

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

AGENDA

DALE BECKERMAN, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

Discussion regarding 84<sup>th</sup> Street & Mission Road Comprehensive Plan Amendment  
Dennis Enslinger

**COUNCIL COMMITTEE OF THE WHOLE**  
**January 17, 2012**

The Council Committee of the Whole met on Tuesday, January 17, 2012 at 6:00 p.m. The meeting was called to order by Council President Dale Beckerman with the following members present: Mayor Ron Shaffer, Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, David Morrison, Diana Ewy Sharp and David Belz. Staff Members present: Wes Jordan, Chief of Police; Bruce McNabb, Director of Public Works; David Waters representing the City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director, Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

**Discussion regarding 84<sup>th</sup> Street & Mission Road Comprehensive Plan Amendment**

Council President Dale Beckerman explained the Council Committee of the Whole functions as an advisory committee and cannot take any formal action. He announced that tonight's agenda item is an opportunity for the Council to address questions of staff and provide direction, but any action taken will not be binding. He also noted that committee meetings, although open to the public, do not have a public participation component. Due to the large number of people present, however, he will accept public comment until 6:30 p.m. at which time the committee will have its discussion. Mr. Beckerman called upon Assistant City Administrator Dennis Enslinger to present information on this item.

Dennis Enslinger stated there has not been a rezoning application filed for this property and no plan has been submitted for consideration by the City.

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, MVS, LLC represented by RED Brokerage, to conduct a joint planning process. While this joint process was initially determined to be the most desirable solution, RED determined that it would like the City to conduct the comprehensive plan amendment process solely as a 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 84<sup>th</sup> Street and Mission Road Comprehensive Plan Amendment. A selection committee 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. Mr. Enslinger advised 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.

The City has a Comprehensive Plan that provides guidance and direction for the development of property within the City. The last Comprehensive Plan was completed in 2007 and looked at sites that were known or expected to have a possible change in use. These included the two main shopping centers, Somerset Elementary School, and the Meadowbrook Country Club property. At that time there was no indication the Mission Valley property would change ownership and/or use. Through the Comprehensive Plan process, the city gathers input from the community on their expectations of the best possible use of the land. This document provides guidance to both the Planning Commission and City Council in review of applications and to potential developers of property regarding what uses should be allowed.

In a review of a rezoning application, the action to be taken by the City is more reactionary. By state statute the City has 90 days to review the application. Formal meetings are held with input received on a specific plan and/or use for a property. This is not more than participatory open dialog on how the property should be developed, as it is in the comprehensive plan process, but reaction to a specific plan.

If the City does not amend its comprehensive plan, it will still have rezoning requests if the proposed use for the property is anything other than its current single family (R-1) zoning. What will be missing will be the direction as to how the city/community wants to see that land used. The Comprehensive Plan process is designed to ensure public engagement and discussion on the best use of land within the City. In the proposed process there will be small focus groups that will meet as well as larger open meetings.

Mr. Enslinger noted there is currently a project page on the city's website [pvkansas.com](http://pvkansas.com) that posts updates on what is occurring and on any meetings or action scheduled. The question before the City Council is whether or not to proceed with the issuance of contracts for the implementation of a comprehensive plan amendment process for the property bounded by Mission Road on the east, 83<sup>rd</sup> Street on the north; Somerset on the west and the school property boundary on the south.

Dennis Enslinger stated 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 84<sup>th</sup> Street and Mission Road Comprehensive Plan Amendment process, a combination of public participation, appropriate land planning, property owner desires, and community goals and objectives would be used to determine any recommendations on future redevelopment of the study area.

Dale Beckerman noted that RED is also requesting direction on the Council's view of a mixed use development and funding public incentives.

Dennis Enslinger noted that under the current zoning a special use permit request for an adult senior dwelling could be submitted. He feels it is critical from a planning

standpoint to view this property in a broader sense than solely the school property and thus, the area to be considered also includes the apartments to the west, office building and Corinth South properties.

Laura Wassmer asked if RED was not considering selling the property to Kansas City Christian School. Mr. Enslinger responded he does not know. His communication with RED has been that they intend to develop the property as a mixed use district 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).

Council President Dale Beckerman opened the meeting to public comment.

Whitney Kerr, Jr., 4020 West 86<sup>th</sup> Street, stated he did not feel the City needed an outside consultant regarding the use of the Mission Valley School property and expressed concern with the dismantling of educational facilities within the City, noting the high quality of education is one of the prime reasons residents purchase property in Prairie Village. He feels the Council has the opportunity to correct the action taken by the Shawnee Mission School District by retaining school use for this property. He views the study as the first step towards the commercial rezoning of this property. Mr. Kerr noted there are currently several vacant commercial properties in the City and questioned the need for more. He feels that a change to commercial rezoning of this property will negatively impact the value of his residential property and increase already heavy traffic on Mission Road.

Dr. Michael Lubbers, 9104 Buena Vista, spoke as a parent of children attending Kansas City Christian School. He noted if the zoning was changed and KCCS was not allowed the opportunity to purchase this property for their growing school, the City would eventually also lose their educational facility. The use of this site by KCCS would bring 750 students to this site with their families supporting Prairie Village retail establishments. Dr. Lubbers distributed individual letters to the Council members voicing his concerns.

Dale Beckerman responded the sale of this property to Kansas City Christian is solely between KCCS and the property owner.

Craig Satterlee, 8600 Mission Road, spoke on behalf of wife and neighbors Kent and Rhonda Gasaway, 8636 Mission Road. They felt no funds should be spent on a study, no rezoning should take place and no tax incentives should be given for the redevelopment of this property. Dr. Satterlee stated that any elected official with an actual or potential investment/financial relationship with the Red Development Group recuse themselves from any proceedings on this property.

Alyce Carmen, 8521 Delmar, asked that if change is to occur that ample citizen involvement be allowed and if not, that the Council remember that these are real families that will be directly impacted by whatever action is taken.

Joy Bauer, noted he doesn't live near the Mission Valley School, but feels that lots of money went into the upgrading of that facility and to have it torn down would be an atrocity.

An unidentified gentleman asked the Council to take ownership of their responsibilities as they vote on requests for rezoning of this property and for the granting of tax incentives.

David Lillard, 3607 West 84<sup>th</sup> Terrace, stated he would be disappointed if the city allowed this property to be commercially developed. He feels there is sufficient retail development within Prairie Village and that what the city needs is more green space. He would like to see this site maintained as green space, noting Prairie Village prides itself on its green space and excellent schools. Keep the space for the community and continue to involve the residents.

Nicky Hancock, 8417 Delmar Lane, expressed concern with traffic on Somerset if there is an entrance to the property from Somerset and the impact on the residential property values of the neighborhood.

Joan Carpenter, 8329 Reinhardt, expressed concern with the environmental impact of the redevelopment of this property particularly as it relates to flooding which is already a problem. She noted the current use of this open space for animals to run and children to play.

Council President Dale Beckerman closed public comment.

Charles Clark stated that by opposing the continuation of the planning process could act against the desired outcome of the residents. He noted if the planning process were halted, Red would be able to file an application and the Council would need to make a decision without hearing from the public on its desires for this property. The cost for the study is due to the large amount of community input opportunities in the process. If the City has to consider rezoning without a public plan in place, it limits the basis for denial of an application. Mr. Clark stated he felt the residents would be better served by have the planning process.

Michael Kelly stated if the residents are interested in seeing their investment protected the only legal basis to reject a rezoning requests is have a comprehensive plan in place for this area. The Golden Factors restrict what can be considered in approving or denying a zoning request. The amendment to the comprehensive plan would give the city more control of the development of this land and provide direction for the allowed land uses.

Ruth Hopkins stated in hindsight she wished that RED and KCCS could have come to an agreement on the sale of the property. She agrees with Mr. Clark and Mr. Kelly supporting moving forward on the amendment to the comprehensive plan to provide a basis on which to move forward.

David Morrison stated he fully supports a park or a school on that site, but stated he is a minority on the Council. He noted the City had the choice to purchase the property and decided not to pursue purchase. He will do everything to see that the property remains a school or green space. Continuing the planning process is the way to go and the public will have the ability to impact the comprehensive plan. City Council controls the zoning.

Al Herrera responded to Mr. Morrison's comment regarding the purchase of this property stating it was an economically based decision as the City did not have the funding to purchase and maintain the property. He doesn't feel RED and KCCS will come to an agreement and that the City needs to determine what the best use of that land is for the future for the entire city. If you go forward with the planning process, there will be opportunity for citizen involvement.

Diana Ewy Sharp stated that coming into the meeting she felt the best action was not to go forward with the planning process; however, after listening to comments from the residents and her colleagues she feels that going forward with the planning process will provide the best opportunity for the community to have input. She strongly urged the residents present to be very active and vocal in the process to make their voice heard. Mrs. Ewy Sharp noted that funding is available for the study with economic development funds that are designated for such actions.

A member of the public asked if RED were to sell the property would that change the comprehensive plan. Charles Clark responded it would depend on who purchased the property and how they wanted to use the land. He noted that under the existing zoning a special use permit could be requested for an adult senior dwelling facility.

Michael Kelly stated if the City does not move forward with the plan and an application was to come forward the City would have limited legal stance on which to deny the application. The Comprehensive Plan defines what type of use is allowed. He strongly supports the Comprehensive Plan as it is the City's statement on the use of land.

David Morrison stated the property needs to be zoned for only school and park uses. He felt money could have been taken out of the city reserves for the purchase of the property. Mr. Morrison stated he is opposed to the granting of any incentives for development.

A member of the public asked how the planning process would work.

Dennis Enslinger stated as the current scope of services is written there would be six focus groups made up of selected individuals and two large public meetings. He stressed the area being considered by the amendment is larger than just the Mission Valley School property. The area being considered includes the apartments to the west, the office buildings to the northwest and Corinth South to the north. He confirmed there were several property owners within that area including MVS, Tower Properties, CSN, LLC and condominium owners. According to the Johnson County land records the

Mission Valley is owned by MVS, LLC being represented by RED Development. The City does not know the make-up of the ownership group.

Hal Miller, 8407 Reinhardt, expressed concerns with increase flooding in the area. Charles Clark stated drainage will definitely be considered in the Comprehensive Plan review. He added the plan will addresses development over 25 to 30 years as businesses close or move.

Questions were raised by the public regarding the number of focus groups with the feeling voiced that there should be more. Mr. Enslinger responded 6 is the number that has been used for the budget. More groups are possible, but it would increase the costs explaining what was involved in the costs of the study. The planning process will list want the community would like to see on the entire site and prioritizes the identified uses. He noted any development on the Mission Valley School site will impact development on the adjacent properties. They must be considered as a unit.

There would not be any public forum meetings until after spring break. He added the City Council earlier placed a moratorium on the consideration of any rezoning requests until after completion of the study. Mr. Enslinger confirmed for a resident that RED had no involvement in the selection of the comprehensive plan consultants. The RFQ was created by city staff, interviews were conducted by a committee including council members, planning commission members and staff.

Whitney Kerr asked what assurances there were that their input would be reflected in the Comprehensive Plan. Mr. Enslinger stated he can only guarantee that residents will have a voice, it will be an open process with input being reported out. He cannot guarantee the outcome of the study. Residents will know who are on the focus groups. The purpose of the comprehensive plan is to express the community's vision of what would be an appropriate and desired uses for this land in the future. The scope of work is only looking at the identified parcels, not at the entire City. He noted the RFQ is available on the city's website.

A resident expressed thanks for the City's openness and willingness to listen to them and involve them in the process and to maintain open communication.

Dale Warman told the residents they could leave assured all 12 representatives on the Council are concerned about what is best for the entire city and not only for what directly impacts their ward.

Steve Noll stated the turnout at this meeting indicates that this is indeed something that needs serious consideration and will not be easily resolved. Funding is available in the Economic Development Fund and this study would be an appropriate use of those funds. He doesn't know the right number of focus groups but feels the number proposed is small.

Charles Clark stated it is important to know what the public wants before the City has to respond to a specific plan.

Dale Beckerman stated in regard to the questions from RED regarding the council's stance on the development of this property that will be answered through the informed planning process and a response at this time is inappropriate.

A resident from the public asked if there would be a traffic study conducted. Mr. Clark responded a traffic study would be addressed in the zoning process, not in the comprehensive plan.

David Waters, representing the city attorney, explained the levels of planning with the comprehensive plan being a broad general overview of the entire city. A specific application would be the middle level with a specific development plan for a property being on the surface level.

Michael Kelly asked the difference between a charette and a focus group. Mr. Enslinger responded a charette is a process. A workshop is a "charette" type of planning process as it brings input from focus groups together for further discussion. The process proposed for this study will be more specific than simply land uses. It may include scale and appearance of the development.

Quinn Bennion stated that based on the discussion, the staff will bring forth the agreement with the outside consultants for the study for Council action at the February 6<sup>th</sup> meeting.

Dennis Enslinger asked the Council for direction on his flexibility to alter the scope of the project based on the discussion and bring back alternatives for consideration such as more focus groups. The Council granted authority to pursue changes to the scope.

David Morrison stated he wanted more focus group representation from Ward 5 noting their substantial tax contribution to the city. Al Herrera responded Prairie Village is Prairie Village regardless of where the residents live.

Dale Beckerman noted the committee had not addressed incentives.

Steve Noll stated it was inappropriate given the process that is being undertaken to have that discussion at this time.

Mayor Shaffer stated there would be no Council action taken this evening, thanked the residents for attending and voicing their concerns and invited them to attend the February 6<sup>th</sup> meeting where action would be taken. He stated this process will be as transparent as possible and encouraged residents to contact Mr. Enslinger with any questions or concerns and to follow the information posted on the city's website.

Mr. Enslinger noted the moratorium established by the Council only addresses rezoning. If an application were submitted for a special use permit, it would be accepted. He then explained the process that would be followed in the consideration of a special use permit application.



A member of the public asked what incentives RED is pursuing. Mr. Enslinger responded the city has asked but has not been given a specific answer.

With no further business to come before the committee, Council President Dale Beckerman adjourned the meeting at 7:25 p.m.

Dale Beckerman  
Council President