

**COUNCIL COMMITTEE
February 6, 2012
6:00 P.M.
Shawnee Mission East High School
Cafeteria**

AGENDA

DALE BECKERMAN, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

- *COU2012-01 Consider Professional Services Agreements with Consensus Consulting and Confluence for the Completion of the 84th Street and Mission Road Comprehensive Plan Amendment
Dennis Enslinger

COUNCIL COMMITTEE OF THE WHOLE
February 6, 2012

The Council Committee of the Whole met on Monday, February 6, 2012 at 6:00 p.m. at Shawnee Mission East High School. The meeting was called to order by Council President Dale Beckerman with the following members present: Mayor Ron Shaffer, Al Herrera, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. Staff Members present: Wes Jordan, Chief of Police; 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 Joyce Hagen Mundy, City Clerk.

***COU2012-01 Consider Professional Services Agreements with Consensus Consulting and Confluence for the Completion of the 84th Street and Mission Road Comprehensive Plan Amendment**

Council President Dale Beckerman thanked staff and the Shawnee Mission School District for making alternate meeting arrangements to accommodate the large number of residents in attendance. He announced that no formal action would be taken at this meeting. Any recommendation from the committee would be acted upon at the City Council meeting following this meeting.

Mr. Beckerman reviewed the process to be followed for the evening and stated that following the city staff presentation comments would be taken from the public until 6:45 after which time the Council would discuss the issue.

Dennis Enslinger, Assistant City Administrator, began his comments stating that no plan for development has been submitted to the City. As the closing of Mission Valley was unanticipated, there is no reference to this site in the city's comprehensive plan. As this is a significant potential change to an important tract of land in the city, staff recommended upon learning of the closing and subsequent sale of the property that the city amend the city's comprehensive to address the most appropriate land use for this site and the surrounding properties.

Since the announcement of the closure of the Mission Valley School, 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 School District to develop a comprehensive plan amendment prior to the sale of the property. The School District indicated that they would like to proceed with the sale prior to the development of a comprehensive plan. Upon the sale of the Mission Valley Middle School site in August of 2011, City staff began working with the new property owner, MVS LLC (represented by RED Brokerage), to conduct a joint planning process. MVS, LLC determined that it would like the City to conduct the comprehensive planning amendment process solely as a City project. It is common practice for a City to solely initiate and finance preparation of comprehensive plans or amendments.

The City released an RFQ to select a public participation consultant and a land planning consultant to assist with the completion of the 84th Street and Mission Road Comprehensive Plan Amendment. A selection committee interviewed and selected Consensus Consulting as the public participation consultant and Confluence as the land planning consultant.

To confirm that the City Council wanted to move forward with consideration of the 84th Street and Mission Road Comprehensive Plan Amendment, staff brought the item before the Council Committee at the January 17, 2012 meeting. After discussing the various issues with completing the comprehensive plan amendment, the Council directed staff to formalize agreements with the identified consultants. This included amending the scope of work to include additional focus groups, greater public participation, and more detailed analysis of possible traffic and storm water issues.

It is good stewardship of communities to develop a comprehensive plan to provide a vision of how the community sees itself in the future – basically it is a strategic plan to help the community achieve its identified goals and objectives as it inevitably changes over time. Oftentimes communities anticipate change and plan accordingly. However, sometimes changes occur which the community did not envision and require the community to reflect and evaluate if any modifications to the comprehensive plan are necessary. With the unanticipated closure of the Mission Valley School, the city experienced such a significant change. The community and the City Council should embrace this opportunity to examine the proposed study area and contemplate this change. It may determine that no change in vision/policy direction is needed, but it should contemplate and evaluate this through a public participation process. Based upon these comprehensive planning principals, staff has developed three options regarding the proposed 84th Street and Mission Road Comprehensive Plan Amendment.

Option 1: Approve the professional services agreements and move forward with the 84th Street and Mission Road Comprehensive Plan Amendment process as outlined in the proposed scope of work. With this option the City Council could direct staff to work with the consultants to modify the desired scope of work to reduce the overall expenditure for the project.

Option 2: Determine that the land uses allowed under the current zoning classifications R1-a are appropriate for the former Mission Valley School site and direct staff to complete a comprehensive plan amendment for review based on this determination. The plan would only address the former Mission Valley School site, and would be similar to the Somerset School section that is currently in Village Vision (pages 8.6-8.7). The City's planning consulting firm, Lochner, would assist staff in the development of the document. The document would then be considered by the Planning Commission and City Council for adoption.

Option 3: Determine a comprehensive plan amendment is not necessary and direct staff to draft an ordinance rescinding Ordinance No. 2245 which established a rezoning moratorium on the 84th Street and Mission Road Study Area. This ordinance would be considered at the February 21, 2012 City Council meeting.

David Morrison asked what the cost would be for Option 2. Mr. Enslinger replied he has not discussed the cost with the city's planner; however, he noted a significant portion of the expenses involved in the proposed agreement are for costs related to the focus group and community meetings.

David Belz asked the difference between Options 2 & 3. Mr. Enslinger stated Option 2 provides the city some direction in stating that the Council is comfortable with the R-1 zoning allowed uses. Mr. Belz asked if simply leaving the zoning as it currently exists does not indicate that the Council feels it is an appropriate use.

Dennis Enslinger noted that R-1 is a fall back zoning and that anything that is not zoned otherwise falls into this zoning – city facilities, country clubs, churches, Mr. Belz asked if Option 2 would narrow the options for development. Mr. Enslinger replied option 2 would be similar to how the city addressed the development of the former Somerset Elementary School site in the comprehensive plan as its development was anticipated. It would look at traffic and storm drainage issues in relation to the use of the land.

Diana Ewy Sharp asked for further clarification on the options. Mr. Enslinger replied Option 1 follows a very good planning process, Option 2 does the minimum level of planning and Option 3, which is not recommended by staff, does not look at the uses of the land use. He added the proposed study area is larger than the school site and covers approximately 40 acres including the adjacent commercial and multi-family development.

Dale Beckerman asked how the study would be funded. Mr. Enslinger stated the city has an economic development outside the general operating fund that is specifically earmarked for development related expenditures.

Council President Dale Beckerman opened the meeting to public comment asking those present to limit their comments and not to repeat what has already been said.

John Duggan, an attorney representing the Mission Valley Neighbors Association, stated it is their consensus that the existing framework is in place to deal with any proposed change in use of this property and there is no need to amend the Village Vision Comprehensive Plan. He noted Village Vision contemplates school closings and addresses the process to be followed in its comments on the Somerset Elementary school site. They see the emphasis in Village Vision on revitalizing existing commercial/retail areas, not creating new areas. It is noted in Village Vision the lack of open space which would be exacerbated by the development of the Mission Valley site. The Mission Valley Neighbors Association believes the proposed amendments and process contemplated ignores the typical development approach.

Todd Bleakley, 8521 Delmar, noted he is a real estate developer and neither he nor the association is anti-development. However, he felt that typical development protocols should be followed which he outlined as follows:

- It is normal and customary for developer to have their own consultants.
- Developer's consultants and Developer prepare plans reflecting Developer's desired use for the site at Developer's expense.
- Developer presents proposals to City Staff for comment and feedback.
- The city staff as directed by Village Vision provides feedback to the developer.
- After town hall meetings and neighborhood feedback, the Developer and the City try to reach an understanding of the scope and intensity of the proposed project.
- Developer's proposal should also include the applicable impact studies.
- All of this is done at the Developer's expense, not the City's expense.

Mr. Bleakley noted that the area of property to be considered in the amendment is less than ½ of 1% of the total area of Prairie Village. The city does not need to undertake the expense of an amendment for such a small portion of land. Mr. Bleakley noted needed storm drainage projects that are unable to be funded would be a better expenditure of the funds proposed for this study.

Kent Crippin, 8605 Mohawk, noted he did the initial comprehensive plan for the City in 1977 and the Park & Recreation Plan in 1974. Mr. Crippin stated the only way to attain the proposed size senior living facility is to have a multi-story structure. He noted the difficulty of many people to comprehend the spacial relationship between buildings. The comprehensive plan completed in 2007 cost \$191,000. The proposed \$80,000 to \$90,000 cost for the amendment is a lot of money to spend on this small tract of land. Mr. Crippin asked the Council not to forget the recreational aspects of this property as it is currently used.

Brian Doerr, 4000 West 86th Street, stated the City has at its disposal a sufficient basis to examine land use issues that come before it without amending the Comprehensive Plan. He reviewed the "Golden Factors" which must be considered in any zoning application and noted only one of the eight relates to conformance with the Comprehensive Plan. He added the City can also look at past precedent in land use decisions to approve or disapprove of existing land use requests and noted the City's land use decisions today impact future land use decisions. He urged the Council to adhere to the residents' needs and maintain the character of Prairie Village.

Jim Carpenter, 8329 Reinhardt, noted all entrances to the Corinth Meadows subdivision are from Mission Road. Their neighborhood will be strongly impacted by increased traffic on Mission Road as well as changes in storm drainage caused by a higher density use of this land. Mr. Carpenter went through his neighborhood and of the 76 homes in Corinth Meadows he collected 43 signatures opposing the amendment and 1 in support. Expanding the petition beyond Corinth Meadows, they collected over 303 signatures in support of retaining the existing zoning and following the established zoning process.

Charles Schollenberger, 3718 West 79th Terrace, stated a plan amendment should not be funded with public funds, but should be funded by the developer. He noted he does not see the comprehensive plan being followed with the approval of a big box CVS on the corner of Somerset and Mission. He stated the city needs to enforce the comprehensive plan, not simply place it on the shelf and the public should elect council representatives and planning commission members who will follow the comprehensive plan.

Steve Carman, 8521 Delmar, recommended that before any vote is taken that city leaders should sit down with the developer and establish three points: 1) there will be no tax incentives given; 2) development will not be as intense as proposed; 3) developer will work with planner at their cost to develop a plan. If ok with these, move ahead with the process. He is confident that the City Council will come to the right decision as it does not want to repeat their recent errors in not listening to residents regarding the black chain link fence. The study is not necessary. Development must be consistent with the character of Prairie Village.

Dan Lowe, 8721 Alhambra, representing the developer stated no plans have been filed with the City. They were looking for feedback from the residents through this study. They are retail developers partnering with Tutera Family Communities to determine the most appropriate use for this property.

Mr. Lowe stated they are willing to sit down with Mission Valley Neighbors Association representative to talk about possible use of this land. He noted most of the comments made were based on false information as there have not been any plans submitted and several different options have been and are being discussed including the sale to a school, sale to a church, developing the entire site as a senior living community, as well as possible retail and commercial development. They are open to discussion and suggested the Council set a 30 day moratorium on this vote to allow RED the opportunity to reach out to the opposition.

He stated RED decided not to pay for the study as initially discussed as they felt it would be viewed as a conflict of interest and would be willing to pay for the comprehensive plan amendment.

Michael Kelly asked what Mr. Lowe expected to accomplish during a 30 day moratorium. Mr. Lowe responded open conversation.

Council President Dale Beckerman closed the public hearing at 6:50 p.m.

Ruth Hopkins stated there is no plan under consideration. What is under consideration is providing the residents of Prairie Village the opportunity to give input to what how they want to see this tract of land used. By saying no, you are closing the door on the opportunity as a group to have input on what kind of plan may be presented. You can

only wait for RED to propose something and merely react to that proposal, not to have impact on what is proposed.

Michael Kelly stated he appreciated the open and public forum this evening and feels that with it may have made strides in the process. He asked Mr. Enslinger to summarize his recommendations.

Dennis Enslinger stated staff recommends Option 1 as it sets out to get input for planning where the property owner will understand the limitations on future development as well as other issues to be considered such as density. The process will include 8 focus groups and public meetings to discuss the full potential of the expanded property area. These things will not be discussed if the Council selects Option 2.

Michael Kelly stated he fully supports reasonable planning in the city. The City needs to focus on the City as a whole and to prepare for its future.

Al Herrera expressed support for Option 2 noting that Mr. Lowe has already said that he would be willing to work with the homes association and to pay for the cost of the study.

David Belz stated he believes that doing a comprehensive plan amendment to cover this tract of land is important. If it had been anticipated that this area would become available for development in the near future, it would have been addressed specifically in Village Vision. He also feels that if there are further school closings in the City, those sites should also be studied. However, it appears that the money spent on the process that will include the focus groups and public meetings would be heavily populated by the residents that are present this evening. If Mr. Lowe is willing to pay for the study and the residents do not view it as a conflict of interest, he sees no reason for the city to spend its funds.

He noted that no plan has been submitted, this is about the City doing its due diligence in planning for its future.

Diana Ewy Sharp stated that she has had communication from not only neighboring residents but also from business owners that there is a process in place for rezoning and suggested the City remove the moratorium and if RED wants to do a study, they can do so.

Diana Ewy Sharp move the Council Committee direct staff to draft an ordinance rescinding Ordinance No. 2245. The motion failed for lack of a second.

David Morrison stated he felt the residents made it clear that they want less density and would prefer a school or park on this parcel of land. He feels the job now is to get from A to B and suggested that possibly the neighbors and developer each come up with plans and try to agree on a mutual plan. The developer should pay for the development plan.

Charles Clark stated that he answered each e-mail he received and stated that he would support option 1 or 2, but not option 3. He would prefer option 1 as it allows for maximum participation and also considers the entire area including the surrounding properties that will need to be studied at some time. Option 1 covers traffic and storm drainage issues that are not covered in Option 2 and development of this property will certainly impact both of these. The issue of containing storm water for development that the Planning Commission will deal with is not the same as addressing the issue.

Andrew Wang stated he is not supportive of any of the options. He feels it is essential that there be a fair and public planning process regarding of who pays for it that will allow for public input on the planned development of that land. He does not want to turn his back on the proposed amendment yet because of Mr. Lowe's comments. He does not know that what the neighbors want is the consensus of the rest of the residents of Prairie Village.

Dale Beckerman feels it is unlikely any public engagement with RED and the neighbors will be successful. He noted the city is looking at financing an amendment to its comprehensive plan, which is not only common for cities but required of cities. What has been discussed this evening is a development plan which is very different and is initiated and paid for by the developer.

Steve Noll, stated putting the issue of the vacant school aside, the questions is what happens to the land. There is no reason for a moratorium on rezoning. The residents do not want any significant commercial development, but want the school to come back and that is not the answer.

Diana Ewy Sharp stated she was one of four council members who served on the Village Vision committee and stated she sees no reason to amend the plan since it already is covered by the plan. She cannot see spending additional money and move forward with the amendment.

Diana Ewy Sharp moved the City Council not approve the professional services agreements and not move forward with the 84th Street and Mission Road Comprehensive Plan Amendment. The motion was seconded by David Morrison.

City Attorney Katie Logan noted by not doing the comprehensive plan amendment there is no reason to keep the moratorium in place.

Charles Clark clarified that a further motion would be necessary for Option 2.

Andrew Wang stated he feels it is a mistake to take action on any of the options as not all of the residents of Prairie Village have been represented.

Council President Dale Beckerman called for a vote with the following votes cast: "aye" Herrera, Noll, Morrison, Ewy Sharp; and "nay" Hopkins, Kelly, Wang, Beckerman, Clark, Belz. The motion failed.

Michael Kelly agreed with Mr. Wang's comments and questioned why the Council was taking action this evening. The developer stated there are multiple options on the table for discussion relative to development making it premature for the City to take action at this time.

Al Herrera noted that RED has been aware of the neighbors' wants and if he really wanted to have conversation with them he would have done so weeks ago.

Al Herrera moved the City Council direct staff to complete a comprehensive plan amendment for review and public hearing before the Planning Commission based on the determination by the Governing Body that the land uses allowed under the current zoning classification are appropriate for the former Mission Valley School site without any additional public engagement or traffic or drainage studies being conducted (Option 2). The motion was seconded by Charles Clark.

David Belz stated last summer Mr. Lowe had agreed to pay for the study with the city preparing the amendment. Now we need to figure out how to roll back the clock and get to that point. The neighbors do not want the city to pay.

Dennis Enslinger stated that the property owner and neighborhood group can come back with a recommendation for staff to look at as they prepare the amendment. Since the neighborhood is not really interested in going through the entire process.

Diana Ewy Sharp asked what the cost would be for option 2. Mr. Enslinger responded without a scope he cannot give an estimated cost. If there are traffic and drainage studies, the cost will be more as the city does not have staff that are qualified to prepare those studies.

Charles Clark stated he does not see any reason to delay action.

Dale Beckerman stated he reluctantly supports the motion as the city will receive requests for rezoning and will not have the benefit of hearing from a broad section of its residents, only the 1% represented this evening.

Council President Dale Beckerman called for a vote on the motion with the following votes cast: "aye" Herrera, NOLL, Beckerman, Clark, Belz and "nay" Hopkins, Kelly, Wang, Morrison, Sharp. The 5 to 5 tie was broken with Mayor Shaffer voting in favor of the motion.

Adjournment

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