

# CITY OF PRAIRIE VILLAGE

July 1, 2013

Council Committee Meeting 6:00 pm

City Council Meeting 7:30 pm



**COUNCIL COMMITTEE OF THE WHOLE  
Council Chambers  
July 01, 2013  
6:00 PM**

**AGENDA**

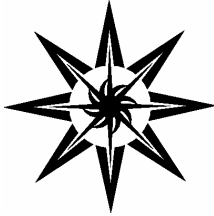
**DALE WARMAN, COUNCIL PRESIDENT**

**AGENDA ITEMS FOR DISCUSSION**

COU2013-23 Consider Ordinance 2176 approving the KU Kickoff Event at Corinth Square as a Special Event and Authorizing the Sale, Consumption and Possession of Alcoholic Liquor and Cereal Malt Beverages within the Boundaries of Barricaded Public Areas of the Event  
Dennis Enslinger

**EXECUTIVE SESSION**

**\*Council Action Requested the same night**



## ADMINISTRATION

Council Committee Date: July 1, 2013  
City Council Date: July 15, 2013

**COU2013-23: Consider Ordinance 2176 approving the KU Kickoff Event at Corinth Square as a Special Event and Authorizing the Sale, Consumption and Possession of Alcoholic Liquor and Cereal Malt Beverages within the Boundaries of Barricaded Public Areas of the Event.**

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### **RECOMMENDATION:**

Staff recommends the City Council adopt Ordinance 2176 approving the KU Kickoff Event at Corinth Square as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of barricaded areas of the event.

### **SUGGESTED MOTION:**

I move the City Council authorize the Mayor to execute an Ordinance approving the KU Kickoff Event at Corinth Square as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of barricaded areas of the event.

### **DISCUSSION:**

Pursuant to KSA 41-719(a)(2) and KSA 41-2645, the Governing Body may approve special events and exempt public streets and sidewalks from the prohibition concerning drinking or consuming alcoholic liquor and cereal malt beverages on public streets and sidewalks.

The Corinth Square Merchants Association has requested the City approve an ordinance identifying the KU Kickoff Event, August 16 from 5-10 p.m., as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of barricaded public areas at the event.

Vendors must be active business occupants in the Prairie Village Shopping Center at the time of the event, having the proper licenses. Currently, the following businesses qualify: Johnny's, BRGR, Urban Table and Salty Iguana.

### **ATTACHMENTS:**

Draft Ordinance

### **PREPARED BY:**

Jeanne Koontz, Deputy City Clerk  
Date: June 17, 2013

**ORDINANCE NO. 2176**

**AN ORDINANCE APPROVING THE KU KICKOFF EVENT AT CORINTH SQUARE AS A SPECIAL EVENT AND AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES WITHIN THE BOUNDARIES OF BARRICADED PUBLIC AREAS AT SUCH EVENT**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, THAT:**

Section 1. Pursuant to KSA 41-719(a)(2) and KSA 41-2645, the Governing Body may approve special events and exempt public streets and sidewalks from the prohibitions concerning drinking or consuming alcoholic liquor and cereal malt beverages on public streets and sidewalks.

Section 2. In accordance with such authority, the City approves the KU Kickoff Event as a special event to be held at the Corinth Shopping Center on August 16, 2013.

Section 3. Authorization is given to barricade the area outlined on the attached Exhibit A during such event. A smaller area may be selected based on the size of the event, but the event boundary may not be expanded.

Section 4. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor and cereal malt beverages may, in accordance with all applicable state laws and municipal ordinances, sell alcoholic liquor and cereal malt beverages in the area designated by the Division of Alcoholic Beverage Control within the barricaded area during the event.

Section 5. Vendors must be active business occupants in the Prairie Village Shopping Center at the time of the event and have the appropriate licenses from the City of Prairie Village.

Section 6. Event attendees may buy, possess and consume alcoholic liquor and cereal malt beverages within barricaded areas on August 16, 2013.

Section 7. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official newspaper of the City of Prairie Village, Kansas as provided by law.

**PASSED AND APPROVED THIS 1<sup>st</sup> day of July, 2013.**

\_\_\_\_\_  
Ronald. L. Shaffer, Mayor

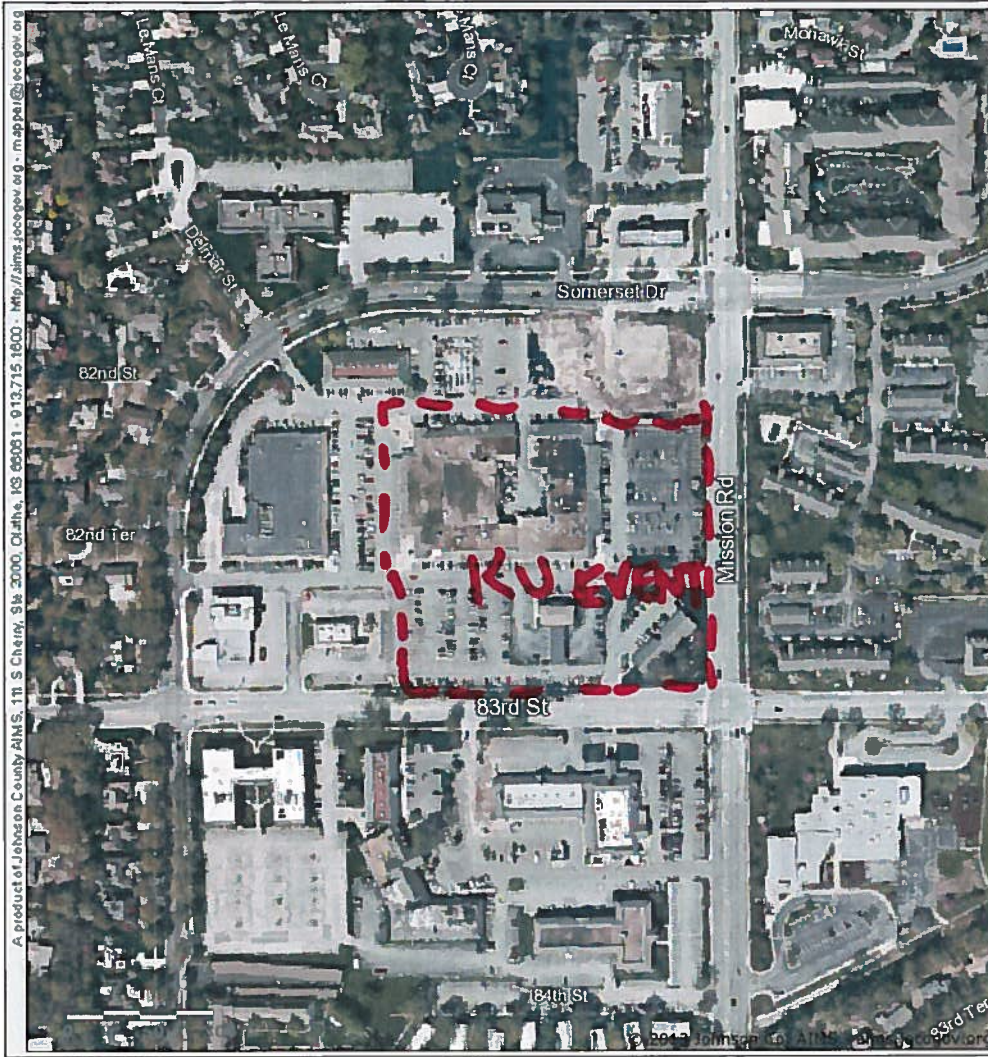
**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Joyce Hagen Mundy  
City Clerk

\_\_\_\_\_  
Catherine P. Logan  
City Attorney

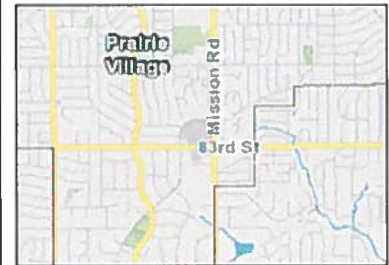
Attachment A:



### Johnson Co AIMS Map

#### LEGEND

AIMS Imagery: Current Imagery (2012)



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6/17/2013

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Council Chambers  
July 01, 2013  
7:30 PM**

- 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 - June 17, 2013

- VI.       **MAYOR'S REPORT**
- VII.       **COMMITTEE REPORTS**

**Planning Commission**

PC2013-06       Consider Request for Amendment to Special Use Permit for the operation of a daycare at 7501 Belinder

- 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 385-4616, 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](mailto:cityclerk@pvkansas.com)

**CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**July 1, 2013**



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
June 17, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 17, 2013, 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: Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Danielle Dulin, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

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

**PUBLIC PARTICIPATION**

Chuck Dehner, 4201 West 68<sup>th</sup> Terrace, spoke again in protest to the giveaway of taxpayer dollars under the CID. He noted the Kansas Ethics report on campaign financing reflects contributions from Lane4 and Polsinelli Shughart and John Petersen to the Mayor's reelection campaign. Under the CID agreement Polsinelli has received \$87,553 for legal services and Lane4 has received \$102,589.20 in CID reimbursements.

Mr. Dehner reviewed his economic background and qualifications. He noted that at one time in his career he worked for Ewing Kaufman, who believed good and bad ethics start at the

top. Mr. Dehner feels the actions of the City are against the very nature of capitalism and the Council should be ashamed of itself. He urged the Council to take action to overturn the CID, which he stated are a perverted communist system and would work with any councilmember to dismantle these agreements. It is time for the Council to stand-up and challenge the CID giveaway it has created.

With no one else to address the Council Public Participation was closed at 7:40 p.m.

### **CONSENT AGENDA**

David Morrison asked for the removal of items #1 and #3. Dale Warman moved the approval of the Consent Agenda for June 17, 2013 as amended:

1. Removed
2. Approve Claims Ordinance 2906
3. Removed
4. Approve performance contracts for the 2013 Jazz Festival with the following performers: Andy McGhie Quintet; Paralax; Everett DeVan - Chris Hazelton Quartet; Marilyn Maye and Bobby Watson All-Star Big Band w/Special Guest Jon Faddis at a cost of \$25,200.
5. Ratify the Mayor's appointment of Kurt Ellenberger to the Board of Code Appeals.
6. Approve the Interlocal Agreement with Overland Park for street maintenance overlay on Nall Avenue from 67<sup>th</sup> Street to 75<sup>th</sup> Street and authorize the transfer of \$116,500 from City Contingency to Project P5000.
7. Approve an Interlocal Agreement with the City of Overland Park for street maintenance overlays on Lamar Avenue from 75<sup>th</sup> Street to 83<sup>rd</sup> Street from Nall Avenue to Lamar Avenue and the transfer of \$43,110 from City Contingency to Project P5000.
8. Approve a contract with ADP for a term of thirty-six months expiring June 30, 2016 for HRIS, payroll, timekeeping and other related services

A roll call vote was taken with the following members voting "aye": Weaver, Warman, Hopkins, Noll, Kelly, Wang, Wassmer, Morehead, Morrison, Clark, Odell and Belz.

David Morrison stated the minutes of June 3<sup>rd</sup> do not accurately reflect the comments made by Chuck Dehner under public participation, where he made several comments regarding campaign contributions made to the Mayor's re-election campaign that he felt

represented a conflict of interest. Mr. Morrison felt when a “Community Spirit Award Recipient” addresses the Council, his comments should be recorded accurately and become part of the official record as requested.

David Morrison moved the City Council minutes of June 3, 2013 be amended to reflect the comments made by Mr. Dehner regarding campaign contributions and potential conflict of interest included as part of the record. The motion was seconded by Andrew Wang.

Quinn Bennion stated Mr. Morrison should present the exact wording he wants reflected in the minutes for Council consideration for an amendment.

Charles Clark noted an alternative would be to have Mr. Dehner’s written comments included. Mr. Bennion responded that staff accepts comments and information to be added to the record in official public hearings. Public Participation is not a public hearing but an opportunity for residents to address the Council. If they request their comments be distributed to the Council staff will do so, but as for the minutes the comments will be summarized.

Michael Kelly asked what information is presented by someone with a disability that cannot speak. Mr. Bennion responded the information would be distributed to the Council and summarized in the minutes. Katie Logan noted that any record submitted for the record becomes a public record under the open records act.

Andrew Wang felt attachments to the minutes would be more of an issue with packets copied then with the electronic distribution of packet information. He is not concerned with the accuracy of the comment as they are acknowledged to be the opinion of the individual. He added that after comments made by Mr. Dehner at an earlier meeting he requested the City Clerk send him a copy of Mr. Dehner’s comments. The comments were never given to the City Clerk for inclusion in the minutes.

Ruth Hopkins stated minutes are not meant to be a word for word transcript. She noted that several years ago there was an individual who would routinely address the Council with extremely nasty comments regarding individual council members. She acknowledged their right to make their comments, but does not feel the city is responsible to record and print them.

Dale Warman agreed noting some of Mr. Dehner's comments have been close to being considered slander. He noted that when Boy Scouts are recognized the records do not document what they say.

David Morrison stated the CID is an important issue, one of the biggest expenditures made by the City and to not document statements made related to this issue is a glaring omission. The summary reflected in the minutes is not an accurate reflection of what was said.

Steve Noll stated minutes are not intended to be a verbatim transcript. Individual's have the right to make their comments, but to have them included as part of the official record they need to be read verbatim to the Council and submitted to the clerk after reading them. Mr. Dehner is not happy with a previous action taken by the Council and has indicated that he will continue to address the Council on this until action is taken.

Quinn Bennion stated the primary purpose of minutes is to record action taken by the Council. The City has chosen to have their minutes summarize discussion as well as reflect action. If amendments are to be made to the minutes, they should be submitted in writing for the Council to vote on.

The motion to amend the City Council minutes of June 3, 2013 was voted on and defeated by a vote of 2 to 10 with Morrison and Odell voting in support of the motion.

Ruth Hopkins moved the approval of the Regular Council Meeting Minutes of June 3, 2013 as submitted. The motion was seconded by Steve Noll and passed by a vote of 11 to 1 with Mr. Morrison voting in opposition.

David Morrison asked for clarification on VillageFest Contract with Fun Services of KC and Lance Cully asking if they were separate agreements or one agreement for \$6,185. The City Clerk confirmed they were separate agreements with the Fun Services of KC contract at a cost of \$5,685 and Lance Cully Native Dancers for \$500.

David Morrison moved the approval of VillageFest contracts with Fun Services of KC and Lance Cully at a cost of \$6,185. The motion was seconded and passed unanimously.

### **MAYOR'S REPORT**

Mayor Shaffer reported he attended the following events on behalf of the City: MARC Executive Committee meeting; Johnson/Wyandotte Mayors meeting; KCADC breakfast in Mission, MARC Annual Dinner; River fest in DeSoto, Corinth Hen House Ribbon Cutting, NEJC Chamber coffee at Fire District #2 and Kansas City Chamber meeting with Gov. Brownback as speaker.

### **COMMITTEE REPORT**

#### **Council Committee of the Whole**

#### **COU2013-22 Consider 2014-2018 County Assistance Roads System (CARS) Application**

On behalf of the Council Committee of the Whole, Dale Warman moved the City Council approve the 2014-2018 County Assistance Roads System (CARS) program application. The motion was seconded by Ruth Hopkins and passed unanimously.

#### **Parks & Recreation Committee**

Council member Charles Clark recused himself due to a conflict of interest.

#### **Consider objection to the Kansas Historical Society nomination of the Santa Fe Trail remnant to the National Register**

Danielle Dulin reported the City received a letter from the Kansas Historical Society stating that they believed the Santa Fe Trail remnant in Santa Fe Trail Park is eligible to be one of the 15 sites nominated to be listed on the National Register. The KHS has requested written consent to nominate the property by August 27, 2013.

On May 8<sup>th</sup>, the Parks and Recreation Committee considered the request to nominate this area and voted to object to the recommendation. The Kansas Preservation Act requires any project within 500' of the protected property to be reviewed by the State Historic Preservation Officer to determine if the project would have an impact on the environs of the property. This would include Harmon and Santa Fe Trail Parks, the Pool Complex, municipal buildings and other property owners in the area. Mrs. Dulin noted that during the most recent legislative session, House Bill 2249, eliminating the environs review component of the state preservation law, was passed and signed. It will go into effect July 1, 2013.

Mrs. Dulin stated electing not to pursue nomination at this time does not prevent the site from being nominated for the National Register in the future. The Kansas Historic Sites Board of Review will still determine the eligibility of the site. If the site is determined to be eligible and the City should wish to nominate the site in the future, all that is needed is a written request to KSHS. Staff will take this matter back to the Parks and Recreation Committee in September for possible reconsideration.

Laura Wassmer noted this would impact the proposed disk golf course for Harmon Park and the committee would probably have supported this without the environs review. It does not seem to have a significant advantage for the City.

David Morrison asked if the City deferred at this time if it would be more difficult to get approved at a later date. Mrs. Dulin replied that if the site is eligible she does not feel it would be difficult to get the designation at a later date.

David Belz moved the City Council object to the Kansas Historical Society nomination of the Santa Fe Trail Remnant in Santa Fe Trail Park for the Register of Historic Kansas Places and the National Register of Historic Places. The motion was seconded by Laura Wassmer and passed by a vote of 11 to 1 with David Morrison voting in opposition.

#### Consider Addendum to Prairie Park Lease with Johnson County Parks & Recreation District

Johnson County Parks & Recreation District has contacted the City regarding an addendum to the current Prairie Park lease agreement to include language that states JCPRD will deed the Prairie Park property the City of Prairie Village for one dollar (\$1) in 2028 when they have paid off the debt incurred in the purchase of the property.

Laura Wassmer moved the City Council approve the proposed Prairie Park lease addendum with Johnson County Parks and Recreation District (JCPRD). The motion was seconded by Steve Noll and passed unanimously.

### **STAFF REPORTS**

#### **Public Safety**

- Chief Jordan reported on the MH house fire this morning that was discovered and reported by officers on patrol. They alerted the residents and the fire department.
- The Open Carry picnic the past weekend had very few attending and no firearms were brought to the event.

#### **Administration**

- Dennis Enslinger provided the following building updates: Indian Hills Middle School improvements are progressing well; St. Ann's School project has been stalled by wastewater issues, the Waid's replacement building has started.
- Mission Valley developers will meet in a worksession with the Planning Commission after their July 2<sup>nd</sup> meeting at Village Church with the public hearing continuing at their August meeting.
- The CID reimbursement information is now on-line.
- Danielle Dulin provided an update on funding and purchase of additional chairs for the pool complex.
- Lisa Santa Maria noted the hardcopy of the CAFR had been distributed to each of the Council members as well as updated pages for the 2014 budget binders of a summary of the CIP and Summary sheet of all funds. She noted the CAFR is also available on line.

- Quinn Bennion reviewed the “Transparent PV” page that has been created for the website by Jeanne Koontz.
- Quinn reported he will be out the office Tuesday through Friday on vacation.

**OLD BUSINESS**

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

**NEW BUSINESS**

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

**ANNOUNCEMENTS**

Board of Code Appeals	06/18/2013	6:00 p.m.
Prairie Village Arts Council	06/19/2013	7:00 p.m.
Environment/Recycle Committee	06/26/2013	7:00 p.m.
VillageFest Committee	06/27/2013	7:00 p.m.
Council Committee of the Whole	07/01/2013	6:00 p.m.
City Council	07/01/2013	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an oil painting exhibit by Susan Tower in the R.G. Endres Gallery for the month of June.

Recreation memberships are on sale in the City Clerk’s Office. The next Moonlight Swim will be Friday, June 5<sup>th</sup> with the pool remaining open until 10 p.m.

VillageFest is Thursday, July 4<sup>th</sup>. All Prairie Village residents swim free at the Prairie Village pool from 12:00 - 6:00 p.m.

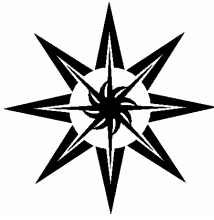
The City offices will be closed on Thursday, July 4th in observance of the July 4th Holiday. Deffenbaugh also observes this holiday so trash pick-up will be delayed one day.

**ADJOURNMENT**

With no further business to come before the City Council, the meeting was adjourned at 8:23 p.m.

Joyce Hagen Mundy  
City Clerk





## PLANNING COMMISSION

Council Meeting Date: July 1, 2013

**PC2013-06: Consider Request for Amendment to Special Use Permit for the operation of a DayCare at 7501 Belinder**

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### **RECOMMENDATION**

Recommend the Governing Body adopt Ordinance 2275 amending the Special Use Permit for a daycare at 7501 Belinder Avenue confirming the Findings of Fact as adopted by the Planning Commission and subject to the conditions recommended by the Planning Commission.

### **BACKGROUND**

Little Owl's Nest was issued a Special Use Permit in June, 2012 and are requesting an amendment to increase the number of children from 45 to 69 and to extend the permit for an additional five years. Little Owl's Nest provides child care services for children between infancy and age five. The hours of operation are 7:30 a.m. to 5:30 p.m. The current operation employs nine people. The expanded day care center could employ up to 17 people who will park in the east lot during the day. The children will be dropped off and picked up by parents from the north entrance of the building adjacent to 75<sup>th</sup> Street. This driveway is approximately 180 feet in length and could accommodate approximately nine vehicles which may not be adequate to handle all the vehicles at peak times. Vehicle stacking cannot be allowed to back up on 75<sup>th</sup> Street. Dropping off time tends to be less congested than pick-up time. The applicant has agreed to have parents park in the east lot and walk to the door to drop off and pick up their children.

The operation will be contained within the existing structure and no changes will occur to the exterior of the building. The applicant will use the same facilities that were previously approved plus two additional classrooms for a total of four classrooms.

In 2009 a Special Use Permit was approved for Monarch Montessori School. It is in a different part of the building and is accessed from the south side with parking in the west lot. On June 3, 2013 the Special Use Permit for Monarch Montessori School was approved for renewal for another five years by the Governing Body.

The applicant held a neighborhood meeting on May 22, 2013 in accordance with the Planning Commission Citizen Participation Policy and no residents attended the meeting. A public hearing was held before the Planning Commission on June 4, 2013 with no one speaking opposed to the application. The minutes of that meeting are attached.

The Planning Commission reviewed the criteria for approval of the Special Use Permit and the “Golden Factors” and found favorably on the criteria recommending approval of Amendment to the Special Use Permit for a Child Care Program at 7501 Belinder Avenue subject to the following conditions:

1. That the child care center be approved for a maximum of 69 children
2. That the child care center be permitted to operate year round from 7:30 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the special use permit be issued for the child care center for a period of five years from the date of Governing Body approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and Governing Body.
4. That the property owner shall submit a plan to the Planning Commission setting out a schedule for repairing and maintaining the east parking lot and the driveway to 75<sup>th</sup> Terrace.
5. That the property owner shall meet with the City Staff to resolve the signing issues.
6. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The Governing Body (which includes the Mayor and City Council) shall make its findings of fact based on the following “Golden Factors” which are reflected in the June 4, 2013 minutes of the Planning Commission regarding this application:

1. **The character of the neighborhood;**
2. **The zoning and uses of property nearby;**
3. **The suitability of the property for the uses to which is has been restricted under its existing zoning;**
4. **The extent that a change will detrimentally affect neighboring property;**
5. **The length of time of any vacancy of the property;**
6. **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;**
7. **City staff recommendations;**
8. **Conformance with the Comprehensive Plan.**

In addition, the City Council should review the application based on the findings outlined in the June 4, 2013 minutes of the Planning Commission related to the Factors of Consideration under section 19.28.035 of Prairie Village Zoning Code.

Since no protest petitions were filed, the Governing Body has the following options:

- 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
- 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 June 4, 2013  
Staff Report & Application for PC2013-6  
Proposed Ordinance

**PREPARED BY:**

Joyce Hagen Mundy, City Clerk  
Date: June 20, 2013

## ORDINANCE 2275

### AN ORDINANCE APPROVING AN AMENDMENT TO THE SPECIAL USE PERMIT FOR THE OPERATION OF A DAYCARE AT 7501 BELINDER AVENUE, 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 June 4, 2013 the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the Governing Body approve the amendment of a Special Use Permit for the operation of a daycare at 7501 Belinder Avenue subject to the following conditions:

1. That the child care center be approved for a maximum of 69 children
2. That the child care center be permitted to operate year round from 7:30 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the special use permit be issued for the child care center for a period of five years from the date of Governing Body approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and Governing Body.
4. That the property owner shall submit a plan to the Planning Commission setting out a schedule for repairing and maintaining the east parking lot and the driveway to 75<sup>th</sup> Terrace.
5. That the property owner shall meet with the City Staff to resolve the signing issues.
6. If this permit is found not to be in compliance with the terms of approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

**Section II. Findings of the Governing Body.** At its meeting on July 1, 2013, the Governing Body adopted by specific reference the findings as contained in the minutes of the Planning Commission meeting of June 4, 2013, and the recommendations of the Planning Commission and approved the Special Use Permit as docketed PC2013-06.

**Section III. Granting of the Special Use Permit.** Be it therefore ordained that the City of Prairie Village grant a Special Use Permit for Little Owl's Nest to operate a child care program at 7501 Belinder Avenue, Prairie Village, Kansas subject to the six 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 1<sup>st</sup> DAY OF JULY, 2013.**

**CITY OF PRAIRIE VILLAGE, KANSAS**

**By: /s/ Ronald L. Shaffer  
Ronald L. Shaffer, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

**/s/ Joyce Hagen Mundy  
Joyce Hagen Mundy, City Clerk**

**/s/ Catherine P. Logan  
Catherine P. Logan, City Attorney**

## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**DATE:** June 4, 2013 Planning Commission Meeting

Project # 000005977

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**Application:** PC 2013-06

**Request:** Amendment to a Special Use Permit for Operation of a Day Care Program

**Property Address:** 7501 Belinder Avenue

**Applicant:** Little Owly's Nest for Knowledge, Inc.

**Current Zoning and Land Use:** R-1B Single-Family Dwelling District - Church

**Surrounding Zoning and Land Use:** **North:** R-1B Single-Family Dwelling District –Single-Family Dwellings  
**East:** R-1A Single-Family Dwelling District -Single-Family Dwellings  
**South:** R-1B Single-Family Dwelling District –Single-Family Dwellings  
**West:** R-1B Single-Family Dwelling District –Single-Family Dwellings

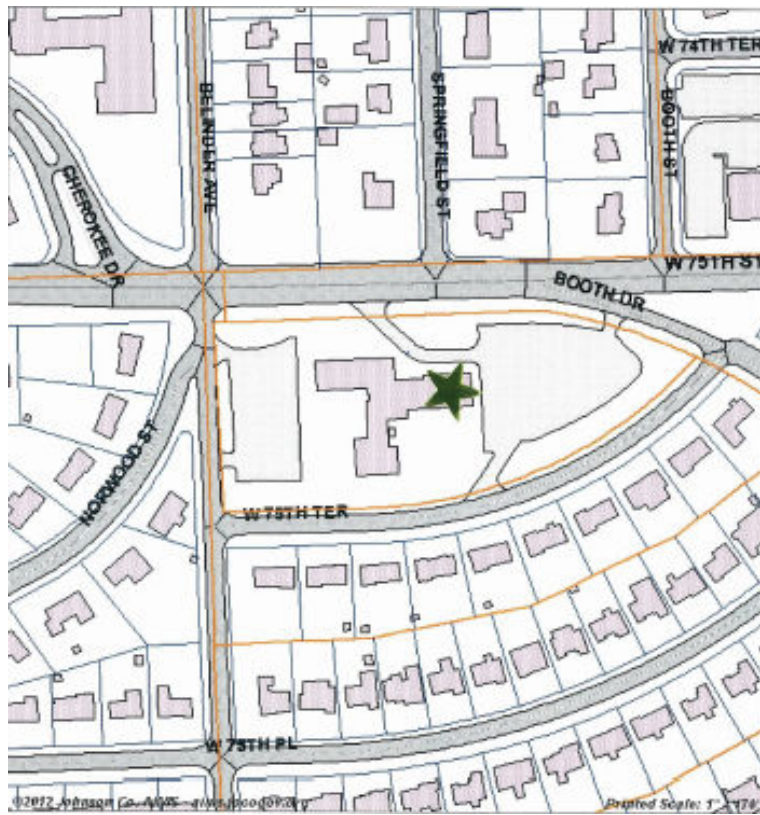
**Legal Description:** Meadowlake Block 22

**Property Area:** 3.49 Acres

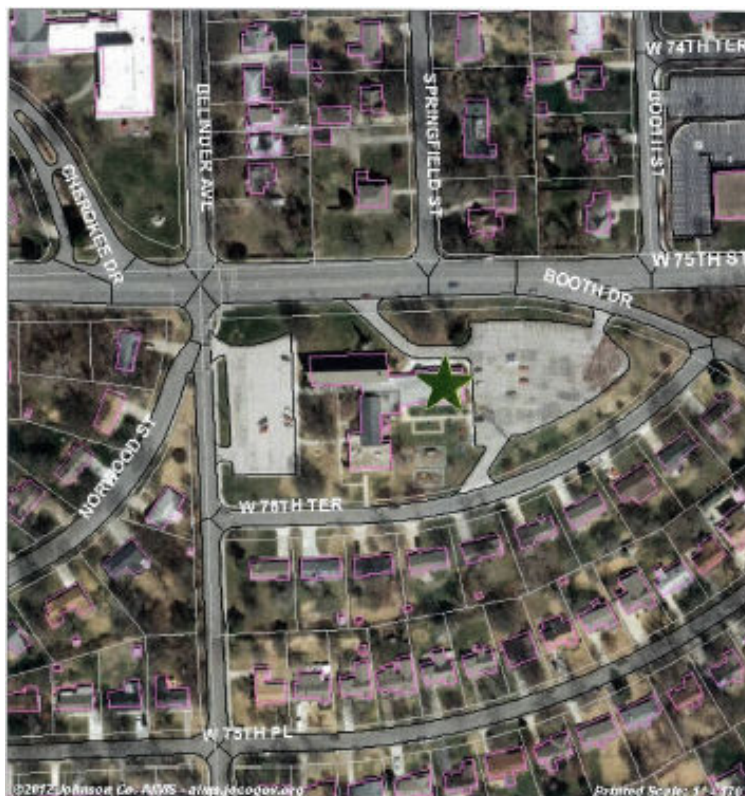
**Related Case Files:** PC 2013-04: SUP Renewal Monarch Montessori School  
PC 2012-06: SUP Little Owly's Nest Day Care  
PC 2009-19: SUP Monarch Montessori School  
PC 2008-11: Renewal of SUP for KCATC Childcare  
PC 2008-04: SUP for KCATC Childcare

**Attachments:** Application, Site Plan and Photos

**General Location Map**



**Aerial Map**



**COMMENTS:**

The Day Care Center Special Use Permit for Little Owl's Nest was considered and recommended for approval by the Planning Commission on June 5, 2012. The Governing Body approved the Day Care Center Special Use Permit on June 18, 2012 subject to the following six conditions:

1. That the child care center be approved for a maximum of 45 children
2. That the child care center be permitted to operate year round from 7:30 a.m. to 5:30 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the special use permit be issued for the child care center for a period of five years from the date of City Council approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and City Council.
4. That the property owner shall submit a plan to the Planning Commission setting out a schedule for repairing and maintaining the east parking lot and the driveway to 75<sup>th</sup> Terrace.
5. That the property owner shall meet with the City Staff to resolve the signing issues.
6. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The applicant is requesting to increase the number of children from 45 to 69 and extend the approval for another five years. Little Owl's Nest provides child care services for children between infancy and age five. The hours of operation are 7:30 a.m. to 5:30 p.m. The current operation employs nine people. The expanded day care center could employ up to 17 people who will park in the east lot during the day. The children will be dropped off and picked up by parents from the north entrance of the building adjacent to 75<sup>th</sup> Street. This driveway is approximately 180 feet in length and could accommodate approximately nine vehicles which may not be adequate to handle all the vehicles at peak times. Vehicle stacking cannot be allowed to back up on 75<sup>th</sup> Street. Dropping off time tends to be less congested than pick-up time. The applicant has agreed to have parents park in the east lot and walk to the door to drop off and pick up their children.

The operation will be contained within the existing structure and no changes will occur to the exterior of the building. The condition of the pavement in the east parking lot is poor. It is crumbling and breaking up and needs to be repaired. There are also potholes in the driveway on the south side that provides access to 75<sup>th</sup> Terrace.

In 2009 a Special Use Permit was approved for Monarch Montessori School. It is in a different part of the building and is accessed from the south side with parking in the west lot. In May 2013 the Special Use Permit for Monarch Montessori School was recommended for renewal for another five years.

The applicant will use the same facilities that were previously approved plus two additional classrooms for a total of four classrooms.

The applicant held a neighborhood meeting on May 22, 2013 in accordance with the Planning Commission Citizen Participation Policy and no residents attended the meeting.

There has been a court decision that Special Use Permits are in reality a change in use and should be considered in the same manner as a zoning change is considered using the "Golden Factors." The Special Use Permit ordinance has factors for consideration similar but not identical to the "Golden Factors" and therefore, both sets of factors will be presented.

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

**FACTORS FOR CONSIDERATION SPECIFIC TO SPECIAL USE PERMITS:**

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

The child care program will be contained within an existing building and fenced playground which is in compliance with the zoning regulations.

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

The child care program will be an asset to the community because it will provide a much needed service for taking care of the children within the local area. It will be located within an existing building and will not adversely 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.**

The child care center will be located within an existing structure and use an existing parking lot therefore it should not create any problems for the adjacent property in the neighborhood. The request should be approved for a five year period so it can be reevaluated at that time.

- 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 with 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 permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The child care center will accommodate a group of up to 69 children, and will use the church facility during normal working hours. This use will not have a dominating effect in the neighborhood because it will be located within an existing building. No expansion of the building is proposed.

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

Access to the child care center will be from the existing north driveway and east parking lot. The operation will occur during normal business hours and not during the hours where other major events will occur at the church. The east parking lot is in poor condition and needs to be repaired. This was discussed at length in 2008 when the KCATC application was renewed and again in 2012 when Little Owl's Nest was approved. Some of the lot was repaired but some of it has deteriorated further. Currently the lot provides approximately 50 spaces which should be adequate to accommodate this use.

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

Since this use will be occupying an existing facility, utility services are already provided.

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

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place. The access drive to 75<sup>th</sup> Terrace, however, has potholes and needs to be repaired.

8. **Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This particular use does not have any hazardous materials, processes, odors or intrusive noises that accompany it.

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

The special use will not require any changes in the exterior architecture or style of the existing building. It should be pointed out that there are numerous signs on this property that need to be in conformance with the sign code. There are three signs on 75<sup>th</sup> Street.

**GOLDEN FACTORS FOR CONSIDERATION:**

1. **The character of the neighborhood;**

The neighborhood is predominantly single-family dwellings to the north, south, east and west. The existing property is a church and another church is located on the northwest corner of Belinder Avenue and 75<sup>th</sup> Street. Northeast of the site is a large office building along with other office buildings on the north side of 75<sup>th</sup> Street to State Line Road. The character of the immediate neighborhood is primarily residential with single-family dwellings and churches.

2. **The zoning and uses of property nearby;**

**North:** R-1B Single Family Residential – Single Family Dwellings  
**East:** R-1B Single Family Residential – Single Family Dwellings  
**South:** R-1B Single Family Residential – Single Family Dwellings  
**West:** R-1A & R-1B Single Family Residential – Single Family Dwellings

3. **The suitability of the property for the uses to which is has been restricted under its existing zoning;**

The property is zoned R-1B Single-Family Residential District which permits single-family dwellings, churches, schools, public building, parks, group homes and other uses that may be permitted either as a conditional use or special use. The property has a variety of uses available and it can accommodate uses that complement the primary use as a church. A Montessori school occupies another portion of the building.

4. **The extent that a change will detrimentally affect neighboring property;**

The use has been in existence for approximately one year and has not created any detrimental neighborhood issues. The renewal request, however, will increase the school from two to four classrooms and 45 to 69 students which is a significant increase. Traffic is the main concern. The north drive will be the main drop off and pickup area and should be adequate to accommodate the traffic. Staff parking and additional parking for parents will be located in the east parking lot which has 50 spaces.

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**5. The length of time of any vacancy of the property;**

The church was built in 1955 and has changed occupants and ownership several times, but to our knowledge has never been vacant.

**6. 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 project is within an existing building that will not have any exterior modifications. The applicant will be able to better utilize the property and no hardship will be created for adjacent property owners.

**7. City staff recommendations;**

The use has been in operation for one year with no complaints; the use will be within an existing building with no exterior changes; the use will have minimal impact on the neighborhood; and the use will provide a needed service for preschool children that is in demand in Prairie Village. It is recommended that it be approved for five years so that it can be evaluated to be sure that it does not adversely affect the neighborhood.

**8. Conformance with the Comprehensive Plan.**

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 day care center is an amenity that will improve quality of life in Prairie Village and help make it a desirable location for young families. This application for approval of the day care center is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

**RECOMMENDATION:**

It is the recommendation of Staff that the Planning Commission find favorably on the factors and recommend approval of the child care program to the Governing Body subject to the following conditions:

1. That the child care center be approved for a maximum of 69 children
  2. That the child care center be permitted to operate year round from 7:30 a.m. to 5:30 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.
  3. That the special use permit be issued for the child care center for a period of five years from the date of Governing Body approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and Governing Body.
  4. That the property owner shall submit a plan to the Planning Commission setting out a schedule for repairing and maintaining the east parking lot and the driveway to 75<sup>th</sup> Terrace.
  5. That the property owner shall meet with the City Staff to resolve the signing issues.
  6. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.
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**Excerpts**  
**PLANNING COMMISSION MINUTES**  
**June 4, 2013**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, June 4, 2013, in the fellowship hall of The Village Presbyterian Church at 6641 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, Randy Kronblad, Dirk Schafer, Nancy Wallerstein, Gregory Wolf and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Dennis Enslinger, Assistant City Administrator; Jim Brown, Building Official, Keith Bredehoeft, Interim Public Works Director, Andrew Wang, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

**AGENDA**

Chairman Ken Vaughn noted two public hearings on the Commission's agenda with the second application being a renewal that should not take much time for consideration. Dirk Schafer moved the Planning Commission move PC2013-06 ahead of PC2013-05 on the agenda. The motion was seconded by Nancy Wallerstein and passed unanimously.

**PUBLIC HEARINGS**

**PC2013-06 Amendment to Special Use Permit Expansion for  
Daycare Program at 7501 Belinder Avenue**

Alison Ernzen, Owner and Director of Little Owl's Next for Knowledge Daycare located within the existing REACH Church's building facility at 7501 Belinder Avenue addressed the Commission seeking an amendment to the Special Use Permit originally issued in 2012 for a maximum of 45 children. The Daycare is requesting to increase the number of children from 45 to 69 and extend the approval for another five years. Little Owl's Nest provides child care services for children between infancy and age five. The hours of operation are 7:30 a.m. to 5:30 p.m. The current operation employs nine people. The expanded day care center could employ up to 17 people who will park in the east lot during the day. They will use the same facilities that were previously approved plus two additional classrooms for a total of four classrooms. The operation will be contained within the existing structure and no changes will occur to the exterior of the building.

A neighborhood meeting on May 22, 2013 in accordance with the Planning Commission Citizen Participation Policy and no residents attended the meeting.

Chairman Ken Vaughn opened the public hearing to comments and with no one present to speak on this application closed the public hearing at 7:12 p.m. :

Nancy Wallerstein asked if the closing time was 5:30 or 6:00. Mrs. Ernzen stated they close at 5:30, but parents do not always pick up their children promptly. Ms Wallerstein suggested the special use permit state a closing time of 6:00 p.m. to accommodate late pick-ups.

Ron Williamson stated that would be acceptable and noted the children will be dropped off and picked up by parents from the north entrance of the building adjacent to 75<sup>th</sup> Street. This driveway is approximately 180 feet in length and could accommodate approximately nine vehicles which may not be adequate to handle all the vehicles at peak times. Vehicle stacking cannot be allowed to back up on 75<sup>th</sup> Street. Dropping off time tends to be less congested than pick-up time. The applicant has agreed to have parents park in the east lot and walk to the door to drop off and pick up their children.

The condition of the pavement in the east parking lot is poor. It is crumbling and breaking up and needs to be repaired. There are also potholes in the driveway on the south side that provides access to 75<sup>th</sup> Terrace.

In 2009, a Special Use Permit was approved for Monarch Montessori School. It is in a different part of the building and is accessed from the south side with parking in the west lot. In May 2013 the Special Use Permit for Monarch Montessori School was recommended for renewal for another five years.

Chairman Ken Vaughn led the Planning Commission in review of the following findings of fact for the requested Special Use Permit:

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

The child care program will be contained within an existing building and fenced playground which is in compliance with the zoning regulations.

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

The child care program will be an asset to the community because it will provide a much needed service for taking care of the children within the local area. It will be located within an existing building and will not adversely 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.**

The child care center will be located within an existing structure and use an existing parking lot therefore it should not create any problems for the adjacent property in the neighborhood. The request should be approved for a five year period so it can be reevaluated at that time.

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 with 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 permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The child care center will accommodate a group of up to 69 children, and will use the church facility during normal working hours. This use will not have a dominating effect in the neighborhood because it will be located within an existing building. No expansion of the building is proposed.

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

Access to the child care center will be from the existing north driveway and east parking lot. The operation will occur during normal business hours and not during the hours where other major events will occur at the church. The east parking lot is in poor condition and needs to be repaired. This was discussed at length in 2008 when the KCATC application was renewed and again in 2012 when Little Owlly's Nest was approved. Some of the lot was repaired but some of it has deteriorated further. Currently the lot provides approximately 50 spaces which should be adequate to accommodate this use.

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

Since this use will be occupying an existing facility, utility services are already provided.

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

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place. The access drive to 75<sup>th</sup> Terrace, however, has potholes and needs to be repaired.

8. **Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This particular use does not have any hazardous materials, processes, odors or intrusive noises that accompany it.

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



The special use will not require any changes in the exterior architecture or style of the existing building. It should be pointed out that there are numerous signs on this property that need to be in conformance with the sign code. There are three signs on 75<sup>th</sup> Street.

Chairman Ken Vaughn led the Planning Commission in review of the following Golden Factors:

**1. The character of the neighborhood;**

The neighborhood is predominantly single-family dwellings to the north, south, east and west. The existing property is a church and another church is located on the northwest corner of Belinder Avenue and 75<sup>th</sup> Street. Northeast of the site is a large office building along with other office buildings on the north side of 75<sup>th</sup> Street to State Line Road. The character of the immediate neighborhood is primarily residential with single-family dwellings and churches.

**2. The zoning and uses of property nearby;**

North: R-1B Single Family Residential - Single Family Dwellings

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

South: R-1B Single Family Residential - Single Family Dwellings

West: R-1A & R-1B Single Family Residential - Single Family Dwellings

**3. The suitability of the property for the uses to which it has been restricted under its existing zoning;**

The property is zoned R-1B Single-Family Residential District which permits single-family dwellings, churches, schools, public building, parks, group homes and other uses that may be permitted either as a conditional use or special use. The property has a variety of uses available and it can accommodate uses that complement the primary use as a church. A Montessori school occupies another portion of the building.

**4. The extent that a change will detrimentally affect neighboring property;**

The use has been in existence for approximately one year and has not created any detrimental neighborhood issues. The renewal request, however, will increase the school from two to four classrooms and 45 to 69 students which is a significant increase. Traffic is the main concern. The north drive will be the main drop off and pickup area and should be adequate to accommodate the traffic. Staff parking and additional parking for parents will be located in the east parking lot which has 50 spaces.

**5. The length of time of any vacancy of the property;**

The church was built in 1955 and has changed occupants and ownership several times, but to our knowledge has never been vacant.

**6. 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 project is within an existing building that will not have any exterior modifications. The applicant will be able to better utilize the property and no hardship will be created for adjacent property owners.

**7. City staff recommendations;**

The use has been in operation for one year with no complaints; the use will be within an existing building with no exterior changes; the use will have minimal impact on the neighborhood; and the use will provide a needed service for preschool children that is in demand in Prairie Village. It is recommended that it be approved for five years so that it can be evaluated to be sure that it does not adversely affect the neighborhood.

**8. Conformance with the Comprehensive Plan.**

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 day care center is an amenity that will improve quality of life in Prairie Village and help make it a desirable location for young families. This application for approval of the day care center is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

Gregory Wolf moved the Planning Commission find favorably on the Special Use Permit factors and the Golden Factors and recommend the Governing Body approve the requested Amendment to the Special Use Permit for a Child Care Program at 7501 Belinder Avenue subject to the following conditions:

1. **That the child care center be approved for a maximum of 69 children**
2. **That the child care center be permitted to operate year round from 7:30 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.**
3. **That the special use permit be issued for the child care center for a period of five years from the date of Governing Body approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and Governing Body.**
4. **That the property owner shall submit a plan to the Planning Commission setting out a schedule for repairing and maintaining the east parking lot and the driveway to 75<sup>th</sup> Terrace.**
5. **That the property owner shall meet with the City Staff to resolve the signing issues.**
6. **If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.**

The motion was seconded by Nancy Vennard and passed unanimously.

## MAYOR'S ANNOUNCEMENTS

July 1, 2013

### Committee meetings scheduled for the next two weeks include:

Planning Commission	07/02/2013	7:00 p.m.
Sister City Committee	07/08/2013	7:00 p.m.
Communication Committee	07/09/2013	5:30 p.m.
Council Committee of the Whole	07/15/2013	6:00 p.m.
City Council	07/15/2013	7:30 p.m.

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VillageFest is Thursday, July 4. Prairie Village residents swim free at the Prairie Village pool from 12:00 - 6:00 p.m.

The City offices will be closed on Thursday, July 4, in observance of Independence Day. Deffenbaugh also observes this holiday so trash pick-up will be delayed one day.

Recreation memberships are on sale in the City Clerk's Office. The next Moonlight Swim will be Friday, July 5, with the pool complex remaining open until 10:00 p.m.

The Prairie Village Arts Council is pleased to announce an exhibit by the Senior Arts Council in the R.G. Endres Gallery for the month of July. The reception will be held on Friday, July 12, from 6:30 - 7:30 p.m.

Beginning Tuesday, July 16, pool memberships are half off, excluding the Super Pass and 10 Swim Cards.

**INFORMATIONAL ITEMS**  
**July 1, 2013**

1. Planning Commission Agenda - July 2, 2013
2. Prairie Village Arts Council Minutes - April 17, 2013
3. Sister City Committee Minutes - May 13, 2013
4. Environment/Recycling Committee Minutes - May 22, 2013
5. Council Committee of the Whole Minutes - June 17, 2013
6. Board of Code Appeals Minutes - June 18, 2013
7. Mark Your Calendars

**PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
TUESDAY, JULY 2, 2013  
\*\*VILLAGE PRESBYTERIAN CHURCH\*\*  
6641 MISSION ROAD  
7:00 P. M.**

- I. ROLL CALL
  
- II. APPROVAL OF PC MINUTES - JUNE 4, 2013
  
- III. PUBLIC HEARINGS  
PC2013-05 Request for Special Use Permit for Adult Senior Dwellings  
8500 Mission Road  
Zoning: R-1a  
Applicant: John Petersen, Polsinelli Shughart representing Tutera Family Communities  
**CONTINUED TO AUGUST 6, 2013**
  
- IV. NON-PUBLIC HEARINGS  
PC2013-114 Site Plan Approval - Mission Chateau  
8500 Mission Road  
Zoning: R-1a  
Applicant: John Petersen, Polsinelli Shughart representing Tutera Family Communities  
**CONTINUED TO AUGUST 6, 2013**
  
- V. OTHER BUSINESS
  
- VI. ADJOURNMENT

**Immediately following the meeting  
the Planning Commission will meet in work session  
to review and discuss the proposed development at 8500 Mission Road -  
The work session is open to the public and the public is welcome to  
attend; however, no public comment will be accepted.  
No action will be taken.**

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to

[Cityclerk@Pvkansas.com](mailto:Cityclerk@Pvkansas.com)

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

**PLANNING COMMISSION WORK SESSION AGENDA  
CITY OF PRAIRIE VILLAGE  
TUESDAY, JULY 2, 2013  
\*\*VILLAGE PRESBYTERIAN CHURCH\*\*  
6641 MISSION ROAD**

**Immediately Following  
Regular Commission Meeting**

**The work session is open to the public and the public is welcome to attend; however, no public comment will be accepted.**

**Presentation on proposed development of 8500 Mission Road -  
PC2013-05 Request for Special Use Permit for Adult Senior  
Dwellings  
PC2013-114 Site Plan Approval - Mission Chateau  
Representatives of Tutera Family Communities &  
Polsinelli Shughart**

**COUNCIL COMMITTEE OF THE WHOLE**  
**June 17, 2013**

The Council Committee of the Whole met on Monday, June 17, 2013 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Dale Warman with the following members present: Mayor Ron Shaffer, Ashley Weaver, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Brooke Morehead, David Morrison, Charles Clark, Ted Odell and David Belz. Staff Members present: Wes Jordan, Chief of Police; Captain Tim Schwartzkopf; Keith Bredehoeft, Interim Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Danielle Dunn, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

**Update on Geothermal HVAC System**

Dennis Enslinger gave an update on the effectiveness of the geothermal HVAC System that was installed in the Municipal facilities in 2011 by Energy Solutions Professionals, LLC. This \$1,290,924 project was funded with \$510,000 in bonds, state grants and city funds.

The Geothermal System Project for Municipal Complex provided for the replacement of the existing HVAC systems in the Municipal Complex (Police Building, City Hall and the Community Center). Energy measures included lighting retrofits, water efficiency improvements, vending machine controls, building infiltration improvements, and energy management system improvements at the Municipal Complex and at the Public Works facility.

One other unique provisions of the Energy Performance Contract Agreement, was that ESP guaranteed energy savings as a result of the installation of the Energy Measures and Geothermal system. Schedule C of the agreement ESP is guaranteed an annual energy savings and operations and maintenance of at least \$39,876 for the first year.

Per the original agreement, ESP has completed a Measurement & Verification Report. The Measurement and Verification Plan can be found on pages 7-12 with a summary of the analysis shown in Table 8 (page 13). Based upon the model analysis plan the Geothermal and the energy conservation measures saved \$43,932 over the first year. Please note that because several of the items being measured do not have individual meters modeling was necessary to calculate the energy savings under the Measurement and Verification Plan.

Based on the modeling analysis, the annual energy savings were 235,561 kWh of electricity, 2,479 MCF of natural gas, and 226 kgals of water.

Mr. Enslinger noted that with the installation of the geothermal system the use of natural gas was also reduced because the previous HVAC system used natural gas in the winter. However, because KGS had billing errors in 2010 which resulted in overpayments, staff was not able to conduct an exact dollar comparison between 2011

and 2012. However, staff was able to compare the actual usage of Mcf billed for the facilities. Between the two years there was a 90% reduction in the gas usage.

To estimate of the cost savings on natural gas, staff has used a 2011 rate of Mcf of \$5.5111 plus the associated fees and taxes and a 2012 rate of Mcf of \$5.0340 plus associated fees and taxes. Based on this assumption, the estimated cost savings between 2011 and 2012 is \$16,088.44

It was also anticipated that the City would also save on the operations and maintenance expenses related with the installation of a new geothermal system. The following chart shows the operation and maintenance costs for contract services used to maintain and repair the previous HVAC system in 2011 and the maintenance costs in 2012 for the new geothermal system.

Facility	O&M 2011	O&M in 2012	Difference
Police/City Hall	\$21,277.21	\$3,790.46	\$17,486.75
Community Center	\$979.04	\$338.54	\$640.50

Based on the above calculations the total estimated savings related to the installation of the geothermal systems is \$45,912.98. Mr. Enslinger noted these savings are sufficient to pay off the bonds that were issued for this project.

#### **COU2913-22 Consider 2014-2018 CARS Application**

In order to receive CARS funds, the City must annually submit an application containing a list of streets and the estimated costs. The following streets are recommended for the five-year CARS program, 2014-2018. The Public Works Department compiled the list based on the pavement condition. The work will include where necessary full depth pavement repair, curb and gutter replacement, sidewalk repair, new sidewalk and milling/overlaying the pavement.

Program Year	Street Segment	From	To	CARS Eligible Costs	County CARS Funds
2014 *	Somerset Dr	Stateline Rd	Belinder Ave	\$938,000	\$469,000
2015	Roe Avenue	75th Street	83rd Street	\$1,166,000	\$583,000
2016	Roe Avenue	63rd Street	67th Street	\$882,000	\$441,000
2017	Roe Avenue	67 <sup>th</sup> Street	71 <sup>st</sup> Street	\$888,000	\$444,000
2018	Roe Avenue	71 Street	75 <sup>th</sup> Street	\$664,000	\$332,000

\* Joint project with the City of Leawood



Mr. Bredehoeft noted that the City submits an application annually and can revise future year requests. The costs include construction and construction administration. Design costs are not included, as the CARS program does not fund design. Funding is planned for the 2014 Project on Somerset Drive and is included in the CIP. Future year's projects will be funded with each year's budget.

Laura Wassmer asked how long the residents on Roe would not be able to get into their driveways. Mr. Bredehoeft responded that it depended on the amount of concrete repair needed in the driveway apron. Charles Clark responded based on his experience with a recent similar project in his neighborhood, it would be very quickly. He estimated a half a day. Mr. Bredehoeft added the roadway would be closed during the day while the contractor was working, but would be open during the evening.

Mayor Shaffer asked about the new surface material that was being used on Nall Avenue. Mr. Bredehoeft responded it is a new formula that was previously unavailable to the public which has in testing lasted longer and is a better product than others on the market.

Charles Clark made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE 2014-2018  
COUNTY ASSISTANCE ROADS SYSTEMS (CARS) PROGRAM  
COUNCIL ACTION TAKEN  
06/17/2013**

### **Presentation of the 2014 Capital Improvement Budget**

Keith Bredehoeft began his presentation reviewing the 2013 capital improvement projects. There are two projects covering 24 streets for an estimated \$5.1M worth of work. The McAnany contract uses the balance of the street bond funds for \$2M, O'Donnell & Sons project is valued at \$3.1M. The 2013 CIP also includes two drainage projects, the 2013 Concrete Repair Program, 2013 Asphalt Repairs and 2013 Crack Seal and Micro Surface.

Mr. Bredehoeft reviewed the condition ratings for the city's infrastructure. Ratings are completed every five years. He noted there have been double digit drops in street ratings since the last evaluation. The drainage infrastructure condition ratings have over 75% of the infrastructure rated good to excellent. Drainage work is funded by the stormwater drainage fee. 92% of city curbs and 51% of city ramps are rated excellent. He noted the difference between a "fair" and "excellent" rating for ramps is if they meet ADA requirements.

Laura Wassmer asked if ideally street repair should be done at the "fair" rating and if at that level the work could be done by a mill and overlay treatment. Mr. Bredehoeft replied it is best to address streets at the "fair" rating, and often at that level the repairs can be made with mill and overlay, but stressed the true street condition is not known

until actual work begins. However, in the past 2 years only one mill and overlay street needed a deeper level repair.

Mr. Bredehoeft also reviewed a map of the city reflecting the location of streets with a “fair” or “poor” rating and charts reflecting the residential and arterial/collector street segment ratings.

The proposed General Fund Transfer to CIP for 2014 is \$2.5M. This is the same level of funding as 2013. Previous years CIP funding was as follows:

2012 - \$1.6M	2011 - \$816,650	2010 - \$1.89M	2009 - \$2.14M
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### **Recommended CIP Program**

Keith Bredehoeft stated the CIP Program reflects the current year and the four upcoming years for planning purposes. The items that need Council action are only those listed for 2014.

### **Parks**

There is a Park Infrastructure Reserve that was established years ago primarily for pool improvements. The reserve contains \$347,267 and subsequent CIP budgets call for an annual contribution to that reserve of \$120,000. Park Programs for 2014 include \$550,000 for Harmon Park Tennis courts. Mr. Bredehoeft noted repair of these 10 courts was split between 2013 and 2014 to reduce the budget impact. Additional park projects proposed are:

- McCrum Park \$181,000
- Prairie Park \$8,000
- Taliaferro Park \$35,000
- Harmon Park \$26,000

The total proposed for 2014 Parks CIP is \$920,000.

### **Drainage**

The Water Discharge Program has a reserve balance of \$23,885. These funds are available to assist residents with discharge problems. The proposed CIP has \$10,000 going into this reserve in 2015 & 2017. Mr. Bredehoeft noted that he, Mark Gilmore and Bill Cunningham have reviewed all city drainage infrastructures and set a prioritization for the work needed to be done. The priority project is the “Delmar & Fontana Drainage Channel”. Due to the anticipated high cost, this program has been budgeted over both 2014 and 2015. Mr. Bredehoeft noted the reflected costs do not reflect anticipated SMAC funding for the area as a result of flooding issues.

Laura Wassmer asked if the \$47,300 in the 2013 budget was for the study discussed and if that study was still being done. Mr. Bredehoeft responded staff has already done some of the work required by the study. He will bring back more information at a future meeting.

Staff identified the following Drainage Priorities:

- No significant flooding areas similar to Delmar/Fontana drainage channel.
- Mission Road at Schlifke Park flooding is due to Brush Creek. Problem cannot be addressed by Prairie Village alone.

- Projects in future are mainly rebuilding the existing drainage system. Pipes, drainage inlets, concrete channels, etc.
- Future projects can also include installing new drainage pipes and inlets or redesigning the old systems when reconstruction occurs such as was done at Prairie Lane and Alhambra.

The total proposed for 2014 Drainage CIP is \$590,000.

### Streets

The major project for 2014 is “75<sup>th</sup> Street - State Line Road to Mission Road” at a projected cost of \$2,525,900. However, this is a federally funded program with anticipated funding of \$1,250,000. Traffic Calming Program has \$65,384 in reserve. The 2014 program includes the addition to that reserve of \$25,000 in 2014 and 2016. Mr. Bredehoeft noted the program is being reviewed and modifications will be presented to the Council.

Ruth Hopkins noted there is a reserve because the Council directed staff to stop the program and she does not want it restarted. Neighborhoods do not want speed bumps. Mr. Wang and Ms Wassmer agreed with Mrs. Hopkins. Michael Kelly spoke in support of continuing the program with modifications. He noted neighborhoods are not guaranteed acceptance into the Traffic Calming program and the traffic calming solution has to be approved by both the Director of Public Works and the City Council to be implemented.

Laura Wassmer questioned the effectiveness of the program. From her experience the speed bumps constructed on Rosewood have not slowed traffic. Mr. Kelly noted that part of the process is a testing after the implementation. Ms Wassmer stated she would be interested in hearing from residents now, several years after their installation, if they felt the speed bumps were still effective.

Ruth Hopkins moved the Council remove funding of the Traffic Calming Program from the 2014 CIP. The motion was seconded by Andrew Wang.

Michael Kelly stated he felt it was short-sighted to kill a program that has been proven to work in several areas. Ted Odell stated he would like more information before taking action and asked if it could be delayed. Mr. Bennion reviewed the budget schedule and noted the later action is taken the more difficult to modify the budget. He would like to see a decision made this evening. Andrew Wang stated he supports removal and further discussion. He supports the concept but not the funding at this time.

Council President Dale Warman called for a vote. The motion was defeated by a vote of 5 to 7. Mr. Warman stated Traffic Calming funding will remain in the 2014 CIP Program.

The remainder of the 2014 Street CIP included the following:

- 2014 Paving Program \$721,694
- Somerset - Stateline to Belinder (CARS) \$1,023,000
- Roe - 75<sup>th</sup> to 83<sup>rd</sup> (CARS) 75,000
- CDBG 75,000

The total proposed for 2014 Streets CIP is \$4,595,594.

### **Buildings**

The proposed 2014 Buildings CIP includes \$76,500 for City Hall Roof Repairs and Siding.

### **Other**

The proposed 2014 Other CIP includes \$700,000 for the 2014 Concrete Repair Program and \$25,000 for ADA Compliance Program. Some of the concrete work includes the upgrading of ADA ramps and is funded through that account. The city is divided into ten areas with concrete repairs done in one area each year. Mayor Shaffer questioned if all existing city ramps were ADA compliant. Mr. Bredehoeft responded they are not, but most are.

Ted Odell confirmed that the concrete work was outsourced and not done by public works staff.

Quinn Bennion stated the CIP as proposed will be brought forward as part of the 2014 budget.

Charles Clark thanked the residents present from the Fontana area who are supportive of the proposed drainage channel work proposed in the 2014 Capital Improvement Program.

## **STAFF REPORTS**

### **Public Works**

- Keith Bredehoeft provided an update on the 87<sup>th</sup> & Mission Road Project. He is hopeful that Mission Road will be able to be open with one lane of traffic soon.
- 63<sup>rd</sup> Street work begins next week and will be closed until August
- Delmar - 75<sup>th</sup> to 79<sup>th</sup> work is progressing well. Dale Warman asked if it would be done by VillageFest. Keith thought it would.
- 75<sup>th</sup> Street Mission Road to State Line Road plans have been submitted to KDOT
- Four workers came in on Saturday to assist with limb clean-up after the storm.
- Porter Park paving has been complete. Steve Noll expressed thanks on behalf of the neighborhood and noted the parking lot looks great.

### **Public Safety**

Chief Jordan reviewed the new conceal carry law passed this last legislative session and its requirement that cities implement a security plan. However, there is no defined scope of "Security Plan". The language in the bill is ambiguous and Chief sought direction from the Council. One of the issues is conflicting interpretations on the ability of employees to conceal carry under the new law.

Chief reviewed the challenges providing security at multiple buildings with multiple entrances (Police Department has 6; City Hall has 3) and differing operating hours. There is no central point for controlled entry.

The City has the following choices:

1. Do nothing and let the law take effect in January, 2014.
2. Enhance our own security plan in preparation for concealed carry.
3. Develop a security plan in accordance with HB 2052 to restrict concealed carry.

The plan must be in place January, 2014. However, the City does not have to implement equipment or procedures under the plan for four years.

The Council directed Chief Jordan to continue to work with his staff on developing a plan during the next several months and encouraged him to take the pulse of other cities regarding this new law.

### **Adjournment**

With no further business to come before the Committee, Council President Dale Warman adjourned the meeting at 7:26 p.m.

Dale Warman  
Council President

Prairie Village Arts Council  
Wednesday, April 17, 2013  
7:00 p.m.  
City Hall Council Chambers

Minutes

The Prairie Village Arts Council met at 7:00 p.m. in the City Council Chambers at City Hall. Members present: Shelly Trewolla, Chair, Laura Wassmer, Jack Shearer, Truss Tyson, and Ian Arnold. Guests: Donna Potts. Staff: Danielle Dulin.

**Minutes**

The minutes from the February meeting were approved as submitted with notation that Art Weeks was present.

**Public Participation**

Ms. Potts stated that the Prairie Village Art Fair would be May 31, June 1, and June 2 and that a new musical group, Blue Orleans, would perform on Saturday night, and the Michael Beers Band would perform on Friday night. It was determined that the Arts Council would provide the artists with wine on Friday night and boxed dinners on Saturday night as they have in past years. Ms. Trewolla asked staff to send a volunteer sign-up sheet for the Art Fair.

**Financial Reports**

Ms. Dulin stated that Mr. Enslinger had included the Financial Reports in the packet for review.

**City Council Report**

Councilmember Wassmer stated that City Council is working on the 2014 budget, but there would be no major additions or cuts.

**Exhibit/Receptions**

*April Exhibit/Reception* – Dale Cole and Rick Scaletty (Photography), April 12, 2013; 6:30-7:30 p.m. It was noted that there were approximately 50 attendees at the exhibit.

*May Exhibit/Reception* – Jacia Hamiston (Mixed Media), May 10, 2013; 6:30-7:30 p.m.

Mr. Arnold stated that he would be there.

**New Business**

*Juror for the 2013 State of the Arts*—Ms. Trewolla suggested Nicole Emanuel. Mr. Arnold was going to check on the name of an art collector from Mission Hills he read about recently.

*Review of Artist:* Susan Righter (mixed media) December or June 2013—The Arts Council was thankful for Ms. Righter's interest, but decided not to exhibit her work at this time. It was determined if an artist was not selected for the June exhibit, the City's art collection would be displayed.

Meeting was adjourned at 7:45 p.m.

**PRAIRIE VILLAGE**  
**SISTER CITY COMMITTEE MINUTES**  
*May 13, 2013*

Members in attendance: Cindy Dwigans, Vera Glywa, Jim Hohensee, Peter Jarosewycz, Bob McGowan, Carole Mosher, Ron Shaffer, Craig Stramel.

Guest: Olga Chovgan from Dnipropetrovsk, Ukraine.

April meeting minutes: Cindy Dwigans made a motion to approve April's minutes and Bob McGowan seconded. The minutes were approved.

Earth Fair: There were 209 bags of sunflower seeds handed out, along with some Sister City brochures. We talked to lots of people. The electronic screen ran photos of Ukraine. It was very worthwhile. Cindy Dwigans made a motion to reimburse Carole Mosher and Jim Hohensee for their expenses, and Vera Glywa seconded. The motion passed, and Carole and Jim will submit expense receipts.

Photo exchange and art show: Jim Hohensee has not heard back from Rod Atteberry and Dan Andersen, Arts Council. If he can't get hold of them he will contact the Arts Council.

Village Fest: We have about 100 yellow balloons and 88 blue balloons left over from last year. We will use what we have and not purchase any more. Helium costs \$29.99 for a small tank and \$39.99 for a large tank. Last year we used up three large tanks, so this year we will purchase three large tanks. The committee discussed modifying the flyers. We have the big pictures of Ukraine from last year to display, and might do up some new ones. Jim Hohensee will discuss this with Bob Glywa. We need to start setting up around 8:00 a.m.

Sister Cities International meeting: San Antonio, July 12-13. Jim Hohensee made a motion to switch to a January to December billing cycle and pay \$360 for this year, and Peter Jarosewycz seconded. The motion was approved. The purpose of joining Sister Cities International is to have access to the website and resources, and to communicate with other towns who are members. Peter will not be able to attend the meeting. The committee discussed who will attend.

High school student committee member: Ivan Novikov, who graduates from high school this month and will be a student at JCCC, is willing to stay on the committee. We discussed whether the bylaws refer to a "student" or a "high school student," and how many members in total are authorized. Jim Hohensee will get a copy of the bylaws and the names of committee members. Ivan will be asked to assist in getting another high school representative. Jim will check with the Boy Scouts.

Next presentation about Ukraine: Craig Stramel will give a presentation about his Peace Corps experiences in Ukraine on September 9. A notice will be placed in the July edition of the Prairie Village Voice newsletter.

Bricks: Jim Hohensee will check on Thursday.

New business: Larysa Galushyna from Dolyna is coming to KC June 1-9 with the Open World program and will be staying with the Glywas. We will have a pot-luck picnic in her honor on Sunday, June 2, at 4:00 p.m. at the Santa Fe pavilion in Harmon Park, behind the Police Station and City Hall. Craig Stramel made a motion for the committee to pay for hamburgers, hot dogs, and charcoal, and Ron Shaffer seconded. The motion passed. Jim Hohensee will purchase those items and function as grillmaster. Carole Mosher will keep a list of what everyone is bringing. We are aiming for typical American cook-out/picnic food. We discussed the possibility of gathering gifts to send back to Dolyna with Larysa.

Next meeting: June 10.

Adjournment: A motion to adjourn was made by Bob McGowan and seconded by Vera Glywa. The meeting was adjourned at 8:10 p.m.



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**MEMBERS**

1	Cindy	Dwigans
2	Bob	Glywa
3	Vera	Glywa
4	Jim	Hohensee
5	Peter	Jarosewycz
6	Bob	McGowan
7	Carole	Mosher
8	Aaron	Noll
9	Ivan	Novikov
10	Ron	Shaffer
11	Craig	Stramel

# PRAIRIE VILLAGE ENVIRONMENT AND RECYCLE COMMITTEE

Minutes, May 22, 2013

Pete Jarchow, for the steering committee, called the meeting to order at 7:05 p.m. Attending were Pete, Karin McAdams, Dennis Enslinger, Thomas O'Brien, Margaret Goldstein, Penny Mahon, Barbara Brown, Ashley Weaver and Jared Cole, Earth Fair Coordinator.

The minutes from April were approved as written.

## Reports and business

- **Earth Fair:** Jared Cole
  - Jared shared comments from vendors, which he distributed in survey form.
  - Publicity was adequate, especially as attendance seemed to be good, but it can always be improved. We don't need to make as many postcards, although the mailing is valuable. A member suggested that we make yard signs to distribute among members and supporters.
  - The floor plan worked very well. We do need to mark better the exhibits that are not in the main gym.
  - We will encourage food vendors in better waste management, especially in avoiding Styrofoam. They also had good practices, e.g. the coffee cake truck that used bird-friendly shade-grown coffee.
  - Next year we should encourage the library sale to break down their boxes at the end.
  - An exit survey, albeit a quick, in-person one conducted randomly, would be very helpful, as our impressions from visitors are only anecdotal.
  - The bike drive people didn't come, which was a problem as there were a lot of donations. We can try them again next year.
  - Perhaps we don't need a food drive, as many other groups do it.
  - We need to start involving students much earlier. Especially, it's important to work with the commercial art teacher regarding the posters. If we chose the theme in August, we could work with the first semester class.
  - We could use more activities for the children.
- **Education:**
  - The committee didn't meet, but it's still trying to contact the local schools to find out what they are doing to encourage environmental education. People on PVERC have contacts at Brookwood and Briarwood.
- **Community Gardens:**
  - A summer solstice party will be held at the Harmon garden on June 21 at 6:00 pm; it's a potluck summer, and committee members are welcome.
  - There are lots of plots this year dedicated to food donation.
  - New water spigots for Harmon will be installed soon.
  - The gardens now have a Facebook group.
  - An idea: could we encourage Prairie Village families with private garden plots to donate some of their harvest?

- **Community Forum:** Deb was not present, but it was reported that speaker selection is in progress.
- **Village Fest**
  - The Shawnee Mission School District has a bicycle that can power a light bulb. Tom Heintz can borrow it.
- **Other business**
  - The city council has not yet approved the 2014 budget. They have set up a committee to examine committee structures and needs.
  - The e-recycling event was a success, with a large turnout.
  - Dennis distributed copies of the official city roster of our committee. We now have room to add up to four new members.

The meeting adjourned at 8:10

The next meeting will be held on June 26 at 7:00 p.m.

Respectfully submitted,

Karin McAdams

**BOARD OF CODE APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, JUNE 18, 2013**

**ROLL CALL**

The meeting of the Board of Code Appeals of the City of Prairie Village, Kansas, was held on Tuesday, June 18, 2013, in the multi-purpose room of the Municipal Building. Chairperson Tom Brown called the meeting to order at 6:00 p.m. with the following members present: Gene Bockelman, Scott Rosemann, Kenneth Poe and Kurt Ellenberger. Also present in their advisory capacity to the Board of Code Appeals were: Jim Brown, City Building Official and Joyce Hagen Mundy, City Clerk.

**NEW BUSINESS**

**Code Review**

Building Official Jim Brown announced the meeting was for the purpose of reviewing the proposed 2012 International Building Codes for possible adoption by the City. He noted it is the desire of Johnson County municipalities to be as uniform as possible in the adoption and enforcement of 2012 building codes.

**BCA2013-001      2012 International Code Adoption  
International Building Code**

Jim Brown reviewed the significant changes between the current 2006 code and the proposed 2012 code. Many of the code changes have been made to address new issues and technology as well as the specifically address and clarify interpretations and definitions. Some of the changes made were to address safety issues, such as increasing the method of measuring the required sill height of windows, so as to prevent accidental falls by young children; fire safety and carbon monoxide alarms.

Tom Brown moved the Board recommend the Governing Body adopt the 2012 International Building Code as presented. The motion was seconded by Scott Rosemann and passed unanimously.

**BCA2013-002      2012 International Code Adoption  
International Fire Code**

Jim Brown noted there are more changes to this code this year than there have been in the past. Most address the safety of fire personnel and first responders. Among the changes is the addressing of open burning, recreational fires and portable outdoor fireplaces. The new language prohibits portable outdoor fireplaces from being operated within 15 feet of a structure or combustible material. However, there is an exception which nullifies this requirement for one

and two family dwellings. The provision does not address burning in high wind conditions.

Mr. Brown stated the Fire Marshal has requested the City add a provision to the code that prohibits burning when winds are in excess of 15 MPH. Committee members discussed how this would be enforced. Mr. Brown replied enforcement would be the responsibility of the Fire Department.

The new code also requires approval by the Fire Code Official before a traffic calming device can be constructed, the placement of fire extinguishers and the certification requirements for maintenance personnel servicing fire extinguishers.

Tom Brown moved the Board recommend the Governing Body adopt the 2012 International Fire Code with the inclusion of the recommended provision prohibiting burning when winds are in excess of 15 MPH. The motion was seconded by Kurt Ellenberger and passed unanimously.

**BCA2013-003          2012 International Code Adoption  
International Plumbing Code**

Jim Brown noted there are very few changes to this code. The changes made address the minimum number of required plumbing fixtures; separate toilet facilities, door locking of toilet facilities and bathtub waste outlets and overflows.

Tom Brown moved the Board recommend the Governing Body adopt the 2012 International Plumbing Code as presented. The motion was seconded by Kenneth Poe and passed unanimously.

**BCA2013-004          2012 International Code Adoption  
International Mechanical Code**

Jim Brown noted most of the changes to the mechanical code address ventilation and exhaust requirements particularly in kitchen areas as well as kitchen hoods. Also the requirements for grease duct cleanouts have been expanded.. A new provision prohibits the use of unlisted duct tape as a sealant on nonmetallic ducts. This previously only applied to metal ducts.

Tom Brown moved the Board recommend the Governing Body adopt the 2012 International Mechanical Code as submitted. The motion was seconded by Scott Rosemann and passed unanimously.

**BCA2013-005          2012 International Code Adoption  
International Fuel Gas Code**

The changes to this code require that each section of pipe and each fitting utilized in a gas system must bear the identification of the manufacturer. Gypsum board may now be considered as a combustible material for the purpose of required clearances to combustibles. New installation instructions for sediment traps are now included in the code. In addition, decorative vented gas appliances and gas fireplaces are no longer required to be installed with a sediment trap.

Tom Brown moved the Board recommend the Governing Body adopt the 2012 International Fuel Gas Code as submitted. The motion was seconded by Kurt Ellenberger and passed unanimously.

**BCA2013-006          2012 International Code Adoption  
International Energy Conservation Code**

Jim Brown stated this language is almost verbatim of that being adopted by neighboring municipalities. He also noted this code will be the most challenging to enforce due to changes and the requirements associated with the continuous insulation provisions. Language has been added to the code which will provide the building official the opportunity to evaluate projects on a case by case basis so as to establish the best approach in regards to meeting the requirements of the code.

Kenneth Poe asked if a cost value vs. benefit has been done on the new requirements. It was noted these requirements may add large cost increases to new buildings, especially new commercial structures. Per the new blower door testing requirements, it will become more likely that the new buildings will necessitate whole house ventilation by mechanical means to meet the code provisions. The new code establishes a Table of Insulation and Fenestration Requirements by Components that has been modified to reflect the climatic conditions in this area. Neighboring jurisdictions are using the same criteria so as to be uniform. The proposed changes address insulation, testing, fireplaces, building cavities, circulating hot water systems and lighting requirements.

Mr. Brown noted the testing as required by Section R402.4.1.2, will need to be performed by an independent third party testing agency. The city does not have the staff or equipment to conduct the required testing.

Tom Brown moved the Board recommend the Governing Body adopt the 2012 International Energy Conservation Code as presented. The motion was seconded by Scott Rosemann and passed by a vote of 4 to 1 with Poe voting in opposition.

**BCA2013-007          2012 International Code Adoption  
International Residential Code**

Jim Brown noted there are several changes to this code that, along with the provisions of the International Energy Conservation Code may add to the cost of construction of new homes. The primary impact will be the cost of mechanical ventilation. The Board had significant discussion on the requirement that an automatic fire sprinkler system be installed in one and two family dwellings. Mr. Brown noted that this requirement cannot be enforced in violation of 2012 State of Kansas Statute Article 16, specifically 12-16, 219 which prohibits any municipality from requiring the installation of fire sprinklers in any residential structure. Therefore, this section will be deleted from the city's adopted code. This is the same approach neighboring municipalities are using, thereby remaining in compliance with State Statute. This issue will probably be re-visited by the State in the future, along with the 2015 Code changes.

Additional changes have been added for safety of children and first responders including window sill height, window guards, smoke alarms, fire protection of floors and emergency escape and rescue openings. Mr. Brown noted the code specifically states "The applicable provisions of the International Energy Conservation Code (IECC) replace all of the energy provisions of the International Residential Code (IRC).

Tom Brown moved the Board recommend the Governing Body adopt the 2012 International Residential Code as presented. The motion was seconded by Kurt Ellenberger and passed unanimously.

**BCA2013-008          2012 International Code Adoption  
National Electric Code - 2011 Edition**

Jim Brown noted there has been much discussion with other local jurisdictions regarding this code and many of the new requirements. Again, local jurisdictions have agreed with the level of enforcement to be followed. Some of the code changes are clarifications and some are new regulations.

The Board discussed in length the Arc-Fault Circuit Interrupter Protection for Dwelling Units and the Arc-Fault Circuit Interrupter Protection; Branch Circuit Extensions or modifications for dwelling units as well as new requirements for dwelling unit receptacle outlets.

Neighboring jurisdictions have agreed not to adopt Article 406-406.4(d)(5) Tamper-Resistant Receptacles, in Dwelling Units at this time. This item will be revisited with the 2015 code change cycle and specifically when time arrives to adopt the 2014 National Electrical Code (NFPA 70).

Tom Brown moved the Board recommend the Governing Body adopt the 2012 NFPA - National Electrical Code - 2011 Edition as presented. The motion was seconded by Kenneth Poe and passed unanimously.

Jim Brown thanked the board for their input. He stated he expected the code changes to go before the Governing Body later this summer and will take effect once they are adopted and published.

**OLD BUSINESS**

There was no Old Business to come before the Board.

**ADJOURNMENT**

With no further business to come before the Board, Chairman Tom Brown adjourned the meeting at 8:20 p.m.

Tom Brown  
Chairman

**Council Members  
Mark Your Calendars  
July 1, 2013**

<b>July 2013</b>	Senior Arts Council exhibit in the R.G. Endres Gallery
July 1	City Council Meeting
July 4	City offices closed in observance of Independence Day
July 4	VillageFest
July 12	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
July 15	City Council Meeting
<b>August 2013</b>	Olathe Visual Arts exhibit in the R.G. Endres Gallery
August 5	City Council Meeting
August 9	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
August 19	City Council Meeting
<b>September 2013</b>	
September 2	City offices closed in observance of Labor Day
September 3	City Council Meeting
September 7	Jazz Festival
September 13	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
September 16	City Council Meeting
September 25	Shawnee Mission Education Foundation Fall Breakfast
<b>October 2013</b>	State of the Arts Exhibit in the R. G. Endres Gallery
October 7	City Council Meeting
October 11	Artist reception in the R. G. Endres Gallery 6:00 - 8:00 p.m.
October 21	City Council Meeting
<b>November 2013</b>	Mid-America Pastel Society exhibit in the R.G. Endres Gallery
November 4	City Council Meeting
November 8	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
November 12 - 16	National League of Cities Conference in Seattle, WA
November 18	City Council Meeting
November 28	City offices closed in observance of Thanksgiving
November 29	City offices closed in observance of Thanksgiving
<b>December 2013</b>	Greater Kansas City Arts Association exhibit in the R. G. Endres Gallery
December 2	City Council Meeting
December 13	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
December 16	City Council Meeting
December 25	City offices closed in observance of Christmas