor installing the system.*
- 3. Staff may require additional information if it is necessary to fully evaluate the application.*

C. Approval

- 1. Staff shall review and approve all geothermal installations.*
- 2. A building permit will be required for the installation, but if it is part of other construction, it may be incorporated with that permit.*

19.50.025 Hybrid Energy Installations.

It has become a common practice to use a combination of energy sources rather than just one. An applicant may submit an application to include more than one energy source and it will be reviewed and approved as one application.

Mr. Williamson noted the height on the wind turbines in non-residential areas was set at 150 feet consistent with the height allowed for cell towers.

Nancy Wallerstein stated the changes covered most of the items discussed at the previous meeting and noted that she prefers a more comprehensive than less comprehensive code.

Nancy Vennard asked what the length restriction was on blades for a 150' turbine. Randy Kronblad noted it would be 1/3 the height or 50 feet.

Mr. Williamson stated that a turbine that tall would probably not be able to meet the other conditions required for approval.

Dennis Enslinger noted the height could be changed during the public hearing.

Ken Vaughn stated he would like to have input from the environmental committee on the proposed regulations. Therefore, he would prefer to not to hold the public hearing in January to allow plenty of time for comments and review.

Randy Kronblad moved the Planning Commission authorize a public hearing on proposed ordinance revisions to Chapter 19.50 of the zoning code at the February 7, 2012 meeting of the Planning Commission. The motion was seconded by Nancy Vennard and passed unanimously.

OTHER BUSINESS

Next Meeting

Joyce Hagen Mundy reminded the Commission that the January meeting would be held on January 10, 2012, the second Tuesday due to a conflict with the City Council meeting. Dennis Enslinger announced the January meeting agenda is expected to include the following:

- Plat for Benton Place
- Site Plan Approval for patio at Salty Iguana
- Residential Fence modification
- Public hearings on Alternative Energy and amendment to comprehensive plan will be on the February agenda.

Randy Kronblad asked if the Commission would be comfortable allowing staff to review future applications for new antenna at existing facilities. Dennis Enslinger stated such action would take an amendment to the code. The consensus of the Commission was to continue to bring these items to the Planning Commission for approval because they frequently have issues that the Commission should address.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 8:05 p.m.

Ken Vaughn
Chairman

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
MUNICIPAL BUILDING - 7700 MISSION ROAD
TUESDAY, JANUARY 10, 2012
Multi-Purpose Room
7:00 P. M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - DECEMBER 6, 2011

III. PUBLIC HEARINGS

IV. NON-PUBLIC HEARINGS

PC2012-101 Site Plan Approval - Outdoor Patio
8228 Mission Road - Salty Iguana
Zoning: C-2
Applicant: Generator Studio

PC2012-102 Preliminary & Final Plat Approval
Benton House of Prairie Village First Plat
2700 Somerset
Zoning: R-1a
Applicant: Hunt Midwest

PC2012-103 Site Plan Approval for Fence Setback Modification
5483 West 85th Terrace
Zoning: R-1a
Applicant: Charyl Rubin

V. OTHER BUSINESS

VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.**

**Council Members
Mark Your Calendars
January 17, 2012**

January 2012 City owned art in the R. G. Endres Gallery - to be removed January 17th for gallery maintenance
January 17 (Tues.) City Council Meeting

February 2012

February 6 City Council Meeting
February 20 City offices closed in observance of Presidents' Day
February 21 (Tues.) City Council Meeting

March 2012

March 5 Fred Mullett printmaking exhibit in the R. G. Endres Gallery
City Council Meeting
March 9 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
March 19 City Council Meeting

April 2012

April 2 City Council Meeting
April 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
April 16 City Council Meeting

May 2012

May 7 City Council Meeting
May 11 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
May 21 City Council Meeting
May 28 City offices closed in observance of Memorial Day

June 2012

June 4 Senior Arts Council exhibit in the R. G. Endres Gallery
City Council Meeting
June 8 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
June 18 City Council Meeting

July 2012

July 2 Dorrance / Higgins / Nye exhibit in the R. G. Endres Gallery
City Council Meeting
July 4 VillageFest
July 4 City offices closed in observance of Independence Day
July 13 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
July 16 City Council Meeting

August 2012

August 6 City Council Meeting
August 10 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
August 20 City Council Meeting

September 2012

September 3 Ukrainian - Sister City exhibit in the R. G. Endres Gallery
City offices closed in observance of Labor Day
September 4 (Tues.) City Council Meeting
September 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.

October 2012
October 1 State of the Arts Exhibit in the R. G. Endres Gallery
October 1 City Council Meeting
October 12 Artist reception in the R. G. Endres Gallery
October 15 City Council Meeting

November 2012
November 5 City Council Meeting
November 9 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
November 19 City Council Meeting
November 22 City offices closed in observance of Thanksgiving
November 23 City offices closed in observance of Thanksgiving

December 2012
December 3 City Council Meeting
December 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
December 17 City Council Meeting
December 25 City offices closed in observance of Christmas