

CITY OF PRAIRIE VILLAGE

March 19, 2012

**City Council Meeting
6:00 p.m.**



**COUNCIL COMMITTEE
March 19, 2012
6:00 P.M.
Council Chambers**

AGENDA

DALE BECKERMAN, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

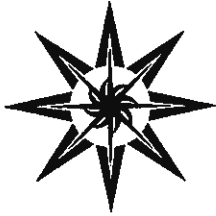
Update of Northeast Johnson County Chamber activities
Deb Settle

*COU2012-07 Consider approval of amended Professional Services agreement with
Columbia Capital for investment services
Lisa Santa Maria

*COU2012-11 Consider Design Agreement with Affinis Corporation for Project
SARD0001- 2012 CDBG Project- Sagamore Street from 75th Street to
76th Street for \$33,588.00
Keith Bredehoeft

COU2012-12 Consider Interlocal Agreement with Johnson County for Project
SODR0002: Somerset Drive- Roe Avenue to Nall Avenue
Keith Bredehoeft

*Council Action Requested the same night



ADMINISTRATION

Council Meeting Date: March 19, 2012

Consider Revised Financial Advisor Agreement

RECOMMENDATION

The City Council approve the contract with Columbia Capital Management LLC. for the City's Cash Manager. The City attorney has reviewed and approved the Revised Financial Advisor Agreement.

SUGGESTED MOTION

Move that the City Council approve the Revised Financial Advisor Agreement with Columbia Capital.

BACKGROUND

The City selected Columbia Capital as the City's financial advisor after a thorough RFP and interview process for Investment Services in January of 2009. This proposal would expand the role of the financial advisor to include managing the City's portfolio of cash and securities comprised of idle cash balance and bond proceeds. Currently, city staff manages the City's portfolio as time and priorities allow.

Columbia Capital worked with the City to submit the Expanded Authority Application. The initial request has been declined and the Finance Committee will discuss pursuing further.

Columbia Capital will charge an annual management fee of 0.125% on the average portfolio balance. If investment returns are not enough to cover the fee, Columbia Capital would lower the fee to the amount of the return. If there was no return, there would be no fee

Advantages of allowing Columbia Capital to manage the City portfolio include:

1. Professional assistance
2. Leveraging expertise
3. Assess financial situation on a daily basis
4. Implement timely changes as conditions warrant
5. Recommend specific investments that fit our needs
6. Independent
7. Access to bidvault® technology

FINANCIAL IMPACT

Funds for these services are covered by the investment returns.

ATTACHMENTS:

- Revised Financial Management Agreement from Columbia Capital
-

Prepared By:

Lisa Santa Maria

Finance Director

Date: March 15, 2012

AGREEMENT FOR FINANCIAL ADVISOR SERVICES—AMENDMENT #1

THIS AMENDMENT #1 is made as of the ____ day of _____, 2012, by and between the City of Prairie Village, Kansas, ("Client") and Columbia Capital Management, LLC ("Advisor"), a Missouri limited liability company.

WHEREAS, Client and Advisor entered into that Agreement for Financial Advisor Services ("Agreement") dated [date]; and

WHEREAS, Client wishes to expand the services of the Advisor on the terms and conditions set forth herein, and the Advisor wishes to provide such expanded services;

NOW, THEREFORE, the parties hereto agree to amend the following sections of the original Agreement as follows:

1. Services. The first sentence is amended to read, "Advisor shall perform the services ("Services") described in Exhibit A1 and Exhibit A2 attached hereto."
2. Compensation. The sentence is amended to read, "Client shall compensate the Advisor at the applicable rates set forth in Appendix B attached hereto."

The foregoing Amendment is hereby entered into on behalf of the respective parties by signature of the following persons each of whom is duly authorized to bind the parties indicated.

FOR CLIENT

FOR ADVISOR

Title

Dennis Lloyd
President

**APPENDIX A-1 OF AGREEMENT BETWEEN
The City of Prairie Village, Kansas**

AND

Columbia Capital Management, LLC

Effective as of _____

SCOPE OF SERVICES—FINANCIAL ADVISORY SERVICES

Services will include, but are not limited to, the following tasks:

- Task 1: Other Financial Advisory Services
- Task 2: Coordinate Debt Issues
- Task 3: Arbitrage/Rebate Management/Continuing Disclosure

Task 1: Other Financial Advisory Services

The City has adopted the Village Vision Strategic Investment Plan. As the City Council works through the recommendations contained in that document the City may require the services of the financial advisor in evaluating funding options and evaluating developer requests for incentives/preparing fiscal impact studies. In addition, from time to time, the City may request assistance in other areas related to public finance, such as analyzing the City's operating and capital budgets and identifying funding alternatives, etc.

Task 2: Coordinate Debt Issue

The financial advisor will be responsible for the oversight of the issuance of all City debt. This includes all aspects of debt issuance from advising on the structure through the bond closing activities.

Task 3: Arbitrage/Rebate Management/Continuing Disclosure

The financial advisor will prepare arbitrage rebate calculations for the City's debt issues and assist the City in complying with continuing disclosure requirements.

This Appendix A-1. is acknowledged to be a part of the Agreement, effective as of _____, between the Client and the Advisor.

FOR CLIENT

FOR ADVISOR

Title

Dennis Lloyd

President

**APPENDIX A-2 OF AGREEMENT BETWEEN
The City of Prairie Village, Kansas**

AND

Columbia Capital Management, LLC

Effective as of March ____, 2012

SCOPE OF SERVICES—INVESTMENT ADVISORY SERVICES

Services will include, but are not limited to, the following tasks:

- Task 1: Development of investment policy, with annual updates as required
- Task 2: Development of an investment approach, with annual updates as required
- Task 3: Assistance with an Application for expanded authority at execution of agreement with State of Kansas Pooled Money Investment Board
- Task 4: Ongoing discretionary investment management of Client's idle cash balances and bond proceeds
- Task 5: Portfolio accounting of all holdings and transaction activity
- Task 6: Monthly portfolio reporting, including holdings, transaction activity and investment performance
- Task 7: Ongoing collateral management
- Task 8: Preparation of investment-related schedules for annual audit
- Task 9: Annual reporting to State of Kansas in order to maintain expanded investment authority

These services include the management of all of Client's cash and securities, including those comprising idle cash balances, bond proceeds and trust funds for which Client has discretionary investment authority. Advisor will be responsible for the discretionary, day-to-day management of cash and bond proceeds in accordance with Client's investment policy and approach, which Advisor will assist in developing, and in full compliance with Kansas law. Advisor will account for all investment management transactions and holdings and will ensure full compliance with Client's collateral management practices, which Advisor will assist in developing. Advisor will provide recurring reporting, including holdings, transaction activity and performance, and will cooperate with Client in developing materials necessary for its annual audit related to Client investments. Advisor will assist Client in making an application to the State of Kansas Pooled Money Investment Board for expanded investment authority and will prepare the recurring reporting necessary to maintain such expanded authority.

This Appendix A-2 is acknowledged to be a part of the Agreement, effective as of _____, between the Client and the Advisor.

FOR CLIENT

FOR ADVISOR

Title

Dennis Lloyd

President

**APPENDIX B OF AGREEMENT BETWEEN
The City of Prairie Village, Kansas**

AND

Columbia Capital Management, LLC

Effective as of _____

SCHEDULE OF ADVISOR'S COMPENSATION FOR SERVICES RELATING TO CLIENT'S DEBT OBLIGATIONS:

	Fee per Transaction	OR	Rate per \$1,000 issued
Temporary Note Sales			\$15,000 plus \$0.90 per \$1,000 issued
General Obligation Bond Sale < \$5 million			\$15,000 plus \$0.90 per \$1,000 issued
Refunding Bond Sales < \$5 million			\$15,000 plus \$0.90 per \$1,000 issued

Columbia's fee on a \$5 million transaction would be \$19,450.

Consistent with its practice of building long-standing relationships with its clients, Columbia generally does not charge for advice and assistance in between transactions for work generally related to the City's debt and debt management. We want and encourage our clients to maintain regular contact with us. On occasion the City may want to engage Columbia for a project outside the normal scope of our engagement; in that case we are willing to work at hourly rates or on a fixed-fee basis to be negotiated at the time.

Staff Person Assigned	Hourly Rate
Managing Director/Executive VP	\$225
Senior VP/VP	\$200
Asst. VP/Analyst	\$150
Clerical/Support	\$80

Columbia would seek reimbursement for actual out-of-pocket expenses including travel costs for travel outside of Johnson County (transportation, hotels and meals), printing/duplicating, conference calling services, overnight delivery services, etc., and any transaction costs not directly related to financial advisory services that we are expected to pay, such as printing the official statement or rating agency fees. Columbia agrees to provide an estimate of such fees prior to each transaction upon request of the City. On a typical general obligation bond transaction, we would anticipate our expenses to be \$300 to \$500.

In addition, as mentioned earlier, to the extent it is necessary to engage outside legal counsel to assist with arbitrage/rebate compliance services, these fees would be considered outside of our regular financial advisory fees and vary depending upon the complexity of the task.

SCHEDULE OF ADVISOR'S COMPENSATION FOR SERVICES RELATING TO INVESTMENT MANAGEMENT:

Advisor will charge the following fees associated with its investment management services detailed in Attachment A-2.

Setup—Waived.

Policy Development—Waived.

Expanded Authority Application and Maintenance—Waived.

Management—Annual fee of 0.125% on the average balance of Client's cash and securities during each calendar quarter, billed in arrears. Fees for a partial quarter shall be prorated by taking the number of calendar days for which management was provided, divided by 365 days, and multiplied by 0.125%. The Management fee covers investment management, portfolio accounting and reporting. The Management fee will be automatically deducted from the portfolio upon invoice by Columbia Capital. The amount of the Management fee in dollars shall never exceed the actual investment return in dollars for the quarter (or portion of quarter) subject to invoice.

Trading Costs—Deducted from the portfolio at cost.

This Appendix B is acknowledged to be a part of the Agreement, effective as of _____, between the Client and the Advisor.

FOR CLIENT

FOR ADVISOR

Dennis Lloyd

Title

President



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: March 19, 2012

Council Meeting Date: March 19, 2012

***COU2012-11: CONSIDER PROJECT SARD0001- 2012 CDBG PROJECT-SAGAMORE STREET DESIGN AGREEMENT**

RECOMMENDATION

Move to approve the design agreement with Affinis Corporation for the design of Sagamore Street from 75th Street to 76th Street for \$33,588.00.

BACKGROUND

Affinis Corporation is our 2012 Design consultant. The project is our 2012 CDBG project and the contract includes preliminary and final design as well as bidding and construction services.

This project will include new curbs and driveway approaches and new asphalt pavement.

FUNDING SOURCE

Funds are available in the 2012 CDBG Project SARD0001- Sagamore Street.

RELATED TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.
- TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.

ATTACHMENTS

1. Design Agreement with Affinis

PREPARED BY

Keith Bredehoeft, Project Manager

March 1, 2012

AGREEMENT FOR PROFESSIONAL ENGINEER

For

DESIGN SERVICES

Of

PROJECT SARD0001- 2012 CDBG PROGRAM
Sagamore Road (75th Street to 76th Street)

THIS AGREEMENT, made at the Prairie Village, Kansas, this _____ day of _____, by and between the City of Prairie Village, Kansas, a municipal corporation with offices at 7700 Mission Road, Prairie Village, Kansas, 66208, hereinafter called the "City", and Affinis Corp, a corporation with offices at 7401 West 129th Street, Suite 110 Overland Park, KS, 66213 hereinafter called the "Consultant".

WITNESSED, THAT WHEREAS, City has determined a need to retain a professional engineering firm to provide civil engineering services for the Design of Project: 2012 CDBG Program, Sagamore Road(75th Street to 76th Street hereinafter called the "Project",

AND WHEREAS, the City is authorized and empowered to contract with the Consultant for the necessary consulting services for the Project,

AND WHEREAS, the City has the necessary funds for payment of such services,

NOW THEREFORE, the City hereby hires and employs the Consultant as set forth in this Agreement effective the date first written above.

1. CITY RESPONSIBILITIES

- 1.1. The City has designated the Project Manager, Keith Bredehoeft, to act as the representative for the City with respect to the services to be performed or furnished by the Consultant under this Agreement. This person shall have the authority to transmit instructions, receive information, interpret and define the City policies with respect to the Consultant's services for this Project.
- 1.2. The City shall make available to the Consultant all existing data and records relevant to the Project such as, maps, plans, correspondence files and other information possessed by the City that is relevant to the Project. Consultant shall not be responsible for verifying or ensuring the accuracy of any information or content supplied by City or any other Project participant unless specifically defined by the scope of work, nor ensuring that such information or content does not violate or infringe any law or other third party rights. However, Consultant shall promptly advise the City, in writing, of any inaccuracies in the information provided or any other violation or infringement of any law or third party rights that Consultant observes. City shall indemnify Consultant for any infringement claims resulting from Consultant's use of such content, materials or documents.
- 1.3. The City shall review for approval all criteria, design elements and documents as to the City requirements for the Project, including objectives, constraints, performance requirements and budget limitations.
- 1.4. The City shall provide copies of all existing standard details and documentation for use by the Consultant for the project.

- 1.5. The City shall diligently review all submittals presented by the Consultant.
- 1.6. The City has funded \$225,000 for this project with this proposed street:
 - 1.6.1. Sagamore Road (75th Street to 78th Street)- mill & overlay with concrete replacement

2. CONSULTANT RESPONSIBILITIES

- 2.1. The Consultant shall either perform for or furnish to the City professional civil engineering services and related services in all phases of the Project to which this Agreement applies as hereinafter provided.
- 2.2. The Consultant shall serve as the prime professional Consultant for the City on this Project
- 2.3. The standard of care for all professional consulting services and related services either performed for or furnished by the Consultant under this Agreement will be the care and skill ordinarily used by members of the Consultant's profession, practicing under similar conditions at the same time and in the same locality.
- 2.4. Designate a person to act as the Consultant's representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have authority to transmit instructions, receive information, and make decisions with respect to the Consultant's services for the Project.

3. SCOPE OF SERVICES

- 3.1. Upon receipt of notice to proceed from the City, the Consultant shall provide all consulting services related to this project including, but not limited, to these phases and tasks. The scope is generally defined below and in more details in Exhibit A.
- 3.2. **Preliminary Design Phase:**
 - 3.2.1. Schedule and attend one startup meeting with City to confirm project goals, schedule, budget and expectations. Review the list of work locations with applicable priorities as provided by the City. Review any criteria changes in the program.
 - 3.2.2. Review with City staff, the list of issues based on service requests, work orders, permits issued, Public Works staff experiences, available plans, previous studies, and pertinent information regarding the Project.
 - 3.2.3. Schedule and attend utility coordination meeting. Identify all utilities that may be affected by the project and make contact with the utility to determine the facilities involved.
 - 3.2.4. Conduct field reconnaissance to evaluate and identify:
 - 3.2.4.1. Design issues.
 - 3.2.4.2. Identify existing drainage components in project area (location, size, material, capacity, storm design adequacy and condition).
 - 3.2.4.3. Need for drainage improvements.
 - 3.2.4.4. Need for full depth pavement repairs.
 - 3.2.4.5. Need for sidewalk replacement.
 - 3.2.4.6. Location for new sidewalk.
 - 3.2.4.7. Need for curb and gutter replacement.
 - 3.2.4.8. Need for and limits of driveway replacement.
 - 3.2.4.9. Need for which type of ADA ramps.
 - 3.2.4.10. Utility locations and conflicts.

- 3.2.4.11. Tree conflicts.
- 3.2.5. Gather aerial and topographic data from Johnson County AIMS mapping for all project locations.
- 3.2.6. Determine drainage improvements after consultation with City.
- 3.2.7. Record location of existing traffic markings and review for compliance with MUTCD and City standards.
- 3.2.8. Identify location of bench marks and section markers.
- 3.2.9. Prepare preliminary construction plans (60%).
- 3.2.10. Prepare a project title sheet.
- 3.2.11. Prepare general site plan showing and identifying surface features such as street right-of-way, edge of pavement, sidewalks, driveways, boring locations, trees, house outline, address, owner name based on latest AIMS coverage data, irrigation systems, known electronic dog fences and any other pertinent surface feature.
- 3.2.12. Prepare plan and profiles for street reconstruction showing all utility, including drainage, sanitary sewer, water, gas, electric, telephone, traffic signals, and street lights, as well as all conflicts and test pits.
- 3.2.13. Prepare typical sections.
- 3.2.14. Prepare a detail plan showing City details drawings and other special details pertinent to the project.
- 3.2.15. Prepare a traffic control plan showing temporary and permanent traffic control measures per MUTCD for various phases of construction.
- 3.2.16. Prepare an erosion and sediment control plan showing all areas to be controlled during construction.
- 3.2.17. Present one set (one full size and one half size) of preliminary (60% completion) construction plans for City review that include:
 - 3.2.17.1. Cover sheet
 - 3.2.17.2. Typical sections
 - 3.2.17.3. Plan for streets to be milled and overlaid.
 - 3.2.17.4. Plan and profile for drainage improvements.
 - 3.2.17.5. Plan and profile for new sidewalk construction. Profiles will only be provided in areas where a topographic survey has been performed.
- 3.2.18. Prepare all easement documents and submit to City in a form acceptable to Johnson County.
- 3.2.19. Present one set (half size) of preliminary plans to appropriate governmental agencies and utility companies requesting comments and verification of potential conflicts.
- 3.2.20. Conduct a field check with City.
- 3.2.21. Present a detailed opinion of probable construction cost of City defined construction pay items with quantities and current unit costs. Add to the total construction cost, a contingency of 15 percent.

- 3.2.22. Attend and prepare minutes of project meetings (2) and disperse the minutes to City representative and all other attendees within five working days.
- 3.2.23. Provide one hard copy and electronic copy of any report or drawing. Provide files of the plans or drawings in PDF Format.

3.3. Final Design Phase

- 3.3.1. Prepare final design documents base of review and comments from City and other review agencies of the preliminary plans.
- 3.3.2. Present final project manual for City review.
- 3.3.3. Present one half size set of final design plans and specifications for City review.
- 3.3.4. Submit one half-size set of final plans and specifications to other appropriate governmental agencies and utility companies with identification of significant changes to preliminary design plans.
- 3.3.5. Schedule and attend a utility coordination meeting. Request utility comments, coordinate planned relocations among agencies and verify relocation/adjustment schedule.
- 3.3.6. Prepare a final opinion of probable construction cost.
- 3.3.7. Prepare all bid documents using the City's standard documents.
- 3.3.8. Attend and prepare minutes of project meetings (2) and disperse to City representative and all other attendees within five working days.
- 3.3.9. Provide one hard copy and electronic copy of any report or plans. Provide files of the plans in PDF Format.

3.4. Bidding Phase

- 3.4.1. Provide the City a notice of bid for publication.
- 3.4.2. Post advertisement for bid on electronic plan room (Drexel Technologies) and provide bid documents for reproduction.
- 3.4.3. Via electronic plan room provide all bid documents for potential bidders to purchase
- 3.4.4. Provide all utilities with bid set of plans and request attendance at pre-bid meeting.
- 3.4.5. Prepare and distribute addenda prior to bid opening. Assist bidders with questions during bidding.
- 3.4.6. Provide to the City an Engineer's Estimate and bid tab sheet prior to the bid opening.
- 3.4.7. Attend bid opening.
- 3.4.8. Check accuracy of bids, evaluate the bidders and make a recommendation of award to the City.
- 3.4.9. Prepare five sets construction documents including bonds for execution by the contractor and the City.
- 3.4.10. Provide one hard copy and electronic copy of any report or drawings. Provide files of the plans or drawings in PDF Format.

3.5. Construction Services Phase

- 3.5.1. Prepare for attend preconstruction meeting with City and Contractor. Prepare and distribute meeting notes.
- 3.5.2. Provide periodic consultation by telephone or email to assist with construction issues.
 - 3.5.2.1. Consultation will be initiated by Client and/or Construction Representative.
 - 3.5.2.2. Consultant shall provide documentation on invoice that provides a brief description of the issue and/or activity.
 - 3.5.2.3. Any consultation resulting from a design error by the Consultant shall be excluded from this scope of work and shall be provided at the expense of the Consultant.
- 3.5.3. Review shop drawings and submittals.
- 3.5.4. Prepare plan revisions as necessitated by conditions encountered in the field during construction, with the exception of traffic control plans.
- 3.5.5. Prepare final record drawings which reflect:
 - 3.5.5.1. Minor design changes.
 - 3.5.5.2. Changes made in the field by City representatives and are marked on the construction plan set.
- 3.5.6. Submit to the City electronic CAD files and TIFF images of the revised sheets.
- 3.5.7. Attend construction progress meetings as directed/requested by the Client. Two (2) meetings are budgeted.

4. TIME SCHEDULE

- 4.1. The Consultant's services and compensation under this Agreement have been agreed to in anticipation of orderly and continuous progress of the Project through completion of Preliminary Design Phase, Final Design Phase, Bidding Phase and Construction Services Phase.
- 4.2. If the City fails to give prompt written authorization to proceed with any phase of services after completion of the immediately preceding phase, the Consultant shall be entitled to equitable adjustment of rates and amounts of compensations to reflect reasonable costs incurred by the Consultant as a result of the delay or changes in the various elements that comprise such rates of compensation.
- 4.3. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. Consultant shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.
- 4.4. Should such circumstances occur, the consultant shall, within a reasonable time of being prevented from performing, give written notice to the City describing the circumstances

preventing continued performance and the efforts being made to resume performance of this Agreement.

- 4.5. Recognizing that time is of the essence, the Consultant proposes to complete the scope of services as specified in the Scope of Services:

Preliminary Design Phase	Due by June 15, 2012
Final Design Phase	Due by July 16, 2012
Bid Advertisement Date	August 7, 2012
Letting Date	August 24, 2012

5. COMPENSATION

- 5.1. The City agrees to pay the Consultant as maximum compensation as defined in Exhibit B for the scope of services the following fees:

5.2.

Preliminary Design Phase	Total Maximum Fee	\$ <u>13,695.00</u>
Final Design Phase	Total Maximum Fee	\$ <u>7,700.00</u>
Bidding Phase	Total Maximum Fee	\$ <u>6,250.00</u>
Construction Services Phase	Total Maximum Fee	\$ <u>5,943.00</u>
Total Fees		\$ <u>33,588.00</u>

- 5.3. The compensation will be billed by Phase detailing the position, hours and appropriate hourly rates (which include overhead and profit) for Consultant's personnel classifications and Direct Non-Salary Costs.
- 5.4. The term "Direct Non-Salary Costs" shall include the Consultant payments in connection with the Project to other consultants, transportation, and reproduction costs. Payments will be billed to the City at actual cost. Transportation, including use of survey vehicle or automobile will be charged at the IRS rate in effect during the billing period. Reproduction work and materials will be charged at actual cost for copies submitted to the City.
- 5.5. All billings must be submitted monthly for all services rendered in the previous month. The Consultant will invoice the City on forms approved by the City. All properly prepared invoices shall be accompanied by a documented breakdown of expenses incurred. This documentation shall include personnel by job classification, hourly rate, number of hours, description of subconsultant services and detail list of Direct Non-Salary Costs.
- 5.6. The maximum fee shall not be changed unless adjusted by an Engineering Change Order mutually agreed upon by the City and the Consultant prior to incurrence of any expense. The Engineering Change Order will be for major changes in scope, time or complexity of Project.

6. GENERAL PROVISIONS

- 6.1. **Opinion of Probable Cost and Schedule:** Since the Consultant has no control over the cost of labor, materials or equipment furnished by Contractors, or over competitive bidding or market conditions, the opinion of probable Project cost, construction cost or project schedules are based on the experience and best judgment of the Consultant, but the Consultant cannot and does not guarantee the costs or that actual schedules will not vary from the Consultant's projected schedules.

- 6.2. **Quantity Errors:** Negligent quantity miscalculations or omissions because of the Consultant's error shall be brought immediately to the City's attention. The Consultant shall not charge the City for the time and effort of checking and correcting the errors to the City's satisfaction.
- 6.3. **Reuse of Documents:** All documents including the plans and specifications provided or furnished by the Consultant pursuant to this Agreement are instruments of service in respect of the Project. The Consultant shall retain an ownership and property interest upon payment therefore whether or not the Project is completed. The City may make and retain copies for the use by the City and others; however, such documents are not intended or suitable for reuse by the City or others as an extension of the Project or on any other Project. Any such reuse without written approval or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability to the Consultant. The City shall indemnify and hold harmless the Consultant from all claims, damages, losses and expenses including attorney's fees arising out of or resulting reuse of the documents. In a similar manner, the Consultant is prohibited from reuse or disclosing any information contained in any documents, plans or specifications relative to the Project without the expressed written permission of the City.
- 6.4 **Insurance:**
- 6.4.1 The Consultant shall procure and maintain, at its expense, the following insurance coverage: (a) Workers' Compensation -- Statutory Limits, with Employer's Liability limits of \$100,000 each employee, \$500,000 policy limit; (b) Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; (c) Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles; (d) errors and omissions coverage of not less than \$1,000,000. Deductibles for any of the above coverage shall not exceed \$25,000 unless approved in writing by City. In addition, Consultant agrees to require all consultants and sub-consultants to obtain and provide insurance in identical type and amounts of coverage together and to require satisfaction of all other insurance requirements provided in this Agreement.
- 6.4.2 Consultant's insurance shall be from an insurance carrier with an A.M. Best rating of A-IX or better, shall be on the GL 1986 ISO Occurrence form or such other form as may be approved by City, and shall name, by endorsement to be attached to the certificate of insurance, City, and its divisions, departments, officials, officers and employees, and other parties as specified by City as additional insureds as their interest may appear, except that the additional insured requirement shall not apply to Errors and Omissions coverage. Such endorsement shall be ISO CG2010 11/85 or equivalent. "Claims Made" and "Modified Occurrence" forms are not acceptable, except for Errors and Omissions coverage. Each certificate of insurance shall state that such insurance will not be canceled or coverage reduced until after thirty (30) days' unqualified written notice of cancellation or reduction has been given to the City, except in the event of nonpayment of premium, in which case there shall be ten (10) days' unqualified written notice. Subrogation against City and City's Agent shall be waived. Consultant's insurance policies shall be endorsed to indicate that Consultant's insurance coverage is primary and any insurance maintained by City or City's Agent is non-contributing.
- 6.4.3 Before Consultant performs any portion of the Work, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Consultant agrees to maintain the insurance required by this Article of a minimum of three (3) years following completion of the Project and, during such entire three (3)

year period, to continue to name City, City's agent, and other specified interests as additional insureds thereunder.

6.4.4 Coverage shall contain a waiver of subrogation in favor of the City, and its subdivisions, departments, officials, officers and employees.

6.4.5 If due to the Consultant's negligent act, error or omission, any required item or component of the project is omitted from the Construction documents produced by the Consultant, the Consultant's liability shall be limited to the difference between the cost of adding the item at the time of discovery of the omission and the cost had the item or component been included in the construction documents. The Consultant will be responsible for any retrofit expense, waste, any intervening increase in the cost of the component, and a presumed premium of 10% of the cost of the component furnished through a change order from a contractor to the extent caused by the negligence or breach of contract of the Consultant or its subconsultants.

6.5 **Termination:** This Agreement may be terminated by either party upon seven days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure the failure in a manner acceptable to the other party. In any such case, the Consultant shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this Agreement. Copies of all completed or partially completed designs, plans and specifications prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated, but it is mutually agreed by the parties that the City will use them solely in connection with this Project, except with the written consent of the Consultant (subject to the above provision regarding Reuse of Documents).

6.6 **Termination for Convenience.** The City, within its sole discretion, may elect to terminate the Agreement with the Consultant for convenience upon three (3) days written Notice to Consultant. In the event of such termination, Consultant shall cease immediately all operations and shall be compensated for all work performed as of the date of termination in accordance with the terms of payment in this contract. Consultant shall not be entitled to any anticipatory profits or other costs other than direct costs of demobilization

6.7 **Controlling Law:** This Agreement is to be governed by the laws of the State of Kansas.

6.8 **Indemnity:** To the fullest extent permitted by law, with respect to the performance of its obligations in this Agreement or implied by law, and whether performed by Consultant or any sub-consultants hired by Consultant, the Consultant agrees to indemnify City, and its agents, servants, and employees from and against any and all claims, damages, and losses arising out of personal injury, death, or property damage, caused by the negligent acts, errors, or omissions of the Consultant or its sub-consultants, to the extent and in proportion to the comparative degree of fault of the Consultant and its sub-consultants. Consultant shall also pay for City's reasonable attorneys' fees, expert fees, and costs incurred in the defense of such a claim to the extent and in proportion to the comparative degree of fault of the Consultant and its sub-consultants.

6.9 **Severability:** Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

6.10 **Notices:** Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears on the signature page to this Agreement (as modified in writing from item to item by such party) and given personally, by registered or certified mail, return receipt requested, by facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.

6.11 **Successors and Assigns:**

6.11.1 The City and the Consultant each is hereby bound and the partners, successors, executors, administrators, legal representatives and assigns of the City and the Consultant are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, legal representatives and assigns of such other party in respect of all covenants and obligations of this Agreement.

6.11.2 Neither the City nor the Consultant may assign, sublet, or transfer any rights under the Agreement without the written consent of the other, which consent shall not be unreasonably withheld; provided, Consultant may assign its rights to payment without Owner's consent, and except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Agreement.

6.11.3 Nothing in this Agreement shall be construed to create, impose or give rise to any duty owed by the Consultant to any Contractor, subcontractor, supplier, other person or entity or to any surety for or employee of any of them, or give any rights or benefits under this Agreement to anyone other than the City and the Consultant.

IN WITNESS WHEREOF: the parties hereto have executed this Agreement to be effective as of the date first above written.

City:

City of Prairie Village, Kansas

By: _____

Ronald L. Shaffer, Mayor

Address for giving notices:

City of Prairie Village
7700 Mission Road
Prairie Village, Kansas 66208

Telephone: 913-385-4600

ATTEST:

Joyce Hagen Mundy, City Clerk

Consultant:

Affinis Corp

By _____

Richard A. Worrel, P.E., Principal

Address for giving notices:

Affinis Corp
7401 West 129th Street, Suite 110
Overland Park, KS 66213

Telephone: 913-239-1100

APPROVED AS TO FORM BY:

Catherine Logan, City Attorney



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: March 19, 2012

Council Meeting Date: April 2, 2012

COU2012-12: CONSIDER INTERLOCAL AGREEMENT WITH JOHNSON COUNTY FOR PROJECT SODR0002: SOMERSET DRIVE- ROE AVENUE TO NALL AVENUE

RECOMMENDATION

Move to approve the interlocal agreement with Johnson County for Project SODR0002: Somerset Drive- Roe Avenue to Nall Avenue.

BACKGROUND

Johnson County has approved Project SODR0002: Somerset Drive- Roe Avenue to Nall Avenue rehabilitation project. An Interlocal Agreement has been received from Johnson County for execution by the City. This agreement will limit the County share to 50% of the project's construction costs or \$506,000. The County's funding for this project comes from the County Assistance Road System(CARS) Program.

FUNDING SOURCE

Funding is available under the Capital Infrastructure Program, Project SORD0002: Somerset Drive- Roe Avenue to Nall Avenue for the City's portion of the project.

RELATION TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR1a. Provide sidewalks in new and existing areas to allow for continuous pedestrian movement around Prairie Village.*
- TR1b. Ensure that infrastructure improvements meet the needs of all transportation users.*

ATTACHMENTS

1. Interlocal Agreement with Johnson County.

PREPARED BY

Keith Bredehoeft

February 29, 2012

**Agreement between Johnson County, Kansas,
and the City of Prairie Village, Kansas,
for the Public Improvement of
Somerset Drive from
Roe Avenue to Nall Avenue (320000930)**

THIS AGREEMENT made and entered into this _____ day of _____, 2012
by and between the Board of County Commissioners of Johnson County, Kansas ("Board") and the
City of Prairie Village, Kansas, ("City").

WITNESSETH:

WHEREAS, the parties have determined that it is in the best interests of the general public
in making certain public improvements to Somerset Drive from Roe Avenue to Nall Avenue (the
"Project"); and

WHEREAS, the laws of the State of Kansas authorize the parties to this Agreement to
cooperate in undertaking the Project; and

WHEREAS, the governing bodies of each of the parties have determined to enter into this
Agreement for the purpose of undertaking the Project, pursuant to K.S.A. 12-2908 and
K.S.A. 68-169, and amendments thereto; and

WHEREAS, the Project has been approved, authorized, and budgeted by the Board as an
eligible project under the County Assistance Road System ("CARS") Program; and

WHEREAS, the Board has, by County Resolution No. 106-90, authorized its Chairman to
execute any and all Agreements for County participation in any CARS Program project which has
been approved and authorized pursuant to the Policies and Guidelines adopted by the Board and for
which funding has been authorized and budgeted therefore; and

WHEREAS, the governing body of the City did approve and authorize its Mayor to
execute this Agreement by official vote on the _____ day of _____, 2012.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the parties agree as follows:

1. **Purpose of Agreement.** The parties enter into this Agreement for the purpose of undertaking the Project to assure a more adequate, safe and integrated roadway network in the developing and incorporated areas of Johnson County, Kansas.

2. **Estimated Cost and Funding of Project**
 - a. The estimated cost of the Project ("Project Costs"), a portion of which is reimbursable under this Agreement, is One Million One Hundred Twenty Two Thousand Dollars (\$1,122,000).
 - b. Project Costs include necessary costs and expenses of labor and material used in the construction of the Project and construction inspection and staking for the Project.
 - c. The Project Costs shall be allocated between the parties as follows:
 - i. The Board shall provide financial assistance for the Project in an amount up to but not exceeding Fifty Percent (50%) of the Project Costs. However, the Board's financial obligation under this Agreement shall be limited to an amount not to exceed Five Hundred Six Thousand Dollars (\$506,000). For purposes of this Agreement, Project Costs shall not include any portion of costs which are to be paid by or on behalf of any state or federal governmental entity or for which the City may be reimbursed through any source other than the general residents or taxpayers of the City. Further, it is understood and agreed by the parties hereto that the Board shall not participate in, nor pay any portion of, the Costs incurred for or related to the following:
 1. Land acquisition, right-of-way acquisition, or utility relocation;
 2. Legal fees and expenses, design engineering services, Project administration, or financing costs;

3. Taxes, licensing or permit fees, title reports, insurance premiums, exactions, recording fees, or similar charges;
4. Project overruns;
5. Project scope modifications or major change orders which are not separately and specifically approved and authorized by the Board; and;
6. Minor change orders which are not separately and specifically approved and authorized by the Director of Public Works & Infrastructure of Johnson County, Kansas ("Public Works Director"). Minor change orders are those which do not significantly alter the scope of the Project and which are consistent with the CARS Program Policies and Guidelines and administrative procedures thereto adopted by the Board.

It is further understood and agreed that notwithstanding the designated amount of any expenditure authorization or fund appropriation, the Board shall only be obligated to pay for the authorized percentage of actual construction costs incurred or expended for the Project under appropriate, publicly bid, construction contracts. The Board will not be assessed for any improvement district created pursuant to K.S.A. 12-6a01 *et seq.*, and amendments thereto, or any other improvement district created under the laws of the State of Kansas.

- ii. The City shall pay One Hundred Percent (100%) of all Project Costs not expressly the Board's obligation to pay as provided in this Agreement.

3. **Financing**

- a. The Board shall provide financial assistance, as provided in Paragraph 2.c. above, towards the cost of the Project with funds budgeted, authorized, and appropriated by the Board and which are unencumbered revenues that are on-hand in deposits of Johnson County, Kansas. This paragraph shall not be construed as limiting the ability of the Board to finance its portion of the costs and expenses of the Project through the issuance of bonds or any other legally authorized method.

- b. The City shall pay its portion of the Project Costs with funds budgeted, authorized, and appropriated by the governing body of the City.
4. **Administration of Project.** The Project shall be administered by the City, acting by and through its designated representative who shall be the City public official designated as Project Administrator. The Project Administrator shall assume and perform the following duties:
 - a. Cause the making of all contracts, duly authorized and approved, for retaining consulting engineers to design and estimate the Project Costs.
 - b. Submit a copy of the plans and specifications for the Project to the Johnson County Public Works Director for review, prior to any advertisement for construction bidding, together with a statement of estimated Project Costs which reflects the Board's financial obligation under the terms of this Agreement. The Public Works Director or his designee shall review the copy of the plans and specifications for the Project and may, but shall not be obligated to, suggest changes or revisions to the plans and specifications.
 - c. If required by applicable state or federal statutes, solicit bids for the construction of the Project by publication in the official newspaper of the City. In the solicitation of bids, the appropriate combination of best bids shall be determined by the City.
 - d. Cause the making of all contracts and appropriate change orders, duly authorized and approved, for the construction of the Project.
 - e. Submit to the Public Works Director a statement of actual costs and expenses in the form of a payment request, with attached copies of all invoices and supporting materials, on or before the tenth day of each month following the month in which costs and expenses have been paid. The Public Works Director shall review the statement or payment request to determine whether the statement or payment request is properly submitted and documented and, upon concurrence with the Finance Director of Johnson County, Kansas, ("Finance Director") cause payment to be made to the City of the Board's portion of the Project Costs within thirty (30) days after receipt of such payment request. In the event federal or state agencies require, as a condition to state or federal participation in the Project, that the Board make payment prior to construction or at times other than set forth in this

subsection, the Public Works Director and the Finance Director may authorize such payment.

- f. Except when doing so would violate a state or federal rule or regulation, cause a sign to be erected in the immediate vicinity of the Project upon commencement of construction identifying the Project as part of the CARS Program. The form and location of the sign shall be subject to the review and approval of the Public Works Director.

Upon completion of the construction of the Project, the Project Administrator shall submit to each of the parties a final accounting of all Project Costs incurred in the Project for the purpose of apportioning the same among the parties as provided in this Agreement. It is expressly understood and agreed that in no event shall the final accounting obligate the parties for a greater proportion of financial participation than that set out in Paragraph 2.c. of this Agreement. The final accounting of Project Costs shall be submitted by the Project Administrator no later than sixty (60) days following the completion of the Project construction.

It is further understood and agreed by the City, as administrator of this Project, to the extent permitted by law and subject to the immunity and maximum liability provisions of the Kansas Tort Claims Act, to indemnify and hold the Board harmless for and from any costs, expenses or liabilities which result from actions or omissions of the City or its employees relating to or in connection with the administration or construction of the Project.

In addition, the City shall, and hereby agrees to, insert as a special provision of its contract with the general contractor ("Project Contractor") chosen to undertake the Project construction as contemplated by this Agreement the following paragraphs:

The Project Contractor shall defend, indemnify and save the Board of County Commissioners of Johnson County, Kansas and the City harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit, action or otherwise for injuries and/or damages sustained to persons or property by reason of the negligence or other actionable fault of

the Project Contractor, his or her sub-contractors, agents or employees in the performance of this contract.

The Board of County Commissioners of Johnson County, Kansas shall be named as an additional insured on all policies of insurance issued to the Project Contractor and required by the terms of his/her agreement with the City.

5. Acquisition of Real Property for the Project

- a. The Board shall not pay any costs for acquisition of real property in connection with the Project.
- b. The City shall be responsible for the acquisition of any real property, together with improvements thereon, located within the City's corporate boundaries, which is required in connection with the Project; such real property acquisition may occur by gift, purchase, or by condemnation as authorized and provided by the Eminent Domain Procedure Act, K.S.A. 26-201 et seq. and K.S.A. 26-501 et seq., and any such acquisition shall comply with all federal and state law requirements.

6. Duration and Termination of Agreement

- a. The parties agree that this Agreement shall remain in full force and effect until the completion of the Project, unless otherwise terminated as provided for in Paragraph 6.b. herein below. The Project shall be deemed completed and this Agreement shall be deemed terminated upon written certification to each of the parties by the Project Administrator that the Project has been accepted as constructed. The City shall provide a copy of the Project Administrator's certification to both the Public Works Director and the Finance Director within thirty (30) days of the Project Administrator's determination that the Project is complete.
- b. It is understood and agreed that the Public Works Director shall review the status of the Project annually on the first day of March following the execution of this Agreement to determine whether satisfactory progress is being made on the Project by the City. It is further understood and agreed that the Board shall have the option and right to revoke funding approval for the Project and terminate this Agreement should the Board find, based upon the determination of the Public Works Director

that satisfactory progress is not being made on the Project. Should the Board exercise its option as provided herein, it shall send written notice of the same to the City and the Board shall have no further liability or obligation under this Agreement.

7. **Placing Agreement in Force.** The attorney for the City shall cause sufficient copies of this Agreement to be executed to provide each party with a duly executed copy of this Agreement for its official records.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed by each of the parties hereto and made effective on the day and year first above written.

Board of County Commissioners of
Johnson County, Kansas

City of Prairie Village, Kansas

Ed Eilert, Chairman

Ronald L. Shaffer, Mayor

Attest:

Attest:

Stephen E. Powell
Clerk of the Board

City Clerk

Approved as to form:

Approved as to form:

Robert A. Ford
Assistant County Counselor

City Attorney

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
March 19, 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 - February 21, 2012
2. Approve Claims Ordinance 2893
3. Approve the 2012 to 2014 Materials Testing Service Agreement with Kaw Valley Engineering, Inc

- VI. MAYOR'S REPORT

- VII. COMMITTEE REPORTS

Council Committee of the Whole

COU2012-07 Consider approval of revised Financial Advisor Agreement with Columbia Capital - Dale Beckerman

COU2012-11 Consider the Design Agreement with Affinis Corporation for the design of Sagamore Street from 75th Street to 76th Street for \$33,588.00 - Dale Beckerman

Planning Commission

PC2012-03 Consider amendment to Special Use Permit for expansion at Highlawn Montessori School 3531 Somerset Drive - Dennis Enslinger

PC2012-04 Consider Special Use Permits for a Wastewater Lift Station and Wireless Communication Tower at 3535 Somerset Drive - Dennis Enslinger

- VIII. STAFF REPORTS

- IX. OLD BUSINESS

- 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

March 19, 2012

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
FEBRUARY 21, 2012**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, February 21, 2012 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: Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, 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; Keith Bredehoeft, Project Manager for 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.

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

PUBLIC PARTICIPATION

Patricia Allman, 8221 Nall, stated she was not notified of the proposed change to the trail plan by the City and feels that is wrong. She noted there is a sidewalk across the street from her property and feels that the existing sidewalks provide the need for connectivity to get around the City. She is opposed to an eight-foot concrete swath across her property for a trail. She asked that residents be appropriately notified of any further meetings impacting their property.

Michael Shook, 81st & Nall, asked if this was such a well thought out plan, why the proposed trail was being moved from Roe to Nall without any reason. He supports the original Roe location and also noted the poor communication with the residents by the City.

Laura Wassmer responded to Mr. Shook that the trail location was moved after the City of Mission put a trail on Nall going to 67th and the city felt it made sense to connect with their new trail. She stated there has not been communication with residents as plans are at the discussion/conception stage. Nothing is being proposed to be built at this time so there was nothing specific to present to the residents.

Joe Gittemeier, 4601 West 87th Street, noted that actions are being governed by Village Vision which was created without any reference to costs. He noted he has sidewalks on the front and side of his property that adequately accommodate people. He supported the widening of the trail at Franklin Park based on the high number of walkers using the trail, he does not see that need along Nall. He noted he has used the trail from Roe to Somerset but he has not seen it being used very much by others and questioned the need for the eight-foot trail. He feels sidewalks are sufficient.

Angie Fotopoulos, 5501 West 82nd Street, stated she enjoys the existing sidewalk along Nall and cannot see any reason for an eight-foot trail to be constructed. She also felt that residents should have been notified and have the opportunity to have input as it affects their property. The sidewalks are being used by dog walkers, but not much by children due to their close location to the street.

David Morrison recognized Mrs. Fotopoulos daughter Mimi who recently won her second state championship in tennis.

Shirley Spencer, 8109 Nall, stated she e-mailed four people at the City and only received a response from one. She is concerned with the impact on her fence and property and noted she is no longer able to remove snow and other maintenance that would be required.

Dan Searles, a Park & Recreation Committee member, stated he was not happy with the dissemination of information to residents and the overall process and communication; however, he does not feel the trail plan should be scrapped. He would like to see it continue with more input from the residents and better communication.

CONSENT AGENDA

Dale Beckerman moved the approval of the Consent Agenda for February 21, 2012:

1. Approve Regular Council Meeting Minutes - February 6, 2012
2. Approve the agreement with Phil Jay for music and emcee services at the Mayor's Holiday Gala on December 14, 2012 in the amount of \$625.00.
3. Approve the 2012 Super Pass Interlocal Agreements
4. Approve the following contracts with Johnson County Parks and Recreation District: Learn to Swim Program 2012 Participation Agreement, 2012 City of Prairie Village Pool Usage Agreement, 2012 City of Prairie Village Day Camp Agreement
5. Approve performance contract with Hiccup Productions, Inc. to provide entertainment at the Weltner Park Rededication
6. Ratify the Mayor's appointment of Jack Shearer to chair the Prairie Village Jazz Fest Committee and the appointment of Shelly Trewolla, Gloria Shearer and Peggy Wright to the committee.

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

MAYOR'S REPORT

Mayor Shaffer reviewed the meetings and events he attended during the past weeks representing the City including Ripple Glass Celebration, presentation of the Johnson County Charter Commission report to the Johnson County Commissioners, Prairie Village Arts Reception, NARC Conference and Board meetings in DC, Leadership Northeast Mayor's Forum, Legislative Breakfast and a tour of the Kauffman Performing Arts Center. Mayor Shaffer acknowledged and thanked other Council members and staff members who also attended these events.

COMMITTEE REPORTS

Council Committee of the Whole

COU2012-02 Consider Change Order #1 (Final) for Project NAAV0002, Nall Avenue - 75th Street to 79th Street

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve Construction Change Order #1(Final) with Orr/Wyatt StreetScapes for Project NAAV0002 - Nall Avenue - 75th Street to 79th Street for an increase of \$22,928.61 with a final project cost of \$584,258.86. The motion was seconded by Laura Wassmer and passed unanimously.

COU2012-03 Consider Change Order #2 (Final) for Project CAST0001, Cambridge Street - 79th Terrace to State Line Road

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve Construction Change Order #2(Final) with Linaweaver Construction, Inc. for Project CAST00001 - Cambridge Street - 79th Terrace to State Line Road for an increase of \$59,090.12 bringing the final contract amount to \$609,087.62. The motion was seconded by Laura Wassmer and passed unanimously.

COU2012-04 Consider Change Order #2 (Final) for Project BG800001, Weltner Park Improvements

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve Construction Change Order #2(Final) with Linaweaver Construction, Inc. for Project BG800001, Weltner Park Improvements for an increase of \$7,731.90 bringing the final contract amount to \$406,378.00. The motion was seconded by Laura Wassmer and passed unanimously.

COU2012-05 Consider Change Order #9 (Final) for Project 2010 Bond Project

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve Construction Change Order #9(Final) with O'Donnell and Sons Construction for 2010 Bond Project for an increase of \$20,602.33 bringing the final contract amount to \$8,699,917.54. The motion was seconded by Laura Wassmer and passed unanimously.

Planning Commission

PC2012-01 Consider amendments to Zoning Ordinances Chapters 19.02, 19.44.025 and Chapter 19.50 related to "Alternative Energy Systems"

Dennis Enslinger noted that solar energy is the source of renewable energy addressed in the zoning regulations. In an effort to encourage appropriate uses of renewal energy, the Commission has revised Chapter 19.50 entitled "Solar Energy Systems" by adding regulations on wind, geothermal and hybrid energy uses as well as updating its solar regulations. The proposed regulations were discussed by the Commission on November 1st and December 6th with a public hearing authorized for February 7, 2012. The basic changes addressed the following:

- Changed Chapter 19.50 "Solar Energy Systems" to "Alternative Energy Systems" addressing solar, wind, geothermal and hybrid energy systems.

- Revised Solar regulations addressing ground-mounted installations and allowing for site plan approval for applications that deviate from the strict letter of the code.
- Created a separate listing for Wind Turbines as an allowed special use and adding standards for approval.
- Established Geothermal Installations as a staff approval process.

A public hearing was held on February 7, 2012 with the Planning Commission making further changes to the proposed regulations based on comments from the public and unanimously recommending the proposed Alternative Energy Systems chapter to the Governing Body. These changes are reflected in the proposed ordinances 2249 and 2250.

Diana Ewy Sharp stated she would be voting against the motion noting that there were a number of significant changes made and she is not certain how the residents will react. Dennis Enslinger responded that there were very few changes made to the residential regulations. Mrs. Sharp expressed concern with the equipment.

Laura Wassmer confirmed that a wind turbine would need City Council approval of a Special Use Permit.

Dale Beckerman moved the Governing Body adopt Ordinance 2249 amending Chapter 19.02 of the Prairie Village Municipal Code, entitled "Definitions" by deleting Section 19.02.510 entitled "Wind Driven Devices" and amending Chapter 19.30 entitled "Conditional Use Permits" by amending Section 19.30.055 entitled "Specifically Listed Conditional Uses" paragraph (D) and further adopt Ordinance 2250 amending Chapter 19.50 of the Prairie Village Municipal Code, entitled "Solar Energy Systems" by deleting the existing Chapter and replacing Chapter 19.50 with a new Chapter entitled "Alternative Energy Systems". The motion was seconded by Ruth Hopkins.

A roll call vote was taken with the following votes cast: “aye” Warman, Hopkins, Noll, Kelly, Wang, Wassmer, Beckerman, Clark, Morrison and Belz; “nay” Herrera and Ewy Sharp. Mayor Shaffer declared the ordinance adopted by a vote of 10 to 2.

Park & Recreation Committee

Diana Ewy Sharp announced the re-dedication of Weltner Park would be held on Saturday, May 12th from 10 to noon. She noted the committee minutes included in the Council packet reflects the committee’s discussion on the sales tax initiative and noted that item will be discussed by committee on March 19th. The McCrum Park water tower has been removed. She asked Bruce McNabb when the fencing would be removed. Mr. McNabb replied that there are still some foundation issues to be resolved before the fence can be removed.

Finance Committee

David Belz announced that the Finance Committee met and authorized staff to initiate a request for Expanded Investment Authority through the State of Kansas for city investments. This would provide the City more control over the investment of its money.

STAFF REPORTS

Public Works

- Bruce McNabb had nothing to report.

Public Safety

- Chief Jordan was pleased to report that the Johnson County Sherriff Transportation Unit to the County jail will re-start soon. The expanded structure of the unit reflects the commitment of the County to the program which greatly benefits cities particularly in the Northeast.

Administration

- Dennis Enslinger reported that Hunt Midwest has offered tours of their area facilities to Council members.
- The USP partnership - sewer line warranty program is requesting to do a second mailing. There have been at least two other similar programs offered in the area

and this has created confusion for residents. Staff has received several calls from residents regarding the programs.

Council members asked what the City gained from participating in the program. Mr. Enslinger reported the City received approximately \$11,000. Council members directed Mr. Enslinger not to authorize a second mailing. Mr. Beckerman asked if a formal motion was necessary. The item will be formally discussed and action taken at the next Council meeting.

Steve Noll questioned the city's ability to required private entities to expressly state they are not associated with the City. David Waters representing the City Attorney responded the city's ability is limited.

Dale Beckerman stated the City could use its website and the Village Voice to inform residents that we are not affiliated with these programs.

Diana Ewy Sharp asked how much material from the demolished Somerset School was reused or donated. Mr. Enslinger replied that some playground equipment was donated to a school in Kansas City and they planned to give materials to Habitat for Humanity, but he is not sure that occurred.

- Lisa Santa Maria explained the expanded power process and noted the new regulations would be finalized March 23rd. The City has already submitted its application.
- The City has once again received the Distinguished Budget Award from GFOA for the 2012 Budget.
- The auditors will be on site the end of March.
- Quinn Bennion announced the new carpet is scheduled to arrive in the next two weeks in the City Hall Building.
- Staff members interviewed 4 firms to provide Council Chamber Upgrades. Several alternatives were requested with the request for proposal allowing the city more options.

OLD BUSINESS

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

NEW BUSINESS

Questions were raised regarding the status of the amendment to the Comprehensive Plan currently before the Planning Commission and if the item should be withdrawn or allow the Commission to continue its discussion.

Dale Beckerman noted that the discussion before the Council has nothing to do with the placement of a trail on Nall vs. Roe. The Council is considering the overall status of the trail plan and if it is to continue to be followed, amended or discontinued. The Planning Commission process should continue.

Dennis Enslinger stated the Planning Commission opened the public hearing and took public comment. It then moved to delay discussion until it received direction from the Council.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Environment/Recycle Committee	02/22/2012	7:00 p.m.
VillageFest Committee	02/23/2012	7:00 p.m.
Council Committee of the Whole	03/05/2012	6:00 p.m.
City Council	03/05/-/2012	7:30 p.m.

The Prairie Village Arts Council is pleased to announce a photography exhibit by Melinda Heaton in the R. G. Endres Gallery for the month of February.

Large Item pick-up is scheduled for May 12th for homes on 75th Street and north of 75th Street and May 19th for homes south of 75th Street.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:37 p.m.

Joyce Hagen Mundy
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

March 5, 2012

**Copy of Ordinance
2893**

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			
1725-1808	2/3/2012	267,745.11	
1809-1819	2/10/2012	40,666.84	
1820-1887	2/17/2012	206,465.49	
1888-1894	2/24/2012	4,713.24	
Payroll Expenditures			
2/10/2012		243,244.90	
2/24/2012		252,801.13	
Electronic Payments			
Electronic Pmnts	2/2/2012	242.92	
Electronic Pmnts	2/3/2012	19,319.31	
Electronic Pmnts	2/6/2012	7,710.24	
Electronic Pmnts	2/7/2012	54.15	
Electronic Pmnts	2/24/2012	6,615.97	
Electronic Pmnts	2/26/2012	9,684.53	
Electronic Pmnts	2/28/2012	98,519.70	
TOTAL EXPENDITURES:			\$ 1,157,783.53
Voided Checks			
Johnson County Treasurer	# 1768	(350.00)	
TOTAL VOIDED CHECKS:			(350.00)
GRAND TOTAL CLAIMS ORDINANCE			1,157,433.53

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

Passed this 5th day of March 2012.

Signed or Approved this 5th day of March 2012.

(SEAL)

ATTEST: _____

City Treasurer

Mayor



PUBLIC WORKS DEPARTMENT

Council Meeting Date: March 19, 2012

Consent Agenda: CONSIDER ANNUAL SERVICE AGREEMENT FOR 2012 to 2014 MATERIALS TESTING WITH KAW VALLEY ENGINEERING, INC.

RECOMMENDATION

Staff recommends the City Council approve the 2012 to 2014 Materials Testing Service Agreement with Kaw Valley Engineering, Inc.

BACKGROUND

Six companies submitted bids for this program. Since this is an on-call contract, the low bidder was determined by estimating the number and type of tests that will be required and multiplying those times the unit prices submitted by each company.

Kaw Valley Engineering, Inc.	\$24,300.00
Kansas City Testing, LLC	\$25,850.00
PSI, Inc.	\$26,720.00
Geotechnology, Inc.	\$27,000.75
Alpha-Omega Geotech, Inc.	\$29,540.00
Terracon Consultants, Inc.	\$36,910.00
Engineer's Estimate	\$30,675.00

FUNDING SOURCE

Funds for this program are budgeted in each individual project.

ATTACHMENTS

1. Agreement with Kaw Valley Engineering, Inc.

PREPARED BY

Keith Bredehoeft, Project Manager

February 27, 2012

AGREEMENT FOR MATERIAL TESTING SERVICES

Agreement, made this ____ day of _____, by and between **KAW VALLEY ENGINEERING, INC.** hereinafter referred to as Contractor, and the **CITY OF PRAIRIE VILLAGE, KANSAS**, hereinafter referred to as City, shall be in full force and effect during calendar year's 2012, 2013, and 2014 with the following terms and conditions.

The Contractor proposes and agrees to provide all necessary machinery, tools and equipment; and to do the work specified in these documents of the agreement in the manner herein prescribed and according to the requirements of the City as herein set forth.

This document will be the only executed agreement. Any additions or changes must be added as a written supplement to this agreement at time of proposal.

1.0 Service Specifications

- 1.1 The Contractor will provide the services of drilling core samples and testing of construction materials throughout the City. The testing of materials includes, but may not be limited to, asphalt, concrete, aggregate, sub-base and subgrade.
- 1.2 The Contractor shall assign one person who shall serve as the contact for the City for purposes of scheduling tests and maintaining communication.
- 1.3 The Contractor is admonished that the technicians will be properly attired, refrain from abusive language, refrain from improper behavior and be aware that they are representing the City.
- 1.4 The City will inspect the work and report to the Contractor's supervisor any problems.
- 1.5 The Contractor will use proper equipment and tools for the work. All equipment and tools will be in near-original working condition.

2.0 General

- 2.1 This signed agreement will be the authorization for the Contractor to provide the described services as requested by the City from time to time.
- 2.2 Keith Bredehoeft, P.E. Project Manager, at phone: (913) 385-4642, fax: (913) 642-0117, email: kbredhoeft@pvkansas.com will be the City coordinator for the Contractor in providing any service and responding to any special needs.
- 2.3 The City will contact the Contractor 24 hours in advance of any necessary testing. All work shall be performed between 7:00 am and 6:00 pm, Monday through Friday unless otherwise stated by the City.

- 2.4 All work performed by the Contractor will be of acceptable workmanlike quality normally associated with this trade and shall occur to the satisfaction of the City before payment will be made by the City to the Contractor.
- 2.5 All invoices shall be grouped by the City project number with a clear description of the specific testing provided at each specific location. Invoices are to be sent to Keith Bredehoeft, Public Works Department, 3535 Somerset Drive, Prairie Village, KS 66208.
- 2.6 The Contractor shall maintain throughout the life of this Contract, General Liability Insurance covering any and all actions of the Contractor in the performance of this Contract. Minimum limits shall be Bodily Injury \$500,000/\$500,000; Property Damage \$100,000. The Contractor shall maintain throughout the life of this Contract, Automobile Liability Insurance which shall be written in comprehensive form and shall be protect the Contractor against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles, and shall cover operation on and off the site of all motor vehicles licensed for highway use, whether they are owned, non-owned, or hired. Unless otherwise specified, Contractor's insurance shall include Auto Liability of \$350,000 single limit. Contractor shall also be responsible to provide workmen's compensation insurance and benefits for its employees.
- 2.7 The Contractor is providing services to the City as an independent contractor. The Contractor shall be responsible for death or injury to any persons and for any property damage while in the performance of service of the terms of this agreement and it shall hold the City harmless and shall indemnify the City for any loss it may have resulting from the Contractor providing the services described in this agreement. The City shall not be responsible for any withholding of taxes or social security for any employee of the Contractor, nor shall it provide to any employee of the Contractor any fringe benefits of any kind.
- 2.8 This agreement is for the period of **April 2, 2012 through December 31, 2014**. Either party may terminate this agreement by giving thirty (30) days prior written notice to the other party.
- 3.0 Technical**
- 3.1 The Contractor shall perform all testing, requested by the City, in conformance with all current standards of AASHTO, APWA, ASTM and KDOT.
- 3.2 The City representative who will request inspection services from the Contractor is defined as the Construction Inspector, and will be either the City coordinator or a consultant to the City at the project site.
- 3.3 The Contractor shall furnish a clear, accurate, typed report with all the results of each test within 48 hours of collecting the samples. This report shall include a clear description of the location of each test, the City project number and the name of the City representative on site. Both the test results and the standard specifications should be shown, along with an indication if the material met the

appropriate specifications. (i.e. APWA, KCMMB, KDOT) The material mix type shall also be indicated in the report.

- 3.4 The Contractor representative shall attend preconstruction meetings, which will include the City Prime Contractor as well as the City Design Consultant. The Contractor will not charge a fee to the City for attending these meetings.
- 3.5 The Contractor may be directed by the City Inspector to perform testing under the following City Contracts. Project construction dollars for the three years of this agreement is expected to be around \$7,000,000:
 - A) Annual Street Resurfacing Program
 - B) Annual Concrete Repair Program
 - C) Annual Storm Drainage Program
 - D) Annual Street Repair Program
 - E) Annual Crack/Slurry Program
 - F) Annual CARS
 - G) Random Testing of Public Works Field Operations
 - L) Other as necessary

Supplemental Terms and Conditions:

Consequential Damages - Neither party shall be liable to the other for loss of profits or revenue; loss of use or opportunity; loss of good will; cost of substitute facilities, goods, or services; cost of capital; or for any special, consequential, indirect, punitive, or exemplary damages.

Testing and Observations - City understands that testing and observation are discrete sampling procedures, and that such procedures indicate conditions only at the depths, locations, and times the procedures were performed. Contractor will provide test results and opinions based on tests and field observations only for the work tested. City understands that testing and observation are not continuous or exhaustive, and are conducted to reduce - not eliminate - project risk. City agrees to the level or amount of testing performed and the associated risk. City is responsible (even if delegated to contractor) for notifying and scheduling Contractor so Contractor can perform these Services. Contractor shall not be responsible for the quality and completeness of other contractor's work or their adherence to the project documents, and Contractor's performance of testing and observation services shall not relieve contractor in any way from its responsibility for defects discovered in its work, or create a warranty or guarantee. Contractor will not supervise or direct the work performed by other contractors or their subcontractors and is not responsible for their means and methods.

Assignment. Contractor shall not assign or subcontract the services provided for herein.

Contractor Contact: _____

Address: _____

Telephone Number: _____

Fax Number: _____

Email: _____

CONTRACTOR AGENT DATE

ATTEST:

/s/ _____
Joyce Hagen Mundy, City Clerk Date

/s/ _____
Catherine Logan, City Attorney Date

/s/ _____
Ronald L. Shaffer, Mayor Date



PLANNING COMMISSION

Council Committee Meeting Date:
Council Meeting Date: March 19, 2012

PC2012-03 Consider Amendment to Special Use Permit for Highlawn Montessori School

RECOMMENDATION

Recommend the City Council adopt Ordinance 2251 amending the Special Use Permit to allow the expansion of the school at 3531 Somerset Drive subject to the conditions recommended by the Planning Commission.

BACKGROUND

Highlawn Montessori School was given its first Special Use Permit in 1977, with an amendment for expansion in 1984, 1993 and again in 2009. The Highlawn Montessori School has had a long history in this neighborhood and has consistently grown and expanded to accommodate its students. Currently the Highlawn Montessori School has a capacity of approximately 144 students. There are five Primary Classes of children age three to six with 120 students and one elementary classroom for children from first to sixth grade with 24 students. Each classroom can accommodate 24 children.

Ms. Morrison stated they are seeking to add two new classrooms in a second story addition above the east building. Currently, the elementary class is held in the basement. They would move this class to the second level and add an additional elementary classroom for 24 children. This would allow them to have an elementary class for grades 1-3 and for grades 4 - 6. The total capacity for the school would be seven classrooms or 168 students. She noted the basement would no longer be used as a classroom, but would serve as a lunch room, meeting space and storm shelter.

A neighborhood meeting was held on February 22, 2012 in accordance with Planning Commission Citizen Participation Policy. The issue of concern to the neighbors was traffic. The school had a traffic study conducted by George Butler Associates. The city's traffic engineer TranSystems reviewed the traffic study and observed the traffic in the field. An informal study was also conducted by the city's police traffic unit. It was noted in the applicant's traffic study that left turns to Somerset out of both driveways occurred during the critical peak times. Staff reviewed the three reports and made the following recommendation to the Commission for addressing traffic concerns:

3. That the following requirements be implemented to address traffic:
 - a. The Montessori School shall coordinate the parent and staff traffic education program with the Prairie Village Police Department Traffic Unit.

- b. The No Left Turn signs at both the east and west driveways on Somerset Drive shall be replaced with official City No Left Turn signs by the Public Works Department and be paid for by the School. (It was noted that the police department is unable to enforce the no left turn signs placed by the school restricting turns.)
- c. To address the traffic queuing issue on Somerset Drive, the Montessori School shall either:
 - 1) Provide additional on-site parking and circulation on the playground area to the east adequate to allow all queuing on their property subject to Staff review and approval; or
 - 2) Re-stripe and re-sign a portion of the east bound turn lane on Somerset Drive, east of Corinth Villas entrance street, for short term parking and provide adequate site distance at the driveway intersections with the modifications coordinated by Public works and the cost of the modifications paid for by the Montessori School.
- 4. That the applicant use the driveway on the east lot to accommodate at least two parking spaces for staff.

The Planning Commission reviewed the criteria for approval of the amendment to the Special Use Permit and found favorably on the criteria recommending the Governing Body approve the amended Special Use Permit for Highlawn Montessori School at 3531 Somerset Drive subject to the following conditions:

- 1. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
- 2. That the three parking spaces along the west property be surfaced with grass pavers and not concrete or asphalt.
- 3. That the following requirements be implemented to address traffic:
 - a. The Montessori School shall coordinate the parent and staff traffic education program with the Prairie Village Police Department Traffic Unit.
 - b. The No Left Turn signs at both the east and west driveways on Somerset Drive shall be replaced with official City "No Left Turn" signs by the Public Works Department and be paid for by the School.
 - c. To address the traffic queuing issue on Somerset Drive, the Montessori School shall either:
 - 1) Provide additional on-site parking and circulation on the playground area to the east adequate to allow all queuing on their property subject to Staff review and approval; or
 - 2) Re-stripe and re-sign a portion of the east bound turn lane on Somerset Drive, east of Corinth Villas entrance street, for short-term parking and provide adequate site distance at the driveway intersections with modifications coordinated by Public Works and the cost of the modifications paid for by the Montessori School.
- 4. That the applicant use the driveway on the east lot to accommodate at least two parking spaces for staff.

5. That the materials be the same as the existing structures and that the applicant submit detailed drawings of the elevations indicating the specific materials to be used while maintaining the residential appearance. The drawings will be reviewed and approved by Staff.
6. That the Special Use Permit be approved for a maximum of seven classrooms (5 primary and 2 elementary) with a maximum enrollment of 24 students per classroom.
7. That the applicant protect existing major trees during the demolition and installation of new improvements.
8. That the Special Use Permit be approved for an indefinite period of time provided that the applicant obtains a building permit and starts construction within two years after the date of approval by the City Council.
9. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

The Governing Body (which includes the Mayor and City Council) shall make its findings of fact based on the "Factors for Consideration" and either:

- A. Adopt the recommendation of the Planning Commission and approve the amendment to the Special Use Permit which requires a majority of those present, or
- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 votes), and deny the amendment to the Special Use Permit, or approve it with revised conditions, or
- C. Return the recommendation to the Planning Commission by a simple majority vote of the quorum present with a statement specifying the basis for the Governing Body's failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority of the quorum present.

RELATED TO VILLAGE VISION

LRN1 Promote continued support of schools within the community.

ATTACHMENTS

Planning Commission minutes of March 6, 2012
Staff Report & Application for PC2012-03
Traffic Studies
Proposed Ordinance

PREPARED BY

Joyce Hagen Mundy
City Clerk/Planning Commission Secretary
Date: March 9, 2012

ORDINANCE _____

AN ORDINANCE APPROVING AN AMENDMENT TO THE SPECIAL USE PERMIT FOR THE OPERATION OF A PRIVATE SCHOOL BY HIGHLAWN MONTESSORI AT 3531 SOMERSET DRIVE, PRAIRIE VILLAGE, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE:

Section I. Planning Commission Recommendation. At its regular meeting on March 6, 2012, the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the City Council approve an amendment to the Special Use Permit for the operation of a private school at 3531 Somerset Drive subject to the following conditions:

1. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
2. That the three parking spaces along the west property be surfaced with grass pavers and not concrete or asphalt.
3. That the following requirements be implemented to address traffic:
 - a. The Montessori School shall coordinate the parent and staff traffic education program with the Prairie Village Police Department Traffic Unit.
 - b. The No Left Turn signs at both the east and west driveways on Somerset Drive shall be replaced with official City "No Left Turn" signs by the Public Works Department and be paid for by the School.
 - c. To address the traffic queuing issue on Somerset Drive, the Montessori School shall either:
 - 1) Provide additional on-site parking and circulation on the playground area to the east adequate to allow all queuing on their property subject to Staff review and approval; or
 - 2) Re-stripe and re-sign a portion of the east bound turn lane on Somerset Drive, east of Corinth Villas entrance street, for short-term parking and provide adequate site distance at the driveway intersections with modifications coordinated by Public Works and the cost of the modifications paid for by the Montessori School.
4. That the applicant use the driveway on the east lot to accommodate at least two parking spaces for staff.
5. That the materials be the same as the existing structures and that the applicant submit detailed drawings of the elevations indicating the specific materials to be used while maintaining the residential appearance. The drawings will be reviewed and approved by Staff.
6. That the Special Use Permit be approved for a maximum of seven classrooms (5 primary and 2 elementary) with a maximum enrollment of 24 students per classroom.

7. That the applicant protect existing major trees during the demolition and installation of new improvements.
8. That the Special Use Permit be approved for an indefinite period of time provided that the applicant obtains a building permit and starts construction within two years after the date of approval by the City Council.
9. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

Section II. Findings of the Governing Body. At its meeting on March 19, 2012, the Governing Body adopted by specific reference the findings as contained in the minutes of the Planning Commission meeting of March 6, 2012, and the recommendations of the Planning Commission and approved the amendment to the Special Use Permit as docketed PC2012-03.

Section III. Granting of the Special Use Permit. Be it therefore ordained that the City of Prairie Village grant an Amendment to the Special Use Permit to operate a private school at 3531 Somerset Drive, Prairie Village, Kansas subject to the nine specific conditions listed above.

Section IV. Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND ADOPTED THIS 19th DAY OF MARCH, 2012.

CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Catherine P. Logan, City Attorney

**PLANNING COMMISSION MINUTES
MARCH 6, 2012**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, March 6, 2012, in the Council Chambers, 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, Marlene Nagel 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; Bruce McNabb, Public Works Director; Jim Brown, City Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary. Also present Chief Wes Jordan and Sgt. James Carney.

APPROVAL OF MINUTES

Randy Kronblad questioned Kathryn McIntyre's address on page 13 and noted the date of the next meeting on page 16 should be "March 6" not February 7th. The secretary stated she would verify the address and make the necessary corrections. Randy Kronblad moved for the approval of the minutes of February 7, 2012, with the corrections noted. The motion was seconded by Nancy Vennard and passed unanimously.

PUBLIC HEARINGS

Chairman Ken Vaughn announced there were two public hearings on the agenda. He stated both had been appropriately published and reviewed the procedures to be followed for the public hearings calling for presentation by applicant, presentation by staff, questions from the Commission followed by public input.

PC2012-03 Amendment to Special Use Permit to Expand existing Private School at 3531 Somerset Drive

Kathy Morrison, Director of the School since 2003, provided background on the school established in 1963 located in the "Old Woolf Farmhouse" behind the library. They purchased this site from J.C. Nichols in 1969 and as a part of the purchase both parties agreed to certain restrictions. The restrictions were between J.C. Nichols and the Friends of Montessori Association. In general the restrictions limited the use of the property to a school or residential. The City Council approved the first phase of the Highlawn Montessori School as a Special Use Permit on March 7, 1977; the second phase was approved on April 16th, 1984; a third phase was approved on October 18, 1993; and in June, 2009 the expansion to a lot to the east for playground and open space was approved.

The Highlawn Montessori School has had a long history in this neighborhood and has consistently grown and expanded to accommodate its students. Currently the Highlawn Montessori School has a capacity of approximately 144 students. There are five Primary Classes of children age three to six with 120 students and one elementary classroom for children from first to sixth grade with 24 students. Each classroom can accommodate 24 children.

Ms. Morrison stated they are seeking to add two new classrooms in a second story addition above the east building. Currently, the elementary class is held in the basement. They would move this class to the second level and add an additional elementary classroom for 24 children. This would allow them to have an elementary class for grades 1-3 and for grades 4 - 6. The total capacity for the school would be seven classrooms or 168 students. She noted the basement would no longer be used as a classroom, but would serve as a lunch room, meeting space and storm shelter.

Ms Morrison reviewed the following schedule for students:

Pre-school early arrival	7:30 a.m. and 8:30 a.m.
Elementary Students	8:00 a.m. to 8:15 a.m.
Pre-school begins	8:40 a.m. to 9:00 a.m.
Half-day preschool dismissal	11:40 a.m. to 12:00 p.m.
Pre-school dismissal	2:30 p.m.
Elementary school dismissal	3:00 p.m. - 3:15 p.m.
Final dismissal	5:00 p.m.

A neighborhood meeting was held on February 22, 2012 in accordance with Planning Commission Citizen Participation Policy. The issue of concern to the neighbors was traffic.

Aaron Carson, architect for the project with Sunsource Homes reviewed the proposed expansion with site plans and elevations. He noted the materials to be used will blend with the existing structure. The site plan reflected the addition of 5 parking spaces. In addition to the classroom, restrooms, closets, a large deck will be added. Solar panels are proposed for the roof on the south elevation.

Mr. Carson noted that ADA regulations do not require the second story to be ADA accessible because it is less than 3,000 square feet and that no elevator is planned for the addition. The restrooms and entrances will all comply with ADA requirements. He noted that mechanical equipment will be placed on a third story platform which will also include a storage area. This area will be accessed by a ceiling ladder.

The foot print of the existing building is 7,222 sq. ft, which is approximately 9 percent of the site. This is well below the maximum 30 percent ground coverage permitted by ordinance. The deck will add 848 sq. ft. for a total of 8,070 sq. ft. or 10.5 percent ground coverage.

Dirk Schafer asked if the existing basement has windows. Ms Morrison stated it does, but they are small. Mr. Schafer also asked what percentage of the roof surface would have solar panels. Mr. Carson replied 95%.

Mr. Schafer asked what the height of the building was at its highest point. Mr. Carson responded 34' 11". He asked the height of homes in surrounding neighborhoods. Mr. Carson did not know. Nancy Vennard pointed out from the photographs it appeared there was a story and a half home behind the school, but most of the other homes were ranch style.

David Mennenga, traffic engineer with GBA, reviewed the results of the traffic study he completed for this property. The study covered the area from the public works facility driveway to Reinhardt. Counts were taken on February 15th and 17th during an hour period beginning at 8 a.m., at 11:15 a.m. and at 2:30 p.m. Mr. Mennenga reviewed the results of their study and observations with the following conclusions and recommendations:

"It is highly unlikely that the expected small increases in the overall trip generation for the Highlawn Montessori School will cause any particular traffic concerns during the critical weekday peak conditions. School officials have also indicated their intent to utilize the western parking lot for additional vehicle storage during the elementary school arrival and dismissal periods after completion of the classroom expansion project, in an effort to further minimize any associated traffic impacts on the adjacent segment of Somerset Drive.

Only short-duration vehicle queuing was observed on Somerset Drive in the vicinity of the Highlawn Montessori School during the identified critical peak hours. The provided right-turn lane into the school's western access drive is of sufficient length to adequately handle the school-related traffic without impeding the turning movements into and from the adjacent Public Works facility drive. Safe traffic movements through the area will be ensured as long as all drivers are willing to appropriately wait in queue and proceed to their desired drop-off areas on the school's property in an orderly fashion."

Mr. Mennenga noted that the school has posted a sign restricting left turns out of their facility during dismissal hours.

Ron Williamson noted that he met with police personnel and the Director of Public Works earlier this week and based on that meeting presented the following revised staff recommendations for approval of the amended Special Use Permit allowing for the expansion subject to the following conditions:

1. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
2. That the three parking spaces along the west property be surfaced with grass pavers and not concrete or asphalt. (Mr. Williamson noted that this will allow for parking while maintaining the appearance of green space.)
3. That the following requirements be implemented to address traffic:
 - a. The Montessori School shall coordinate the parent and staff traffic education program with the Prairie Village Police Department Traffic Unit.
 - b. The No Left Turn signs at both the east and west driveways on Somerset Drive shall be replaced with official City No Left Turn signs by the Public Works Department and be paid for by the School. (It was noted that the police

department is unable to enforce the sign placed by the school restricting turns.)

- c. To address the traffic queuing issue on Somerset Drive, the Montessori School shall either:
 - 1) Provide additional on-site parking and circulation on the playground area to the east adequate to allow all queuing on their property subject to Staff review and approval; or
 - 2) Re-stripe and re-sign a portion of the east bound turn lane on Somerset Drive, east of Corinth Villas entrance street, for short term parking and provide adequate site distance at the driveway intersections with the modifications coordinated by Public works and the cost of the modifications paid for by the Montessori School.
4. That the applicant use the driveway on the east lot to accommodate at least two parking spaces for staff. (Nancy Vennard suggested that by widening that drive or even making it a circle drive would allow the school to accommodate more parking particularly during special school events.)
5. That the materials be the same as the existing structures and that the applicant submit detailed drawings of the elevations indicating the specific materials to be used while maintaining the residential appearance. The drawings will be reviewed and approved by Staff.
6. That the Special Use Permit be approved for a maximum of seven classrooms (5 primary and 2 elementary) with a maximum enrollment of 24 students per classroom.
7. That the applicant protect existing major trees during the demolition and installation of new improvements.
8. That the Special Use Permit be approved for an indefinite period of time provided that the applicant obtains a building permit and starts construction within two years after the date of approval by the City Council.
9. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

Randy Kronblad asked how many staff the school employs. Ms Morrison responded there are two staff in each classroom and then the administrative staff. Nancy Vennard asked if parent volunteers were used in the classroom. Ms Morrison noted they are occasionally for special events, but not on a regular basis.

Chairman Ken Vaughn opened the public hearing.

Jennifer Sada, 8037 Reinhardt Lane, and Marianne Shouse, 3507 West 79th Street, expressed concern with the existing parking on Reinhardt and its negative impact on visibility for cars turning onto Somerset because of cars parking on both sides of the street the full length of the street. They also expressed concern with the ability of emergency vehicles to service residences on Reinhardt with cars parked on both sides of the street. They stated they supported the school and its program; however, they feel additional on-site parking needs to be made available to address the safety concerns caused by the high volume of off-street parking. They asked if the City could install "no parking" signs to keep people from parking up to the corner or from parking on both sides of the street.

With no one else wishing to address the Commission, the public hearing was closed at 7:40 p.m.

Bob Lindeblad asked for comments from Police Chief Wes Jordan.

Chief Jordan stated they have looked at what is occurring now and what can be done to make the situation better. He called upon Sgt. James Carney to present his findings on school traffic patterns and issues.

Sgt. Carney noted that cars stop in the right turn lane along the south side of the 3500 block of Somerset, despite signage indicating "No stopping or Standing," making this lane unusable by drivers needing access to the Public Works facility. These drivers are waiting to turn into the Highlawn parking lot. This causes drivers accessing the Public Works facility during school dismissal times to make an improper right turn from the "through" lane, around stopped traffic, being careful not to be hit by a parent moving forward in line. Sgt. Carney noted the 11:15 a.m. dismissal time for students is also the time when Public Works employees return to the facility for their lunch period. Sgt. Carney noted that drivers leaving the Public Works facility have the view from their vehicles severely impaired by stopped traffic.

Randy Kronblad asked if it was realistic to restrict parking on Reinhardt to only one side of the street. Sgt. Carney replied it could be considered. It was also noted that temporary "no parking" signs could be used during special events at the school.

Chairman Ken Vaughn led the Commission in the following review of factors for consideration:

- 1. The proposed Special Use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.**

The property is Zoned R-1A Single-Family Residential and has been developed for the Montessori School since 1977. The existing buildings set back approximately 32' from Somerset Drive and meet all other set back requirements. The proposed building height is 34' 11" which is within the 35' height limit of the regulations. The lot is currently 9.4 percent and will increase to about 10.5 percent coverage with the addition of the deck which is approximately 848 sq. ft. The 30 percent lot coverage would allow approximately 23,138 sq. ft. The proposed expansion does comply with the intensity of use, yard and use regulations.

- 2. The proposed Special Use at the specified location will not adversely affect the welfare or convenience of the public.**

The proposal is to add one additional elementary classroom. Traffic is already congested in this area during drop off and more so during pick-up times. Traffic is stacked on Somerset Drive and it does present concerns for those entering and leaving the Public Works facility, as well as, those traveling through on Somerset Drive.

- 3. The proposed Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The addition of the second floor for only the east wing of the facility is 2,570 sq. ft. and will not cause substantial injury to the value of the property in the area. The school actually serves as somewhat of a buffer between the homes on Somerset Drive and the Public Works yard to the south.

4. **The location and size of the Special Use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site which respect to streets giving access to it, are such that this Special Use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the Special Use will so dominate the immediate neighborhood consideration shall be given to:**
 - a **Location, size and nature of the height of building structures, walls and fences on the site; and;**
 - b **The nature and extent of landscape and screening on the site.**

This proposal is for only one additional classroom and is not of a size that will dominate the neighborhood or hinder development or redevelopment. This neighborhood is completely developed.

5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and said areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious affect.**

The ordinance requires two off-street parking spaces per classroom and with seven classrooms that is 14 spaces. Currently there are 14 spaces on the site. The ordinance is probably deficient in its requirement, since the parking spaces always seem to be full. The applicant has proposed four additional parking spaces, but that probably is not enough. The ordinance requires that parking must be eight feet from the property line so the three spaces along the west property line cannot be paved. The eight foot area is for landscaping. An option would be to permit the surface of these three spaces to be grass pavers. A more permanent and long term solution would be to consider staff parking on the recently acquired lot to the east. This would free up parking on the main site. At a minimum, the driveway is still in place and could accommodate at least two vehicles.

6. **Adequate utility drainage and other necessary facilities have been or will be provided.**

The proposed expansion will add a deck area and additional hard surface areas, but it will be minimal and a storm drainage plans has not been required.

7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

No changes are proposed for access. Access is off Somerset Drive. The property is entered at the west drive and exited at the east drive. Traffic circulates around the parking area and children are picked-up at either the west or north entrances to the building. Traffic backs up on Somerset Drive and there is congestion on the street. Staff has requested that a traffic study be prepared and it was not done in time to be

incorporated into this staff Report but will be sent under separate cover or as an attachment.

8. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors or unnecessary intrusive noises.

This particular use does not appear to have any hazardous or toxic materials, hazardous processes or obnoxious odors related to its use. There may be some noise generated from the outdoor play of the children, but it should be mitigated through fencing and landscape screening on the adjacent property lines.

9. Architectural style and exterior materials are compatible with such styles and materials used in the neighborhood in which the proposed building is to built or located.

The plans are more graphic than architectural and while they show the style, do not identify the materials. The building elevation indicates that it will be a residential style which will be compatible with the surrounding neighborhood. It is assumed the materials will be the same as what has been used to date. The submission of architectural quality drawings should be added as a condition of approval.

Bob Lindeblad moved the Planning Commission find favorably on the factors for consideration and recommend the Governing Body approve the amended Special Use Permit for Highlawn Montessori School at 3531 Somerset Drive subject to the following conditions:

1. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
2. That the three parking spaces along the west property be surfaced with grass pavers and not concrete or asphalt.
3. That the following requirements be implemented to address traffic:
 - a. The Montessori School shall coordinate the parent and staff traffic education program with the Prairie Village Police Department Traffic Unit.
 - b. The No Left Turn signs at both the east and west driveways on Somerset Drive shall be replaced with official City "No Left Turn" signs by the Public Works Department and be paid for by the School.
 - c. To address the traffic queuing issue on Somerset Drive, the Montessori School shall either:
 - 1) Provide additional on-site parking and circulation on the playground area to the east adequate to allow all queuing on their property subject to Staff review and approval; or
 - 2) Re-stripe and re-sign a portion of the east bound turn lane on Somerset Drive, east of Corinth Villas entrance street, for short-term parking and provide adequate site distance at the driveway intersections with modifications coordinated by Public Works and the cost of the modifications paid for by the Montessori School.
4. That the applicant use the driveway on the east lot to accommodate at least two parking spaces for staff.
5. That the materials be the same as the existing structures and that the applicant submit detailed drafts of the elevation indicating the specific materials to be used while maintaining the residential appearance. The drawings will be reviewed and approved by Staff.

6. That the Special Use Permit be approved for a maximum of seven classrooms (5 primary and 2 elementary) with a maximum enrollment of 24 students per classroom.
7. That the applicant protects existing major trees during the demolition and installation of new improvements.
8. That the Special Use Permit be approved for an indefinite period of time provided that the applicant obtains a building permit and starts construction within two years after the date of approval by the City Council.
9. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

The motion was seconded by Randy Kronblad.

Bob Lindeblad expressed appreciation for the work by the school, staff and police department to address the traffic issues but noted that parent cooperation and compliance will determine how successful the efforts will be.

Kathy Morrison stated she is happy to work with the police department for traffic education. She expressed concern with the “no left turn” restriction noting that the school is only open 166 days and both traffic studies indicate that there is only a problem during specific times. She would like to see the restriction be limited to those specific times. She also noted forcing a right turn would force traffic to turn around in the driveways of residents on Reinhardt.

Ms Morrison stated that she drove to all Prairie Village schools and found that only Shawnee Mission East with 1700 students and Indian Hills Middle School with 700+ schools have restricted turns. All of the elementary schools in the City have over 400 students, yet none of them have restricted turn regulations that are being requested for her 150 student school. She noted that a violation of the “no left turn” restrict would be considered a moving violation with a ticket cost of \$145. She does not feel this is fair to her parents and would like to try a parent education program initially and then if that is unsuccessful proceed with the no left turn restriction.

Nancy Vennard confirmed the current sign placed by the school was a permanent sign restricting turns at identified times. She asked if the City sign could be limited to specific times.

Bob Lindeblad asked the traffic engineer with GBA for his opinion on the proposed no left turn restriction.

David Mennenga responded there were a fair number of left turns made out of the facility and noted that those individuals experienced the longest delay. His observations did not see any safety concerns for the turning traffic. He felt no left turns restricted to the identified hours of dismissal would be acceptable.

Chief Jordan stated each school is evaluated based on its specific location. This area creates a vision obstruction of Public Works traffic and he supports the recommendation as written. He feels the signs will create a minimum inconvenience and improve traffic flow.

Bob Lindeblad asked if the wording of the motion would allow the flexibility of restricted times for the “no left turn” restriction. Mr. Williamson replied it does and staff could work with the school on determining those time periods.

Kathy Morrison questioned why the school was being charged for the cost of striping the road. She noted traffic at the school has not changed in the past ten years. She has not received any complaints from Public Works. She stated she had expressed concerns with the recent reduction of traffic lanes on Somerset and was advised by the previous Public Works Director and interim Public Works Director that the turning lane would address traffic flow issues for traffic coming into the school.

Bob Lindeblad asked why the lane was being restriped. Chief Jordan responded that it is illegal to park or stand idle in a turning lane or to turn out of a turning lane. This is currently being done by vehicles picking up students at the school. Mr. Lindeblad noted this action would make the actions of the parents legal. He asked how much this would cost. Bruce McNabb replied he did not have exact costs at this time, but estimated costs to be several thousand.

Nancy Vennard asked why the school is being charged for this cost, it does not make sense. Bob Lindeblad replied the action is being taken for the benefit of the parents of the children attending the school. Mrs. Vennard asked why this wasn't done by the City two years ago when the change was made.

Dirk Schafer noted the problem could be solved by the school adding additional parking on site and that the cost of restriping is significantly less than the cost to the school for additional on-site parking spaces.

The motion was voted on and passed by a vote of 6 to 0.

Ken Vaughn urged all those involved to take advantage of this opportunity for negotiation and operational consideration in addressing these issues.

Dennis Enslinger stated this item would go before the City Council on Monday, March 19th.

Site Plan Approval

Chairman Ken Vaughn led the Commission in review of the following site plan criteria:

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

The buildings, parking and open space meet the requirements of the zoning ordinance, however, more parking than is required by the ordinance is needed to serve this facility. The stacking area for vehicles particularly during the student pick-up times is not adequate to handle the demand, and cars stack up on Somerset Drive waiting for a class to let out. This problem is not unique to Highlawn Montessori, but is a problem shared by all schools.

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

This site is currently served by utilities and they should be adequate to serve the proposed use.

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

This is a second story addition and the impervious surface will be increasing very little. The removal of the house on the lot to the east reduced the land surface area for the school significantly for the total site. The existing stormwater drainage should

be adequate to handle the minimal increase and a stormwater management plan was not required.

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

This is a concern because traffic stacking up on Somerset Drive causes congestion during drop-off and pick-up times. The congestion apparently causes people to drive carefully along Somerset Drive and there are few accidents. The applicant is preparing a Traffic Study and it will address this issue in more detail.

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

This site is nearing its maximum capacity to accommodate additional development. The site is irregularly shaped and it has elevation change that makes it a difficult site to design. The proposed expansion is a second story which makes good sense considering the challenges of the site. The proposed expansion is generally consistent with good land planning and site engineering design principals with the exception that the site cannot accommodate the traffic and vehicles stacking up on Somerset Drive.

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

It was not noted on the plans, but the applicant will be using the same materials as used on the existing buildings and it will be painted the same color. The applicant should submit Architectural quality drawings to Staff for review and approval.

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

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The Highlawn Montessori School is one of the amenities that sets Prairie Village apart from other competing communities in the metropolitan area. This application is for the expansion of an existing use within the community and is consistent with Village Vision in encouraging reinvestment.

Bob Lindeblad moved the Planning Commission approve the site plan for the expansion of Highlawn Montessori School at 3531 Somerset subject to the following conditions:

1. That the applicant use the driveway on the east lot to accommodate at least two parking spaces for staff.
2. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
3. That the three parking spaces along the west side of the parking area be surfaced with grass pavers.
4. That the proposed addition use the same materials and be painted the same color as the existing buildings and that the applicant submit revised drawings for staff approval.
5. That the applicant protect existing major trees during the demolition and installation of new improvements.

The motion was seconded by Nancy Vennard and passed unanimously. Chairman Ken Vaughn declared a five minute recess.

LOCHNER

STAFF REPORT UPDATE

TO: Prairie Village Planning Commission
FROM: Ron Williamson, Lochner, Planning Consultant
DATE: March 6, 2012 Planning Commission Meeting
SUBJECT: PC 2012-03 Special Use Permit for Montessori School

Project # 011002401

Staff has reviewed the Traffic Impact Reports and has made recommendations regarding traffic. The following is a revised list of the recommendations for approval or the Special Use Permit:

1. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
2. That the three parking spaces along the west property be surfaced with grass pavers and not concrete or asphalt.
3. That the following requirements be implemented to address traffic:
 - a. The Montessori School shall coordinate the parent and staff traffic education program with the Prairie Village Police Department Traffic Unit.
 - b. The No Left Turn signs at both the east and west driveways on Somerset Drive shall be replaced with official City No Left Turn signs by the Public Works Department and be paid for by the School.
 - c. To address the traffic queuing issue on Somerset Drive, the Montessori School shall either:
 - 1) Provide additional on-site parking and circulation on the playground area to the east adequate to allow all queuing on their property subject to Staff review and approval; or
 - 2) Re-stripe and re-sign a portion of the east bound turn lane on Somerset Drive, east of Corinth Villas entrance street, for short term parking and provide adequate site distance at the driveway intersections with the modifications coordinated by Public works and the cost of the modifications paid for by the Montessori School.
4. That the applicant use the driveway on the east lot to accommodate at least two parking spaces for staff.
5. That the materials be the same as the existing structures and that the applicant submit detailed drafts of the elevation indicating the specific materials to be used while maintaining the residential appearance. The drawings will be reviewed and approved by Staff.
6. That the Special Use Permit be approved for a maximum of seven classrooms (5 primary and 2 elementary) with a maximum enrollment of 24 students per classroom.
7. That the applicant protects existing major trees during the demolition and installation of new improvements.
8. That the Special Use Permit be approved for an indefinite period of time provided that the applicant obtains a building permit and starts construction within two years after the date of approval by the City Council.
9. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, Lochner, Planning Consultant
DATE: March 6, 2012 Planning Commission Meeting

Project # 011002401

Application: PC 2012-03

Request: Special Use Permit to Expand an Existing Private School

Property Address: 3531 Somerset Drive

Applicant: Friends of Montessori Association

Current Zoning and Land Use: R-1A Single-Family Residential District and Special Use Permit – Montessori School

Surrounding Zoning and Land Use:

- North:** R-1A Single-Family Residential District – Single-Family Dwellings
- East:** Leawood R-1 Single-Family Residential – Single-Family Dwellings
- South:** R-1A Single-Family Residential District – Public Works Maintenance Yard
- West:** RP-4 Planned Condominium District - Townhomes

Legal Description: Unplatted – Metes and Bounds and Somerside Lot 16

Property Area: 1.77 acres or 77,129 sq. ft.

Related Case Files:

- PC 2009-08 Amend Special Use Permit to add Somerside Lot 16
- PC 2001-01 Amend Special Use Permit to expand to Somerside Lot 16 (Applicant Withdrew)
- PC 93-08 Amend Special Use Permit to expand building
- PC 87-105 Approval of Filed Plans for Expansion
- PC 87-07 Special Use Permit to Expand
- PC 84-108 Special Use Permit to Expand
- PC 77-01 Special Use Permit for Initial Approval

Attachments: Application, Plans and Photos

General Location Map



Aerial Map



COMMENTS:

The Highlawn Montessori School is requesting an amendment to their Special Use Permit to add two new classrooms. Highlawn Montessori School was established in 1963 in Prairie Village and originally was located in the "Old Woolf Farmhouse" behind the library. They purchased this site from J.C. Nichols in 1969 and as a part of the purchase both parties agreed to certain restrictions. The restrictions were between J.C. Nichols and the Friends of Montessori Association. In general the restrictions limited the use of the property to a school or residential. Also J.C. Nichols retained the right to approve the plans for all buildings and structures. These restrictions are private and have no bearing on the City consideration of the application to expand the Montessori School. The City Council approved the first phase of the Highlawn Montessori School as a Special Use Permit on March 7, 1977; the second phase was approved on April 16th, 1984; a third phase was approved on October 18, 1993; and in June, 2009 the expansion to a lot to the east for playground and open space was approved. The Highlawn Montessori School has had a long history in this neighborhood and has consistently grown and expanded to accommodate its students. Currently the Highlawn Montessori School has a capacity of approximately 144 students. There are five Primary Classes of children ages three to six and one elementary classroom for children from first to sixth grade. Each classroom can accommodate 24 children.

The proposal is to add two new classrooms in a second story addition above the east building. Currently, the elementary class is held in the basement. The proposal is to move this class to the second level and add an additional elementary classroom for 24 children. The total capacity for the school would be seven classrooms or 168 students. The basement would no longer be used as a classroom, but would serve as a lunch room, meeting space and storm shelter. In addition to the classroom, restrooms, closets and a large deck will be added. Solar panels are proposed for the roof on the south elevation. The foot print of the existing building is 7,222 sq. ft, which is approximately 9 percent of the site. This is well below the maximum 30 percent ground coverage permitted by ordinance. The deck will add 848 sq. ft. for a total of 3,070 sq. ft. or 10.5 percent ground coverage.

The applicant held a meeting on February 22, 2012 in accordance with Planning Commission Citizen Participation Policy. A summary of that meeting is attached. The issue of concern to the neighbors was traffic.

FACTORS FOR CONSIDERATION:

The Planning Commission shall make findings of fact to support its decision to approve, conditionally approve or disapprove a special use permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

- 1. The proposed Special Use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.**

The property is Zoned R-1A Single-Family Residential and has been developed for the Montessori School since 1977. The existing buildings set back approximately 32' from Somerset Drive and meet all other set back requirements. The proposed building height is 34' 11" which is within the 35' height limit of the regulations. The lot is currently 9.4 percent and will increase to about 10.5 percent coverage with the addition of the deck which is approximately 848 sq. ft. The 30 percent lot coverage would allow approximately 23,138 sq. ft. The proposed expansion does comply with the intensity of use, yard and use regulations.

- 2. The proposed Special Use at the specified location will not adversely affect the welfare or convenience of the public.**

The proposal is to add one additional elementary classroom. Traffic is already congested in this area during drop off and more so during pick-up times. Traffic is stacked on Somerset Drive and it does present concerns for those entering and leaving the Public Works facility, as well as, those traveling through on Somerset Drive.

- 3. The proposed Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The addition of the second floor for only the east wing of the facility is 2,570 sq. ft. and will not cause substantial injury to the value of the property in the area. The school actually serves as somewhat of a buffer between the homes on Somerset Drive and the Public Works yard to the south.

- 4. The location and size of the Special Use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site which respect to streets giving access to it, are such that this Special Use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the Special Use will so dominate the immediate neighborhood consideration shall be given to:**

- a Location, size and nature of the height of building structures, walls and fences on the site; and;**
- b The nature and extent of landscape and screening on the site.**

This proposal is for only one additional classroom and is not of a size that will dominate the neighborhood or hinder development or redevelopment. This neighborhood is completely developed.

- 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and said areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious affect.**

The ordinance requires two off-street parking spaces per classroom and with seven classrooms that is 14 spaces. Currently there are 14 spaces on the site. The ordinance is probably deficient in its requirement, since the parking spaces always seem to be full. The applicant has proposed four additional parking spaces, but that probably is not enough. The ordinance requires that parking must be eight feet from the property line so the three spaces along the west property line cannot be paved. The eight foot area is for landscaping. An option would be to permit the surface of these three spaces to be grass pavers. A more permanent and long term solution would be to consider staff parking on the recently acquired lot to the east. This would free up parking on the main site. At a minimum, the driveway is still in place and could accommodate at least two vehicles.

- 6. Adequate utility drainage and other necessary facilities have been or will be provided.**

The proposed expansion will add a deck area and additional hard surface areas, but it will be minimal and a storm drainage plans has not been required.

- 7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

No changes are proposed for access. Access is off Somerset Drive. The property is entered at the west drive and exited at the east drive. Traffic circulates around the parking area and children are picked-up at either the west or north entrances to the building. Traffic backs up on Somerset Drive and there is congestion on the street. Staff has requested that a traffic study be prepared and it was not done in time to be incorporated into this staff Report but will be sent under separate cover or as an attachment.

8. **Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors or unnecessary intrusive noises.**

This particular use does not appear to have any hazardous or toxic materials, hazardous processes or obnoxious odors related to its use. There may be some noise generated from the outdoor play of the children, but it should be mitigated through fencing and landscape screening on the adjacent property lines.

9. **Architectural style and exterior materials are compatible with such styles and materials used in the neighborhood in which the proposed building is to built or located.**

The plans are more graphic than architectural and while they show the style, do not identify the materials. The building elevation indicates that it will be a residential style which will be compatible with the surrounding neighborhood. It is assumed the materials will be the same as what has been used to date. The submission of Architectural quality drawings should be added as a condition of approval.

RECOMMENDATION:

After a review of the proposed application in relation to the nine factors previously outlined, the Planning Commission may either recommend approval of the special use permit amendments with or without conditions, recommend denial, or continue it to another meeting. In granting this special use permit amendment, however, the Planning Commission may impose such conditions, safeguards, and restrictions upon the premises benefited by approval of the Special Use Permit as may be necessary to reduce or minimize any potentially injurious affect on other property in the neighborhood. It is the recommendation of Staff that the Planning Commission recommend approval of the Special Use Permit Amendment to the Governing Body subject to the following conditions:

1. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
2. That the three parking spaces along the west property be surfaced with grass pavers and not concrete or asphalt.
3. That additional requirements may result based on the Traffic Study.
4. Consideration be given to adding staff parking to the east lot and at a minimum use the existing driveway for parking.
5. That the materials be the same as the existing structures and that the applicant submit detailed drafts of the elevation indicating the specific materials to be used while maintaining the residential appearance. The drawings will be reviewed and approved by Staff.
6. That the Special Use Permit be approved for a maximum of seven classrooms with a maximum enrollment of 24 students per classroom.
7. That the applicant protects existing major trees during the demolition and installation of new improvements.
8. That the Special Use Permit be approved for an indefinite period of time.
9. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

Site Plan Approval

The applicant has also submitted a site plan for approval by the Planning Commission. In its consideration of the site plan, the Planning Commission shall address the following criteria:

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

The buildings, parking and open space meet the requirements of the zoning ordinance, however, more parking than is required by the ordinance is needed to serve this facility. The stacking area for vehicles particularly during the student pick-up times is not adequate to handle the demand, and cars stack up on Somerset Drive waiting for a class to let out. This problem is not unique to Highlawn Montessori, but is a problem shared by all schools.

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

This site is currently served by utilities and they should be adequate to serve the proposed use.

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

This is a second story addition and the impervious surface will be increasing very little. The removal of the house on the lot to the east reduced the land surface area for the school significantly for the total site. The existing stormwater drainage should be adequate to handle the minimal increase and a stormwater management plan was not required.

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

This is a concern because traffic stacking up on Somerset Drive causes congestion during drop-off and pick-up times. The congestion apparently causes people to drive carefully along Somerset Drive and there are few accidents. The applicant is preparing a Traffic Study and it will address this issue in more detail.

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

This site is nearing its maximum capacity to accommodate additional development. The site is irregularly shaped and it has elevation change that makes it a difficult site to design. The proposed expansion is a second story which makes good sense considering the challenges of the site. The proposed expansion is generally consistent with good land planning and site engineering design principals with the exception that the site cannot accommodate the traffic and vehicles stacking up on Somerset Drive.

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

It was not noted on the plans, but the applicant will be using the same materials as used on the existing buildings and it will be painted the same color. The applicant should submit Architectural quality drawings to Staff for review and approval.

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

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The Highlawn Montessori School is one of the amenities that sets Prairie Village apart from other competing communities in the metropolitan area. This

application is for the expansion of an existing use within the community and is consistent with Village Vision in encouraging reinvestment.

RECOMMENDATION:

It is the recommendation of staff that the Planning Commission approve the site plan, subject to the following conditions:

1. That the applicant use the driveway on the east lot to accommodate at least two parking spaces for staff.
 2. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
 3. That the three parking spaces along the west side of the parking area be surfaced with grass pavers.
 4. That the proposed addition use the same materials and be painted the same color as the existing buildings and that the applicant submit revised drawings for staff approval.
 5. That the applicant protect existing major trees during the demolition and installation of new improvements.
-

Front Elevation



Playground Driveway





046-068-27-0-20-07-019.00-0 12/21/2009

[Go back to previous](#)

Prairie Village, KS Planning Commission
7700 Mission Road
Prairie Village, Kansas 66208-4230



Friday, February 3, 2012

Dear Planning Commission:

Highlawn Montessori School, established in 1963, features the first Association Montessori Internationale (AMI) accredited Montessori programs in the Kansas City Area. Since 1963, the school has gradually expanded from one Primary Classroom of 20 children, ages three to six, to five Primary Classes of 24 children. Currently, Highlawn also offers one Montessori Elementary classroom for children from first to sixth grade.

Highlawn is a Kansas 501-C-3 Not-for-Profit Corporation under the operative organization, Friends of Montessori Association. The property and business of the corporation is controlled and managed by a Board of Directors consisting of current Highlawn parents. The mission of Highlawn Montessori School is to provide a child-centered Montessori community which facilitates the social, emotional, physical and cognitive development of each child.

Highlawn's elementary program currently serves students in grades 1-6 and is located in the basement of Highlawn's existing facility. It is the desire of our community to relocate the existing elementary classroom to a second story addition above Highlawn's east building. The addition would also contain classroom space for one additional elementary classroom. The addition of one classroom would expand Highlawn's Elementary program from one, multi-age classroom serving 24 students in grades 1-6 to two classrooms with classroom space for 24 additional students.

Consequently, we are applying to the Prairie Village Planning Commission to consider our application to build a second story addition to SOMERSIDE Lot 16, PVC-10470 in order to relocate our existing Elementary Classroom and create one additional classroom for students in grades 1st-6th. The current basement space would be utilized as a lunchroom, meeting space for special programs, and severe storm shelter for Highlawn students and Prairie Village Public Works employees.

Our site plan outlines our plan in detail. We look forward to meeting with you to discuss our application. I am available for any questions.

Sincerely,

Kathy Morrison

Kathy Morrison

Highlawn Montessori School, Director

3531 Somerset Drive

Prairie Village, KS 66208

913-649-6160

kathy@highlawn.org

3531 Somerset Drive . Prairie Village, KS 66208 . 913-649-6160

Fax 913-649-0323 www.highlawn.org

Member Association Montessori Internationale

SOMMERSET DR.

EXISTING ENTRANCE - NO CHANGE

EXISTING EXIT - NO CHANGE

EXISTING SITE - NO CHANGE

EXISTING SITE - NO CHANGE

OPTIONAL NEW SIDEWALK - PENDING BUDGET ALLOWANCE
EXISTING DRIVE - NO CHANGE

EXISTING PARKING - NO CHANGE

EXISTING BUILDING - SECOND FLOOR ADDITION

EXISTING SITE - NO CHANGE

EXISTING BUILDING - NOT PART OF ADDITION

EXISTING SITE - NO CHANGE

NOTES:
 THE EXISTING SITE WILL NOT CHANGE WITH THE EXCEPTION OF THE ADDITION OF 4 NEW PARKING SPACES AND OPTIONAL EXTENSION OF SIDEWALK ON NORTHWEST CORNER AS INDICATED ON PLAN.

LOCATION OF VEGETATION SHOWN IS ACCURATE BUT DOES NOT INCLUDE ALL TREES AND SHRUBS. NO TREES OR SHRUBS WILL BE DISPLACED, REMOVED OR HARMED AS PART OF THE VERTICAL ADDITION.

SQUARE FOOTAGE OF ROOF WILL ONLY INCREASE 2%. THIS INCREASE IS DUE TO EXTENDED OVERHANGS TO FACILITATE PASSIVE SOLAR DESIGN TECHNIQUES AS WELL AS AESTHETIC UPGRADES.

SITE DRAINAGE & GRADING WILL NOT CHANGE.

PAVING FOR ADDITIONAL PARKING IS TO BE 980 SF. TOTAL

CONCRETE FOR OPTIONAL NEW SIDEWALK AS SHOWN IS TO BE 363 SF. TOTAL

HATCH LEGEND

 PROPOSED NEW HARDSCAPE

1
LS1

PRELIMINARY SITE PLAN
3/32" = 1' (AT 36" X 24" PRINT)

HIGHLAWN REMODEL

**HIGHLAWN MONTESSORI
3531 SOMMERSET DR.
PRAIRIE VILLAGE KANSAS, 66208**

ISSUED BLOCK	DATE	DESCRIPTION

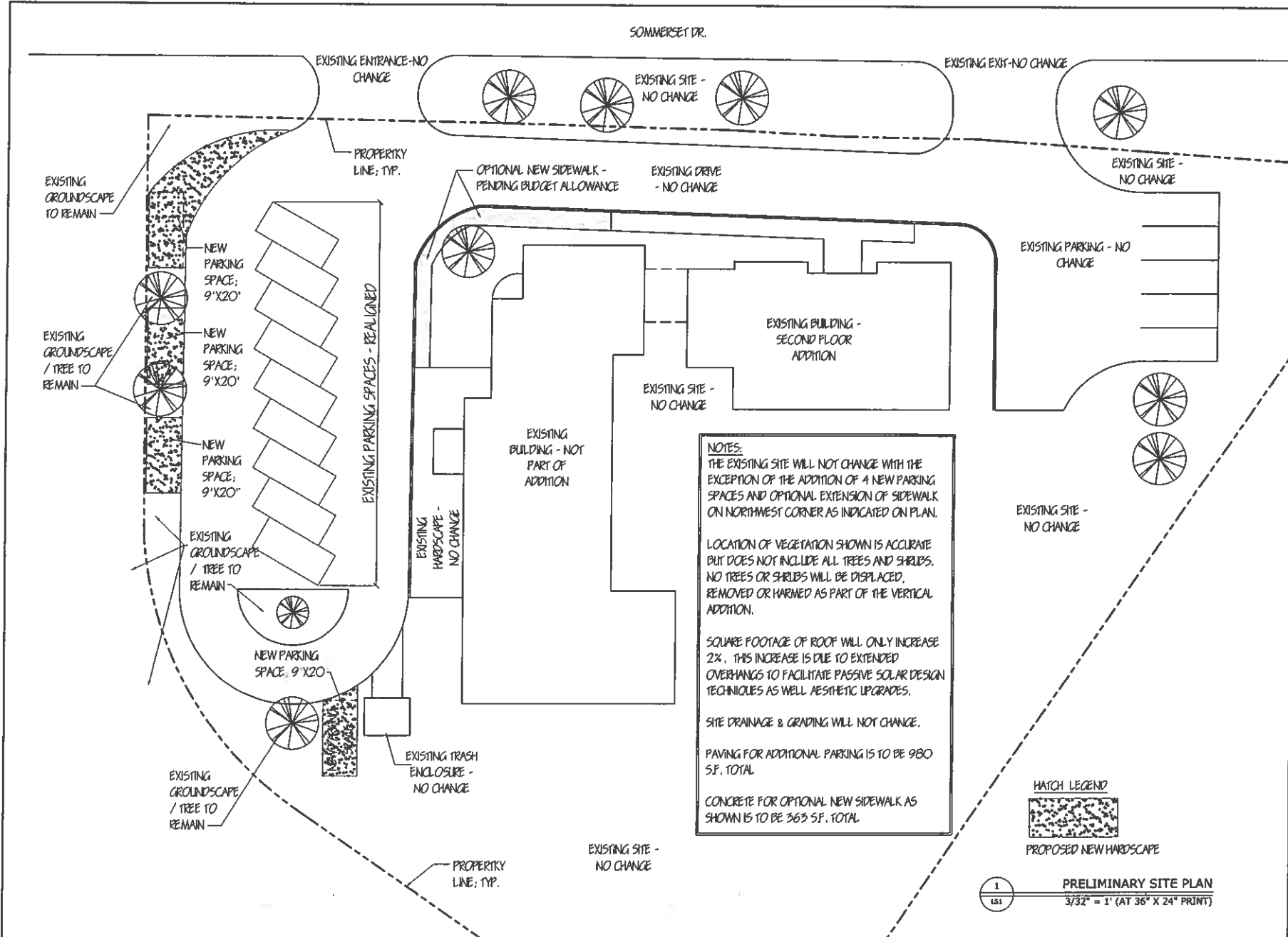


CONSULTANT STAMP

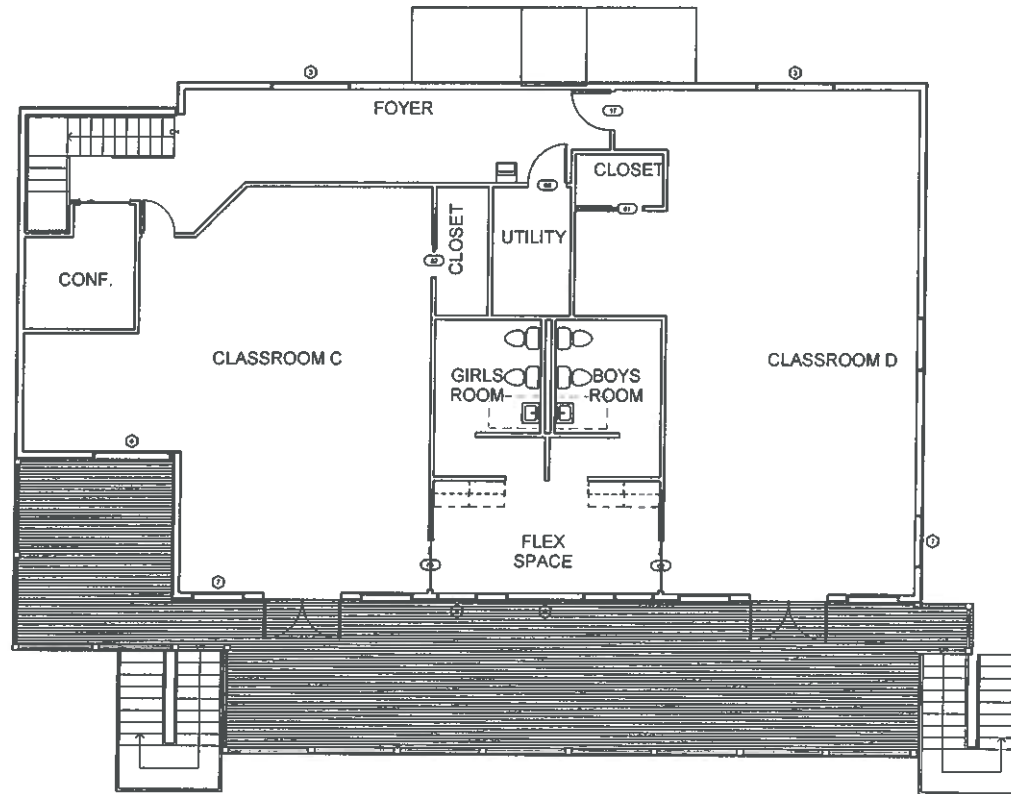
OWNER TITLE

PRELIMINARY SITE PLAN

SHEET NUMBER
LS1



NOTE.
 THIS ENTIRE FLOOR IS NEW
 NEW WINDOWS WILL ALIGN VERTICALLY WITH
 EXISTING WINDOWS BELOW
 THE SOUTH SIDE WILL INCORPORATE SEVERAL
 WINDOWS TO TAKE ADVANTAGE OF PASSIVE SOLAR
 HEAT GAIN AND SHADING DEPENDING ON THE SEASON



SECOND FLOOR PLAN

A VERTICAL ADDITION TO:
**HIGHLAWN
 MONTESSORI
 SCHOOL**
 3531 SOMMERSET DR.
 PRAIRIE VILLAGE, KS 66208

SUNSOURCE
HOMES
 Innovative Designs for Sustainable Living
SUNSOURCE HOMES, INC. 7100 ROSEWOOD DR. PRAIRIE VILLAGE, KS 66208
 816-340-0000

No.	Description	Date



SECOND FLOOR
 PLAN

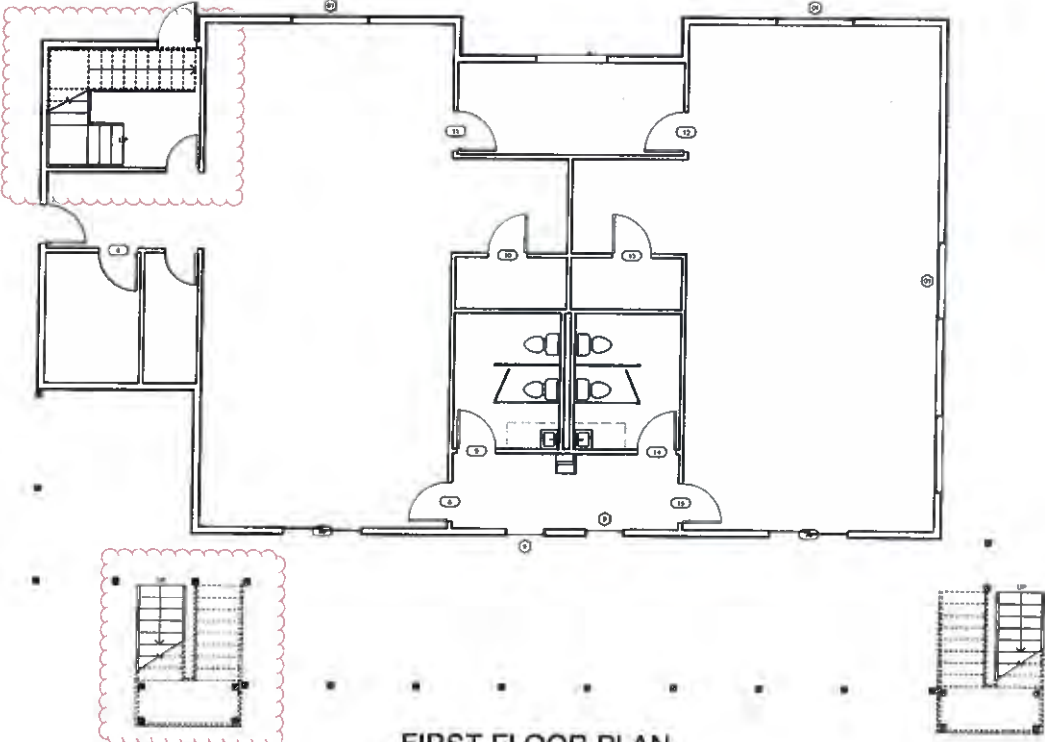
Project Number: _____
 Original Issue Date: _____
 Project Number: _____
 Issue Date: _____

A1.1

Date: _____ 1/4" = 1'-0"

10/20/2013 10:11 AM

THIS IS THE EXTENT
OF THE FIRST FLOOR
SPACE PLAN
REDESIGN
WE ARE ADDING
STAIRS TO WHAT IS
NOW OFFICE SPACE
THE FOOTPRINT OF
THIS AREA WILL
REMAIN THE SAME



FIRST FLOOR PLAN

NEW STAIRS WILL BE ADDED TO ACCESS THE
UPSTAIRS DECK

A VERTICAL ADDITION TO:
**HIGHLAWN
MONTESSORI
SCHOOL**
3531 SOMMERSET DR.
PRAIRIE VILLAGE, KS 66208

SUNSOURCE
HOMES
Innovative Designs for Sustainable Living
SUNSOURCE HOMES, INC. 7032 ROSEWOOD LN PRAIRIE VILLAGE, KS 66208
620.646.8045
SUNSOURCEHOMES.NET 916.70.3883

No.	Description	Date



FIRST FLOOR
PLAN

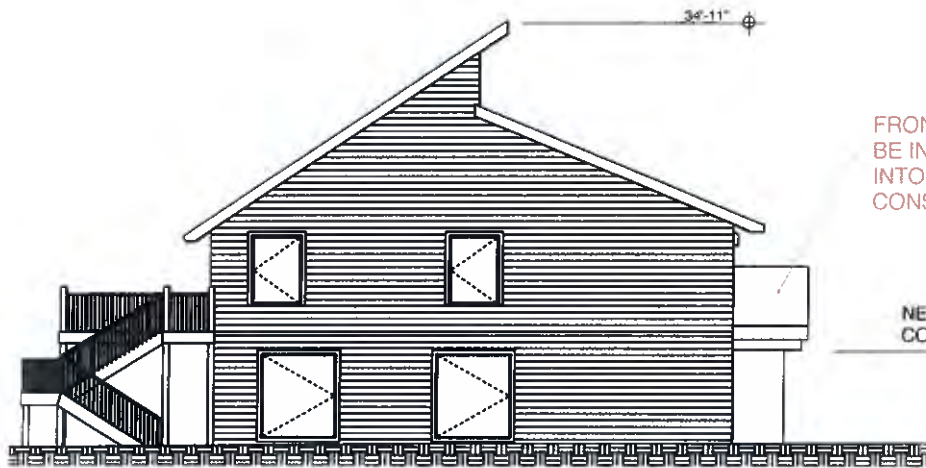
Project Number: _____
Original Issue Date: _____

Project Number: _____
Issue Date: _____

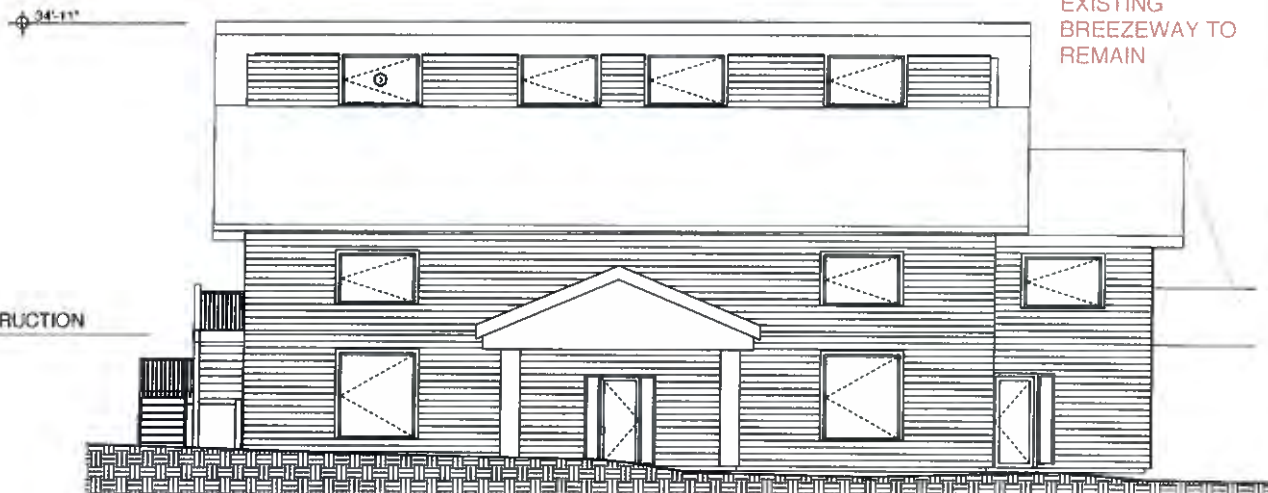
A1.0

Date: _____ Scale: 1/8" = 1'-0"

UNIVERSITY OF KANSAS



EAST ELEVATION



NORTH ELEVATION

A VERTICAL ADDITION TO:
**HIGHLAWN
 MONTESSORI
 SCHOOL**
 3531 SOMMERSET DR.
 PRAIRIE VILLAGE, KS 66208

SUNSOURCE
HOMES
 Innovative Designs for Sustainable Living
1000 W. 17TH AVENUE, SUITE 100, DENVER, CO 80202
 303.733.0001

No.	Description	Date

ELEVATIONS

Project No. _____ Project Location _____
 Designer's Title _____ Date _____

A2.0

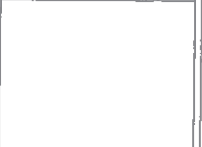
Scale: 1/8" = 1'-0"

12/15/10 11:00 AM

A VERTICAL ADDITION TO:
**HIGHLAWN
 MONTESSORI
 SCHOOL**
 3531 SOMMERSET DR.
 PRAIRIE VILLAGE, KS 66208

**SUNSOURCE
 HOMES**
 Innovative Designs for Sustainable Living
SUNSOURCE HOMES • 1000 ROCKY HOLLOW DRIVE, PRAIRIE VILLAGE, KS 66208
 SUNSOURCE-HOMES.NET • (620) 763-0000

No.	Description	Date



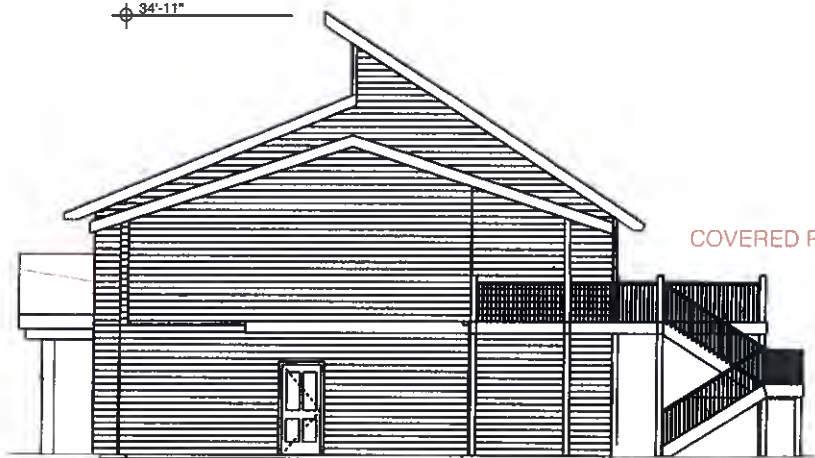
ELEVATIONS

Project Number	Project Number
Designer Name	Issue Date
A2.1	
Scale	Scale = 1/8" = 1'-0"

10/2015 © BY 2015

EXISTING BREEZEWAY
 OMITTED FOR CLARITY
 THE BREEZEWAY WILL
 BE ATTACHED TO NEW
 ADDITION AND REMAIN
 AS IS.

NEW
 CONSTRUCTION



COVERED PORCH

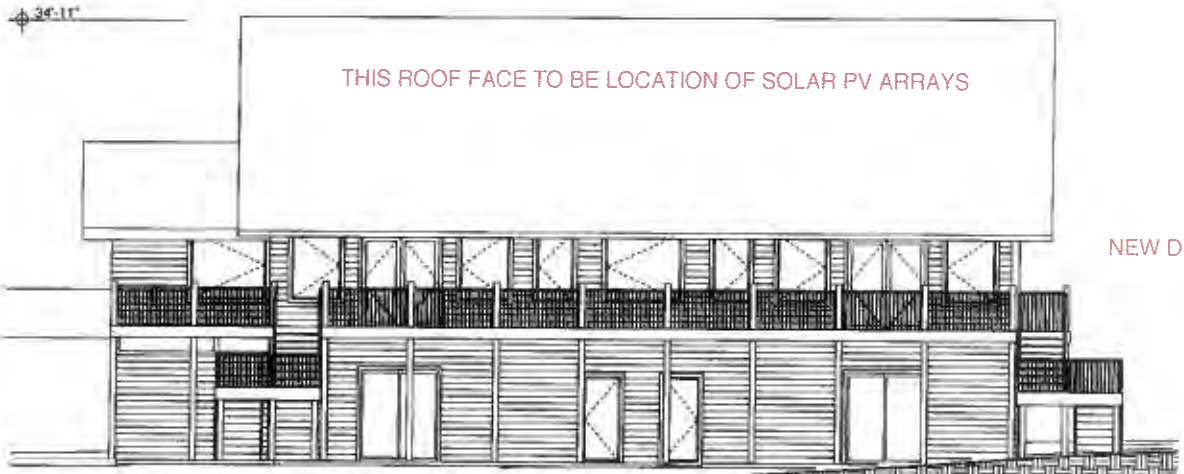
NEW DECK

WEST ELEVATION

THIS ROOF FACE TO BE LOCATION OF SOLAR PV ARRAYS

NEW
 CONSTRUCTION

EXISTING
 BREEZEWAY
 BEYOND



NEW DECK

SOUTH ELEVATION

Neighborhood Meeting Agenda
Highlawn Montessori School



February 22, 2012
7:00 pm

Re: Application for Special Use Permit as applied to the property at
3531 Somerset Drive.

- I. Introductions
- II. Vision from Highlawn
Kathy Morrison, Highlawn Director
- III. Site Plan Review
Keith Grapler, Project Consultant
- IV. Discussion
- V. School Contact for Highlawn Neighbors

Kathy Morrison, School Director
Highlawn Montessori School
6160 Somerset Drive
Prairie Village, KS 66208
913-649-6160
Kathy@highlawn.org

Neighborhood Meeting Minutes Highlawn Montessori School



February 22, 2012
7:00 pm

Re: Application for Special Use Permit as applied to the property at 3531 Somerset Drive.

I. Introductions

- Kathy Morrison, Highlawn Director
- Keith Grapler, Project Manager
- Patty Wright, Elementary Teacher
- Marianne Shouse and Jennifer Sada, Neighbors

II. Vision from Highlawn

Kathy Morrison, Highlawn Director

- Reviewed history of Highlawn Montessori School
- Discussed elementary school
 - Goal to divide current 6-12 program into 2 classrooms

III. Site Plan Review

- Keith Grapler, Project Consultant
 - Reviewed design attached
 - Neighbors asked about construction timeline. Discussed goal to complete structural work during summer when parking on-site would be available. Discussed summer camp schedule. Camp scheduled from 9-1 in June for only 24 children.

IV. Discussion

- Ms. Sada stated that she had called neighbors about the meeting and they did not receive letters. School explained that all neighbors within 200 feet of property had been notified and signed receipts had been returned.
- Ms. Sada stated that she is concerned about parking on her street. She stated that she has been a good neighbor and supported our playground project.
- She stated that the school has not cooperated with her by putting out no parking signs. She acknowledge that Reinhardt is a public street. She stated that parking at the 11:45 pick-up time is her main concern.
- The school explained that the planned addition for elementary classrooms would not alter the 11:45 schedule. The elementary class schedule is

3531 Somerset Drive . Prairie Village, KS 66208 . 913-649-6160

Fax 913-649-0323 www.highlawn.org

Member Association Montessori Internationale

staggered with drop-off from 8-8:15 and pick-up from 3-3:15. The elementary program does not add traffic to Somerset or parking on Reinhardt.

- School rep stated that Prairie Village Police Department has told us that we are not required to put out no parking signs for events and the width of Reinhardt does allow parking on both sides of the street.
- School rep explained that we had commissioned a Traffic Study at our expense is ensure that the additional elementary classroom would not have a negative impact on the neighborhood. Results are not available yet but would be shared at the Planning Commission meeting.
- Ms. Sada expressed concern that the school had commissioned the traffic study.
- Ms. Sada feels like we have not communicated with her.
- The school has shared with neighbors that our calendar is on our web site. Neighbors stated that evening events were to be expected and were not a concern. The main concern is during the 11:45 pick-up.
- The school explained again that the additional elementary classroom would not affect the 11:45 pick-up.
- The school rep shared examples of ongoing suggestions and reminders communicated to Highlawn families and staff regarding parking. Families are e-mailed reminders before all events. Families are asked frequently to be respectful of our neighbors when parking. We ask them not to block driveways, not to park on lawns, and use the public works parking lot for evening events. The goal is the safety of the community. The school has met with Prairie Village Police to ensure city laws are followed.

V. Tour of school

VI. School Contact for Highlawn Neighbors

Kathy Morrison, School Director
Highlawn Montessori School
6160 Somerset Drive
Prairie Village, KS 66208
913-649-6160
Kathy@highlawn.org

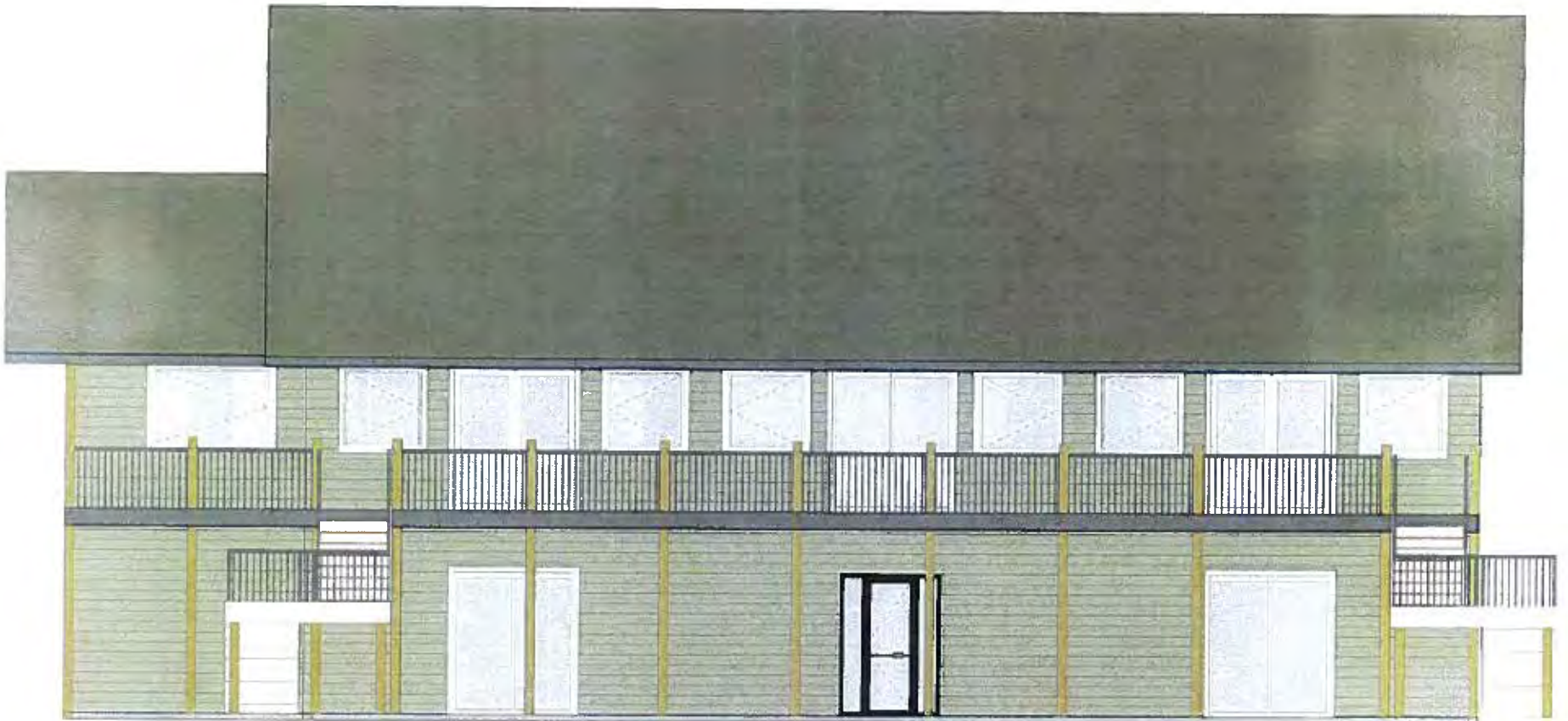
Meeting was adjourned at 7:45pm.



NORTH ELEVATION



WEST ELEVATION



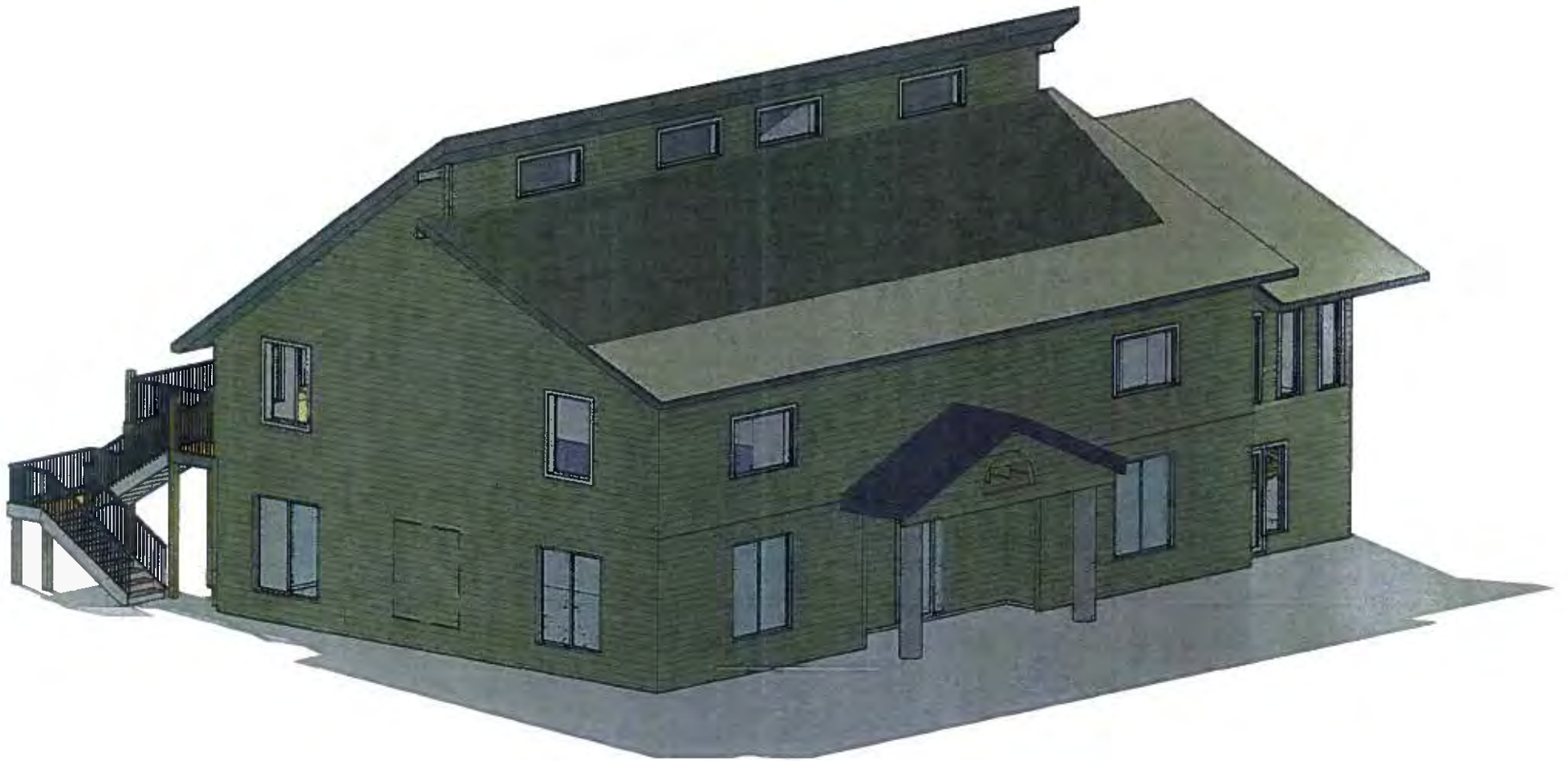
SOUTH ELEVATION



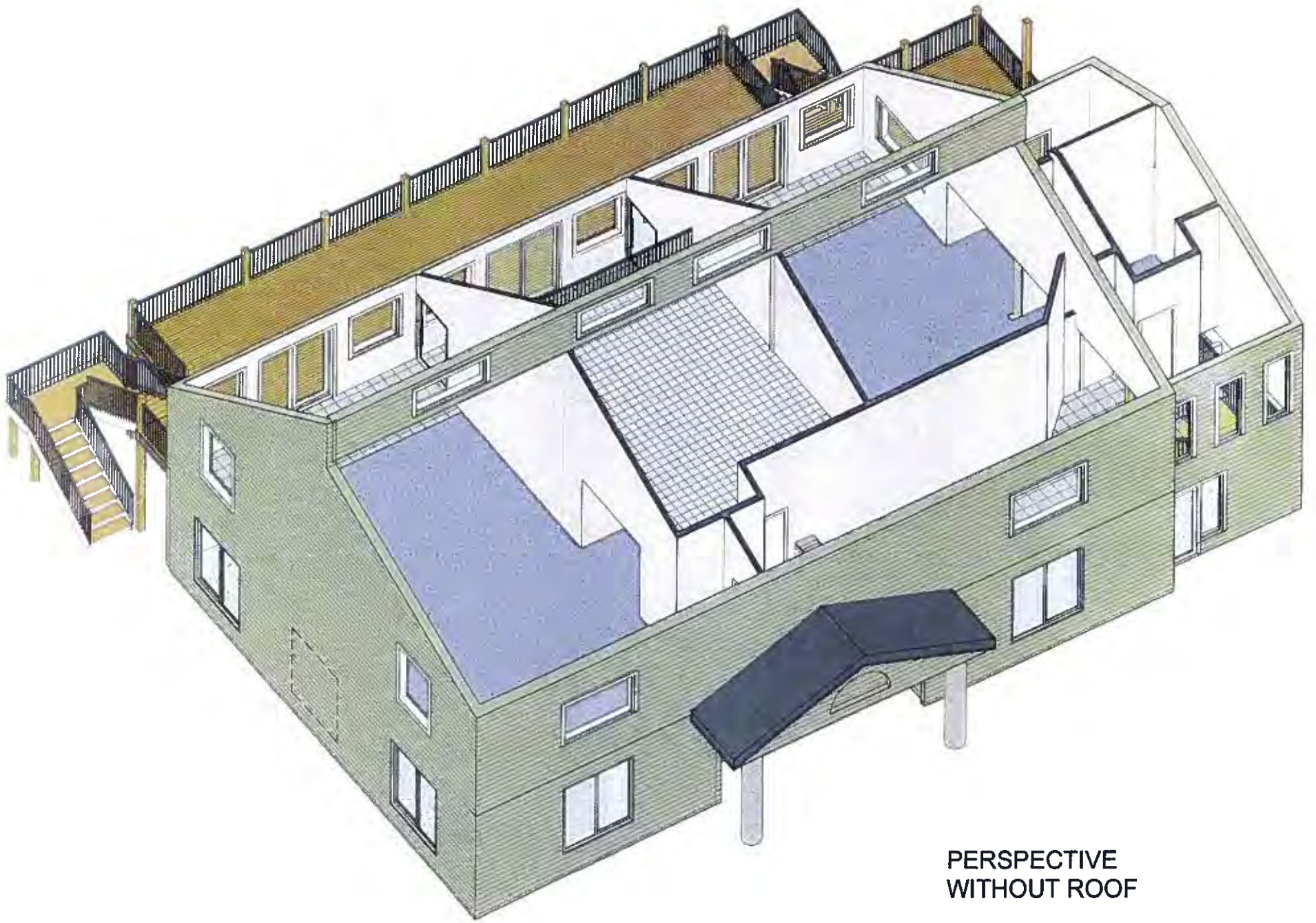
EAST ELEVATION



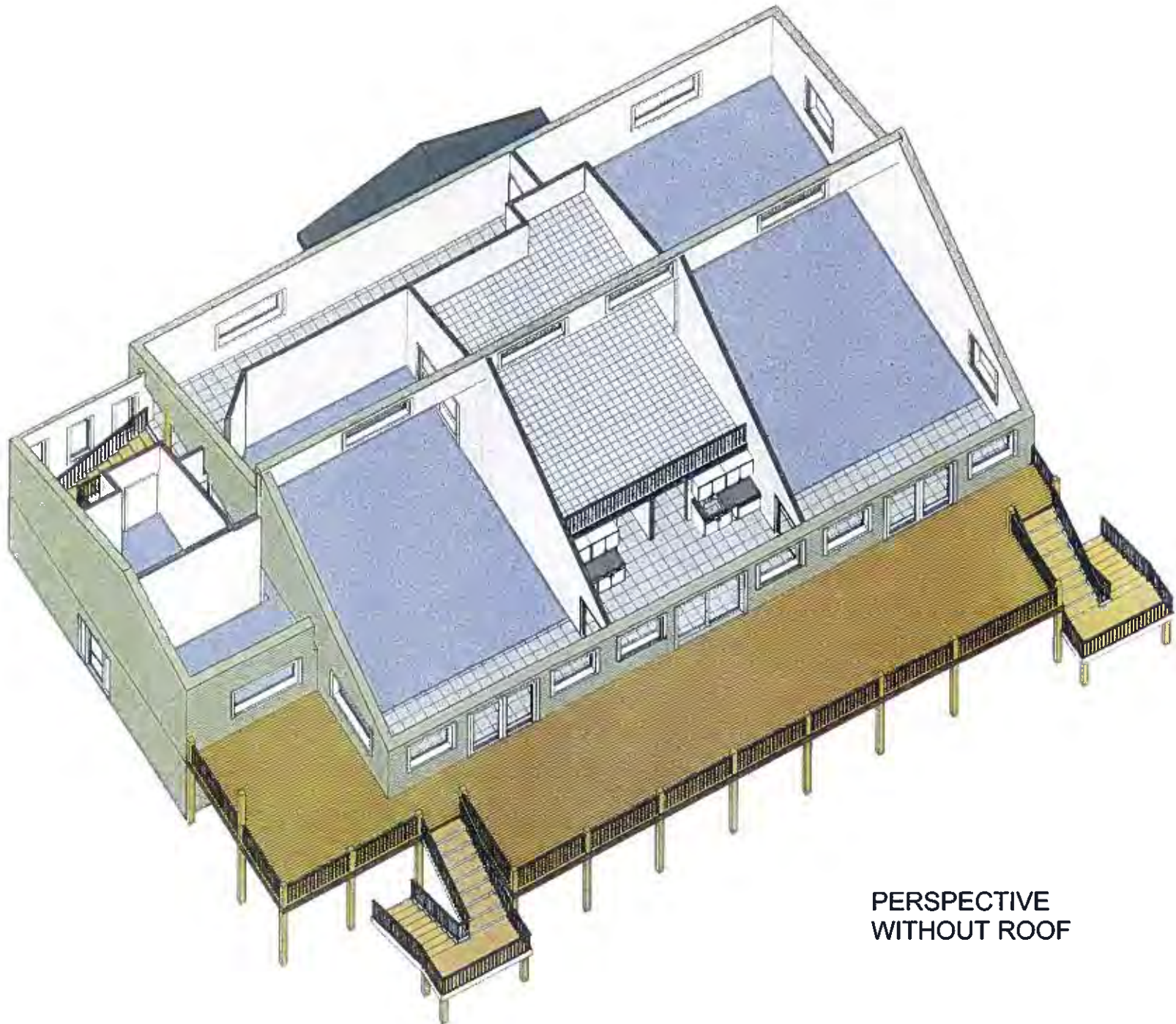
NORTHWEST ELEVATION



NORTH EAST PERSPECTIVE



PERSPECTIVE
WITHOUT ROOF



PERSPECTIVE
WITHOUT ROOF



February 27, 2012

Mrs. Kathy Morrison
Director
Highlawn Montessori School
3531 Somerset Drive
Prairie Village, KS 66208

SUBJECT: Traffic Engineering Evaluations
Highlawn Montessori School Expansion
Prairie Village, Kansas

creating remarkable solutions
for a higher quality of life

Dear Mrs. Morrison:

As requested, GBA has prepared this letter report to summarize the completed traffic engineering evaluations of the existing access driveways onto Somerset Drive that currently serve the Highlawn Montessori School, located in Prairie Village, Kansas. This traffic engineering evaluation has considered the existing traffic operations during several peak arrival and dismissal times associated with the school's current operations, in an effort to assess any additional traffic impacts that might be expected in association with the school's proposed plans for future classroom expansion.

Existing Traffic Volumes... GBA personnel performed intersection turning movement counts at the existing access driveways onto Somerset Drive that currently serve the Highlawn Montessori School. These completed turning movement counts included the traffic interactions with Reinhardt Lane, which aligns with the school's eastern driveway and serves the residential subdivision to the north of the school property, as well as the adjacent access to the City of Prairie Village's "S. Robert Pryzby Public Works Facility" located just west of the school property at 3535 Somerset Drive.

Traffic counts were conducted on two non-consecutive days that would be representative of the average weekday traffic condition (i.e., typically Tuesday through Thursday). The turning movement counts were conducted during the following critical peak traffic periods, based upon the school's current daily drop-off and pick-up schedule, including the reported times of observed traffic congestion on the adjacent segment of Somerset Drive:

- Primary arrival period for both the elementary (20) and pre-school (120) students between 7:45 and 9:15 a.m.
- Pre-school student pick-up period from 11:15 a.m. to 12:15 p.m.
- Extended Day Care / Elementary student pick-up period from 2:15 to 3:30 p.m.

GBA personnel completed the required turning movement traffic counts on Thursday, February 16, 2012 and Tuesday, February 21, 2012. Based upon the completed traffic counts, the peak morning arrival period was determined to occur between 8:00 and 9:00 a.m., coincidental with both the elementary (i.e., 8:00-8:15 a.m.) and pre-school (i.e., 8:40-9:00 a.m.) arrival / drop-off times. Likewise, the mid-day traffic count times were selected to observe the first pre-school pick-up time that occurs daily between 11:40 a.m. and 12:00 noon.

9801 Renner Boulevard
Lenexa, Kansas
66219-9745

913.492.0400
913.577.8200 fax

GBA Companies
Lenexa, KS
Kansas City, MO
O'Fallon, MO
St. Louis, MO
St. Joseph, MO
Omaha, NE
Rock Island, IL
Chicago, IL
Cary, NC

www.gbateam.com

It should be noted that only about one-third of the school's 120 pre-school students are picked up from the school property during this mid-day period. According to the school staff, another third of the pre-school students that participate in extended day care activities are picked up between 2:30 and 2:45 p.m., just ahead of the elementary student pick-up period that lasts from 3:00 to 3:15 p.m. The completed traffic counts indicated a coincidental peak traffic hour with these two pick-up periods as well, lasting from 2:30 to 3:30 p.m. The remaining pre-school students that are staying in all-day care and any elementary students participating in after-school activities are typically picked up from the school on a more sporadic basis in the time period after 3:30 p.m. lasting until about 5:45 p.m.

The resulting peak hour traffic volumes for each of the respective morning, mid-day, and afternoon peak hours in association with the Highlawn Montessori School are shown on the attached **Figures 1 and 2**. The attached **Figure 1** depicts the traffic volumes in the study area on Thursday, February 16, 2012, while the traffic volumes on Tuesday, February 21, 2012 are shown on **Figure 2**. In general, the traffic volumes associated with the Highlawn Montessori School are very consistent between the two days on which counts were performed, as shown on the figures. Some of the slightly higher traffic generated by the school during the morning peak hour shown on **Figure 1** can be attributed to elementary students being shuttled to a nearby library field trip, according to school staff. As shown on these figures, through traffic volumes on Somerset Drive were also slightly higher (i.e., 12 to 17 percent) on the first day counted, particularly in the westbound direction.

Existing Streets and Traffic Controls... The existing study segment of Somerset Drive has recently been overlaid and re-stripped to more safely delineate and accommodate the desired turning maneuvers at the school's access driveways, as well as at the Public Works facility driveway and the Reinhardt Lane intersection. Several photos of these existing lane configurations along the study segment of Somerset Drive are provided on the attached **Exhibit 1**. The school's access driveways are approximately 160 feet apart, measured center to center. The Public Works facility drive is located about 110 feet, center to center, to the west of the school's western access drive. Somerset Drive has a posted speed limit of 30 miles per hour (mph) through the study area adjacent to Highlawn Montessori School.

In general, a four-lane cross-section is provided on Somerset Drive to the west of the school's western access drive. Exclusive westbound left-turn lanes are provided into both the school's western drive and the adjacent Public Works facility drive. To the west of the Public Works drive, a two-way left-turn lane (TWLTL) is provided for left-turning access into any adjacent drives or intersections. A significantly long eastbound right-turn lane extending nearly back to Mission Road is also provided to accommodate these movements into the Public Works drive, as well as the school's western access drive, where the right-turn lane terminates. Across the school's property frontage, a three-lane cross-section is generally provided, although no marked exclusive left-turn bays are provided in either direction on Somerset Drive at the Reinhardt Lane intersection. To the east of the Reinhardt Lane / eastern school drive intersection, Somerset Drive transitions down to a two-lane roadway cross-section.

All of the side street approaches to the study segment of Somerset Drive operate under typical “stop” control, although only the southbound approach on Reinhardt Lane currently has a stop sign installed. Each of the school’s access drives have privately-owned signs prohibiting northbound exiting left-turns from the school property onto Somerset Drive during the most critical traffic periods from 8:30 to 9:00 a.m., 11:30 p.m. to 12:00 noon, and 2:30 to 3:00 p.m. In addition, a pair of “No Stopping or Standing” signs have been installed by the City in the vicinity of the Public Works facility drive in order to help ensure that queued school-related traffic does not block this driveway.

In-field Observations... GBA personnel simultaneously conducted additional in-field observations of the traffic operations on the school’s property, at the existing access driveways, and along the adjacent segment of Somerset Drive. These observations were performed by a registered Professional Engineer on Thursday, February 16, 2012 while the turning movement traffic counts were also being performed. Primarily, these observations focused upon the most critical traffic conditions during the school’s average weekday, reported to be from 8:30 to 9:00 a.m., 11:30 a.m. to 12:00 p.m., and 2:30 to 3:00 p.m., and considered the school’s circulation patterns, pick-up and drop-off procedures, associated vehicle queuing on Somerset Drive, and pedestrian interactions. The following paragraphs detail a few of these observations.

The attached **Exhibit 2** depicts some of the on-street vehicle queuing that was observed during the morning peak hour on the adjacent segment of Somerset Drive. In general, the school traffic was observed complying with the “No Stopping or Standing” signage, which allows two waiting vehicles to stage in the right-turn lane between the Public Works drive and the school’s western access drive. During the morning peak hour, a maximum vehicle queue of four vehicles was observed to the west of the Public Works drive, as shown in the photos, and the on-street vehicle queuing was observed to occur for a duration of about five minutes during this peak hour (i.e., from about 8:40 to 8:45 a.m.). One driver behavior that was also observed during the morning peak hour that should be discouraged by the school staff or through Police enforcement was a number of drivers performing right-turn maneuvers from the adjacent through lane around vehicles staged on Somerset Drive at the western school drive. It appeared that these drivers were generally destined for the drop-off area located on the west side of the school, and were unwilling to wait behind the staged drivers who were waiting to access the drop-off area on the north side of the school. This illegal maneuvering creates a dangerous condition where vehicle paths cross unnecessarily, and has already resulted in at least one minor property damage-only (PDO) crash at this driveway that did not need to be reported to the Police, according to school staff. Given the significant length of the available right-turn lane, adequate distance is currently provided to accommodate any waiting vehicles, and all vehicles should be expected to wait appropriately in queue until they can reach their desired drop-off area on the school property.

Likewise, the attached **Exhibit 3** depicts some of the on-street vehicle queuing that was observed during the mid-day peak hour on the adjacent segment of Somerset Drive. Again, these waiting drivers were observed generally complying with the regulatory signing on Somerset Drive. During this mid-day peak hour, a maximum vehicle queue of six vehicles was observed to the west

of the Public Works drive, as shown in the photos, and the on-street vehicle queuing was observed to occur for a duration of about five minutes during this peak hour as well (i.e., from 11:40 to 11:45 a.m.). Only one or two cars were ever observed staging on Somerset Drive during the afternoon peak hour conditions; therefore, no specific photos of those conditions are provided in this letter report.

As shown on the attached traffic volume figures, a number of prohibited northbound left-turn maneuvers were observed from both of the school's existing access drives onto Somerset Drive. It should be noted that since these turns are restricted during only one-half hour of each respective critical peak hour, not all of the movements shown on the figures would be illegal. As these signing restrictions were specifically installed by the Highlawn Montessori School, the school staff should take every opportunity to inform and educate all drivers about the desired access and circulation patterns on the school's property. We understand that the school already generally advises parents to access the school from the west, and to exit the property to the east on Somerset Drive, and we agree that this circulation pattern represents the most efficient operation that will reduce vehicle delays if all drivers comply.

With the recent re-striping of Somerset Drive, a number of vehicles were also observed performing westbound left-turns into only the western access drive. Vehicles performing these maneuvers generally accessed only the drop-off area located on the north side of the school building, and were not observed creating any conflicts by "cutting" in the line of queued eastbound vehicles. Since these left-turns were only observed infrequently and are now provided a safe storage bay that prevents them from otherwise impeding westbound through traffic, in our opinion school officials do not need to make significant efforts to fully eliminate these maneuvers.

It should be noted that no detrimental impacts of the school-related traffic was ever observed that affected the traffic operations at the adjacent Public Works facility drive. However, other driver behaviors that were occasionally observed during the in-field investigations included drivers performing u-turn maneuvers on Somerset Drive to the west of the Public Works drive, at the adjacent streets or driveways, and into the private residential driveways within the adjacent neighborhood to the north of the Highlawn Montessori School on Reinhardt Lane.

Finally, a limited number of pedestrian crossings of Somerset Drive were also observed. Currently, there are no marked cross-walks in the vicinity of the Highlawn Montessori School. While most crossings were properly made at the intersection of Reinhardt Lane / eastern school drive, a few were made at an unexpected mid-block location between the school's access drives onto Somerset Drive. These dangerous mid-block street crossings should be highly discouraged by school officials. It should be noted that there were no observed conflicts between pedestrians walking along the south side of Somerset Drive and crossing the school's access drives.

Trip Generation Estimates... Currently, the Highlawn Montessori School serves a total of 120 pre-school students (i.e., 5 classrooms of 24 students each) and 1 classroom of 20 elementary students. Because no bus service is

currently provided (as would be the case for a public elementary school) and the students are routinely dropped off and picked up by their parents and/or guardians, the school's current traffic operations were conservatively assumed to be characterized as more of a "Day Care" facility for trip generation purposes. Therefore, estimates were prepared based upon the latest edition of the Institute of Transportation Engineers' (ITE) "*Trip Generation Manual*" for a day care facility with a total of 140 students, utilizing both the regression equations and average rates available from this national standard. As shown on the attached **Table 1**, between 100 and 120 total trips would be expected to be generated during each critical peak hour by a day care facility with 140 students, resulting in an average trip generation rate of between 0.80 and 0.85 total trips per student.

Based upon the collected existing traffic count data, the actual trip generation (i.e., inbound, outbound, and total trips) for the Highlawn Montessori School was determined for each of the respective peak hour traffic conditions throughout a typical weekday. Average rate correlations were subsequently determined between the school's current student enrollment level and the observed traffic volumes during these critical peak periods. As shown on **Table 1**, the Highlawn Montessori School currently generates an average of 1.26 trips per student during the morning peak hour, in excess of the 0.80 average rate indicated by the ITE data. However, the school was found to generate an average of only about 0.66 and 0.59 trips per student during the mid-day and afternoon peak hour conditions, as compared to the 0.82 to 0.85 ITE values, mostly likely due to the distributed departure times of the school's students throughout the afternoon.

The Highlawn Montessori School's proposed classroom expansion project would result in another classroom of up to 24 elementary students. According to the school staff, the new capacity of the facility would be 120 pre-school students and 48 elementary students, for a total of 168 students on-site. Utilizing the previously developed correlation factors during each respective critical peak hour, **Table 1** also includes estimates of the expected additional traffic volumes due to the school's expansion project. The new elementary students would be expected to arrive at the school during the morning peak hour, between 8:00 and 8:15 a.m. As shown on the table, a total of 35 extra trips (i.e., 17 inbound, 18 outbound) would be expected to be generated during this time. Because the elementary students are not dismissed until mid-afternoon, no additional traffic impacts would be expected on the school site during the mid-day peak hour. During the afternoon peak hour, a total of 17 extra trips (i.e., 7 inbound, 10 outbound) would be expected based upon the existing traffic operations.

Conclusions and Recommendations... It is highly unlikely that the expected small increases in the overall trip generation for the Highlawn Montessori School will cause any particular traffic concerns during the critical weekday peak conditions. School officials have also indicated their intent to utilize the western parking lot for additional vehicle storage during the elementary school arrival and dismissal periods after completion of the classroom expansion project, in an effort to further minimize any associated traffic impacts on the adjacent segment of Somerset Drive.

As discussed previously, only short-duration vehicle queuing was observed on Somerset Drive in the vicinity of the Highlawn Montessori School during the identified critical peak hours. The provided right-turn lane into the school's western access drive is of sufficient length to adequately handle the school-related traffic without impeding the turning movements into and from the adjacent Public Works facility drive. Safe traffic movements through the area will be ensured as long as all drivers are willing to appropriately wait in queue and proceed to their desired drop-off areas on the school's property in an orderly fashion.

The recent delineation of designated left-turn and right-turn lanes along the study segment of Somerset Drive appears to provide desirable safety benefits for vehicles turning into both the school's western drive and the adjacent Public Works facility drive, by preventing these turning vehicles from impeding through vehicles on Somerset Drive. Again, school officials should make every effort to inform their students' families about the desired access, turning movements, and circulation patterns for arriving at, driving on-site, and departing from the school's property, in order to achieve maximum efficiency and eliminate any undesirable vehicle conflicts.

We appreciate the opportunity to be of service to you and the Highlawn Montessori School on this very important project. If you should have any questions or desire additional information, please do not hesitate to contact us.

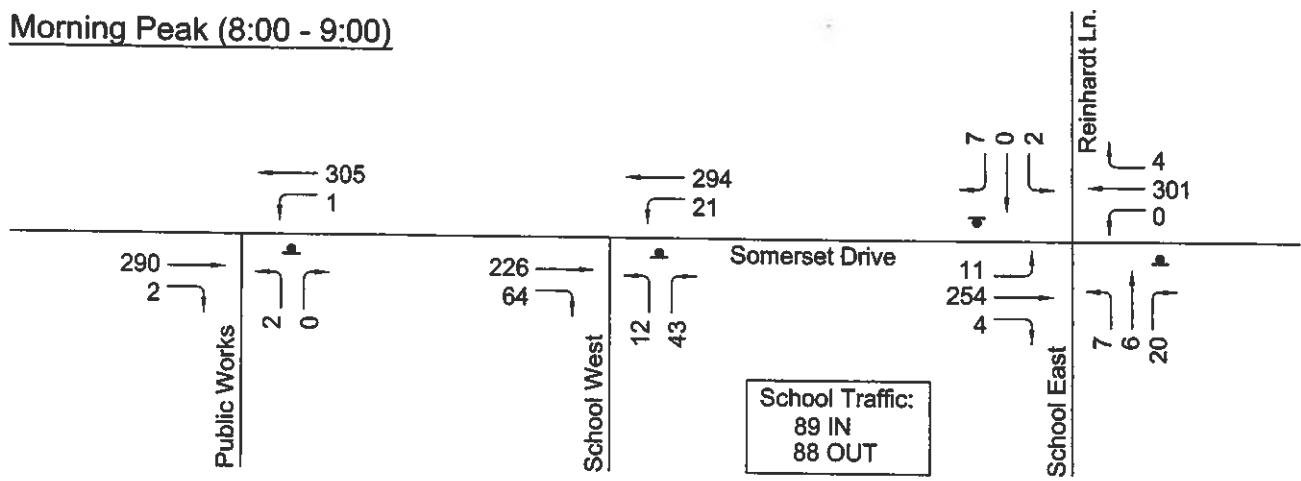
Respectfully submitted,

GEORGE BUTLER ASSOCIATES, INC.

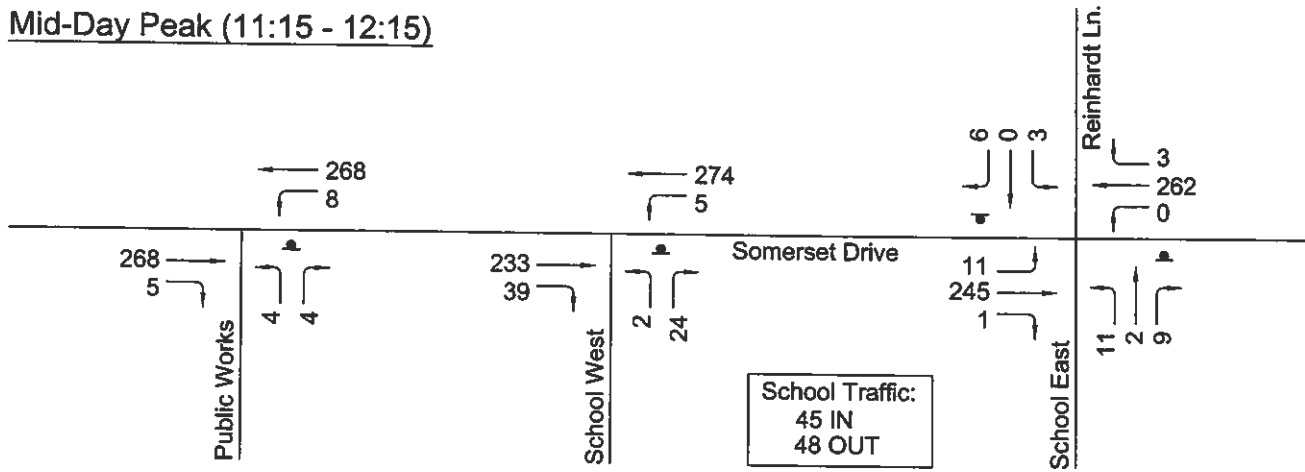


David J. Mennenga, P.E., PTOE
Firm Associate / Project Manager

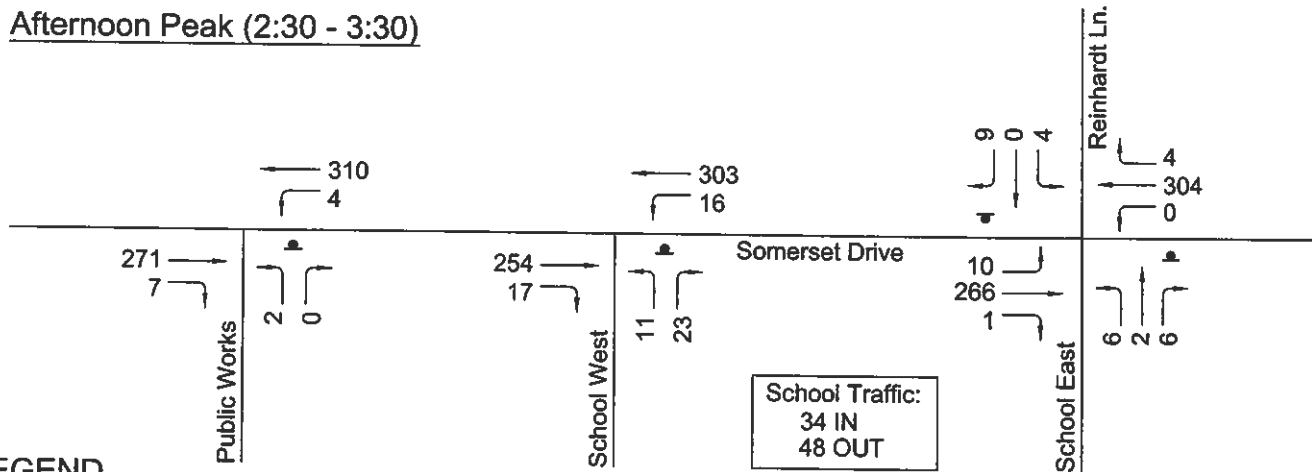
Morning Peak (8:00 - 9:00)



Mid-Day Peak (11:15 - 12:15)



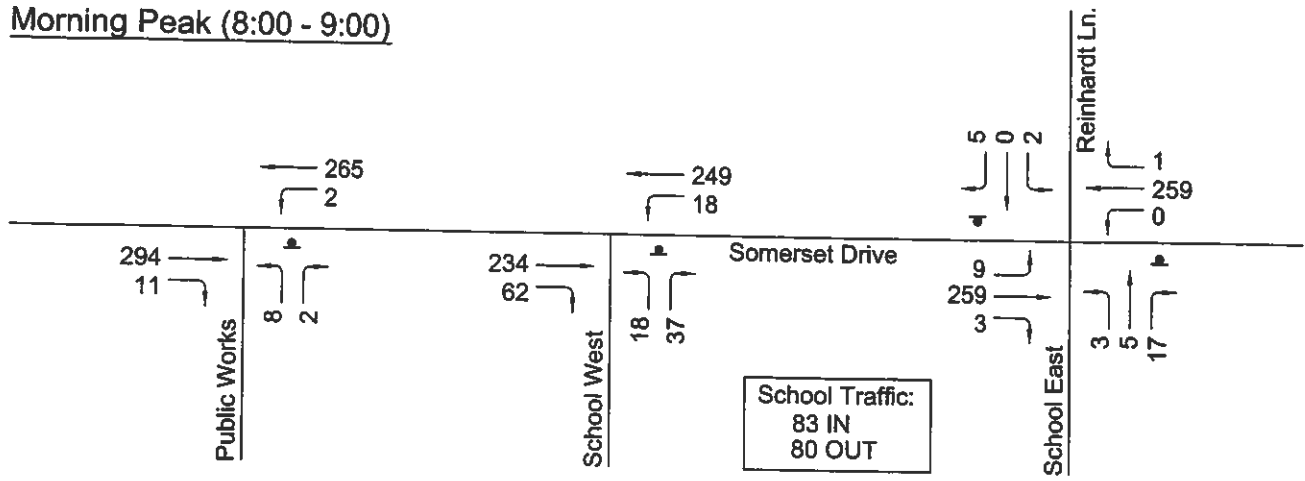
Afternoon Peak (2:30 - 3:30)



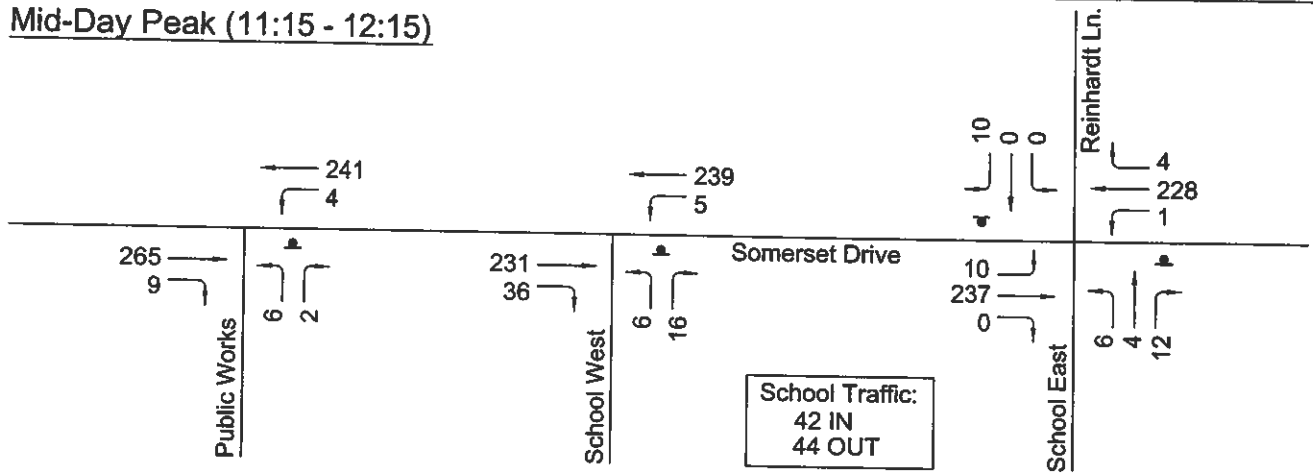
LEGEND

- 100 Peak Hour Traffic Volume (vph)
- Vehicle Movement
- Stop Sign Control

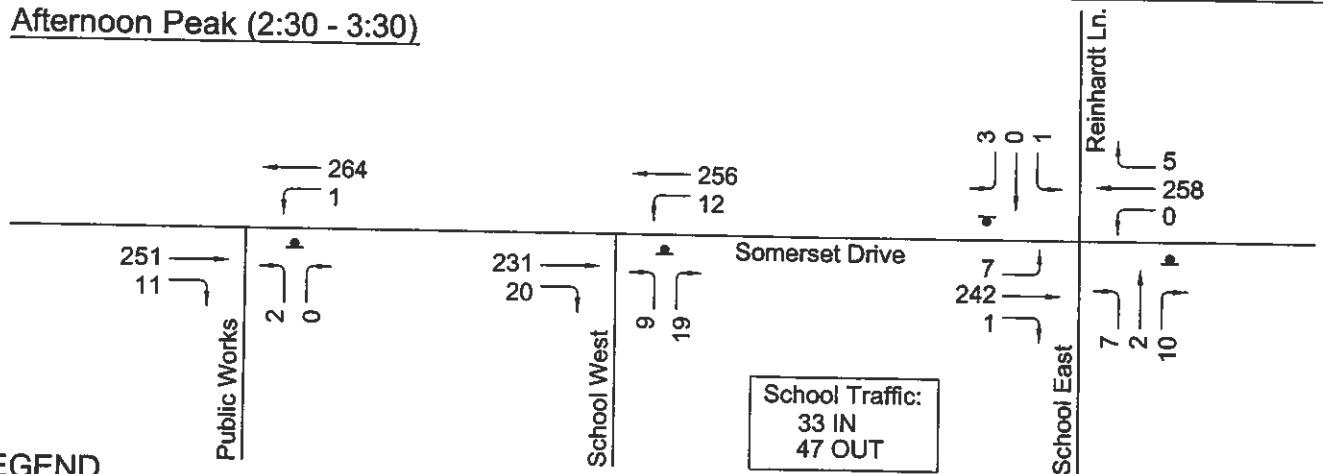
Morning Peak (8:00 - 9:00)



Mid-Day Peak (11:15 - 12:15)



Afternoon Peak (2:30 - 3:30)



LEGEND

- 100 Peak Hour Traffic Volume (vph)
- Vehicle Movement
- Stop Sign Control



PROJECT NUMBER
12542.00
DATE
2/27/2012

EXISTING TRAFFIC VOLUMES
HIGHLAWN MONTESSORI SCHOOL
TUESDAY, FEBRUARY 21, 2012

FIGURE 2



Looking West at East School Drive / Reinhardt Lane Intersection



Looking West at West School Drive and Public Works Drive



Looking East at Public Works Drive and West School Drive



Looking East along Study Corridor from Public Works Drive

**Exhibit 1
Existing Lane Configurations on Somerset Drive**



Eastbound Vehicle Queuing at West School Drive (8:40 a.m.)



Queuing on North Side of School and East Drive (8:40 a.m.)



Eastbound Vehicle Queuing at West School Drive (8:41 a.m.)

Exhibit 2
Morning Peak Queuing Observations on Somerset Drive



Queuing on North Side of School and East Drive (11:38 a.m.)



Queuing on West Side of School and in Parking Lot (11:39 a.m.)



Eastbound Vehicle Queuing West of Public Works Drive (11:43 a.m.)



Eastbound Vehicle Queuing West of Public Works Drive (11:45 a.m.)

**Exhibit 3
Mid-day Peak Queuing Observations on Somerset Drive**

TABLE 1

Highlawn Montessori School (Prairie Village, KS)
ITE Trip Generation Comparison (8th Edition)

LAND USE CODE	LAND USE	MISC. Quantity	Unit	ADT (VPD)	MORNING PEAK HOUR (VPH)			MID-DAY PEAK HOUR (VPH)			AFTERNOON PEAK HOUR (VPH)		
					IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
<u>ITE Estimate from Existing Student Enrollment:</u>													
565	Day Care (Equations)	140	Students	631	57	50	107	51	46	97	46	52	98
565	Day Care (Average Rates)	140	Students	627	59	53	112	61	54	115	56	63	119
					ITE Avg. Rate = 0.80 trips/student (A.M. peak between 7-9)			ITE Avg. Rate = 0.82 trips/student (A.M. peak of Generator)			ITE Avg. Rate = 0.85 trips/student (P.M. peak of Generator)		
<u>Based upon Existing Traffic Counts:</u>													
	Thursday, February 16, 2012	140	Students	n/a	89	88	177	45	48	93	34	48	82
	Tuesday, February 21, 2012	140	Students	n/a	83	80	163	42	44	86	33	47	80
					Actual Avg. Rate = 1.26 trips/student			Actual Avg. Rate = 0.66 trips/student			Actual Avg. Rate = 0.59 trips/student		
<u>Predicted Trips with Classroom Expansion:</u>													
	Net Change from Existing	168	Students	n/a	106	106	212	45*	48*	93*	41	58	99
					+17	+18	+35	0	0	0	+7	+10	+17
					(Additional Classroom Arrivals)			(* No change due to Additional Classroom)			(Additional Classroom Departures)		



TranSystems
2400 Pershing Road
Suite 400
Kansas City, MO 64108
Tel 816 329 8600
Fax 816 329 8601
www.transystems.com

March 1, 2012

Bruce McNabb, PE
Director of Public Works
3535 Somerset
Prairie Village, KS 66208

**Re: Highlawn Montessori Traffic Impact Study Review
Prairie Village, Kansas**

Dear Mr. McNabb:

In response to your request and authorization, we reviewed the Special Use Permit application for Highlawn Montessori School, an associated traffic impact study prepared by George Butler Associates (GBA), and a Police Department memorandum summarizing their review of the off-site school traffic queuing. I also visited the school site and observed the late morning student pick-up activity.

The GBA report documented traffic volumes into and out of the school site during the morning, mid-day and afternoon time periods when pick-up and drop-off activity was highest. Maximum queues and approximate durations of queuing on Somerset Drive were identified and other observations were noted, including: generally good compliance with the No Stopping or Standing signs on Somerset Drive, a few parents turning right into the west driveway around queued traffic, several drivers disregarding the left-turn prohibition on the driveways, and a few pedestrians crossing Somerset Drive. The estimates of additional traffic with the proposed classroom are reasonable. They also pointed out that the additional students will not add traffic to the mid-day time period that experiences the largest amount of vehicle queuing on Somerset Drive. No estimates were made of the potential additional queuing on Somerset Drive during the morning and afternoon peak periods. The report, however, simply concluded that the current circulation pattern and queuing on Somerset Drive was essentially fine; no mention was made of means to eliminate the need to queue on Somerset Drive, or in other areas.

I observed the mid-day period on Wednesday, February 29. Upon arrival at 11:35 a.m., queued traffic filled the lot and one vehicle was stopped to wait on Somerset Drive. The queue reached eight on Somerset Drive at 11:45 a.m. (dismissal time) and peaked at nine vehicles two minutes later. These observations appeared to be consistent with the photographs taken by the police department. The queuing on the street ended at 11:53 a.m., somewhat longer than observed by GBA. Some other observations included:

- The circulation pattern, in general, appeared to function well.
- Parents did generally comply with the No Stopping and Standing signs on Somerset Drive. It gets awkward once traffic starts moving as the lead vehicle west of the Public Works driveway sometimes gets caught behind a vehicle east of the driveway that could enter the site but chooses to wait, presumably to wait for a gap along the north side of the school.
- This same phenomenon – a vehicle choosing to wait on the street instead of entering the site when gaps were available – prompted three parents in the queue to the west to jump out of line and turn

right into the school in front of queued traffic. They did so because they could see available space to queue on the west side of the school. The jump out of line created some conflict with Somerset Drive traffic traveling in the eastbound through lane.

- Many drivers leaving the school ignored the left-turn prohibition. Even though they experienced longer delays before turning, all traffic was able to turn onto Somerset Drive rather efficiently.
- Two parents did choose to park on Reinhardt Lane and walk to the school to pick up their children.
- The lead vehicle on the north side of the school (there when I arrived at 11:35 a.m.) didn't leave until 11:58 a.m. The driver was observed chatting with another parent (one who parked on Reinhardt Lane) for 10 to 15 minutes.
- A handful of movements into and out of the Public Works facility were observed between about 11:45 a.m. and noon. There were no conflicts with queued traffic.
- Perhaps one or two vehicles turned left into the school.
- When a gap became available along the north side of the school, other vehicles in queue didn't pull forward.

It was difficult to observe the actual loading of students into vehicles and what role, if any, school staff played in delivering students outdoors or assisting with the loading into vehicles. In general, there was what I would characterize as nonchalance to the entire process.

As for the Special Use Permit application, I noticed that the applicant indicated that off-street parking and loading areas will be provided in accordance with the zoning regulations. I'm not well-versed in your zoning regulations and whether loading areas would mean the queuing of vehicles that occurs on a regular basis. If they do, this site certainly does not meet the standards.

The bottom line is that the school does not provide enough space on its site to store queued traffic either dropping off or picking up students. A majority of the off-site queuing takes place in the curb lane of eastbound Somerset Drive while some also takes place on Reinhardt Lane immediately north of the school. While there are many variables that affect the amount and duration of school-traffic queuing, I roughly estimate that on-site storage would need to double to accommodate demand. The only apparent way to accomplish that would be to construct a driveway on the south side of the school that would connect the parking areas on the east and west sides of the site. Obviously that would disrupt existing play areas and change the character of the site. A more detailed queuing study would be appropriate if this option was pursued.

The alternative to adding on-site storage is to continue the current practice of queuing on eastbound Somerset Drive and recognizing that some parents choose to park on Reinhardt Lane (and perhaps elsewhere) to drop off and/or pick up their children. The conditions on Somerset Drive – separate right-turn lane that terminates at the school, relatively low speeds, and modest traffic volumes – suggest that this can be done safely with the full cooperation of the school and parents.

The most challenging traffic issue at most schools is the drop-off and pick-up activity and the vehicle queuing that occurs. I always cite that education of parents to acceptable behavior is essential to achieving safe and efficient traffic operations, and that active traffic management should be employed when necessary. That means school staff in the parking lot to direct parents as necessary. Education should take place on a regular basis, not just at the beginning of a school year.

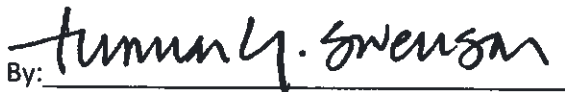
It is my understanding that parents are directed to approach from the west so that off-site queuing would occur in the eastbound right-turn lane of Somerset Drive. That should continue since the westbound left-turn lane at the west school driveway is limited.

The school could also consider changes to its release of students and the loading/unloading process, e.g. staggered release times and/or additional staff assistance. The habit of many parents to arrive well before the scheduled release time may make some alternatives difficult. Nevertheless, such changes should be explored with the goal of minimizing the amount and duration of vehicle queuing on Somerset Drive. It would be helpful if parents were encouraged to load their children and leave the site as efficiently as possible. If additional time on site is desired for whatever reason, other arrangements should be made besides taking up valuable storage space. Occasional police enforcement might be appropriate as well to achieve desired behavior, on the public streets of course.

I will be available to review this matter with you at your convenience.

Very truly yours,

TranSystems Corporation

By: A handwritten signature in black ink that reads "Thomas G. Swenson".

Thomas G. Swenson, PE, PTOE

TGS:ts:B101120082



PRAIRIE VILLAGE POLICE DEPARTMENT

WES JORDAN - CHIEF OF POLICE

INTEROFFICE MEMORANDUM

DATE: February 24, 2012

TO: Staff Review

FROM: Sgt. J. Carney #84

SUBJECT: HIGHLAWN MONTESSORI SCHOOL TRAFFIC PATTERNS

There are several issues in regards to neighborhood traffic patterns around Highlawn Montessori School, located at 3531 Somerset Drive. This school is situated just east of the Prairie Village Public Works complex on the south side of Somerset Drive. There is no large commercial parking lot nearby to absorb the influx of traffic that occurs due to parents picking up students at dismissal times on weekdays, nor is the current parking lot at the school accommodating the current amount of traffic at the school. The following series of pictures captures what is regularly seen at the 11:45 dismissal time. Other dismissals are lighter, but still cause traffic issues.



Cars stopped in the right turn lane along the south side of the 3500 block of Somerset, despite sign indicating "No Stopping or Standing," make this lane unusable by drivers needing access to PW. These are drivers waiting to turn in to the Highlawn parking lot.



Any drivers accessing the PW facility (white truck) during school dismissal times have to make an improper right turn from the "through" lane, around stopped traffic, being careful to not get hit by a parent moving forward in line. This dismissal is at the same time a majority of the Public Works employees return to the facility for lunch and for the end of their shift.



Drivers leaving Public Works have this view from their vehicle; first looking west, second looking east. Views of approaching traffic in both directions are severely impaired by stopped traffic.



Drivers who have stopped in the Right Turn Only lane often commit a traffic violation by crossing the solid white line to exit the turn lane, and then pull around stopped cars to enter the Highlawn parking lot. Stopping or standing in a Right Turn Only lane could also be a violation by itself.



Some parents have begun to park in a driveway east of the school and walk to the school to pick up their students. Others park on Reinhardt, and then walk back and forth across Somerset to and from the school to collect their children. This area is devoid of a crosswalk to the school.



A resident on Reinhardt has complained of traffic parked on both sides of street, limiting the street to one lane of traffic and causing difficulty in accessing driveways due to parents parking on both sides of Reinhardt. Parking on both sides of Reinhardt is currently legal. While it may be a nuisance to some residents, this usually is limited to a short time frame. If an emergency vehicle can pass through the one remaining lane of traffic, no parking violation is occurring.

Highlawn Montessori School currently dismisses at 11:45 a.m., 2:30 p.m., 3:00 p.m., and 5:00 p.m. By far, the most congested dismissal time officers have observed is the 11:45 a.m. dismissal. Research is currently underway regarding the cars that stop and/or stand in the Right Turn Only lane, as this may be a traffic violation in and of itself. Either way, it will have to be addressed in the near future to alleviate the unsafe situation it is causing near the Public Works complex. This would mean creating additional space for parking to accommodate the current number of parents arriving at the school at dismissal time. Adding another classroom of students to this complex without adding additional parking to accommodate the increased amount of traffic that would come with those students would have an even greater negative impact on the neighborhood and local traffic.

Daily Schedule

Addition of 1 elementary classroom will only change traffic at 8:00-8:15 drop-off and 3:00-3:15 pick-up. No other class schedules will be affected.

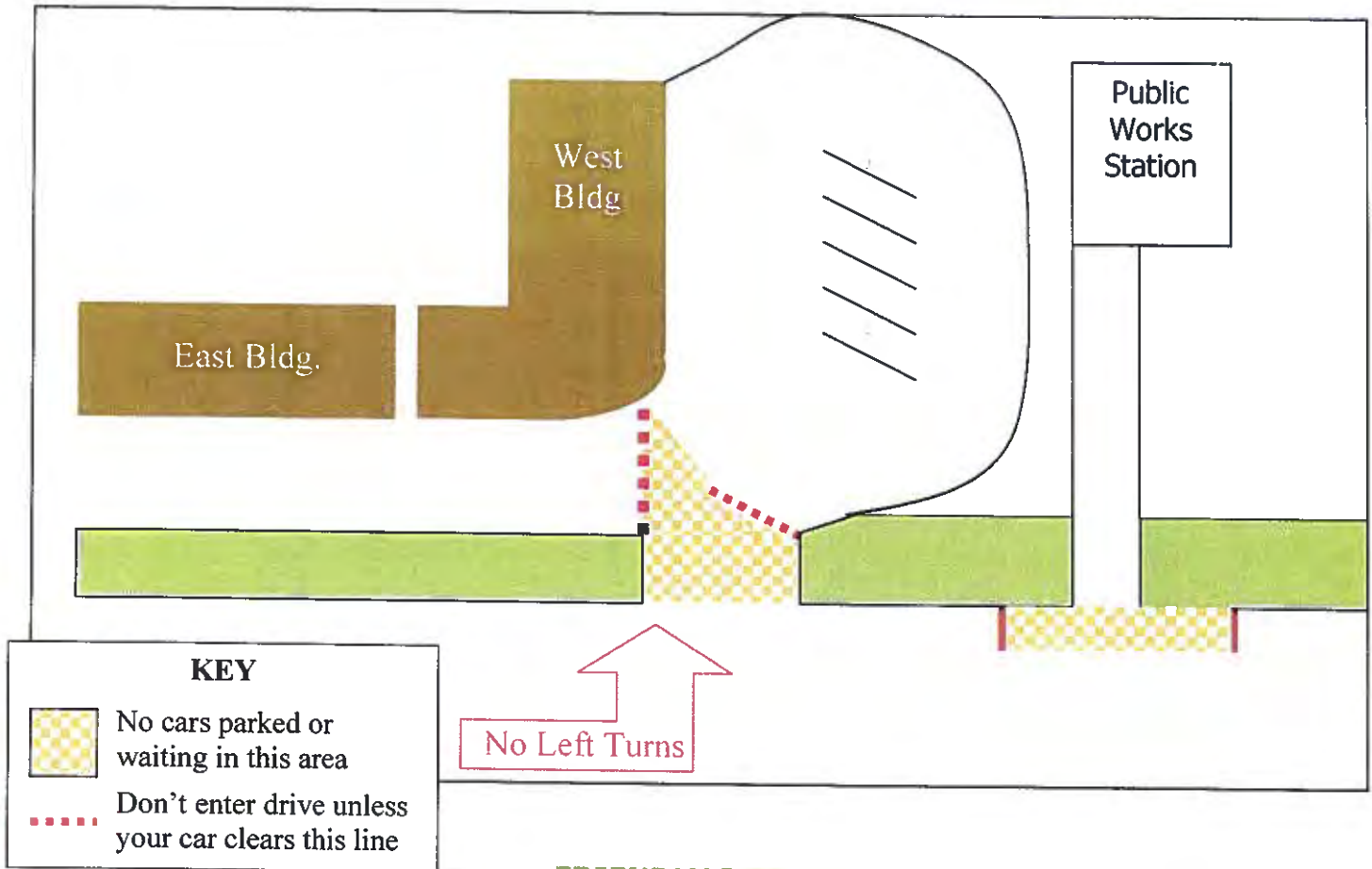
7:30-8:30am	Teachers arrive Early Care (avg. 15 PS)	Currently no traffic on Somerset Currently no traffic on Somerset	
8:00-8:15am	Elementary arrival	Currently 20 students Currently no traffic on Somerset <i>New Classroom arrival (Eventually 20 new students) Plan to have car line around circle driveway to eliminate potential traffic on Somerset.</i>	
8:40-9:00am	Primary arrival	Currently 100 students Car line on Somerset (approx.10 min.)	
11:40-12:00pm	Preschool pick-up	Varies by day from 48-70 students Car line on Somerset (approx.15 min.)	Friday closes 70
2:30-2:45pm	Extended Day pick-up	Varies by day from 38-55 students Car line on Somerset (approx.5 min.)	
3:00-3:15pm	Elementary pick-up	No additional traffic on Somerset 18 students <i>New Classroom departure (Eventually 20 new students) Plan to have line around circle driveway to eliminate potential traffic on Somerset.</i>	
3:15-5:45pm	After School/Explorers pick up	Varies by day from 15-24 students No cars on Somerset	

School Events when overflow parking occurs

New parent orientation	August	7-8:30	New families only
Family Open House	September	6-7:30	All families
Parent Ed	3 Evenings in Oct.	7-8:30	2 classes per night Approx 10-20 cars
Halloween Parade	Oct. 31	9-10:30	All School Parade 5-7 helpers/class
Father's Night	February	6-7:30	5 Preschool Classes
Mother's Night	March	6-7:30	5 Preschool Classes
Elementary Open House	March	5:30-6:30	1 Class
Kindergarten Graduation	May	10:30-11	Only K parents
End of Year Picnic-Moved to Meadowlake Park			

HIGHLAWN MONTESSORI SCHOOL

PICK-UP / DROP-OFF LINE



FRIENDLY REMINDERS

- ☺ No left turns into the driveway from Somerset – you must approach from the West
- ☺ Do not block the Public Works driveway – stay ahead of/behind their posted signs
- ☺ Please pull all the way forward when you enter your line
- ☺ Stay in your car while you are in line – unless you are buckling a child in a car seat
- ☺ Try to limit conversations with teachers/parents while you are in line
- ☺ During “rush hours” please always turn right as you exit the driveway
- ☺ Refrain from using your cell phone while in the driveways
- ☺ Please be patient and courteous with fellow parents

If you are picking up from the East Building:

- ☺ Turn your **Hazard Lights ON** while waiting in line on Somerset
- ☺ Do not pull in the driveway unless there is room for cars to exit the West Line behind you
- ☺ Do not double park on the left side of the drive way

If you are picking up from the West Building:

- ☺ Turn your **Right Blinker ON** while waiting in line on Somerset
- ☺ Do not pull in the drive until you can clear the sidewalk area – if you are too far back, the cars in line cannot see if the East drive is open, and it blocks the one-lane-in/one-lane-out system
- ☺ As you are leaving, please be aware of cars trying to pull into the East Building Line

From: Kathy Morrison <kathy@highlawn.org>
Subject: Notes from the Highlawn Office~
Date: October 27, 2011 12:04:22 PM CDT
To: Belz 11-12 Class

Notes from the Highlawn Office~

Wasn't October a beautiful month? It's hard to prepare for winter but I'm sure cold weather will be here soon. You will soon be sending your child to school in a warm coat, hat, with mittens. Have you marked all winter accessories with your child's name? If not, please mark any items you might send to school.

As winter approaches I want to review our traffic policies. I have had several calls and e-mails about "cutting" in the line! In all seriousness, our procedures are for the safety of all our families. I have asked my staff to minimize line conversations. We also request that your child be ready to hop out of the car upon arrival. Children not having their coats on causes a major slow down during winter months.

Please review the following rules. Don't forget to review with any help you might have picking up and dropping off. Many times the offenders are grandparents, sitters, or friends that simply do not know the procedures.

1. **NO LEFT TURNS** in or out. If you are turning left into our driveway you are probably cutting in line. Please approach the school from Mission Road.
2. When waiting in line please use our **SIGNAL SYSTEM**. If you are picking up from Smith, McEachen, or Belz you should signal with your right turn light. If picking up from Connell or Doolittle you should signal with your hazard lights.
3. There are yellow striped lines on the entrance to our lot. Please do not pull in our lot until your car can clear these lines. When you stop on these lines your car blocks visibility.

Next week is our annual Halloween parade to Claridge Court. Don't forget that dismissal is at 11:45 on Monday unless your child is in Mrs. Barackman's class. Our fall staff development day is schedule on Tuesday, November 1 and there is **NO SCHOOL**. The school calendar is up-to-date on our web site.

I have been working on the 2012-2013 calendar and enrollment information. I hope I

have all siblings on the waiting list. If you are not sure I know about your next Highlawn student please send me a quick e-mail. If you have friends interested in Highlawn they need to contact me soon. Our list is long and getting longer everyday!

If you are interested in learning more about our elementary program we have an informational "Evening in the Elementary" event planned for parents on Wednesday, November 30 at 6:30. Join Ms. Wright for an informative meeting as you explore continuing the Montessori journey!

Kathy Morrison, Director

Highlawn Montessori School
3531 Somerset Drive
Prairie Village, Kansas 66208
913-649-6160 (phone)
913-649-0323 (fax)
kathy@highlawn.org (e-mail)



PLANNING COMMISSION

Council Meeting Date: March 19, 2012

PC2012-04 Consider Request for Special Use Permits for a Wastewater Lift Station and Wireless Communication Tower at 3535 Somerset Drive

RECOMMENDATION

Recommend the City Council adopt Ordinance 2252 granting a Special Use Permit for a Waste Water Pump Station at 3535 Somerset Drive subject to the conditions recommended by the Planning Commission.

and

Recommend the City Council adopt Ordinance 2253 granting a Special Use Permit for a 40' wireless communications facility at 3535 Somerset Drive subject to the conditions recommended by the Planning Commission.

BACKGROUND

The Dykes Branch Pump Station was built in 1958 and at the time the City apparently did not have zoning regulations regarding approval of pump stations making this a legal nonconforming use. Johnson County Waste Water is upgrading its SCADA Telemetry System which requires the replacement of the existing antenna and pole. The existing antenna is approximately 30 feet in height and the new antenna/tower will be 40 feet in height measured from the ground.

The applicant held a meeting on February 22, 2012 in accordance with Planning Commission Citizen Participation Policy. No one attended. No one was present from the public to speak on this application at the public hearing.

The Planning Commission found the findings of fact to be favorable for the reasons set forth in the minutes of their March 6, 2012 meeting and recommends that the Governing Body approve a Special Use Permit for a Waste Water Pump Station at 3535 Somerset Drive subject to the following conditions:

1. That the Special Use Permit be approved for a Waste Water Pump Station and its required accessory items.
2. That any significant change to the exterior of any existing building, the replacement of the building, the expansion of building or the construction of a new building shall be submitted to the Planning Commission for site plan review and approval and an amendment to the Special Use Permit will not be required.
3. That the Special Use Permit be approved for an indefinite period of time.

4. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

As part of the improvements to the Dykes Branch sewage lift station located at 3535 Somerset Drive. Johnson County Wastewater is also seeking to replace existing antenna with a new antenna tower. The tower height including the antenna will be 40 feet above ground level. The height was determined through a radio path study and will assure reliable communication for this sewage lift station. The proposed tower will be tripod lattice style, which was selected as the best option for installation at the building, as well as, for future maintenance by JCW staff. The tower will be installed adjacent to the location of the existing antenna and to the lift station building. The tower will be located on a concrete platform and fastened to the building. The request for a lattice tower requires a special approval because it is not a monopole design. The Planning Commission also recommended a setback waiver from the north, east and west property lines.

The Planning Commission found the findings of fact to be favorable for the reasons set forth in the minutes of their March 6, 2012 meeting and recommend the Governing Body approve a Special Use Permit for a 40' wireless communications facility at 3535 Somerset Drive subject to the following conditions:

1. The approval of the Special Use Permit shall be for an undetermined period of time.
2. Any tower, antenna or other facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower, antenna or facility shall remove the same within 90 days after receiving notice from the City. If the tower, antenna or facility is not removed within that 90 days period, the governing body may order the tower, antenna or facility removed and may authorize the removal of the same at the permittee's expense.
3. The wireless communication facility, tower and antennas shall be structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and if it is found not to be in compliance with the terms of the Special Use Permit will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the facility tower antenna and all appurtenances and restore the site to its original condition.
4. The permittee shall keep the property well maintained the removal of leaves, trash and other debris.
5. In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication facility, tower or antenna shall be rectified or removed as provided for herein. This finding must be either mandated by any

- applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
6. In order to ensure structural integrity, all wireless communication facilities, towers and antennae shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such facilities, towers and antennae that are published by the Electronic Industries Alliance.
 7. The installation shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all facilities, towers, and antennae shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
 8. It shall be the responsibility of any permit holder to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.
 9. The tower shall be approved for a maximum height of 40 feet including the antenna. All antennas and cables shall be installed internally in the tower and the design and installation shall meet the standards set out in Section 19.33.035.C. Tower/Antenna Design.
 10. There shall be no security lighting installed around the base of the tower.
 11. The approved Site Plan, dated February 15, 2012 shall be incorporated as the site plan for approval of this application. If any changes are made to the site plan as a result of the approval, the plan shall be revised and submitted to the City prior to obtaining a permit.
 12. The applicant may change out cable and antennas provided that the replacements are generally consistent with the approved plan. If change-outs are significantly different, as determined by the Building Official or his/her designee, a revised site plan shall be submitted to the Planning Commission for its review and approval.
 13. A setback waiver is hereby granted for the tower from the north, east and west property lines to reduce the required setback from 40 feet to the actual distance between the existing tower and the property lines which are approximately 38 feet from the north, 39 feet from the east and 30 feet from the west.
 14. The lattice tower/antenna as proposed is specifically approved for the location as presented in the applicant's submittal.
 15. No additional users will be permitted on the towers without the approval of a Special Use Permit amendment.

The Governing Body (which includes the Mayor and City Council) shall make its findings of fact based on the "Factors for Consideration" and either:

- A. Adopt the recommendation of the Planning Commission and approve the Special Use Permit which requires a majority of those present, or

- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 votes), and deny the Special Use Permit, or approve it with revised conditions, or
- C. Return the recommendation to the Planning Commission by a simple majority vote of the quorum present with a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority of the quorum present.

ATTACHMENTS

Draft of Planning Commission minutes of March 6, 2012
Staff Report & Application for PC2011-04
Proposed Ordinances

PREPARED BY

Joyce Hagen Mundy
City Clerk
Date: March 9, 2012

ORDINANCE _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE OPERATION OF A WASTE WATER PUMP STATION AT 3535 SOMERSET DRIVE, PRAIRIE VILLAGE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE:

Section I. Planning Commission Recommendation. At its regular meeting on March 6, 2012, the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the City Council approve a Special Use Permit for the operation of a waste water pump station by Johnson County Wastewater at 3535 Somerset Drive subject to the following conditions:

1. That the Special Use Permit be approved for a Waste Water Pump Station and its required accessory items.
2. That any significant change to the exterior of any existing building, the replacement of the building, the expansion of building or the construction of a new building shall be submitted to the Planning Commission for site plan review and approval and an amendment to the Special Use Permit will not be required.
3. That the Special Use Permit be approved for an indefinite period of time.
4. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

Section II. Findings of the Governing Body. At its meeting on March 19, 2012, the Governing Body adopted by specific reference the findings as contained in the minutes of the Planning Commission meeting of March 6, 2012, and the recommendations of the Planning Commission and approved the Special Use Permit as docketed PC2012-04

Section III. Granting of the Special Use Permit. Be it therefore ordained that the City of Prairie Village grant a Special Use Permit for the operation of a waste water pump station by Johnson County Wastewater at 3535 Somerset Drive, Prairie Village, Kansas subject to the four specific conditions listed above.

Section IV. Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND ADOPTED THIS 19th DAY OF March 2012.

CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Catherine P. Logan, City Attorney

ORDINANCE _____

AN ORDINANCE RENEWING A SPECIAL USE PERMIT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A WIRELESS COMMUNICATIONS FACILITY BY JOHNSON COUNTY WASTE WATER ON THE PROPERTY DESCRIBED AS 3535 SOMERSET DRIVE, PRAIRIE VILLAGE, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE:

Section I. Planning Commission Recommendation. At its regular meeting on March 6, 2012, the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the Governing Body grant a Special Use Permit for the installation, operation and maintenance of a forty foot wireless communications facility by Johnson County Wastewater at 3535 Somerset Drive, Prairie Village, Kansas, subject to the following conditions:

1. The approval of the Special Use Permit shall be for an undetermined period of time.
2. Any tower, antenna or other facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower, antenna or facility shall remove the same within 90 days after receiving notice from the City. If the tower, antenna or facility is not removed within that 90 days period, the governing body may order the tower, antenna or facility removed and may authorize the removal of the same at the permittee's expense.
3. The wireless communication facility, tower and antennas shall be structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and if it is found not to be in compliance with the terms of the Special Use Permit will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the facility tower antenna and all appurtenances and restore the site to its original condition.
4. The permittee shall keep the property well maintained the removal of leaves, trash and other debris.
5. In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication facility, tower or antenna shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
6. In order to ensure structural integrity, all wireless communication facilities, towers and antennae shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such facilities, towers and antennae that are published by the Electronic Industries Alliance.
7. The installation shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all facilities, towers, and antennae shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
8. It shall be the responsibility of any permit holder to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.

9. The tower shall be approved for a maximum height of 40 feet including the antenna. All antennas and cables shall be installed internally in the tower and the design and installation shall meet the standards set out in Section 19.33.035.C. Tower/Antenna Design.
10. There shall be no security lighting installed around the base of the tower.
11. The approved Site Plan, dated February 15, 2012 shall be incorporated as the site plan for approval of this application. If any changes are made to the site plan as a result of the approval, the plan shall be revised and submitted to the City prior to obtaining a permit.
12. The applicant may change out cable and antennas provided that the replacements are generally consistent with the approved plan. If change-outs are significantly different, as determined by the Building Official or his/her designee, a revised site plan shall be submitted to the Planning Commission for its review and approval.
13. A setback waiver is hereby granted for the tower from the north, east and west property lines to reduce the required setback from 40 feet to the actual distance between the existing tower and the property lines which are approximately 38 feet from the north, 39 feet from the east and 30 feet from the west.
14. The lattice tower/antenna as proposed is specifically approved for the location as presented in the applicant's submittal.
15. No additional users will be permitted on the towers without the approval of a Special Use Permit amendment.

Section II. Findings of the Governing Body. At its meeting on March 19, 2012, the Governing Body adopted by specific reference the findings of fact as contained in the minutes of the Planning Commission meeting of March 6, 2012, and the recommendations of the Planning Commission and approved the Special Use Permit as docketed PC2012-04

Section III. Granting of the Special Use Permit. Be it therefore ordained that the City of Prairie Village grant a Special Use Permit to Verizon Wireless for a forty foot wireless communications facility at 3535 Somerset Drive subject to the fifteen specific conditions listed above.

Section IV. Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND ADOPTED THIS 19th DAY OF MARCH, 2012.

CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Catherine P. Logan, City Attorney

The Planning Commission meeting was reconvened at 8:30 p.m.

PC2012-04 Request for Special Use Permits for a Wastewater Lift Station and Wireless Communication Tower with Site Plan Approval at 3535 Somerset Drive

Aaron Witt, representing Johnson County Wastewater, stated he had a PowerPoint presentation on their application for a special use permit for a wastewater lift station and for a wireless communication tower at 3535 Somerset Drive or he could just answer questions from the Commission.

Ron Williamson noted the Dykes Branch Pump Station was built in 1958 and at the time the City apparently did not have zoning regulations regarding approval of pump stations making this a legal nonconforming use. Johnson County Waste Water is upgrading its SCADA Telemetry System which requires the replacement of the existing antenna and pole. The existing antenna is approximately 30 feet in height and the new antenna/tower will be 40 feet in height measured from the ground. JCW also plans to install an eight foot-eight inch high wood fence to improve security. Mr. Williamson stated the three actions required of the Planning Commission were consideration of a Special Use Permit for the Pump Station, a Special Use Permit for the Wireless Communications Tower and Site Plan Approval including the 8'-8" high wood fence

The applicant held a meeting on February 22, 2012 in accordance with Planning Commission Citizen Participation Policy. No one attended.

Mr. Williamson noted the applicant is requesting the bonding requirement in the staff recommendation as a condition of approval for the special use permit for the tower be removed. Staff feels it can be removed.

Nancy Vennard asked if the height of the proposed fence is 8' or 8'8". Mr. Witt responded the height of the adjacent Public Works Fence was measured and it is 8'8"; therefore, they are proposing to match that height.

Chairman Ken Vaughn asked if there was anyone present to speak on this application. With no one responding, the public hearing for this application was closed.

SPECIAL USE PERMIT FOR DYKES BRANCH PUMP STATION

The Planning Commission made the following review of the findings of fact for the requested Special Use Permit for the Dykes Branch Pump Station at 3535 Somerset:

- 1. The proposed Special Use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.**

The existing facility complies with the intensity of use, yard and use limitations.

2. **The proposed Special Use at the specified location will not adversely affect the welfare or convenience of the public.**

The application is for a facility which has been in existence for more than fifty years and it is located in the southeast corner of the Public Works Maintenance Yard. It will not affect the welfare or convenience of the public.

3. **The proposed Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

As previously stated, the use has been in the location for more than fifty years and it is located in a corner of the Public Works Maintenance Yard. Therefore, it will not cause substantial injury to the value of other property in the neighborhood.

4. **The location and size of the Special Use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site which respect to streets giving access to it, are such that this Special Use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the Special Use will so dominate the immediate neighborhood consideration shall be given to:**

- a. **Location, size and nature of the height of building structures, walls and fences on the site; and,**
- b. **The nature and extent of landscape and screening on the site.**

The Pump Station is located on a tract of land that is approximately 0.21 acres which is smaller than many residential lots in Prairie Village. The Public Works Maintenance Yard is approximately 4.5 acres so the Pump Station site is very small in comparison. The use has been in place for more than fifty years; it is a small use and does not dominate the area, so as to hinder development.

5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and said areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious affect.**

Parking for service vehicles is available on the site. There is no zoning standard for parking related to this type of use.

6. **Adequate utility drainage and other necessary facilities have been or will be provided.**

Existing utilities and drainage are adequate for this use.

7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

This parcel is actually land locked, but access is provided through the Public Works Maintenance Yard and will have little if any impact on traffic in the area.

8. **Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors or unnecessary intrusive noises.**

There are some hazardous chemicals used in this operation, but they are stored and used in accordance with appropriate regulations.

9. **Architectural style and exterior materials are compatible with such styles and materials used in the neighborhood in which the proposed building is to be built or located.**

The building is brick and concrete. No changes are planned for its appearance and it is consistent with the design of other buildings located in the Public Works Maintenance Yard.

Randy Kronblad moved the Planning Commission find favorably on the factors for consideration and recommend the Governing Body approve of a Special Use Permit for a Waste Water Pump Station at 3535 Somerset Drive subject to the following conditions:

1. That the Special Use Permit be approved for a Waste Water Pump Station and its required accessory items.
2. That any significant change to the exterior of any existing building, the replacement of the building, the expansion of building or the construction of a new building shall be submitted to the Planning Commission for site plan review and approval and an amendment to the Special Use Permit will not be required.
3. That the Special Use Permit be approved for an indefinite period of time.
4. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

The motion was seconded by Dirk Schafer and passed unanimously.

SPECIAL USE PERMIT FOR WIRELESS COMMUNICATIONS TOWER

Ron Williamson stated as part of the improvements to the Dykes Branch sewage lift station located at 3535 Somerset Drive. Johnson County Wastewater is seeking to replace existing antenna with a new antenna tower.

The tower height including the antenna will be 40 feet above ground level. The height was determined through a radio path study and will assure reliable communication for this sewage lift station. The tower will be tripod lattice style, which was selected as the best option for installation at the building, as well as, for future maintenance by JCW staff. The tower will be installed adjacent to the location of the existing antenna and to the lift station building. The tower will be located on a concrete platform and fastened to the building. The total height from the ground to the top of the antenna will be 40 feet. The request is for a lattice tower. Mr. Williamson noted the ordinance requires all towers to be a monopole design unless otherwise approved by the Planning Commission or City Council.

The Planning Commission made the following review of the application based on the City's Wireless Communication Facilities regulations as listed below:

- A. **A study comparing potential sites within an approximate one mile radius of the proposed application area. The study shall include the location and capacity of**

existing towers, alternative tower sites, a discussion of the ability or inability of each site to host the proposed communications facility and reasons why certain of these sites were excluded from consideration. The study must show what other sites are available and why the proposed location was selected over the others. It must also establish the need for the proposed facility and include a map showing the service area of the proposed facility as well as other alternative tower site and antennas.

If the use of exiting towers, alternative tower structures, and sites are unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower or site owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower or facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable. The documentation submitted must use technological and written evidence, that these sites are inadequate to fulfill the grid needs of the wireless service provider, or that a reasonable co-location lease agreement could not be reached with the owners of said alternative sites.

The applicant shall submit an overall plan that shows the coverage gaps in service or lack of network capacity throughout the entire City and provide an indication of future needed/proposed wireless communication facilities, towers, and/or antenna.

The applicant shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.

The study shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.

The study shall also provide documentation establishing the minimum height necessary to provide the applicant's services and the height required to provide for co-location. The study shall include coverage maps for the proposed monopole at the requested height and at ten feet descending intervals to 50 feet.

The Planning Commission or Governing Body at its discretion may require a third party analysis, at the applicant's expense, to confirm the need for the facility.

The applicant shall be responsible to provide timely updates of the above described study and information during the Special Use Permit process.

Since this tower/antenna installation is for the operation of a specific facility and the replacement of an existing antenna, a study was not required.

- B. Multiple photo simulations of the proposed facility as viewed from the adjacent residential properties and public rights of way as directed by City Staff.

Because of the location in the Public Works Maintenance Yard, and the height being only 40 feet, photos syms were not required. The applicant did submit a photo of an existing tripod lattice tower.

- C. When possible, all wireless communication towers and alternative tower structures must be designed to accommodate multiple providers (co-location), unless after consideration of the recommendation of the Planning Commission, the City Council finds that the height or other factors required to make such an accommodation will have a more detrimental effect on the community than having multiple sites. Failure of a permit holder to negotiate in good faith to provide fairly priced co-location opportunities, based on industry standards may be grounds for denial or revocation of the Special Use Permit. A signed statement shall be submitted indicating the applicant's intention to share space on the tower with other providers.

This tower is only 40 feet in height and is designed to serve a specific public use which is monitoring the pump station. The tower is not designed or intended to provide access for wireless providers.

- D. Any application for construction of a new wireless communication facility, tower, antenna or equipment compound must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays the layout of the site, including the proposed facility, the fall radius of any proposed monopole, as well as proposed and existing structures within 200 feet of the tower base and the identification of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. Access to and from the site, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the tower, screening wall, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review and approval by the Planning Commission.

The applicant has submitted a site plan showing the location of the proposed tower. This tower will replace an existing pole/antenna located on the building and will not cause the removal of any trees, structure or improvements.

- E. Description of the transmission medium that will be used by the applicant to offer or to provide services and a statement that applicant will meet all federal, state and city regulations and law, including but not limited to FCC regulations.

The applicant shall provide an engineer's statement that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennas and related facilities on a site will also comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna.

The applicant has an FCC license which requires it to be in compliance with all Federal, State and Local laws and regulations.

F. Preliminary construction schedule including completion dates.

JCW plans to construct the facility by the end of 2012.

G. The applicant shall provide a copy of its FCC license

JCW has an FCC license that is on a public band.

H. Copies of letters sent to other wireless communication providers and their response regarding their interest to co-locate.

Not Applicable

I. Any other relevant information requested by City Staff.

None requested.

The Planning Commission made the following review of the findings of fact for the requested Special Use Permit for a 40' communications facility at 3535 Somerset:

A. The character of the neighborhood.

The Pump Station is located adjacent to the City Public Works Maintenance Yard which is a very compatible location for a use such as this. The surrounding area is primarily residential in nature from Single-Family to Multiple-Family residences.

B. The zoning and uses of property nearby.

North: R-1A Single-Family Residential - Public Works Yard

West: R-1A Single-Family Residential - Public Works Yard

South: R-3 Garden Apartment District - Apartments

East: Leawood R-1 Single-Family Residential - Single-Family Dwellings

C. The extent that a change will detrimentally affect neighboring property.

The property to the north and west is the Public Works Maintenance Yard and the tower will not have a detrimental effect. The property to the south is developed with apartments; however, there is a drainage ditch between it and the Pump Station which has heavy tree growth. The tower probably would not be very visible from that location especially when the trees are leafed out. The same situation applies to the Single-Family residents to the east. It also should be pointed out that this tower does not have an equipment compound and the tower will be located on the opposite side of the building from the residential uses.

D. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.

The proposed tower/antenna will replace an existing pole/antenna, but will be approximately 10 feet taller. The tower/antenna provides a necessary public purpose of monitoring the Pump Station and sounding an alarm if a problem occurs. It will not create a hardship on other individual landowners but will serve a critical public purpose.

E. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.

This installation does not have an equipment compound so the setbacks are not an issue.

The tower sets back approximately 38 feet from the north property line; 39 feet from the east property line; 59 feet from the south property line and 30 feet from the west property line. This tower is mounted on a concrete platform that is 2'4" tall, and therefore, the tower is actually 35 feet tall plus an antenna that is 2'8" on top of the tower. The Pump Station building is 16'9" tall so if the tower were to fall to the south or east it would likely fall on the building. The height of the tower/antenna above the Pump Station building is about 23 feet and if it fell it would not reach either the south or east property lines. Therefore, it will be necessary to grant setback reductions from the north, west and east property lines in order to approve this Special Use Permit. In order to approve a reduction or waiver, the Planning Commission and City Council must consider the following:

- 1. That there are special circumstances or conditions affecting the proposed cell tower installation;**

This tower is required to be located on the building it serves and is replacing an existing pole antenna. If this tower would fall to the south or east, the only building affected would be the Pump Station; if the tower fell to the north or west it could strike a public works building. This tower is located in an area that is restricted to the public which minimizes the affect it may have on people being in the area.

- 2. That the setback waiver is necessary for reasonable development of the cell tower installation or the landowners property;**

JCW has determined that this is the best location for the tower primarily because it is replacing an existing tower at the same location and the cable connections are readily available.

- 3. That the granting of the setback waiver will not be detrimental to the public welfare or cause substantial injury to the value of the adjacent property or other property in the vicinity in which the particular property is situated.**

The setback requirements would affect only one building which is a Public Works building. There are no Single-Family residents within 250 feet of the tower.

- F. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

The proposed tower on the west and north sides of the Pump Station building away from Single-Family and Multiple-Family developments and the facility will not adversely affect the welfare or convenience of the public. On the other hand the facility will benefit the community by providing better communications for the Pump Station.

- G. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such as the special use will not cause substantial injury to the value of the property in the immediate**

neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will cause substantial injury to the value of property in the immediate neighborhood, consideration shall be given to:

1. The location, size, nature and height of buildings, structures, walls, and fences on the site; and
2. The nature and extent of landscaping and screening on the site
The nature and extent of landscaping and screening on the site.

The Pump Station is located on a tract of land that is approximately 0.21 acres which is smaller than many residential lots in Prairie Village. The Public Works Maintenance Yard is approximately 4.5 acres so; the Pump Station site is very small in comparison. The use has been in place for more than fifty years; it is a smaller lot and does not dominate the area so as to hinder development.

It should also be pointed out that the use is separated from the residential development to the south and east by the natural landscape along the banks of Dykes Branch.

- H. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

Off street parking will not be necessary for this particular use other than a parking space available for service people to maintain equipment. The parking that is provided on the site will be adequate for this need.

- I. **Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

Adequate utilities are available at the site.

- J. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

This parcel is actually land locked, but access is provided through the Public Works Maintenance Yard and has little if any impact on traffic in the area.

- K. **Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.**

The antennas and equipment do not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that would affect the general public.

- L. **Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located.**

For this installation, there is no equipment compound so the only element needed to be addressed is the tower. The proposed tower is a lattice tripod design which is different than what is typically found in Prairie Village. However, this tower will be

located on the north and east side of the building and will be generally screened from surrounding residential properties. The applicant has indicated that the tripod tower is easier to install and attach to the building than a monopole. According to the ordinance, the Planning Commission or City Council will need to specifically approve this design since it is not a monopole.

M. City Staff recommendations.

It is the opinion of Staff that this is an appropriate wireless facility installation for the following reasons: It is the replacement of an existing pole/antenna; it is only 40 feet tall; the residential areas are screened from view by trees along Dykes Branch; it is in a corner of the Public Works Maintenance Yard and therefore using similar uses; and it is an essential element for implementing the SCATA System. Staff also recommends waving the setbacks on the east, west and north property lines.

The only item that is undecided is whether it should be a monopole or a lattice tripod as proposed. Because of its location, height and public use, Staff does not have a strong opinion either way.

Dirk Schafer moved the Planning Commission find favorably on the factors for consideration and recommend the Governing Body approve of a Special Use Permit for a 40' wireless communications facility at 3535 Somerset Drive subject to the following conditions:

1. The approval of the Special Use Permit shall be for an undetermined period of time.
2. Any tower, antenna or other facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower, antenna or facility shall remove the same within 90 days after receiving notice from the City. If the tower, antenna or facility is not removed within that 90 days period, the governing body may order the tower, antenna or facility removed and may authorize the removal of the same at the permittee's expense.
3. The wireless communication facility, tower and antennas shall be structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and if it is found not to be in compliance with the terms of the Special Use Permit will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the facility tower antenna and all appurtenances and restore the site to its original condition.
4. The permittee shall keep the property well maintained the removal of leaves, trash and other debris.
5. In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication facility, tower or antenna shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
6. In order to ensure structural integrity, all wireless communication facilities, towers and antennae shall be constructed and maintained in compliance with

- all applicable local building codes and the applicable standards for such facilities, towers and antennae that are published by the Electronic Industries Alliance.
7. The installation shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all facilities, towers, and antennae shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
 8. It shall be the responsibility of any permit holder to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.
 9. The tower shall be approved for a maximum height of 40 feet including the antenna. All antennas and cables shall be installed internally in the tower and the design and installation shall meet the standards set out in Section 19.33.035.C. Tower/Antenna Design.
 10. There shall be no security lighting installed around the base of the tower.
 11. The approved Site Plan, dated February 15, 2012 shall be incorporated as the site plan for approval of this application. If any changes are made to the site plan as a result of the approval, the plan shall be revised and submitted to the City prior to obtaining a permit.
 12. The applicant may change out cable and antennas provided that the replacements are generally consistent with the approved plan. If change-outs are significantly different, as determined by the Building Official or his/her designee, a revised site plan shall be submitted to the Planning Commission for its review and approval.
 13. A setback waiver is hereby granted for the tower from the north, east and west property lines to reduce the required setback from 40 feet to the actual distance between the existing tower and the property lines which are approximately 38 feet from the north, 39 feet from the east and 30 feet from the west.
 14. The lattice tower/antenna as proposed is specifically approved for the location as presented in the applicant's submittal.
 15. No additional users will be permitted on the towers without the approval of a Special Use Permit amendment.

SITE PLAN APPROVAL

Chairman Ken Vaughn led the Commission in review of the following site plan criteria:

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

The application is to replace a 30' pole and antenna with a 40' tower and antenna. The proposed tower location does not meet the setback requirements, but a setback reduction is being considered by the Planning Commission as a part of the Special Use Permit. If the setback reduction is not granted, a major redesign of the site plan will be required.

The proposed facility will be served by the existing parking and drives.

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

Basic utilities are available to serve this location.

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

There are no changes to the foot print or hard scape of this proposal, therefore a Storm Water Management Plan was not required.

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

The site utilizes the existing Public Works driveway for circulation which adequately serves the use.

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

This is a very minor change from what exists and the proposed tower will be in the same general location as the existing pole/antenna. There will be very little change in the appearance of the facility.

JCW is also planning to add an 8'8" wood fence similar to the Public Works fence for security reasons. Much of the rest of the fencing surrounding the Public Works Maintenance Yard is eight feet in height. The ordinance has a maximum height of six feet unless it is approved by the Planning Commission through the Site Planning process. Increasing the height of the fence to eight feet is consistent with other fencing on the site and will be more appropriate for security purposes.

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

The proposed tower will be 40' in height which is taller than any other structure in the area. It is located within the Public Works Maintenance Yard so the tower is compatible with other buildings and structures in the Maintenance Yard.

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

Wireless communications are not specifically addressed in Village Vision. Perhaps it falls into the goal of maintaining and improving infrastructure.

Marlene Nagel moved the Planning Commission approve the site plan for the Dykes Branch Pump Station at 3535 Somerset subject to the following conditions:

1. That all wiring be contained within the tower.
2. That the proposed wood fencing be approved for a height of 8'8" as shown on the site plan.

The motion was seconded by Bob Lindeblad and passed unanimously.

PC2012-02 Proposed amendment to the City's Comprehensive Plan reflecting changes in the Parks Master Plan

Chairman Ken Vaughn noted the public hearing for this application was held at the February 7, 2012 Planning Commission meeting without discussion by the Commission pending action by the Governing Body on February 20, 2012.

Dennis Enslinger reported that at the City Council meeting on February 20th, the Council directed staff to send notification to the property owners along both the existing and the proposed trail locations. In order for the 660+ residents to receive this notice in a timely manner, it has been recommended the Commission continue this application.

He also noted the next item on the agenda is the authorization of a public hearing for a Comprehensive Plan Amendment for the Mission Valley Middle School property. If both hearings are held at the same meeting, the meeting location will need to be moved to accommodate the anticipated public in attendance.

Bob Lindeblad moved to table consideration of PC2012-02 to the end of the agenda. The motion was seconded by Marlene Nagel and passed unanimously:

NON-PUBLIC HEARINGS

There were no Non-Public Hearing Applications to come before the Commission.

OTHER BUSINESS

PC2012-05 Discussion of draft amendment to Comprehensive Plan for the Former Mission Valley Middle School Site

Dennis Enslinger stated at its regular meeting on February 6, 2012, the City Council voted not to move forward with the Comprehensive Plan Amendment for 84th and Mission Road and directed staff to prepare a Comprehensive Plan Amendment for just the Mission Valley Middle School site based on the uses in R-1a District in which it is currently zoned.

The amendment has been prepared to amend Chapter 8 entitled "Potential Redevelopment" and follows the same format used to address Somerset Elementary School.

Ron Williamson reviewed the proposed amendment which outlines the following critical issues related to the sites potential for redevelopment:

1. The school site functions as an integral part of the neighborhood.
2. The existing structures
3. Single-family residences to the south, southwest and east
4. Multi-family residences to the north and northwest
5. Drainage and flood plain issues
6. Parking

7. Access
8. Public Perception
9. Zoning regulations limit uses

Mr. Williamson noted the amendment was created in the same format that was used to address the vacant Somerset Elementary School property.

The recommendations presented in the amendment are to encourage developers to obtain community input in the development of plans and that the City limit the uses to those allowed in the R-1a Single-Family District. The amendment also addresses the economic perspective of the development of this site.

Planning Commission members commended staff on the proposed amendment stating they felt the issues were well addressed.

Ken Vaughn advised the Commission that the Prairie Village Voice that was recently published contains an article on the Parks Master Plan Trail Amendment that announces a public hearing would be held on April 3rd.

Commission members agreed that both hearings should not be held at the same time and since the hearing on the Parks Master Plan Trails Amendment was published for April 3rd the Mission Valley hearing should not be held until May 1st. Dennis Enslinger stated that a hearing a May 1st would provide sufficient time to address the zoning moratorium currently in place.

Chairman Ken Vaughn noted there were a number of residents present and although this is not a public hearing asked if anyone would care to address the Commission.

Whitney Kerr, 4020 West 86th Street, stated he was concerned with the possibility of the hearing being on April 3rd, which is an election day and prefers the May 1st date.

Kent Crippin, 8605 Mohawk, agreed that staff has done a good job on preparing the amendment; however, he noted the issue of building mass to neighboring properties is not addressed and this will have a significant impact on the environment of the neighborhood.

Bob Lindeblad replied that this would be addressed in a rezoning or development application and not in the comprehensive plan.

Ken Vaughn confirmed the amendment calls for restricting to development to those allowed in an R-1a zoning district.

Dennis Enslinger noted staff tried to address the density issue by including in the amendment the density levels of surrounding properties.

Nancy Vennard noted under Economic Perspective the phrase, "Civic uses could be considered as a part of that mixed-use environment." and cautioned that phrasing could raise questions. Ron Williamson stated it would be changed to "residential mixed-use environment". Mrs. Vennard noted the same "mix of uses" language later in the recommendations and suggested that also be clarified. Mr. Enslinger replied

that the language was taken from language used to address the Somerset Elementary School development, but noted it could be changed.

Randy Kronblad moved the Planning Commission authorize a public hearing on the proposed Comprehensive Plan Amendment for the former Mission Valley Middle School site on Tuesday, May 1, 2012. The motion was seconded by Nancy Vennard and passed unanimously.

PC2012-02 Proposed amendment to the City's Comprehensive Plan reflecting changes in the Parks Master Plan

Bob Lindeblad moved to remove item PC2012-02 from the table and to continue PC2012-02 to the April 3, 2012 meeting of the Planning Commission. The motion was seconded by Marlene Nagel and passed unanimously.

OTHER BUSINESS

Dennis Enslinger announced that Hunt Midwest has offered tours of a completed facility that is similar to "Benton House" being constructed at 2700 Somerset. Interested Commission members should contact him.

Next Meeting

The April 3rd Planning Commission agenda at this time only has the continued application PC2012-02 on the proposed amendment to the Parks Master Plan Trail Plan.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 9:00 p.m.

Ken Vaughn
Chairman

LOCHNER

STAFF REPORT

TO: **Prairie Village Planning Commission**
FROM: Ron Williamson, Lochner, Planning Consultant
DATE: March 6, 2012 Planning Commission Meeting

Project # 011002401

Application: PC 2012-04

Request: **Special Use Permits for a Waste Water Lift Station and Wireless Communication Tower and Site Plan Approval**

Property Address: 3535 Somerset Drive

Applicant: Johnson County Waste Water

Current Zoning and Land Use: R-3 Garden Apartment District – Waste Water Lift Station

Surrounding Zoning and Land Use:

North	R-1A Single-Family Residential District – Public Works Yard
West:	R-1A Single-Family Residential District – Public Works Yard
South:	R-3 Garden Apartment District – Apartments
East:	Leewood R-1 Single-Family Residential – Single Family Dwellings

Legal Description: Unplatted – Metes and Bounds

Property Area: 9,015 sq. ft. = 0.21 acres

Related Case Files: None

Attachments: Application, Site Plan and Photos

General Location Map



Aerial Map



COMMENTS:

The Dyles Branch Pump Station was built in 1958 and at the time the City apparently did not have zoning regulations regarding approval of pump stations. The use is a legal nonconforming use. Johnson County Waste Water is upgrading its SCADA Telemetry System which requires the replacement of the existing antenna and pole. The existing antenna is approximately 30 feet in height and the new antenna/tower will be 40 feet in height measured from the ground. JCW also plans to install an eight foot-eight inch high wood fence to improve security. Therefore, there are three applications combined in this report:

- A. Special Use Permit for the Pump Station
- B. Special Use Permit for the Wireless Communications Tower
- C. Site Plan Approval including the 8'-8" high wood fence

The Johnson County Legal Department holds the belief and position that the County is immune to the City's zoning subdivision regulations and stated the following:

"Nevertheless, the County recognizes the interests of the City in this matter, and in the spirit of cooperation intends to generally comply with the City's zoning and subdivision regulations, building codes, and other regulations, to the extent that the City's requirements are not deemed to be unnecessarily burdensome to the County's interests. The County will assist the City and will participate in any process that the City requires. If the City requires a formal application for the use, JCW would be willing to informally submit any requested paperwork needed for your application form, and to participate in a hearing process. Furthermore, JCW intends to remain responsive to the suggestions and recommendations the City and public may have regarding our intended use."

The applicant held a meeting on February 22, 2012 in accordance with Planning Commission Citizen Participation Policy. No one attended.

A. SPECIAL USE PERMIT FOR DYKES BRANCH PUMP STATION

The Pump Station was built in 1958 and is a legal nonconforming use. No expansion or enlargement is proposed. The purpose of this application is to make the Pump Station a legal use.

FACTORS FOR CONSIDERATION:

The Planning Commission shall make findings of fact to support its decision to approve, conditionally approve or disapprove a Special Use Permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

1. **The proposed Special Use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.**

The existing facility complies with the intensity of use, yard and use limitations.

2. **The proposed Special Use at the specified location will not adversely affect the welfare or convenience of the public.**

The application is for a facility which has been in existence for more than fifty years and it is located in the southeast corner of the Public Works Maintenance Yard. It will not affect the welfare or convenience of the public.

3. **The proposed Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

As previously stated, the use has been in the location for more than fifty years and it is located in a corner of the Public Works Maintenance Yard. Therefore, it will not cause substantial injury to the value of other property in the neighborhood.

4. **The location and size of the Special Use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site which respect to streets giving access to it, are such that this Special Use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the Special Use will so dominate the immediate neighborhood consideration shall be given to:**

a **Location, size and nature of the height of building structures, walls and fences on the site; and;**

b **The nature and extent of landscape and screening on the site.**

The Pump Station is located on a tract of land that is approximately 0.21 acres which is smaller than many residential lots in Prairie Village. The Public Works Maintenance Yard is approximately 4.5 acres so the Pump Station site is very small in comparison. The use has been in place for more than fifty years; it is a small use and does not dominate the area, so as to hinder development.

5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and said areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious affect.**

Parking for service vehicles is available on the site. There is no zoning standard for parking related to this type of use.

6. **Adequate utility drainage and other necessary facilities have been or will be provided.**

Existing utilities and drainage are adequate for this use.

7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

This parcel is actually land locked, but access is provided through the Public Works Maintenance Yard and will have little if any impact on traffic in the area.

8. **Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors or unnecessary intrusive noises.**

There are some hazardous chemicals used in this operation, but they are stored and used in accordance with appropriate regulations.

9. **Architectural style and exterior materials are compatible with such styles and materials used in the neighborhood in which the proposed building is to be built or located.**

The building is brick and concrete. No changes are planned for its appearance and it is consistent with the design of other buildings located in the Public Works Maintenance Yard.

RECOMMENDATION:

After a review of the proposed application in relation to the nine factors previously outlined, the Planning Commission may either recommend approval of the special Use Permit renewal with or without conditions, recommend denial, or continue it to another meeting. In granting this Special Use Permit Renewal, however, the Planning Commission may impose such conditions, safeguards, and restrictions upon the premises benefited by approval of the Special Use Permit as may be necessary to reduce or minimize any potentially injurious affect on other property in the neighborhood. It is the recommendation of Staff that the Planning Commission recommend approval of the Special Use Permit Renewal for the City Council subject to the following conditions:

1. That the Special Use Permit be approved for a Waste Water Pump Station and its required accessory items.
2. That any significant change to the exterior of any existing building, the replacement of the building, the expansion of building or the construction of a new building shall be submitted to the Planning Commission for site plan review and approval and an amendment to the Special Use Permit will not be required.
3. That the Special Use Permit be approved for an indefinite period of time.
4. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

B. SPECIAL USE PERMIT FOR WIRELESS COMMUNICATIONS TOWER

Johnson County Waste Water (JCW) is planning a SCADA (Supervisory Control and Data Acquisition) telemetry system improvements project at the Dykes Branch sewage lift station located at 3535 Somerset Drive. This sewage lift station was originally constructed in 1958, serving Prairie Village customers. Johnson County Wastewater (JCW) uses SCADA telemetry to monitor the status of the pumping stations and treatment plants system-wide, and send alarms to staff if there is a problem. The purpose of the SCADA telemetry system improvements projects is to replace the existing system, which has become obsolete.

A new antenna tower will replace the existing antenna as part of this improvements project. JCW is requesting waivers from Prairie Village requirements for the tower height and tower style. The tower height including the antenna will be 40 feet above ground level. The height was determined through a radio path study and will assure reliable communication for this sewage lift station. The tower will be tripod lattice style, which was selected as the best option for installation at the building, as well as, for future maintenance by JCW staff. The tower will be installed adjacent to the location of the existing antenna and to the lift station building. The tower will be located on a concrete platform and fastened to the building. The total height from the ground to the top of the antenna will be 40 feet. The request is for a lattice tower. The ordinance requires all towers to be a monopole design unless otherwise approved by the Planning Commission or City Council.

APPLICATION INFORMATION:

The Staff has reviewed the application based on the City's new ordinance for Wireless Communication Facilities and has the following comments regarding the information submitted. The required application information as setout in the new ordinance is shown in bold type.

- A. A study comparing potential sites within an approximate one mile radius of the proposed application area. The study shall include the location and capacity of existing towers, alternative tower sites, a discussion of the ability or inability of each site to host the proposed communications facility and reasons why certain of these sites were excluded from consideration. The study must show what other sites are available and why the proposed location was selected over the others. It must also establish the need for the proposed facility**
-

and include a map showing the service area of the proposed facility as well as other alternative tower site and antennas.

If the use of exiting towers, alternative tower structures, and sites are unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower or site owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower or facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable. The documentation submitted must use technological and written evidence, that these sites are inadequate to fulfill the grid needs of the wireless service provider, or that a reasonable co-location lease agreement could not be reached with the owners of said alternative sites.

The applicant shall submit an overall plan that shows the coverage gaps in service or lack of network capacity throughout the entire City and provide an indication of future needed/proposed wireless communication facilities, towers, and/or antenna.

The applicant shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.

The study shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.

The study shall also provide documentation establishing the minimum height necessary to provide the applicant's services and the height required to provide for co-location. The study shall include coverage maps for the proposed monopole at the requested height and at ten feet descending intervals to 50 feet.

The Planning Commission or Governing Body at its discretion may require a third party analysis, at the applicant's expense, to confirm the need for the facility.

The applicant shall be responsible to provide timely updates of the above described study and information during the Special Use Permit process.

Since this tower/antenna installation is for the operation of a specific facility and the replacement of an existing antenna, a study was not required.

B. Multiple photo simulations of the proposed facility as viewed from the adjacent residential properties and public rights of way as directed by City Staff.

Because of the location in the Public Works Maintenance Yard, and the height being only 40 feet, photos syms were not required. The applicant did submit a photo of an existing tripod lattice tower.

C. When possible, all wireless communication towers and alternative tower structures must be designed to accommodate multiple providers (co-location), unless after consideration of the recommendation of the Planning Commission, the City Council finds that the height or other factors required to make such an accommodation will have a more detrimental effect on the community than having multiple sites. Failure of a permit holder to negotiate in good faith to provide fairly priced co-location opportunities, based on industry standards may be grounds for denial or revocation of the Special Use Permit. A signed statement shall be submitted indicating the applicant's intention to share space on the tower with other providers.

This tower is only 40 feet in height and is designed to serve a specific public use which is monitoring the pump station. The tower is not designed or intended to provide access for wireless providers.

- D. Any application for construction of a new wireless communication facility, tower, antenna or equipment compound must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays the layout of the site, including the proposed facility, the fall radius of any proposed monopole, as well as proposed and existing structures within 200 feet of the tower base and the identification of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. Access to and from the site, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the tower, screening wall, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review and approval by the Planning Commission.**

The applicant has submitted a site plan showing the location of the proposed tower. This tower will replace an existing pole/antenna located on the building and will not cause the removal of any trees, structure or improvements.

- E. Description of the transmission medium that will be used by the applicant to offer or to provide services and a statement that applicant will meet all federal, state and city regulations and law, including but not limited to FCC regulations.**

The applicant shall provide an engineer's statement that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennas and related facilities on a site will also comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna.

The applicant has an FCC license which requires it to be in compliance with all Federal, State and Local laws and regulations.

- F. Preliminary construction schedule including completion dates.**

JCW plans to construct the facility by the end of 2012.

- G. The applicant shall provide a copy of its FCC license**

JCW has and FCC license that is on a public band.

- H. Copies of letters sent to other wireless communication providers and their response regarding their interest to co-locate.**

Not Applicable

- I. Any other relevant information requested by City Staff.**

None requested.

The applicant held a public information meeting for the neighborhood on February 22, 2012.

FACTORS FOR CONSIDERATION:

The Planning Commission shall make Findings of Fact to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. It is not necessary that a finding of fact be made for each factor described herein. However, there should be a conclusion that the request should be approved or denied based

upon consideration of as many factors as are applicable. The factors to be considered in approving or disapproving a Special Use Permit for a wireless facility shall include, but not be limited to the following:

A. The character of the neighborhood.

The Pump Station is located adjacent to the City Public Works Maintenance Yard which is a very compatible location for a use such as this. The surrounding area is primarily residential in nature from Single-Family to Multiple-Family.

B. The zoning and uses of property nearby.

North: R-1A Single-Family Residential – Public Works Yard

West: R-1A Single-Family Residential – Public Works Yard

South: R-3 Garden Apartment District – Apartments

East: Leawood R-1 Single-Family Residential – Single-Family Dwellings

C. The extent that a change will detrimentally affect neighboring property.

The property to the north and west is the Public Works Maintenance Yard and the tower will not have a detrimental affect. The property to the south is developed with apartments; however, there is a drainage ditch between it and the Pump Station which has heavy tree growth. The tower probably would not be very visible from that location especially when the trees are leafed out. The same situation applies to the Single-Family residents to the east. It also should be pointed out that this tower does not have an equipment compound and the tower will be located on the opposite side of the building from the residential uses.

D. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.

The proposed tower/antenna will replace an existing pole/antenna, but will be approximately 10 feet taller. The tower/antenna provides a necessary public purpose of monitoring the Pump Station and sounding an alarm if a problem occurs. It will not create a hardship on other individual landowners but will serve a critical public purpose.

E. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.

This installation does not have an equipment compound so the setbacks are not an issue.

The tower sets back approximately 38 feet from the north property line; 39 feet from the east property line; 59 feet from the south property line and 30 feet from the west property line. This tower is mounted on a concrete platform that is 2'4" tall, and therefore, the tower is actually 35 feet tall plus an antenna that is 2'8" on top of the tower. The Pump Station building is 16'9" tall so of the tower were to fall to the south or east it would likely fall on the building. The height of the tower/antenna above the Pump Station building is about 23 feet and if it fell it would not reach either the south or east property lines. Therefore, it will be necessary to grant setback reductions from the north, west and east property lines in order to approve this Special Use Permit. In order to approve a reduction or waiver, the Planning Commission and City Council must consider the following:

1. That there are special circumstances or conditions affecting the proposed cell tower installation;

This tower is required to be located on the building it serves and is replacing an existing pole antenna. If this tower would fall to the south or east, the only building affected would be the Pump Station; if the tower fell to the north or west it could strike a public works building. This tower is located in an area that is restricted to the public which minimizes the affect it may have on people being in the area.

2. That the setback waiver is necessary for reasonable development of the cell tower installation or the landowners property;

JCW has determined that this is the best location for the tower primarily because it is replacing an existing tower at the same location and the cable connections are readily available.

3. That the granting of the setback waiver will not be detrimental to the public welfare or cause substantial injury to the value of the adjacent property or other property in the vicinity in which the particular property is situated.

The setback requirements would affect only one building which is a Public Works building. There are no Single-Family residents within 250 feet of the tower.

F. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.

The proposed tower on the west and north sides of the Pump Station building away from Single-Family and Multiple-Family developments and the facility will not adversely affect the welfare or convenience of the public. On the other hand the facility will benefit the community by providing better communications for the Pump Station.

G. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such as the special use will not cause substantial injury to the value of the property in the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will cause substantial injury to the value of property in the immediate neighborhood, consideration shall be given to:

- 1. The location, size, nature and height of buildings, structures, walls, and fences on the site; and**
- 2. The nature and extent of landscaping and screening on the site.**

The Pump Station is located on a tract of land that is approximately 0.21 acres which is smaller than many residential lots in Prairie Village. The Public Works Maintenance Yard is approximately 4.5 acres so; the Pump Station site is very small in comparison. The use has been in place for more than fifty years; it is a smaller lot and does not dominate the area so as to hinder development.

It should also be pointed out that the use is separated from the residential development to the south and east by the natural landscape along the banks of Dykes Branch.

- H. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

Off street parking will not be necessary for this particular use other than a parking space available for service people to maintain equipment. The parking that is provided on the site will be adequate for this need.

- I. Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

Adequate utilities are available at the site.

- J. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

This parcel is actually land locked, but access is provided through the Public Works Maintenance Yard and has little if any impact on traffic in the area.

- K. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.**

The antennas and equipment do not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that would affect the general public.

- L. Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located.**

For this installation, there is no equipment compound so the only element needed to be addressed is the tower. The proposed tower is a lattice tripod design which is different than what is typically found in Prairie Village. A monopole which is the preferred design is similar in form to the utility or light poles which are found throughout the neighborhood. On the other hand this tower will be located on the north and east side of the building and will be generally screened from surrounding residential properties. The applicant has indicated that the tripod tower is easier to install and attach to the building than a monopole. According to the ordinance, the Planning Commission or City Council will need to specifically approve this design since it is not a monopole.

- M. City Staff recommendations.**

It is the opinion of Staff that this is an appropriate wireless facility installation for the following reasons: It is the replacement of an existing pole/antenna; it is only 40 feet tall; the residential areas are screened from view by trees along Dykes Branch; it is in a corner of the Public Works Maintenance Yard and therefore using similar uses; and it is an essential element for implementing the SCATA System. Staff also recommends waving the setbacks on the east, west and north property lines.

The only item that is undecided is whether it should be a monopole or a lattice tripod as proposed. Because of its location, height and public use, Staff does not have a strong opinion either way.

RECOMMENDATION:

After a review of the proposed application and making its findings in relation to the thirteen Factors for consideration previously outlined, the Planning Commission may either recommend approval of the Special Use Permit with or without conditions, recommend denial, or continue it to another meeting. In granting this Special Use Permit, however, the Planning Commission may impose such conditions, safeguards, and restrictions upon the premises benefited by approval of the Special Use Permit as may be necessary to reduce or minimize any potentially injurious affect on other property in the neighborhood. If the Planning Commission recommends approval to the Governing Body, it is recommended that the following conditions be included:

1. The approval of the Special Use Permit shall be for an undetermined period of time.
2. Any tower, antenna or other facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower, antenna or facility shall remove the same within 90 days after receiving notice from the City. If the tower, antenna or facility is not removed within that 90 days period, the governing body may order the tower, antenna or facility removed and may authorize the removal of the same at the permittee's expense. Prior to the issuance of the Special Use Permit, the applicant shall submit a bond to the City in an amount adequate to cover the cost of tower removal and the restoration of the site or otherwise guarantee its removal. This bond will be secured for the term of the Special Use Permit plus one additional year. In the event the bond is insufficient and the permittee otherwise fails to cover the expenses of any such removal, the site owner shall be responsible for such expense.
3. The wireless communication facility, monopole and antennas shall be structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and if it is found not to be in compliance with the terms of the Special Use Permit will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the facility tower antenna and all appurtenances and restore the site to its original condition.
4. The permittee shall keep the property well maintained the removal of leaves, trash and other debris.
5. In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication facility, tower or antenna shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
6. In order to ensure structural integrity, all wireless communication facilities, towers and antennae shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such facilities, towers and antennae that are published by the Electronic Industries Alliance.
7. The installation shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all facilities, towers, and antennae shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
8. It shall be the responsibility of any permit holder to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.
9. The tower shall be approved for a maximum height of 40 feet including the antenna. All antennas and cables shall be installed internally in the tower and the design and installation shall meet the standards set out in Section 19.33.035.C. Tower/Antenna Design.

10. There shall be no security lighting installed around the base of the tower.
11. The approved Site Plan, dated February 15, 2012 shall be incorporated as the site plan for approval of this application. If any changes are made to the site plan as a result of the approval, the plan shall be revised and submitted to the City prior to obtaining a permit.
12. The applicant may change out cable and antennas provided that the replacements are generally consistent with the approved plan. If change-outs are significantly different, as determined by the Building Official or his/her designee, a revised site plan shall be submitted to the Planning Commission for its review and approval.
13. A setback waiver is hereby granted for the tower from the north, east and west property lines to reduce the required setback from 40 feet to the actual distance between the existing tower and the property lines which are approximately 38 feet from the north, 39 feet from the east and 30 feet from the west.
14. The lattice tower/antenna as proposed is specifically approved for the location as presented in the applicant's submittal.
15. No additional users will be permitted on the towers without the approval of a Special Use Permit amendment.

C. SITE PLAN APPROVAL

Since this is the request for the initial approval of the Special Use Permit for a wireless communication facility, Site Plan Approval is required in accordance with Chapter 19.32 Site Plan Approval if the Planning Commission recommends approval of the Special Use Permit.

As previously described in the Special Use Permit application, this is a replacement of an existing wireless communications facility installation. The proposed tower is 40 feet in height and there is no equipment compound.

The Planning Commission shall give consideration to the following criteria in approving or disapproving a site plan:

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

The application is to replace a 30' pole and antenna with a 40' tower and antenna. The proposed tower location does not meet the setback requirements, but a setback reduction is being considered by the Planning Commission as a part of the Special Use Permit. If the setback reduction is not granted, a major redesign of the site plan will be required.

The proposed facility will be served by the existing parking and drives.

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

Basic utilities are available to serve this location.

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

There are no changes to the foot print or hard scape of this proposal, therefore a Storm Water Management Plan was not required.

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

The site utilizes the existing Public Works driveway for circulation which adequately serves the use.

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

This is a very minor change from what exists and the proposed tower will be in the same general location as the existing pole/antenna. There will be very little change in the appearance of the facility.

JCW is also planning to add an 8'8" wood fence similar to the Public Works fence for security reasons. Much of the rest of the fencing surrounding the Public Works Maintenance Yard is eight feet in height. The ordinance has a maximum height of six feet unless it is approved by the Planning Commission through the Site Planning process. Increasing the height of the fence to eight feet is consistent with other fencing on the site and will be more appropriate for security purposes.

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

The proposed tower will be 40' in height which is taller than any other structure in the area. It is located within the Public Works Maintenance Yard so the tower is compatible with other buildings and structures in the Maintenance Yard.

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

Wireless communications are not specifically addressed in Village Vision. Perhaps it falls into the goal of maintaining and improving infrastructure.

RECOMMENDATION:

It is the recommendation of the Staff that the Planning Commission approve this Site Plan for the Dykes Branch Pump Station subject to the following conditions.

1. That all wiring be contained within the tower.
2. That the proposed wood fencing be approved for a height of 8'8" as shown on the site plan.

North Elevation



South Elevation



SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2012 - 04

Filing Fees: \$100

Deposit: \$500



Date Advertised: _____

Date Notices Sent: _____

Public Hearing Date: _____

APPLICANT: Johnson County Wastewater / John P. O'Neil PHONE: 913-715-8570

ADDRESS: 11811 S. Sunset Dr. Suite 2500 Olathe, KS ZIP: 66061

OWNER: Johnson County Wastewater / John P. O'Neil PHONE: 913-715-8570

ADDRESS: 11811 S. Sunset Dr. Suite 2500 Olathe, KS 66061 ZIP: 66061

LOCATION OF PROPERTY: 3535 Somerset Dr.

LEGAL DESCRIPTION: 27-12-25 BG 515.10' N SE CR SW 1/4 NW1/4 N95'x W 70' EX
BG 610.10' N & 63' W SE CR SW 1/4 NW 1/4 S 20' W 7' N 20' E 7' TO BG
(PUMPING STATION) .153 ACRES M/L PVC 613 6 BTAO 6205 0.

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Business</u>	<u>SUP</u>
South	<u>Multi Family</u>	<u>R3</u>
East	<u>Single Family</u>	<u>R1</u>
West	<u>Multi/Single Family</u>	<u>RP-4</u>

Present Use of Property: JCW Sewage Lift Station

Please complete both pages of the form and return to:
Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

- | | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 1. Is deemed necessary for the public convenience at that location. | <u>X</u> | _____ |
| 2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected. | <u>X</u> | _____ |
| 3. Is found to be generally compatible with the neighborhood in which it is proposed. | <u>X</u> | _____ |
| 4. Will comply with the height and area regulations of the district in which it is proposed. | <u>X</u> | _____ |
| 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. | <u>X</u> | _____ |
| 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. | <u>X</u> | _____ |

Should this special use be valid only for a specific time period? Yes _____ No X

If Yes, what length of time? _____

SIGNATURE: John P. O'Neil

DATE: 03 FEB 2012

BY: John P. O'Neil

TITLE: General Manager

Attachments Required:

- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners



4800 Nall
Mission, Kansas 66202
913.715.8600
FAX: 913.715.8601
www.icw.org

February 3, 2012

Mr. Dennis J. Enslinger, AICP
Assistant City Administrator
City of Prairie Village, KS
7700 Mission Road
Prairie Village, KS 66208

RE: Dykes Branch Pump Station SCADA Telemetry System Improvements Project

Dear Mr. Enslinger:

This letter is in follow-up of our recent communications regarding the plans of a SCADA (Supervisory Control and Data Acquisition) telemetry system improvements project at the Dykes Branch sewage lift station located at 3535 Somerset Drive. This sewage lift station was originally constructed in 1958, serving Prairie Village customers. Johnson County Wastewater (JCW) uses SCADA telemetry to monitor the status of the pumping stations and treatment plants system-wide, and send alarms to staff if there is a problem. The purpose of the SCADA telemetry system improvements project is to replace the existing system, which has become obsolete.

A new antenna tower will replace the existing antenna as part of this improvements project. We are requesting waivers from Prairie Village requirements for the tower height and tower style. The tower height will be 40 feet above ground level. The height was determined through a radio path study and will assure reliable communication for this sewage lift station. The tower will be tripod style, which was selected as the best option for installation at the building as well as for future maintenance by JCW staff. The tower will be installed adjacent to the location of the existing antenna and to the lift station building.

As previously indicated in our letter dated February 2, 2012, the County's belief and position is that the County is immune from the City zoning and subdivision regulations in this matter, and that position is reasserted here. Therefore, while we are not making formal application for approval of the project, we are informally providing you, in the spirit of cooperation, with the following documents associated with this project, as you requested:

- Special Use Permit Application Form
- Site Plan and Elevation
- Area Map

The County looks forward to working with the City of Prairie Village on this project, and desires to cooperate with the City. Toward that end, the County is interested in soliciting any suggestions

and/or recommendations that the City may have concerning the project. Therefore, please let us know if the City has any comments and how or when we may obtain them.

Thank you in advance for all your help with this project, and if you have any questions please contact me at 913-715-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan D. Pekarek". The signature is fluid and cursive, with the first name being the most prominent.

Susan D. Pekarek
Managing Engineer - Treatment

cc: Aaron A. Witt, Interim Chief Engineer
Marc Pedrotti, RE Pedrotti Co.
Chris Bosse, Stantec Engineering
File: CMSD-C010, B.4

MAYOR'S ANNOUNCEMENTS

March 19, 2012

Committee meetings scheduled for the next two weeks include:

Arts Council	03/21/2012	7:00 p.m.
VillageFest Committee	03/22/2012	7:00 p.m.
Environmental/Recycle Committee	03/28/2012	7:00 p.m.
Council Committee of the Whole	04/02/2012	6:00 p.m.
City Council	04/02/2012	7:30 p.m.

The Prairie Village Arts Council is pleased to announce a printmaking exhibit by Fred Mullett in the R. G. Endres Gallery for the month of March.

Recreation sales begin April 2nd.

Large Item pick-up is scheduled for May 12th for homes on 75th Street and north of 75th Street and May 19th for homes south of 75th Street.

INFORMATIONAL ITEMS
March 19, 2012

1. Planning Commission Minutes - February 7, 2012
2. VillageFest Committee Minutes - January 26, 2012
3. Animal Control Board Minutes - February 22, 2012
4. Sister City Committee Minutes - February 13, 2012
5. Environment/Recycle Committee Minutes - January 25, 2012
6. Jazz Festival Committee Minutes - February 8, 2012
7. Finance Committee Minutes - February 15, 2012
8. Mark Your Calendars

**PLANNING COMMISSION MINUTES
FEBRUARY 7, 2012**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, February 7, 2012, in the Council Chambers, 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, Marlene Nagel 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; Council Liaison; Jim Brown, City Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary. (AI)

APPROVAL OF MINUTES

Bob Lindeblad noted on page 4 the BCH Rhodes representative was Brett Calgren. Bob Lindeblad moved for the approval of the minutes of January 10, 2012, with the correction noted. The motion was seconded by Nancy Wallerstein and passed unanimously.

PUBLIC HEARINGS

Chairman Ken Vaughn announced there were two public hearings on the agenda. He stated both had been appropriately published and reviewed the procedures to be followed for the public hearings.

NON PUBLIC HEARINGS

PC2012-01 Proposed Revisions to PVMC 19.50 "Alternate Energy Systems" with related changes to PVMC 19.02.510 "definitions" PVMC 19.30.055D

Ron Williamson stated for the past several months the Commission has been considering revisions to the zoning regulations on Alternative Energy Systems and at its meeting on December 6, 2011, the Commission authorized a public hearing on the proposed revisions.

In addition to the creation of the new chapter titled "Alternative Energy Systems" two additional items were addressed in the amendment as follows:

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

1. Delete the definition of Wind Driven Devices in Chapter 19.02 Definitions because it is no longer needed.

~~19.02.510 Wind Driven Devices.~~

~~“Wind driven devices” means the power generator, pump system or other mechanism energized by a propeller or turbine driven by natural winds.~~

2. Delete “wind driven devices” from Section 19.30.005 D Conditional Use Permit Chapter.

D. Satellite dish antennas, with a diameter of one meter or greater and those not permitted in Section 19.34.040 (D); ~~wind driven devices~~; and non commercial transmitting and receiving antennas and towers; (Ord. 1899. Sec. I, 1996; Ord. 1909, Sec. I. 1997)

3. Amend Chapter 19.50 “ Solar Energy Systems” as follows

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.

C. 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 or structure 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~~ *ground mounted installations* or panel racks shall be allowed *except as set out 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.

Nancy Vennard confirmed that duplexes would be included under the regulations related to single family residences. She asked if the solar easement agreement would be conveyed with the property upon sale. Mr. Williamson responded that because of the value of the solar investment in the property, he would assume the contract would be written to run with the land.

Chairman Vaughn opened the public hearing.

Thomas O'Brien, 4410 West 89th Street, stated he appreciates the proposed changes to the ordinance as he is seeking to encourage the use of alternative energy sources and would like to see the process become easier for residents. He confirmed that if an installation met all the conditions of the ordinance, the resident would only need to apply for a building permit.

He stated he is concerned with the language that solar panels must be architecturally compatible as he knows of no solar panel that would be considered architecturally compatible. Ron Williamson responded the framing for the panel is what the language intends to address, not the panel itself. The frame must blend.

Mr. O'Brien questioned allowing less stringent regulations for rear yard installations similar to the city of Overland Park's regulations. Mr. Williamson noted that the Commission discussed that issue but felt that because of the amount of time many residents spend in their back yards, they wanted compatibility for both front and rear yards. He noted, however, there is a provision that would allow the Planning Commission to consider a unique installation through the site plan approval process.

Mr. O'Brien asked if consideration was given to allow solar installations on carports in commercial areas. Mr. Williamson replied that was not discussed.

The language on solar easements is very good; however, Mr. O'Brien asked if it was applicable to future growth as it is in California and if an easement agreement was needed with each property owner. Ron Williamson responded specifics of the easement will be addressed by the individual agreements, not through the code and individual easement agreements would be necessary.

No one else was present to address the Commission on this application and the public hearing was closed at 7:20 p.m.

Nancy Vennard stated Mr. O'Brien's suggestion regarding solar installation on carports was good and should be added to the proposed ordinance and noted there are possibly other installations. She suggested language be added listing carports and other similar structures.

Nancy Vennard moved the Planning Commission approved the proposed revisions to Chapters 19.02, 19.30 and 19.50 and forward them to the Governing Body for adoption with the additional language address carport installations in commercial and multi-family areas. The motion was seconded by Randy Kronblad and passed unanimously.

PC2012-02 Proposed Amendment to the City's Comprehensive Plan reflecting changes to the Parks Master Plan

Ken Vaughn advised those present that City Council has requested that the Planning Commission continue to March 6th PC2012-02 until the City Council discusses the support for trails within the community at their meeting on February 21st. However, the Commission will conduct the scheduled public hearing on this application and called upon the City's Planning Consultant to present the application.

Ron Williamson noted the Parks Master Plan was prepared in 2009 and the Planning Commission incorporated it into the Prairie Village Comprehensive Plan (Village Vision) July 7, 2009. Surveys taken in conjunction with the Comprehensive Plan process revealed that walking/jogging were the most common exercises and that 79% of residents surveyed supported the city developing a trail system. This was the #1 recommendation from the Park Master Plan.

The City has been implementing the Bike/Trial Plan as part of the Park Master Plan and has determined Nall Avenue will be the trail route rather than Roe Avenue as shown in the Park Master Plan. The City of Mission has already set a trail in place along their section of Nall. The City of Overland Park has agreed to support a trail along Nall. The proposed Nall Avenue trail will have connections at 63rd Street, Tomahawk Road, 79th Street and 91st Street. Alternate routes on 67th and 69th Streets will be extended to Nall Avenue.

The Park and Recreation Committee has reviewed the proposed change in the Bike/Trail alignment from Roe Avenue to Nall Avenue and has endorsed the change.

The text in the "Trail System Overview" in the Park and Recreation Master Plan does not require any revision because it is a general discussion of the proposed Bike/Trail Plan. However, there are several maps that will need to be changed as follows: the "Comprehensive Parks and Trails Plan", the "Trail System Plan" and the "Trail System Plan-Phasing".

Ron Williamson reviewed a revised map of the Trail System Plan showing the proposed changes and noted the other two maps would be changed accordingly if the amendment was approved. The Roe Avenue Trail is marked with an "X" and the proposed Nall Avenue Trail is shown as a dashed line along the trail. Also the extensions of 63rd

Street, 67th Street, 69th Street and 79th Street from Roe Avenue to Nall Avenue are shown in a dashed line. Staff is recommending the trail on 75th Street west of Shawnee Mission East be deleted because of significant right-of-way constraints.

Prior to sending the Resolution to the City Council, Staff recommends the revised map be forwarded to the Park & Recreation Committee to allow for additional comment, If the Park and Recreation Committee has significant comments, the proposed amendment will be returned to the Planning Commission for further consideration.

Bob Lindeblad asked what notifications were of this change. Dennis Enslinger responded the notice of this hearing was published in the paper and notification placed on the City's Website. The City Council has discussed this at ten meetings and approved the relocation as part of a street project. There was no public hearing on "Trailways" specifically; only on the Parks Master Plan. Property owners on the proposed trail were not individually notified.

Nancy Wallerstein stated she served on the Parks Master Plan Committee and noted the committee had concerns with the location of the trail along Roe because of the smaller homes with smaller front yards would be greatly impacted by the placement of an eight-foot trail. The plan was to take the trail down Roe and connect with the trail at 103rd & Roe. She stated the Parks Master Plan Committee was not advised of nor discussed this change.

Ken Vaughn stated he likes trails and feels they should be placed where they belong. He is not aware of any feasibility study done of the proposed location. He noted Roe has more right-of-way than Nall as it was anticipated that Roe would become a four lane-roadway. Nall has limited right-of-way particularly between 75th and 83rd streets. He does not feel the location has been adequately studied as to the impact of the trail and cannot support the proposed change at this time.

Ron Williamson replied there was no engineering analysis done of either corridor or of what side of the street. At this point at time it is a line on a map to be studied at a later time. Ken Vaughn responded he does not feel there is any need to put a line on a map until a feasibility study has been done showing that a trail can reasonably be constructed at that location.

Randy Kronblad agreed with Mr. Vaughn that this is a significant change to the original location and there needs to be a study done to determine its feasibility.

Nancy Vennard noted no one has proven this is a good location and the placement of lines on a map are not appropriate without a study.

Chairman Ken Vaughn opened the public hearing.

Marc McDonald, 8115 Nall, stated that only two persons received notification of this hearing although the residents of the neighborhood had asked to receive notifications of any action on the trail system. This was approved in November and they are just

hearing about it. Mr. McDonald stated he is absolutely opposed to the proposed change in the Parks Master Plan that would add a bike trail along Nall and made the following comments:

- The City does not need this trail. It is an unnecessary expenditure unwanted by the homeowners in the area.
- The City should not be spending money on this in the current economic climate.
- Prairie Village does not have to be like Leawood, noting Leawood wasn't landlocked when it began constructing its trail system and was able to place them appropriately along creeks and open spaces.
- Who bears the responsibility for maintenance of these trails and liability for any accident occurring on the trail.
- With the high volume of traffic on Nall, he feels the location of a trail would create a safety hazard.
- The placement of a huge slab of asphalt running through their yards will be ugly and decrease their property values. Taking the easement and adding a trail places their homes closer to the activity on Nall and removes the long setback that has helped maintain their property values.

Elizabeth and Paul McKie, 8235 Nall, stated the placement of the trail would remove the historic 100+ year old wall along the front of their property as well as require the removal of several beautiful mature trees. This is a heavily travelled roadway as well as a truck route and is not an appropriate location for a trail. They also expressed frustration over the lack of notification that they were promised regarding trail activities.

Michael Shook, 5501 West 81st Street - corner of 81st & Nall, stated he has lived at this location for more than 30 years and has seen traffic increase to the level that it has all it can handle. He also expressed concern with the necessary removal of mature trees for the trail. If additional right-of-way for possible expansion of Roe is available, it should be used for this trail. The trail could connect from Roe to Nall at 95th Street. Mr. Shook stated that if someone's property is going to be taken or impacted, they deserve to have individual notice of the proposed actions. The lack of notice is unacceptable.

Kathryn McIntyre, 5450 West 83rd Street, expressed concern for her stone fence which has already been lowered because of the sidewalk added along Nall. She is also concerned about the loss of trees and flowers along the front of her property. She felt construction of a trail along a truck route would be dangerous.

Kevin Koch, 8236 Nall, stated he is a cyclist and does not ride on the heavily travelled Nall but heads to Lamar. He also noted there have been a number of accidents at 83rd & Nall and the addition of a trail would make that area more problematic.

With no one else to address the Commission, the public hearing was closed at 7:50 p.m.

Dennis Enslinger stated the City Council would be having a general discussion on trails at its meeting on Tuesday, February 21st.

Nancy Wallerstein asked that the residents be given a sign-in sheet for them to give e-mail addresses so they can receive more information on that and future meetings.

Marc McDonald asked if the City was required to implement a trail system. Mr. Enslinger responded it was not. Mr. McDonald added is the trail along Tomahawk Creek is indicative of the trail system, he would rather they not.

Bob Lindeblad moved the Planning Commission continue PC2012-02 to their March 6, 2012 meeting. The motion was seconded by Marlene Nagel and passed unanimously.

NON-PUBLIC HEARINGS

**PC2012-104 Monument Sign Approval
4518 West 89th Street**

Chris Woody, 4518 West 89th Street, noted he is requesting approval of a monument sign for a multi-tenant Somerset West office building located on the north side of 89th Street west of Roe Avenue. There is currently no sign at that location. The proposed sign would have spaces for three tenants and would be lighted by a flush mounted light placed in a plant bed and operated by a timer from dusk to 7 p.m. .

Ron Williamson noted that technically the applicant should submit sign standards for this development because it is a multi-tenant building. However, if no other signage is proposed, the existing wall sign and approval of this monument sign will essentially be the sign standards for the project. No additional exterior signage will be permitted until sign standards are submitted to the Planning Commission for review and approval.

The Planning Commission has approved several of the multi-tenant signs, but has done so based on quality of design as outlined in Paragraph 2 of the policy. The proposed sign design indicates brick that matches the building will be used for the columns and base. The material for the sign panel identified on the drawing will be limestone. The sign text will be individual letters attached to the limestone.

Orientation

The proposed monument sign will be two sided perpendicular to 89th Street.

Setback

The minimum setback required by ordinance is 12 feet from the back of curb and the sign must be on private property. The sign will be setback 12 feet from the back of curb.

Construction Materials

The drawing indicates the base and columns will be made of the same brick as the building and the sign panel will be limestone. As the south side of 89th Street is residential, this sign should be of a high quality.

Illumination

The sign is to be illuminated with four (4) ground flush mounted, flood lights.

Height

The proposed height of the sign is 5 feet, which is the maximum height permitted by Ordinance.

Area

The Ordinance requires that the sign not exceed 20 square feet in area per face. It appears that the sign face will be 4' x 5' which is 20 square feet and meets the ordinance.

Landscaping

The ordinance requires a minimum three feet landscaped area around the base of the sign and a landscape plan. A proposed landscape plan has been submitted but the specific plants have not been identified. The applicant will need to submit a more detailed plan identifying the specific plants when the sign permit application is filed. The plant materials will be subject to review and approval by staff.

Dirk Schafer moved the Planning Commission approve PC2012-104 for a monument sign at 4815 West 89th Street subject to the following conditions:

1. That the sign be approved for a maximum of three tenants.
2. That the applicant prepare a detailed landscape plan identifying the specific plant materials that would be placed around the base of the sign for approval by staff prior to the issuance of a sign permit.
3. That the flood lights illuminating the sign be ground flush mounted.
4. That the only signage approved for this office building is this monument sign and if any additional exterior signage is proposed on the building or otherwise, sign standards will need to be prepared for the building and submitted to the Planning Commission for review and approval.

The motion was seconded by Randy Kronblad and passed unanimously.

OTHER BUSINESS

Dennis Enslinger stated he has been contacted regarding the placement of a third monument sign at 75th & Nall for the Congregation Ohev Shalom property. This facility currently serves three different congregations and each would like their own signage.

Mr. Enslinger noted there are already signs for two of the congregations on the property. Staff has encouraged them to consolidate the signage.

Bob Lindeblad noted the trend for multiple uses of church facilities.

Nancy Vennard asked how the signage was handled for the church at 75th & Belinder. Mr. Enslinger responded they have a permanent sign and two temporary signs

Randy Kronblad noted the construction of the current signs at this location or the proposed signs does not comply with city standards.

Dennis Enslinger announced that the City Council has directed staff to prepare an amendment to the Comprehensive Plan to address the Mission Valley School site instead of hiring an outside consultant to do a more detailed amendment of the expanded area surrounding the school. He and Mr. Williamson hope to be able to have a draft to the Commission for review at the March 6th meeting with the Commission authorizing a public hearing for their April meeting.

Next Meeting

The March 6th Planning Commission agenda will have two public hearings: PC2012-03 an amendment to the Special Use Permit for Highlawn Montessori for the addition of a second story on their building allowing for an additional classroom and PC2012-04 a special use permit for the wastewater pump station and 40' tripod lattice type tower for their use at 3535 Somerset. Staff also hopes to have ready for the Commission's review the amendment to the Comprehensive Plan regarding the Mission Valley School site.

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

VILLAGEFEST COMMITTEE

January 26, 2012 Minutes

The VillageFest Committee met January 26, 2012 at 7:00 pm. Present and presiding, Marianne Noll. Members present: Diana Ewy Sharp, Andrea Bentz, Toby Fritz, Ted Fritz, Patty Jordan, Jeff Scott, Kathy Peters, Beth Cavanaugh, Ed Roberts, Deke Rohrbach, Quinn Bennion, Chief Wes Jordan, Sgt. Byron Roberson, Bruce McNabb, Mike Helms and Jeanne Koontz.

Minutes

Ed Roberts moved approval of the minutes of the July 28, 2011 meeting. Deke Rohrbach seconded the motion which passed unanimously.

Budget Report

Marianne Noll reported that the event came in under budget in 2011. Additional revenues were moved to the Municipal Foundation. Marianne said she would like these funds to be used for long-term needs such as banners and a plaque for the Community Spirit Award winners.

The committee reviewed the entertainment budget and agreed to pursue two children's bands and one headliner for 2012. The committee discussed having all of the family activities start and end at the same time and decided on 9:30 am - 1:30 pm as the budget allows.

Marianne Noll suggested having a DJ at the main stage. The cost would be approximately \$500. Diana and Quinn thought the DJ at the pancake breakfast was great for the value. The committee agreed to add a DJ to the main stage. The first children's act will begin at 9:00 am to allow more time for a transition. The Children's Parade will likely be moved to 11:15 am to allow for more time between Mr. Stinky Feet and the parade.

Marianne Noll reported that she received a quote for a portable trailer stage. The stage is 16 x 24, covered and rents for \$750. It would be less expensive than renting a stage and a tent. The committee was in agreement to explore the portable trailer stage.

Staff Reports

A. Administration

Jeanne Koontz reported that Chris Cakes is booked for the pancake breakfast at \$3.36 per plate from 7:00 am to 11:00 am. A rock wall and trackless train are booked with Fun Services for \$1370 from 8:30 am - 1:30 pm.

The model train show would like to come back this year. The committee discussed the best location for them and decided that they could come if they would set-up outside. The Council Chambers will be used for the Children's Fingerprinting and City Display and the Multi-Purpose Room will be used for Volunteer Hospitality.

Clement McCrae Puppets will charge the same fee as last year (\$875) for four performances. The committee agreed to invite them back.

The Show Stoppers Community Drill Team has expressed an interest in performing at VillageFest. Marianne Noll said the committee would discuss when the budget is figured out. Diana Ewy Sharp said she would like the committee to consider The Marching Cobras again.

B. Public Works

No report.

C. Police Department

Byron Roberson reported that the Police Department had fewer officers working last year and they will stay with the same number for this year.

D. Fire Department

The Fire Department display was a huge hit. The committee suggested having the Mayor choose a citizen to go up in the bucket truck with him.

Sub-Committee Chairperson Assignments

The committee made the following sub-committee chairperson assignments.

- A. Decorations - Kathy Peters
- B. Entertainment - Quinn Bennion
- C. Sponsorships - Marianne Noll and Jeanne Koontz
- D. Marketing, advertising and material design - Jeanne Koontz
- E. Creativity Center - Patty Jordan
- F. Patriotic Service - Vacant
- G. Food Vendors - Andrea Bentz
- H. Hospitality - Doug Sharp
- I. Volunteers - Beth Cavanaugh
- J. Children's Parade - Andrea Bentz
- K. Information Booth - Beth Cavanaugh
- L. Student Contest - Vacant
The committee discussed whether to have the student contest this year and how to get more schools involved.
- M. Community Spirit Award - Diana Ewy Sharp and Toby Fritz
- N. Bike Rodeo - Adam Taylor
- O. Children's Fingerprinting - Ed Roberts
- P. Committee Shirts - Marianne Noll
- Q. Committee Booth - Jeanne Koontz & Marianne Noll

Craft Fair

Patty Jordan suggested having a small craft fair at VillageFest. Diana Ewy Sharp said that it had been tried in the past but they always insisted on being inside and having Public Works unload and load everything. Diana thinks it would be a great addition if it would work. Marianne Noll said the holiday and event timeframe might be an issue. She suggested

charging a small fee. Patty Jordan said the committee could invite crafters and stipulate the rules ahead of time. She volunteered to pursue the idea and bring back more information to the next meeting.

Burger Contest

Deke Rohrbach gave a report on the burger contest. EZ Grill has committed to providing party-size grills. Deke passed out a draft of the rules. The contest would have 2 categories with 15 contestants each. There would be a \$20-25 entry fee that would be used for prize money. She suggested approaching Johnny's or BRGR for additional prize money as well.

The committee discussed the logistics of the burger contest. The contest would be at Harmon Park Pavilion at 10 am.

Other

Ted Fritz is working on a display of historic trails that went through Prairie Village. The display will be located in the Council Chambers.

The meeting adjourned at 8:20 pm.

Marianne Noll
Chair

Animal Control Board
Appeal Hearing
February 22, 2012

Present: Chairman James Dinesen, Daniel Andersen and Emily Gleasure, Council Liaison Andrew Wang, Community Service Officers Roger Blanchard and Cindy Gaunt, Captain Wes Lovett, Chief Wes Jordan and City Clerk Joyce Hagen Mundy.

James Dinesen opened the hearing on a request from Stacy Stramel to have her dog "Gotti" released to her custody. He commended the city staff on the documentation prepared for this hearing. Mr. Dinesen asked if Ms. Stramel would be present.

Chief Jordan responded that Capt. Lovett called Ms Stramel yesterday to confirm her attendance. She requested the hearing be delayed a week and was advised that code requires the hearing be held within ten days of the appeal and could not be delayed. He noted she did not have transportation other than her parents, who are opposed to the release of the animal.

Mr. Dinesen asked the age of the animal. Officer Gaunt responded she thought it was less than 5 years old. Officer Roger Blanchard reviewed the background on the animal bite and subsequent impoundment as provided in the information given to the board members and included as Exhibit A to these minutes.

Mr. Dinesen confirmed the petition before the board was a request for the release of the animal.

Emily Gleasure noted the number of times the appellant lied. She does not see why Ms Stramel would want to keep the animal after the attack on her father. However, it is the responsibility of the Board not just to protect Prairie Village residents but the larger community to prevent this type of incident from occurring again. She stated it is a shame that the owners have not done anything to socialize this animal. It is not the animal's fault; however, it cannot be allowed out in the public.

Daniel Andersen stated the appellant has not taken responsibility for the care of the dog and he does not believe she has the best interest of the dog in mind. The expert testimony presented in the packet indicates that it is the consensus that the animal cannot be rehabilitated or socialized where it would not be a potential attack risk.

Officer Gaunt stated that pit bulls are considered dangerous animals in the City of Hayes where Ms Stramel is currently living with her parents who have stated they would not allow the animal on their property.

Officer Blanchard noted the bite was not a simple bite and release, but a continuing attack causing significant injury. The City was notified of the bite by Shawnee Mission Hospital after they treated Mr. Stramel.

Andrew Wang asked where the incident occurred. Officer Blanchard responded in an apartment at 3500 Somerset.

Daniel Andersen moved the Board deny Ms Stramel's petition for release of the animal to her. The motion was seconded by Emily Gleasure and passed unanimously.

For public safety, the Board directed the Prairie Village Police Department to take the necessary action to have the animal euthanized.

With no further business to come before the Board, the meeting was adjourned.

James H. Dinesen
Chairman

SISTER CITY COMMITTEE
13 February 2012
MINUTES

Call to Order

Chair Jim Hohensee called the meeting to order. Present: Bob McGowan, Yulia Matskevych, Carole Mosher, Bob Glywa and Vera Glywa. Also Present: Sally Hohensee and Cleo Simmonds
Staff: Chris Engel

Minutes

Minutes from January 9, 2012 were approved.

Banner

The background colors of the banner were discussed. The white background behind the flags contrasts with the rest of the background and needs to be transparent. Jim and Bob will be looking into removing the background with software or possibly rescanning the flags.

Exchange Student Update

Carole reported Vira is doing well. She visited a friend in Texas over the holiday break. There was discussion of having a party for her before she leaves. Further discussion ensued on the need to line up a homestay opportunity sooner than later for a student to come next school year.

New Priorities Meeting

The Committee will meet informally on Saturday, 3 March, at 9AM at Einstein Brothers Bagels on 103rd and State Line to discuss new directions in 2012. Members should bring ideas for what the Committee should be working on in the new year; for example, education, publicity, homestay opportunities, communication, etc.

Sister City International Conference

Since Carole Mosher and Bob McGowan are unable to attend the conference Jim asked Bob Glywa to consider attending. Bob Glywa is also unable to attend due to the impending wedding of his son. Jim will discuss the opportunity with Phil and report back.

Art Show

The committee has decided to not host a gallery show this year. Jim and Sally are going to visit Doyna this summer and could bring items back for the show. There was discussion of the types of art that could be displayed. It was decided that photographs could be transferred the easiest so the show will be primarily city-owned pieces from the 2009 showing and new photos. Possibly an exchange could be established between the Dolyna photography club and the SM East students Yuri spoke to when here. The exchange could be included in a Village Voice article.

Jazzfest

The Dolyna Jazz Band all have 5 year visas but would still need approvals through the consulate. This will required formal invitations sent from the Mayor. Vera will be contacting the new Chair, Jack Shearer, to find out if there is still \$3,000 available to defray the cost of the band attending.

Guest Speakers

Jim has spoken to Michael Kelly and a recently returned Peace Corps Volunteer to give a presentation in March about their recent experiences in Ukraine.

Sunflower Fundraiser

Carole has spoken with Family Tree. They can't do sunflowers because they are annuals and too tall. She suggested something similar might work and will be contacting Suburban Lawn and Garden to look into a supplier.

New Business

Cleo shared that the committee needs to do a better job of keeping non-committee members in the information loop. In the absence of a "Friends Of" group there are people that support the work of the committee that are being unintentionally turned off. Cleo believes the relationships with the people that have supported the committee need to be nurtured through contact and shared information. Items such as Christmas cards or invites to committee events like the student reception go a long way and keep the relationships fresh. People need to hear from the committee more often than just when they are needed for help.

Vera discussed the possibility of a joint Ukrainian Club Sister City event to get people connected. A dinner event at the Community Center was discussed for Sunday, May 6th in the afternoon. Chris will look into reserving the facility.

Adjournment

The next meeting will be Saturday, March 3rd at 9:00 am at Einstein's at 103rd and State Line.

The next regularly scheduled meeting will be Monday, March 12th at 7:00pm in City Hall.

Jim Hohensee
Chair

PRAIRIE VILLAGE ENVIRONMENT AND RECYCLE COMMITTEE

Minutes, January 25, 2012

Pete Jarchow, for the steering committee, called the meeting to order at 7:00 p.m. Attending were Penny Mahon, Karin McAdams, Barbara Brown, Dennis Enslinger, Thomas O'Brien, Pete Jarchow, Margaret Goldstein, Ruth Hopkins, Anne-Marie Hedge, Nicholas Garcia, Linda Smith and two high school students: Luke Fleming and Shannon Tuttle.

The minutes from the December meeting were approved.

Reports and business:

- **Community Gardens** – Nicholas Garcia and others

- *Get Growing Kansas City* is offering micro-grants ranging from \$250 to \$3000. The next application date is August 1. There are two more grant cycles after that. Besides offering grants, they will offer free advice and speakers. Barbara mentioned a K-State grant for up to \$5000 with an application date of March 1.
- These require a 501-C3; we could approach the Municipal Foundation to be included in theirs. Actually, we're probably eligible as a government organization.
- The Community Garden committee meets on Saturday afternoons. A current task is to choose a garden administrator.
- The question of how our committee and the garden committee and administrator(s) relate was raised. Dennis helped clarify that we are ultimately responsible to the park board for the condition of the garden. Therefore in the first year, especially, we should be well informed of the garden committee's actions, especially following closely the grant application process. We can expect the committee to deal with immediate issues directly but to report anything important to us.

- **Community Forum:**

- KNRC has reconsidered its withdrawal from the forum, so we can suspend our search for a partner in the forum. Kathy is willing to continue as a liaison with KNRC.
- Bob Berkabile was suggested as a possible speaker.
- Margaret Goldstein offered to manage the dinner part of the event.

- **Earth Fair**

- The committee chose Carrie Shoptaw to be the director for the Earth Fair.
- Barbara, Margaret G and Margaret T met with Rusty Debey, advisor to the Environmental Club at SME, and were pleased by his willingness to help. It's because of that meeting that Shannon and Luke are attending tonight. We can use student help in many ways, such as setting up, creating a scavenger hunt, and working with the little kids' projects.
- Kristin Carmody has offered to help with the fashion show and other liaison needs with SME.
- Polly is working with Kathi Knop, and librarian at East, who is very willing to organize a book sale. We can offer her help in collecting books, getting student help, etc.
- Pete and Karin met with Jay Meara, commercial art teacher at SME, who is having his advanced students create possible artwork for us to use. There is one promising design already. Use of that design was discussed; it can be on the website, and we can consider postcards to be mailed, distributed, handed out etc.

- Once we know who the vendors are, Pete will make a large map for the front entrance area. We plan to assign vendor spaces ahead of time.
- Carrie is already working on publicity. In addition to the usual means, we are considering signs along Mission Rd. on fair day saying "plants," "crafts," "food trucks," etc.

Other business:

- The Prairie Village planning commission is working on codes changes, mainly concerning commercial property, and we are welcome to attend their open meeting on February 7. We are all encouraged to come.
- We have two open slots for new members; we should all consider people to invite.
- Dennis needs articles on the Community Garden and the Earth Fair for the Village Voice.
- Jim Twig is managing an E-Recycling event at Black and Veatch on April 28 from 8 – 12 in the morning.
- FYI from Ruth – Roeland Park is considering charging for non-recyclable bags.

The meeting adjourned at 8:15

The next meeting will be held on February 22 at 7:00 p.m.

Respectfully submitted,

Karin McAdams

Jazz Fest Committee
Wednesday, February 8, 2012
7:30 p.m.

Present: Jack Shearer, Gloria Shearer, Larry Kopitnik, Elise Haas, Mary Ann Watkins, Walt Vernon, Joyce Hagen Mundy

Report on meeting with BRGR

Jack Shearer reported he and Joyce met with Alan Gaylin with BRGR regarding their involvement with the Jazz Festival. It was a very positive meeting with BRGR wanting to be an integral part of the festival.

- They will sponsor the BRGR 5K in May with an anticipated over 500 runners. This event alone will raise over \$15,000 for JazzFest.
- BRGR & Urban Table will be the presenting sponsors for the event.
- BRGR & Urban Table will be the primary food vendors at the event.
- They would like to see “high energy” performers and felt that more should be spent on talent than in 2011.
- They would like to see a connection to something more than just the support of the festival for the funds raised; i.e. partnering with a charity or non-profit agency.
- A representative of BRGR will be on the committee in an advisory position.

Discussion of “PV Jazz Fest Music Style”

Larry Kopitnik presented several possible performers for the event. These included local talent and nationally known talent. Larry and Jack will meet to put together a matrix of possible talent with costs that will be distributed to the Committee prior to the next meeting for consideration and discussion in March. The committee authorized Larry to continue to talk with performers and bring back options and his recommendation to the next meeting.

Selection of Charity or organization to share in proceeds of the Festival

The committee discussed local charities or organizations. The focus was on Prairie Village based organizations such as Alzheimer’s Association, Head Strong for Jake, Kansas City Autism Center, Shawnee Mission East Music Foundation. Jack felt that a selection process similar to that used by Jazz in the Woods could be used to select the charity.

VIP Tent

Jack also asked the committee to consider the sale of VIP Tents, noting their success at the Jazz in the Woods event. He will talk with BRGR regarding their participating in providing the food for the tents. The VIP tents would be sold for \$2,000.

Sponsorship Levels

The following sponsorship levels were set for 2012:

- Presenting Sponsor – BRGR – estimated \$15,000 in-kind donation

- Platinum Sponsor - \$5000
- Gold Sponsor - \$3,000
- Silver Sponsor - \$2,000
- Bronze Sponsor - \$1,000
- Friends of Jazz – under \$1000

Walt Vernon moved approval of the proposed levels. The motion was seconded by MaryAnn Watkins and was passed.

Fund-raising

Walt Vernon will coordinate the fund-raising. Letters and packet information have been prepared by Joyce for distribution. Letters will be mailed to all past donors. Packets to potential new sponsors will be delivered by Jack and Walt. Walt would follow-up on the packets sent to the past year's major sponsors.

Next Meeting

The next meeting will be on Tuesday, March 13, 2012 at 7:30 p.m.

FINANCE COMMITTEE
February 15, 2012

The Finance Committee met on February 15, 2012. Council members Present: Chairman David Belz, Charles Clark, Dale Beckeman and Dale Warman. Guests Present: John Joyce, Kathy Thompsen and Jeff White. Staff Present: Quinn Bennion, Dennis Enslinger, Lisa Santa Maria and Chris Engel.

The Committee met to discuss:

Expanded Powers

City staff asked for permission to submit the initial expanded powers request letter to the Pooled Investment Board. Expanded investment authority entitles the City to extend the maturity of its investments from two to four years and authorizes investments in securities to further diversify the portfolio. Lisa spoke to Scott Miller, Director of Investments and Chief Investment Officer, at the Pooled Invest Board and he indicated that on February 23rd the board was meeting to finalize changes to the expanded investment authority. He also indicated that they had not granted expanded investment authority in 5 years and that with the City of Prairie Village's idle cash balance it wouldn't be worth our while to apply. The Finance Committee felt it would still be worthwhile to apply.

Dale Beckerman made the motion to give staff permission to submit the application for expanded investment powers. Dale Warman seconded the motion. All committee members were in favor of the motion. Staff has been directed to submit an application for expanded investment authority and if approved, then Council will discuss and approve at a later meeting.

Cash Management

Columbia Capital submitted a proposal to manage the City portfolio of cash and securities comprised of idle cash balances and bond proceeds.

Columbia Capital would also work with the City to submit the Expanded Authority Application and subsequent annual maintenance.

Columbia Capital will charge an annual management fee of 0.125% on the average portfolio balance. If investment returns are not enough to cover the fee, Columbia Capital would lower the fee to the amount of the return. If there was no return, there would be no fee.

Columbia Capital was chosen during the RFP process for Investment Services. Columbia Capital will assist as our financial advisor and would typically be involved with the expanded investment authority application process regardless of the Cash Management proposal.

Dale Beckerman made the motion to approve taking the proposal from Columbia Capital to City Council at the March 5th meeting. Dale Warman seconded the motion. All committee members were in favor of the motion.

Meeting was adjourned at 6 p.m.

**Council Members
Mark Your Calendars
March 19, 2012**

March 2012	Fred Mullett printmaking exhibit in the R. G. Endres Gallery
March 5	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	Shawnee Mission East Art Faculty exhibit in the R. G. Endres Gallery
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	Senior Arts Council exhibit in the R. G. Endres Gallery
June 4	City Council Meeting
June 8	Artist reception in the R. G. Endres Gallery 6:30 - 8:00 p.m.
June 18	City Council Meeting
July 2012	Anna Dorrance / Mark Higgins / Anna Nye photography exhibit in the R. G. Endres Gallery
July 2	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	Ukrainian - Sister City exhibit in the R. G. Endres Gallery
September 3	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	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 6:30 - 8:30 p.m.
October 15	City Council Meeting

November 2012 Greater Kansas City Art Association
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 Eileen McCoy oils exhibit in the R. G. Endres Gallery
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